



Report on Westgate-on-Sea Neighbourhood Development Plan 2022-2040

An Examination undertaken for Thanet District Council with the support of Westgate-on-Sea Town Council on the September 2022 Submission version of the Plan.

Independent Examiner: Derek Stebbing BA (Hons) DipEP MRTPI

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Intelligent Plans and Examinations (IPE) Ltd, 3 Princes Street, Bath BA1 1HL
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Main Findings - Executive Summary

From my examination of the Westgate-on-Sea Neighbourhood Development Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – the Westgate-on-Sea Town Council (the Town Council);
- the Plan has been prepared for an area properly designated – the Westgate-on-Sea Neighbourhood Area, as identified on the map at page 10 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2021 to 2040¹; and,
- the policies relate to the development and use of land for a designated neighbourhood plan area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Westgate-on-Sea Neighbourhood Development Plan 2021-2040²

- 1.1 Westgate-on-Sea is a seaside town and civil parish on the north-east coast of Kent, within the district of Thanet. It is bordered by the town of Margate to the east and the village of Birchington-on-Sea to the west. The town is built beside the two sandy bays of St Mildred's Bay and West Bay, with chalk cliffs being present between the bays and to their east and west. The parish area had a population of 6,996 persons at the 2011 Census, which had increased from 6,594 persons in 2001. The parish has a higher than average proportion of residents aged 65 years and over (27% compared to the national average of 16%).
- 1.2 Before the 1860s, Westgate consisted of only a farm, a coastguard station and a few cottages for the crew situated alongside St. Mildred's Bay. During the late 1860s, businessmen developed the area into a seaside resort. A stretch of sea wall, with a promenade on top, was constructed around the beaches at St Mildred's Bay and West Bay, and the land divided into plots to be sold for what would become an exclusive private

¹ See below: paragraphs 2.10, 3.4 and **PM2**.

² See footnote 1.

community, rather than for tourists. The opening of the railway station in 1871 led to a significant increase in the population, which reached 2,738 by 1901. In 1884, ownership of most of the resort passed to Coutts Bank, after the previous owners had gone bankrupt.

- 1.3 Westgate-on-Sea became a civil parish in 1894 within the former Isle of Thanet Rural District but by the 1930's the parish had been largely urbanised and the Parish Council ceased. However, in May 2015, Thanet Council re-established a Parish Council for the Westgate-on-Sea ward and the new council met for the first time on 7 May 2015 as the Westgate-on-Sea Town Council, who are the Qualifying Body for this Neighbourhood Plan.
- 1.4 Westgate-on-Sea is a thriving town with a good range of retail and community facilities. The Ursuline College is a Roman Catholic-aided secondary school with nearly 800 students, and there are two state-sector primary schools (St. Crispin's Community Primary Infant School and St. Saviour's Church of England Junior School) and one independent primary school (Chartfield School) within the town. Many children of secondary school age in the parish travel to schools in other towns, particularly to Ramsgate and Broadstairs.
- 1.5 The town's railway station is on the main line which runs between Ramsgate and London Victoria, and provides direct connections to other towns in North Kent and South East London. Local bus services run to Margate, Birchington-on-Sea, Broadstairs and Canterbury. The A28 is the principal road serving Westgate-on-Sea, which provides links to the A299 and the M2 motorway with good access to many other parts of North Kent and to London.
- 1.6 There are three designated Conservation Areas in the town, together with a significant number of listed buildings and other heritage assets. The 'Westgate-on-Sea Designated Historic Assets' and the 'Westgate-on-Sea Local List of Undesignated Heritage Assets' documents record and illustrate the considerable number of heritage assets within the town, many dating from the late 19th century.
- 1.7 The town has a thriving community life, with many active clubs and groups serving all ages. There are a number of community buildings and meeting spaces within Westgate-on-Sea providing facilities for local groups.
The principal sporting facility is the Westgate and Birchington Golf Club with a clifftop course situated to the west of the town. Cricket and tennis are other popular sports within the town. As a seaside town, the local economy is mainly focused around services and facilities for the tourism sector, but the health and social care sector is also a significant source of employment, with nearly 7% of the town's population residing in medical care establishments.

The Independent Examiner

- 1.8 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Thanet District Council (the Council/TDC), with the agreement of the Town Council.
- 1.9 I am a chartered town planner, with over 45 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the local plan system and undertaken peer reviews on behalf of the Planning Advisory Service. I therefore have the appropriate qualifications and experience to carry out this independent examination.
- 1.10 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.11 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.12 The scope of the examination is set out in Paragraph 8(1) of Schedule to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;

- it does not include provisions and policies for 'excluded development'; and
- it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.13 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.14 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)³; and
- meet prescribed conditions and comply with prescribed matters.

1.15 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').⁴

³ The existing body of environmental regulation is retained in UK law.

⁴ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Thanet District Council, not including documents relating to excluded minerals and waste development, consists of the Thanet Local Plan (TLP), adopted July 2020, which covers the period from 2011 to 2031. TDC has carried out two 'Calls for Sites' and initial Regulation 18 consultation as part of the process to review the adopted Local Plan. It is anticipated that the review will extend the Plan period to 2040. The Council's latest Local Development Scheme (LDS) (June 2022) indicates that a further Regulation 18 consultation will take place in September 2023 followed by Regulation 19 pre-submission consultation in September 2024. Formal adoption is anticipated in 2026. The second of my preliminary questions (see paragraph 2.10 below) relates to the Plan period to be covered by the Neighbourhood Plan.
- 2.2 The adopted Local Plan contains a suite of 47 strategic policies, of which Policy SP17 is the allocation of land to the east and west of Minster Road, Westgate-on-Sea for the allocation of up to 2,000 new homes, as one of the Local Plan's strategic housing sites for the period up to 2031. The supporting justification for this policy includes the following commentary:

"3.22 Westgate-on-Sea and Birchington, along with Garlinge and Westbrook form part of the continuous urban coastal belt of Thanet, located to the west of Margate.

3.23 Westgate comprises, in the main, high quality residential environments and was originally developed as a seaside resort for the upper and middle classes. It has a small commercial centre which serves the surrounding residential community, and a train station with routes to Margate and the rest of Thanet, as well as Faversham and London. Between Westgate and Margate are the smaller suburbs of Westbrook and Garlinge, both of which also have small commercial centres that serve the local community."

and:

"3.25 These settlements are considered to be sustainable locations for new development, with good access to local services, including schools and other community facilities, as well as convenient transport options to the rest of Thanet and locations outside of the district. Developers will need to work with relevant health care providers to ensure adequate provision is made in these locations."

Policy SP17 is reproduced in full at Appendix 2 to the Plan.

- 2.3 Linked to Policy SP17, Policy SP42 (Primary and Secondary Schools) includes provision for a new 2FE Primary School at Westgate-on-Sea to meet the needs of the proposed new housing development.
- 2.4 A further non-strategic housing allocation for 23 new dwellings at Suffolk Avenue, Westgate-on-Sea is part of the housing allocations made within Policy HO1.
- 2.5 Policy SP33 (Local Green Space) designates 19 Local Green Spaces across the district, of which are five are within the Plan area, as follows:
- o Adrian Square, Westgate;
 - o Ethelbert Square, Westgate;
 - o Playing Field, Minster Road, Westgate;
 - o Recreation Ground, Lymington Road, Westgate; and
 - o Local Park, Victoria Avenue/Quex Road, Westgate.
- 2.6 The Basic Conditions Statement (at pages 7-8 and 14-15) provides an assessment of how the policies proposed in the Plan have regard to national policy and are in general conformity with the relevant strategic policies in the adopted TLP. Having been adopted in 2020, the TLP provides an up-to-date strategic planning context for the Neighbourhood Plan, and this has enabled the Neighbourhood Plan and its policies to be prepared. It should be noted that Appendix 4 of the Basic Conditions Statement contains many minor numbering errors regarding the TLP policies, e.g. Policy SP25 should be Policy SP28 and Policy SP33 should be Policy SP35. I advise that these errors are addressed⁵ alongside any necessary modifications to the Plan recommended in this report.
- 2.7 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 20 July 2021. All references in this report are to the 2021 NPPF and its accompanying PPG.

