



# Broadstairs & St Peter's Town Council

Town Clerk's Office, Pierremont Hall, Broadstairs Kent CT10 1JX

Tel: 01843 868718

Town Clerk  
Mrs Danielle Dunn  
BSc (Hons) MSc MRTPI

26<sup>th</sup> May 2020

Mr T Kemmann-Lane  
TRA Ltd.  
c/o TRA Ltd, Penny O'Shea at penny@tra-ltd.co.uk

Dear Mr Kenyan-Laine,

**RE: Examination in to the Broadstairs & St. Peter's Neighbourhood Plan (BSPTCNP)**

Broadstairs and St. Peter's Town Council submitted a response to comments made by Thanet District Council (TDC) in relation to the Examiner's questions on the 13<sup>th</sup> May 2020 and this response is attached to this email for ease of reference.

BSPTC request that these original responses are included in the examination, as the responses made are still relevant and to ensure that a clear audit trail of all comments made by both parties form part of the examination library into the BSPTCNP. This is especially relevant as TDC recalled their original response after the deadline and issued a version 2.

Therefore, in addition to the original comments, BSPTC wish to raise these additional comments on version 2 of TDC's response to the Examiner's questions:

**Q1:** No further comments, please refer to the comments made on the 13<sup>th</sup> May 2020.

**Q2:** In addition to comments made on the 13<sup>th</sup> May 2020, BSPTC would like to add the following:

TDC refer to the NPPF 2012, paragraph 76 as the basis for which Local Green Spaces should be selected and modeled:

*"76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period."*

BSPTC have followed the guidance in this paragraph and they have identified local green spaces that are important to them and the community, it is considered that these choices are sustainable and will endure beyond the plan period.

TDC confirmed on the 27<sup>th</sup> September 2018 (see Appendix 1) that the BSPTCNP was in conformity with the district plan without making comment to the inclusion of LGS. Therefore, TDCs comments made at para 4 of question 2 are a mute point, as they tested the submitted LGS and found it to be in conformity with the basic conditions and the reasoned and evidence informing the Local Plan. Why have they changed their minds?

TDC quote para 5 of Q2 "The issue regarding the proposed Local Green Spaces does not relate to conformity with existing development plan policy, but the reasoning and evidence base informing the Local Plan as there is a direct conflict." BSPTC consider that the formation of the NP follows the guidance as set out in the NPPF and the Planning Policy guidance. TDC do not explain why there is a direct conflict.

**Q3:** No further comments please refer to the comments made on the 13<sup>th</sup> May 2020. However, the Examiner is asked to take into consideration the number of comments sent in on the additional consultation on proposed modifications to the BSPTCNP and the clear strong feeling of local residents as to how important these sites are to residents in the local area.

**Q4:** No further comments, please refer to the comments made on the 13<sup>th</sup> May 2020.

**Q5:** In addition, to the comments sent in on the 13<sup>th</sup> May, the Examiner is asked to acknowledge that TDC had the best part of a year to comment on the inclusion of all LGS in the BSPTCNP and reject these if they considered they did not meet NPPF criteria and to inform BTC of this. They failed to do so and never raised the issue of

including these two LGS as a concern on the 27<sup>th</sup> September 2018, see Appendix 1 email.

**Q6:** Please refer to comments made on the 13<sup>th</sup> May 2020. However, the following additional points are also raised.

Firstly, the previous examiner on the Neighbourhood Plan has supported the approach taken by BSPTC on the assessment process of LGS and the process undertaken by BSPTC for assessment of sites was not questioned at any earlier stage by TDC.

Secondly, the Examiner is requested to look further into how the objection comment from BTC on TDC's LP submission in Jan 2019 and the omission that they identified at the Regulation 19 stage were dealt with by TDC? It is not clear from the examination documents into the Local Plan that these comments were ever dealt with at the EiP stage or prior to this.

**Q7:** No further comments, please refer to the comments made on the 13<sup>th</sup> May 2020.

Yours Sincerely,

Sent unsigned to avoid delay

Cllr Paul Moore  
The Mayor of Broadstairs & St. Peter's

## Appendix 1:

### Broadstairs & St Peters draft Neighbourhood Plan

From: [Adrian Verrall <adrian.verrall@thanet.gov.uk>](mailto:adrian.verrall@thanet.gov.uk)

Sent: Thu, 27 Sep, 2018 at 17:07

To: [Danielle Dunn Town Clerk](#)

Hello, Danielle

Thank you for the opportunity to comment on the draft Neighbourhood Plan.

