

INDEPENDENT EXAMINATION OF THE WESTGATE-ON-SEA NEIGHBOURHOOD DEVELOPMENT PLAN 2022-2040

Examination Ref: 01/DAS/WOSNP

Response to Examiners Procedural Matters and Questions

On behalf of Westgate-on-Sea Town Council

**Prepared by:
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Neighbourhood Plan response (31 Jan 23)	BY	01/02/2023

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Introduction

- 1.1 This report is prepared by Bloomfields Chartered Town Planners on behalf of Westgate-on-Sea Town Council. Where a response has been provided in conjunction with the Local Planning Authority, Thanet District Council, this has been made clear in the response below.
- 1.2 The response has been considered and reviewed by the Town Council, as the Qualifying Body, at the Council meeting held on 7th February 2023.
- 1.3 At this Council meeting it was RESOLVED that the response could be submitted to the Examiner, Derek Stebbing BA (Hons) DipEP MRTPI, for his consideration into the matters arising during the ongoing examination into the Westgate-on-Sea Neighbourhood Plan. Minute reference 3626.

Question 1: Re: The Neighbourhood Development Area (Page 10 in the draft Plan and Page 2 in the Basic Conditions Statement)

- 1.4 *"Figure 3.1 in the draft Plan and Figure 1 in the Basic Conditions Statement do not show with sufficient clarity the boundary of the designated Neighbourhood Area. Can the **Council or the Qualifying Body** please provide me with a plan at an appropriate scale (on an Ordnance Survey base) that clearly defines the boundary of the designated Neighbourhood Area that I may consider as a Modification to the Plan?"*
- 1.5 The designated Neighbourhood Area follows the boundary of the parished area of Westgate-on-Sea. A new map which identifies the neighbourhood area has been provided by the LPA and is provided in Appendix 1. The new neighbourhood area boundary map should replace the following maps:
 - Draft Neighbourhood Plan: Page 10, Figure 3-1.
 - Basic Condition Statement: Page 2, Figure 1.

Question 2: Re: The Plan period (Page 10)

- 1.6 *"The front cover of the Plan states that the Plan period is 2022-2040. In contrast, Section 4 of the Plan states that "this NP will have a plan period from 2021 to 2040" and the Basic Conditions Statement (at paragraph 1.3) further states that the Plan period is from September 2021 to the end of 2040. Can the **Qualifying Body** please confirm what is the exact period that will be covered by the Plan?"*

1.7 The intention of the Town Council, as the Qualifying Body, has always been to ensure that the Neighbourhood Plan aligns with the plan period of the overarching Thanet District Local Plan and the emerging early review of the Thanet Local Plan. Furthermore, it has always been the intention that the dates set out with the plan align with the dates of the first published draft of the Neighbourhood *under* Regulation 14, published in September 2021.

1.8 The plan period of the Neighbourhood Plan is therefore confirmed as: September 2021 to the end of 2040.

1.9 On this basis, the qualifying body requests that the following amendments are made to the draft Plan.

- Amend front cover to read: ~~2022-~~ 2021-2040
- Amend the last paragraph of page 10 as follows.
“This NP will align with the time scale of the TDC Local Plan which runs to from 2011— 2040. Therefore, this NP will have a plan period from September 2021, when the Regulation 14 draft Neighbourhood plan was published, to 2040. It will be reviewed at five yearly intervals”.

1. Question 3: Re. Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) (Page 11)

1.10 *“It would appear that Section 5 of the draft Plan has not been amended and updated since the preparation of the Regulation 14 consultation draft of the Plan. I invite the **Qualifying Body in conjunction with the Council** to provide an updated draft of this section of the Plan which should reflect the outcomes of both the SEA and HRA screening reports, which I may consider as a Modification to the Plan”.*

1.11 Thanet District Council provides the following response:

“The Council carried out the SEA and HRA scoping assessments on the pre-submission version of the neighbourhood plan (2019) and published its report in January 2020. The report concluded that the Westgate-on-Sea Neighbourhood Plan would 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. The report also concluded that the Westgate-on-Sea Neighbourhood Plan would not have an adverse effect on the

integrity of internationally designated sites either on its own or in combination with other plans and therefore does not require a Habitat Regulation Assessment to be undertaken.

Page 7 of the January 2020 report states that a further screening assessment may be necessary if there are any major changes to existing policies or if new policies are introduced.