Submitted Documents

- 2.8 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Westgate-on-Sea Neighbourhood Development Plan 2022-2040 Submission Version (September 2022) and its Appendices;
 - the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (January 2020);
 - the Basic Conditions Statement (September 2022);
 - the Consultation Statement (July 2022);

⁵ See paragraph 4.91 below.

- all the representations that have been made in accordance with the Regulation 16 consultation;⁶ and
- the request for additional clarification sought in my letter of 3 January 2023 to TDC and the Town Council and their responses dated 10 January and 31 January 2023 respectively.⁷

It should be noted I also wrote a further procedural letter on 22 March 2023 to clarify the requirements around transparency, resulting in the non-acceptance (and withdrawal) of additional evidence to the Examination.⁸

Supporting Documents

2.9 I have also considered the various supporting documents to the submission Plan, including:

- Heritage Statement (September 2021);
- Designated Historic Assets (September 2021); and
- Undesignated Heritage Assets (as amended 18 May 2022).

Preliminary Questions

2.10 Following my appointment as the independent examiner and my initial review of the draft Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the Council and the Town Council on 3 January 2023 seeking further clarification and information on eleven matters contained in the submission Plan, as follows:

1. With regard to the designated Neighbourhood Area, I noted that 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. I therefore requested that the Council or the Qualifying Body 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 recommended modification to the Plan.
2. With regard to the Plan period, I noted that the front cover of the Plan states that the Plan period is 2022-2040 but Section 4 of the Plan states that "*this NP will have a plan period from 2021 to 2040*", whilst the Basic Conditions Statement states that the Plan period is from September 2021 to the end of 2040. I therefore requested that the Qualifying Body confirm what is the exact period that will be covered by the Plan.

⁶ View at: <https://thanetcouncilplan.inconsult.uk/WNPREG16/listResponses>

⁷ View at:

<https://www.thanet.gov.uk/info-pages/westgate-neighbourhood-plan-examination/>

⁸ View at:

<https://www.thanet.gov.uk/wp-content/uploads/2023/03/Westgate-on-Sea-NDP-Examiner-Procedural-Letter-220323..pdf>

3. With regard to the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) screening reports, I observed that that it would appear that Section 5 of the draft Plan had not been amended and updated since the preparation of the Regulation 14 consultation draft of the Plan. I therefore invited 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 recommended modification to the Plan.
4. With regard to Policy WSNP1 (Protection of Seafront Character in the West Zone) in the submission Plan, I noted that Figure 10-2 in the Plan 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). I therefore requested 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 recommended modification to the Plan linked to the future implementation of Policy WSNP1.
5. With regard to the designated Conservation Areas, I considered that Figures 12-1 and 12-2 in the submission Plan both require notations identifying the names of the relevant Conservation Areas that are presently shown on these plans. I observed that this could be achieved by the addition of a notation panel for each plan linked to reference numbers on the plans. I therefore requested 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 recommended modification to the Plan linked to the future implementation of Policy WSNP6.
6. With regard to sustainable development, I noted that the submission Plan contains an Objective No. 5 "*To protect the small-town identity whilst allowing suitable, sustainable development. (Achieved by Policies WSNP2 and 9)*". However, in my assessment, I considered that 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 invited 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 recommended modification to the Plan.
7. With regard to Policy WSNP11 (Designation of Local Green Spaces (LGS)), I noted 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 in the submission Plan 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. I further noted that 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 noted that I shall require the necessary supporting evidence and justification for each of the sites that fulfils the criteria set out in the NPPF at paragraph 102. Accordingly, I invited 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. I also advised that I required 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. Finally, I confirmed that I would visit all of the sites during the course of my site visit.

8. With regard to Policy WSNP13 (Westgate Countryside Triangle), I noted that Thanet District Council had objected to this policy and sought its deletion from the Plan. I observed that, 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 required further 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 invited the Qualifying Body to provide me with a note setting out the justification for this policy.
9. With regard to Policies WSNP19 (Community Infrastructure Levy) and WSNP20 (Section 106), I observed that, in my assessment, I considered 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. I noted that the District Council does not at present have a Community Infrastructure Levy (CIL), and Policy WSNP19 therefore does not align with current Thanet Council policies. I considered 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. I stated that 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 anticipated that such contributions will be secured through Section 106 agreements. Accordingly, I therefore invited the Qualifying Body to consider this matter, and if appropriate to provide me with draft text for a potential

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replacement policy relating to Developer Contributions, as noted above.

10. With regard to Policy WSNP21 (Statement), I observed that, 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*". I further noted that, 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 considered that an appropriate way forward would 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. I therefore invited 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. I stated that it should not cover any land that falls beyond the Plan area or contain policy criteria that affect development proposals outside the Plan area and that the policy must be in general conformity with Policy SP17 and other relevant policies in the adopted Local Plan.

11. With regard to Policy WSNP22 (Protection of residents abutting the new development), I noted that Thanet District Council had objected to this policy and sought the deletion of the proposed 'functional green corridor' referenced in the policy. I observed that, 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 the tenth question. I therefore invited the Qualifying Body to consider this matter as part of the response to be prepared for the tenth question, 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.

2.11 In response to my letter of 3 January 2023, the District Council and the Town Council provided me with responses to the preliminary questions listed above on 10 January 2023 and 13 February 2023 respectively. I have taken full account of the additional information contained in these responses as part of my assessment of the draft Plan, alongside the documents listed at paragraphs 2.8 and 2.9 above. (Please note that whilst the Qualifying Body's response document is dated 31 January 2023, it was not agreed for submission to the examiner until being considered and approved at a Town Council meeting on 7 February 2023).

- 2.12 To avoid unnecessary repetition in subsequent sections of this report, I refer to the preliminary questions and to the responses from the Council and Town Council by their relevant number, e.g. Preliminary Question No. 1. Readers should refer to paragraph 2.10 above, and to the response documents from each Council for the full text of questions and responses.

Site Visit

- 2.13 I made an unaccompanied site visit to the Neighbourhood Plan Area on 21 January 2023 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

Written Representations with or without Public Hearing

- 2.14 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a public hearing as part of this examination. In all cases, the information provided has enabled me to reach a conclusion on the matters concerned.

Modifications

- 2.15 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by Westgate-on-Sea Town Council. An application to the Council for the parished area of Westgate-on-Sea to be designated a neighbourhood planning area was made in July 2016 and was approved by the Council on 20 October 2016.⁹
- 3.2 The designated Neighbourhood Area comprises the whole of the parished area of Westgate-on-Sea. The designated area is shown on the map (Figure 3-1) at page 10 in the submission Plan and at Figure 1 in the Basic Conditions Statement. However, neither of these maps show the

⁹ View at:

<https://www.thanet.gov.uk/info-pages/neighbourhood-planning/?question=1270-5>

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boundary of the designated Neighbourhood Area with sufficient clarity, and, following the Town Council's response to Preliminary Question No. 1, I recommend that the map provided at Appendix 1 to the Town Council's response document be inserted in the draft Plan (and also in the Basic Conditions Statement) to replace the existing map. This is addressed by recommended modification **PM1**. I am also content that The Westgate-on-Sea Neighbourhood Plan is the only Neighbourhood Plan in the designated area.

- 3.3 Westgate-on-Sea Town Council is the Qualifying Body for the preparation of the Plan. The preparation of the Plan has been led by a Steering Group, which was established in March 2017, with up to 12 members comprising Town Councillors, a number of local residents and other interested members of the community.