Thanet Council officers have reviewed the draft Plan and we believe that it meets the test that the Plan is "*in general conformity with the strategic policies contained in the development plan for the area of the authority*", the Thanet Local Plan (as set out in the Neighbourhood Planning Act 2017).

Many of the policies in the draft Plan are closely aligned to the strategic policies in the Thanet Local Plan and are supported.

If there are any detailed matters you would like to discuss, or other representations, please let me know.

Regards.

Adrian

**Adrian Verrall**  
**Strategic Planning Manager**

Broadstairs & ST PETER'S NEIGHBOURHOOD PLAN – ADDITIONAL PARTIAL EXAMINATION OF POLICY  
BSP5: DESIGNATION OF LOCAL GREEN SPACES

Thanet District Councils Responses to Examiner's Questions

RESPONSE from Broadstairs & St. Peter's Town Council 13<sup>th</sup> May 2020

**Question 1: What is the relevance of the eLP in this context? Thanet Local Plan 2006 has no policy for Local Green Space, either strategic or otherwise.**

Broadstairs and St Peters Town Council prepared their Neighbourhood Plan on the basis of conformity with the emerging Local Plan, as set out in their Basic Conditions Statement paragraph 2.4:

*2.4 The Neighbourhood Development Plan contains 14 topic policies, 6 of these are geographically referenced and mapping is provided to establish the exact policy boundary, the plan does not seek to allocate housing as this is being dealt with by the Thanet Local Plan. The Plan has sought to avoid containing policies that duplicate other development plan or national policies that are already being used to determine planning applications. The policies are therefore a development management matters that seek to refine and supplement the new emerging Local Plan policies.*

and paragraph 5.1:

*5.1 The Neighbourhood Development Plan has been finalised to ensure its 'general conformity' with the development plan for the District, this is the Thanet Local Plan 2031. Consultation on the Regulation 19 stage of the Thanet Local plan ended on 4th October 2018. To ensure ongoing conformity the NDP also has the same plan period running to 2031.*

Appendix 5 of the Basic Conditions Statement lists the neighbourhood plan policies and their conformity with relevant policies from the emerging Local Plan.

The Examiner states in paragraph 2.2 of his report that:

*2.2 Whilst there is no requirement for the Plan to be in general conformity with any strategic policies in the emerging Local Plan, there is an expectation that the District Council and the Town Council will work together to produce complementary plans. In this regard the Plan (at page 5) is erroneous in stating that it must be in general conformity with the strategic policies in the current adopted Local Plan and the emerging new Local Plan for the period up to 2031. I make PM1 to address this point.*

The Council considers that this approach is entirely appropriate as the emerging Local Plan would most likely be adopted by the time the Neighbourhood Plan would come into force. (This is even more relevant given the recent advice from MHCLG that neighbourhood plan referendums cannot be held until May 2021 due to the Covid-19 situation). The Council carried out its Reg 16 consultation on the BSPNP between November 2018 - January 2019. The Council had submitted the Local Plan to the Secretary of State for examination on 30 October 2018, so the Local Plan had been published and was at an advanced stage in the process at the time of the neighbourhood plan Reg 16 consultation.

Once made, the BSPNP will be implemented alongside the Thanet Local Plan and the 2019 NPPF so it is important that the BSPNP can adapt and retain consistency with the newly adopted plan and up to date NPPF. Paragraph 216 of the 2012 NPPF gives some weight to emerging local plans (although not specifically in the neighbourhood plan context as the 2019 version. Whilst the decision-takers may be more directly related to planning applications, it would be inappropriate to ignore the weight afforded to an emerging plan from a policy perspective):

216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

#### RESPONSE FROM BSPTC:

It is clear from the face of the statutory framework (paragraph 8(e) of Schedule 4B TCPA 1990- ‘basic conditions’) and case law (*R(Kebbell Developments Limited) v Leeds City Council [2016] EWHC 2664 (Admin) at para 12*) that it is “general conformity” of the BSPNP with the adopted development plan as a whole and not conformity with the emerging local plan (eLP) that is relevant. While there is no requirement for the BSPNP to conform to the strategic policies in TDCs emerging plan, pursuant to the guidance in the extant Planning Practice Guidance at the time (paragraph 41-009-20160211) BSPTC has always had the intention to work with TDC and produce a BSPNP that complements the eLP.

