



Date: **31 July 2023**
Our ref: **Extraordinary Cabinet/Agenda**
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EXTRAORDINARY CABINET

10 AUGUST 2023

An extraordinary meeting of the Cabinet will be held at **7.00 pm on Thursday, 10 August 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Everitt (Chair); Councillors: Whitehead, Albon, Duckworth, Keen and Yates

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

3. **BIRCHINGTON DRAFT NEIGHBOURHOOD PLAN** (Pages 5 - 26)

4. **BROADSTAIRS & ST PETERS DRAFT NEIGHBOURHOOD PLAN REVIEW** (Pages 27 - 38)

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Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992



If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

BIRCHINGTON DRAFT NEIGHBOURHOOD PLAN

Extraordinary Cabinet	10 August 2023
Report Author	Adrian Verrall (Strategic Planning Manager)
Portfolio Holder	Councillor Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation
Status	For Decision
Classification:	Unrestricted
Key Decision	No - Policy Framework
Reasons for Key	N/A
Ward:	Birchington North, Birchington South

Executive Summary:

Under the Localism Act 2011, Neighbourhood plans can be prepared by local communities and are led by Town or Parish Councils or a Neighbourhood Forum in areas which do not have a Town or Parish Council. If Thanet Council adopt a neighbourhood plan it would have the same significance as other Development Plan Documents (eg the Local Plan) for the District.

The Council designated the Birchington Neighbourhood Plan Area on 8 December 2016 in order that the Town Council could prepare a neighbourhood plan for that area.

Since then, Birchington Parish Council has prepared a neighbourhood plan. It has been formally submitted to the Council and examined by an independent Examiner. The Council has received the Examiner's report which includes recommendations for modifications to the neighbourhood plan, and recommends that it be subject to a referendum.

The Council now has to issue a Decision Statement as to whether or not it accepts the recommendations in the Examiners report, and, if not, what actions would be necessary. The Council also has to consider whether the draft Plan meets the "basic conditions" for a Neighbourhood Plan.

This report sets out relevant issues in the Examiner's report for Cabinet's decision which will also form the basis of the Decision Statement.

Recommendation(s):

- (1) That the draft Neighbourhood Plan be modified as set out in this report, and
- (2) That the Council issues a Decision Statement that it accepts the recommendations in the Examiners report, and the draft Neighbourhood Plan can proceed to referendum.

Corporate Implications

Financial and Value for Money

Referendum costs will be met from existing budgets. The Council receives Government grants at different stages of the neighbourhood plan process, which reimburse costs to a significant degree.

Legal

National legislation and national policies apply (see details below).

Risk Management

There are no risks associated with this report.

Corporate

It is important that the Council meets its statutory duties in relation to Neighbourhood Plans. It is also important to ensure that emerging neighbourhood plans are in general conformity with the Council's adopted Local Plan.

Equality Act 2010 & Public Sector Equality Duty

The PSED is not engaged by the matters raised in this report, which relates to the Council's proposed response to the Examiner's report and recommendations in relation to the draft Birchington Neighbourhood Plan.

Corporate Priorities

This report relates to the following corporate priorities:

- *Environment*
- *Communities*

1.0 Introduction and Background

1.1 Birchington Parish Council have been progressing their Neighbourhood Plan. Part of the Neighbourhood Planning process is for the draft plan to be examined by an independent examiner to test whether or not the draft plan meets the 'basic conditions' and other procedural matters. The Plan was submitted to an Independent Examiner 2, and the Council and the Parish Council received the Examiner's report on 21 July 2023.

1.2 Thanet Council now has to take a decision, and publish that decision, on whether or not to accept the Examiner's report and recommendations and send the draft neighbourhood plan to referendum. This is the first stage in the Neighbourhood Plan process that the local authority formally assesses a neighbourhood plan.

- 1.3 It is considered that the draft Neighbourhood Plan, as amended by the Examiner's recommendations for modifications, is generally to be welcomed. TDC officers have supported the preparation of the draft NP (for example, with policy advice, and in carrying out the Strategic Environmental Assessment (SEA) scoping exercise required).

2.0 The Current Situation

- 2.1 The Neighbourhood Plan process is outlined below (as set out in the Council's Statement of Community Involvement) - we are currently at Stage 4 in the process:

Stage 1 - Neighbourhood Area Designation

The Town or Parish Council apply to the Council for a specific geographic area to be designated to which the Neighbourhood Plan will apply. In Thanet the Neighbourhood Area is usually the Parish or Town boundary, in which case the Council will designate the Neighbourhood Area.

Stage 2 - Preparing the Plan

Following the acceptance of a Neighbourhood Area, the Town or Parish Council undertakes evidence gathering and public engagement activities. This should allow as many people as possible, who will be impacted by the plan, to engage in the process. The Town or Parish Council then prepares, and consults on, a draft plan to reflect the outcomes of their local engagement (Regulation 14).

Stage 3 - Plan Submission

Under Regulation 15, the Neighbourhood Plan is submitted to the Council by the Town/Parish Council. The Plan is then publicised for a minimum of six weeks by the Council and representations are invited (Regulation 16). The Council will publish the consultation on the draft Neighbourhood Plan on its website and will publicise it within the plan area.

Stage 4 - Examination

The Council appoints an independent Examiner to undertake an examination of the proposed Neighbourhood Plan to assess whether the plan meets the basic conditions and other tests within the legislation, and to consider any comments which have been received. The Examiner may then recommend modifications to the Plan if required. The Examiner then provides their report to the Council who publish the report and take the decision on whether the Neighbourhood Plan meets the Basic Conditions and should proceed to referendum. The Council will publish its decision in a Decision Statement.

Stage 5 - Referendum

The community within the Neighbourhood Area (unless the Examiner considers it necessary to extend the referendum to other areas) are asked to vote for the Neighbourhood Plan in a Neighbourhood Planning Referendum organised by the Council. The Neighbourhood Plan must be considered favourably by over 50% of those who vote in order for the Council to adopt it.

