

INDEPENDENT EXAMINATION OF THE WESTGATE-ON-SEA

NEIGHBOURHOOD DEVELOPMENT PLAN 2022-2040

EXAMINER: DEREK STEBBING BA (Hons) DipEP MRTPI

Gill Gray
Clerk to Westgate on-Sea Town Council

Jo Wadey
Thanet District Council

Examination Ref: 01/DAS/WOSNP

3 January 2023

Dear Ms Gray and Ms Wadey

WESTGATE-ON-SEA NEIGHBOURHOOD DEVELOPMENT PLAN EXAMINATION

Following the submission of the Westgate-on-Sea Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Westgate-on-Sea Town Council (the Town Council/Qualifying Body) and Thanet District Council (the Council), to which I would like to receive a written response(s) by **Friday 27 January 2023** if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment (SEA) Screening Report, the Habitats Regulations Assessment (HRA) Screening Report and the Regulation 16 representations, to enable me to undertake the examination.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 16 January 2023. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing

should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the Council and the Town Council.

I have eleven questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Friday 27 January 2023**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, I have raised a number of detailed questions that will require further work and must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Town Council and Council's websites.

Thank you in advance for your assistance.

Your sincerely

Derek Stebbing

Examiner

ANNEX

From my initial reading of the Westgate-on-Sea Neighbourhood Plan 2022-2040 (Submission Version dated September 2022), the supporting evidence and the representations that have been made to the Plan, I have the following questions for the Qualifying Body and the Council. I have requested the submission of responses **by Friday 27 January 2023**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Question 1: Re. The Neighbourhood Development Area (Page 10 in the draft Plan and Page 2 in the Basic Conditions Statement)

Figure 3.1 in the draft Plan and Figure 1 in the Basic Conditions Statement do not show with sufficient clarity the boundary of the designated Neighbourhood Area.

Can the **Council or the Qualifying Body** please provide me with a plan at an appropriate scale (on an Ordnance Survey base) that clearly defines the boundary of the designated Neighbourhood Area that I may consider as a Modification to the Plan.

Question 2: Re: The Plan period (Page 10)

The front cover of the Plan states that the Plan period is 2022-2040. In contrast, Section 4 of the Plan states that *“this NP will have a plan period from 2021 to 2040”* and the Basic Conditions Statement (at paragraph 1.3) further states that the Plan period is from September 2021 to the end of 2040.

Can the **Qualifying Body** please confirm what is the exact period that will be covered by the Plan?

Question 3: Re. Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) (Page 11)

It would appear that Section 5 of the draft Plan has not been amended and updated since the preparation of the Regulation 14 consultation draft of the Plan.

I invite the **Qualifying Body in conjunction with the Council** to provide an updated draft of this section of the Plan which should reflect the outcomes of both the SEA and HRA screening reports, which I may consider as a Modification to the Plan.

Question 4 – Re. Policy WSNP1 (Protection of Seafront Character in the West Zone) (Page 22)

Figure 10-2 on Page 21 clearly relates to the content of Policy WSNP1 but does not identify with clarity the boundaries of the Seafront Character Zone to the East of Domneva Road (the East Zone).

May I please request that the **Qualifying Body** provide me with an updated version of Figure 10-2 showing the precise boundaries of both the East and West Zones, which I may consider as a Modification to the Plan linked to the future implementation of Policy WSNP1.

Question 5 – Re. Conservation Areas (Pages 28-30)

I consider that Figures 12.1 and 12.2 (on Pages 29 and 30 respectively) both require notations identifying the names of the relevant Conservation Areas that are presently shown on these plans. This could be achieved by the addition of a notation panel for each plan linked to reference numbers on the plans.

May I please request that the **Qualifying Body** provide me with amended versions of Figures 12.1 and 12.2 suitably identifying the titles of the designated Conservation Areas, which I may consider as a Modification to the Plan linked to the future implementation of Policy WSNP6.

Question 6 – Re. Sustainable Development

The draft Plan contains an Objective No. 5 (at page 18) *“To protect the small-town identity whilst allowing suitable, sustainable development. (Achieved by Policies WSNP2 and 9)”*.

However, in my assessment the draft text and justifications for both Policies WSNP2 and WSNP9 do not presently contain a sufficiently clear statement which addresses the national requirement to contribute to the achievement of sustainable development, as it applies to the Plan area or which links clearly to Objective No. 5.

I therefore invite the **Qualifying Body** to consider providing some suitable text in order to address this point, either as a statement for inclusion in Section 13 (possibly as a new sub-section 13.1) or as a specific policy for inclusion in the Plan, which I may consider as a potential modification to the Plan.