BSPTC strongly takes issue with TDCs position that *“The Council considers that this approach is entirely appropriate as the emerging Local Plan would most likely be adopted by the time the Neighbourhood Plan would come into force”*. To be clear, the only reason that the post examination BSPNP has not been put to a referendum is because TDC have been refusing since the receipt of the examiner’s report in June 2019 to comply with its legal obligation to do so in paragraph 12(4) of Schedule 4B TCPA 1990 pursuing unjustified and unwarranted amendments to the 2 LGSs in the NSPNP.

As to the position in the event that the eLP is adopted, then there are, of course, review and monitoring provisions built into the BSPNP. The review and monitoring process for the BSPNP would, of course, consider reviewing its provisions as against any changes to the adopted planning framework post adoption of the BSPNP.

#### **Question 2: What is the basis for saying that the LGS allocations in the BSPNP are not in general conformity with the Local Plan 2006?**

The BSPNP was not assessed against the Thanet Local Plan 2006 as it is out of date. This has been highlighted in a letter from MHCLG (dated 28 January 2019) regarding their Intervention in the progression of Thanet’s emerging Local Plan. The Secretary of State quotes:

*In view of your continuing failure to get a Local Plan in place I am satisfied that the requirements in section 27(1) of the 2004 Act are met; Thanet District Council (in its capacity as local planning authority):*

- *does not have an up-to-date Local Plan in place - the Council's last Local Plan was adopted in 2006 and covered a period up to 2011.*

He later goes on to refer to:

The wider planning context in each area in terms of the potential impact that not having a plan has on neighbourhood planning activity: at least six communities in Thanet are preparing neighbourhood plans: Birchington, Ramsgate, Margate, Broadstairs & St Peters, Westgate and Cliffsend.

Communities can bring forward neighbourhood plans in the absence of an up-to-date Local Plan, but doing so can be more challenging for communities.

This suggests that communities preparing neighbourhood plans would benefit from having an up to date plan in place, rather than suggesting that neighbourhood plans should be prepared in conformity with the out of date 2006 Local Plan.

Local Green Space designation was introduced in the 2012 NPPF so was not a relevant consideration in the 2006 plan. It would therefore be inappropriate to test the LGS allocations against policies in the Thanet Local Plan 2006 as the plan is out of date and precedes the 2012 NPPF.

#### RESPONSE FROM BSPTC:

TDC are conflating here the position in respect of the SSHCLGs threatened intervention in respect of its eLP and the operative legal framework for examining the BSPTC.

Case law is clear that the making of the BSPNP does not have to wait for the adoption of the eLP.

For example, in the case of *DLA Delivery Ltd, R (On the Application Of) v Lewes District Council [2017] EWCA Civ 58*, Lindblom LJ stated in the Court of Appeal at paragraph 25 of his judgment, with respect to basic condition 8(2)( e) that:

*“Paragraph 8(2)(e) does not require the making of a neighbourhood development plan to await the adoption of any other development plan document. It does not prevent a neighbourhood development plan from addressing housing needs unless or until there is an adopted development plan document in place setting a housing requirement for a period coinciding, wholly or partly, with the period of the neighbourhood development plan. **A neighbourhood development plan may include, for example, policies allocating land for particular purposes, including housing development, even when there are no "strategic policies" in the statutorily adopted development plan to which such policies in the neighbourhood development plan can sensibly relate. This may be either because there are no relevant "strategic policies" at all or because the relevant strategy itself is now effectively redundant, its period having expired**”.* (emphasis added)

In addition, in *R. (on the application of Gladman Developments Ltd.) v Aylesbury Vale District Council and another [2014] EWHC 4323 (Admin)*, Lewis J said at paragraph 59 of his judgment:

*“The condition in paragraph 8(2)(e)] is dealing with a situation where there are in existence strategic policies and they are contained in a development plan document and there is a conflict between*

*those policies and the policies contained in a neighbourhood development plan. The condition is not dealing with a situation where there are no strategic policies dealing with particular issues contained in a development plan document. The condition is not worded in terms that a neighbourhood development plan cannot include policies dealing with particular issues unless and until a development plan document is brought into existence containing strategic policies on such issues.*"(emphasis added).

