
PROPOSED NEIGHBOURHOOD PLAN AREA FOR BROADSTAIRS & St PETERS

To: **Cabinet – 18 June 2015**

Main Portfolio Area: **Housing and Planning Services**

By: **Councillor Lin Fairbrass, Portfolio Holder for Community Services**

Classification: **Unrestricted**

Ward: **Beacon Road, Kingsgate, Bradstowe, St Peters, Viking**

Summary: **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. The first stage of the neighbourhood planning process is to define a neighbourhood area which the neighbourhood plan will apply to.**

The Council received an application to designate a neighbourhood area from Broadstairs & St Peters Town Council. The Council has consulted on the application, as required by legislation. This report sets out the responses to the consultation and recommends that a Broadstairs & St Peters Neighbourhood Area is designated.

For Decision

1.0 Introduction and Background

- 1.1 Under the Localism Act 2011, the government has introduced new legislation that gives greater weight to community-led planning. The Act introduced four new community rights, including the right to plan, which gives communities the right to have a say in the future of the places where they live, through drawing up a neighbourhood plan.
- 1.2 Neighbourhood plans are prepared by a relevant body (as defined in section 61G of the 1990 Town & Country Planning Act) who can either be a town or parish council, or a neighbourhood forum in areas not covered by town or parish councils. Neighbourhood forums are designated by the Council. Once adopted, neighbourhood plans become a statutory plan for the neighbourhood

planning area. Planning policies in neighbourhood plans will carry the same weight as local plan policies in making decisions on planning applications.

- 1.3 Neighbourhood plans need to be compatible with national planning policies and the policies in the Council's local plan. The Council's Local Plan will set the context within which neighbourhood plans will sit. Neighbourhood plans will be about local rather than strategic issues, for example, where new shops, offices or homes should go or how a development site allocated in the Local Plan should come forward and what it should look like. They should be focused on guiding development and cannot be used to block development.
- 1.4 Annexes 1, 2 and 3 set out a summary of the steps in the process of developing a neighbourhood plan, copies of the submissions from Broadstairs & St Peters Town Council and a copy of the consultation responses received.

2.0 The Current Situation – Application Submitted and Consultation

- 2.1 The first formal stage in the neighbourhood planning process (outlined in Annex 1) is for the communities preparing plans to submit their proposed neighbourhood planning area to the council for designation.
- 2.2 Broadstairs & St Peters Town Council has submitted a neighbourhood planning area for designation.
- 2.3 The Council is obliged under the Neighbourhood Planning Regulations to carry out a public consultation on proposed neighbourhood plan area for a minimum of 6 weeks. The consultation for the Broadstairs & St Peters neighbourhood plan area was carried out from 12th November – 24th December 2014. The following methods were used for the consultation:
 - Applications and relevant documents available on the Councils website.
 - People registered on the consultation portal were contacted inviting comments on the consultations
 - Paper copies of the consultations documents and questionnaire available at the Gateway and local libraries
 - Adverts in local newspapers
 - Posters displayed
 - Notices displayed in the affected wards

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Proposal

- 2.4 The map submitted follows the parish boundaries. The supporting statement describes how face to face meetings, paper questionnaires and an online consultation were used to encourage stakeholders to consider the boundary of the Neighbourhood Plan. Printed maps were used to identify issues and stimulate debate about the boundary. Interaction and open debate was encouraged to reach a decision that was ultimately supported by a majority vote: the whole of the parish of Broadstairs and St. Peter's should be

designated as a neighbourhood area. The supporting statement and map can be found in Annex 2.

Summary of Responses

- 2.5 Consultation responses are set out in full at Annex 3.
- 2.6 During the Council's public consultation, 168 people responded to the questionnaire. 90% of responses supported the proposed neighbourhood plan area. Of the supporting comments, 21 made specific reference to the inclusion of the part of the area at Westwood, reasons including Thanet should not be fragmented any further and the positives and negatives of Westwood should be shared between all three towns.

There were no significant comments raised in the objections to the proposed neighbourhood plan area – some did not give a reason, or had misunderstood the consultation question. Four objections specifically mentioned the inclusion of Westwood, reasons including Westwood having different needs and ambitions to the rest of Broadstairs, the inclusion of Westwood in neighbourhood plan areas would create a piecemeal approach and that the proposed area is too big as it is anyway. One comment was made that designating the area would split Broadstairs from the rest of Thanet.

