

For and on behalf of  
**Mr Edward Spanton**

**Thanet District Local Plan  
Further Representations Relating to Updated Evidence**

**Land at Cliffsend, West of Ramsgate, Kent**

**Prepared by  
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## 1.0 INTRODUCTION

- 1.1 These further representations to the Thanet District Local Plan Examination are made by the Strategic Planning Research Unit ('SPRU') of DLP Planning Ltd on behalf of our client, Mr Edward Spanton. Mr Spanton is the landowner of land west of Cliffsend, west of Ramsgate.
- 1.2 The site is, in part, identified for housing and the new Parkway Railway Station in the emerging Local Plan as proposed policies HO15, HO16, HO17 and SP45. The proposed development area extends to approximately 54 hectares and if allocated as a whole, our client's site could provide **at least 600 dwellings**, the exact number will be confirmed upon completion of the masterplan.
- 1.3 Further to the Examination hearing sessions, which took place in April and July 2019, the Inspectors asked the Council to provide additional or updated information in relation to three matters:
  - Update of 5-year housing land supply position
  - Audit note of heritage assessment of allocated housing sites
  - Sustainability Appraisal Addendum
- 1.4 These documents were published by the Council on 7 October 2019 and are subject to a further round of written consultation.
- 1.5 This document provides our representations relating to the updated 5-year housing land supply position and Sustainability Appraisal Addendum.
- 1.6 In summary, our position is:
  - The updated five year housing land position for the Local Plan has been assessed under the 2012 Framework. However, going forward it will be considered under the 2019 Framework. Our assessment shows the Council would be at risk of being out of date soon after adoption of the Local Plan.
  - The SA Addendum fails to take account of the Parkway Station and therefore fails to provide an assessment of the Plan as a whole as required. There are significant inconsistencies between the SA Addendum and other evidence, suggesting the SA approach has not followed the required regulations or the SEA Directive.

## **2.0 UPDATE OF THE 5-YEAR HOUSING LAND SUPPLY POSITION**

2.1 The Council have published an updated 5-year housing land supply position (dated June 2019).

### **a) National Planning Policy Context**

2.2 The emerging Local Plan is being assessed under the 2012 Framework, and so the Council's five year land supply position continues to rely on the approach defined in the 2012 Framework.

2.3 However, any applications or appeals coming forward will be considered under the new Framework, with which the Council's approach would no longer comply.

2.4 There are two major causes of concern with the Council's updated position:

- The Council's requirement relies on the Liverpool method for redistributing past under delivery. However the revised Framework requires the Sedgefield method to be used.
- The Council's supply relies on significant delivery from the strategic sites, which will likely produce competing products and do not yet benefit from planning permission.

2.5 The Council's updated supply position is that they can currently demonstrate 5.77 years of supply. However, changes under the new Framework and concerns regarding lead-in times and delivery rates will result in this reducing.

2.6 The Council's approach therefore creates serious concerns that the Local Plan will become out of date very soon after adoption.

### **b) Competition of sites**

2.7 The PBA report for Birmingham City Council "Sutton Coldfield Green Belt Sites Phase 2 Report of Study" (June 2014) considers the impact of competition between sites. The report refers back to section 4 of the University of Glasgow Report entitled 'Factors Affecting Housing Build-Out Rates' (2008). This report suggests that developers on houses on greenfield sites on the edge of small and medium-sized towns consider 5.62 miles as representing competitions. The impact of this competition is to change prices (paragraph 4.09 and 4.11).

2.8 Figure 1 demonstrates that 3 of the strategic sites – Westgate (SP15), Brichington (SP14), and Westwood (SP16) – totalling some 5,050 dwellings, are situated in a 3.5-mile radius of one another located along the Margate-Westgate-Birchington corridor in the north of the District.

2.9 This is a significant number of dwellings to be delivered in close proximity and will be perceived as being in competition with one another.

**Figure 1: Location of Strategic Sites**



**c) Lead-in times**

- 2.10 As outlined in our previous representations to the Local Plan the local housing market does not suggest it will perform higher than the national average in terms of build-out rates and lead-in times.
- 2.11 The NLP Paper: ‘Start to Finish: How Quickly do Large Sites Deliver?’ was published in November 2016 by Nathaniel Lichfield and Partners (NLP). It is a well-regarded and up-to-date national level assessment.
- 2.12 In respect of lead-in times for large sites of 1,000-2,000+ dwellings the NLP research states (page 8):
- “Large sites are typically not quick to deliver; in the absence of a live planning application, they are, on average, unlikely to be contributing to five year housing and supply calculations”*
- 2.13 This would suggest that the three strategic sites – Westgate (SP15), Birchington (SP14), and Westwood (SP16) – none of which currently benefit from planning permission are considered unlikely to start delivering within the next five years.

**d) Impact on the Council’s Five Year Land Supply**

- 2.14 The table below sets out the Council’s five year housing land supply position in accordance with the new Framework. This is based on the Sedgefield approach where the shortfall to date is delivered over the next five years.
- 2.15 It also shows the implication of if the three strategic sites failing to deliver within the next five years. However, even just one of these sites failing deliver in accordance with the Council’s trajectory results in the supply dropping to 5.09 years, and two failing to deliver results in 4.87 years.