Stage 6 - Adoption

Following a positive result at Referendum, the Neighbourhood Plan is then 'made' by the Council at a full Council meeting. The Neighbourhood Plan is then part of the District's Development Plan and used by the Council in determining planning applications.

Neighbourhood Plan Examination

2.2 The role of the Examiner is to recommend either:

- (a) that the neighbourhood plan is submitted to a referendum without changes; or
- (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

2.3 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions;
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum;
- and;
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

2.4 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area;
 - be compatible with and not breach European Union (EU) obligations;
- and;
- meet prescribed conditions and comply with prescribed matters.

- 2.5 It is at this point in the process (and the first formal point in the process) that the Council must come to a formal view about whether the draft neighbourhood plan meets the basic conditions. Regulation 18 of the Neighbourhood Planning Regulations 2012 (as amended), and Schedule 4B of the Town and Country Planning Act 1990 require the local authority to propose any necessary modifications to a neighbourhood plan in order that it can meet the Basic Conditions.
- 2.6 The draft Neighbourhood Plan is generally supported - it has been positively prepared, and includes policies that generally conform with the emerging Local Plan. It is encouraging to see that the Parish Council has included policies which would be too detailed or too specific for the Local Plan, and has a good evidence base to support them.
- 2.7 As required by the Neighbourhood Planning Regulations, Birchington Parish Council carried out the Regulation 14 consultation, and the Council carried out the Regulation 16 consultation. The Council provided formal comments to both consultations, setting out any concerns about the Plan and whether or not it meets the Basic Conditions.
- 2.8 It is considered that some of the amendments made by the Parish Council following the Regulation 14 consultation, and the Proposed Modifications recommended by the Examiner have addressed these concerns.
- 2.9 The Council must issue a Decision Statement setting out whether or not the Neighbourhood Plan meets the Basic Conditions and proceed to Referendum. If the Neighbourhood Plan does meet the Basic Conditions and the Council issues a Decision Statement to say that it should proceed to Referendum, the draft Neighbourhood Plan then carries significant weight in the determination of planning applications once that Decision Notice has been issued.
- 2.10 It is considered that the Birchington Neighbourhood Plan, taken with the modifications set out in the Examiners Report (Annex 1) meets the Basic Conditions and the Neighbourhood Plan should proceed to referendum.

3.0 Options

3.1 Option 1 (recommended)

That Cabinet decides to issue a Decision Statement, that the Birchington Neighbourhood Plan, together with the Examiner's proposed Modifications in Annex 1, meets the Basic Conditions and should proceed to referendum.

Option 2 (not recommended)

That Cabinet decides to issue a Decision Statement that the Birchington Neighbourhood Plan does not meet the Basic Conditions, and proposes further modifications be made to the plan in order for it to do so. These modifications would then require a public consultation.

4.0 Next Steps

- 4.1 A referendum will be held and residents within the Birchington Neighbourhood Plan Area can vote for or against the adoption of the Neighbourhood Plan. If more than 50% of the votes are in favour of the Plan, it must then be formally 'made' (adopted) by Thanet District Council.

Contact Officer: Adrian Verrall (Strategic Planning Manager)

Reporting to: Bob Porter (Director of Place)

Annex List

[Annex 1: Modifications to the Neighbourhood Plan as proposed by the Examiner](#)

Background Papers

[Birchington Neighbourhood Development Plan - Submission Version - 30 November 2021](#)

[Birchington Neighbourhood Plan Examiners Report 21/07/2023](#)

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

Annex 1 - Birchington NP Cabinet Report - 10 August

Modifications proposed by the Examiner to be made to the Neighborhood Plan in order for it to meet the Basic Conditions - track changes

Policy B1

Policy B1: New development ~~and adaptation~~ which accords fully with the Birchington Village-wide Design Guidelines and Site Design Guidance and Codes will be supported.

The Design and Access Statement submitted with a planning application should set out how this policy has been complied with and provide an explanation of any divergence from the requirements of this policy.

Policy B2 - Peripheral Development

Policy B2: Development proposals ~~and adaptation~~ on land allocated for development in the DP, which is adjacent to, and outside the existing urban area, will be supported where it provides continuity and a seamless transition between the new and the character of the existing settlement. Proposals should incorporate measures in design and construction to protect as far as possible existing significant views and vistas.

The Design and Access Statement submitted with a planning application should set out how this policy has been complied with and an explanation of any divergence from the requirements of this policy.

Policy B3

Policy B3: New development ~~and adaptation~~ that responds positively to heritage and character assets that may be affected by the proposals ~~ed changes~~ will be supported.

Policy B4

Policy B4: Planning permission will not normally be supported granted for development resulting in the loss of existing buildings or structures on the local list of heritage assets unless they are deemed unsafe or beyond economic repair.

Agenda Item 3

Annex 1

~~Alterations, extensions or other d~~ Development which would adversely affect the appearance or setting of such buildings or structures or have any adverse impact on significant archaeological assets including Scheduled Monuments, will not be supported.

Policy B5 (no modifications).

Policy B5: Within designated Areas of High Townscape Value, the conservation and / or enhancement of the local character will be the primary planning aim. In furtherance of this aim, development will be supported only where it conforms with Policy B1.

Policy B6

Policy B6: At designated and non-designated archaeological sites of particular significance likely to be affected by, or incorporated into new development, proposals for appropriate information and permanent interpretation to be displayed at the site(s) will be required.

Policy B7

Please delete Policy B7

Policy B8

Policy B8: Proposals for Major New Development ~~and adaptation~~ will be supported where they are shown to be demonstrably sustainable in relation to the provision and use of utility services. ~~accompanied by assurance statements from utility service providers that additional supply and waste management is sustainable and will not be detrimental to existing users.~~

~~Developers should submit a connectivity statement explaining how their proposals will use and future-proof the most effective and up-to-date communications technology.~~

Policy B9 (no modifications).

Policy B9: Planning applications for new development within the Plan Area should demonstrate how they will contribute towards the delivery of community development. Section 106* Heads of Terms must support planning applications for Major Development Proposals in the Parish. Applicants should present these to the Parish Council for discussion during the determination period.

