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Report on Broadstairs and St. Peter's Neighbourhood Development Plan Review (Modifications Proposal) 2023-2040

**An Examination undertaken for Thanet District Council with the support
of Broadstairs & St. Peter's Town Council on the December 2022
Submission version of the Plan.**

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Main Findings - Executive Summary

From my examination of the Broadstairs & St Peter's Neighbourhood Development Plan Review (Modifications Proposal) ('the Review Plan') and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Review Plan meets the Basic Conditions.

I have also concluded that:

- the Review Plan has been prepared and submitted for examination by a qualifying body – Broadstairs & St Peter's Town Council (the Town Council);
- the Review Plan has been prepared for an area properly designated – the Neighbourhood Plan Area, the boundary of which is coterminous with the Town Council boundary, as identified on Map 1 at Page 7 of the Review Plan;
- the Review Plan specifies the period to which it is to take effect – from 2023 to 2040; and,
- the policies relate to the development and use of land for a designated Neighbourhood Plan Area.

I recommend that the Review 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 Review Plan relates and have concluded that it should not.

1. Introduction and Background

Broadstairs & St Peter's Neighbourhood Development Plan Review 2023-2040

- 1.1 Broadstairs & St. Peter's is located on the Isle of Thanet coast within Thanet District. It lies between the towns of Margate and Ramsgate. The Plan area comprises the coastal town of Broadstairs and some smaller communities, including St. Peter's. It also includes part of the large sub-regional retail centre at Westwood. The Plan area has a population of 25,710 residents (2020 Mid-year estimate), 35% of whom are aged over 60 yrs. The area also has a large number of seasonal visitors, with 4.6 million tourism trips to Thanet in 2019, representing a significant increase from previous years. Over 70% were day visitors.
- 1.2 The original settlement in the area was St. Peter's, with Broadstairs being a small fishing hamlet. However, Broadstairs rapidly expanded during the 19th Century as a holiday resort, with the population increasing to over 10,000 by 1910. The tourism industry remains as the most important part of the local economy. A further important source of employment is the education sector, with a significant number of schools and colleges

being located within the Plan area, including a number of private English language schools catering for international students. The Plan area has a distinct character and is an attractive area for both residents and visitors.

- 1.3 The town is famous for its links to Charles Dickens, who visited the area during the 1840's and 1850's, and a number of plaques mark the houses associated with him, notably Bleak House. The area has a wide range of cultural and entertainment facilities, including art galleries, a cinema and two museums.

The Independent Examiner

- 1.4 As the Review 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.
- 1.5 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.
- 1.6 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.

Procedural Considerations

- 1.7 The Review Plan was submitted for examination to the Council on 14 December 2022 on the basis that the Town Council throughout the Review Plan preparation process has considered that, as the proposed modifications include new and revised policies, they are a substantial and significant modification to the 2021 Plan. This is confirmed in the Town Council's Modification Statement dated 16 January 2023.¹ Similarly, the Council in its Modification Statement (undated) echoes this position.
- 1.8 Nonetheless, on my appointment as the examiner of the Plan, I considered whether the modifications contained in the draft Review Plan "are so significant or substantial as to change the nature of the neighbourhood development plan which the draft plan would replace", in accordance with paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). The main implication at that time being, should I have taken a view that the modifications were not significant or substantial, then the Plan examination would have proceeded under Schedule A2 to the 2004 Act, rather than Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act').

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

As a practical and key consequence, the Review Plan would not have required a referendum prior to being made.

- 1.9 Following my initial assessment of the Review Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the Council and the Town Council on 21 April 2023² with my determination, made under Paragraph 10(1) of Schedule A2, to advise that in my assessment the proposed modifications contained in the Review Plan are so significant or substantial as to change the nature of the made Plan which the Review Plan would replace. The principal revisions include new policies on air quality, Biodiversity Net Gain and health and wellbeing, as well as three additional proposed Local Green Spaces (LGSs) and the introduction of a Design Code.
- 1.10 Accordingly, I therefore invited the Town Council as the qualifying body (in accordance with paragraph 10(5) of Schedule A2) to decide whether to proceed with the examination of the Review Plan under the provisions of Schedule 4B to the 1990 Act 1990, which in turn would require a referendum prior to the Review Plan being made.
- 1.11 The Town Council confirmed on 25 April 2023 that it had determined to proceed with the examination of the Review Plan under Schedule 4B.³ Therefore, it is on that basis that I have undertaken my examination of the Review Plan. For clarification, my examination has also considered the entirety of the Review Plan and has not been confined to those parts of the Review Plan which contain modifications to the made Broadstairs & St. Peter's Neighbourhood Development Plan (2021).

The Scope of the Examination

- 1.12 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.
- 1.13 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

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

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

- 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').

1.14 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

1.15 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)⁴; and
- meet prescribed conditions and comply with prescribed matters.

⁴ The existing body of environmental regulation is retained in UK law.