Accordingly, and applying the above case law principles, in the absence of any relevant strategic policies contained in the adopted Local Plan 2006, for which the LGS allocations in the BSPNP must not be otherwise than in "general conformity" with, BSPTC considers there is no basis for saying that the 2 LGS allocations in the BSPNP are not in "general conformity" with the Local Plan 2006

**Question 3: Since the LGS allocations in the BSPNP must be judged against NPPF 2012, for clarity, please explain fully the reasons for wishing to delete the 2 LGS allocations. For instance, is the fact that Fairfield Road/Rumfields Road space "is possibly highway land on a busy roundabout" a sufficient justification? And, in respect of the Reading Street space, is the fact that it is "part of the grass verge adjacent to the highway" a sufficient justification?**

Paragraph 77 of the 2012 NPPF states that 'The Local Green Space designation will not be appropriate for most green areas or open space' before listing the LGS criteria. This infers that the designation of a LGS should be as an exception, rather than the norm, for any sites that are put forward.

Paragraph 2.21 of the 16th December 2019 Cabinet report includes an extract from an interim note from a Planning Inspector to Mendip Council that:

*'...the bar for LGS designation is set at a very high level. I therefore consider that it is clear from national policy that LGS designation should be the exception rather than the rule....' .....I recognise that many if not all the proposed LGS designations are important to local communities; but this is a lower bar than being 'special' and of 'particular local significance''*

The sites submitted to the Council as potential LGSs were assessed on the basis that the bar for LGS designation is at a very high level and that not every area of open space would be suitable for designation. More detailed assessments of the two sites are available in Appendix 2 of the Local Green Space Report and have been submitted alongside the Council's response for ease of reference.

Both of the sites are adjacent to a highway and are small grassed areas. They do not fulfil the NPPF criteria of having 'a particular local significance....because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife'. Whilst the sites may have limited recreational value, and, (particularly in the case of Reading Street) community value, their roadside locations mean that they are not tranquil, and there has been no evidence to suggest that either site is of special historic significance or wildlife value.

Paragraph 76 of the NPPF requires LGS to be 'capable of enduring beyond the end of the plan period'. It is considered that this cannot be guaranteed during the plan period due to the roadside location of the two sites and the potential for road works or road widening schemes (Reading Street being quite narrow and the proposed LGS site opposite the junction with Cedar Close).



Following its assessment of the proposed LGSs put forward for inclusion in the Local Plan, the Council considers that possible highway land on a roundabout, and a grass verge adjacent to a highway do not demonstrate the 'particular local significance' to warrant their 'exceptional' designations as LGSs, and so do not meet the NPPF criteria

The Council carried out a consultation proposing modifications to the BSPNP to delete the two LGSs from September - November 2019. No additional evidence was submitted in response to the consultation to demonstrate how the two LGS proposals meet the NPPF criteria. Responses to the consultation were received from both Historic England and Natural England stating that they had no specific comment to make on the proposed modifications to remove the two sites from LGS designation, which suggests that they do not hold any particular significance in terms of historic significance or richness of wildlife.

In addition to the sites not meeting the LGS criteria in the NPPF, the Reading Street site forms part of a housing allocation (Former Club Union Convalescent Home for 24 dwellings) in the emerging Local Plan. The proposed LGS site is adjacent to the current access to the housing allocation site which lies behind the LGS site. The housing site has previously had planning permission for residential development which has expired. There have been three recent planning applications on the site, all of which have been refused permission. The most recent application was recommended for approval but refused at planning committee and is currently the subject of an appeal.

The planning applications have met with significant public opposition - a 'Club Union Action Group' was set up by Reading Street residents to coordinate a campaign against the proposed development.

Paragraph 76 of the NPPF 2012 states that '*Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services'.....and should be capable of enduring beyond the end of the plan period*'.

