



Intelligent Plans
and examinations

Report on Broadstairs and St. Peter's Neighbourhood Plan 2018 - 2031

**An Examination undertaken for Thanet District Council with the support
of the Broadstairs & St. Peter's Town Council on the November 2018
Submission version of the Plan.**

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Main Findings - Executive Summary

From my examination of the Broadstairs & St. Peter's Neighbourhood 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 – Broadstairs & St. Peter's Town Council (the Town Council);
- the 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 the Map (Map 1) at Page 6 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2018 to 2031; 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

Broadstairs & St. Peter's Neighbourhood Plan 2018-2031

- 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 24,903 residents (2011 Census), 35% of whom are aged over 60 yrs. The area also has a large number of seasonal visitors, with 3.9 million tourism trips to Thanet in 2015, representing a significant increase from previous years.
- 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.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Thanet District Council (TDC), with the agreement of the Town Council.
- 1.4 I am a chartered town planner, with over 40 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.
- 1.5 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 draft Plan.

The Scope of the Examination

- 1.6 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.
- 1.7 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:
 - 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';
 - 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; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.8 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

1.9 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; and
- meet prescribed conditions and comply with prescribed matters.

1.10 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 2017¹.

¹ 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 At the date of this examination, the adopted Development Plan for this part of the Thanet district, not including documents relating to excluded minerals and waste development, is the Thanet Local Plan, which was adopted in June 2006.
- 2.2 Thanet District Council is preparing a replacement Local Plan for the period 2011-2031 which was submitted on 30 October 2018 to the Secretary of State for examination. The Basic Conditions Statement (at pages 4 and 10-12) provides a full assessment of how each of the policies proposed in the Plan are in general conformity with the relevant strategic policies and a number of development management policies in the replacement Local Plan. Whilst there is no requirement for the Plan to be in general conformity with any strategic policies in the emerging Local Plan, there is an expectation that the District Council and the Town Council will work together to produce complementary plans². In this regard the Plan (at page 5) is erroneous in stating that it must be in general conformity with the strategic policies in the current adopted Local Plan and the emerging new Local Plan for the period up to 2031. I make **PM1** to address this point.
- 2.3 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 in July 2018, replacing the previous 2012 NPPF, and a further revised NPPF was published in February 2019. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF (and subsequent 2019 version), which provides "*The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019*". A footnote clarifies that for neighbourhood plans, "submission" in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The Broadstairs & St. Peter's Neighbourhood Plan was submitted to TDC on 7 November 2018, with Regulation 16 consultation taking place between 23 November 2018 and 18 January 2019. Thus, it is the policies in the 2012 NPPF that are applied to this examination and all references in this report are to the 2012 NPPF and its accompanying PPG.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which

² Paragraph 184 of the NPPF and PPG Reference ID: 41-009-20160211.

comprise:

- the draft Broadstairs & St. Peter's Neighbourhood Plan 2018-2031, dated November 2018;
- the Neighbourhood Designation Map (dated 11 November 2014), which identifies the area to which the proposed Neighbourhood Development Plan relates;
- the Consultation Statement and Executive Summary, dated November 2018;
- the Basic Conditions Statement, dated November 2018;
- the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (dated August 2017) prepared by Thanet District Council;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the requests for additional clarification sought in my letter of 28 March 2019 raising two questions relating to the Plan (concerning paragraph 8.1.1 (Housing) and Policy BSP9 (Design in Broadstairs & St. Peter's)) and the responses received on 4 April 2019 provided by the Town Council and TDC³.

2.5 I have further taken account of the responses to the Regulation 16 consultation representations that were agreed by the Town Council on 4 February 2019, and which have been forwarded to me. I have also taken into account a supplementary statement, which I received on 29 March 2019, that was prepared on behalf of the Town Council to review the Basic Conditions Statement in light of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Site Visit

2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 12 April 2019 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

2.7 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.