The Council did not consider that the Regulation 16 version (September 2022) of the Neighbourhood Plan included any major changes to existing policies, or added any new policies, that would warrant further screening. The Council is satisfied that the report of January 2020 is up to date and relevant to the Regulation 16 version of the neighbourhood plan.

The Council is happy for the Town Council to amend Section 5 of the draft neighbourhood plan to reflect this”.

- 1.12 The Town Council, as qualifying body, on the basis of the LPA response, kindly requests that the second paragraph of Section 5 (page 11) of the draft Plan is amended and an additional paragraph added as follows:

~~“The initial draft of this plan hwas been screened by TDC and shown to have no significant impact on Natura 2000 sites and it is the intention that this Regulation 14 pre-submission version of the plan will also have a similar screening. Further to this, TDC as the Local Planning Authority, did not consider that the Regulation 16 version (September 2022) of the Neighbourhood Plan included any major changes to existing policies, or added any new policies, that would warrant further screening. On this basis, the Local Planning Authority was satisfied that the report of January 2020 was up-to-date and relevant to the Regulation 16 version of the neighbourhood plan.~~

~~T~~he first SEA screening opinion is available as a background document to this plan on the Neighbourhood Planning webpage”.

Question 4 – Re. Policy WSNP1 (Protection of Seafront Character in the West Zone) (Page 22)

- 1.13 *“Figure 10-2 on Page 21 clearly relates to the content of Policy WSNP1 but does not identify with clarity the boundaries of the Seafront Character Zone to the East of Domneva Road (the East Zone).*

*May I please request that the **Qualifying Body** provide me with an updated version of Figure 10-2 showing the precise boundaries of both the East and West Zones, which I may consider as a Modification to the Plan linked to the future implementation of Policy WSNP1”.*

- 1.14 Please find amended Figures 10-2A and 10-2B at Appendix 2 of this report.

Question 5 – Re. Conservation Areas (Pages 28-30)

- 1.15 *“I consider that Figures 12.1 and 12.2 (on Pages 29 and 30 respectively) both require notations identifying the names of the relevant Conservation Areas that are presently shown on these plans. This could be achieved by the addition of a notation panel for each plan linked to reference numbers on the plans.*

*May I please request that the **Qualifying Body** provide me with amended versions of Figures 12.1 and 12.2 suitably identifying the titles of the designated Conservation Areas, which I may consider as a Modification to the Plan linked to the future implementation of Policy WSNP6”.*

- 1.16 Please find amended versions of Figures 12.1 and 12.2 which are now combined and shown as Figure 12.1 at Appendix 3 of this report.

Question 6 – Re. Sustainable Development

- 1.17 *“The draft Plan contains an Objective No. 5 (at page 18) “To protect the small-town identity whilst allowing suitable, sustainable development. (Achieved by Policies WSNP2 and 9)”.*

However, in my assessment the draft text and justifications for both Policies WSNP2 and WSNP9 do not presently contain a sufficiently clear statement which addresses the national requirement to contribute to the achievement of sustainable development, as it applies to the Plan area or which links clearly to Objective No. 5.

*I therefore invite the **Qualifying Body** to consider providing some suitable text in order to address this point, either as a statement for inclusion in Section 13 (possibly as a new*

sub-section 13.1) or as a specific policy for inclusion in the Plan, which I may consider as a potential modification to the Plan”.

1.18 On review of the current plan and policies it is considered that the current title of Section 13 ‘Sustainability’ is misleading and would be better titled as ‘Responding to the Climate Crisis’.

1.19 On this basis the qualifying body requests that the following amendments are made to the plan:

Page 2- amend the contents page: “13 ~~SUSTAINABILITY~~ RESPONDING TO THE CLIMATE CRISIS

Page 18- amend Objective 5 as follows: “5. To protect the small-town identity whilst allowing suitable, sustainable development. (Achieved by policy WSPN2 ~~and 9~~ WSNP SD).

Page 19: Replace the section title ‘~~sustainability~~’ with ‘Responding to the climate crisis’

Page 34- amend the section title “13 ~~SUSTAINABILITY~~ RESPONDING TO THE CLIMATE CRISIS”.

1.20 In order to address the requirements of objective 5, specifically relating to sustainable development, it is proposed that a new ‘Sustainability’ section and policy is added after Section 9:

1.21 “Sustainable Development

Section 2 of the National Planning Policy Framework outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. At a high-level, this sustainability objective can be summarised “as meeting the needs of the present without compromising the ability of future generations to meet their own needs” (NPPF Paragraph 9).

