

# Westgate-on-Sea Neighbourhood Plan - Referendum Decision Statement The Neighbourhood Planning (General) Regulations 2012 (as amended) - Regulations 18 (2)

## 1 Summary

1.1 The draft Westgate-on-Sea Neighbourhood Plan has been examined by an Independent Examiner who issued his report on 24 April 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 (Westgate-on-Sea Town Council). The Examiner's Report arrived during the pre-election period of the Local Government Elections held on 4 May, so 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 (15 June 2023) and issue its Statement following that meeting. The issue of this Decision Statement gives significant weight to the Westgate-on-Sea Neighbourhood Plan Referendum Version in determining planning applications.

1.2 The Council accepts the recommended modifications from the Examination and the Westgate-on-Sea Neighbourhood Plan, 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
- Westgate Town Council, 78 St Mildreds Road, Westgate-on-Sea, CT8 8RF - 10am - 12.30pm Mondays - Thursdays

- Westgate Library, Minster Road, Westgate-on-Sea, CT8 8BP - Monday, Tuesday, Wednesday, Friday - 10am - 5pm (closed 1pm - 2pm), Saturday 9.30am - 1.30pm



## 2 Background

2.1 In 2016 Westgate-on-Sea Town Council applied to the Council to designate a Neighbourhood Area. The proposed area followed the boundary under the jurisdiction of the Town Council. The Neighbourhood Area was designated on 20 October 2016 under the Neighbourhood Planning (General Regulations 2012 (as amended) - Regulation 7 (1).

2.2 Westgate-on-Sea Town Council undertook the pre-submission consultation of its Neighbourhood Plan between 24 September and 19 November 2021, 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 26 July 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 15 September and 27 October 2022 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 January and April 2023 in the form of written representations. The Examiner published his final report on 24 April 2023. 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 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 Westgate-on-Sea 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 for Westgate-on-Sea to help it decide planning applications in the neighbourhood area?'*

# Appendix 1 - Examiner's Recommended Modifications to the Westgate-on-Sea Neighbourhood Plan

## Modifications from April 2023 Report

| Proposed modification number (PM) | Page no./ other reference | Modification  |
|-----------------------------------|---------------------------|---|
| PM1                               | Page 10                   | <p><u>Section 3 – The Neighbourhood Development Area</u></p> <p>Delete Figure 3-1 and replace with the map contained at Appendix 1 to the Town Council's response dated 31 January 2023.<sup>1</sup></p>  |
| PM2                               | Front Cover               | Amend title to read " <b>Neighbourhood Development Plan 2021-2040</b> ".  |
| PM3                               | Page 11                   | <p><u>Section 5 – Strategic Environmental Assessment and Habitats Regulation Assessment</u></p> <p>Amend second paragraph of text to read:</p> <p><b>"The initial draft of this Plan was screened by TDC and shown to have no significant impact on Natura 2000 sites. Further to this, TDC as Local Planning Authority, did not consider that the Regulation 16 version (September 2022) of the Neighbourhood Plan included any major changes to existing policies, or added any new policies, that would warrant further screening. On this basis, the Local Planning Authority was satisfied that the report of January 2020 was up-to-date and relevant to the Regulation 16 version of the Neighbourhood Plan."</b></p> <p>Add new third paragraph, as follows:</p> <p><b>"The SEA and HRA Screening Report is available as a background document to this Plan on the Town Council's Neighbourhood Planning web-page."</b></p> |

<sup>1</sup> View at <https://www.westgateonseas.gov.uk/community/westgate-on-sea-town-council-13327/neighbourhood-plan/>