**Table 1. Land Supply Position Under New Framework**

Component	No. of Dwellings
5 year requirement (based on stepped approach)	4,800
Shortfall	651
Meeting shortfall (Sedgefield)	5,451
5 year requirement including 20% buffer	6,541
Annual supply required	1,308
Supply	6,015
<b>5 year housing land supply position</b>	<b>4.60</b>

- 2.16 Clearly, this does not provide any reasonable margin for error. By taking this approach, the Council would be at risk of being out of date soon after adoption of the Local Plan, as their land supply position is tested under the new regime.
- 2.17 In the interests of ensuring the Plan is robust upon adoption, the Council should consider allocating additional sites in order to ensure the Plan is able to demonstrate a sufficient housing land supply.



### 3.0 SUSTAINABILITY APPRAISAL ADDENDUM

3.1 In our previous representations and at the EiP hearings we argued that the site at Cliffsend hadn't been considered as a whole site in the SA process. The Council's position was that it had, but that it just hadn't been published in the Local Plan's evidence base. The Inspector then requested the Council publish the unpublished assessments. This has now been published in the SA Addendum.

3.2 However, there are still significant failings in terms of the findings of the SA Addendum itself, and how the SA process relates to the production of the Local Plan and Parkway Station.

#### a) The New Parkway Station

3.3 In our original representation to the draft Local Plan we provided an assessment of the SA work published by the Council to date. The new 'parkway' station was not considered in the appraisal of sites in the SA.

3.4 This is a key piece of new public transport infrastructure and yet the SA was completely silent on the implications of such an important piece of infrastructure. The SA did not consider proximity to the new railway station within its approach to site assessments.

3.5 This was a key failing of the SA which is required to assess the Local Plan as a whole. The new Parkway Station is an allocation within the Plan and has been a key part of the Plan since its early stages of preparation. However, the SA did not take account of this, and therefore did not assess the Plan as a whole as required.

#### b) Delivery of the Parkway Station and the Local Plan

3.6 At the Local Plan Examination hearings the Council argued that there were uncertainties about the delivery of the Parkway Station, despite it being an allocation within the emerging Local Plan.

3.7 However, Kent County Council submitted a statement to the hearing on Day 12 relating to Transport matters which sets out that the County Council has consistently, strongly supported the safeguarding of land to the west of Cliffsend for a new railway station throughout the production of the Local Plan:

- KCC made representations strongly supporting the station at the initial Regulation 18 consultation;
- KCC reiterated its full support again when Thanet District Council published proposed revisions to the Preferred Options Draft of the Local Plan;
- KCC reiterated its position in its representations to the Regulation 19 consultation.
- During the period of Local Plan preparation, Kent County Council also adopted (July 2017) Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031. This sets out Kent's strategic transport priorities, including Thanet Parkway Railway Station.
- The Local Transport Plan recognises that Thanet Parkway can significantly improve rail connectivity and act as a catalyst for housing and economic growth in an area with demonstrable local needs.
- KCC has continued to work with the Kent & Medway Economic Partnership (Federated Board) and the South East Local Enterprise Partnership (SELEP) to continue to deliver the Thanet Parkway station, recognising that the Project is a priority not only for KCC but is shown in SELEP's Strategic Economic Plan (SEP).
- A planning application was submitted to Kent County Council Planning Applications



Group in May 2018

- Since the inception of the project, the County Council has been proactively exploring all possible avenues to raise funding for the project to meet the estimated project cost. On April 12th, 2019, the project now has a complete funding package against the current cost estimate.
- A revised planning application is to be resubmitted later this year with a proposed project completion date of December 2021.

3.8 This evidence shows the Parkway Station is a firm commitment of KCC; development of the Parkway Station is at an advanced stage with full funding secured; and Thanet District Council have been kept aware of progress throughout the preparation of the Local Plan. This shows that the Parkway Station must be considered within the SA process.

**c) The SA Addendum and Parkway Station**

3.9 However, it is clear that the SA Addendum still doesn't consider the new Parkway Station. Criterion 15 assesses a site's *"ability to provide a sustainable public transport network that allows access to key facilities, services and employment opportunities without reliance on private vehicles"*. For the Sites at Cliffsend the SA gives the site a negative (orange) rating, stating:

*"Without increased access to public transport, development of the site would create dwellings that will have limited access to bus and rail services. Extensions to bus services and the construction of Thanet Parkway station would address this issue.*

*Any proposed development should consider contributing to public transport provision as part of the plans."*

3.10 As the Parkway station is a firm commitment and allocation within the Local Plan, this means these issues would be addressed, and should have been assessed as such.

3.11 By failing to consider the Parkway Station the SA Addendum fails to provide an assessment of the Plan as a whole as required.

**d) The Assessment of the Sites at Cliffsend**

3.12 The SA Addendum now includes an assessment of the Sites at Cliffsend in its entirety rather than just as individual sites which is how the site was considered in the original SA.

3.13 At the Local Plan Examination hearings the Council argued that on its own the Parkway Station does not make Cliffsend a sustainable location. However, the Council could not point towards any evidence to support this. The Council's position was that the assessment of the site as a whole (as well as other rejected options) had been assessed but not published.

3.14 The Council's position was consistent with the assessment of the sites at Cliffsend as smaller individual parcels, as was undertaken in the original SA. However, the Council's position is contrary to the assessment of the site as a whole in the SA Addendum.

3.15 The SA Addendum shows that when assessed as a whole site the Sites at Cliffsend would be of a scale to deliver the required social and economic services to ensure a sustainable location. Set out in the table below are excerpts from the SA Addendum's assessment of the site which make this clear.

3.16 Furthermore, the overall assessment<sup>1</sup> in the SA Addendum shows that Land at Cliffsend performs better (more positive scores and fewer negative scores) than 10 of the 12 sites

<sup>1</sup> This assessment based on the SA Addendum assessment of the Sites at Cliffsend site being scored negatively for access to public transport services which is erroneous.