At a local level, in accordance with objective 5, it is important to understand what makes Westgate-on-Sea special, unique and what gives it its character now, in order that development proposals can build on these positives. By building on these identified principles the town can thrive and grow in a sustainable manner, without detrimentally impacting on current and future residents.

Therefore, in order to deliver sustainable development, this Neighbourhood Plan seeks to address the three overarching objectives of sustainable development, economic, social and environmental objectives, through a variety of planning policies. In addition to setting an overarching policy to support sustainable development in the Neighbourhood Area.

The following overarching policy is the aspiration for sustainable development across the Neighbourhood Plan area:

Policy WSNP SD

When considering new development in the Westgate Neighbourhood Area, a positive approach that reflects the presumption in favour of sustainable development, as set out in the National Planning Policy Framework, should be at the forefront of all proposals.”

Question 7 – Re. Policy WSNP11 (Designation of Local Green Spaces (LGS))

1.22 *“I note from the representations submitted by Thanet District Council, and from my own assessment of paragraph 4.70 of the adopted Thanet Local Plan (July 2020), that the sites listed in Table 14.1 as Esplanade (Esplanade Gardens), Sea Road, Westgate-on-Sea and Linksfild Village Green, Westgate-on-Sea have not been designated as Local Green Spaces in accordance with Policy SP33 in the adopted Local Plan.*

Furthermore, the Allotments site at Lymington Road, Westgate-on-Sea is protected as allotments under Policy SP32 in the adopted Local Plan, rather than as a Local Green Space.

In order for me to assess the merits of the above-mentioned sites as proposed Local Green Spaces, I shall require clarification in terms of the necessary supporting evidence and justification for each of the sites that demonstrates the criteria set out in the National Planning Policy Framework (paragraph 102) has been met.

*I invite the **Qualifying Body** to consider this matter, together with the representations that have been submitted by the Council and advise me on how they wish me to proceed with regard to the sites referred to above.*

Subject to whether I agree the criteria for designation has been met, I shall also require separate plans at a suitable scale for each of the proposed Local Green Spaces (in order

to replace Figure 14-2) clearly showing the boundaries of the sites, for the benefit of future users of the Plan”.

1.23 NPPF Paragraph 101, enables the designation of land as Local Green Space through local and neighbourhood plans. This allows communities to identify and protect green areas of particular importance to them. There is nothing stated in the regulations that LGS cannot be designated concurrently in a Local Plan and in a Neighbourhood Plan or in one and not the other and vice versa. The LGS identified in the Neighbourhood Plan are important to the community that they serve and have been chosen by them. On this basis the qualifying body kindly requests that the LGS are retained in the current plan.

1.24 The sites chosen as Local Green Spaces (LGS) in the Westgate-on-Sea Neighbourhood Plan were chosen following the initial community survey work, where members of the community highlighted areas of green space that were important to them. This process was undertaken following the guidance set in the NPPF, specifically paragraph 102. All of the Local Green Spaces identified in the Neighbourhood Plan meet the following criteria and on this basis a separate assessment of the individual sites was not undertaken or considered necessary.

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

1.25 It is requested that the Examiner makes his own judgement on the inclusion of the Local Green Spaces that are subject to the queries in Question 7.

1.26 Please find an amended Figure 14.2 which are now two Figures 14.2A and 14.2B at Appendix 4 of this report.

2. Question 8 – Policy WSNP13 (Westgate Countryside Triangle) (Page 42)

1.27 *“I note the representation submitted by Thanet District Council objecting to this Policy and seeking its deletion from the Plan.*

In order that I can fully assess the merits of the Policy and its proposed designation of the land defined as the ‘Westgate Countryside Triangle’ as countryside open space, I require

*further evidential clarification from the **Qualifying Body** to justify the necessity for this Policy (beyond the commentary set out at Pages 40 and 41 in the Plan).*

*I therefore invite the **Qualifying Body** to please provide me with a note setting out the justification for this Policy, including reference to any accompanying existing evidential sources”.*

1.28The qualifying body included this policy within the Neighbourhood Plan because there was a strong sense of feeling from local residents that this area contains significant wildlife and the area provides significant amenity benefits to residents. In addition, the WCT provides a setting to the Town when viewed from the South.