³ View at: <https://www.thanet.gov.uk/info-pages/broadstairs-and-st-peters-neighbourhood-development-plan/>

Modifications

- 2.8 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.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Town Council, which is a qualifying body. An application to TDC for the Town Council area to be designated a neighbourhood planning area was made in 2014 and was approved by the Council on 11 November 2014.
- 3.2 It is the only Neighbourhood Plan for Broadstairs & St. Peter's and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies (on the front cover and within the document) the period to which it is to take effect, which is between 2018 and 2031. This aligns with the end date of the emerging Thanet Local Plan.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Plan has been prepared in response to the Localism Act 2011. Work commenced on the preparation of the Plan in 2014 when a Neighbourhood Plan Steering Group was established comprising members of the community and Town Councillors to prepare the Plan. A variety of methods were used to communicate with the community and stakeholders during the Plan preparation period, commencing in May 2014 with an initial workshop, and further fact-finding workshops in June and July 2014. A questionnaire consultation to all residents was undertaken in late-2014, followed by a Housing Needs Survey in February/March 2015. The Neighbourhood Plan Steering Group was dissolved in October 2015 and was replaced by a Sub-Committee of the Town Council to take forward the preparation of the Plan. An Issues and Options Survey was undertaken in July-September 2017, with three formal consultation events across the Plan area. Work on the preparation of the draft Plan continued during 2017 and 2018, culminating in the Regulation 14 consultation which was held from 30 July 2018 to 17 September 2018. Regular updates to the Broadstairs & St. Peter's community were provided during 2014-2018 through the Town Council website, social media and the Town Council's newsletter, as well as at Town Council meetings and other

community events. The Consultation Statement and its Appendices contain a record of the various consultation activities that took place.

- 3.5 The outcomes from the Regulation 14 consultation were assessed, and a number of minor amendments and changes were made to the draft Plan in response to representations received during that consultation period. Further supporting documents were prepared following the Regulation 14 consultation including the Basic Conditions Statement and the Consultation Statement. A Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Report to determine whether or not the Plan required SEA was prepared by TDC in August 2017.
- 3.6 The Neighbourhood Plan was formally submitted to TDC in November 2018. The Plan was subject to further consultation from November 2018 to January 2019 under Regulation 16 and I take account of the 6 responses then received in writing this report, as well as the Consultation Statement. I am satisfied that the Plan has been prepared with an appropriate level of community engagement and consultation at the key stages during its preparation. The consultation process has been open and transparent, has met the legal requirements for procedural compliance and has had regard to the guidance in the PPG on plan preparation and engagement.

Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include any provisions and policies for "excluded development".

Human Rights

- 3.9 The Basic Conditions Statement states 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. From my assessment of the Plan, its accompanying evidence base studies and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied 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

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- 4.1 The Plan was screened for SEA and HRA by TDC on behalf of the Town Council in August 2017. The Screening Report confirms that the Plan has been assessed against the Schedule 1 criteria contained in the SEA Regulations⁴ for determining the likely significance of the effects on the environment. It notes that the policies in the Plan support the implementation of policies in the adopted and emerging Thanet Local Plan, that it does not allocate any sites for development and that it seeks to avoid or minimise negative environmental effects. In particular, I note from the response received to my question that the Plan supports (at paragraph 8.1.1) the ten housing allocation sites within the Plan area that are included within the emerging Thanet Local Plan, and which have been included in the District Council's Sustainability Appraisal (Examination Document Ref. CD7.4). As such, the Screening Report concludes that the Plan will not have significant effects in relation to any of the criteria in Schedule 1 of the SEA Regulations. I concur with that conclusion.
- 4.2 The Plan has also been screened in accordance with the HRA screening tests in order to assess its likely effects on sites of European importance. The Plan area is within 15 kilometres of eight sites of European importance, comprising 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. The Margate and Long Sands Site of Community Importance (SCI) is a candidate SAC (cSAC) but has not yet been formally designated. The HRA Screening concludes that the Plan has no risk of significant impacts upon any of the designated sites and that the Plan can be screened out from further consideration either alone or in combination with other plans. I also concur with that conclusion.
- 4.3 The Screening Report concludes that the Plan is unlikely to have a significant effect on the environment or on designated sites, and therefore neither SEA nor HRA is required. Thanet District Council, Natural England and Historic England have not raised any concerns on any matters concerning the SEA, or the need for HRA. On the basis of the information provided and my independent consideration of the SEA and HRA Screening Report and the Plan, I am satisfied that the Plan is compatible with EU obligations in respect of the SEA Regulations and the Habitats Directive.

Main Assessment

- 4.4 Having considered 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

⁴ The Environmental Assessment of Plans and Programmes Regulations 2004, which implement the requirements of the [European Directive 2001/42/EC](#), are commonly referred to as the 'SEA Regulations'.