HO3-HO9 and HO12-HO17 allocated in the Local Plan. These 10 less sustainable sites have collectively been allocated for around 1,000 new dwellings. A comparison table of for these sites is included in Appendix A to this representation.

- 3.17 It is also clear that the original SA (which assessed the proposed allocations but not the alternative sites) takes into account the mitigation that they think is going to be forthcoming at the allocated site. However, the SA Addendum clearly fails to do this for the non-allocated sites – as is clear from the table below.

**Table 2. The Sustainability of Land at Cliffsend, Excerpts from the SA Addendum**

SA Objective	SA Addendum Comment
1. To provide a sustainable supply of housing including an appropriate mix of types and tenures to reflect demand.	Given the number of units identified for the site, provision should be ringfenced for affordable housing of a mix of types and tenure.
2. To maintain appropriate healthcare provision and access to healthcare facilities for all sectors of society	However, it is likely that a development of this scale would result in the additional provision of healthcare services
3. To provide access to appropriate educational facilities for all sectors of society including focus on training vulnerable and welfare dependant workers with skills necessary to ensure year round employment.	However, it is likely that a development of this scale would result in the additional provision of education services
5. To provide appropriate key facilities to support vulnerable people and reduce the level of deprivation identified across the wards	However, the site is likely to provide a critical mass in terms of a local population that could support increased community service and facility provisions
7. To provide access to employment opportunities for all sectors of society ensuring that everyone who wants to work has the opportunity to secure appropriate paid employment.	Given the scale of the proposed site, there is also scope to provide employment uses that are integrated as part of the site development
8. To ensure the sustainable development of the proposed economic growth and encourage employment development at key sites within the District to support priority regeneration areas.	Cumulatively, housing development of this scale and above is likely to contribute towards a more vibrant and diverse local work force.
11. To ensure that a sustainable pattern of development is pursued.	The comprehensive redevelopment of these land parcels as part of a large site offers an opportunity to strategically plan for a large village extension at Cliffsend. A mix of uses could be accommodated within these land parcels, with less accessible areas being dedicated for employment or recreational use.

Source: SA Addendum

**e) Traffic Impacts**

- 3.18 For housing sites the SA Addendum includes a section called 'Other planning considerations' presented alongside the full SA of each site. For the Land at Cliffsend sites, this states: *"To allocate these sites would have significant traffic impacts to the Haine Road corridor."* (Para 2.60.5)
- 3.19 Section 1.2 of the SA Addendum states *"That any housing distribution should avoid any additional traffic loading of the Haine Road corridor (as advised by Kent County Council Highways), and should be well related to the road network improvements proposed in the draft Transport Strategy, including the Inner Circuit;"*
- 3.20 A representation from transport planners PTPlanners has been submitted as part of this representation. This concludes that it is unreasonable for the council to object to or prohibit additional housing development within Cliffsend on the grounds of the potential impact on Haine Road and the Parkway Station for the following reasons:
- i) Significant new housing, 129 dwellings in total, has recently been granted permission in Cliffsend linked to the provision of the Thanet Parkway Station. During the planning process for these sites the highway authority, Kent County Council, raised no objections or concerns relating to potential impact on the Haine Road Corridor or the Parkway Station.
  - ii) The Thanet District Transport Strategy 2018 makes reference to the Haine Road / Westwood Road corridor experiencing traffic congestion issues. The strategy does not however advise any prohibition of new housing within Cliffsend due to the impact on Haine Road but recommends that mitigation may be required to address the highways impacts of new housing.
  - iii) A number of strategic allocation sites being promoted within the Draft Local Plan will result in significant new traffic loading onto Haine Road including sites which fall within the prohibited area shown at Figure 1.
  - iv) The proposed allocations at Cliffsend due to their location in relation to the local / wider highway network and close proximity to the Parkway Station will have a lesser impact on the Haine Road corridor than a number of the strategic allocation sites being promoted within the Draft Local Plan.
- 3.21 This shows that the approach of the SA Addendum is unjustified to discount the site on grounds of traffic impacts. Furthermore, the representations from KCC summarised above show that the Parkway Station site has the potential to act as a catalyst for housing and economic growth in the area. Delivering housing close to the Parkway Station is a clear way to achieve this.

**f) Conclusion**

- 3.22 The SA Addendum fails to take account of the Parkway Station in its assessment. The SA Addendum ignores key evidence regarding the station provided by KCC. Therefore it fails to provide an assessment of the Plan as a whole as required.
- 3.23 This was a key issue with the 2018 Sustainability Appraisal which supported the draft Local Plan at the date of submission. The SA Addendum fails to address this issue.
- 3.24 The Council's position at the Local Plan Examination hearings was that on its own the Parkway Station does not make the Sites at Cliffsend a sustainable location. However, the SA Addendum clearly shows that treated as whole, the site would provide a sustainable location for development.
- 3.25 The conclusion is the Local Plan has not been prepared in accordance with the Council's

own evidence, or that the SA Addendum has been prepared posthumously and as such could not influence Local Plan preparation.