To further this policy, and in the interests of local democracy, the Parish Council would welcome early collaboration with Thanet District Council and Kent County Council in formulating requests for planning obligations to the Local Planning Authority as part of major application proposals in the parish.

Following the adoption of the Plan, the Parish Council will:

- a) Seek to meet with Applicants of planning applications for Major Developments to discuss local infrastructure needs and the features of the development prior to the preparation of a planning application;
- b) Monitor all applications dealing with reserved matters on Major Developments in the Parish to review conformity to the Neighbourhood Plan Policies, providing representations to Thanet District Council as required.

*Or any subsequent legislation governing developer contributions.

Policy B10

Policy B10: The sites identified as open space on the [Birchington-on-Sea green and open spaces map](#) ~~Local Green Space Map~~ and listed below will be protected from development with an equivalent level of protection accorded to areas of protected open space provided by Policy SP32 in the Thanet Local Plan, in accordance with the ~~National Planning Policy Framework 2021~~

5 Birchington Bowls Club and Tennis Courts,

9 King Ethelbert School Open Space and Playing Fields,

15 Canterbury Road/Charlesworth Drive,

17 Primary School Open Space and Playing Field,

19 All Saint's Church Graveyard (excluding the footprint of all buildings) and

25 Open land at St Thomas C of E Church, Minnis Road

Development proposals that provide beneficial proportionate new and/or enhanced public open space will be supported.

The sites identified as Local Green Space on the [Birchington-on-Sea green and open spaces map](#) and listed below will be protected from development in accordance with the National Planning Policy Framework 2021.

8. Queen Bertha's Avenue

18. Norrie Road

20. Duncan Drive

23. The Green, Minnis Bay, and

24. Grenville Gardens

Proposals for development in a designated Local Green Space will not be supported, unless necessary for the use of the land for public recreation or are required for a statutory utility or other public infrastructure purpose.

Policy B11

Policy B11: New development ~~proposals and adaptation of properties~~ adjoining open spaces, countryside and sites designated as Local Green Space ~~which should~~ reflect the character of the area and respect the setting provided by such spaces will be supported subject to other policy requirements.

~~Development should not inhibit or reduce the views, importance and enjoyment of public open spaces:~~

Policy B12

Policy B12: In the open countryside or overlooking the coast, ~~development proposals any intensification of use resulting in adaptation or new buildings~~ should be sustainable, of an appropriate scale and have minimal impact on the character of the open landscape surrounding the village. Development proposals which maintain the views and vistas shown on the Views and Vistas Map as listed below will be supported, subject to other policy requirements.

Point 1 – Hawk Place / Plum Pudding

Points 2 & 3 - Grenham Bay Cliff Tops

Point 4 - Epple Bay Cliff Tops

Point 7 – Canterbury Road at King Ethelbert School:

Point 9 - Park Road:

This policy should be implemented in conjunction with Policy SP24 (Development in the Countryside) of the Thanet Local Plan 2020.

Policy B13

Please delete Policy B13.

Policy B13a

Please delete Policy B13a.

Policy B13b

Policy B13b: Proposals for coastal development ~~which are demonstrably should be~~ compliant with the policies contained in the South-East Inshore Marine Plan adopted by the Marine Management Organisation will be supported.

Policy B14

Integrate with Policy B15 as shown in Appendix 2.

Policy B14 *(incorporating Policy B15 of the submission version of the BNP).*

Policy B14: Proposals for major development which are accompanied by a survey that catalogues the location, health and includes where relevant a management plan for all viable trees and hedgerows on-site will be supported, subject to compliance with other policies in this Plan.

A net gain in the quantity and quality of appropriate trees on all large new planning application sites will be expected, unless supporting design guidelines for the development state that this would be unachievable. In this scenario, the potential for providing new tree planting off-site should be explored.

Policy B16

Policy B16: Landscaping schemes should be consistent with and reinforce local character areas where appropriate. Schemes which improve biodiversity or create new habitat features will be supported.

Policy B17

Development which incorporates, protects and enhances existing public rights of way including footpaths, bridleways, restricted byways and byways open to all traffic as well as cycle routes, or creates new safe routes particularly those serving schools and other community facilities, will be supported, subject to all other policies in the Plan.

The loss of any public rights of way will be resisted unless it can be demonstrated that any diversion or alternative provision would help to improve or enhance safe and convenient routes for pedestrians, cyclists and horse riders.

Policy B18

Policy B18: ~~In order to~~ To encourage safe movement of traffic and to promote the reduction in vehicle use and emissions, development proposals and adaptations will be supported which include appropriate provision of features such as:

- vehicle-free zones
- car club spaces
- charging points and dedicated parking spaces for electric vehicles
- sustainable off-road parking for vehicles, electric scooters, wheelchairs and storage for cycles
- schemes designed to reduce air pollution caused by vehicle emissions including proposals that support and encourage greater use of low- emission public transport and well-being through Active Travel proposals.

Proposals will not be supported where the Local Planning Authority identifies that additional on street parking is will likely to be detrimental to safety or impede access for public transport, emergency vehicles or any other service vehicles.

Policy B19

Policy B19: Except where land has been allocated for other uses within Policy SP16 of the TLP, development will not be supported if it results in the permanent irreversible loss of versatile and productive agricultural land, defined for the purposes of this policy as grade 3a and above, unless it can be clearly demonstrated that:

- 1) the benefits of the proposed development outweigh the harm resulting from the loss of agricultural land;
- 2) there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development; and
- 3) there are no otherwise suitable sites available to facilitate the provision of essential infrastructure to meet the requirements of the Local Plan and/or relevant Local Transport Policy.

Policy B20

Please delete Policy B20

Policy B21

Policy B21: Development of new housing to meet local needs and deliver affordable housing in accordance with the required rate identified in the Local Plan will be supported, subject to other policy requirements.

Any diminution of the requirement contained in the Local Plan relating to any site in the Plan area will be resisted unless it can be clearly and openly demonstrated to the Local Planning Authority ~~to the Parish Council~~ that compliance with the policy (SP23) in the Local Plan would make the proposed development unviable.