Plan Period

- 3.4 The draft Plan specifies (on the front cover) the period to which it is to take effect, which is stated there as the period from 2022 to 2040. However, Section 4 of the Plan states that the Plan period is 2021-2040. In response to Preliminary Question No. 2, the Town Council has confirmed that the correct Plan period is from September 2021 to 2040, and I therefore recommend that the draft Plan be amended accordingly. This is addressed by recommended modification **PM2**. The Plan period encompasses the remaining part of the plan period for the adopted TLP (up to 2031) and the plan period for the emerging review of the TLP (up to 2040). I make a further recommendation and proposed modification **PM27** (see paragraph 4.89 below) with regard to the future review of the Plan to take account of the emerging review of the TLP.

Neighbourhood Plan Preparation and Consultation

- 3.5 The Consultation Statement and its Appendices sets out a comprehensive record of the Plan's preparation and its associated engagement and consultation activity between Spring 2017 and Autumn 2022. The decision to undertake the preparation of the Neighbourhood Plan was taken in early 2017, with an initial public meeting being held on 4 March 2017. The Neighbourhood Plan Steering Group was then constituted, with delegated authority to undertake the preparation of the draft Plan. A survey was undertaken to collect the views of residents, businesses and visitors to the town, with the results being analysed as part of the initial preparatory work on the draft Plan. A further public meeting was held on 21 June 2019, which was a workshop to review the work on the various themes covered by the Plan.
- 3.6 The preparation of the Plan and the associated community engagement and consultation has involved three main stages, as follows:
- Stage 1: Initial work, community engagement and data collection (Spring 2017-Spring 2019).

- Stage 2: Work on the preparation of a pre-submission draft Plan with community involvement and engagement (Spring 2019-Summer 2021).
 - Stage 3: Pre-submission consultation on the draft Neighbourhood Plan (Regulation 14) (Autumn 2021).
 - Stage 4: Submission to the Council, Regulation 16 consultation and examination) (July 2022 to Spring 2023).
- 3.7 Stage 1 was focused around the public meetings described above, the major community survey of residents, businesses and visitors, the identification of the themes that would be covered by the Plan and the collection of data and relevant evidence.
- 3.8 During Stage 2, work was focused on the preparation of the draft Plan and accompanying consultation material for the pre-submission Regulation 14 consultation process.
- 3.9 The Regulation 14 draft Plan public consultation was undertaken between 24 September and 25 November 2021. A total of 326 responses were received to the Regulation 14 consultation and Appendices 1 and 2 to the Consultation Statement contain a summary of the responses received and a copy of the consultation questionnaire that was prepared for this consultation. The consultation was accompanied by extensive local publicity across the Plan area, with a leaflet being distributed to most homes in the parish, in-person consultation events being held on 26 and 29 September 2021, a 'virtual' consultation event being held on 24 September 2021 (being viewed on 110 occasions) and a hybrid in-person and live-streamed event being held on 30 October 2021 (being viewed on 421 occasions). Various statutory and non-statutory consultees were contacted separately (as listed at Appendix 3 to the Consultation Statement), including the Council, Kent County Council, adjoining Parish Councils, local schools, sports and leisure clubs/providers, other local organisations and utility providers. Appendix 4 contains the full consultation responses submitted by Kent County Council, Thanet District Council, The Coal Authority and Millwood Designer Homes Ltd. A series of amendments were made to the draft Plan to take account of consultation responses, and the relevant Schedule of Proposed Changes to the Plan was approved by the Town Council at its meeting held on 5 July 2022.
- 3.10 Stage 4 comprised the finalisation of the draft Submission Plan and supporting documents, following the Regulation 14 consultation, and the formal submission of the draft Plan to the Council for examination.
- 3.11 The Consultation Statement provides a full record of the consultation and engagement work that was undertaken during the preparation of the Plan, particularly regarding the Regulation 14 pre-submission consultation held in Autumn 2021.
- 3.12 The Town Council duly resolved at its meeting held on 5 July 2022 to submit the Plan to the Council for examination under Regulation 15, and the Plan was then formally submitted shortly thereafter. Regulation 16

consultation was then held for a period of six weeks from 15 September to 27 October 2022. A total of 40 duly made responses from nine respondents were received during the consultation period. Late submissions were made by the Thanet Cycling Forum and Kent County Council which I have also taken into account as part of this examination. From my assessment of the Consultation Statement, I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Plan, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

3.13 I am satisfied that the draft Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.14 From my review of the documents before me, the draft Plan does not include policies or proposals that relate to any of the categories of excluded development.¹⁰ Kent County Council is the Minerals and Waste Planning Authority for the Plan area, and the relevant development plan document for these matters is the adopted Kent Minerals and Waste Local Plan (2013-2030).

Human Rights

3.15 Neither the Council nor any other party has raised any issues concerning a breach of, or incompatibility with Convention Rights (within the meaning of the Human Rights Act 1998). From my assessment of the Plan, its accompanying supporting documents and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I consider that none of the objectives and policies in the Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Council issued a Strategic Environmental Assessment Screening Report in accordance with the Environmental Assessment of Plans and

¹⁰ The meaning of 'excluded development' is set out in s.61K of the 1990 Act.
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Programmes Regulations 2004 ('the SEA Regulations') in January 2020, and this was prepared on the basis of the pre-submission policies contained in the draft Plan, first prepared in January 2019 and which was the subject of Regulation 14 consultation in September-November 2021. This Screening Report was submitted alongside the draft Plan and concluded (at Section 3) that the policies in the pre-submission draft Plan are not likely to have significant environmental effects on the environment, and therefore a full SEA is not considered to be required. The Screening Report was the subject of consultation with the Environment Agency, Natural England and Historic England during 2019.

- 4.2 I have considered the SEA methodology set out in the Screening Report (at Section 1) and process by which the Plan was duly screened to determine whether the Plan is likely to have significant environmental effects. Overall, I am satisfied that a proportionate approach has been taken and that the Plan was screened to take full account of any potential effects upon interests of environmental, landscape, historic and heritage importance.
- 4.3 The Plan was also screened by the Council in order to establish whether the Plan required HRA under the Habitats Regulations. There are eight sites of European importance within 15 kilometres of the Plan area boundary, those being the Thanet Coast Special Area of Conservation (SAC), the Thanet Coast and Sandwich Bay Special Protection Area (SPA), the Thanet Coast and Sandwich Bay Ramsar site, the Sandwich Bay SAC, the Stodmarsh SAC, the Stodmarsh SPA, the Stodmarsh Ramsar site and the Outer Thames Estuary SPA. A ninth site, the Margate and Long Sands SCI, is presently identified as a candidate SAC. The HRA Screening Assessment, which is contained within the Screening Report (at Appendix 1), concluded (at Section 3) that the draft Plan 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 Plan is not required. I have noted that Natural England's consultation response confirmed that a HRA is not required.
- 4.4 Therefore, I consider that on the basis of the information provided and my independent consideration of the SEA and HRA Screening Reports and the Plan itself, I am satisfied that the Plan is compatible with EU obligations under retained EU law.
- 4.5 I noted, as part of my preliminary assessment of the Plan with regard to the SEA and HRA reports, Section 5 of the draft Plan had not been amended and updated since the preparation of the Regulation 14 consultation draft of the Plan. As Preliminary Question No. 3, I therefore invited 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. In response to that question, both the Council and the Town Council have provided responses, and I consider that the proposed text set out at paragraph 1.12 of the Town Council's response document will update the Plan

satisfactorily. Accordingly, I recommend modification **PM3** to address that matter.