- 3.26 This is contrary to the required approach of the SA and the approach taken by the Council is flawed in fundamental respects and does not follow the Regulations/the SEA Directive. Such an approach fatally undermines the soundness of the Draft Local Plan. This was a problem with the 2018 SA as published at the date of the Local Plan submission, and the SA addendum fails to adequately address these issues, which continue to undermine the soundness of the Draft Local Plan.
- 3.27 We have consistently raised this issue throughout the Local Plan preparation process and we set it out in detail in our response to the MIQs Matter 1: Legal Compliance (SPRU, March 2019) (see Appendix B of this document) Questions 1 and 2, which cover the SA process.
- 3.28 Our MIQ response set out a number of major issues with the Council's SA, including:
- The SA was not complete at the time of the Regulation 19 consultation. "Preparation" ends at the commencement of Regulation 19 because the Plan cannot be amended by the Council after Regulation 19.
  - The sites in the SA has not been undertaken on a consistent basis. The SA has discounted sites on the basis of the broad location rather than a proper assessment of each individual site
  - The proposed new parkway station did not form part of the SA assessment of alternatives.
- 3.29 In our MIQs Matter 1 response we also set out a number of judgements which establish the legal requirements of the SA process<sup>2</sup>. These demonstrate the Council's approach to SA has is not compliant with the SEA regulations or caselaw.
- 3.30 As set out above, a number of these issues have not been adequately addressed by the SA Addendum. On the contrary, the SA Addendum suffers from many of the same issues and simply reinforces our initial objection. This means that there remain significant issues with the Plan which remain unaddressed.

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<sup>2</sup> MIQs Matter 1: Legal Compliance, paras 2.7-2.11

### Appendix A – Comparison of Site Assessments from SA Addendum

SA Objective	Sites at Cliffsend (Addendum)	HO3 Land on west side of Old Haine Road, Ramsgate	HO4 Land fronting Nash Road and Manston Road, Margate	HO6 Land south of Brooke Avenue, Garlinge	HO7 Land at Haine Road and Spratling Street, Ramsgate	HO8 Land south of Canterbury Road East, Ramsgate	HO9 Land at Melbourne Avenue, Ramsgate	HO12 Land at Tothill Street, Minster	HO13 Land at Manor Road, St. Nicholas at Wade	HO14 Land at Walters Hall Farm, Monkton	HO15 Land south side of A253, Cliffsend	HO16 Land north of Cottington Road, Cliffsend	HO17 Land south side of Cottington Road, Cliffsend
Dwellings	600	250	250	34	85	27	49	250	36	18	65	40	30
1. To provide a sustainable supply of housing including an appropriate mix of types and tenures to reflect demand	Permanent Direct ST/LT ++	Permanent Direct LT +	Permanent Direct LT +	Permanent Direct LT +	Permanent Direct LT +	Permanent Direct LT +	Permanent Direct LT +	Permanent Direct LT +	Permanent Direct LT +	Permanent Direct LT +	Permanent Direct LT +	Permanent Direct LT +	Permanent Direct LT +
2. To maintain appropriate healthcare provision and access to healthcare facilities for all sectors of society.	Permanent Indirect ST ?/+	Temporary Indirect ST --	Temporary Indirect ST --	Temporary Direct ST -/?	Temporary Indirect ST --	Temporary Direct ST -/?	Temporary Direct ST -/?	Temporary Indirect ST --	Temporary Direct ST -/?	Temporary Direct ST -/?	Temporary Indirect ST --	Temporary Direct ST -	Temporary Direct ST -
3. To provide access to appropriate educational facilities for all sectors of society including focus on training vulnerable and welfare dependant workers with skills necessary to ensure year round employment.	Permanent Indirect ST ?/+	Temporary Indirect ST --	Temporary Indirect ST --	Temporary Direct ST -/?	Temporary Indirect ST --	Temporary Direct ST +	Temporary Direct ST +	Temporary Indirect ST --	Temporary Direct ST -/?	Temporary Direct ST -/?	Temporary Indirect ST --	Temporary Direct ST -	Temporary Direct ST -
4. To increase public safety and reduce crime and fear of crime.	Permanent Temporary Indirect ST/LT +	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?
5. To provide appropriate key facilities to support vulnerable people and reduce the level of deprivation identified across the wards.	Permanent Temporary Indirect ST ?	Permanent Indirect LT -	Permanent Indirect LT -	Permanent Indirect LT -	Permanent Indirect LT -	Permanent Indirect LT -	Permanent Indirect LT +	Permanent Indirect LT -	Permanent Indirect LT -	Permanent Indirect LT -	Permanent Indirect LT -	Permanent Indirect LT -	Permanent Indirect LT -
6. To create vibrant balanced communities where residents feel a 'sense of place' and individual contribution is valued.	Permanent Direct ?	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?	Permanent Indirect LT +/?
7. To provide access to employment opportunities for all sectors of society ensuring that everyone who wants to work has the opportunity to secure appropriate paid employment.	Permanent Temporary Direct ST/LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +
8. To ensure the sustainable development of the proposed economic growth and encourage employment development at key sites within the District to support priority regeneration areas.	Permanent Temporary Indirect ST/LT +	Permanent Indirect ST/LT ?/+	Permanent Indirect ST/LT ?/+	Permanent Indirect LT ?	Permanent Indirect ST/LT ?/+	Permanent Indirect ST/LT ?/+	Permanent Indirect ST/LT ?/+	Permanent Indirect LT ?	Permanent Indirect LT ?	Permanent Indirect LT ?	Permanent Indirect LT ?	Permanent Indirect LT ?	Permanent Indirect LT ?
9. To protect and enhance the areas natural, semi-natural and street scene to support the tourist economy.	Permanent Direct ST ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?/+	Permanent Direct LT ?	Permanent Direct LT ?/+	Neutral 0	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?
10(a). To improve efficiency in land use through the re-use of previously developed land and existing buildings, including reuse of materials from buildings, and encourage urban renaissance.	Permanent Direct ST/LT -	Permanent Direct LT -	Permanent Direct LT -	Permanent Direct LT -	Permanent Direct LT -	Permanent Direct LT -	Permanent Direct LT -	Permanent Direct LT -	Permanent Direct LT -	Permanent Direct LT -	Permanent Direct LT -	Permanent Direct LT -	Permanent Direct LT -
10(b). To reduce the impact of development on Best and Most Versatile agricultural land	Permanent Direct ST/LT -	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0
11. To ensure that a sustainable pattern of development is pursued.	Permanent Indirect ST/LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+
12. To conserve and enhance the character and quality of the area's landscape and townscape particularly associated with town centres and coastal areas.	Permanent Direct ST/LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?	Permanent Direct LT ?
13. To preserve and enhance sites, features and areas of historic archaeological or architectural importance, and their settings.	Neutral 0	Permanent Direct LT ?	Permanent Indirect LT -/?	Permanent Direct LT ?	Neutral 0	Permanent Direct LT ?	Permanent Direct LT ?	Neutral 0	Neutral 0	Neutral 0	Permanent Direct LT ?	Neutral 0	Neutral 0
14. To improve air quality in the District's Air Quality Management Areas	Temporary Indirect ST -	Temporary Indirect ST -	Temporary Indirect ST -	Temporary Indirect ST -	Temporary Indirect ST -	Temporary Indirect ST -	Temporary Indirect ST -	Temporary Indirect ST ?/+	Temporary Indirect ST ?/+	Temporary Indirect ST ?/+	Temporary Indirect ST ?/+	Temporary Indirect ST ?/+	Temporary Indirect ST ?/+
15. To provide a sustainable public transport network that allows access to key facilities, services and employment opportunities without reliance on private vehicles.	Temporary Direct ST/LT -/?	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect LT +	Permanent Indirect ST/LT -	Permanent Indirect ST/LT -	Permanent Indirect ST/LT -	Permanent Indirect ST/LT -	Permanent Indirect ST/LT -	Permanent Indirect ST/LT -
16. To develop key sustainable transport links between Thanet and the wider Kent region and beyond, including road, rail and air.	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+
17. To reduce waste generation and disposal and achieve the sustainable management of waste	Permanent Direct LT ?	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+	Permanent Direct LT ?/+
18. To ensure development within the District responds to the challenges associated with climate change.	Temporary Indirect ST ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+	Permanent Indirect LT ?/+
19. To ensure appropriate development control procedures in place to manage the risks of coastal erosion, coastal and fluvial flood risk, in accordance with NPPF.	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0
20. To conserve and enhance biodiversity.	Permanent Direct ST -	Permanent Direct ST/LT -	Permanent Direct ST/LT -	Permanent Direct ST/LT -	Permanent Direct ST/LT -	Permanent Indirect LT ?	Permanent Indirect LT ?/+	Permanent Direct ST/LT -	Permanent Direct ST/LT -	Permanent Direct ST/LT -	Permanent Direct ST/LT -	Permanent Direct ST/LT -	Permanent Direct ST/LT -
21. To protect and improve the quality of fluvial and coastal water resources, including European designated sites	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0	Neutral 0
22. To reduce the global, social and environmental impact of consumption of resources by using sustainably produced and local products.	Permanent ST/LT ?/+	Permanent ST/LT ?/+	Permanent ST/LT ?/+	Permanent ST/LT ?/+	Permanent ST/LT ?/+	Permanent ST/LT ?/+	Permanent ST/LT ?/+	Permanent ST/LT ?/+	Permanent ST/LT ?/+	Permanent ST/LT ?/+	Permanent ST/LT ?/+	Permanent ST/LT ?/+	Permanent ST/LT ?/+
23. To increase energy efficiency and the proportion of energy generated from renewable sources in the area	Temporary Direct ST/LT ++	Permanent Direct ST/LT +	Permanent Direct ST/LT +	Permanent Direct ST/LT +	Permanent Direct ST/LT +	Permanent Direct ST/LT +	Permanent Direct ST/LT +	Permanent Direct ST/LT +	Permanent Direct ST/LT +	Permanent Direct ST/LT +	Permanent Direct ST/LT +	Permanent Direct ST/LT +	Permanent Direct ST/LT +