The Planning Practice Guidance that accompanies the NPPF states that '*.....plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making*', and '*Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented*'.

There were around 50 objections to the proposed housing allocation in the Pre-Submission Reg 19 consultation on the Local Plan. Although there is no current planning permission on the site, the Inspectors of the Thanet Local Plan state in their report:

*145. In Broadstairs, land at Reading Street is allocated for 24 dwellings. Although planning applications have been refused for residential development, and subsequent appeals dismissed, in each case the main issues related to matters of design, not the principle of development or the site's accessibility to shops, services and public transport. Located within the Urban Area, the allocation of the site for residential development is justified, as supported by the SA. There is nothing to indicate that a suitable design cannot be achieved over the course of the plan period.*

#### RESPONSE FROM BSPTC:

BSPTCs position in respect of the inadequacy of TDCs justification for seeking to remove the 2 LGSs from the BSPNP and failure to engage properly or at all with the LGS designation criteria in paragraph 77 of the NPPF (2012) is set out in point 3 of page 2 of its letter to the Examiner of 27 April 2020 and is not repeated here.

In response to TDCs representations above, BSPTC strongly take issue with the inadequacy of TDCs assessment of the 2 LGSs. For example, the Fairfield Road/Rumfields Road LGS is patently not highway space. It is owned by the Riverside Housing Association, and forms part of the estate. This could easily have been established by TDC from a simple Land Registry search. The site has a long history of residents fighting for it to be 'tidied up' and this is raised in Neighbourhood Engagement Meetings at which TDC is always represented (minutes available on request) and there are no Highways plans in KCC to acquire this land to change the junction.

In addition, TDC were unaware of the fact that the Reading Street LGS site was unregistered land as they had wrongly assumed it was owned by KCC. It was BSPTC who pointed this out to TDC that this was not the case. TDCs response (Page 4 para 1) also refers to the LGS in Reading Street being opposite Cedar Close. It isn't as Cedar Close is elsewhere. The nearest junction is Elmwood Close. There is mention that the road is not tranquil, but there is no mention of the fact that the green space adds considerably to the setting of the listed houses and the village setting in the Reading Street Conservation Area.

To be clear, and notwithstanding that it is not relevant to the designation of the 2 LGSs, BSPTC do not object in principle to a proposed Reading Street site's allocation for residential development in the eLP. It is BSPTCs position that this allocation site can be redrawn in such a way that doesn't include the proposed Reading Street LGS on the frontage. The potential for road widening would be subject to negotiation with the landowner. Neither KCC nor TDC own it therefore it is not theirs to bestow on a private commercial developer.

**Question 4: There are 19 LGS designated under Policy SP30 of the eLP, of which 7 have a 'Broadstairs' location. Apart from Kitty's Green, Culmer Amenity Land, and St Peter's Recreation Ground (if that is the same as St Peter's Village Green), I cannot identify which of the LP list of sites are in the NP list of sites. It would be helpful to have these identified for me. It is certainly confusing to have sites identified by different names in different lists, which appears to be the case. I also have difficulty in reconciling the names of the BSPNP areas with some of the sites in the Report on Assessment of Local Green Space Proposals of January 2018. An explanation would be helpful.**

The Council carried out a 'call for sites' for Local Green Spaces for inclusion in the Local Plan as part of a consultation from 19 January - 17 March 2017. Those sites were assessed as set out in the Local Green Space Proposals of January 2018. The names given to the sites were as they were submitted to the Council. Maps showing the Local Green Spaces submitted to the Council can be found in the Councils assessments of those sites in Appendix 2 to the Local Green Space Report January 2018 (LP

Examination document CD5.11) <https://www.thanet.gov.uk/wp-content/uploads/2018/08/LGS-full-report-plus-appendix-2-reduced-for-web.pdf>

Broadstairs Town Council also carried out a 'call for sites' for Local Green Spaces for inclusion in their Neighbourhood Plan. Some of those sites were the same sites that had been submitted to the Council, however the Town Council would have used their own site names for them. All of the sites submitted to Broadstairs Town Council and their assessment of them can be found on their website (Examination background document 10)

<https://www.broadstairs.gov.uk/UserFiles/Files/NeighbourhoodPlan/Local%20Green%20Spaces%20Background%20Document.pdf>. of the Local Green Spaces to be included in the draft

Neighbourhood Plan are available here:

[http://www.broadstairs.gov.uk/Local\\_Green\\_Spaces\\_22125.aspx](http://www.broadstairs.gov.uk/Local_Green_Spaces_22125.aspx)

*Table*

RESPONSE FROM BSPTC:

No response required.