- 1.16 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').⁵

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, together with the current Neighbourhood Plan, made on 3 June 2021, which covers the period from 2018 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 Local 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. This was confirmed by the Council in response to the first of my questions (see paragraph 2.9 below).
- 2.2 The adopted Local Plan contains a suite of 47 strategic policies, and the Basic Conditions Statement (at Appendix 2) sets how each of the Review Plan's policies are in general conformity with the relevant strategic policies and other policies in the adopted Local Plan. Having been adopted in 2020, at this juncture the TLP provides a relatively up-to-date strategic planning context for the Neighbourhood Plan, and this has enabled the Review Plan and its policies to be prepared.
- 2.3 The Council has not raised any concerns with regard to the general conformity of the Review Plan's policies with the strategic policies in the adopted Local Plan, with the exception that it has raised a detailed representation regarding the proposed LGS at Joss Bay and its general conformity with strategic policies SP24 (Development in the Countryside) and SP25 (Safeguarding the identity of Thanet's Settlements). I address this issue at paragraphs 4.36 - 4.38 below.
- 2.4 Policy SP33 (Local Green Space) designates 19 LGSs across the district, of which are eight are within the Plan area, as follows:
- Kitty's Green, Broadstairs
 - Culmer's Amenity Land, Broadstairs

⁵ 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.

- Holmes Park, Broadstairs
- Pierremont Park, Broadstairs
- Memorial Recreation Ground, Lawn Road, Broadstairs
- St Peter's Recreation Ground, Broadstairs
- Mocketts Wood, Broadstairs
- Westover Gardens, Broadstairs

The current made Plan contains 16 designated LGSs, including those listed above.

- 2.5 The Review Plan (at Policy BSP5 and Appendix 2) proposes the designation of a further three LGSs in the Plan area, and I consider these proposed designations at paragraphs 4.36 - 4.38 below.
- 2.6 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

- 2.7 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- The draft Broadstairs & St. Peter's Neighbourhood Development Plan 2nd Edition 2023-2040 Submission Version (December 2022) and its Appendices;
 - the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (April 2022);
 - the Basic Conditions Statement (December 2022);
 - the Consultation Statement (June 2022);
 - the Modifications Statements issued by the Town Council at the Regulation 14 consultation (April 2022) and Regulation 16 consultation (January 2023) stages;
 - the Modifications Statement (undated) issued by Thanet District Council;
 - the Notification of Compliance of documents submitted relating to the Broadstairs & St Peters Neighbourhood Plan Review issued by Thanet District Council (December 2022);
 - the current made Broadstairs & St. Peter's Neighbourhood Development Plan 2018-2031 (May 2021); and,
 - all the representations that have been made in accordance with the Regulation 16 consultation.⁶

⁶ View at: [Broadstairs & St Peter's Neighbourhood Plan 2nd Edition - Regulation 16 \(the Neighbourhood Planning \(General\) Regulations 2012\) - Thanet District Council Online Planning Consultations \(inconsult.uk\)](https://www.inconsult.uk/consultations/broadstairs-st-peters-neighbourhood-plan-2nd-edition-2023-2040-submission-version)

Supporting Documents

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

- Local Green Spaces update document (March 2022);
- Significant Views and Vistas in Broadstairs & St. Peter's (June 2018);
- Broadstairs & St Peter's Tree Strategy to 2031 (Version 9) (March 2022);
- Tree Policies and Project Recommendations (August 2021);
- Broadstairs & St. Peter's Town Council Environmental Strategy (January 2021);
- Local Heritage Asset Background Document (October 2022); and,
- Broadstairs & St. Peter's Design Guidance and Codes (AECOM) (October 2021 and updated December 2022).

Preliminary Questions

2.9 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 21 April 2023⁷ seeking further clarification and information on four matters contained in the submission Review Plan, as follows:

Questions for Thanet District Council

1. With regard to the emerging Review of the Thanet Local Plan to cover the period to 2040, I sought confirmation that the current timetable is as referenced at Section 5.0 in the submission Review Plan and at Section 3 in the latest Local Development Scheme (LDS) dated June 2022.
2. With regard 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 submission Review Plan, I sought confirmation that the Council have no objections to the proposed Areas of High Townscape Value.

Questions for Broadstairs & St. Peter's Town Council

3. With regard to the contents of the letter dated 5 April 2023 (see paragraph 3.11 below) from the Town Council regarding the proposed extension of the existing designated LGS at St. Peter's Court, I noted that this proposed extension would include woodland located to the south-east of the present LGS boundary. I noted that this proposed extension does not at present form part of the submission Review Plan, and has therefore not been part of either the Regulation 14 or Regulation 16 consultations. However, the matter has been raised in a

⁷ View at: [Broadstairs & St Peter's Neighbourhood Plan 2nd Edition - Thanet](#)
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number of Regulation 16 representations and I confirmed that I shall consider the proposed extension in the context of those representations and the Town Council's letter of 5 April 2023. I noted that I would visit the area during the course of my site visit. However, I sought 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 could find no confirmation of the ownership in the documentation that I received, except that the surrounding estate was developed by a company called Bluebird Homes in the 1970's. I therefore requested that the Town Council 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 highlighted this issue. I therefore invited 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.
- 2.10 In response to my letter of 21 April 2023, the Council and the Town Council provided me with responses to the questions listed above on 3 May 2023⁸ and 25 April 2023⁹ 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 2.7 and 2.8 above.
- 2.11 To avoid unnecessary repetition in subsequent sections of this report, I refer to the questions and to the responses from the Council and Town Council by their relevant number, e.g. 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

- 2.12 I made an unaccompanied site visit to the Neighbourhood Plan Area on 16 May 2023 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

⁸ View at: [Broadstairs & St Peter's Neighbourhood Plan 2nd Edition - Thanet](#)

⁹ View at: [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

Written Representations with or without Public Hearing

- 2.13 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

- 2.14 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 Review Plan has been prepared and submitted for examination by Broadstairs & St. Peter's Town Council. An application to the Council for the parished area of Broadstairs & St. Peter's to be designated a neighbourhood planning area was made in 2014 and was approved by the Council on 11 November 2014.¹⁰
- 3.2 The designated Neighbourhood Area comprises the whole of the parished area of Broadstairs & St. Peter's. The designated area is shown on the map (Map 1) at page 7 in the submission Review Plan and at Figure 1 in the Basic Conditions Statement. The extant Broadstairs & St. Peter's Neighbourhood Plan (made on 3 June 2021) is the only Neighbourhood Plan in the designated area, and the Review Plan is intended to supersede that Plan.
- 3.3 Broadstairs & St. Peter's Town Council is the Qualifying Body for the preparation of the Review Plan. The preparation of the Plan has been led by a Neighbourhood Plan Sub-Committee, comprising Town Councillors, Town Council staff and members of the community, with consultant support.

