

Broadstairs & St Peters Neighbourhood Plan - Referendum Decision Statement

The Neighbourhood Planning (General) Regulations 2012 (as amended) - Regulations 18 (2)

1 Summary

1.1 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.

1.2 The Plan was then re-examined on a specific issue regarding two proposed Local Green Spaces by an Independent Examiner who issued his report on 8 July 2020. The Examiner recommended modifications to the Plan and that, subject to those modifications and those of the previous Examiner being accepted, it should proceed to referendum.

1.3 The matter of the Local Green Spaces was reported to Cabinet on 16th December 2019 with a recommendation that the original Examiners modifications should be accepted, but that the Local Green Space issue should be referred for Independent Examination and then progressed to referendum. The Minute of that meeting states:

- '1. That the Examiner's Proposed Modifications be accepted except insofar as they relate to the two sites referred to in this report;*
- 2. That the draft neighbourhood plan be referred back to Examination for evaluation as to whether or not the two Local Green Spaces should be allocated, and subsequently to proceed to referendum on that basis'*

1.4 The Council accepts the recommended modifications from both Examinations and the Broadstairs and St Peters Neighbourhood Plan, amended according to those modifications, can proceed to referendum.

1.5 The Decision Statement and the Examiners Reports are available for viewing on the [Council's website](#), and hard copies are available for inspection at the Thanet Gateway, Cecil Street, Margate CT9 1RE during opening hours (by appointment only).

2 Background

2.1 In 2014 Broadstairs & St Peter's Town Council applied to the Council to designate a Neighbourhood Area. The proposed area followed the boundary under the jurisdiction of the Town Council. Thanet District Council consulted on the application for 6 weeks from 12 November - 24 December 2014. The application was considered by Cabinet on 18th June 2015. The application met the relevant legal requirements and received largely supportive comments during the consultation, and Cabinet agreed that the Broadstairs & St Peter's

Neighbourhood Area be designated under the Neighbourhood Planning (General Regulations 2012 (as amended) - Regulation 7 (1).

2.2 Broadstairs & St Peter's Town Council undertook the pre-submission consultation of its Neighbourhood Plan between 30th July and 17th September 2018, in accordance with (the Neighbourhood Plan) Regulation 14. This included notification to the Schedule 1 Consultation Bodies.

2.3 A Submission Draft Neighbourhood Plan was submitted by the Town Council to Thanet District Council on 7 November 2018 in accordance with Regulation 15. The Submission Plan was publicised by the District Council and representations were invited from the public and other stakeholders between 23rd November 2018 to 18 January 2019 in accordance with Regulation 16. The representations received were forwarded to the appointed Examiner.

2.4 The Council, in agreement with the Town Council, appointed Derek Stebbing BA(Hons), Dip E.P, MRTPI as Independent Examiner to undertake the independent Examination as to whether the Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) Schedule 4B of the Town and Country Planning Act 1990. The examination took place between April and June 2019 in the form of written representations. The Examiner published his final report on 14 June 2019. The Report recommends that the Neighbourhood Plan, subject to modifications set out in the Report, will meet the Basic Conditions and other legal requirements and should proceed to referendum.

3 Decisions and Reasons

3.1 The Council considered the recommendations and also whether any modifications needed to be made to the plan for it to meet the 'Basic Conditions'. The Council supported the vast majority of provisions of the draft Neighbourhood Plan and the Examiners recommendations.

3.2 However the Council was of the view that two of the proposed areas of Local Green Space did not meet the criteria set out in the National Planning Policy Framework and should not form part of the Neighbourhood Plan. The Council carried out a consultation proposing Modifications to the Neighbourhood Plan removing the two proposed Local Green Spaces. This matter was then referred for further Independent Examination.

3.3 The Council, in agreement with the Town Council, appointed Terrence Kemmann-Lane JP DipTP FRTPI MCMI as Independent Examiner to carry out the Examination of the proposed modifications to the Broadstairs & St Peters Neighbourhood Plan. The examination took place between April and July 2020 in the form of written representations. The Examiner published his final report on 8 July 2020. The Examiner recommended modifications to the Plan and that, subject to those modifications, and the modifications proposed by the original Examiner, it should proceed to referendum.

3.4 The Council considers that the Neighbourhood Plan, as amended by both sets of modifications (set out in Appendix 1), meets the legal requirements of the Neighbourhood Planning (General) Regulations 2012 and meets the Basic Conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and can therefore proceed to referendum. The Basic Conditions are:

- Have regard to national policy and guidance from the Secretary of State
- Contribute to sustainable development
- Have general conformity with the strategic policies of the development plan for the area or any part of that area
- Doesn't breach or is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC.

3.5 The Council consider the impacts from the Neighbourhood Plan are contained within the Broadstairs & St Peter's Neighbourhood Area and agree with the conclusions of both Examiners, that there is no reason to extend the Neighbourhood Plan Area for the purpose of holding a referendum.