1.29The qualifying body still supports its inclusion within the Neighbourhood Plan and would respectfully ask that the Examiner considers its retention due to the benefits that it affords the community. It furtherance to this, it is important not to underestimate the complimentary relationship afforded by this site to the redrafted policy WSNP21 (*set out below*).

1.30The confidential correspondence between the Town Council and the land owner of the site is provided to the Examiner for his consideration.

3. Question 9 – Policies WSNP19 (Community Infrastructure Levy) and WSNP20 (Section 106) (Pages 46 and 47)

1.31 *“In my assessment, I consider that, as drafted, these Policies are flawed in that they express an intention for the Town Council to support development proposals which set out potential financial benefits (from Community Infrastructure Levy payments and developer contributions through Section 106 agreements) for the Town Council’s various projects as listed at Appendix 1 in the Plan.*

The District Council does not at present have a Community Infrastructure Levy, and Policy WSNP19 therefore does not align with current District Council policies.

I consider that both Policies (and their supporting justification) should be replaced by a single policy concerning Developer Contributions that are secured through the grant of planning permissions in the Plan area for the provision of new and improved infrastructure etc., indicating that the Town Council consider that such infrastructure improvements should, if appropriate, include the projects listed at Appendix 1. It must be clear that such contributions can only be sought and secured in order to satisfactorily address the direct

impacts of new development upon infrastructure provision. In the majority of cases, I anticipate that such contributions will be secured through Section 106 agreements.

*I therefore invite the **Qualifying Body** to consider this matter, and if appropriate to provide me with draft text for a replacement Policy relating to Developer Contributions, as I have noted above”.*

1.32 The Town Council accepts the findings of the Examiner on this point, and therefore requests that the sections 16.3 and 16.4 are replaced and updated as follows:

~~16.3 Contributions from Community Infrastructure Levy~~

~~Following the statement by Government, areas with NPs in place will benefit from 25% of the monies raise from the development through the community infrastructure levy scheme. This is if they allocate housing within the NP itself.~~

~~The Town Council has been made aware that TDC will not be collecting money through the community infrastructure levy system and the NP is not proposing to allocate housing development. Therefore, it would seem that this NP will not afford the Town any benefit through this scheme.~~

~~We believe that the Town Council and residents should benefit from the major development scheme being undertaken in the area and that it would be unreasonable of TDC planning to not consider how contributions from the development could be used to improve the town. A list of potential projects that would benefit from developer funding are listed in Appendix 1.~~

WSNP19 Community Infrastructure Levy

The Town Council will support applications that clearly state the community infrastructure levy raised from the development, which will be provided to the Town Council for the benefit of residents and support the projects listed in Appendix 1.

~~16.4 Section 106 monies~~

~~TDC intend to collect the money from the 2000 house development through section 106 monies, which means that a certain amount is collected per house built to contribute to necessary infrastructure. In the case of the strategic housing developments along the north of Thanet, the main cost that developers need to contribute to is the proposed inner road circuit which is integral to planning of the sites. This road is planned to begin at~~

~~Brookes End farm, bypass Birchington to Shottendane Road, continue to Coffin Corner and then out towards WWX. The Town Council is concerned about the number of developers involved in these contributions, if all the money will be collected and if and when the new inner circuit will be completed and with what disruption.~~

~~Instead of all the section 106 money being spent on the new road system and other services as stated in the local plan policy SP17, the Town Council would like TDC to consider improvements to Westgate. In particular, the Lymington Community Centre needs improvement and has the potential to be expanded and improved to include a sports hall and other facilities. We would like to improve the facilities in Westgate for young people and a sports centre would be a real asset to our town. Improvements in the quality of the skate park would also be supported.~~

~~The library also needs refurbishing and there is potential to use the first floor for activities if there was disabled access. As these services will be used by the residents of the new development we believe that these improvements are directly related to the development and also fairly and reasonably related in scale and kind to the development.~~

~~WSNP20 Section 106~~

~~Developments with clear, viable section 106 agreements will be supported. Section 106 monies that improve the amenities in the town will be encouraged utilising projects set out in the list in Appendix 1.~~

1.33 16.3 Developer Contributions

Development contributions are based on the principle that developers should, where necessary, provide appropriate mitigation for developments bring brought forward, including where additional infrastructure is required to support this development. Specifically, contributions can only be sought and secured in order to satisfactorily address the direct impacts of new development upon infrastructure provision.