¹⁰ View at: [Broadstairs and St Peter's Neighbourhood Development Plan - Thanet](#)
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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 2023 to 2040. 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). Whilst that review is presently at a relatively early stage of progression, I make a recommendation and proposed modification **PM12** (see paragraph 4.60 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 during 2021 and 2022. Initial work began in September 2020 and the decision to undertake the review of the Neighbourhood Plan was progressed in early 2021, with an initial 'virtual' public meeting being held on 22 February 2021. A community survey was undertaken between 25 February and 30 April 2021 to collect the views of residents, businesses and other stakeholders, such as the Broadstairs Society, which generated 615 completed responses. The survey results were analysed as part of the initial preparatory work on the draft Review Plan. A further 'virtual' public meeting was held on 11 March 2021 alongside the Community Survey then in progress.
- 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 2021).
 - Stage 2: Work on the preparation of the draft Plan and pre-submission consultation on the draft Review Plan (Regulation 14) (March-June 2022).
 - Stage 3: Submission to the Council, Regulation 16 consultation and examination (December 2022 to Spring 2023).
- 3.7 Stage 1 was focused on the public meetings described above, the major community survey of residents, businesses and stakeholders, 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, which was undertaken for 14 weeks between 28 March and 6 June 2022. Two in-person consultation events were held at the Pierremont Hall on 30 March and 28 April 2022, with a further two 'virtual' consultation events taking place on 7 April and 20 April 2022. A total of 74 responses were received to the Regulation 14 consultation and Appendices 3 and 4 to the Consultation Statement contain a summary of the responses received and a copy of the

questionnaire that was prepared for this consultation. An accompanying schedule contains a full compilation of the consultation responses. The consultation was accompanied by extensive local publicity across the Plan area, with response forms being sent to statutory consultees, local schools and owners of newly designated heritage assets and LGSs. A series of amendments were made to the draft Plan to take account of consultation responses, and these are set out in full in the Schedule of Amendments dated 24 November 2022.

- 3.9 Stage 3 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.
- 3.10 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 Spring 2022.
- 3.11 The Town Council duly resolved at its meeting held on 12 December 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 9 February to 23 March 2023. I have taken account of the 108 responses received from 26 respondents, including a letter submitted by the Town Council on 5 April 2023, following the Regulation 16 consultation, concerning the LGS at St. Peter's Court, Broadstairs. 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

- 3.12 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

- 3.13 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.¹¹ 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

- 3.14 Neither the Council nor any other party has raised any issues concerning a breach of, or incompatibility with Convention Rights (within the meaning

¹¹ The meaning of 'excluded development' is set out in s.61K of the 1990 Act.
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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 (SEA) Screening Report in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations') in April 2022, and this was prepared on the basis of the pre-submission policies contained in the draft Review Plan (which, as noted, was the subject of Regulation 14 consultation in March-June 2022). This Screening Report was submitted alongside the draft Review Plan and concludes (at Section 3) that, on the basis of the SEA Screening Assessment, the draft Review Plan will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to SEA.
- 4.2 The main reasons for this conclusion are that:
- The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan supports the implementation of policies in the adopted Thanet Local Plan which has already been subject to SEA through the Sustainability Appraisal and assessed as having no significant environmental effects.
 - The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan does not allocate sites for development.
 - The Broadstairs & St Peter's 2nd Edition Neighbourhood Plan is a lower tier plan¹² in the hierarchy of planning documents for the area, and therefore has limited influence on other plans or programmes.
 - The Plan is concerned with development at the neighbourhood level. Its impacts are therefore unlikely to be strategic.
 - Through its policies, the Broadstairs & St Peter's 2nd Edition Neighbourhood Plan seeks to avoid or minimise negative environmental effects.

¹² Only to the extent that it does not contain strategic policies. It should be noted that the non-strategic policies of the draft Review Plan will, if made, will have equal status to other relevant policies within the development plan (and will be the most up to date non-strategic policies in respect of the Neighbourhood Area).

- 4.3 The Screening Report was the subject of consultation with the Environment Agency, Natural England and Historic England between 6 April and 11 May 2022. The consultees all responded within the consultation period and confirmed that no further SEA or Habitats Regulations Assessment (HRA) (see below) is required.
- 4.4 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 Review Plan was screened to take full account of any potential effects upon interests of environmental, landscape, historic and heritage importance.
- 4.5 The draft Review Plan was also screened by the Council in order to establish whether the Plan required HRA under the Habitats Regulations. The HRA Screening Assessment, which is contained within the Screening Report (at Section 2), concludes 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 Review Plan is not required. I have noted that Natural England's consultation response confirmed that a HRA is not required.
- 4.6 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 Review Plan is compatible with EU obligations under retained EU law.
- 4.7 I noted, as part of my preliminary assessment of the Review Plan with regard to the SEA and HRA reports, that Section 6 of the draft Plan had not been amended and updated since the preparation of the Regulation 14 consultation draft of the Plan. This section of the Plan should therefore be updated to reflect the outcomes of both the SEA and HRA screening reports. Accordingly, I recommend modification **PM1** to address that matter.