Summary Table – Collated Scores

	Sites at Cliffsend (Addendum)	HO3 Land on west side of Old Haine Road, Ramsgate	HO4 Land fronting Nash Road and Manston Road, Margate	HO6 Land south of Brooke Avenue, Garlinge	HO7 Land at Haine Road and Spratling Street, Ramsgate	HO8 Land south of Canterbury Road East, Ramsgate	HO9 Land at Melbourne Avenue, Ramsgate	HO12 Land at Tothill Street, Minster	HO13 Land at Manor Road, St. Nicholas at Wade	HO14 Land at Walters Hall Farm, Monkton	HO15 Land south side of A253, Cliffsend	HO16 Land north of Cottington Road, Cliffsend	HO17 Land south side of Cottington Road, Cliffsend
	2	0	0	0	0	0	0	0	0	0	0	0	0
	3	5	5	5	5	6	7	3	3	3	3	3	3
	11	10	9	10	9	11	10	11	11	11	12	11	11
	3	3	3	3	4	3	4	4	4	4	3	4	4
	5	4	5	6	4	4	3	4	6	6	4	6	6
	0	2	2	0	2	0	0	2	0	0	2	0	0

## **Appendix B – SPRU’s Response to MIQ’s Matter 1: Legal Compliance (March 2019)**



For and on behalf of  
**Mr Edward Spanton**

## **Thanet District Local Plan Examination Response to MIQ's Matter 1: Legal Compliance**

**Land at Cliffsend, west of Ramsgate**

Prepared by  
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**March 2019**