**Question 5: In any event, the submitted BSPNP allocates 18 sites, of which 2 are objected to by TDC, leaving 16 sites that are not subject to objection. Since the LP allocates 19 LGSs, most of which do not appear to be in the NP area, it seems to be the case that there are LGSs in the BSPNP that have not had the endorsement of the eLP. This seems to go against the contention, set out in paragraph 1.4 of the Cabinet Report, that "Some of the sites now being proposed in the neighbourhood plan were also submitted at this stage, but were not allocated in the Local Plan as they did not meet the designation criteria. It is considered that their allocation in the neighbourhood plan would therefore conflict with the Local Plan LGS allocations as they have already been considered unsuitable for designation." Surely that means that any LGS designated in the NP, that has not been allocated in the eLP, conflicts with that Plan? Is this a lack of consistency, or for a reason?**

The 'Some of the sites' referred to in paragraph 1.4 of the report may have been better worded had it said 'Two of the sites'.

The Council received the Fairfield/Rumfields Road and Reading Street sites as proposed LGS for allocation in the Local Plan in its consultation in 2017. It assessed those sites and rejected them for inclusion in the Local Plan because it was considered that they did not meet the NPPF criteria. The Reading Street site is also included in part of a housing allocation in the emerging Local Plan.

These two sites had already been assessed and rejected by the Council as being suitable for LGS designation, so their inclusion in the BSPNP would therefore be contrary to the Local Plan.

The Council has not objected to any of the other 16 LGS sites proposed in the BSPNP as they have not previously been put before the Council for consideration, leaving the assessment and consideration of those sites to the Town Council. The Council has only objected to the two LGS sites where there has been a direct conflict in the assessments.

RESPONSE FROM BSPTC:

TDC had many early opportunities to identify that proposed LGS sites allocated in the NP were potentially not complimentary with the eLP, as BSPTC have openly and transparently engaged with TDC throughout the process. Please find enclosed an email trail that shows how BSPTC have proactively sought to engage with TDC. It should be noted that the two LGSs were not identified by TDC as being not complimentary to the eLP at any of these stages, when TDC had ample opportunity to raise concerns.

**Question 6:** Following from this, the Inspectors' report on the eLP deals with LGSs quite briefly. The essential element of their report as far as the choice of LGSs is concerned is in paragraph 329: "Examination Documents CD5.11 and CD5.12 provide the justification for designating areas of Local Green Space. All sites have been assessed against the requirements of the Framework, which requires an element of professional planning judgement. In our view the Council's conclusions on the sites put forward are reasonable and justified." (CD5.11 being the Report on Assessment of Local Green Space Proposals, January 2018, and CD5.12 being Addendum to Report on Assessment of Local Green Space Proposals, August 2018, the latter appearing to refer only to sites in Westgate.) Does this mean that there were no omission LGS sites put forward for the Inspectors' consideration; for instance, in relation to the 2 LGS sites that TDC now seeks to delete from the NP?

That is correct. No omission LGS sites were put forward for the Inspectors' consideration.

RESPONSE FROM BSPTC:

It should be noted that BSPTC did object to the Main Modifications of the TDC Local Plan in regard to LGS and on the 27<sup>th</sup> January 2019 Comment ID 163:

<b>Comment ID</b>	163
<b>Respondent</b>	Danielle Dunn - Broadstairs an... <a href="#">[View all comments by this respondent]</a>
<b>Response Date</b>	27 <sup>th</sup> January 2019
<b>Comment</b>	Object- the policy should include reference to the possibility of Local Green Spaces being allocated in Neighbourhood Development Plans.