Main Assessment

- 4.6 The NPPF states (at paragraph 29) that "*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan*" and also that "*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies*". The NPPF (at paragraph 11) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans; and should shape and direct development that is outside of these strategic policies.
- 4.7 Having considered above whether the Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.13 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.8 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's 22 policies, which address the following themes: Design; Economy; Heritage; Sustainability; Green and Open Spaces; Biodiversity; Facilities; and, New Developments. As part of that assessment, I consider whether the policies in the Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹¹ I recommend some modifications as a result.

Overview

- 4.9 The Plan is addressing the period from 2021 to 2040 and seeks to provide a clear planning framework to protect and enhance the town for the benefit of present and future generations, whilst seeking to influence the quality and design of new developments, the provision of new infrastructure and the protection of environmental assets.
- 4.10 Section 1 of the Plan provides an introduction to the Plan following the designation of the parished area as a Neighbourhood Area in October 2016 and includes a synopsis of the major planning issues within Westgate-on-Sea which have led to the decision to prepare a

¹¹ PPG Reference ID: 41-041-20140306.

neighbourhood plan. The central issue has been the strategic housing allocation for 2,000 homes, now known as “The Gallops” by the prospective developer, contained in the adopted TLP, and which is addressed at Section 17 in the Plan.

- 4.11 Section 2 of the Plan provides a broad overview of the planning policy framework, contained in national legislation and policy guidance, that enables the preparation of neighbourhood plans.
- 4.12 Section 3 of the Plan defines the Westgate-on-Sea Neighbourhood Development Area, including a map of the designated Neighbourhood Area (see also paragraph 3.2 above).
- 4.13 Section 4 of the Plan sets out the time period to be covered by the Plan which is from 2021 to 2040 and states that it will be reviewed at five yearly intervals (see also paragraph 3.4 above).
- 4.14 Section 5 of the Plan provides a short description of the SEA and HRA requirements as they concern the preparation of development plans, including neighbourhood plans, and I address this matter in fuller detail under *EU Obligations* above.
- 4.15 Section 6 of the Plan, entitled “*Complications for the Neighbourhood Planning process in Westgate-on-Sea*” is a short section setting out how the Plan has been prepared in the context of the strategic housing allocation for 2,000 new homes contained in the adopted TLP (see paragraph 2.2 above) and sets out how the Plan seeks to meet the aspirations of the community, for example through design, so that the new development can be best integrated into the community.
- 4.16 Section 7 of the Plan, entitled “*About Westgate-on-Sea*”, provides a short history of the town, relevant demographic information and a description of the main characteristics of the area.
- 4.17 Section 8 of the Plan contains the Vision and Objectives for the Plan. The Vision for the future of Westgate-on-Sea is:

“Recognising Westgate-on-Sea is a special place to live in and visit, we aim to retain this status, by protecting our environment and communities, whilst to encourage change that will enhance the appeal of the area, as well as its sustainability.

Our vision is to conserve and enhance the heritage and seascape of our town with its backing of quality agricultural heritage, to retain its uniqueness within the county and the area of Thanet in general.

To improve and expand within a realistic and acceptable framework, to build for the future without impacting the environment negatively.”

- 4.18 The Plan contains seven Objectives, as follows:

- To protect the character of the seafront whilst encouraging sustainable growth in tourism;
- To protect the town centre and encourage businesses and employment;
- To protect the local heritage of the town, the conservation areas and the nearby Scheduled Ancient Monuments;
- To protect and enhance our local community assets and local green spaces;
- To protect the small-town identity whilst allowing suitable, sustainable development;
- To encourage low carbon developments with renewable energies and green innovation within the town; and,
- To work with the developers of the potential 2,000 houses allocated in Westgate-on-Sea locality (including Garlinge) to ensure that the development has the least negative and most positive outcomes possible. (A further list of specific objectives for the 2,000 home housing allocation is set out in Section 17 of the Plan).

4.19 Section 9 of the Plan is a schedule of the 22 Policies in the Plan, grouped by the eight separate themes in the Plan (Design, Economy, Heritage, Sustainability, Green and Open Spaces, Biodiversity, Facilities and New Developments). My assessment of each of the Plan's policies is set out below under these themes.

4.20 The Basic Conditions Statement (at Section 4) describes how the Plan, and its objectives and policies, has regard to national policies contained in the NPPF and contributes to the achievement of sustainable development. Appendix 1 of the Basic Conditions Statement sets out how each of the Plan's 22 policies are consistent with national policy contained in the NPPF and accompanying PPG, whilst Appendix 2 sets out an assessment of the sustainability of each of the Plan's policies against the social, economic and environmental principles of sustainable development.

4.21 Upon my initial assessment of the Plan, I noted, with regard to sustainable development, that the submission Plan contains an Objective No. 5 *"To protect the small-town identity whilst allowing suitable, sustainable development. (Achieved by Policies WSNP2 and 9)"*. However, in my assessment, I considered that 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. Therefore, as Question No. 6, I therefore invited 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.

- 4.22 The Town Council's response document, at paragraphs 1.17-1.21, sets out a series of proposed amendments and additions to the draft Plan to address the matter raised in that question. I have considered the proposed revisions, all of which I consider to be appropriate and necessary for the Plan to address the requirement to contribute to the achievement of sustainable development. For completeness, I address all of the proposed revisions to the Plan on this matter as a single consolidated recommended modification **PM4**.
- 4.23 I consider that overall, subject to recommended modification PM4 and the further modifications that I recommend to specific policies below, that individually and collectively the Plan's policies will contribute to the achievement of sustainable patterns of development. There are also a number of detailed matters which require amendment to ensure that the policies have the necessary regard to national policy and are in general conformity with the strategic policies of the Council. Accordingly, I recommend modifications in this report in order to address these matters.

Specific Issues of Compliance

- 4.24 I turn now to consider each of the proposed policies in the draft Plan, which are contained in Sections 10-17 of the draft Plan, and I take into account, where appropriate, the representations that have been made concerning the policies.

Design

- 4.25 Section 10 of the Plan addresses the theme of Design in the Plan area and contains two policies (Policies WSNP1 and WSNP2). The first part of this section of the Plan focuses on the Seafront area, and notes that there have been some recent developments along Sea Road which are out of character with the surrounding area. The Plan proposes a level of protection in the form of two Seafront Character Zones, a West Zone to the west of Domneva Road and an East Zone to the east of that road. The second part of this section proposes a series of Design Guidelines for infill developments and householder applications such as house extensions and external alterations within the Plan area, and a further series of Design Guidelines for large new developments.
- 4.26 Policy WSNP1 (Protection of Seafront Character in the West Zone) covers the above-mentioned West Zone and states that the redevelopment of the West Zone of Sea Road for the purpose of building flats will not be supported, where it creates over-massing, development forward of the building line in the area and is in discord with the prevailing character of the area. As Preliminary Question No. 4, I noted that Figure 10-2 in the Plan 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). I therefore requested 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. The Town Council's response, at Appendix 2 included two new plans (to be numbered Figures 10-2A and 10-2B) clearly defining the extent of the proposed Seafront Character West and East Zones respectively, which will replace existing Figure 10-2. The Council have made a representation concerning this policy, and I also consider that it requires some revisions to secure clarity for users of the Plan. These amendments are addressed by recommended modification **PM5**.