- 1.9 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.
- 4.5 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's 14 policies, which deal with Place and Environment, Design and Importance of the Economy.
- 4.6 I consider that overall, subject to the detailed modifications I recommend to specific policies below, that individually and collectively the policies will contribute to the achievement of sustainable patterns of development and meet the other Basic Conditions. I set out my detailed comments below.
- 4.7 The Plan is addressing a Plan period from 2018 to 2031. Its policies seek to preserve and enhance Broadstairs and St. Peter's natural beauty and its coastal and cultural heritage whilst at the same time maintaining and, where possible, improving the quality of life for residents. The Plan's objectives are set out on page 11, which provide the context for the policies in the Plan.
- 4.8 The NPPF states (at paragraph 184) that "*Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them*" 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*".
- 4.9 The NPPF (at paragraph 14) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 16) that neighbourhood plans should support the delivery of strategic development needs set out in local plans including policies for housing and economic development; and should shape and direct development that is outside of the strategic elements of the Local Plan.
- 4.10 The Vision and Objectives for Broadstairs & St. Peter's up to 2031 are set out on page 11 of the Plan. The Planning Policies are set out on pages 12-35, and I am satisfied that the key issues arising from the NPPF and the strategic policies in the adopted Thanet Local Plan and the emerging new Local Plan covering the period up to 2031, as they affect Broadstairs & St. Peter's, are appropriately referenced where appropriate in the Plan and more fully in the Basic Conditions Statement (at pages 7 and 10-12). In particular, I also note that the Basic Conditions Statement (at pages 8) describes how the Plan has regard to how the Plan's policies each contribute to achieving sustainable development.

- 4.11 However, there are 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 TDC. Accordingly, I recommend modifications in this report in order to address these matters.

Place and Environment

- 4.12 Policies BSP1-BSP6 in the Plan address matters concerning place and environment in the Plan area. I have considered each of these policies in the context of national policy, the strategic policies of the adopted Local Plan and the representations received at the Regulation 16 consultation stage. I make detailed comments on each policy as below.
- 4.13 Policy BSP1 (The 'Green Wedge') – this policy seeks to support the strategic policies (SP21 and SP22) in the emerging Thanet Local Plan for the protection of areas designated as Green Wedges across Thanet district. The Plan area includes a large part of a Green Wedge between Margate and Broadstairs and a smaller area forming part of a Green Wedge that borders Ramsgate and Broadstairs. This reflects the strategic approach of the emerging Local Plan, which is informed by a landscape character assessment undertaken in 2017. However, the Plan cannot state that proposals in the Green Wedge areas “*will not be permitted*” as that planning responsibility rests with Thanet District Council. I recommend as **PM2** a modification to amend that policy wording to “*will not be supported*”.
- 4.14 Policy BSP2 (Important Views and Vistas) seeks to protect important views and vistas within the Plan area, which are shown on Map 4. The policy draws upon a background document to the Plan entitled “Significant Views and Vistas in Broadstairs & St. Peter’s” (June 2018). I have considered both the content of the Plan and the background document, and I do not consider that Policy BSP2 is supported by sufficient detail to enable decision makers to be able to interpret the 38 views and vistas depicted on Map 4 with confidence. In particular, Map 4 has poor scale and definition and there is not a listing in the Plan of the views and vistas which can be referenced to Map 4. I therefore consider that the Plan should be modified to replace Map 4 with a larger scale plan showing each view and vista with a numeric or alphabetic reference. Furthermore, an additional appendix (Appendix 6) should be added to the Plan, numerically/alphabetically listing the views and vistas as referenced on Map 4, with the relevant information being drawn from the background document, two examples being:

"a) Corner of Thirty Nine Steps at Charlotte St/York St has view and access to sea/seafront. This is a popular route to the seafront and the Charles Dickens Pub and should be protected.

b) View from Oscar Road (at the end of York Street) to the seafront. This

includes view of Bandstand and Clocktower and should be protected.”

I therefore recommend **PM3** to give effect to this modification in order to give greater clarity to the policy and its interpretation⁵.