|     |         |   |
|-----|---------|---|
| PM4 | Various | <p>Amend title of Section 13 to read <b>“Responding to the Climate Crisis”</b> and amend the Contents Page (Page 2) and Schedule of Planning Policies (Page 19) accordingly.</p> <p>Amend Objective 5 of the Plan to read as follows:</p> <p><b>“5. To protect the small-town identity whilst allowing suitable, sustainable development. (Achieved by Policies WSNP1 and WSNP2).”</b></p> <p>Insert new Section 10 in the Plan to be entitled <b>“SUSTAINABILITY”</b> and re-number existing Sections 10-21 to be <b>Sections 11-22</b> respectively. Amend Contents Pages and all relevant cross-references within the Plan, e.g. within Section 6, accordingly.</p> <p>Insert new text and new Policy WSNP1 in the Plan, to read as follows:</p> <p><b>“10 SUSTAINABLE DEVELOPMENT</b></p> <p><b>Section 2 of the National Planning Policy outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. At a high level, this sustainability objective can be summarised “as meeting the needs of the present without compromising the ability of future generations to meet their own needs” (NPPF Paragraph 9).</b></p> <p><b>At a local level, in accordance with Objective 5, it is important to understand what makes Westgate-on-Sea special, unique and what gives it its character now, in order that development proposals can build on these positives. By building on these identified principles the town can thrive and grow in a sustainable manner, without detrimentally impacting on current and future residents.</b></p> <p><b>Therefore, in order to deliver sustainable development, this Neighbourhood Plan seeks to address the three overarching objectives of sustainable development, economic, social and environmental objectives, through a variety of planning policies. In addition to setting an overarching policy to support sustainable development in the Neighbourhood Area.</b></p> <p><b>The following overarching policy is the aspiration for sustainable development across the Neighbourhood Plan area:</b></p> <p><b>Policy WSNP 1</b></p> |
|-----|---------|---|

|     |                 |  |
|-----|-----------------|--|
|     |                 | <p><b>When considering new development in the Westgate-on-Sea Neighbourhood Area, a positive approach that reflects the presumption in favour of sustainable development, as set out in the National Planning Policy Framework, should be at the forefront of all proposals.”</b></p> <p>Re-number existing Policies WSNP1-12 as Policies <b>WSNP2-WSNP13</b>, taking account of other recommended modifications to the Plan contained in this report which include the deletion of Policy WSNP13 (see below).</p> <p>Amend Contents Page, Schedule of Planning Policies and all relevant cross-references, e.g. within Section 8 and 20, accordingly.</p>   |
| PM5 | Pages 21 and 22 | <p><u>Policy WSNP1 – Protection of Seafront Character in the West Zone</u></p> <p>Delete existing text, and replace with:</p> <p><b>“Proposals for the redevelopment of properties and sites in the West Zone of Sea Road, as defined on Figure 10-2A, for the purpose of building flats and apartments, will not be supported where such proposals would lead to over-massing of the site, built development that is projected forward of the existing building line in the vicinity of the site and is in discord with the prevailing character of the West Zone.</b></p> <p><b>Other proposals for development in the Seafront Character Zones should be planned and designed in accordance with the Design Guidelines set out in Section 10.2 of the Plan.”</b></p> <p>Replace existing Figure 10-2 with new plans numbered Figures 10-2A and 10-2B as contained at Appendix 2 to the Town Council’s response dated 31 January 2023.</p> |
| PM6 | Pages 23 and 24 | <p><u>Policy WSNP2 – Design guidelines</u></p> <p>Amend policy title to read <b>“Design Guidelines”</b>.</p> <p>Delete existing text, and replace with:</p> <p><b>“Proposals for new development in the Plan area should take account of the Design Guidelines set out in Section 10.2 of the Plan in the planning and design of such proposals. Proposals which demonstrably reflect the Design Guidelines will be supported by the Town Council.”</b></p>  |

|      |                 |  |
|------|-----------------|--|
|      |                 | <p>Amend 4<sup>th</sup> bullet point of ‘Design Guidelines for new large developments’ to read as follows:</p> <ul style="list-style-type: none"> <li>● <b>“Parking provision in accordance with the adopted parking standards of Kent County Council.”</b></li> </ul> <p>Add new 10<sup>th</sup> bullet point to ‘Design Guidelines for new large developments’ to read as follows:</p> <ul style="list-style-type: none"> <li>● <b>“Proposals should also take account of the guidance contained in the emerging Kent Design Guide, produced by Kent County Council.”</b></li> </ul> <p>Add new 11<sup>th</sup> bullet point to ‘Design Guidelines for new large developments’ to read as follows:</p> <ul style="list-style-type: none"> <li>● <b>“These guidelines apply to proposed developments containing more than 10 new dwellings.”</b></li> </ul> |
| PM7  | Page 25         | <p><u>Policy WSNP3 – Safeguarding leisure and tourism facilities</u></p> <p>Insert the words <b>“and/or”</b> between criteria a) and b) in the text of the policy.</p>   |
| PM8  | Page 26         | <p><u>Policy WSNP4 – Protection of shopping areas</u></p> <p>Delete the words “on Map A and A1” in the first line of policy text and replace with <b>“shown on Maps A and A1 in Figures 11-3 and 11-4”</b>.</p>  |
| PM9  | Page 28         | <p><u>Policy WSNP5 – Retention of employment space</u></p> <p>Replace the word “employer” in criterion d) with <b>“business”</b>.</p>  |
| PM10 | Pages 29 and 30 | <p><u>Policy WSNP6 – Conservation areas</u></p> <p>Delete existing policy text in full, and replace with:</p> <p><b>“Policy WSNP6 Conservation Areas</b></p> <p><b>Development proposals within the designated Conservation Areas in the Plan area, as shown on Figure 12-1, or those which could have adverse impacts upon the character of the Conservation Areas by virtue of their proposed siting, design, use and potential impacts such as noise and traffic generation, will be considered in accordance with the relevant policies in this plan and those in the adopted Thanet Local Plan, to ensure that the character and setting of the Conservation Areas is protected.”</b></p>   |