The Town and Country Planning Act (1990), enables developer contributions to be secured through Section 106, and the Planning Act (2008) and subsequent CIL regulations from 2010 provide the legislation for the Community Infrastructure Levy (CIL). This is a locally determined 'fixed charge' on development which is calculated as 'per square metre of new development'.

Thanet District Council, as the Local Planning Authority, has chosen not to adopt the CIL charging approach and continues to negotiate ‘planning obligations’ with developers on a case-by-case basis utilising Section 106.

Westgate-on-Sea, through the adopted Thanet Local Plan, is subject to development site allocations that will deliver a large amount of residential development to the town, subsequently S106 funding will be collected to ensure that the development is acceptable in planning terms. Although it is understood that some of this money will be required to deliver infrastructure projects both supporting the new development and local infrastructure network, it is important that some of the money is made available to serve and improve facilities for the community that are also being directly impacted and which will directly relate to the new development.

Contributions should be used to mitigate the adverse impacts of development (including any cumulative impact). Such contributions will help facilitate the infrastructure needed to support sustainable development. Furthermore, it is considered that investing in the community and infrastructure that is important to existing residents will ensure the long-term cohesion of both the existing and new residents to the town. On this basis, the Town Council has listed several projects that could be afforded funding through S106 contributions.

WSNP19 Developer Contributions

Developer Contributions that are secured through the grant of planning permissions in the Plan area for the provision of new and improved infrastructure, should, if appropriate, include the projects listed at Appendix 1.

4. Question 10 – Policy WSNP21 (Statement) (Page 50)

1.34 *“As drafted, this Policy is quite evidently a statement setting out the position of the Town Council with regard to the proposed new residential development on land in Westgate and Garlinge (as referenced in Section 17 of the Plan). It refers to ten other Policies in the draft Plan and sets out a number of other requirements that are beyond the scope of those Policies. Indeed, the Policy is simply entitled “Statement”.*

In my assessment, this statement does not constitute an appropriate land-use planning policy suitable for inclusion as one of the Plan’s policies, unless it is substantially redrafted, shortened and re-titled.

I consider that an appropriate way forward will be for the Policy to be redrafted to focus on the main planning matters that are covered in the first six sentences of the current draft. Other matters can be covered by extended text within the Policy's justification, for example the references to other relevant Policies in the Plan. See also Question 11 below.

*I therefore invite the **Qualifying Body** to consider this matter, and if appropriate to provide me with draft text for a replacement Policy relating to the development of land within the Plan area covered by the Local Plan Policy SP17 site allocation. It should not cover any land that falls beyond the Plan area or contain policy criteria that affect development proposals outside the Plan area. The Policy must be in general conformity with Policy SP17 and other relevant policies in the adopted Local Plan”.*

1.35 In response to the Examiners comments it is proposed to redraft WSNP21 as follows (the policy justification to remain as drafted).

WSNP21 POLICY STATEMENT - The houses allocated on the agricultural land in Westgate and Garlinge

Development of the site known as SP17 in the Thanet Local Plan will only be supported by the Town Council, if it meets all the policy requirements set out in this Neighbourhood Plan.

In furtherance to this, development should be high-quality, well-designed and respond to the existing Westgate-on-Sea town development boundary, ensuring a complimentary and considerate boundary transition between the existing and new development. Specifically, the siting and design of new build development should not impact on the residential amenity of existing residents.

To promote a cohesive town, WTC will support designs that will facilitate social interaction, healthy inclusive communities and promote green links and infrastructure through and out of development to the existing built environs of the Westgate-on-Sea community.

5. Question 11 – Policy WSNP22 (Protection of residents abutting the new development) (Page 51)

1.36 “I note the representation submitted by Thanet District Council objecting to this Policy and seeking the deletion of the proposed ‘functional green corridor’ referenced in the Policy.

In my assessment, the fundamental purpose of this Policy, which is to safeguard the amenities of existing residents within the area close to the Local Plan Policy SP17 site allocation, can be addressed satisfactorily within redrafted text for Policy WSNP21 that is the subject of Question 10.