Main Assessment

- 4.8 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.

- 4.9 Having considered above whether the Review 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 1.15 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.
- 4.10 I test the Review Plan against the Basic Conditions by considering specific issues of compliance of the Plan's 17 policies, which address the following themes: Environment; Improving the Built Environment; Design; Importance of the Economy; and Health and Wellbeing for Residents. As part of that assessment, I consider whether the policies in the Review 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.¹³ I recommend some modifications as a result.

Neighbourhood Plan Overview

- 4.11 The Review Plan is addressing the period from 2023 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.
- 4.12 Section 1 of the Review Plan provides an introduction to the Plan, noting that it 'is part of the Government's new approach to planning', giving people the opportunity to shape and have more say about what goes on in the area in which they live, and to help deliver sustainable development. It also describes how the Plan has been prepared by a sub-committee of the Town Council which included members of the community in addition to Town Councillors.
- 4.13 Section 2 of the Review Plan describes the factors that have led to the preparation of the Plan, not least the global and social changes arising from climate change and the Covid-19 pandemic.
- 4.14 Section 3 of the Review Plan describes the national and local planning policy framework for the preparation the Review Plan, noting that it has to be in conformity with the NPPF and the adopted Thanet Local Plan 2031.¹⁴

¹³ PPG Reference ID: 41-041-20140306.

¹⁴ The specific terms of the Basic Conditions' compliance requirements are set out in paragraph 1.15 above.

- 4.15 Section 4 of the Review Plan describes the area covered by the Plan and includes the map of the designated Neighbourhood Area, which is the area covered by the Broadstairs & St. Peter's Parish and its Town Council.
- 4.16 Section 5 of the Review Plan addresses the plan period to be covered by the Plan, which is from 2023 to 2040, noting that this will align with the ongoing review of the Thanet Local Plan which will also extend to 2040.
- 4.17 Section 6 of the Review Plan, entitled "*Strategic Environmental Assessment and Habitats Regulation Assessment*" is a short section setting out that there is a necessity for the Plan to be screened for potential environmental effects (SEA) and the potential implications on designated European wildlife sites (HRA). This section requires updating to take account of the conclusions of the SEA and HRA screening assessments, and I address that matter as recommended modification **PM1** (see also paragraph 4.7 above).
- 4.18 Section 7 of the Plan, entitled "*The Broadstairs & St Peter's Area*", provides a description of the Plan area, relevant demographic information and a short history of Broadstairs and St. Peter's.
- 4.19 Section 8 of the Plan contains the Vision and Objectives for the Plan. The Vision for the future of Broadstairs & St. Peter's is:
- "To preserve and enhance the natural beauty of Broadstairs & St. Peter's and its coastal and cultural heritage whilst at the same time maintaining and, where possible, improving the quality of life of all our residents."*
- 4.20 The Plan contains 13 Objectives, as follows:
- Adapt to climate change by making Broadstairs & St Peter's a more environmentally sustainable place to live through community action.
 - Protect important views and vistas, so they can continue to be enjoyed by the community for future generations.
 - Promote initiatives that value and sustain the natural environment and the biodiversity that lives here.
 - Ensure the protection of unique and important spaces, including the character of the seven beaches and bays and their environs.
 - Support the strict enforcement of the Thanet District Council's 'Green Wedge' policy, so the area retains its distinct character from other local towns.
 - Encourage good design of new developments, which protect the area's special and unique character, to mitigate and adapt to climate change.
 - Recognise and conserve the character and history of the Neighbourhood Area through the creation of a list of important local heritage assets and areas of high townscape value.
 - Encourage businesses in our shopping areas and support other appropriate employment opportunities.

- Develop good transport and traffic management practices for the benefit of residents and visitors.
- Create a welcoming environment for a diverse range of visitors to the town by providing services, facilities and entertainment that meet their wide-ranging interests and needs.
- Improve health and wellbeing by promoting projects that improve air quality and access to healthy and balanced lifestyles.
- Encourage projects to tackle litter, through initiatives which reduce, reuse and recycle.
- Encourage a reduction in anti-social behaviour, through projects, initiatives and design of new development.

The current made Plan contains ten Objectives, but I am satisfied that the amended and additional new Objectives contained in the draft Review Plan all reflect national and local planning policy aims and objectives and are appropriate for the Plan area.

- 4.21 Section 9 of the Review Plan contains the suite of Policies, grouped under the themes of Place and Environment, Improving the Built Environment, Design, Importance of the Economy and Health and Wellbeing for residents. My assessment of each of the Plan's policies is set out below under these themes.
- 4.22 The Basic Conditions Statement (at Sections 2-4 and at Appendices 1-3) describes how the Review 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 17 policies are consistent with national policy contained in the NPPF and accompanying PPG, whilst Appendix 3 sets out an assessment of the sustainability of each of the Plan's policies against the social, economic and environmental principles of sustainable development.
- 4.23 In my assessment, I consider that the Review Plan, through its Objectives, Policies and supporting text, contains a clear strategy to address the national requirement to contribute to the achievement of sustainable development, as it applies to the Plan area.
- 4.24 I consider that overall, subject to 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

- 4.25 I turn now to consider each of the proposed policies in the draft Review Plan and I take into account, where appropriate, the representations that have been made concerning the policies.