Policy B22

Please integrate Policy 22 with Policy 23 as recommended in the consideration of Policy B23.

Policy B24

No modification to Policy B24 is recommended if the Plan is to proceed to referendum.

Policy B25

Policy B25: Development Proposals ~~Any changes~~ in the Plan Area, including changes of use, new or replacement shop fronts and fascias within the commercial areas identified on Map 6 in the Appendix, Part B Maps, ~~that require planning consent~~ should be sensitively managed having regard to the character of the neighbourhood, particularly in the Conservation Area(s) and the Station Road Area of High Townscape Value.

Development which enhances the character of the public realm and/or cultural and leisure space within the commercial areas of the village will be supported, subject to other policies of the Plan.

Policy B26

Please delete Policy B26.

Policy B27

No alterations are necessary to Policy B27 if the Plan is to proceed to referendum.

Policy B28

No alterations are necessary to Policy B28 if the Plan is to proceed to referendum.

Policy B29

No alterations are necessary to Policy B29 if the Plan is to proceed to referendum.

Policy B30

No alterations are necessary to Policy B30 if the Plan is to proceed to referendum.

Policy B31

Please delete Policy B31.

Policy B32

Policy B32: Development that sustains or helps to increase the viable use of existing community leisure and recreation facilities or contributes proportionately towards eliminating the shortfall of provision as set out in the Leisure and Recreation Assessment 2021 comprising;

- a) Football, cricket and provision for badminton (community hall provision); and
- b) for new housing development provides space and facilities for
 - Playing Pitches – Sport England New Housing Development Playing Pitch Calculator Tool.
See Appendix Part 4.
 - Indoor Sport, sports halls, swimming pools and indoor bowls facilities – Sport England Sports Facility Calculator. See Appendix 10.
 - Open Space – Thanet District Council Development Plan standard requirements

for new developments

will be supported.

Development for leisure and recreational facilities that demonstrably encourages Active Travel will be supported.

Policy B33

Please delete Policy B33 and the supporting text.

Policy B34

No modifications are necessary to Policy B34 if the submission draft BNP is to proceed to referendum.

Policy B35

Please delete Policy B35 and references to it in the supporting text to the BNP.

Policy B36

Policy B36: Proposals for protection of public rights of way and provision of new safe and attractive pedestrian and cycle routes across the site allocated for development (Policy SP16 within the Local Plan) ~~whole site~~ that serve the wider community, providing links to Quex Park, Minnis Bay, the railway station, medical centre, designated cycle routes and to the commercial centre of the village, will be supported.

Policy B37

No modifications are necessary to Policy B37 if the submission draft BNP is to proceed to referendum.

Appendix 3

Birchington on Sea Neighbourhood Plan – Submission Version Recommended Revised Policies (Clean)

Policy B1

Policy B1: New development which accords fully with the Birchington Village-wide Design Guidelines and Site Design Guidance and Codes will be supported.

The Design and Access Statement submitted with a planning application should set out how this policy has been complied with and provide an explanation of any divergence from the requirements of this policy.

Policy B2 - Peripheral Development

Policy B2: Development proposals on land allocated for development in the DP, which is adjacent to, and outside the existing urban area, will be supported where it provides continuity and a seamless transition between the new and the character of the existing settlement. Proposals should incorporate measures in design and construction to protect as far as possible existing significant views and vistas.

The Design and Access Statement submitted with a planning application should set out how this policy has been complied with and an explanation of any divergence from the requirements of this policy.

Policy B3

Policy B3: New development that responds positively to heritage and character assets that may be affected by the proposals, will be supported.

Policy B4

Policy B4: Planning permission will not normally be supported for development resulting in the loss of existing buildings or structures on the local list of heritage assets unless they are deemed unsafe or beyond economic repair.

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Development which would adversely affect the appearance or setting of such buildings or structures or have any adverse impact on significant archaeological assets including Scheduled Monuments, will not be supported.

Policy B5 (no modifications).

Policy B5: Within designated Areas of High Townscape Value, the conservation and / or enhancement of the local character will be the primary planning aim. In furtherance of this aim, development will be supported only where it conforms with Policy B1.

Policy B6

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Policy B7

Please delete Policy B7

Policy B8

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Policy B9 (no modifications).

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To further this policy, and in the interests of local democracy, the Parish Council would welcome early collaboration with Thanet District Council and Kent County Council in formulating requests for planning obligations to the Local Planning Authority as part of major application proposals in the parish.

Following the adoption of the Plan, the Parish Council will:

- a) Seek to meet with Applicants of planning applications for Major Developments to discuss local infrastructure needs and the features of the development prior to the preparation of a planning application;
- b) Monitor all applications dealing with reserved matters on Major Developments in the Parish to review conformity to the Neighbourhood Plan Policies, providing representations to Thanet District Council as required.

*Or any subsequent legislation governing developer contributions.

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Proposals for development in a designated Local Green Space will not be supported, unless necessary for the use of the land for public recreation or are required for a statutory utility or other public infrastructure purpose.

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Policy B11: New development proposals adjoining open spaces, countryside and sites designated as Local Green Space which reflect the character of the area and respect the setting provided by such spaces will be supported subject to other policy requirements.

Policy B12

Policy B12: In the open countryside or overlooking the coast, development proposals should be sustainable, of an appropriate scale and have minimal impact on the character of the open landscape surrounding the village. Development proposals which maintain the views and vistas shown on the Views and Vistas Map as listed below will be supported, subject to other policy requirements.

Point 1 – Hawk Place / Plum Pudding

Points 2 & 3 - Grenham Bay Cliff Tops

Point 4 - Epple Bay Cliff Tops

Point 7 – Canterbury Road at King Ethelbert School:

Point 9 - Park Road:

This policy should be implemented in conjunction with Policy SP24 (Development in the Countryside) of the Thanet Local Plan 2020.

Policy B13

Please delete Policy B13.

Policy B13a

Please delete Policy B13a.