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## 1.0 INTRODUCTION

- 1.1 This response to the Thanet Local Plan Inspector's Matters, Issues and Questions are made by Strategic Planning Research Unit ('SPRU') of DLP Planning Ltd on behalf of our client, Mr Edward Spanton, the landowner of land west of Cliffsend, west of Ramsgate, Kent. The site is, in part, identified for housing and a new railway station in the emerging Local Plan as proposed policies HO15, HO16, HO17 and SP45. If allocated as a whole, our client's site could provide **at least 600 dwellings**, the exact number will be confirmed upon completion of the masterplan.
- 2.1 The proposed development area extends to approximately 54 hectares of land across 4 parcels of land in the ownership and control of the landowner, Mr Edward Spanton.
- 2.2 Whilst partially allocated under emerging Policies HO15, HO16, HO17 and SP45, it is considered that given the shortage of available and developable site to make provision for the full 15 year period or to meet the OAN in the early part of the plan period there is a strong justification for the whole of the site to be allocated.
- 2.3 The site has been assessed (albeit in parts rather than as a single site) and is identified below. This is adjacent to the parkway station and represents a very sustainable location to the south of the district, a location which will assist in improving the overall delivery rates within the district by adding a further sustainable choice. In particular sites such as the one below can be developed quickly and assist the plan in achieving a five-year housing land supply at the date of adoption.

**Figure 1. Location Plan**



1.2

## 2.0 MATTER 1: LEGAL COMPLIANCE

### a) Issue 4: Sustainability Appraisal

#### i) Q1. Have the likely environmental, social and economic effects of the Plan been adequately assessed in the *Sustainability Appraisal – Environmental Report* ('SA')?

2.1 No – for the reasons set out below.

#### ii) Q2. 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?

2.2 In summary, no proper consideration has been given to the reasonable alternatives and it is noted that 'reasonable alternatives' has only been mentioned twice in the 2018 Report and not at all in the 2016 SA. The 2018 SA Report therefore does not provide reasons for not taking forward reasonable alternative sites. Reasonable alternatives are referred to in paragraph 5.4.2 of the Scoping Report (2013) but this is in the context that these will be assessed, rather than have been.

2.3 The PPG at the time of submission (Paragraph 018, Ref ID: 11-018-20140306) required all reasonable alternatives to be assessed against the same baseline environmental, economic and social characteristics as the preferred options. The SA process has considered mitigation of the preferred options, but not of the reasonable alternatives and the role of the SA is described on page 2 as being *"to communicate to interested parties the results from the SA of draft Local Plan preferred options"*. This is wholly inadequate, and the site selection and SA processes are flawed in this respect. Furthermore, it makes it clear that reasonable alternatives must be assessed to the same level of detail:

*"The Sustainability appraisal needs to compare all reasonable alternatives including the preferred approach and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the Local Plan were not to be adopted... The sustainability appraisal should identify any likely significant adverse effects and measures envisaged to prevent, reduce and, as full as possible, offset them. The sustainability appraisal must consider all reasonable alternatives and assess them in the same level of detail as the options the plan-maker proposes to take forward in the Local Plan (the preferred approach)"*

2.4 Furthermore, Table 5 of the 2018 SA is entitled "rationale for policy's not assessed as part of reasonable alternatives". This table clearly states that for policies SP13 to SP18 "these sites were assessed under broad housing locations as well as being assessed via the SHLAA". This suggests that these sites were not selected as part of the consideration of reasonable alternatives in the SA but were assessed under "broad housing locations". This is contrary to the required approach of the SA and the approach taken by the Council is flawed in fundamental respects and does not follow the Regulations/the SEA Directive.

2.5 In procedural terms the whole of the SA should be complete at the time of submission. However, Regulation 35 (T&C Planning Regulations 2012) requires that documents are taken to be available when made available for inspection and published on the LPA website. Section 19 of the Planning and Compulsory Purchase Act deals with the "preparation" of local plan documents and, in particular Section 19 (5) requires the SA and a report of the findings of the SA to be undertaken. The SA was not complete as it had failed to deal with reasonable alternatives at the time of the Regulation 19



consultation. "Preparation" ends at the commencement of Regulation 19 because the Plan cannot be amended by the Council after Regulation 19. The SA was not complete and this remains a substantive unresolved issue for this examination.

- 2.6 In methodological terms the SA is required to assess "reasonable alternatives" in order to comply with statute, regulations and guidance.
- 2.7 The failure to consider reasonable alternatives in the SA is important because the Site Selection Report has been confirmed by the Council (at the Examination Hearing on 12 February 2019) to be "embodied in the SA" and in this case, the UK authorities on reasonable alternatives are as follows:
  - a. St Albans v. Secretary of State [2010] JPL 70
  - b. Save Historic Newmarket v Forest Heath DC [2011] JPL 1233
  - c. Heard v. Broadland DC [2012] Env LR 23
  - d. R (Buckinghamshire CC) v Secretary of State for Transport [2013] EWHC 481 (Admin) (HS2) Ouseley J. who found breach of alternatives duty. Court of Appeal agreed [2013] P.T.S.R. 1194 at [72] and [183]-[185]. Not raised in Supreme Court.
  - e. Ashdown Forest Economic Development LLP v Secretary of State [2014] EWHC 406 (first instance) – wide judgment
  - f. Cogent Land LLP v Rochford DC [2013] JPL 170
  - g. No Adastral New Town v. Suffolk Coastal DC [2015] Env. L.R. 28
  - h. R. (Friends of the Earth Ltd) v Welsh Ministers [2016] Env. L.R. 1
  - i. R. (RLT Built Environment Ltd) v Cornwall Council [2017] JPL 37
- 2.8 Further guidance is set out in the Commission Guidance at 5.13 and 5.14 and UK Guidance Section 5 this highlights that:
  - j. Duty to consider alternative which would secure the objectives of the plan or programme proposed within that plan or programme;
  - k. Not legitimate to select alternatives which have obviously more significant adverse effects than the plan or programme as proposed in a bid to promote the latter.
  - l. Consider both positive and negative effects.
- 2.9 In terms of the above cases the following can be concluded;
  - m. St Albans – failure to consider alternatives to late modification;
  - n. Newmarket – failure in the final report to consider any alternatives to changing housing position and no summary or reference back in the ER to the options process considered earlier;
  - o. Heard – Broadland DC and South Norfolk DC JCS unlawful because the SEA undertaken did not explain (i) which reasonable alternatives to urban growth had been selected for examination and why; and (ii) it had not examined reasonable alternatives in the same depth as the preferred option;
  - p. Reasons must be given for both (i) the selection of alternatives for assessment, and (ii) the selection of a preferred option;
  - q. Save Historic Newmarket Ltd.