*I therefore invite the **Qualifying Body** to consider this matter as part of the response to be prepared for Question 10, and if appropriate to provide me with draft text for a replacement Policy that takes into account the principal purpose of Policy WSNP22 and the representations that have been made by the District Council”.*

1.37 Please note the redrafted policy as set out in response to question 10. This redrafted policy requires the removal of section 17.1 and policy WSNP22 from the Neighbourhood Plan.

~~17.1 Protection of residents adjoining the SP17 site allocation The Town Council believes that the developers should consider and minimise any detrimental impact on residential amenity, especially those immediately adjoining the development. Therefore, the following policy is proposed to help mitigate any impact to existing residents.~~

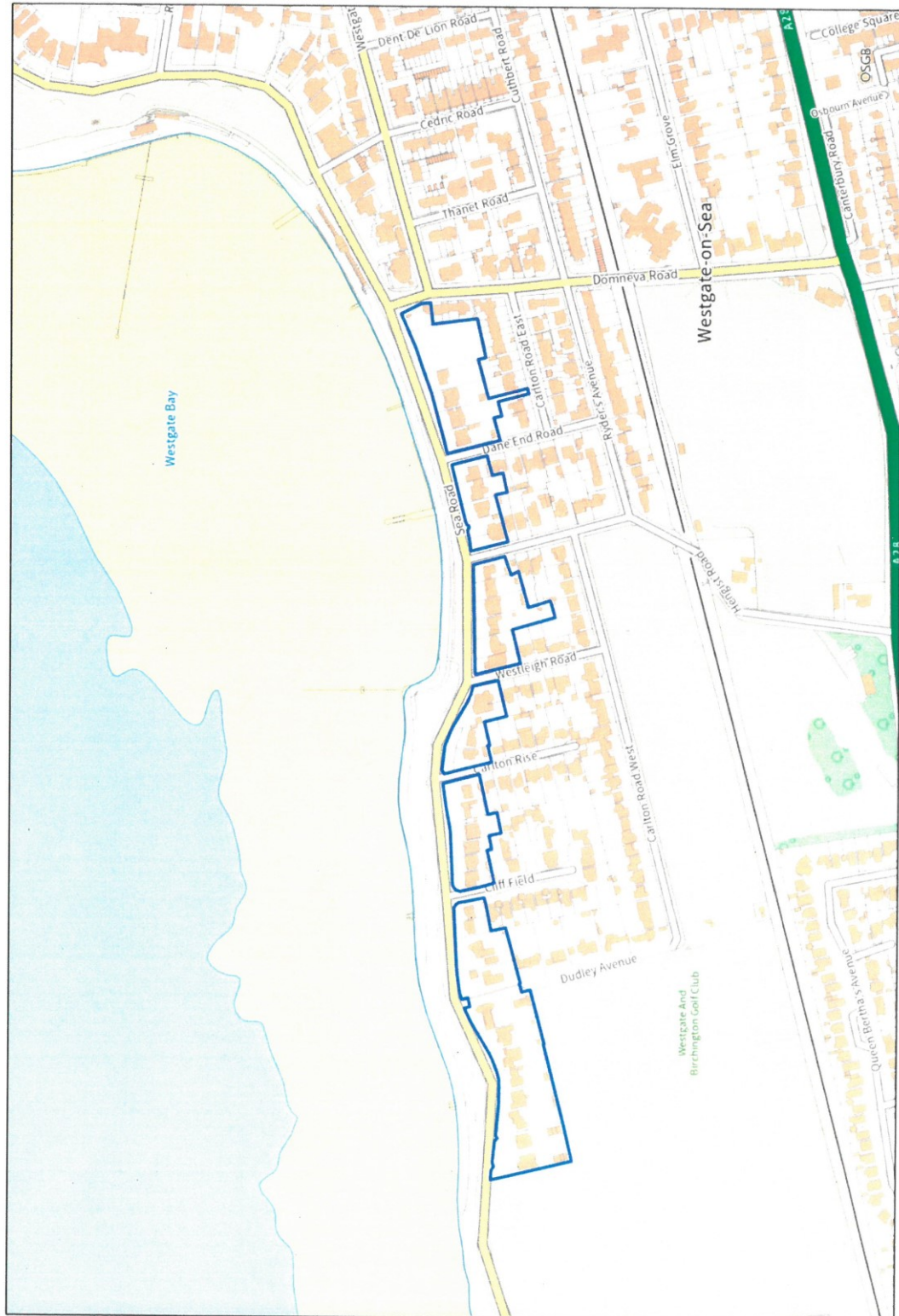
~~WSNP22 Protection of residents abutting the new development~~