Policy B13b

Policy B13b: Proposals for coastal development which are demonstrably compliant with the policies contained in the South-East Inshore Marine Plan adopted by the Marine Management Organisation will be supported.

Policy B14

Integrate with Policy B15 as shown in Appendix 2.

Policy B14 *(incorporating Policy B15 of the submission version of the BNP).*

Policy B14: Proposals for major development which are accompanied by a survey that catalogues the location, health and includes where relevant a management plan for all viable trees and hedgerows on-site will be supported, subject to compliance with other policies in this Plan.

A net gain in the quantity and quality of appropriate trees on all large new planning application sites will be expected, unless supporting design guidelines for the development state that this would be unachievable. In this scenario, the potential for providing new tree planting off-site should be explored.

Policy B16

Policy B16: Landscaping schemes should be consistent with and reinforce local character areas where appropriate. Schemes which improve biodiversity or create new habitat features will be supported.

Policy B17

Development which incorporates, protects and enhances existing public rights of way including footpaths, bridleways, restricted byways and byways open to all traffic as well as cycle routes, or creates new safe routes particularly those serving schools and other community facilities, will be supported, subject to all other policies in the Plan.

The loss of any public rights of way will be resisted unless it can be demonstrated that any diversion or alternative provision would improve or enhance safe and convenient routes for pedestrians, cyclists and horse riders.

Policy B18

Policy B18: *To encourage safe movement of traffic and to promote the reduction in vehicle use and emissions, development proposals will be supported which include appropriate provision of features such as:*

- *vehicle-free zones*
- *car club spaces*
- *charging points and dedicated parking spaces for electric vehicles*
- *sustainable off-road parking for vehicles, electric scooters, wheelchairs and storage for cycles*
- *schemes designed to reduce air pollution caused by vehicle emissions including proposals that support and encourage greater use of low- emission public transport and well-being through Active Travel proposals.*

Proposals will not be supported where the Local Planning Authority identifies that additional on street parking is likely to be detrimental to safety or impede access for public transport, emergency vehicles or any other service vehicles.

Policy B19

Policy B19: Except where land has been allocated for other uses within Policy SP16 of the TLP, development will not be supported if it results in the permanent irreversible loss of versatile and productive agricultural land, defined for the purposes of this policy as grade 3a and above, unless it can be clearly demonstrated that:

- 1) the benefits of the proposed development outweigh the harm resulting from the loss of agricultural land;
- 2) there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development; and
- 3) there are no otherwise suitable sites available to facilitate the provision of essential infrastructure to meet the requirements of the Local Plan and/or relevant Local Transport Policy.

Policy B20

Please delete Policy B20

Policy B21

Policy B21: Development of new housing to meet local needs and deliver affordable housing in accordance with the required rate identified in the Local Plan will be supported, subject to other policy requirements.

Any diminution of the requirement contained in the Local Plan relating to any site in the Plan area will be resisted unless it can be clearly and openly demonstrated to the Local Planning Authority that compliance with the policy (SP23) in the Local Plan would make the proposed development unviable.

Policy B22

Please integrate Policy 22 with Policy 23 as recommended in the consideration of Policy B23.

Policy B23

Policy B23: In relation to affordable housing design, proposals which:

- a) are indistinguishable from market housing, including densities; and
- b) are of a quality no less than dwellings built for private sale, to ensure that the overall character, environment and amenities of the area are sustained or enhanced; and
- c) meet the criteria contained in “Building for a Healthy Life 2020” and respond positively to the Birchington Village-wide and Site Design Guidelines 2021; and

d) are spread throughout the development to maintain diversity of tenures;

will be supported subject to other policy requirements of the Plan.

Where it is not possible for developers to adhere to these requirements, the Design and Access Statement should explain the reasons for non-compliance and offer proposed mitigation.

Policy B24

No modification to Policy B24 is recommended if the Plan is to proceed to referendum.

Policy B25

Policy B25: Development Proposals in the Plan Area, including changes of use, new or replacement shop fronts and fascia's within the commercial areas identified on Map 6 in the Appendix, Part B Maps, should be sensitively managed having regard to the character of the neighbourhood, particularly in the Conservation Area(s) and the Station Road Area of High Townscape Value.

Development which enhances the character of the public realm and/or cultural and leisure space within the commercial areas of the village will be supported, subject to other policies of the Plan.

Policy B26

Please delete Policy B26.

Policy B27

No alterations are necessary to Policy B27 if the Plan is to proceed to referendum.

Policy B28

No alterations are necessary to Policy B28 if the Plan is to proceed to referendum.

Policy B29

No alterations are necessary to Policy B29 if the Plan is to proceed to referendum.

Policy B30

No alterations are necessary to Policy B30 if the Plan is to proceed to referendum.

Policy B31

Please delete Policy B31.

Policy B32

Agenda Item 3

Annex 1

Policy B32: Development that sustains or helps to increase the viable use of existing community leisure and recreation facilities or contributes proportionately towards eliminating the shortfall of provision as set out in the Leisure and Recreation Assessment 2021 comprising;

- a) **Football, cricket and provision for badminton (community hall provision); and**
- b) **for new housing development provides space and facilities for**
 - **Playing Pitches – Sport England New Housing Development Playing Pitch Calculator Tool. See Appendix Part 4.**
 - **Indoor Sport, sports halls, swimming pools and indoor bowls facilities – Sport England Sports Facility Calculator. See Appendix 10.**
 - **Open Space – Thanet District Council Development Plan standard requirements for new developments**

will be supported.

Development for leisure and recreational facilities that demonstrably encourages Active Travel will be supported.

Policy B33

Please delete Policy B33 and the supporting text.

Policy B34

No modifications are necessary to Policy B34 if the submission draft BNP is to proceed to referendum.

Policy B35

Please delete Policy B35 and references to it in the supporting text to the BNP.

Policy B36

Policy B36: Proposals for protection of public rights of way and provision of new safe and attractive pedestrian and cycle routes across the site allocated for development (Policy SP16 within the Local Plan) that serve the wider community, providing links to Quex Park, Minnis Bay, the railway station, medical centre, designated cycle routes and to the commercial centre of the village, will be supported.