Place and Environment

- 4.26 Section 9.1 of the Review Plan addresses the theme of Place and Environment in the Plan area and contains two policies (Policies CC1 and CC2). The majority of this section constitutes modifications to the current made Plan and reflects the need to address the national and global commitments to tackle climate change, and the national and local strategies to improve air quality, biodiversity and the built environment.
- 4.27 Policy CC1 (Clean Air for Residents) states that all new development must not cause or contribute to unacceptable levels of air pollution. On major development this should be demonstrated through an air quality assessment and, if necessary, proposed mitigation measures. I am satisfied that the Policy is appropriately drafted and justified by its supporting text and relates to two of the Plan's Objectives. An amendment is necessary to correct a spelling error, which is addressed by recommended modification **PM2**.¹⁵
- 4.28 Policy CC2 (Biodiversity) states that all planning applications submitted in the Plan 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. Some amendments are necessary to the Policy text, as the requirement for BNG will not extend to all planning proposals, as indicated by the draft Policy. Accordingly, I raised this matter as question No. 4, and I take account of the Town Council's response to that question in my recommended amendments to the Policy text, to ensure that it accurately reflects national policy. This is addressed by recommended modification **PM3**.
- 4.29 With recommended modifications PM2 and PM3, I consider that the draft Review Plan's section on Place and Environment and its accompanying policies (Policies CC1 and CC2) 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.

Improving the Built Environment

- 4.30 Section 9.2 of the Review Plan addresses the theme of Improving the Built Environment in the Plan area and contains six policies (Policies BSP1-BSP6). These policies address the Thanet 'Green Wedge' approach, which

¹⁵ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

defines an area of open countryside between Margate and Broadstairs as shown on Map 3 in the Plan, important views and vistas, trees, Seafront Character Zones, LGSs and community facilities.

- 4.31 Policy BSP1 (The 'Green Wedge') states that within the defined Green Wedge areas, priority will be given to protecting the countryside from built development and ensuring that the physical coalescence of the Thanet towns is avoided and that their physical separation is maintained. There is a minor amendment to the text of the Policy from that contained in the current made Plan, but I am satisfied that the Policy is justified and in general conformity with the strategic policies of the adopted TLP.
- 4.32 Policy BSP2 (Important Views and Vistas) together with accompanying Maps 4a and 4b is unchanged from the current made Plan. There is a minor addition to the supporting text to refer to the community consultation undertaken in April 2021, but again I am satisfied that the Policy is justified and appropriately drafted.
- 4.33 Policy BSP3 is in three parts. Policy BSP3a (Providing important trees) addresses the provision of new trees as part of the development of large sites. Policy BSP3b (Protecting important trees) states that proposals will not be supported which would have an adverse impact on protected trees (subject to a Tree Preservation Order) or trees in Conservation Areas, unless the works are an exception permitted by the relevant legislation. Policy BSP3c (Remedial tree works) states that subject to other policies in the Plan, remedial tree works should be kept to a maximum of 20%.
- 4.34 The sub-division of this Policy into three parts, with the addition of some significant new technical requirements, notably in parts b) and c), represents a material modification to the existing equivalent Policy in the current made Plan, which is set out below:

*"Policy BSP3: Protecting and Providing Important Trees
Proposals for new development which would have an adverse impact on protected trees and other significant trees in the Plan area will not be supported. A net gain in the quantity of suitable trees on all new large planning application sites will be expected, unless supporting design guidelines for the development state that this is unachievable. In this scenario, the potential for providing new tree planting off-site should be explored."*

I have given very careful consideration to the revised policy as drafted, noting that it draws on material that is contained in the Town Council's Tree Strategy (2022), which is a supporting background document to the Review Plan. In my assessment, the revised Policy should be drafted as a single consolidated policy, rather than being in three separate parts, in order to retain, but also to improve and enhance, the purpose and clarity of the existing Policy, for the benefit of future users of the Plan. I consider that the existing Policy BSP3 in the current made Plan forms the appropriate basis for such a consolidated policy, which should provide the

necessary cross-reference to the supporting Tree Strategy for the extensive technical and legislative information that it contains concerning all aspects of managing trees and hedgerows in Broadstairs & St. Peter's, and which is an extremely comprehensive technical document. I therefore recommend modification **PM4** to address the modifications to this Policy.

- 4.35 Policy BSP4 (Seafront Character Zones) together with accompanying Map 6 is unchanged from the current made Plan. There is a minor addition to the supporting text to refer to the award of Blue Flag status to three beaches in 2021. I am satisfied that the Policy is justified and appropriately drafted, and I do not recommend any modifications to the Policy, with the exception that the reference to Map 5 in the Policy text should be to Map 6. This is addressed by recommended modification **PM5**.
- 4.36 Policy BSP5 (Designation of Local Green Spaces (LGS)) is unchanged from the Policy text in the current made Plan, with the exception that it has been updated to refer to Map 7. However, the Review Plan proposes the designation of an additional three LGSs following the preparation of the Local Green Spaces Update document in March 2022. The additional three proposed LGSs are at Joss Bay, woodland at Park Avenue and St. Peter's Churchyard. The description of the existing designated LGS at Victoria Parade has also been amended to make clear that it includes the landscaped gardens at Victoria Gardens. In addition, significant representations were submitted at the Regulation 16 consultation stage, as referenced at paragraph 2.9 above, seeking the proposed extension of the existing designated LGS at St. Peter's Court by the inclusion of woodland located to the south-east of the present LGS boundary. The Town Council, in its letter of 5 April 2023, confirmed that it supported this proposed extension, although it does not form part of the submission Review Plan.
- 4.37 I raised this matter as question No. 3, specifically enquiring whether the owner(s) of the woodland that is subject to the proposed extension is in agreement with its proposed designation as part of the extended St. Peter's Court LGS. I understand that the Town Council has sought such confirmation from the owner, but I have not received any further notification in the course of completing this reporting stage of my examination.¹⁶ As part of my site visit, I visited the St. Peter's Court LGS and the woodland that is subject to the proposed extension and can see some merit in the proposal. However, firstly, the PPG advises that landowners should be contacted at an early stage about proposals to designate any part of their land as LGS, and will have opportunities to make representations in respect of proposals in a draft plan. The proposed extension was neither in the Regulation 14 nor Regulation 16 draft Review Plan. It is not readily apparent why the proposed extension was not