- 4.15 Policy BSP3 (Protecting and Providing Important Trees) – the title of this policy and the supporting justification refers to protecting trees, especially those protected by Tree Preservation Orders. However, the policy itself does not specifically refer to protected trees, and I consider that an amendment to the text of the policy is necessary to address this point. I therefore recommend modification **PM4** accordingly.
- 4.16 Policy BSP4 (Seafront Character Zones) is concerned with the protection of Seafront Character Zones which are identified on Map 5 and are categorised as being within one of five differing character types. The principles to be applied to development proposals falling within each of the five categories are set out at Appendix 1. I have considered the development principles, and do not have any concerns with the existing content. However, I do agree with the point made by Kent County Council that, in view of the numerous First and Second World War heritage assets that exist on this stretch of the Thanet coastline, reference should be made to the protection of those surviving assets that are identified in the Kent Historic Environment Record as falling within the Seafront Character Zones. I therefore recommend proposed modification **PM5** to Appendix 1 to address this point.
- 4.17 Policy BSP5 (Designation of Local Green Spaces (LGS)) – this policy proposes the designation of 18 Local Green Spaces, which are listed at Appendix 2 to the Plan each with their address, postcode and/or grid reference and description. A Local Green Space background document (July 2018) sets out the methodology for the selection of the proposed Local Green Spaces, and I am satisfied that a rigorous approach has been taken in accordance with the principles outlined in Section 8 of the NPPF and the PPG⁶. I am also satisfied that each of the proposed sites meets the specific criteria set out in paragraph 77 of the NPPF for designation as a Local Green Space. However, I do consider that a map showing the location of the 18 Local Green Spaces is necessary within the Plan, acknowledging that detailed mapping of each site is available on the Town Council’s web-site. I therefore recommend that a new map be included within the main body of the Plan alongside Policy BSP5 showing the location of the 18 Local Green Spaces, and that this map be also referenced within the text of the policy. Accordingly, I recommend proposed modification **PM6** to address this matter.

⁵ The Plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. See PPG Reference ID: 41-041-20140306.

⁶ See PPG Reference IDs: 37-005-20140306 to 37-022-20140306.

- 4.18 Policy BSP6 (Sustaining Community Facilities) – this policy seeks to protect local community facilities within the Plan area. However, there is a typographical or printing error within the text of the policy, and I recommend proposed modification **PM7** to correct the wording accordingly⁷, in order to clarify the scope of this policy.

Design

- 4.19 This section of the Plan contains three Policies (BSP7-BSP9) which seek to promote the protection and enhancement of Broadstairs and St. Peter's, and to encourage good design of new development. I address each of these policies as below.
- 4.20 Policy BSP7 (Areas of High Townscape Value) - this policy seeks to protect and enhance five Areas of High Townscape Value, which are defined on Map 6 in the Plan, with detailed mapping of each area contained at Appendix 3. I am satisfied that each of the five areas does justify designation as an Area of High Townscape Value, but the text of the policy does require one modification to replace the word "*allowed*" with "*supported*", as the responsibility for the determination of any planning applications within the five areas rests with TDC. I therefore recommend **PM8** as a modification to give effect to this amendment.
- 4.21 Policy BSP8 (Local Heritage Assets) seeks to protect the loss of existing buildings or structures which are set out on the local list of heritage assets contained at Appendix 4 in the Plan. The list of 152 such heritage assets is described as an interim list, pending the results of a survey which is currently in progress. This position is not entirely satisfactory, and I share the concern expressed by Kent County Council that the approach being pursued in the Plan area may be inconsistent with the approach adopted elsewhere in Thanet district or other parts of Kent. Whilst I do not raise any concerns with the listings contained at Appendix 4, it is clear that this list may change following the new survey now taking place. I consider that the text of the policy does need amendment to make it clear that any additions/deletions/adjustments to the listing at Appendix 4 should be part of a formal review of the Plan with appropriate consultation. A further amendment is necessary to reflect the fact that development proposals which would result in the loss of existing buildings or structures on the local list "*will not be supported*" rather than "*will not be granted*". I therefore recommend proposed modification **PM9** to address these amendments.
- 4.22 Policy BSP9 (Design in Broadstairs & St.Peter's) – this policy states that planning applications in the Plan area will only be granted if they take into account the design guidelines set out at Appendix 5 to the Plan. I have

⁷ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

given careful consideration to the policy and the design guidelines at Appendix 5, and also to the representations that have been made concerning the policy. In my assessment, the text of the policy does require some amendment to promote an approach that gives greater encouragement to the adoption of the design guidelines in development proposals. I therefore recommend that the policy be re-worded as shown at proposed modification **PM10**, and to include a footnote to provide a definition of larger-scale developments as confirmed in the response to my question.

