

Broadstairs & St Peter's Neighbourhood Plan Review - Referendum Decision Statement The Neighbourhood Planning (General) Regulations 2012 (as amended) - Regulations 18 (2)

1 Summary

1.1 The draft Broadstairs & St Peter's Neighbourhood Plan Review has been examined by an Independent Examiner who issued his report on 22 June 2023. The Examiner recommended a number of modifications to the Plan and that, subject to those modifications being accepted, it should proceed to referendum. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 prescribes time periods within which the Council must issue a Decision Statement after receiving the Examiners Report. These are either within 5 weeks of the date of the report, or a date agreed with the Qualifying Body (Broadstairs & St Peter's Town Council). Due to the dates of Cabinet meetings, it was not possible for the Council to issue a Decision Statement within 5 weeks of receipt of the report. The Town Council agreed that the Council would report to the earliest possible Cabinet meeting (10 August 2023) and issue its Statement following that meeting. The issue of this Decision Statement gives significant weight to the Broadstairs & St Peter's Neighbourhood Plan Review Referendum Version in determining planning applications.

1.2 The Council accepts the recommended modifications from the Examination and the Broadstairs & St Peter's Neighbourhood Plan Review, amended according to those modifications, can proceed to referendum.

1.3 The Decision Statement and the Examiners Report are available for viewing on the Council's website, and copies of all of these documents are available for inspection at:

- Thanet Gateway Plus, Cecil St, Margate CT9 1RE 10am - 2pm, or from the library until 5.30 Mondays, Thursday and Fridays, 5pm Tuesdays and Wednesdays and 3.30pm Saturdays
- Broadstairs & St Peters Town Council, Pierremont Hall, Broadstairs, CT10 1JX Mon-Fri 9.30am-4.00pm - please ring in advance on 01843 868718

- Broadstairs Library, The Broadway, Broadstairs CT010 2BS - Monday - Wednesday 9.30am - 5.30pm, Friday - 10am - 5pm, Saturday 10am - 4pm



2 Background

2.1 The Broadstairs & St Peter's Neighbourhood Plan was 'made' in May 2021. Broadstairs & St Peter's Town Council have been reviewing the Plan to ensure it remains valid and relevant. The revised plan is intended to reflect major international world changes since the publication of the first Edition, including slowing climate change and reducing carbon emissions and rapid social changes resulting from the Covid-19 pandemic.

2.2 Broadstairs & St Peter's Town Council carried out a variety of consultation events before carrying out their first formal consultation between 28 March - 06 June 2022, 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 14 December 2022 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 9 February - 23 March 2023 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 Review meets the basic conditions set out in paragraph 8(2) Schedule 4B of the Town and Country Planning Act 1990. The examination took place in the form of written representations. The Examiner published his final report on 22 June 2023. The Examiner concluded that the changes made to the Review Plan are material modifications which change the nature of the plan, and therefore recommends that the Neighbourhood Plan Review, 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 further modifications needed to be made to the plan for it to meet the 'Basic Conditions'. The Council supports the provisions of the draft Neighbourhood Plan and the Examiners recommendations that, subject to those modifications, it should proceed to referendum.

3.2 The Council considers that the Neighbourhood Plan, as amended by the 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.

3.3 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 the Examiner, that there is no reason to extend the Neighbourhood Plan Area for the purpose of holding a referendum.

3.4 A referendum will be held, with the question (in accordance with the Neighbourhood Planning (Referendums) Regulations 2012): *'Do you want Thanet District Council to use the neighbourhood plan review 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 Peter's Neighbourhood Plan

Modifications from June 2023 Report

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 8	<p><u>Section 6.0 – Strategic Environmental Assessment and Habitats Regulations Assessment</u></p> <p>Note correct title as above.</p> <p>Delete existing text in full, and replace with:</p> <p>“The draft of this Plan was screened by TDC in April 2022 to determine whether it required a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA).</p> <p>The Screening Report concluded that the NDP 2nd Edition will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore did not need to be subject to SEA.</p> <p>The Screening Report also concluded that the NDP 2nd Edition does not include any proposals that would be likely to adversely affect the integrity of the European sites or in combination with other projects and plans and that a full HRA Appropriate Assessment of the NDP was not required.</p> <p>The SEA and HRA Screening Report is available as a background document to this Plan on the Town Council’s Neighbourhood Plan web-page¹.” (Insert footnote as below).</p>
PM2	Page 15	<p><u>Policy CC1 – Clean Air for Residents</u></p> <p>2nd line of Policy text – correct “polution” to read “pollution”.</p>