|      |         |  |
|------|---------|--|
|      |         | Delete Figures 12-1 and 12-2 and replace with the map contained at Appendix 3 to the Town Council’s response dated 31 January 2023.  |
| PM11 | Page 31 | <p><u>Policy WSNP7 – Local heritage assets</u></p> <p>Delete the words “local list” in the first sentence of policy text and replace with “<b>Local List</b>”.</p> <p>Delete the text contained in brackets in the first sentence of policy text.</p> <p>Add new second paragraph of policy text, to read as follows:</p> <p><b>“Details of the designated Historic Assets and the non-designated Heritage Assets within the Plan area are contained in the supporting documents to this Plan entitled ‘Westgate-on-Sea Designated Historic Assets’ and ‘Westgate-on-Sea Local List of Undesignated Heritage Assets’”.</b></p> |
| PM12 | Page 34 | <p><u>Policy WSNP8 – Protection of scheduled ancient monuments</u></p> <p>Delete existing policy text in full, and replace with:</p> <p><b>“Policy WSNP8 Protection of Scheduled Ancient Monuments</b></p> <p><b>The Town Council will not support proposals which would cause detrimental impact to Scheduled Ancient Monuments. All planning applications for development which may affect the site or setting of a Scheduled Ancient Monument will be required to include a Heritage Impact Assessment.”</b></p>  |
| PM13 | Page 36 | <p><u>Policy WSNP9 Low carbon development with renewable energies</u></p> <p>Delete the words “will be encouraged to follow the Building Regulations Part L: the Principles of Sustainable Construction” in the fourth and fifth lines of policy text, and replace with:</p> <p><b>“will be supported by the Town Council.”</b></p> <p>Add new second sentence of policy text to read as follows:</p> <p><b>“New buildings in the Plan area should be designed in accordance with the Building Regulations and should seek to incorporate the highest standards of energy efficiency.”</b></p>                                 |



|      |                 |   |
|------|-----------------|---|
| PM14 | Page 37         | <p><u>Policy WSNP10 – Surface water flood risk areas</u></p> <p>Add the words “<b>in areas with an identified risk of flooding</b>” after the words “Planning applications” in the first line of policy text.</p> <p>Add the word “<b>assessment</b>” after the word “risk” at the end of the first line of policy text.</p> <p>Add new third sentence to the second paragraph of policy text, to read as follows:</p> <p><b>“Advice on flood risk and the preparation of flood risk assessments is contained in Planning Practice Guidance (PPG) at <a href="https://www.gov.uk/guidance/flood-risk-and-coastal-change">https://www.gov.uk/guidance/flood-risk-and-coastal-change</a>”</b></p>   |
| PM15 | Pages 37 and 38 | <p><u>Policy WSNP11 – Designation of Local Green Spaces (LGS)</u></p> <p>Delete existing policy text in full and replace with:</p> <p><b>“Development proposals in the designated Local Green Spaces listed in Table 14-1 will be managed in accordance with national policy for Green Belts.”</b></p> <p>Delete the sites listed as Allotments at</p> <p>Lymington Road, Esplanade Gardens at Sea Road and Linksfield Village Green in Table 14-1 on pages 37 and 38.</p> <p>Delete the paragraph of text beneath policy WSNP11 on page 38.</p> <p>Delete Figure 14-2 on page 38, and replace with the map (Figure 14-2B to be re-numbered as <b>Figure 14-2</b>) contained at Appendix 4 to the Town Council’s response document dated 31 January 2023.</p> |
| PM16 | Page 39         | <p><u>Policy WSNP12 – The Green Wedge</u></p> <p>Add the words “<b>as shown on Figure 14-3,</b>” after the words “Green Wedge” in the first line of policy text.</p> <p>Delete the word “permitted” in the fifth line of policy text and replace with “<b>supported</b>”.</p> <p>Delete the word “Wedges” in criterion 2) and replace with “<b>Wedge</b>”.</p> <p>Delete the map contained at Figure 14-3 and replace with an updated version corresponding with the relevant content of the adopted Thanet Local Plan (2020).</p>  |