Policy B37

No modifications are necessary to Policy B37 if the submission draft BNP is to proceed to referendum.

BROADSTAIRS & St PETERS DRAFT NEIGHBOURHOOD PLAN REVIEW

Extraordinary Cabinet	10 August 2023
Report Author	Adrian Verrall (Strategic Planning Manager)
Portfolio Holder	Councillor Everitt - Leader of the Council and Cabinet Member for Strategy and Transformation
Status	For Decision
Classification:	Unrestricted
Key Decision	No - Policy Framework
Reasons for Key	N/A
Ward:	Beacon Road, Kingsgate, Bradstowe, St Peters, Viking

Executive Summary:

Under the Localism Act 2011, Neighbourhood plans can be prepared by local communities and are led by Town or Parish Councils or a Neighbourhood Forum in areas which do not have a Town or Parish Council. If Thanet Council adopt a neighbourhood plan it would have the same significance as other Development Plan Documents (eg the Local Plan) for the District.

The Broadstairs & St Peter's Neighbourhood Plan was 'made' in May 2021. Since then, Broadstairs & St Peters Town Council have been reviewing the Plan.

The process for a Neighbourhood Plan Review depends on the significance of the changes being made to the plan, as set out in National Planning Policy Guidance. In this case, the changes were considered to be significant enough to change the nature of the plan and therefore require an examination and referendum. The process for the neighbourhood plan review is therefore the same as for a neighbourhood plan, as set out in this report.

The Neighbourhood Plan Review was submitted for independent Examination and the Examiners report was received on 22 June 2023. The report includes modifications to the plan for it to meet the Basic Conditions and recommends that the plan, along with those modifications, should proceed to referendum.

The Council now has to issue a Decision Statement as to whether or not it accepts the recommendations in the Examiners report, and, if not, what actions would be necessary. The Council also has to consider whether the draft Plan meets the "basic conditions" for a Neighbourhood Plan.

This report sets out relevant issues in the Examiners report for Cabinet's decision which will also form the basis of the Decision Statement.

Recommendation(s):

- (1) That the draft Neighbourhood Plan Review be modified as set out in this report, and
- (2) That the Council issues a Decision Statement that it accepts the recommendations in the Examiners report, and the draft Neighbourhood Plan can proceed to referendum.

Corporate Implications

Financial and Value for Money

Referendum costs will be met from existing budgets. The Council receives Government grants at different stages of the neighbourhood plan process, which reimburse costs to a significant degree.

Legal

National legislation and national policies apply (see details below).

Risk Management

The primary risk in relation to this matter is that, as a result of the Cabinet dates, the Council cannot meet the 5-week deadline set out in the Regulations. However, the Regulations allow for this, where the Neighbourhood Plan qualifying body agrees to an extension. Officers have contacted Broadstairs & St Peter's Town Council regarding this matter, and at the time of writing, a formal response is awaited. However, this extraordinary Cabinet is the earliest possible meeting, and to delay the report until a response is received would have delayed this report until the September Cabinet meeting.

Corporate

It is important that the Council meets its statutory duties in relation to Neighbourhood Plans. It is also important to ensure that emerging neighbourhood plans are in general conformity with the Council's adopted Local Plan.

Equality Act 2010 & Public Sector Equality Duty

The PSED is not engaged by the matters raised in this report, which relates to the Council's proposed response to the Examiner's report and recommendations in relation to the draft Broadstairs & St Peter's Neighbourhood Plan.

Corporate Priorities

This report relates to the following corporate priorities:

- *Environment*
- *Communities*

1.0 Introduction and Background

- 1.1 Broadstairs & St Peter's Town Council have been progressing their Neighbourhood Plan Review. National Planning Policy Guidance sets out three types of modification which can be made to a neighbourhood plan (Paragraph: 106 Reference ID: 41-106-20190509):
- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
 - Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
 - Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.
- 1.2 The Town Council is required to set out whether they consider that the modifications are so significant or substantial to change the nature of the plan (giving reasons) at both Regulation 14 and Regulations 16 stages. TDC also has to set out its assessment of the significance of the modifications when it submits the Neighbourhood Plan Review to an Examiner. Both assessments concluded that the modifications to the plan are material modifications which do change the nature of the plan.
- 1.3 The Neighbourhood Plan states that it has been modified to reflect major international world changes since the publication of the first Edition, including slowing climate change and reducing carbon emissions and rapid social changes resulting from the Covid-19 pandemic. The Neighbourhood Plan is also being reviewed to align with the plan period of the Thanet Local Plan Review. The main changes include:
- Updated Objectives
 - New policy on Clean Air for Residents
 - New policy on Biodiversity Net Gain
 - Updated policy on Important Trees to reflect recent Tree Strategy
 - Updates to Shopping Areas policy to reflect new use classes
 - New policy on Uses Promoting Health and Exercise
 - Three new Local Green Spaces
 - The introduction of a Design Code
- 1.4 Broadstairs & St Peter's Town Council carried out a variety of consultation events before carrying out their first formal consultation (Reg14) between 28 March - 06 June 2022. TDC provided a formal response to that consultation - some of those comments were taken into account. The Town Council then submitted the Neighbourhood Plan and associated documents to the Council. TDC carried out its

Regulation 16 consultation between 9 February - 23 March 2023, and again made a formal response to the consultation.

- 1.5 The Plan was submitted for independent Examination to test whether or not the draft plan meets the 'basic conditions' and also the significance of the modifications to the plan and whether or not a referendum would be required. The Council and the Town Council received the Examiner's report of that Examination on 22 June 2023. The Examiner concluded that it would be necessary for the plan to be subject to a referendum, and proposed Modifications to the plan in order for it to do so and to meet the Basic Conditions.
- 1.6 Thanet Council now has to take a decision, and publish that decision, on whether or not to accept the Examiner's report and recommendations and send the draft neighbourhood plan to referendum. This is the first stage in the Neighbourhood Plan process that the local authority formally assesses a neighbourhood plan. This should be carried out within 5 weeks of receiving the report, or a date agreed with the Town Council. Due to the dates of Cabinet meetings, it was not possible for the Council to issue a Decision Statement within 5 weeks of receiving the report. The Town Council requested for the Decision to be presented to the first available Cabinet meeting.
- 1.7 It is considered that the draft Neighbourhood Plan Review, as amended by the Examiner's recommendations for modifications, is generally to be welcomed. TDC officers have supported the preparation of the draft NP (for example, with policy advice, and in carrying out the Strategic Environmental Assessment (SEA) scoping exercise required).