~~The Town Council will support planning applications that take into account reasonable spacing between existing residents and new houses, ensuring that the new builds do not restrict light to the existing residents and also, where possible, leave open aspects next to the existing houses. In particular, the Town Council would support a functional green corridor between the existing and the new 2000 houses.~~

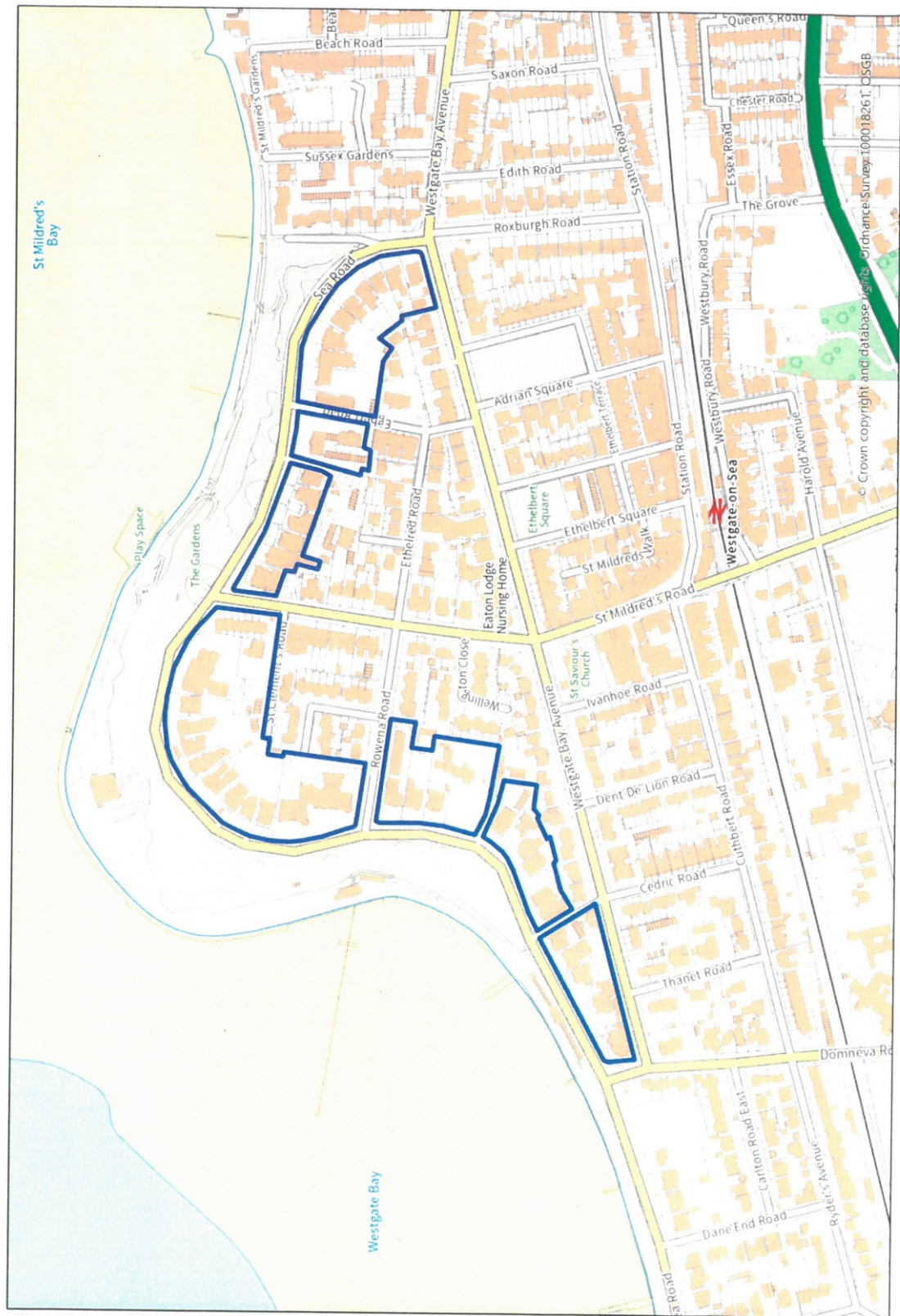