3.6 A referendum will be held on 6th May 2021 with the question (in accordance with the Neighbourhood Planning (Referendums) Regulations 2012): *'Do you want Thanet District Council to use the neighbourhood plan for Broadstairs & St Peter's to help it decide planning applications in the neighbourhood area?'*

Appendix 1 - Examiner's Recommended Modifications to the Broadstairs & St Peters Neighbourhood Plan

Modifications from June 2019 Report

Proposed modification number (PM)	Page no/ other reference	Modification
PM1	Page 5	<p><u>Planning Policy Framework</u></p> <p>Third paragraph. Delete second sentence and replace with the following two sentences:</p> <p>“For the Broadstairs & St. Peter’s area, this is the Adopted Thanet Local Plan 2006. It is also desirable, where practicable, to seek to align the Neighbourhood Plan with an emerging Local Plan, which in this case is the emerging Thanet Local Plan for the period 2011-2031.”</p>
PM2	Page 14	<p><u>Policy BSP1 (The ‘Green Wedge’)</u></p> <p>Replace “<i>will not be permitted</i>” in the second paragraph of this policy with “<i>will not be supported</i>”.</p>
PM3	Page 16	<p><u>Policy BSP2 (Important Views and Vistas)</u></p> <p>Amend the first sentence of the policy to read:</p> <p>“Development proposals should respect and not detract from the views and vistas shown on Map 4 and listed at Appendix 6).”</p> <p>Replace Map 4 with a larger-scale map identifying each important view and vista with a numeric or alphabetic reference (which should be linked to Appendix 6).</p> <p>Add new Appendix 6 to list the important views and vistas with an appropriate description – as shown by the examples noted at paragraph 4.13 in this report.</p>

PM4	Page 17	<p><u>Policy BSP3 (Protecting and Providing Important Trees)</u></p> <p>Amend first sentence of policy to read:</p> <p>“Proposals for new development which would have an adverse impact on protected trees and other significant trees in the Plan area will not be supported.”</p>
PM5	Page 43	<p><u>Appendix 1 – Design Guidelines for Seafront Character Zones</u></p> <p>Add footnote to this Appendix to read:</p> <p>“Development proposals should also safeguard and protect the surviving heritage assets, including those dating from the First World War and Second World War, that are identified in the Kent Historic Environment Record as falling within the Seafront Character Zones.”</p>
PM6	Page 21	<p><u>Policy BSP5 (Designation of Local Green Spaces (LGS))</u></p> <p>Add new Map 6 (with subsequent Maps in the Plan to be re-numbered Map 7 etc.) to show the location within the Plan area of each of the 18 Local Green Spaces listed at Appendix 2.</p> <p>Amend the first paragraph of the policy text to read:</p> <p>“The sites shown on Map 6 and listed at Appendix 2 are designated as Local Green Spaces to the end of the Plan period.*”</p> <p>Amend footnote to read:</p> <p>“* Detailed maps of the Local Green Spaces can be found on the Town Council web-site.”</p>

PM7	Page 22	<p><u>Policy BSP6 (Sustaining Community Facilities)</u></p> <p>Amend the text of the second paragraph of the policy wording to read:</p> <p>“Where it is identified that an existing community facility is no longer viable, then planning applications for the redevelopment of such facilities will be supported where the proposals include the provision of new or replacement community facilities, in order to sustain the continued provision of such facilities either on their existing site or at a nearby location.”</p>
PM8	Page 26	<p><u>Policy BSP7 (Areas of High Townscape Value)</u></p> <p>Replace the word “<i>allowed</i>” in the third line of policy text with the word “supported”.</p>
PM9	Page 27	<p><u>Policy BSP8 (Local Heritage Assets)</u></p> <p>Replace existing policy text with the following text:</p> <p>“Proposals for development which would result in the loss of existing buildings or structures on the local list of heritage assets will not be supported.</p> <p>Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will also not be supported.</p> <p>The current list of Local Heritage Assets is at Appendix 4, and any amendments to this list will be included as part of a review of the Plan.”</p>

PM10	Page 28	<p><u>Policy BSP9 (Design in Broadstairs & St.Peter's)</u></p> <p>Replace existing policy text with the following text:</p> <p>"Development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals should take account of the Design Guidelines set out at Appendix 5. Proposals which demonstrate that they reflect the design characteristics of the area and have taken account of the Design Guidelines will be supported.</p> <p>Proposals for larger-scale developments will need to include a design statement setting out how the proposals meet the Design Guidelines."</p> <p>Add new footnote below Policy, as follows: "Larger-scale developments are defined as developments of 10 or more new dwellings or over 1,000sq. m. of new commercial, retail or business floorspace."</p>
PM11	Page 32	<p><u>Policy BSP10 (Shopping Areas)</u></p> <p>Amend Class B1 entry within second paragraph of policy text to read: "Class B1 (a) (USE AS AN OFFICE)"</p>
PM12	Page 34	<p><u>Policy BSP12 (High-Speed Internet Access)</u></p> <p>Amend title of Policy to read: "Full Fibre Broadband Connections"</p> <p>Amend text of Policy to read: "All new residential and commercial development within the Plan area should include the necessary infrastructure to allow full fibre broadband connections upon the completion of the development."</p>
PM13	Page 34	<p><u>Policy BSP13 (Live-work Space)</u></p> <p>Replace the word "compromising" in the second line of Policy text with "comprising".</p>

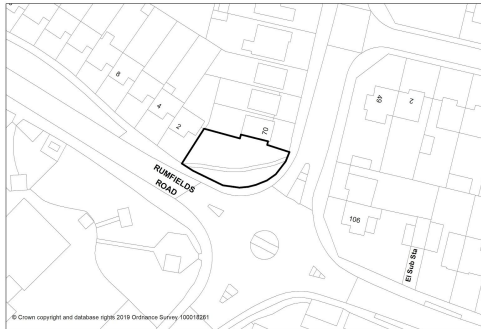
Modifications from July 2020 Report

Delete the following from Appendix 2 - Addresses and grid references of Local Green Spaces:

Fairfield Road /Rumfields Road (Bromstone Roundabout)	CT10 2PH TR38026751	A semi-natural green space edged with trees
Reading Street	CT10 3AZ TR39026949	This is a small corner grassed area opposite Kitty's Green, with two raised flower beds and two benches.

Remove the following sites from the map showing the locations of Local Green Spaces:

Fairfield Road/Rumfields Road



Reading Street