¹⁶ The most recent correspondence from the Town Council to me, dated 1 June 2023, indicated that no response had been received from the registered landowner by that date.

highlighted and promoted as a part of the Regulation 14 engagement process. Secondly, my role is to consider whether the Basic Conditions are met in the submitted draft Review Plan. My recommended modifications are for the purpose of ensuring the Basic Conditions can be met.¹⁷ So whilst the proposed extension may provide further continuity to the site and appears to meet the LGS designation criteria, it cannot be said that the inclusion of the extension is necessary in order to meet the Basic Conditions. Therefore, taking these considerations as a whole, I cannot justify as part of this examination recommending the additional woodland be designated as LGS. I recognise there will be some considerable disappointment in this regard, given that the relevant representations (to which I gave my fullest consideration) were very comprehensive. However, it is a matter that might be further revisited in the next review cycle of the Plan.

4.38 I also visited each of the additional three proposed LGSs during the course of my site visit, together with a careful assessment of the updated background document and the representations that have been submitted concerning LGS. I noted that the Council had raised objections to the designation of the site at Joss Bay, stating that the clifftop areas, which include this site, are already protected as open spaces and, in the case of this site, also as part of the Green Wedge in the adopted Local Plan. I concur with the Council's assessment, and consider that the site at Joss Bay should not be designated as a LGS, as it would not be in general conformity with the relevant policies in the adopted Local Plan for this specific part of the Plan area. However, I do consider that the proposed designation of the sites at Park Avenue and St. Peter's Churchyard is justified and that they should be designated as LGSs. Accordingly, a modification is necessary to delete the site at Joss Bay from Map 7 and the listing at Appendix 2 (and from the maps on the Town Council's website). I also observe that in the light of the 2020 Court of Appeal judgment in *R on the Application of Lochailort Investments Limited v Mendip District Council*¹⁸, the wording of the Policy should be revised to ensure that it has sufficient regard to the NPPF (and will align with Policy SP33 – Local Green Space of the TLP). These matters are addressed by recommended modification PM6.

4.39 Policy BSP6 (Sustaining Community Facilities) states that new community facilities or those gaining planning permission for such use will be supported, and that where an existing community facility is no longer viable, then planning applications for the redevelopment of such facilities will be supported where the proposals include the provision of new or replacement community facilities. The Policy is unchanged from the current made Plan, and I am satisfied that it is justified and in general conformity with the strategic policies of the adopted TLP.

¹⁷ The limited scope of the modifications an examiner may recommend is set out in Paragraph 10(3) of Schedule 4B to the 1990 Act.

¹⁸ Case Number: C1/2020/0812.

- 4.40 With recommended modifications PM4-PM6, I consider that the draft Plan's section on Improving the Built Environment and its accompanying policies (Policies BSP1-BSP6) 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.

Design

- 4.41 Section 9.3 of the Review Plan addresses the important theme of Design within the Plan area and contains three policies (Policies BSP7-BSP9). This section of the Plan covers the topics of the four designated Conservation Areas in Broadstairs and St. Peter's, the five Areas of High Townscape Value, Listed Buildings, Local Heritage Assets and building design guidelines.
- 4.42 Policy BSP7 (Areas of High Townscape Value) states that within the Areas of High Townscape Value, the conservation or enhancement of the local character will be the primary planning aim, and that development will be supported only where the AECOM design codes have been used to enable a narrative for the scheme. This is an amendment to the equivalent Policy in the current made Plan, and I have given careful consideration to the revised Policy. I also sought confirmation from the Council, as question No. 2, that the Council has no objections to the designation of the five Areas of High Townscape Value at Callis Court Road, Kingsgate Avenue, North Foreland, Park Avenue and at South Cliff Parade and Western Esplanade. The Council confirmed that it has no objections.
- 4.43 As drafted, I consider that the Policy does require greater clarity for users of the Plan, with appropriate references to Map 8 and Appendix 3 and a fuller reference to the Broadstairs & St. Peter's Design Guidance and Codes produced by AECOM. The necessary amendments to the Policy are addressed by recommended modification **PM7**.
- 4.44 Policy BSP8 (Local Heritage Assets) is largely unchanged from the Policy in the current made Plan, with only a minor amendment concerning a future review of the list of Local Heritage Assets. However, additional Local Heritage Assets have been added to the listing at Appendix 4, following the preparation of the Local Heritage Asset Background Document (2022). I am satisfied that a robust and consistent approach has been taken to their identification, with comprehensive information being provided in the background document. I further note that Historic England have not raised any concerns regarding this Policy. Accordingly, I do not recommend any modifications to the Policy and its supporting justification.
- 4.45 Policy BSP9 (Design in Broadstairs & St. Peter's) states that development should enhance and conserve local distinctiveness by demonstrating high quality design which both respects and responds to the distinctive character of Broadstairs & St. Peter's. Development proposals should have regard to and respond positively to the design principles set out in

the Broadstairs & St. Peter's Design Guidance and Codes Supporting Document (AECOM, 2022). The draft Policy text contains some amendments from the existing Policy in the current made Plan.