|      |                 |   |
|------|-----------------|---|
| PM17 | Pages 40 and 41 | <p><u>Policy WSNP13 – Westgate Countryside Triangle</u></p> <p>Delete this policy and sub-section 14.3 in full, together with Figure 14-5.</p> <p>Amend Contents Page, Schedule of Planning Policies and all relevant cross-references, e.g. within Sections 8 and 20, accordingly.</p>   |
| PM18 | Page 43         | <p><u>Policy WSNP14 – Building on the best and most versatile agricultural land</u></p> <p>Delete existing policy text in full and replace with:</p> <p><b>“Proposals for development on land classified as the best and most versatile agricultural land, other than that covered by site allocations contained in the adopted Thanet Local Plan, will not be supported by the Town Council.”</b></p> <p>Delete the final sentence of sub-section 14.4.</p> <p>Re-number sub-section 14.4 as <b>14.3</b> and amend the Contents Page accordingly.</p> <p>This policy will be re-numbered as Policy WSNP13.</p> |
| PM19 | Page 43         | <p><u>Policy WSNP15 – Protecting and promoting trees</u></p> <p>Delete the words “The application” in the first line of policy text and replace with <b>“Applications”</b>.</p> <p>Delete the word “approval” in the third line of policy text and replace with <b>“permission”</b>.</p> <p>Delete the word “NP” in the fifth line of policy text and replace with <b>“Plan”</b>.</p> <p>This policy will be re-numbered as Policy WSNP14.</p>  |
| PM20 | Page 44         | <p><u>Policy WSNP16 – Protection of protected species and biodiversity</u></p> <p>Delete existing policy text in full and replace with the following text:</p> <p><b>“The Town Council will only support development proposals in the Plan area if a survey of the existing wildlife and wildlife habitats present on the site has been undertaken, and the proposals include appropriate measures to ensure that any protected species and their habitats are fully protected. In accordance with the Environment Act 2021, proposals will need to include a Biodiversity Net Gain</b></p>                     |

|      |         |  |
|------|---------|--|
|      |         | <p><b>(BNG) requirement of at least 10% above the baseline position.”</b></p> <p>This policy will be re-numbered as Policy WSNP15.</p>   |
| PM21 | Page 45 | <p><u>Policy WSNP17 – Safeguarding community facilities</u></p> <p>Delete the words “is it” in the first line of the second paragraph of policy text and replace with <b>“it is”</b>.</p> <p>This policy will be re-numbered as Policy WSNP16.</p>   |
| PM22 | Page 46 | <p><u>Policy WSNP18 – Provision of infrastructure</u></p> <p>Amend first line of policy text to read:</p> <p><b>“Proposals for new development in the Plan area should make provision for supporting infrastructure which is:”</b></p> <p>This policy will be re-numbered as Policy WSNP17.</p>  |
| PM23 | Page 46 | <p><u>Policy WSNP19 – Community Infrastructure Levy</u></p> <p>Delete existing policy text and the text of sub-section 16.3 in full, and replace with revised sub-section 16.3 and <b>Policy WSNP18</b> (Developer Contributions) to read as follows:</p> <p><b>“16.3 <u>Developer Contributions</u></b></p> <p><b>Development contributions are based on the principle that developers should, where necessary, provide appropriate mitigation for developments brought forward, including where additional infrastructure is required to support the development. Specifically, contributions can only be sought and secured in order to satisfactorily address the direct impacts of new development upon infrastructure provision.</b></p> <p><b>The Town and Country Planning Act 1990 enables developer contributions to be secured through Section 106 Agreements, and the Planning Act 2008 and accompanying Community Infrastructure Levy (CIL) Regulations provide the legislative framework for the introduction of the CIL, although it has not yet been introduced in the Thanet District Council area. It is a locally determined levy on various types of new development calculated on the amount of new floorspace.</b></p> <p><b>At the present time, the District Council continues to secure infrastructure requirements and other planning obligations, such as affordable housing provision, through Section 106 Agreements.</b></p> |

