

**INDEPENDENT EXAMINATION OF THE BROADSTAIRS & ST. PETER'S NEIGHBOURHOOD  
DEVELOPMENT PLAN 2<sup>nd</sup> EDITION**

EXAMINER: Derek Stebbing BA (Hons) DipEP MRTPI

Kirsty Holroyd  
Town Clerk

Jo Wadey  
Thanet District Council

Examination Ref: 01/DAS/BSPNP

Via email

21 April 2023

Dear Ms Holroyd and Ms Wadey

**EXAMINATION OF THE BROADSTAIRS & ST. PETER'S NEIGHBOURHOOD DEVELOPMENT PLAN 2<sup>nd</sup>  
EDITION**

Following the submission for examination of the modification proposal to the Broadstairs & St. Peter's Neighbourhood Development Plan 2<sup>nd</sup> Edition (the draft Plan), I would like to clarify some procedural matters. I also potentially have some questions for Thanet District Council and Broadstairs & St. Peter's Town Council. These are attached as an Annex to this letter to which, subject to the confirmation I have requested in Section 2. below, it would be helpful to receive a written response(s) by **Friday, 19 May 2023**.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement (dated December 2022), the Consultation Statement (dated June 2022), the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Opinion Report (dated April 2022) and the Regulation 16 representations, to enable me to undertake the examination. I have also received the Modification Statements prepared by the Town Council and Thanet District Council in relation to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why.

This has provided sufficient information to undertake my initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

Subject to my further detailed assessment of the draft Plan, I have not at this initial stage identified any significant and obvious flaws that might lead me to advise that the examination should not proceed.

2. Determination under Paragraph 10(1) of Schedule A2

I am required determine to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

The Town Council has sought in their Modification Statements to set out a view as to whether they believe that the modifications are so significant or substantial as to change the nature of the made Plan and to give reasons, albeit neither Statement provides an overall conclusion in this regard. I have also received the Modification Statement prepared by Thanet District Council which states that the Council considers that there are some material modifications which do change the nature of the extant made Plan and consider that an examination and referendum will be required.

Taking these Modification Statements into consideration, together with my own preliminary assessment of the draft Plan, I confirm that the draft Plan will be required to be examined under the 'standard' examination procedure set out in Schedule 4B to the Town and Country Planning Act 1990 (as amended). As such, it should be noted that a referendum will be part of the neighbourhood plan process should the draft Plan proceed successfully following an examination.

Based on the assessments undertaken by both the Town and District Councils, this outcome should not be unexpected. Notwithstanding this, the relevant legislation does nonetheless require me to confirm with the Town Council whether it is content for me to proceed in these circumstances on the basis of the standard examination procedure (as opposed to that for a modification proposal set out in Schedule A2).

Accordingly I would appreciate formal confirmation as soon as practicable from the Town Council whether it wishes me to proceed with the examination under Schedule 4B, in order to avoid any undesired delay.

### 3. Site Visit

Subject to receiving the Town Council's confirmation to proceed, my intention is to undertake a site visit to the neighbourhood plan area during the week commencing 14 May 2023. This will assist in my assessment of the draft Plan, including the issues identified in the representations.

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

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

### 4. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

### 5. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information and clarification which are set out in Annex 1 to this letter. Subject to the confirmation to proceed, I would be grateful if you can seek to provide a written response by **Friday, 19 May 2023**.

### 6. Examination Timetable

As you will be aware, the intention is to examine the Draft Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. As I have raised some questions, I must provide you with sufficient opportunity to

reply. Consequentially, the examination timetable may be slightly extended. Please be assured that I will endeavour to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

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

In the interests of transparency, may I prevail upon you to ensure a copy of this letter, and any respective responses, are placed on the Town Council and Local Authority websites.

Thank you in advance for your assistance.

Your sincerely

*Derek Stebbing*

Examiner

## Annex

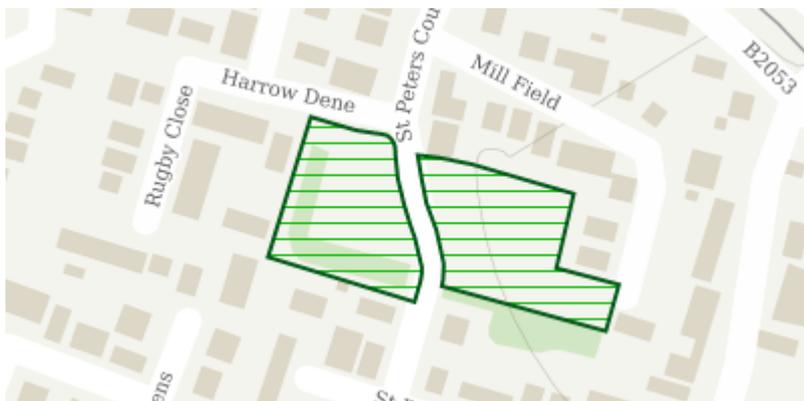
From my initial reading of the Broadstairs & St. Peter's Neighbourhood Development Plan 2<sup>nd</sup> Edition and the supporting documents, I have some questions for Thanet District Council and Broadstairs and St. Peter's Town Council. Subject to the Town Council's confirmation to proceed with the examination, I would be grateful for the submission of a response by **Friday 19 May 2023**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

### Questions for Thanet District Council

1. Can the Council please confirm the current timetable for the emerging Review of the Thanet Local Plan to cover the period to 2040, as referenced at Section 5.0 in the draft Plan and at Section 3 in the latest Local Development Scheme (LDS) dated June 2022?
2. Can the Council please confirm that they have no objections to the proposed definition of the five 'Areas of High Townscape Value' listed at paragraph 9.3.2 and specifically shown on Map 8 and on detailed maps at Appendix 3 in the Draft Plan?

### Questions for Broadstairs & St. Peter's Town Council

3. I have noted the contents of the letter dated 5 April 2023 from the Town Council regarding the proposed extension of the existing designated Local Green Space (LGS) at St. Peter's Court, being presently defined on the Policies Map for the adopted Thanet Local Plan as shown below:



I note that this proposed extension would include woodland located to the south-east of the present LGS boundary.

Clearly, this proposed extension does not at present form part of the submission Draft Plan, and has therefore not been part of either the Regulation 14 or Regulation 16 consultations. However, the matter has been raised in a number of Regulation 16 representations and I confirm that I shall consider the proposed extension in the context of those representations, the Basic Conditions and the Town Council's letter of 5 April 2023. I shall visit the area during the course of my site visit.

However, I require confirmation that the owner(s) of the land that is subject to the proposed LGS extension are aware of the proposed extension and that they raise no objections to the proposed designation. I can find no confirmation of the ownership in the documentation that I have received, except that the surrounding estate was developed by a company called Bluebird Homes in the 1970's.

Can the Town Council please confirm the position regarding the ownership of the land in question and further confirm that the owner(s) have no objections to the proposed LGS extension?

4. As drafted, Policy CC2 is defective in that it states that all planning applications submitted in the Neighbourhood Area will be required to consider biodiversity opportunities and to provide at least 10% Biodiversity Net Gain (BNG) in line with the Environment Act 2021. The Regulation 16 representations submitted by Thanet District Council and Kent County Council highlight this issue. I therefore invite the Town Council to suggest amended text for this Policy that would conform with the qualifying applications to be covered by BNG requirements, and which I may consider as a Modification to the Plan.