- 4.46 As with Policy BSP7, I consider that the Policy does require greater clarity for users of the Plan, with some amendments to the Policy text. Recommended modification **PM8** addresses the amendments to this Policy.
- 4.47 With recommended modifications PM7 and PM8, I consider that the draft Plan's section on Design and its accompanying policies (Policies BSP7-BSP9) 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.

Importance of the Economy

- 4.48 Section 9.4 of the Review Plan addresses the theme of the local economy and contains five policies (Policies BSP10-BSP14) which include the High Streets at Broadstairs and St. Peter's, other shopping areas, employment development and tourism.
- 4.49 Policy BSP10 (Shopping Areas) has been amended from that contained in the current made Plan by updating the Use Classes referenced within the Policy, following the revisions made to the Use Classes by the Government in 2020. The supporting justification has also been updated to refer to the Westwood retail and leisure complex, which is located three miles west of Broadstairs Town Centre, and most of which is within the Plan area. The Policy itself does not cover the Westwood complex, which is correctly assessed to be a strategic policy matter and is focused on the shopping centres of Broadstairs and St. Peter's.
- 4.50 I am satisfied that the amended Policy is consistent with national policy, but an amendment is necessary to make reference to accompanying Maps 9, 10 and 11. The necessary amendment is addressed by recommended modification **PM9**.
- 4.51 Policy BSP11 (Retention of Employment Space) is unchanged from that contained in the current made Plan, but the supporting justification has been updated by some minor amendments. I am satisfied that the Policy is justified and appropriately drafted, and I do not recommend any modifications to this Policy.
- 4.52 Policy BSP12 (Full Fibre Broadband Connections) is also unchanged from that in the current made Plan. Again, I am satisfied that the Policy is justified and appropriately drafted.
- 4.53 Policy BSP13 (Live-work Space) has been slightly amended from that in the current made Plan, but only for grammatical accuracy. I am satisfied that the Policy is justified and appropriately drafted, but a further

grammatical amendment is necessary for clarity. This is addressed by recommended modification **PM10**.

- 4.54 Policy BSP14 (Sustaining Leisure and Tourism Assets) is a further Policy that is unchanged from the current made Plan, although the supporting justification has been updated to reflect the most recent available data. I am satisfied that the Policy is justified and appropriately drafted.
- 4.55 With recommended modifications PM9 and PM10, I consider that the draft Plan's section on Importance of the Economy and its accompanying policies (Policies BSP10-BSP14) 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.

Health and Wellbeing for Residents

- 4.56 Section 9.5 of the Review Plan addresses the theme of health and wellbeing for residents and contains one Policy (Policies BSP15). This is a new section in the Plan, not previously covered in the current made Plan, and seeks to accord with the Plan's Objective to improve health and wellbeing by promoting projects that improve air quality and access to health and balanced lifestyles.
- 4.57 Policy BSP15 (Uses promoting health and exercise) states that proposals for the change of use to a gym or other use that promotes active exercise or participation in sport will be granted, as long as the scheme accords with other policies in the Plan. As drafted, I consider that the Policy is too narrowly defined, in that it states that only changes of use will be supported. This may not be the full intention of the Policy, but I consider that it should be redrafted to give broader support to proposals which promote good health and wellbeing for residents, and to align more closely with the above Objective and with national policy. I therefore recommend modification **PM11** to address this matter.
- 4.58 With recommended modification PM11, I consider that the draft Plan's section on Health and Wellbeing for Residents and its accompanying Policy (Policies BSP15) 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 Projects

- 4.59 Section 10 of the Review Plan sets out a series of short-term (less than 5 years) and long-term (more than 5 years) Community Projects which the Town Council intend to take forward in the coming years. I am satisfied that these have been discretely identified within Section 10: these will not form part of the statutory development plan, since they do not constitute

land-use planning policies, and are therefore not part of this examination.¹⁹

Monitoring and Review

- 4.60 Section 11 of the Plan sets out details for the proposed monitoring and review of the Plan's policies, with the Town Council working in liaison with the Council. It also sets out a commitment for the Town Council to undertake a town survey 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 **PM12**.

Other Matters

- 4.61 The Review Plan contains five Appendices. Appendix 1 sets out the Design Guidelines for the Seafront Character Zones, which are the subject of Policy BSP4. Appendix 2 sets out the addresses and grid references of the proposed LGSs, noting that maps of each of the LGS are available on the Town Council's website. Following my assessment of Policy BSP5 (see **PM6**), it should be noted that the proposed LGS at Joss Bay should be deleted from Appendix 2. Appendix 3 contains detailed maps of the Areas of High Townscape Value, as referenced at Policy BSP7. Appendix 4 is a full listing of the Local Heritage Assets, as referenced at Policy BSP8. Appendix 5 contains a description of the views and vistas notated on Maps 4a and 4b and referenced at Policy BSP2.
- 4.62 Section 12 of the Review Plan is a Glossary. There is one minor typographical error, which should be corrected for accuracy - HRA is Habitats Regulations Assessment.
- 4.63 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, the HRA correction above etc) can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates in agreement between the Town Council and the Council.²⁰

Concluding Remarks

- 4.64 I conclude that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the

¹⁹ See PPG Reference ID: 41-004-20190509.