Importance of the Economy

- 4.23 This section of the Plan contains two Policies (BSP10-BSP14) which seek to promote a prosperous economy in the Plan area and the retention of and development of local service and community facilities. I address each of these policies as below.
- 4.24 Policy BSP10 (Shopping Areas) – this policy seeks to promote and support the continued vitality of the two defined shopping areas in the Plan area, at St. Peter’s and Broadstairs, which are defined on Maps 8 and 9 respectively. I have given careful consideration to the purpose and scope of the policy and to the representations concerning the policy. In particular, I have considered whether the restriction to Class B1 (A) and Class C3 uses only being supported above ground floor level is justified. I consider that the restriction on Class B1 (A) uses at ground floor level is over-restrictive and would not assist in supporting the local economy, which is contrary to the national objectives set out in paragraphs 20 and 23 of the NPPF. However, I do consider that the restriction on Class C3 uses at ground floor level is justifiable. I therefore recommend proposed modification **PM11** to amend the policy to remove the Class B1 restriction.
- 4.25 Policy BSP11 (Retention of Employment Space) - this policy seeks to retain sites and premises that are presently in employment use or identified for such use. I am satisfied that the purpose of this policy and the criteria within the policy for consideration of non-employment uses are justified, although it should be noted that national permitted development rights as contained in The Town and Country Planning (General Permitted Development) (England) Order 2015 do allow the change of use of some employment premises to other uses, including residential use. In my assessment, those permitted development rights do not affect the primary purpose of this policy, and the policy as drafted meets the Basic Conditions.
- 4.26 Policy BSP12 (High-Speed Internet Access) – this policy seeks the provision of the necessary infrastructure to allow all new residential and commercial developments to have connectivity to high-speed broadband/internet. In terms of assisting users of the Plan, I consider that it would be clearer if this policy refers to “full fibre broadband

connections” which is the now more commonly referenced terminology. I consider that the title of the policy and the text of the policy should be amended accordingly, and I therefore recommend proposed modification **PM12** to address this matter.

- 4.27 Policy BSP13 (Live-work Space) – this policy is seeking to support proposals for small scale live-work developments, either through new buildings or conversions. I am satisfied that the policy is consistent with national policy contained in the NPPF, and in particular paragraph 21. However, there is a minor typographical error within the text of the policy, and I recommend proposed modification **PM13** to address that point.
- 4.28 Policy BSP14 (Sustaining Leisure and Tourism Assets) – this policy seeks to retain existing sites and premises that are associated with leisure and tourism for continued use in that sector. The tourism industry is of key importance to the local economy in the Plan area, and also to the wider economy in Thanet district. Tourist numbers and tourism expenditure have increased significantly in recent years, and it is clear that existing assets are important to sustaining the tourism industry. I consider that the policy is justified in accordance with one of the objectives of the Plan and meets the Basic Conditions.

Other Matters

- 4.29 Section 9 of the Plan identifies the community projects that are key aims of the Town Council during the Plan period. Whilst I do not comment on the specific projects, which are outside the purview of this examination, I do note the representations made by the local bus operator Stagecoach South East to this part of the Plan. They contend that the transport and traffic management proposals in Section 9 do not contain or promote any specific measures to enhance public transport in the Plan area and reduce car dependency. In my assessment, this omission is regrettable and does depart from the principles of seeking to promote sustainable development. I note that the Town Council do intend to remove the reference to promoting the free parking at the Vere Road Car Park as a short-term project. I also note that the emerging new Local Plan does include a strategic policy (Policy SP41) to promote sustainable travel including the use of public transport across the district, including the Plan area.
- 4.30 Section 10 of the Plan addresses Monitoring and Review and I welcome the clearly stated monitoring criteria for the implementation of the Plan’s policies during the next five years, together with the intention (as stated at Section 4) to review the Plan at five-yearly intervals.

Concluding Remarks

- 4.31 I consider that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Broadstairs & St. Peter’s Neighbourhood Plan meets the Basic Conditions for neighbourhood plans. As an advisory comment, when the Plan is

being redrafted to take account of the recommended modifications, it should be re-checked for any typographical errors and any other consequential changes, etc.