- i. Paragraphs [16]-[17], [40] - alternatives can be sifted out as the draft goes through successive iterations without the need to re-examine at each stage but must give reasons in the report for their rejection, and where the reasoning had been given at earlier stages the ER accompanying the final draft must at least summarise that reasoning. No "paper-chase" (see Commission Guidance)
- ii. As to the reasons for preferring the proposed plan as adopted: the proposition that a "prior ruling out of alternatives" may legitimately take place during the iterative process is subject to:

*"the important proviso that reasons have been given for the rejection of the alternatives, that those reasons are still valid if there has been any change in the proposals in the draft plan or any other material change of circumstances and that the consultees are able, whether by reference to the part of the earlier assessment giving the reasons or by summary of those reasons or, if necessary by repeating them, to know from the assessment accompanying the draft plan what those reasons are".*

iii. Heard –

1. Obvious non-starters could be ruled out [66] but outline of reasons for the selection of alternatives is required and alternatives have to be assessed.
2. There must be "a reasoned evaluative process of the environmental impact of plans or proposals" and the SEAD requires an outline of the reasons for selection of a preferred option even where alternatives also still being considered. Where only one option is under consideration, reasons must be given for that also [70]
3. alternative objectives do not have to be assessed; the focus of SEA is alternative ways of meeting those objectives

2.10 The situation here is that our client's site at Cliffsend west of Ramsgate was not assessed although it remains a reasonable alternative which has simply not been assessed at the same level of those sites that have been selected for development.

2.11 In terms of the approach required by the SA this site selection methodology fails for the following reasons:

- r. The SA has not considered all reasonable alternatives – at best the SHLAA has only considered broad locations of growth in the most cursory of manners.
- s. **The assessment of much larger tracts of land is not an appropriate way of discounting smaller sites in the same area.** This is because smaller sites may not necessarily share the attributes of these much larger broad locations. **The approach of The Site Selection Report 2018 using much larger sites that are required to meet development needs appears contrary to Commission Guidance at 5.13 and 5.14 and UK Guidance Section 5.**
- t. **The sites in the SHLAA (and hence the SA) has not been undertaken on a consistent basis.** Given that the sites that have been selected are assessed individually in the SA (as much smaller parcels) but the same approach has not been adopted for the sites discounted in the SHLAA in terms of the broad locations. An assessment of the smaller sites rather than broad locations that represented reasonable alternatives should have been undertaken in the same



way as those that had selected **this “dual approach” is unlawful Heard – Broadland DC and South Norfolk DC.**

- u. **The SA should have reassessed alternatives once the scale of development changed.** The scale of development being considered at different locations varied over the production of the plan with early work considering the impact of large scale land releases and these assessments should have been revisited once a different level of development was being considered. **This approach of assessing a very significantly larger area in order to discount smaller reasonable alternatives is contrary to the judgements of Save Historic Newmarket and Heard – Broadland DC and South Norfolk DC (para 69 - 71).**

- 2.12 It is noted that the Housing Land Allocations and Assessment Results are set out in Appendix A of the 2016 SA report. This sets out the findings of the assessment for individual sites. This refers to the SHLAA Code from the previous (2013) SHLAA and there is a significant lack of clarity running through the documents. However individual sites appear to have been subdivided, hence the table 1 in SPRU's Reg 19 submission highlights that 6 sites assessed compared to the four sites promoted at this location.
- 2.13 In terms of the SA assessment of the promoted sites, it has been difficult to identify the individual assessments of each site, as reference numbers and site addresses change throughout the various evidence base documents. It is of note, that our client's site has not been assessed as a whole and comprises 6 different assessments.
- 2.14 It is also noted that the Council do not provide a map which details each parcel of land that has been assessed and we cannot be certain that the sites we have identified are in fact our client's site. Table 1 in our Reg 19 objection attempts to marry up what we consider to be our site in the SHLAA with the SA. Although it is clear from our struggles the Council are making this process unnecessarily difficult.
- 2.15 The approach adopted by the SA is not one of considering these as reasonable alternatives to the selected sites.
- 2.16 The whole of the site should at Cliffsend should have been assessed as a single site and covering the entire site area. The SA fails on both these points. The manner of the assessment of the sites as smaller piecemeal parcels fails to recognise the strategic potential of the site to provide a larger residential allocation which contains within it the new railway station. This is a significant failing of the SA and demonstrates its failure to assess all reasonable alternatives.
- 2.17 These failings together with the incomplete nature of the SA at the time of preparation and submission lead us to recommend that the examination be terminated and the submitted Local Plan withdrawn. It should not be found either legally compliant or sound.