- 4.27 Policy WSNP2 (Design guidelines) states that planning applications that do not follow the general design guidelines set out in Section 10.2 will not be supported by the Town Council. I am concerned that this policy is drafted in a negative tone when, in my assessment, it should instead be seeking to positively encourage applicants seeking planning permission for new developments in the Plan area to design their proposals in accordance with the Design Guidelines, which are a key part of the Plan. Accordingly, I recommend that the policy be redrafted to reflect such positive encouragement, and this is addressed by recommended modification **PM6**. I also recommend some revisions in relation to points of detail to the Design Guidelines to reflect representations made by the Council and Kent County Council.
- 4.28 With recommended modifications PM5 and PM6, I consider that the draft Plan's section on Design and its accompanying policies (Policies WSNP1 and WSNP2) is in general conformity with the strategic policies of the TLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Economy

- 4.29 Section 11 of the Plan addresses the theme of Economy and contains three policies (Policies WSNP3-WSNP5). These policies focus on leisure and tourism, the town's shopping centre and the retention of employment sites and premises in the Plan area.
- 4.30 Policy WSNP3 (Safeguarding leisure and tourism facilities) states that proposals for the change of use or redevelopment of land or premises currently in leisure or tourism use will only be supported where the applicant can demonstrate that the uses are no longer viable or where development of the site for other appropriate uses will facilitate the relocation of an existing leisure or tourist facility to a more suitable site.
- 4.31 I am satisfied that the policy is justified as the tourism industry is an important part of the local economy in Westgate-on-Sea. However, as drafted, one amendment is required to clarify that the two criteria set out in the policy are not necessarily to be met in both instances. This amendment is addressed by recommended modification **PM7**.

- 4.32 Policy WSNP4 (Protection of shopping areas) states that planning applications that fall within the designated shopping areas (at Westgate High Street and Lymington Road) defined on Maps A and A1 (Figures 11-3 and 11-4) will need to include an impact assessment proportional to the scale of the proposal on the effect of the development on that shopping area, and how any identified issues can be mitigated or the shopping area enhanced. It goes on to state that proposals within the shopping areas falling within Use Classes E and F will be supported, sui generis uses will be considered on an individual basis and residential developments falling with Use Class C3 will only be supported at first floor level or on the periphery of the shopping where changes of use may be acceptable.
- 4.33 Subject to a small clarification necessary to the policy text (**PM8**), I consider that this policy is appropriately drafted and provides the appropriate level of protection in order to retain businesses and shops within the two designated shopping areas, thereby sustaining and supporting the local economy.
- 4.34 Policy WSNP5 (Retention of employment space) states that proposals for the change of use or redevelopment of land or premises identified for or currently in employment use will only be supported subject to meeting one of the four criteria set out within the policy that would justify proposals being supported.
- 4.35 Again, subject to one amendment, I consider that this policy is appropriately drafted and provides the appropriate level of protection in order to retain employment sites and premises within the Plan area. It is necessary to revise criterion d) within the policy text to clarify that it applies to a business rather to a specific employer, and this is addressed by recommended modification **PM9**.
- 4.36 With recommended modifications PM7-PM9, I consider that the draft Plan's section on Economy and its accompanying policies (Policies WSNP3-WSNP5) is in general conformity with the strategic policies of the TLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

[Heritage](#)

- 4.37 Section 12 of the Plan addresses the important theme of Heritage within the Plan area and contains three policies (Policies WSNP6-WSNP8). These policies cover the topics of the three designated Conservation Areas in Westgate-on-Sea, other local heritage assets and the protection of Scheduled Ancient Monuments. As a general comment, which should be addressed as part of the minor corrections¹² that will be necessary to the draft Plan following consideration of this report, all references in this section of the Plan (and elsewhere in the Plan) to "Conservation areas" and to "scheduled ancient monuments" should be to "**Conservation**

¹² See paragraph 4.91 below.

Areas” and “**Scheduled Ancient Monuments**” respectively, in accordance with their statutory status.

- 4.38 Policy WSNP6 (Conservation areas) states that “*planning applications in the conservation areas must following (sic) the design guidelines (WSNP2) and strict conservation area policies as set out by TDC and CAAG*”.
- 4.39 As drafted, this policy is defective and requires amendments to provide clearer guidance regarding the consideration of development proposals in the designated Conservation Areas. As part of my preliminary assessment of the Plan, I also considered that Figures 12-1 and 12-2 on pages 29 and 30 fail to define the boundaries and titles of each of the three designated Conservation Areas with sufficient clarity, and this matter was the subject of Preliminary Question No. 5. The Town Council’s response document (at paragraphs 1.15 and 1.16) has addressed that question and a replacement map (to be numbered Figure 12-1) is provided at Appendix 3 to that document. This will replace both Figures 12-1 and 12-2, and I consider that it addresses my concern satisfactorily.
- 4.40 The necessary amendments to the policy and to Figures 12-1 and 12-2 are addressed by recommended modification **PM10**.
- 4.41 Policy WSNP7 (Local heritage assets) states that planning permission will not be supported for development resulting in the loss of existing buildings or structures on the local list of heritage assets. Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings and structures will also not be supported. This policy is supported by the Westgate-on-Sea Local List of Undesignated Heritage Assets (buildings/features of architectural and historic interest) (updated in May 2022), which identifies a total of 177 building and structures within the Plan area. I am satisfied that a robust and consistent approach has been taken to their identification, with comprehensive information being provided in the Local List document. I further note that Historic England have not raised any concerns regarding this policy.
- 4.42 The Local List document is accompanied by a further supporting document, the Westgate-on-Sea Designated Historic Assets (Listed Buildings – all Grade II) (September 2021), and I consider that the policy should reference both of these supporting documents for the benefit of users of the Plan. However, the map and photographs of ‘*Westgate-on-Sea’s Heritage*’ (page 32) and its accompanying key (page 31) are potentially rather misleading to users of the Plan as it gives the impression that they are linked to Policy WSNP7. In fact, they only list and show a small selection of the local heritage assets, e.g. there are 24 heritage assets along Sea Road and the map only identifies six of them. I suggest that this map and photographs are placed elsewhere in the Plan, possibly in Section 7 (close to page 17) to avoid any possible confusion with Policy WSNP7.

- 4.43 Recommended modification **PM11** addresses the amendments to this policy, as noted above.
- 4.44 Policy WSNP8 (Protection of scheduled ancient monuments) states that the Town Council will not support applications that disturb schedule (sic) ancient monuments and their setting. Subject to some amendments to ensure the clarity of this policy, I am satisfied that this policy is justified as the Plan area contains Quex Park Settlements, the site of a Romano-British settlement and is close to the site of Dent-de-Lion Gateway, which is within the strategic housing allocation site for 2,000 new homes contained in the adopted TLP that extends into the Plan area, but is located in the adjoining ward of Garlinge. Recommended modification **PM12** sets out the necessary amendments to the policy.
- 4.45 With recommended modifications PM10-PM12, I consider that the draft Plan's section on Heritage and its accompanying policies (Policies WSNP6-WSNP8) is in general conformity with the strategic policies of the TLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Sustainability

- 4.46 Section 13 addresses the theme of Sustainability. However, in response to Preliminary Question No. 6, the Town Council have suggested that this section be re-titled to "*Responding to the Climate Crisis*" (see also **PM4**). I agree with that suggestion. This section of the Plan contains two policies (Policies WSNP9 and WSNP10) which address low carbon development and renewable energies and surface water flood risk.
- 4.47 Policy WSNP9 (Low carbon development with renewable energies) states that development that incorporates low carbon materials, insulation to walls, floor, roofs and windows and renewable energy technology will be encouraged to follow the Building Regulations Part L. In that respect, the policy is not wholly correct in that Part L only addresses the conservation of fuel and power. Other parts of the Building Regulations also relate to the principles of sustainable development; for example, Part S relates to the provision of electric charging points for vehicles.
- 4.48 I am satisfied that the principles of this policy are consistent with national policy, but that the policy text requires some amendments for greater accuracy. The necessary amendments are addressed by recommended modification **PM13**.
- 4.49 Policy WSNP10 (Surface water flood risk areas) states that planning applications will only be supported if they contain a full surface water flood risk, surface water drainage and mitigation report proportional to the location and scale of the development, including how the sustainable drainage systems employed will be maintained and will be fit for purpose in the future. I am satisfied that the requirement for this policy is justified, particularly in view of recent surface water flooding events in the

Plan area. I take account of the Council's representations concerning this policy, and I consider that some amendments are necessary to the policy text, in order to provide clarity for users of the Plan. These amendments are addressed by recommended modification **PM14**.