3.0 Options

- 3.1 In determining a neighbourhood area application, the Council must consider:
- How desirable it is to designate the whole of the parish area as a neighbourhood area, and
 - How desirable it is to maintain the existing boundaries of areas already designated as neighbourhood areas (as areas designated must not overlap),
 - Proposed areas by a neighbourhood forum do not include any parished areas
 - Whether the area should be designated as a business area in accordance with Section 61G and H of the Town and Country Planning Act 1990.
 - that the submission has been made by a 'relevant body' – a parish council or an organisation of body that is capable of being designated as a neighbourhood forum
- 3.2 Government guidance suggests that the Local Planning Authority should aim to designate the Neighbourhood Planning area applied for unless it considers the area is not appropriate. Where it does so, it must give reasons.
- 3.3 To assess the appropriate area the Local Planning Authority must ensure neighbourhood areas are coherent, consistent and appropriate in planning terms. As well as taking on board comments received from consultation other factors to consider might include:
- any natural or man-made features (such as rivers or mountains, roads, railway lines or canals)

- catchment areas for current and planned infrastructure and services (e.g. schools)
 - development proposals and allocations
 - environmental designations.
- 3.4 Unless there are valid planning reasons the Local Planning Authority must designate the proposed neighbourhood plan area. If the Local Planning Authority considers the area not to be appropriate it must issue a refusal notice, explaining why, and designate a revised plan area to include some or all of the originally proposed area.
- 3.5 Where a proposed neighbourhood area is one that is wholly or predominantly business in nature, the local authority may decide to designate it as a business area. This has the effect of allowing business people to vote in an additional referendum on whether to bring the neighbourhood plan into force.

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- 3.6 The proposed area follows the boundary under the jurisdiction of Broadstairs and St Peters Town Council.
- 3.7 The proposed Broadstairs and St Peters neighbourhood plan area includes part of the area allocated in the Preferred Options draft Local Plan under Policy SP07 – Westwood.
- 3.8 The Local Plan identifies Westwood as a strategic site and states that the primary task of The Local Plan will be to guide land use and investments to maintain and develop its role as a mixed use business and residential community between the coastal towns. The plan identifies the key issues for Westwood as:
- Developing it into a fully-fledged residential community
 - Scale and timing of any expansion appropriate to 2031
 - The range of uses appropriate
 - Optimising safe movement by pedestrians and cyclists within the commercial area
 - Successfully reducing current levels of traffic congestion
- 3.9 The proposed Broadstairs and St Peters neighbourhood plan area that falls within the Westwood strategic allocation includes parts of the primary and secondary frontages for retail development, and the Thanet Reach mixed use area. An application has been submitted by Ramsgate neighbourhood plan area which also includes parts of the primary and secondary frontages for retail development, the Eurokent mixed use area and Jackey Bakers. The Margate neighbourhood plan area which has already been designated includes part of the Westwood housing allocation. A map showing the three neighbourhood areas and Westwood can be found in Annex 4.
- 3.10 Officers met with representatives from Broadstairs and St Peters and Ramsgate town councils to discuss the issue of the proposed neighbourhood plan areas and the strategic allocation of Westwood.

3.11 The town councils consider that the relevant areas of Westwood should remain within their neighbourhood plan areas to ensure that they are included in the communities which they serve as this will result in better businesses, would be more likely to result in local employment and would ensure good design.

3.12 The National Planning Practice Guidance states that:

‘The local planning authority should aim to designate the area applied for. However, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas.’

It also states that when a neighbourhood area is being designated the local planning authority should avoid pre-judging what a qualifying body may include in their draft neighbourhood plan.

3.13 If a neighbourhood plan reaches the Examination stage in the process, it must meet a number of ‘basic conditions’ to be able to proceed to referendum. One of these conditions is:

‘the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority’

The term ‘general conformity’ considers:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.

3.14 The Town Councils have advised that they are already working together so any neighbourhood plan policies for Westwood will have a comprehensive approach.

3.15 It is considered that the proposed neighbourhood plan areas, as submitted, should be designated as the Local Plan will address the main, comprehensive, strategic planning and development policies for all of the

areas designated at Westwood. The requirements of the 'basic conditions' for the Examination of a neighbourhood plan, and details in the National Planning Practice Guidance make it clear that any neighbourhood plan policies relating to a strategic site must reflect and build on the aims of those policies and must not undermine those policies. The Council must also be satisfied that a draft neighbourhood plan meets the basic conditions before arranging the examination. It is therefore considered appropriate for the proposed neighbourhood plan areas to be designated, as submitted, following the relevant parish boundaries.

