

## **Broadstairs and St Peters Neighbourhood Plan Adoption**

<b>Council</b>	3 June 2021
<b>Report Author</b>	Adrian Verrall, Strategic Planning Manager
<b>Corporate Director</b>	Tim Willis, Deputy Chief Executive
<b>Portfolio Holder</b>	Cllr Rick Everitt, Cabinet Member for Port and Harbours Ramsgate, Regeneration and Planning
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	Policy Framework
<b>Reasons for Key</b>	N/A
<b>Previously Considered by</b>	Cabinet - 16th December 2019
<b>Ward:</b>	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 Relevant neighbourhood area.

Broadstairs & St Peters Town Council have prepared a neighbourhood plan which has been examined by independent Examiners and progressed to referendum, as agreed by Cabinet on 16th December 2019.

The referendum took place on 6th May 2021. The result was that 5643 people voted for the neighbourhood plan and 836 voted against it. As more than half of those who voted, voted in favour of the neighbourhood plan, the plan now comes into force as part of the Development Plan, and the Council must formally 'make' the plan within 8 weeks of the date of the referendum.

### **Recommendation(s):**

That Council resolve to make the Broadstairs & St Peters Neighbourhood Plan.

### **Corporate Implications**

#### **Financial and Value for Money**

N/A.

## **Legal**

The council must make the Neighbourhood Plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 or refuse to make the Neighbourhood Plan under section 38A(6) of the same Act.

## **Corporate**

There are no corporate risks associated with this report.

## **Equality Act 2010 & Public Sector Equality Duty**

This decision relates only to the “making” of the Plan, which has been considered through Examination, and been supported through the referendum. The Council’s only role at this stage is to consider whether the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). If not, the plan must be “made”.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- *Communities*

### **1.0 Introduction and Background**

- 1.1 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 adopts a neighbourhood plan it would have the same significance as other Development Plan Documents (eg the Local Plan) for the relevant neighbourhood area.
- 1.2 The draft Broadstairs & St Peters Neighbourhood Plan has been examined by an Independent Examiner who issued his report on 14 June 2019. The Examiner recommended a number of modifications to the Plan and that, subject to those modifications being accepted, it should proceed to referendum
- 1.3 The Plan was then re-examined on a specific issue regarding two proposed Local Green Spaces. Cabinet agreed that the second Examination should be held at a meeting on 16 December 2019, and the resolution included progressing the neighbourhood plan to referendum once the Examiners report had been received. The Examiner issued his report on 8 July 2020 and recommended further modifications to the Plan and that, subject to those modifications and those of the previous Examiner being accepted, it should proceed to referendum.
- 1.4 The referendum took place on 6th May 2021 - this was the earliest available referendum date due to restrictions in place because of COVID. The result was that 5643 people voted for the neighbourhood plan and 836 voted against it. As more than half of those who voted, voted in favour of the neighbourhood plan, the plan now comes into force as part of the Development Plan, and the Council must formally

'make' (ie adopt) the plan within 8 weeks of the date of the referendum. The only circumstances the Council can refuse to make the neighbourhood plan is if it is considered it would breach, or be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). This includes matters such as Strategic Environmental Assessment. No breaches of any European Union obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998) have been identified during the Neighbourhood Plan process and the Council is now requested to make the decision to formally make the Broadstairs & St Peter's Neighbourhood Plan.

- 1.5 The Neighbourhood Plan forms part of the development plan for Thanet, and will be part of the decision making process for determining planning applications in the Broadstairs & St Peter's neighbourhood plan area.

## 2.0 Options

- 2.1 **Option 1 (Recommended)** That Council resolve to make the Broadstairs and St Peters Neighbourhood Plan.
- 2.2 **Option 2 (Not recommended)** That Council resolve not to make the Broadstairs and St Peters Neighbourhood Plan.

In accordance with section 38A(6) of the Planning and Compulsory Purchase Act 2004, the only circumstances under which the Council can refuse to make a neighbourhood plan is if it is considered that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). This is not considered to be the case for the Broadstairs and St Peters Neighbourhood Plan.

Contact Officer: Adrian Verrall, Strategic Planning Manager  
Reporting to: Bob Porter (Director of Housing and Planning)

### Annex List

Annex 1: [Broadstairs & St Peter's Neighbourhood Plan](#)

### Background Papers

*Title: Details of where to access a copy*

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### Corporate Consultation

**Finance:** Chris Blundell (Director of Finance)

**Legal:** Estelle Culligan (Director of Law & Democracy)