- 4.50 With recommended modifications PM13 and PM14, I consider that the draft Plan's section on Sustainability (to be re-titled 'Responding to the Climate Crisis') and its accompanying policies (Policies WSNP9 and WSNP10) is in general conformity with the strategic policies of the TLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Green and Open Spaces

- 4.51 Section 14 of the Plan covers the theme of green and open spaces and contains four policies (Policies WSNP11-WSNP14) covering Local Green Spaces, the Green Wedge, the Westgate Countryside Triangle and the protection of prime agricultural land.
- 4.52 Policy WSNP11 (Designation of Local Green Spaces (LGS)) states that all sites listed in Table 14-1 in the Plan are designated as Local Green Spaces and goes on to state that proposals for development in a designated LGS will not be supported unless they are ancillary to the use of the land for a public recreational purpose or are required for a statutory utility infrastructure purpose.
- 4.53 Of the eight sites¹³ listed within Table 14-1, five of those sites are already designated as Local Green Spaces by virtue of their inclusion within Policy SP33 of the adopted TLP. The remaining three sites at Esplanade (Esplanade Gardens), Sea Road, Westgate-on-Sea, Linksfield Village Green, Westgate-on-Sea and the Allotments site at Lymington Road, Westgate-on-Sea have not previously been designated as Local Green Spaces. However, the allotments site at Lymington Road is protected as allotments under Policy SP32 in the adopted TLP, rather than as a Local Green Space. I raised this matter with the Town Council as Preliminary Question No. 7 in order for me to assess the merits of the above-mentioned sites as proposed Local Green Spaces, I noted that I shall require the necessary supporting evidence and justification for each of the sites that fulfils the criteria set out in NPPF paragraph 102. Accordingly, I invited 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 three sites referred to above.
- 4.54 The Town Council's response document addresses this question at paragraphs 1.22-1.26, and notes that the sites identified in the draft Plan were chosen from the initial community survey work undertaken during the preparation of the Plan. However, the response did not provide me

¹³ The second entry of Table 14-1 'Community Green/Community Centre/Allotments' at Lymington Road comprises two sites.

with any further supporting evidence concerning the above-mentioned three sites. Revised maps (to be Figures 14-2A and 14-2B) showing the boundaries of the seven sites at a more suitable scale were included as Appendix 4 to the response document.

4.55 I visited all of the sites listed above during the course of my site visit and have assessed the proposed designation of each of the three sites as a Local Green Space against the criteria set out in the NPPF (at paragraph 102), which states that the Local Green Space designation should only be used where the green space is:

- "a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land."*

4.56 I have also taken into account the representations submitted by the Council which raised objections to the designation of the Esplanade Gardens site and the Linksfield Village Green site as Local Green Spaces, whilst noting that Lymington Road Allotments site is protected by Policy SP32 in the adopted TLP.

4.57 After careful consideration, I agree with the Council that the three sites referenced above should not be designated as Local Green Spaces. I have reached that conclusion primarily on the basis that neither the draft Plan itself nor any of its supporting documents contain the necessary evidence to justify their meeting the NPPF criteria set out above. I recognise that the sites have been proposed by the local community during the Plan's preparation, but that alone is not sufficient evidence to justify their designation. Indeed, the Town Council's response document states that *"a separate assessment of the individual sites was not undertaken"*

4.58 The three sites should therefore be deleted from Table 14-1, and where relevant from Figure 14-2B. With regard to the proposed revised maps (Figures 14-2A and 14-2B), Figure 14-2A will not be included in the Plan, and Figure 14-2B should replace the existing Figure 14-2 in the Plan and be re-numbered as Figure 14-2.

4.59 With regard to the policy text, and specifically in relation to managing development within a Local Green Space, this should be consistent with those for Green Belts (NPPF paragraph 103). Therefore, I recommend that the policy text as drafted be modified to reflect that requirement. Recommended modification **PM15** addresses the necessary amendments to Policy WSNP11 and related parts of the Plan.

4.60 Policy WSNP12 (The Green Wedge) states that within the defined Green Wedge, priority will be given to protecting the countryside from built development and ensuring that the physical separation and coalescence of the Thanet Towns is avoided. It goes on to state that new development

will not be permitted unless it can be demonstrated that the development is not detrimental or contrary to the stated aims of the policy or it is essential to be located within the Green Wedge. I note that the Council has not raised any representations concerning this policy. I am satisfied that the policy is in general conformity with the strategic policies of the adopted TLP. However, some small clarificatory amendments are necessary for users of the Plan. The map at Figure 14-3 should also be replaced by a more recent version, as the map currently in the draft Plan dates from 2015 and does not necessarily fully reflect the content of the adopted TLP.

- 4.61 Recommended modification **PM16** addresses the amendments to this policy and to Figure 14-3 as noted above.
- 4.62 Policy WSNP13 (Westgate Countryside Triangle) relates to some 48 hectares of land to the south of the strategic housing allocation site covered by Policy SP17 in the adopted TLP. It lies to the north of Park Road and Shottendane Road and is presently in agricultural use, for arable crops. The site is defined on Figure 14-5 in the draft Plan. The policy states that the land should be retained as countryside open space and the use of the area for nature conservation and Biodiversity Net Gain should be encouraged. It goes on to state that planning permission will not be granted for development in the 'Westgate Countryside Triangle' unless it relates to improvements to sustainable transport links and promotion of accessibility in the local area.
- 4.63 As part of my initial assessment of the Plan, I noted that the Council had objected to this policy and sought its deletion from the Plan and that the supporting justification for the policy (on pages 40 and 41) did not reference any further evidence in support of the policy. I therefore sought further information from the Town Council as Preliminary Question No. 8 noting that, in order that I can fully assess the merits of the policy and the proposed designation of the 'Westgate Countryside Triangle' as countryside open space, I required further clarification to justify the necessity for the policy. I invited the Town Council to provide me with a note setting out the justification for this policy.
- 4.64 The Town Council's response document, at paragraphs 1.27-1.29, addresses this question and states, inter alia, that the policy reflects a strong sense of feeling from local residents that the area contains significant wildlife and provides significant amenity benefits to residents. However, no further evidence of the factors, such as landscape quality and a wildlife survey, that could justify a Countryside Open Space designation has been provided. I visited the area during the course of my site visit.
- 4.65 Taking account of my own observations, the representations made by the Council and the current content of the draft Plan together with the Town Council's response to Preliminary Question No. 8, I conclude that the designation of the 'Westgate Countryside Triangle' as an enduring area of countryside open space has not been justified and that the policy together with sub-section 14-3 and Figure 14-5 in the draft Plan should be deleted.

In reaching that conclusion, I have recognised the strength of local feeling seeking to see the land remain undeveloped, but I have noted that the land is protected by the relevant strategic policy (Policy SP24 – Development in the Countryside) contained in the adopted TLP, which restricts the type of development that will be permitted in the Thanet countryside areas.