|      |         |  |
|------|---------|--|
|      |         | <p>The Plan area, through the adopted Thanet Local Plan, includes a proposed strategic housing site allocation (Policy SP17) which will deliver a large amount of new residential development during the Plan period. It is expected that Section 106 Agreements will be negotiated as part of planning permissions granted by the District Council for this development in order to secure the supporting infrastructure and other planning obligations that will be necessary to ensure that the development is acceptable in planning terms.</p> <p>The Town Council considers that it will be important to address the direct impacts of the proposed new development upon the local area, particularly upon the existing transport and community infrastructure within the Plan area. The Town Council will liaise with the District Council to ensure that such impacts are fully addressed in the assessment of planning applications and that, where necessary, developer contributions are sought through Section 106 Agreements to mitigate any direct impacts upon infrastructure provision in the Plan area that are identified. Furthermore, the Town Council considers that it will be important to achieve the long-term cohesion of both the existing and new communities within the Plan area, and that any necessary investment in community infrastructure to support this key objective should be recognised. On this basis, Appendix 1 lists four projects that it considers should be assessed for potential developer contributions, as part of Section 106 Agreements, linked to the planned growth of the town over the Plan period.</p> <p><b><u>WSNP18 Developer Contributions</u></b></p> <p>Developer contributions that are secured through the grant of planning permissions in the Plan area for the provision of new and improved infrastructure should, if appropriate, include the projects listed at Appendix 1 in this Plan.”</p> <p>Amend Contents Page, Schedule of Planning Policies and all relevant cross-references, e.g. within Section 20, accordingly.</p> |
| PM24 | Page 47 | <p><u>Policy WSNP20 – Section 106</u></p> <p>Delete existing policy text and the text of sub-section 16.4 in full.</p>   |

|      |                 |  |
|------|-----------------|--|
|      |                 | Amend Contents Page, Schedule of Planning Policies and all relevant cross-references, e.g. within Section 20, accordingly.   |
| PM25 | Pages 48-50     | <p><u>Policy WSNP21 – Statement – The houses allocated on the agricultural land in Westgate and Garlinge</u></p> <p>Delete existing policy text in full, and replace with:</p> <p><b><u>“Policy WSNP19 POLICY STATEMENT – The houses allocated on the agricultural land in Westgate and Garlinge</u></b></p> <p><b>Development of the site known as SP17 in the adopted Thanet Local Plan will only be supported by the Town Council, if it meets all the requirements set out in this Plan.</b></p> <p><b>In furtherance to this, development should be high-quality, well-designed and respond to the Westgate-on-Sea town development boundary, ensuring a complementary and considerate boundary transition between the existing and new development. Specifically, the siting and design of new-build development should not impact on the residential amenity of existing residents.</b></p> <p><b>To promote a cohesive town, the Town Council will support designs that will facilitate social interaction, healthy inclusive communities and promote green links and infrastructure through and out of the development to the existing built environs of the Westgate-on-Sea community.”</b></p> <p>Delete the text of the second and fifth bullet points listed on page 49, as I recommend the deletion of Policies WSNP22 and WSNP13 respectively in this report.</p> <p>Delete the reference to Policy WSPN13 (sic) in the first bullet point listed on page 48.</p> |
| PM26 | Page 51         | <p><u>Policy WSNP22 - Protection of residents abutting the new development</u></p> <p>Delete this policy and sub-section 17.1 in full.</p> <p>Amend Contents Page, Schedule of Planning Policies and all relevant cross-references, e.g. within Sections 8 and 20, accordingly.</p>  |
| PM27 | Pages 60 and 61 | <p>Section 20 – Monitoring and reviewing</p> <p>Add new second sentence to the first paragraph of text to read as follows:</p>   |

|      |         |  |
|------|---------|--|
|      |         | <p><b>“Future reviews of the Plan will take account of the emerging review of the Thanet Local Plan which will cover the period from 2031 up to 2040.”</b></p> <p>Amend the Schedule of Policies on pages 60 and 61 to delete references to Policies WSNP13, WSNP20 and WSNP22 and to amend the titles of other Policies in accordance with the relevant recommended modifications contained in this report. The Contents Pages should be similarly amended and including the deletion or re-numbering of sub-sections, as set out in this report.</p> |
| PM28 | Page 62 | <p>Section 21 – Appendices</p> <p>Delete the words <b>“CIL and”</b> in the title of Appendix 1.</p>  |