2.0 The Current Situation

- 2.1 The Neighbourhood Plan process is outlined below (as set out in the Council's Statement of Community Involvement) - we are currently at Stage 4 in the process. The process is the same for this review of a Neighbourhood Plan from Stage 2 onwards, as the changes to the plan are considered to be significant.

Stage 1 - Neighbourhood Area Designation

The Town or Parish Council apply to the Council for a specific geographic area to be designated to which the Neighbourhood Plan will apply. In Thanet the Neighbourhood Area is usually the Parish or Town boundary, in which case the Council will designate the Neighbourhood Area.

Stage 2 - Preparing the Plan

Following the acceptance of a Neighbourhood Area, the Town or Parish Council undertakes evidence gathering and public engagement activities. This should allow as many people as possible, who will be impacted by the plan, to engage in the process. The Town or Parish Council then prepare, and consult on, a draft plan to reflect the outcomes of their local engagement (Regulation 14).

Stage 3 - Plan Submission

Under Regulation 15, the Neighbourhood Plan is submitted to the Council by the Town/Parish Council. The Plan is then publicised for a minimum of six weeks by the Council and representations are invited (Regulation 16). The Council will publish the consultation on the draft Neighbourhood Plan on its website and will publicise it within the plan area.

Stage 4 - Examination

The Council appoints an independent Examiner to undertake an examination of the proposed Neighbourhood Plan to assess whether the plan meets the basic conditions and other tests within the legislation, and to consider any comments which have been received. The Examiner may then recommend modifications to the Plan if required. The Examiner then provides their report to the Council who publish the report and take the decision on whether the Neighbourhood Plan meets the Basic Conditions and should proceed to referendum. The Council will publish its decision in a Decision Statement.

Stage 5 - Referendum

The community within the Neighbourhood Area (unless the Examiner considers it necessary to extend the referendum to other areas) are asked to vote for the Neighbourhood Plan in a Neighbourhood Planning Referendum organised by the Council. The Neighbourhood Plan must be considered favourably by over 50% of those who vote in order for the Council to adopt it.

Stage 6 - Adoption

Following a positive result at Referendum, the Neighbourhood Plan is then 'made' by the Council at a full Council meeting. The Neighbourhood Plan is then part of the District's Development Plan and used by the Council in determining planning applications.

Neighbourhood Plan Examination

2.2 The role of the Examiner is to recommend either:

- (a) that the neighbourhood plan is submitted to a referendum without changes; or
- (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

- 2.3 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions;
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act').
- These are:
- it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum;
- and;
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').
- 2.4 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan for the area;
 - be compatible with and not breach European Union (EU) obligations;
- and;
- meet prescribed conditions and comply with prescribed matters.
- 2.5 It is at this point in the process (and the first formal point in the process) that the Council must come to a formal view about whether the draft neighbourhood plan meets the basic conditions. Regulation 18 of the Neighbourhood Planning Regulations 2012 (as amended), and Schedule 4B of the Town and Country Planning Act 1990 require the local authority to propose any necessary modifications to a neighbourhood plan in order that it can meet the Basic Conditions.
- 2.6 The draft Neighbourhood Plan is generally supported - it has been positively prepared, and includes policies that generally conform with the Local Plan. It is encouraging to see that the Town Council has included policies which would be too detailed or too specific for the Local Plan, and has a good evidence base to support them.

- 2.7 As required by the Neighbourhood Planning Regulations, Broadstairs & St Peter's Town Council carried out the Regulation 14 consultation, and the Council carried out the Regulation 16 consultation. The Council provided formal comments to both consultations, setting out any concerns about the Plan and whether or not it meets the Basic Conditions.
- 2.8 It is considered that some of the amendments made by the Town Council following the Regulation 14 consultation, and the Proposed Modifications recommended by the Examiner have addressed these concerns.
- 2.9 The Council must issue a Decision Statement setting out whether or not the Neighbourhood Plan Review meets the Basic Conditions and should proceed to Referendum. If the Neighbourhood Plan does meet the Basic Conditions and the Council issues a Decision Statement to say that it should proceed to Referendum, the draft Neighbourhood Plan then carries significant weight in the determination of planning applications once that Decision Notice has been issued.
- 2.10 It is considered that the Broadstairs & St Peter's Neighbourhood Plan Review, taken with the modifications set out in the Examiners Report (annex 1) meets the Basic Conditions and the Neighbourhood Plan Review should proceed to referendum.

3.0 Options

3.1 Option 1 (recommended)

That Cabinet decide to issue a Decision Statement, that the Broadstairs & St Peter's Neighbourhood Plan Review, together with the Examiners proposed Modifications in Annex 1, meets the Basic Conditions and should proceed to referendum.

Option 2 (not recommended)

That Cabinet decide to issue a Decision Statement that the Broadstairs & St Peter's Neighbourhood Plan Review does not meet the Basic Conditions, and proposes further modifications be made to the plan in order for it to do so. These modifications would then require a public consultation.

4.0 Next Steps

- 4.1 A referendum will be held and residents within the Broadstairs & St Peter's Neighbourhood Plan Area can vote for or against the adoption of the Neighbourhood Plan. If more than 50% of the votes are in favour of the Plan, it must then be formally 'made' (adopted) by Thanet District Council.