- iii) **Q3. Appendix G1 of the SA ('Justification of Preferred Options – Updated with further iterations of Policy') states that Option 9k (a new settlement) “...would be unsustainable for the same reasons as freestanding countryside sites”. Freestanding countryside sites were considered unsustainable due to their access to services, facilities and public transport connections. How does this correlate with paragraph 5.4 of the SA, which states that**

***“...sustainable implementation of a new settlement option could be achieved.”?***  
**Has the SA considered reasonable alternatives on a consistent basis?**

- 2.18 No. In our reg 19 response we highlighted that the SA has discounted sites on the basis of the broad location rather than a proper assessment of each individual site that

represents an actual alternative to those sites being proposed in the plan.

2.19 Furthermore, the justification in terms of policy choice (Appendix G1 of the SA page G4) refers to the locating development adjacent to existing urban areas assuming that they will be better served by existing transport links.

2.20 This approach confirms that the proposed new parkway station did not form part of the SA assessment of alternatives.

**iv) Q4. How has the provision of a new settlement, as an alternative to the proposed growth strategy, been considered as part of the SA process?**

2.21 It is considered that this an option that should only be considered after options which have considerably better in terms of access to sustainable transport (such as the site at Cliffsend) have been considered.

**v) Q5. In response to the Inspectors' Initial Questions the Council confirmed that the options of locating housing adjoining the urban area and adjoining villages was considered in Appendix G of the SA. However, Appendix G is taken from a report to Cabinet, dated 11 December 2014, and appears to be based on a different housing requirement to the one found in the Local Plan? Please can the Council point to where an assessment of reasonable alternatives has been carried out having regard to the housing requirement in draft Policy SP11?**

2.22 Appendix G1 of the SA page G3 indicates that the SA only considered 2 options for growth these being:

v. Option 8a. Zero net migration – 3,714 homes

w. Option 8b. Short term migration – 11,648 homes

2.23 The plan now proposes 17,140 in SP11 however SPRU and others proposed higher levels of growth in their earlier submission and these should have also been tested. (the SPRU Reg19 (Housing Requirement submission proposed 1,070 dpa plus an extension of the plan period to 2036 so that it there would be 15 years from the date of adoption).

2.24 This highlights the inappropriate approach of the SA in terms of consideration of reasonable alternatives and renders the SA not compliant with the legislation as explained above.

**vi) Q6. Does the assessment of policies in the SA take into account the findings of the People Over Wind & Sweetman vs. Coillte Teoranta judgement? In particular, whether policies are likely to have an adverse effect on site integrity?**

2.25 No comment.

**vii) Q7. What is the justification for concluding that proposals for residential development and solar parks on greenfield sites will have a positive effect on the objective of conserving and enhancing biodiversity?**

1.3 No comment.

**viii) Q8. How has the SA considered infrastructure proposed in the Infrastructure Delivery Plan ('IDP'), which at this stage is only in draft form and may be subject to change**

2.26 The SA has not considered the impact of the proposed new infrastructure in terms of the

assessment of reasonable alternatives.

- 2.27 The new 'parkway' station is a significant piece of new infrastructure and yet the SA is completely silent on any benefits that it might deliver in terms of its relationship with new housing development.
- 2.28 The assessment of the parkway station proposal (Policy SP45) is in Appendix G page G9) and this notes the following:

*"Provision of a new station to support economic growth and encourage sustainable travel, is a project which is being led by the County Council and is expected to generate social and economic benefits for, and beyond, the district".*
- 2.29 The assessment does not take this proposal into account in assessing the suitability of potential locations for housing. This is despite the fact that the SA acknowledges that the Parkway Station is "providing infrastructure to support modal shift."
- 2.30 As a key assessment criterion, proximity to the new railway station has not been considered within the assessment for any of the promoted sites.
- 2.31 It is also not clear if the entirety of the promoted sites has been appraised and there has been no reasonable alternatives considered, there are no reasons provided by the Council as to why only a small fraction of the client's site has been allocated given its proximity to the proposed new railway station.
- 2.32 The fact that the SA has failed to recognise the importance of the new parkway station and has been used as simply to justify the council's selection of sites rather than inform the choice of sites means that sustainable sites such as the one subject to this objection has simply been overlooked.
- 2.33 The overreliance on a few large sites to the north of the district and the inadequate approach of the SA means that the LPA has failed to recognise the potential of Cliffsend and the proposals to develop a sustainable community around the new 'parkway' railway station. The provision of this new railway station which is an important piece of public transport infrastructure should have been properly considered and reflected in the proposed spatial strategy.
- 2.34 The justification for the Strategic Housing Sites (Policy SP13 to SP17) focusses on the spatial distribution of greenfield development and implications that this could have on accessibility to transport infrastructure, links and key services and facilities. It states that

*"Assuming key facilities and transport links are more likely to be concentrated within and between built up areas, locating new development adjacent to existing urban areas will mean they are more likely to be better served." (page G4, 2018 SA).*
- 2.35 While this acknowledges the positive impacts of focussing housing development in areas with good accessibility to transport infrastructure, this would also apply to sites close to the new parkway station, however this has not been considered as an option and has not been assessed as a reasonable alternative.
- 2.36 By purporting to undertake an assessment only of preferred options, the Council have failed to undertake an adequate SA as there is a legal requirement to consider reasonable alternatives. The Council appear to have circumvented a proper SA. Such an approach fatally undermines the soundness of the Draft Local Plan.

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