Question 7 – Re. Policy WSNP11 (Designation of Local Green Spaces (LGS))

I note from the representations submitted by Thanet District Council, and from my own assessment of paragraph 4.70 of the adopted Thanet Local Plan (July 2020), that the sites listed in Table 14.1 as Esplanade (Esplanade Gardens), Sea Road, Westgate-on-Sea and Linksfield Village Green, Westgate-on-Sea have not been designated as Local Green Spaces in accordance with Policy SP33 in the adopted Local Plan. Furthermore, the Allotments site at Lymington Road, Westgate-on-Sea is protected as allotments under Policy SP32 in the adopted Local Plan, rather than as a Local Green Space.

In order for me to assess the merits of the above-mentioned sites as proposed Local Green Spaces, I shall require clarification in terms of the necessary supporting evidence and justification for each of the sites that demonstrates the criteria set out in the National Planning Policy Framework (paragraph 102) has been met.

I invite the **Qualifying Body** to consider this matter, together with the representations that have been submitted by the Council and advise me on how they wish me to proceed with regard to the sites referred to above.

Subject to whether I agree the criteria for designation has been met, I shall also require separate plans at a suitable scale for each of the proposed Local Green Spaces (in order to replace Figure 14-2) clearly showing the boundaries of the sites, for the benefit of future users of the Plan.

I shall visit all of the sites during the course of my site visit.

Question 8 – Policy WSNP13 (Westgate Countryside Triangle) (Page 42)

I note the representation submitted by Thanet District Council objecting to this Policy and seeking its deletion from the Plan.

In order that I can fully assess the merits of the Policy and its proposed designation of the land defined as the ‘Westgate Countryside Triangle’ as countryside open space, I require further evidential clarification from the **Qualifying Body** to justify the necessity for this Policy (beyond the commentary set out at Pages 40 and 41 in the Plan).

I therefore invite the **Qualifying Body** to please provide me with a note setting out the justification for this Policy, including reference to any accompanying existing evidential sources.

Question 9 – Policies WSNP19 (Community Infrastructure Levy) and WSNP20 (Section 106) (Pages 46 and 47)

In my assessment, I consider that, as drafted, these Policies are flawed in that they express an intention for the Town Council to support development proposals which set out potential financial benefits (from Community Infrastructure Levy payments and developer contributions through Section 106 agreements) for the Town Council's various projects as listed at Appendix 1 in the Plan.

The District Council does not at present have a Community Infrastructure Levy, and Policy WSNP19 therefore does not align with current District Council policies.

I consider that both Policies (and their supporting justification) should be replaced by a single policy concerning Developer Contributions that are secured through the grant of planning permissions in the Plan area for the provision of new and improved infrastructure etc., indicating that the Town Council consider that such infrastructure improvements should, if appropriate, include the projects listed at Appendix 1. It must be clear that such contributions can only be sought and secured in order to satisfactorily address the direct impacts of new development upon infrastructure provision. In the majority of cases, I anticipate that such contributions will be secured through Section 106 agreements.

I therefore invite the **Qualifying Body** to consider this matter, and if appropriate to provide me with draft text for a replacement Policy relating to Developer Contributions, as I have noted above.

Question 10 – Policy WSNP21 (Statement) (Page 50)

As drafted, this Policy is quite evidently a statement setting out the position of the Town Council with regard to the proposed new residential development on land in Westgate and Garlinge (as referenced in Section 17 of the Plan). It refers to ten other Policies in the draft Plan and sets out a number of other requirements that are beyond the scope of those Policies. Indeed, the Policy is simply entitled "*Statement*".

In my assessment, this statement does not constitute an appropriate land-use planning policy suitable for inclusion as one of the Plan's policies, unless it is substantially redrafted, shortened and re-titled.

I consider that an appropriate way forward will be for the Policy to be redrafted to focus on the main planning matters that are covered in the first six sentences of the current draft. Other matters can be covered by extended text within the Policy's justification, for example the references to other relevant Policies in the Plan. See also Question 11 below.

I therefore invite the **Qualifying Body** to consider this matter, and if appropriate to provide me with draft text for a replacement Policy relating to the development of land within the Plan area covered by the Local Plan Policy SP17 site allocation. It should not cover any land that falls beyond the Plan area or contain policy criteria that affect development proposals outside the Plan area. The Policy must be in general conformity with Policy SP17 and other relevant policies in the adopted Local Plan.

Question 11 – Policy WSNP22 (Protection of residents abutting the new development) (Page 51)

I note the representation submitted by Thanet District Council objecting to this Policy and seeking the deletion of the proposed 'functional green corridor' referenced in the Policy.

In my assessment, the fundamental purpose of this Policy, which is to safeguard the amenities of existing residents within the area close to the Local Plan Policy SP17 site allocation, can be addressed satisfactorily within redrafted text for Policy WSNP21 that is the subject of Question 10.

I therefore invite the **Qualifying Body** to consider this matter as part of the response to be prepared for Question 10, and if appropriate to provide me with draft text for a replacement Policy that takes into account the principal purpose of Policy WSNP22 and the representations that have been made by the District Council.