This was in addition to a comment submitted at Regulation 19 stage which was as follows:

<b>Document Section</b>	Draft Thanet Local Plan - 2031 - Pre-Submission Publication, Regulation 19 Local Green Space SP30 <a href="#">[View all comments on this section]</a>
<b>Comment ID</b>	1402

<b>Respondent</b>	Danielle Dunn - Broadstairs &... [View all comments by this respondent]
<b>Response Date</b>	04 Oct 2018
<b>Response Type</b>	SUPPORT
<b>What is the nature of this representation?</b>	Support
<b>Comment</b>	The Town Council supports Policy SP30. However, the Neighbourhood Development Plan now allocates policies.

**Question 7:** As a follow-on from Question 6, the LGS Policy (Policy SP30) in the eLP is a strategic policy. Does this mean that a NP cannot designate additional LGSs, because to do so would be designating strategic sites?

The LGS Policy (SP30) is within the Strategic Policy section of the Local Plan because of the level of protection it gives to sites designated as LGS, as set out in para 78 of the NPPF:

*78. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts*

This is clearly a very high level of protection for sites that fall within the remit of Policy SP30, however it does not make those sites Strategic Sites themselves. Policy SP30 sits alongside policy SP29 - Protection of Open Space, which also affords protection to open spaces which are not considered to be Strategic Sites. (The only open spaces that are considered to be Strategic Sites are the Green Wedges which are protected under Policy SP22 - Safeguarding the Identity of Thanet's Settlements).

RESPONSE FROM BSPTC:

Please see our earlier response <https://www.thanet.gov.uk/wp-content/uploads/2020/05/Broadstairs-and-St-Peters-Town-Council-response-to-Examiners-Questions.pdf>

UPDATE 12<sup>th</sup> May 2020:

Finally, BSPTC would like to draw the Examiners attention to a Planning Court case which was handed down yesterday, 11<sup>th</sup> May 2020, coincidentally on NP's and LGS's ( <https://www.bailii.org/ew/cases/EWHC/Admin/2020/1146.html#para88>)

It is the Lochailort Investments case. It concerns the Norton St Philip NP and the Mendip Local Plan which were both examined in July 2019, and both tried to designate LGS's - including 10 around Norton St Philip.

This case reiterates the key principles that:

1. The issue is whether the NP as a whole complies with the local plan as a whole - tension between individual policies isn't a matter for the NP examiner
2. The NP process is more limited and less investigative than a local plan examination:
3. There's no need for an NP to be "sound" in LP terms.
4. The LPA is neither intended nor required to duplicate the detailed examination of the evidence, and the planning merits, which has been undertaken by the Examiner of the NP

## Re: Broadstairs & St. Peter's Neighbourhood Plan

From: Danielle Dunn Town Clerk <[bsptc@broadstairs.gov.uk](mailto:bsptc@broadstairs.gov.uk)>

Sent: Mon, 23 Jul, 2018 at 13:22

To: Adrian Verrall

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Great, it is in the diary.

Kind Regards

Danielle

Danielle Dunn MRTPI

Town Clerk

Broadstairs & St. Peter's Town Council

Town Clerk's Office, Pierremont Hall, Broadstairs, CT10 1JX

01843 868718

Office Hours 9am-2pm

On 23/07/2018 13:14, Adrian Verrall wrote:

HI, Danielle

Monday 10th would suit me. I could be there by 9-9.30am.

Regards.

Adrian

**Adrian Verrall**  
**Strategic Planning Manager**

On 23 July 2018 at 10:54, Danielle Dunn Town Clerk <[bsptc@broadstairs.gov.uk](mailto:bsptc@broadstairs.gov.uk)> wrote:

Hi Adrian,

Please can we book something in for the week 10th-14th September, I work 9-2pm. It would be great if you could come over to Pierremont Hall and we can discuss everything then.

Kind Regards

Danielle

Danielle Dunn MRTPI

Town Clerk

Broadstairs & St. Peter's Town Council

Town Clerk's Office, Pierremont Hall, Broadstairs, CT10 1JX

01843 868718

Office Hours 9am-2pm

On 23/07/2018 08:29, Adrian Verrall wrote:

Hi, Danielle

Yes, happy to do that. Just let me know when is convenient. We're proposing to publish the draft Local Plan on 23 August, so the lead up to that could be quite busy.

Regards.