- 4.66 Recommended modification **PM17** addresses the deletion of this policy, sub-section 14-3 and Figure 14-5 in the draft Plan, as noted above.
- 4.67 Policy WSNP14 (Building on the best and most versatile land) states that building on the best and most versatile agricultural land, other than allocated for development in the adopted TLP, will not be supported by the Town Council. The policy is consistent with national policy which seeks to retain such higher-quality agricultural land. However, I consider that the policy should be redrafted to ensure clarity, and to remove some duplication presently contained in the policy text. These amendments are addressed by recommended modification **PM18**.
- 4.68 With recommended modifications PM15-PM18, I consider that the draft Plan's section on Green and Open Spaces and its accompanying policies (to be Policies WSNP11-WSNP13) is in general conformity with the strategic policies of the TLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions

Biodiversity

- 4.69 Section 15 of the Plan addresses the theme of biodiversity and contains two policies (Policies WSNP15 and WSNP16) covering the topics of trees and the protection of wildlife and biodiversity in the Plan area.
- 4.70 Policy WSNP15 (Protecting and promoting trees) states that applications for the removal of protected trees will not be supported unless they are shown to be a hazard, and that development proposals which include the retention of all viable existing trees and those which include the provision of additional suitable trees will be supported. I am satisfied that the policy is appropriately drafted, subject to those points of detail which are addressed by recommended modification **PM19**.
- 4.71 Policy WSNP16 (Protection of protected species and biodiversity) states that the Town Council will only support a planning application if an assessment of the wildlife present has been carried out and measures to protect or mitigate protected species have been put in place. I consider that this policy should also refer to the national policy requirement for Biodiversity Net Gain (BNG) (which will be progressively introduced from November 2023) in line with the requirements of the Environment Act 2021 and that some revisions to the draft text are also necessary to achieve clarity of the policy. These matters are addressed by recommended modification **PM20**.

4.72 With recommended modifications PM19 and PM20, I consider that the draft Plan's section on Biodiversity and its accompanying policies (Policies WSNP15 and WSNP16) is in general conformity with the strategic policies of the TLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions

Facilities

4.73 Section 16 of the Plan covers the community assets within the Plan area, the provision of infrastructure, contributions from CIL and Section 106 agreements and includes four policies (WSNP17-WSNP20) which address each of these topics.

4.74 Policy WSNP17 (Safeguarding community facilities) states that existing community facilities or those gaining planning permission for such use will be safeguarded from other prejudicial development on or adjacent to the site. It goes on to state where it is demonstrated that a community facility is no longer viable, then planning applications for change of use or redevelopment will only be considered if they are supported by an assessment which sets out why the current community use and potential alternative community uses are no longer viable or appropriate on the site. I am satisfied that the policy is justified and appropriately drafted, with the exception that an amendment is required to the text to correct a grammatical error. This is addressed by recommended modification **PM21**.

4.75 Policy WSNP18 (Provision of infrastructure) states that all development proposals should provide infrastructure that is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. The policy has been developed following concerns expressed by residents in the Plan area regarding the need to ensure that new development makes provision of community and transportation infrastructure to support the needs of new and existing residents. An amendment is required to the text of the policy in order to secure its clarity, and this is addressed by recommended modification **PM22**.

4.76 Policy WSNP19 (Community Infrastructure Levy) states that the Town Council will support applications that clearly state the CIL raised from the development will be provided to the Town Council for the benefit of residents and support the projects listed in Appendix 1 (see also paragraph 4.90 below).

4.77 Upon my preliminary assessment of the draft Plan, I considered that, as drafted, both this policy and policy WSNP20 (see below) are flawed in that they express an intention for the Town Council to support development proposals which set out potential financial benefits (from CIL payments and developer contributions through Section 106 agreements) for the

Town Council's various projects as listed at Appendix 1. I also noted that, at present, the District Council does not at present have a CIL Charging Schedule, and Policy WSNP19 therefore does not align with current Thanet District Council policies. I raised these concerns with the Town Council as Preliminary Question No. 9 noting that, in my assessment, 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.

- 4.78 In its response document dated 31 January 2023 (at paragraphs 1.32 and 1.33), the Town Council stated that it accepts my preliminary findings regarding both Policies WSNP19 and WSNP20, and therefore requested that sub-sections 16.3 and 16.4 in the draft Plan be deleted in full, including both Policies, and that they be replaced by a single policy (to be Policy WSNP19 entitled 'Developer Contributions'). The Town Council have proposed the text of this policy together with the text of its supporting justification. I have given careful consideration to the Town Council's response, which I have found to be broadly satisfactory and consistent with national policy. Subject to some further amendments that I have considered to be necessary to clarify some parts of the Town Council's proposed text, I recommend modifications **PM23**, **PM24** and **PM28** to address the revisions to Policy WSNP19, the deletion of Policy WSNP20 and an amendment to the title of Appendix 1.
- 4.79 Policy WSNP20 (Section 106 monies) is covered by my assessment of Policy WSNP19 as set out above and the Town Council's response to Preliminary Question No. 9. I recommend that this policy be deleted.
- 4.80 With recommended modifications PM21-PM24 and PM28, I consider that the draft Plan's section on Facilities and its accompanying policies (to be Policies WSNP17-WSNP19) is in general conformity with the strategic policies of the TLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

New Developments

- 4.81 Section 17 of the Plan is entitled New Developments and relates primarily to the strategic housing site allocation for 2,000 new dwellings contained in the adopted TLP as Policy SP17 (which is reproduced in full at Appendix 2 to the Plan). This section of the Plan contains two policies (Policies WSNP21 and WSNP22).
- 4.82 Policy WSNP21 is titled '*Statement – The houses on the agricultural land in Westgate and Garlinge*'. Upon my initial assessment of the Plan, I noted that this policy, as drafted, sets out the position of the Town Council with regard to various aspects of the proposed new residential development

that is proposed on land in the Plan area and Garlinge. 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, I observed that 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 raised these concerns with the Town Council as Preliminary Question No. 10. Related matters concerning Policy WSNP22 were raised as Preliminary Question No. 11 (see below).

4.83 The Town Council’s response document, at paragraphs 1.34-1.37, sets out the proposed revisions to Policies WSNP21 and WSNP22 which replaces both of these Policies with a single redrafted policy (which will be Policy WSNP20) and the deletion of Policy WSNP22 and its supporting text at sub-section 17.1.

4.84 Policy WSNP22 (Protection of residents abutting the new development) concerns potential measures to minimise any detrimental impact on the residential amenity in existing residential areas adjoining the strategic housing allocation site. As noted above, I raised concerns regarding this policy in Preliminary Question No. 11, noting that the matters covered could be included as part of a re-drafted Policy WSNP21 (which will now be Policy WSNP20).

4.85 I have carefully considered the Town Council’s response, which I consider to satisfactorily address my concerns regarding both Policies. I therefore recommend modifications **PM25** and **PM26** accordingly. It should also be noted that the housing trajectory set out at Figure 17.2 has been superseded. This should be updated in accordance with data contained in the Council’s Authority Monitoring Report (AMR) for 2021.

4.86 With recommended modifications PM25 and PM26, I consider that the draft Plan’s section on New Developments and its amended policy (to be Policy WSNP20) is in general conformity with the strategic policies of the TLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions

Community Actions

4.87 Section 18 of the Plan sets out a series of Community Actions which the Town Council intend to take forward in the coming years. These do not constitute land-use planning policies, and I have not included this section of the Plan as part of this examination.

4.88 Section 19 of the Plan identifies two Community Actions that specifically relate to the proposed development of the strategic housing allocation site that is addressed in Section 17 of the Plan (see also paragraphs 4.81-

4.86 above). Again, as they do not constitute land-use planning policies, they have not formed part of this examination.

Monitoring and Review

4.89 Section 20 of the Plan sets out details for the proposed monitoring and review of the Plan's policies, with the Town Council working in partnership with the Council. It also sets out a commitment for the Town Council to undertake formal reviews of the Plan every five years to ensure that the Plan remains current and relevant to the community. I am satisfied that this section addresses the issues of implementation, monitoring and review adequately, but I recommend that it should also make a specific reference to the emerging review of the TLP, and this is addressed by recommended modification **PM27**. I also note that in the listing of Policies on page 61, Policies WSNP20 (the second entry) and WSNP21 should be numbered WSNP21 and WSNP22 respectively. However, this listing of Policies (at pages 60 and 61) will require further amendment and revision following the recommended modifications contained elsewhere in this report, which include the deletion of Policy WSNP22.