²⁰ PPG Reference ID: 41-106-20190509.

Broadstairs & St. Peter's Neighbourhood Development Plan Review 2023-2040 meets the Basic Conditions for neighbourhood plans.

5. Conclusions

Summary

- 5.1 The Broadstairs & St. Peter's Neighbourhood Development Plan Review 2023-2040 (Modifications Proposal) has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Review 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 Review 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 Review Plan relates. I conclude that the Broadstairs & St. Peter's Neighbourhood Development Plan Review 2023-2040, 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 Broadstairs & St. Peter's Neighbourhood Development Plan Review 2023-2040 is the product of much hard work undertaken since 2021 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 Broadstairs & St. Peter's 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 8	<p><u>Section 6.0 – Strategic Environmental Assessment and Habitats Regulations Assessment</u></p> <p>Note correct title as above.</p> <p>Delete existing text in full, and replace with:</p> <p>“The draft of this Plan was screened by TDC in April 2022 to determine whether it required a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA).</p> <p>The Screening Report concluded that the NDP 2nd Edition will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore did not need to be subject to SEA.</p> <p>The Screening Report also concluded that the NDP 2nd Edition does not include any proposals that would be likely to adversely affect the integrity of the European sites or in combination with other projects and plans and that a full HRA Appropriate Assessment of the NDP was not required.</p> <p>The SEA and HRA Screening Report is available as a background document to this Plan on the Town Council’s Neighbourhood Plan web-page²¹.” (Insert footnote as below).</p>
PM2	Page 15	<p><u>Policy CC1 – Clean Air for Residents</u></p> <p>2nd line of Policy text – correct “polution” to read “pollution”.</p>
PM3	Page 16	<p><u>Policy CC2 (Biodiversity)</u></p> <p>Amend Policy text to read:</p>

²¹ [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)
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		<p>"In accordance with the Environment Act 2021 and national policy guidance, all qualifying planning applications for new development (mainly relating to residential, commercial and infrastructure development) in the Neighbourhood Plan area will need to provide a Biodiversity Net Gain (BNG) improvement of at least 10% above the baseline position. Such provision should be made on-site where possible, or at a suitable off-site location where on-site provision is not possible."</p>
PM4	Pages 23-25	<p><u>Policy BSP3a – Providing important trees, Policy BSP3b – Protecting important trees and Policy BSP3c – Remedial Tree Works</u></p> <p>Delete all Policy text in full, and replace with:</p> <p><u>"Policy BSP3 – Protecting and Providing Important Trees</u></p> <p>"The Town Council will support proposals for new development which demonstrate that they will safeguard the protected and other significant trees within the Plan area. Proposals for additional tree planting will be encouraged as part of proposed new developments in order to achieve a net gain in the quantity of trees within landscaping schemes. The Town Council will assess all proposals in the context of its Tree Strategy (2022), including remedial works to existing trees, and the Tree Strategy is available as a background document to this Plan on the Town Council's Neighbourhood Plan web-page²²."</p> <p>(Insert footnote as below).</p> <p>Page 23 – delete the words <i>"through the introduction of several new tree policies to the NDP."</i> in the third paragraph of sub-section 9.2.4.</p> <p>Amend Contents Page (Page 3) accordingly.</p>
PM5	Page 27	<p><u>Policy BSP4 – Seafront Character Zones</u></p> <p>Delete the reference to "Map 5" in the second line of Policy text and replace with "Map 6".</p>
PM6	Pages 29 and 56	<p><u>Policy BSP5 – Designation of Local Green Spaces (LGS)</u></p>

²² [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

		<p>Delete the former Joss Bay Picnic Site as a proposed Local Green Space from Map 7 and the listing at Appendix 2.</p> <p>Delete the detailed map of the Joss Bay Picnic Site from the Town Council's web-site at: https://www.broadstairs.gov.uk/ UserFiles/Files/Green space%20Joss%20Bay</p> <p>Delete the second paragraph of the Policy text and replace with:</p> <p>"Development proposals in designated Local Green Space will be managed in accordance with national policy for Green Belts."</p>
PM7	Page 35	<p><u>Policy BSP7 – Areas of High Townscape Value</u></p> <p>Delete existing Policy text in full and replace with:</p> <p>"Within the five Areas of Townscape Value, as defined on Map 8 and on the detailed maps at Appendix 3, the conservation and/or enhancement of the special local character will be the primary planning objective. Accordingly, the Town Council will support development proposals only where it is demonstrated that the proposals have taken account of the design guidance and codes contained in the Broadstairs & St. Peter's Design Guidance and Codes (AECOM, 2022), which is a supporting document to this NDP and available on the Town Council's Neighbourhood Plan web-page²³." (Insert footnote as below).</p>
PM8	Page 37	<p><u>Policy BSP9 – Design in Broadstairs & St. Peter's</u></p> <p>Add the following text to the second sentence of Policy text:</p> <p>"which is a supporting document to this NDP and available on the Town Council's Neighbourhood Plan web-page²⁴." (Insert footnote as below).</p> <p>Delete the second paragraph of Policy text and replace with:</p> <p>"Proposals for new development in the NDP area should include a summary of how this has been</p>

²³ [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

²⁴ [Neighbourhood Plan Evidence Base 2nd Edition - Broadstairs & St Peter's Town Council](#)

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