¹ [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

PM3	Page 16	<p><u>Policy CC2 (Biodiversity)</u></p> <p>Amend Policy text to read:</p> <p>“In accordance with the Environment Act 2021 and national policy guidance, all qualifying planning applications for new development (mainly relating to residential, commercial and infrastructure development) in the Neighbourhood Plan area will need to provide a Biodiversity Net Gain (BNG) improvement of at least 10% above the baseline position. Such provision should be made on-site where possible, or at a suitable off-site location where on-site provision is not possible.”</p>
PM4	Pages 23-25	<p><u>Policy BSP3a – Providing important trees, Policy BSP3b – Protecting important trees and Policy BSP3c – Remedial Tree Works</u></p> <p>Delete all Policy text in full, and replace with:</p> <p><u>“Policy BSP3 – Protecting and Providing Important Trees</u></p> <p>“The Town Council will support proposals for new development which demonstrate that they will safeguard the protected and other significant trees within the Plan area. Proposals for additional tree planting will be encouraged as part of proposed new developments in order to achieve a net gain in the quantity of trees within landscaping schemes. The Town Council will assess all proposals in the context of its Tree Strategy (2022), including remedial works to existing trees, and the Tree Strategy is available as a background document to this Plan on the Town Council’s Neighbourhood Plan web-page².” (Insert footnote as below).</p> <p>Page 23 – delete the words <i>“through the introduction of several new tree policies to the NDP.”</i> in the third paragraph of sub-section 9.2.4.</p> <p>Amend Contents Page (Page 3) accordingly.</p>
PM5	Page 27	<p><u>Policy BSP4 – Seafront Character Zones</u></p> <p>Delete the reference to “Map 5” in the second line of Policy text and replace with “Map 6”.</p>

² [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

PM6	Pages 29 and 56	<p><u>Policy BSP5 – Designation of Local Green Spaces (LGS)</u></p> <p>Delete the former Joss Bay Picnic Site as a proposed Local Green Space from Map 7 and the listing at Appendix 2.</p> <p>Delete the detailed map of the Joss Bay Picnic Site from the Town Council’s web-site at: https://www.broadstairs.gov.uk/UserFiles/Files/Green space%20Joss%20Bay</p> <p>Delete the second paragraph of the Policy text and replace with:</p> <p>“Development proposals in designated Local Green Space will be managed in accordance with national policy for Green Belts.”</p>
PM7	Page 35	<p><u>Policy BSP7 – Areas of High Townscape Value</u></p> <p>Delete existing Policy text in full and replace with:</p> <p>“Within the five Areas of Townscape Value, as defined on Map 8 and on the detailed maps at Appendix 3, the conservation and/or enhancement of the special local character will be the primary planning objective. Accordingly, the Town Council will support development proposals only where it is demonstrated that the proposals have taken account of the design guidance and codes contained in the Broadstairs & St. Peter’s Design Guidance and Codes (AECOM, 2022), which is a supporting document to this NDP and available on the Town Council’s Neighbourhood Plan web-page³.” (Insert footnote as below).</p>
PM8	Page 37	<p><u>Policy BSP9 – Design in Broadstairs & St. Peter’s</u></p> <p>Add the following text to the second sentence of Policy text:</p> <p>“which is a supporting document to this NDP and available on the Town Council’s Neighbourhood Plan web-page⁴.” (Insert footnote as below).</p> <p>Delete the second paragraph of Policy text and replace with:</p> <p>“Proposals for new development in the NDP area should include a summary of how this has been</p>

³ [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

⁴ [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

		achieved as part of the design and access statement accompanying planning applications.”
PM9	Page 41	<p><u>Policy BSP10 – Shopping Areas</u></p> <p>Delete reference to Maps 8 and 9 in the second line of Policy text, and replace with:</p> <p>“Maps 9, 10 and 11”</p>
PM10	Page 43	<p><u>Policy BSP13 – Live-work Space</u></p> <p>Replace “small scale” in the first line of Policy text with “small-scale”.</p>
PM11	Page 45	<p><u>Policy BSP15 – Uses promoting Health and Exercise</u></p> <p>Delete existing Policy text in full and replace with:</p> <p>“Proposals for the development of gyms, fitness centres or other indoor and outdoor facilities that promote active exercise or participation in sport will be supported, provided that the proposals are in accord with other relevant Policies in this NDP.”</p>
PM12	Page 51	<p>Section 11 – Monitoring and Review</p> <p>Page 51 - add new third paragraph of text to read as follows:</p> <p>“Future reviews of the NDP will take account of the emerging review of the Thanet Local Plan which will cover the period from 2031 up to 2040.”</p>