Contact Officer: *Adrian Verrall (Strategic Planning Manager)*

Reporting to: *Bob Porter (Director of Place)*

Annex List

[Annex 1: Modifications to the Neighbourhood Plan as proposed by the Examiner](#)

Background Papers

[Broadstairs & St Peter's Neighbourhood Development Plan Review - Submission Version December 2022](#)

[Broadstairs & St Peter's Neighbourhood Plan Examiners Report 22/06/2023](#)

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

Annex 1 - Broadstairs & St Peter's NP Review Cabinet Report - 10 August

Modifications proposed by the Examiner to be made to the Neighborhood Plan in order for it to meet the Basic Conditions

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 8	<p><u>Section 6.0 – Strategic Environmental Assessment and Habitats Regulations Assessment</u></p> <p>Note correct title as above.</p> <p>Delete existing text in full, and replace with:</p> <p>“The draft of this Plan was screened by TDC in April 2022 to determine whether it required a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA).</p> <p>The Screening Report concluded that the NDP 2nd Edition will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore did not need to be subject to SEA.</p> <p>The Screening Report also concluded that the NDP 2nd Edition does not include any proposals that would be likely to adversely affect the integrity of the European sites or in combination with other projects and plans and that a full HRA Appropriate Assessment of the NDP was not required.</p> <p>The SEA and HRA Screening Report is available as a background document to this Plan on the Town Council’s Neighbourhood Plan web-page¹.” (Insert footnote as below).</p>
PM2	Page 15	<u>Policy CC1 – Clean Air for Residents</u>

¹ [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

Agenda Item 4 Annex 1

		2 nd line of Policy text – correct “polution” to read “ pollution ”.
PM3	Page 16	<p><u>Policy CC2 (Biodiversity)</u></p> <p>Amend Policy text to read:</p> <p>“In accordance with the Environment Act 2021 and national policy guidance, all qualifying planning applications for new development (mainly relating to residential, commercial and infrastructure development) in the Neighbourhood Plan area will need to provide a Biodiversity Net Gain (BNG) improvement of at least 10% above the baseline position. Such provision should be made on-site where possible, or at a suitable off-site location where on-site provision is not possible.”</p>
PM4	Pages 23-25	<p><u>Policy BSP3a – Providing important trees, Policy BSP3b – Protecting important trees and Policy BSP3c – Remedial Tree Works</u></p> <p>Delete all Policy text in full, and replace with:</p> <p><u>“Policy BSP3 – Protecting and Providing Important Trees</u></p> <p>“The Town Council will support proposals for new development which demonstrate that they will safeguard the protected and other significant trees within the Plan area. Proposals for additional tree planting will be encouraged as part of proposed new developments in order to achieve a net gain in the quantity of trees within landscaping schemes. The Town Council will assess all proposals in the context of its Tree Strategy (2022), including remedial works to existing trees, and the Tree Strategy is available as a background document to this Plan on the Town Council’s Neighbourhood Plan web-page².” (Insert footnote as below).</p> <p>Page 23 – delete the words “<i>through the introduction of several new tree policies to the NDP.</i>” in the third paragraph of sub-section 9.2.4.</p> <p>Amend Contents Page (Page 3) accordingly.</p>
PM5	Page 27	<u>Policy BSP4 – Seafront Character Zones</u>

² [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

Agenda Item 4

Annex 1

		Delete the reference to "Map 5" in the second line of Policy text and replace with " Map 6 ".
PM6	Pages 29 and 56	<p><u>Policy BSP5 – Designation of Local Green Spaces (LGS)</u></p> <p>Delete the former Joss Bay Picnic Site as a proposed Local Green Space from Map 7 and the listing at Appendix 2.</p> <p>Delete the detailed map of the Joss Bay Picnic Site from the Town Council's web-site at: https://www.broadstairs.gov.uk/UserFiles/Files/Green space%20Joss%20Bay</p> <p>Delete the second paragraph of the Policy text and replace with:</p> <p>"Development proposals in designated Local Green Space will be managed in accordance with national policy for Green Belts."</p>
PM7	Page 35	<p><u>Policy BSP7 – Areas of High Townscape Value</u></p> <p>Delete existing Policy text in full and replace with:</p> <p>"Within the five Areas of Townscape Value, as defined on Map 8 and on the detailed maps at Appendix 3, the conservation and/or enhancement of the special local character will be the primary planning objective. Accordingly, the Town Council will support development proposals only where it is demonstrated that the proposals have taken account of the design guidance and codes contained in the Broadstairs & St. Peter's Design Guidance and Codes (AECOM, 2022), which is a supporting document to this NDP and available on the Town Council's Neighbourhood Plan web-page³." (Insert footnote as below).</p>
PM8	Page 37	<p><u>Policy BSP9 – Design in Broadstairs & St. Peter's</u></p> <p>Add the following text to the second sentence of Policy text:</p> <p>"which is a supporting document to this NDP and available on the Town Council's Neighbourhood Plan web-page⁴." (Insert footnote as below).</p>

³ [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

⁴ [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

Agenda Item 4

Annex 1

		<p>Delete the second paragraph of Policy text and replace with:</p> <p>“Proposals for new development in the NDP area should include a summary of how this has been achieved as part of the design and access statement accompanying planning applications.”</p>
PM9	Page 41	<p><u>Policy BSP10 – Shopping Areas</u></p> <p>Delete reference to Maps 8 and 9 in the second line of Policy text, and replace with:</p> <p>“Maps 9, 10 and 11”</p>
PM10	Page 43	<p><u>Policy BSP13 – Live-work Space</u></p> <p>Replace “small scale” in the first line of Policy text with “small-scale”.</p>
PM11	Page 45	<p><u>Policy BSP15 – Uses promoting Health and Exercise</u></p> <p>Delete existing Policy text in full and replace with:</p> <p>“Proposals for the development of gyms, fitness centres or other indoor and outdoor facilities that promote active exercise or participation in sport will be supported, provided that the proposals are in accord with other relevant Policies in this NDP.”</p>
PM12	Page 51	<p>Section 11 – Monitoring and Review</p> <p>Page 51 - add new third paragraph of text to read as follows:</p> <p>“Future reviews of the NDP will take account of the emerging review of the Thanet Local Plan which will cover the period from 2031 up to 2040.”</p>