

## Annex 1

### Town and Country Planning (General) Regulations 2012: Consultation under Regulation 16: 13 January - 24 February 2022

#### BIRCHINGTON DRAFT NEIGHBOURHOOD PLAN

##### Formal comments from Thanet District Council

Birchington Parish Council invited the Council to comment on the Neighbourhood Plan in the Regulation 14 consultation. The Council submitted a formal response, and many of those comments were taken into account.

It is very clear that a huge amount of time, thought and care has gone into the preparation of this document. It is well set out, easy to read and understand, and attractive with its photos, maps and other images. The quality of this draft Neighbourhood Plan shows the dedication and enthusiasm of all those involved.

The Council is in general support of this Neighbourhood Plan, however there are still some areas of concern, as set out in the Council's formal response to the Regulation 16 consultation.

Page/ Paragra ph/ Policy No.	Comment
Policy B4	<p>The first Clause of Policy B4 refers to the local list of heritage assets. Footnote 1 to paragraph 15 (p33) of the neighbourhood plan states that an indicative list of local heritage assets has been prepared but has not yet been subject to consultation or formally adopted, and has not been prepared under the guidance of Historic England. This part of the policy would be difficult to implement until this work has been carried out.</p> <p>Footnote 68 of the NPPF states that 'Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'. The final clause of Policy B4 needs to clarify that the policy only applies to such assets. The following amendment is suggested:</p> <p>'.....or have any adverse impact on <b>significant</b> archaeological assets.....'</p>
Policy B8	<p>The first section of this policy would seek to replicate and add to the provisions within non-planning legislation (including the Water and Industry Act 1991 - in relation to the duties on water and sewerage companies), without any clear evidence as why this policy should be imposed above the requirements set out in national planning guidance and legislation. It is also not clear what an "assurance statement from utility service providers" would constitute, or whether it is possible to attain such a document at the planning stage</p>

	<p>in the process (as opposed to at building control stage).</p> <p>Therefore as drafted this policy is not considered reasonable or sound.</p>
<p>Policy B10</p> <p>Page 41, paragraph 5</p>	<p>(Map on p118) The buildings should be excluded from the All Saints C of E Church Graveyard and Church House open space allocation.</p> <p>For clarification, the Quex Estate is not protected as a green space in the Local Plan. Policy E12 applies to Quex Park and supports farm diversification projects, tourism and leisure development. Policy E12 also identifies environmental issues within the site that need to be considered. A green space/open space designation would have the potential to sterilise the site, and unnecessarily constrain projects that would be considered acceptable under Policy E12.</p>
B12	<p>The policy, as written, implies that development in the countryside or overlooking the coast is acceptable in principle. The addition of the following wording would resolve this issue: <b>‘This policy should be implemented in conjunction with Policy SP24 (Development in the Countryside) of the Thanet Local Plan 2020’.</b></p>
B13	<p>The Council objects to the inclusion of the proposed new Green Wedges identified as sites 12, 27, 28 and 29 on the Green &amp; Open Spaces map on p41 of the draft Neighbourhood Plan. The main function of the green wedge designation is to maintain settlement separation and individual identity as set out in para 3.12 of the Thanet Local Plan 2020. The Council does not consider that the areas identified in the draft Neighbourhood Plan can be justified on that basis. This designation should not be used to protect miscellaneous areas of land without clearly defined boundaries on the ground. Green wedge proposals should be underpinned by detailed survey work. The Green Wedges are not therefore consistent with the Local Plan designations, and are not in conformity with a key strategic policy of the adopted Local Plan. The District Council is of the view that the proposed Green Wedge designations would devalue the existing, long-standing Green Wedges and the strategic policy in the Local Plan.</p> <p>Green Wedges have been a consistent feature of planning policy in Thanet since the 1980s - the Thanet Urban Local Plan adopted in 1984 was the first formally adopted Local Plan to include a Green Wedge policy. The Green Wedge policy and boundaries have been supported by Local Plan Inspectors in all subsequent Local Plans adopted in 1998, 2006 and 2020. The Green Wedge policy has been tested at appeals, and largely supported in appeal decisions, highlighting the significance of the open countryside between the Thanet towns in providing visual relief between highly urbanised areas.</p> <p>The Green Wedges are distinct from other types of open space as they provide a link between the open countryside and land which penetrates into the urban areas. They form an important settlement separation function between the settlements of Birchington and Westgate, Margate and Broadstairs and Broadstairs and Ramsgate. They maintain the separation of the Thanet towns and prevent their coalescence, preserving their unique identities. The boundaries have changed between the different Local Plans to reflect changes in character and development.</p> <p>The Green Wedges proposed in the Birchington Neighbourhood Plan would not serve to ‘maintain physical separation and avoid coalescence of the towns, retaining their individual character and distinctiveness’ - as set out in adopted Local Plan policy SP25 as</p>

	<p>one of the aims of the policy. Rather than providing an open area in between urban areas, they would form extensive areas of countryside between Birchington's urban area and the Parish boundary. This does not conform with the stated aims of Policy SP25 and would undermine the status and long standing strategic aims of the Green Wedge policy.</p> <p>Local Plan Policy SP24 - Development in the Countryside - applies to all areas outside of the urban and village confines and seeks to restrict development in the countryside. The introductory text to the policy acknowledges the vulnerability of Thanet's countryside because of its limited extent, the openness and flatness of the rural landscape and the proximity of the towns. The policy provides the exceptional criteria under which development in the countryside may be permitted.</p> <p>The areas proposed as new Green Wedges in the Birchington Neighbourhood Plan are also identified as having significant landscape importance under Policy SP26 - Landscape Character Areas. The areas are identified within the 'Central Thanet Undulating Farmland' Landscape Character Area Policy SP26 requires any development proposals to demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness, including the gaps between Thanet's towns and villages.</p> <p>It is considered that these Local Plan policies provide sufficient protection to the areas being proposed as new Green Wedges.</p>
<p>Para 8 on p51</p>	<p>No evidence has been provided to support the levels of Brownfield land available in Thanet. This paragraph should therefore be deleted.</p>
<p>Policy B21</p>	<p>Compliance with Local Plan policies and the viability of a proposed development are matters for Thanet District Council as Local Planning Authority. Delete the words '<b>to the Parish Council</b>' from the final sentence</p>
<p>Policies B25 and B26</p>	<p>The areas covered by '.....the commercial areas.....Minnis Road.....Canterbury Road.....and at Minnis' should be clearly defined to clarify the areas to which these policies apply.</p>