
Subject: ADDENDUM TO THE LAND ALLOCATIONS
PRE-SUBMISSION LOCAL PLAN

Meeting and Date: Special Cabinet – 20 May 2013
Extraordinary Council – 22 May 2013

Report of: Nadeem Aziz, Chief Executive

Portfolio Holder: Councillor Nick Kenton, Portfolio Holder for Environment,
Waste and Planning

Decision Type: Key

Classification: Unrestricted

Purpose of the report: To seek approval of proposed changes to the Pre-Submission version of the Land Allocations Local Plan and to hold a 6 week period for public representations.

Recommendation: Cabinet recommends to Council that:

- (a) The proposed changes to the Pre-Submission Land Allocations Local Plan, as set out in the Addendum attached as Appendix 2 to this report, be approved and undergo a 6 week period for public representations.
 - (b) The Head of Regeneration and Development be authorised to determine whether, in the light of any representations received, the Plan together with the Addendum should be submitted to the Secretary of State for independent Examination
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1. Summary

1.1 The period for representations on the Land Allocations Pre-Submission Local Plan closed on 21 February 2013. Officers have now identified the main issues that have been raised. Consideration of these issues indicates that there is good reason to consider selected changes to limited parts of the Plan. This report identifies the issues and proposes changes designed to address them. If the changes are approved by the Council it will be necessary for them to undergo a six week period for representations to be made before proceeding to the next stage of Public Examination.

2. Introduction and Background

2.1 The Council approved the Pre-Submission version of the Land Allocations Local Plan at an Extraordinary Meeting on 3 October 2012. The Plan was subsequently Published, which triggered a period for public representations to be made. The Council received a total of 1,007 representations.

2.2 At this stage in the process the Council is now required to consider the representations, identify the key issues and then decide whether any changes are

required to be made to the Plan before it is submitted to the Government for Examination – see **Appendix 1**, in particular, the box “Do the representations cause you to question whether the plan is sound?”.

2.3 The analysis of the representations has identified that there are six key issues that require changes to the Plan. In terms of the diagram in Appendix 1, these changes are considered to be “Focused” and should take the form of an Addendum. The proposed Addendum is attached as **Appendix 2** and covers the following aspects of the Plan:

- Land between 51 and 77 Station Road, Walmer (Appendix 3 Land Allocation Plans)
- Land adjacent to Sandwich Technology School (Policy LA16)
- New Convenience Retail provision in Sandwich (Policy LA17)
- Land to the west of St. Bart’s Road (Appendix 3 Land Allocation Plans)
- Inclusion of a housing allocation in the village of Preston
- Inclusion of guidance on the Thanet Coast and Sandwich Bay Special Protection Area and Ramsar Mitigation Strategy

2.4 The proposed changes in Appendix 2 show proposed new text in **bold** and text that is to be deleted as ~~crossed through~~ (Appendix 2). A summary box has been included in the Addendum that sets out the rationale/reasons for each of the proposed changes.

2.5 The proposed changes in the Addendum have been subject to Sustainability Appraisal and Habitat Regulations Assessment (see paragraphs 2.9 and 2.12 of this report). If the Council approves the Addendum it will be necessary to publish it, together with the Sustainability Appraisal (SA) and the Habitats Regulations Assessment (HRA), and allow a further period for public representation (6 weeks). Once the period for public representations has finished the main issues will be identified and assessed to see whether any fresh and significant matters have arisen which justify further consideration by the Council. If not, the Plan can proceed to its formal submission and Examination in Public.

2.6 The following information would be submitted to the Government for Examination:

- (a) The Land Allocations Pre-Submission Local Plan (December 2012);
- (b) Copies of all of the representations that were received to the above Document.
- (c) The Addendum to the Land Allocations Pre-Submission Local Plan which includes the focused changes to the Plan that have been outlined in this Report, the SA and HRA; and
- (d) Any representations that are received to the Addendum, its SA and HRA.
- (e) The Evidence Base that supports the Land Allocations Pre-Submission Local Plan.

2.7 The Local Development Framework Policy Advisory Group will be holding a meeting to discuss the changes to the Plan proposed in the Addendum. Due to the timing of this meeting a verbal update will be given on the Group's recommendations.

2.8 **Sustainability Appraisal**

2.9 A Sustainability Appraisal has been used to help identify issues and test options that were included in the Pre-Submission version of the Plan. The SA has been extended to the identified six key issues in order to help shape the proposed responses, as set out in the Addendum. The importance of the SA should not be underestimated as it is an integral part of the plan making preparation process as it is underpinned by requirements of the EU Strategic Environmental Assessment Directive. The Directive requires the appraisal to focus on 'reasonable alternatives' and ensure that "the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated".

2.10 **Habitat Regulations Assessment**

2.11 A Habitat Regulations Assessment has been undertaken of the Pre-Submission version of the Plan. A HRA has also been undertaken of the Addendum to assess the impact of the six focussed changes on European designated (Natura 2000) wildlife sites. There are HRA issues but the Plan incorporates mitigation to ensure that no likely significant effect will occur. The HRA is important as the Council cannot adopt the Plan if the HRA has identified that there will be an adverse impact on European sites. The HRA has applied the precautionary principle to these European protected areas in order to ensure that the Plan does not have an adverse effect on the integrity of these sites in the District.

2.12 **Identification of Options**

2.13 Given the stage that the District Council has reached in the Plan making process there are two options to consider:

- (a) To agree the proposed changes set out in the Addendum, with or without any amendments, and subject them to a period for public representations prior to proceeding to Public Examination
- (b) Not to agree the proposed changes and progress the Plan as it stands through to Public Examination.

3. **Evaluation of Options**

3.1 It is considered that the identified key issues raise legitimate issues about specific parts of the Plan. The proposed changes are designed to address the issues and are considered to strengthen the Plan's proposals and their deliverability and therefore increase the likelihood of the Plan successfully passing through Public Examination. There is a time cost to following this process which is anticipated to put the Public Examination back by 2 to 3 months. The alternative of proceeding with the Plan as it stands runs a considerable risk that the Inspector at the Examination would consider the Plan needs to change to address the key issues raised and would suspend the Examination while the Council carried out consultation on alternatives. This would result in at least as much delay but incur additional costs associated with a longer Examination process. Option (a) is therefore the recommended approach.

4. Resource Implications

- 4.1 The costs of holding a period for representations on the Addendum to the Land Allocations Pre-Submission Local Plan would be £200. This would cover the cost of placing an advert in local newspapers that do cover the Preston area (KM Gazette - Canterbury Edition and the KM Mercury). Preston Parish Council would also be provided with posters that can be displayed on their Parish Notice Boards and asked to advertise the period for representations in their Parish Council newsletter. Given the level of representations that have been received in connection with the new convenience provision in Sandwich it is also considered to provide Sandwich Town Council will posters that can be displayed and site notices will be placed around the Guildhall car park.

5. Corporate Implications

- 5.1 Comment from the Section 151 Officer: Finance has been consulted and has no further comments to add (MC)
- 5.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this Report and has no further comment.
- 5.3 Comment from the Equalities Officer: The Equality officer has been consulted during the development of this report and has no further comments to make other than to remind members that in discharging their responsibilities they are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

6. Appendices

- 6.1 Appendix 1 – Flow diagram illustrating the assessment of changes
- Appendix 2 – Addendum to the Land Allocations Pre-Submission Local Plan
- Appendix 3 – Background to the housing allocation in the village of Preston (a paper copy of this Appendix is available in the Members' room and on the Internet)

7. Background Papers

The LDF Evidence Base

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