4.0 Corporate Implications

4.1 Financial and VAT

- 4.1.1 When the Council has introduced a Community Infrastructure Levy (CIL) charging system, town and parish councils will receive 15% of the money raised from development. In areas where a neighbourhood plan has been voted for at referendum and brought into force by the Council, town and parish councils will receive 25% of money raised from development in the neighbourhood plan area.

The Localism Act sets out what neighbourhood CIL can be spent on:

‘the provision, improvement, replacement, operation or maintenance of infrastructure - or anything else that is concerned with addressing demands that development places on an area’.

- 4.1.2 Future work on developing neighbourhood plans will require Council resources including staff time. A local planning authority must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated (section 61G(5) of the Town and Country Planning Act 1990 Act as applied to Neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004). Once the Ramsgate and Broadstairs & St Peters neighbourhood areas have been designated, there will be a total of four in Thanet, including the previously designated Margate and Cliffsend areas. As the community groups progress their neighbourhood plans, there will be a significant implication on staff resources, since neighbourhood planning is currently carried out part-time by a strategic planning officer. The council has a duty to support the neighbourhood planning process – a list of tasks this will involve can be found in Annex 5.
- 4.1.3 There will also be administrative costs associated with consultations and other stages of neighbourhood plan preparation, such as advertising, printing and the referendum.
- 4.1.4 The government have set up a fund to cover the costs of neighbourhood planning. This is proposed to cover both staff costs and administrative costs.

4.1.5 The Council can obtain the funding as each neighbourhood plan proposal reaches a particular stage:

- £5,000 following each neighbourhood area designation
- £5,000 following each neighbourhood forum designation
- £5, 000 when a LPA publicises a neighbourhood plan prior to examination
- £20,000 on successful completion of a neighbourhood plan examination.

4.1.6 Democratic services are considering the potential costs of a referendum, based upon the applications we have received, to understand whether the funding available will cover the costs to the Council.

4.2 Legal

4.2.1 The relevant provisions for neighbourhood planning are set out in Sections 61E to 61Q of the Town and Country Planning Act 1990 (as amended). The Neighbourhood Planning (General) Regulations 2012 set out the requirement for the Council to consult for a minimum of 6 weeks, following the submission of an application for the designation of a proposed neighbourhood plan area and proposed neighbourhood plan forum.

4.2.2 The relevant legislation requires the following to be submitted in an application for a neighbourhood planning area:

- a map identifying the area
- statement explaining why it is considered an appropriate neighbourhood area
- statement that the organisation making the application is a relevant body

4.2.3 It is considered that Broadstairs & St Peters Town Council meets these requirements with their application. The map and statements are included in Annex 2.

4.3 Corporate

4.3.1 Neighbourhood planning proposals support the following Corporate Plan priorities:

Priority 1 – Economy and Growth
Priority 3 – Community and Voluntary
Priority 7 - Home and Community
Priority 10 – Working in Partnership
Priority 11 – Preserving our Public Spaces

4.4 Equity and Equalities

4.4.1 An Equalities Impact Assessment has not been carried out as there are no plans or projects identified at this stage – only the areas to which any neighbourhood plans will apply.

5.0 Recommendation

- 5.1 That the Broadstairs & St Peters Neighbourhood Plan Area be designated as shown at Annex 2.

6.0 Decision Making Process

- 6.1 This is a non-key decision subject to call in.

Contact Officer:	Jo Wadey, Strategic Planning Officer, 7145
Reporting to:	Larissa Reed, Director of Community Services

Annex List

Annex 1	Outline of Neighbourhood Planning Process
Annex 2	Broadstairs & St Peters Submissions – Plan Area Statement and Map
Annex 3	Consultation Responses – Broadstairs & St Peters Plan Area
Annex 4	Map showing neighbourhood plan areas and Westwood
Annex 5	List of tasks under the Duty to Support

Corporate Consultation Undertaken

Finance	Nicola Walker, Financial Service Manager
Legal	Ciara Feeney, Senior Locum Lawyer
Corporate	Hannah Thorpe, PR & Publicity Manager