Adrian

**Adrian Verrall**  
**Strategic Planning Manager**

On 20 July 2018 at 13:08, Danielle Dunn Town Clerk <[bsptc@broadstairs.gov.uk](mailto:bsptc@broadstairs.gov.uk)> wrote:

Good morning Adrian,

I can confirm that the Regulation 14 Neighbourhood Plan is going to the Council meeting on the 23rd July for approval. If everything goes through, the consultation period will run from the 30th July through to the 17th September. It would have been useful to have discussed this prior, but I realise you have been busy. Maybe we can have a meeting during the consultation period.

Kind Regards

Danielle

Danielle Dunn MRTPI

Town Clerk

Broadstairs & St. Peter's Town Council

Town Clerk's Office, Pierremont Hall, Broadstairs, CT10 1JX

01843 868718

Office Hours 9am-2pm

On 20/07/2018 08:49, Adrian Verrall wrote:

Hello, Danielle

Apologies, I had not picked this up, having been quite busy with the Local Plan.

We are happy to have a quick look at it, but bearing in mind your timetable, perhaps we could discuss with you any comments we have during the consultation period.

Hope this helps.

Regards.

Adrian

**Adrian Verrall**  
**Strategic Planning Manager**

On 15 June 2018 at 10:42, Danielle Dunn Town Clerk <[bsptc@broadstairs.gov.uk](mailto:bsptc@broadstairs.gov.uk)> wrote:

Dear Adrian

I hope you are well? This email is to inform you that we are working on the very final stages of our Draft Regulation 14 Neighbourhood Plan and if all goes to plan I will be taking it to our 23rd July Council meeting for approval so that it can go out for 6 weeks public consultation.

The link below shows the emerging final draft, where the policies are missing I am just finalising the evidence base to support these.

However, I can tell you that the shopping frontage policy will be based on your TDC policy, but we have just extended the frontages slightly. Work has been done on this I just need to produce the map.

We will be allocating Local Green Spaces, we are just surveying all the green spaces at the moment.

I am just making the Views and Vistas map.

The Seafront Character Zones policy is still in progress, but is being worked on by a consultant.

[https://docs.google.com/document/d/1Az\\_4eIGhL\\_NJ1gL0i1Jneq8gAPrwWgREhZ24bC54rN0/edit?usp=sharing](https://docs.google.com/document/d/1Az_4eIGhL_NJ1gL0i1Jneq8gAPrwWgREhZ24bC54rN0/edit?usp=sharing)

Please let me know if you have any comments or suggestions.

Kind Regards

Danielle

--

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## Re: Broadstairs & St. Peter's Neighbourhood Plan

From: Danielle Dunn Town Clerk <[bsptc@broadstairs.gov.uk](mailto:bsptc@broadstairs.gov.uk)>

Sent: Mon, 23 Jul, 2018 at 13:22

To: Adrian Verrall

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Great, it is in the diary.

Kind Regards

Danielle

Danielle Dunn MRTPI

Town Clerk

Broadstairs & St. Peter's Town Council

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01843 868718

Office Hours 9am-2pm

On 23/07/2018 13:14, Adrian Verrall wrote:

HI, Danielle

Monday 10th would suit me. I could be there by 9-9.30am.

Regards.

Adrian

**Adrian Verrall**  
**Strategic Planning Manager**

On 23 July 2018 at 10:54, Danielle Dunn Town Clerk <[bsptc@broadstairs.gov.uk](mailto:bsptc@broadstairs.gov.uk)> wrote:

Hi Adrian,

Please can we book something in for the week 10th-14th September, I work 9-2pm. It would be great if you could come over to Pierremont Hall and we can discuss everything then.

Kind Regards

Danielle

Danielle Dunn MRTPI

Town Clerk

Broadstairs & St. Peter's Town Council

Town Clerk's Office, Pierremont Hall, Broadstairs, CT10 1JX

01843 868718

Office Hours 9am-2pm

On 23/07/2018 08:29, Adrian Verrall wrote:

Hi, Danielle

Yes, happy to do that. Just let me know when is convenient. We're proposing to publish the draft Local Plan on 23 August, so the lead up to that could be quite busy.

Regards.

Adrian

**Adrian Verrall**  
**Strategic Planning Manager**

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Please let me know if you have any comments or suggestions.

Kind Regards

Danielle

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