5. Conclusions

Summary

- 5.1 The Broadstairs & St. Peter's Neighbourhood Plan 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 for all the responses made following consultation on the Neighbourhood Plan, and the supporting documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure 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. The Broadstairs & St Peter's Neighbourhood Plan, as modified, has no policies or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I 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 Plan is the product of much hard work since 2014 by the Town Council, the Neighbourhood Plan Steering Group and the many individuals and stakeholders who have contributed to the development of the Plan. There is no doubt in my view that the Plan reflects the aspirations and objectives of the Broadstairs & St. Peter's community for the future development of their community up to 2031. The output is a Plan which should help guide the area's development over that period in a positive way and it should inform good 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 5	<p><u>Planning Policy Framework</u></p> <p>Third paragraph. Delete second sentence and replace with the following two sentences:</p> <p>“For the Broadstairs & St. Peter’s area, this is the Adopted Thanet Local Plan 2006. It is also desirable, where practicable, to seek to align the Neighbourhood Plan with an emerging Local Plan, which in this case is the emerging Thanet Local Plan for the period 2011-2031.”</p>
PM2	Page 14	<p><u>Policy BSP1 (The ‘Green Wedge’)</u></p> <p>Replace “<i>will not be permitted</i>” in the second paragraph of this policy with “<i>will not be supported</i>”.</p>
PM3	Page 16	<p><u>Policy BSP2 (Important Views and Vistas)</u></p> <p>Amend the first sentence of the policy to read:</p> <p>“Development proposals should respect and not detract from the views and vistas shown on Map 4 and listed at Appendix 6).”</p> <p>Replace Map 4 with a larger-scale map identifying each important view and vista with a numeric or alphabetic reference (which should be linked to Appendix 6).</p> <p>Add new Appendix 6 to list the important views and vistas with an appropriate description – as shown by the examples noted at paragraph 4.13 in this report.</p>
PM4	Page 17	<p><u>Policy BSP3 (Protecting and Providing Important Trees)</u></p> <p>Amend first sentence of policy to read:</p>

		“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.”
PM5	Page 43	<p><u>Appendix 1 – Design Guidelines for Seafront Character Zones</u></p> <p>Add footnote to this Appendix to read:</p> <p>“Development proposals should also safeguard and protect the surviving heritage assets, including those dating from the First World War and Second World War, that are identified in the Kent Historic Environment Record as falling within the Seafront Character Zones.”</p>
PM6	Page 21	<p><u>Policy BSP5 (Designation of Local Green Spaces (LGS))</u></p> <p>Add new Map 6 (with subsequent Maps in the Plan to be re-numbered Map 7 etc.) to show the location within the Plan area of each of the 18 Local Green Spaces listed at Appendix 2.</p> <p>Amend the first paragraph of the policy text to read:</p> <p>“The sites shown on Map 6 and listed at Appendix 2 are designated as Local Green Spaces to the end of the Plan period.*”</p> <p>Amend footnote to read:</p> <p>“* Detailed maps of the Local Green Spaces can be found on the Town Council web-site.”</p>
PM7	Page 22	<p><u>Policy BSP6 (Sustaining Community Facilities)</u></p> <p>Amend the text of the second paragraph of the policy wording to read:</p> <p>“Where it is identified that 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</p>

		community facilities, in order to sustain the continued provision of such facilities either on their existing site or at a nearby location.”
PM8	Page 26	<p><u>Policy BSP7 (Areas of High Townscape Value)</u></p> <p>Replace the word “<i>allowed</i>” in the third line of policy text with the word “supported”.</p>
PM9	Page 27	<p><u>Policy BSP8 (Local Heritage Assets)</u></p> <p>Replace existing policy text with the following text:</p> <p>“Proposals for development which would result in the loss of existing buildings or structures on the local list of heritage assets will not be supported.</p> <p>Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will also not be supported.</p> <p>The current list of Local Heritage Assets is at Appendix 4, and any amendments to this list will be included as part of a review of the Plan.”</p>
PM10	Page 28	<p><u>Policy BSP9 (Design in Broadstairs & St. Peter’s)</u></p> <p>Replace existing policy text with the following text:</p> <p>“Development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals should take account of the Design Guidelines set out at Appendix 5. Proposals which demonstrate that they reflect the design characteristics of the area and have taken account of the Design Guidelines will be supported.</p>

		<p>Proposals for larger-scale developments will need to include a design statement setting out how the proposals meet the Design Guidelines.”</p> <p>Add new footnote below Policy, as follows: “Larger-scale developments are defined as developments of 10 or more new dwellings or over 1,000 sq. m. of new commercial, retail or business floorspace.”</p>
PM11	Page 32	<p><u>Policy BSP10 (Shopping Areas)</u></p> <p>Amend Class B1 entry within second paragraph of policy text to read: “Class B1 (a) (USE AS AN OFFICE)”</p>
PM12	Page 34	<p><u>Policy BSP12 (High-Speed Internet Access)</u></p> <p>Amend title of Policy to read: “Full Fibre Broadband Connections”</p> <p>Amend text of Policy to read: “All new residential and commercial development within the Plan area should include the necessary infrastructure to allow full fibre broadband connections upon the completion of the development.”</p>
PM13	Page 34	<p><u>Policy BSP13 (Live-work Space)</u></p> <p>Replace the word “compromising” in the second line of Policy text with “comprising”.</p>