Appendix 1: Neighbourhood Area Boundary



Appendix 2: Amended Figure 10.2 to 10.2A: Seafront Character Zone West



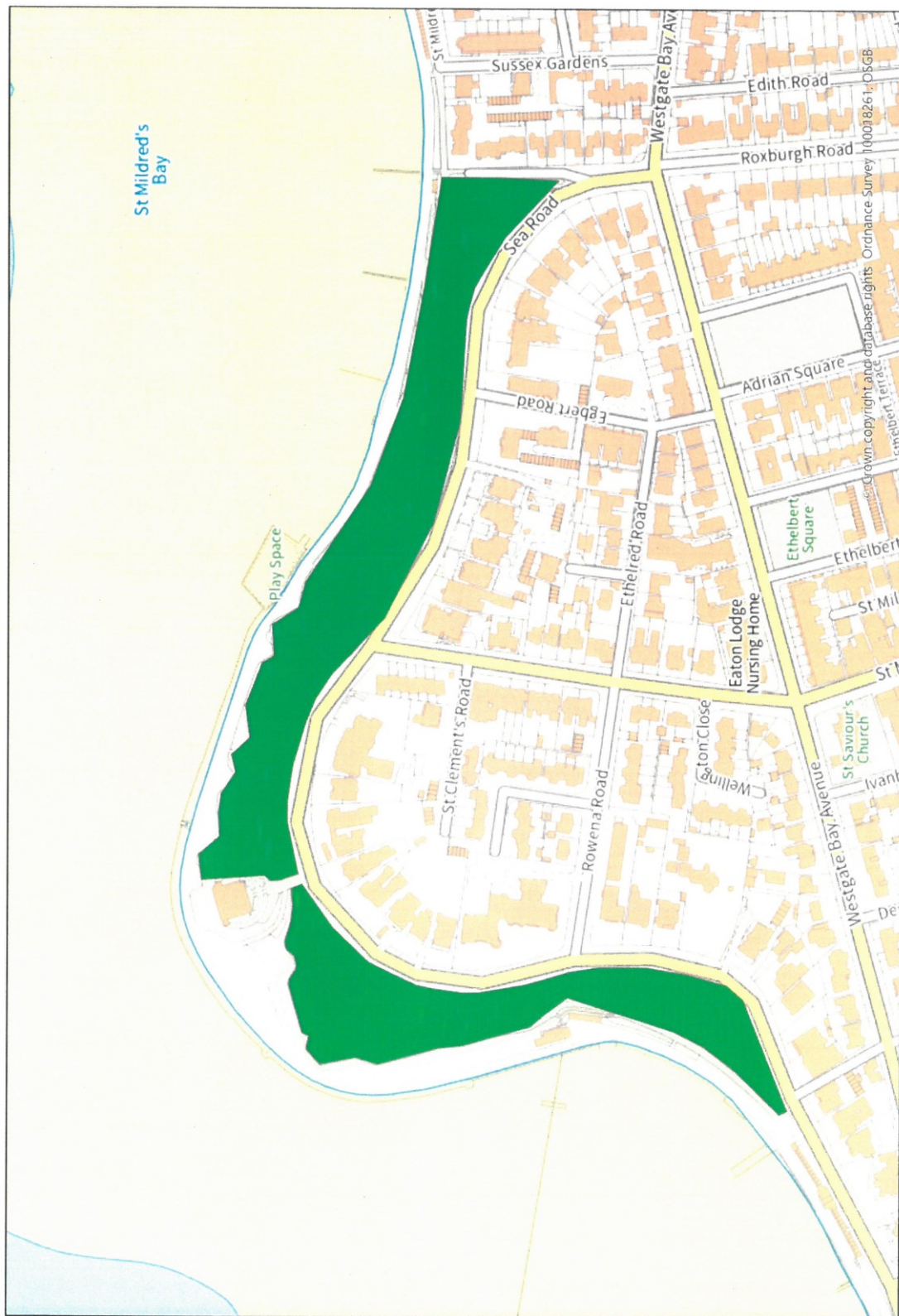
Appendix 2 Cont. : Amended Figure 10.2 to 10.2B: Seafront Character Zone East



Appendix 3: Amended Figures 12.1 and 12.2: Conservation Areas Figure 12.1



Appendix 4: Amended Figure 14.2 : Local Green Spaces 14.2A



Appendix 4 Cont.: Amended Figure 14.2 : Local Green Spaces 14.2B