Other Matters

4.90 Section 21 of the Plan contains two Appendices. Appendix 1 identifies four projects that have been identified by the Town Council as potential projects for future contributions from Section 106 agreements and CIL payments. These do not constitute land-use planning policies and have also not formed part of my examination of the Plan. Recommended modification PM28 (see above) addresses a consequential amendment to the title of Appendix 1 arising from my assessment of Policy WSNP19. Appendix 2 reproduces the full text of Policy SP17 – Strategic Housing Site – Westgate-on-Sea from the adopted TLP.

4.91 As an advisory comment, when the Plan is being redrafted to take account of the recommended modifications in this report, it should be re-checked for any typographical errors and any other consequential changes, etc. Minor amendments to the text and numbering (sections, paragraphs etc.) can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates, in agreement between the Qualifying Body and Council.¹⁴

Concluding Remarks

4.92 I conclude that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Westgate-on-Sea Neighbourhood Development Plan 2021-2040 meets the Basic Conditions for neighbourhood plans.

¹⁴ PPG Reference ID: 41-106-20190509.

5. Conclusions

Summary

- 5.1 The Westgate-on-Sea Neighbourhood Development Plan 2021-2040 has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Plan, and the supporting documents submitted with the Plan together with the Town Council and Council's responses to my preliminary questions.
- 5.2 I have made recommendations to modify certain policies and other matters to ensure that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. I conclude that the Westgate-on-Sea Neighbourhood Development Plan 2021-2040, as modified, has no policy or proposal which I consider to be significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond that boundary. I therefore recommend that the boundary for the purposes of any future referendum on the Plan, should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is clear that the Westgate-on-Sea Neighbourhood Development Plan 2021-2040 is the product of much hard work undertaken since 2016 by the Town Council, its Neighbourhood Plan Steering Group and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. In my assessment, the Plan reflects the land use aspirations and objectives of the Westgate-on-Sea community for the future planning of their parish up to 2040. The output is a Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by Thanet District Council.

Derek Stebbing

Examiner

Appendix: Modifications

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 2023.¹⁵</p>
PM2	Front Cover	<p>Amend title to read “Neighbourhood Development Plan 2021-2040”.</p>
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>“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.”</p> <p>Add new third paragraph, as follows:</p> <p>“The SEA and HRA Screening Report is available as a background document to this Plan on the Town Council’s Neighbourhood Planning web-page.”</p>
PM4	Various	<p>Amend title of Section 13 to read “Responding to the Climate Crisis” and amend the Contents Page (Page 2) and Schedule of Planning Policies (Page 19) accordingly.</p>

¹⁵ View at

<https://www.westgateonsea.gov.uk/community/westgate-on-sea-town-council-13327/neighbourhood-plan/>

		<p>Amend Objective 5 of the Plan to read as follows:</p> <p>“5. To protect the small-town identity whilst allowing suitable, sustainable development. (Achieved by Policies WSNP1 and WSNP2).”</p> <p>Insert new Section 10 in the Plan to be entitled “SUSTAINABILITY” and re-number existing Sections 10-21 to be Sections 11-22 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>“10 SUSTAINABLE DEVELOPMENT</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>The following overarching policy is the aspiration for sustainable development across the Neighbourhood Plan area:</p>
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		<p>Policy WSNP 1</p> <p>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.”</p> <p>Re-number existing Policies WSNP1-12 as Policies WSNP2-WSNP13, 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>“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.</p> <p>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.”</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 “Design Guidelines”.</p> <p>Delete existing text, and replace with:</p>

		<p>“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.”</p> <p>Amend 4th bullet point of ‘Design Guidelines for new large developments’ to read as follows:</p> <ul style="list-style-type: none"> • “Parking provision in accordance with the adopted parking standards of Kent County Council.” <p>Add new 10th bullet point to ‘Design Guidelines for new large developments’ to read as follows:</p> <ul style="list-style-type: none"> • “Proposals should also take account of the guidance contained in the emerging Kent Design Guide, produced by Kent County Council.” <p>Add new 11th bullet point to ‘Design Guidelines for new large developments’ to read as follows:</p> <ul style="list-style-type: none"> • “These guidelines apply to proposed developments containing more than 10 new dwellings.”
PM7	Page 25	<p><u>Policy WSNP3 – Safeguarding leisure and tourism facilities</u></p> <p>Insert the words “and/or” 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 “shown on Maps A and A1 in Figures 11-3 and 11-4”.</p>
PM9	Page 28	<p><u>Policy WSNP5 – Retention of employment space</u></p> <p>Replace the word “employer” in criterion d) with “business”.</p>
PM10	Pages 29 and 30	<p><u>Policy WSNP6 – Conservation areas</u></p> <p>Delete existing policy text in full, and replace with: “Policy WSNP6 Conservation Areas</p>

		<p>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."</p> <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.</p>
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 "Local List".</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>"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'".</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>"Policy WSNP8 Protection of Scheduled Ancient Monuments</p> <p>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."</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>“will be supported by the Town Council.”</p> <p>Add new second sentence of policy text to read as follows:</p> <p>“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.”</p>
PM14	Page 37	<p><u>Policy WSNP10 – Surface water flood risk areas</u></p> <p>Add the words “in areas with an identified risk of flooding” after the words “Planning applications” in the first line of policy text.</p> <p>Add the word “assessment” 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>“Advice on flood risk and the preparation of flood risk assessments is contained in Planning Practice Guidance (PPG) at https://www.gov.uk/guidance/flood-risk-and-coastal-change”</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>“Development proposals in the designated Local Green Spaces listed in Table 14-1 will be managed in accordance with national policy for Green Belts.”</p> <p>Delete the sites listed as Allotments at 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>

		Delete Figure 14-2 on page 38, and replace with the map (Figure 14-2B to be re-numbered as Figure 14-2) contained at Appendix 4 to the Town Council's response document dated 31 January 2023.
PM16	Page 39	<p><u>Policy WSNP12 – The Green Wedge</u></p> <p>Add the words "as shown on Figure 14-3," 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 "supported".</p> <p>Delete the word "Wedges" in criterion 2) and replace with "Wedge".</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>"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."</p> <p>Delete the final sentence of sub-section 14.4.</p> <p>Re-number sub-section 14.4 as 14.3 and amend the Contents Page accordingly.</p> <p>This policy will be re-numbered as Policy WSNP13.</p>
PM19	Page 43	<u>Policy WSNP15 – Protecting and promoting trees</u>

		<p>Delete the words "The application" in the first line of policy text and replace with "Applications".</p> <p>Delete the word "approval" in the third line of policy text and replace with "permission".</p> <p>Delete the word "NP" in the fifth line of policy text and replace with "Plan".</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>"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 (BNG) requirement of at least 10% above the baseline position."</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 "it is".</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>"Proposals for new development in the Plan area should make provision for supporting infrastructure which is:"</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 Policy WSNP18 (Developer Contributions) to read as follows:</p> <p><u>16.3 Developer Contributions</u></p> <p>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.</p> <p>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.</p> <p>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.</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>
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		<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><u>WSNP18 Developer Contributions</u></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> <p>Amend Contents Page, Schedule of Planning Policies and all relevant cross-references, e.g. within Section 20, accordingly.</p>

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><u>“Policy WSNP19 POLICY STATEMENT – The houses allocated on the agricultural land in Westgate and Garlinge</u></p> <p>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.</p> <p>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.</p> <p>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.”</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	Section 20 – Monitoring and reviewing

		<p>Add new second sentence to the first paragraph of text to read as follows:</p> <p>“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.”</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 “CIL and” in the title of Appendix 1.</p>