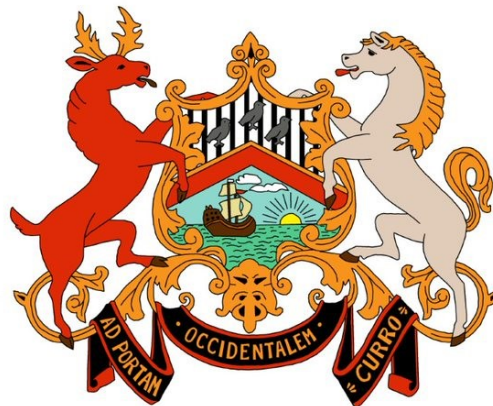


BASIC CONDITIONS STATEMENT

THE WESTGATE NEIGHBOURHOOD DEVELOPMENT PLAN 2021-2040

Regulation 15



WESTGATE-ON-SEA
TOWN COUNCIL

*Published by Westgate-on-Sea Town Council under the
Neighbourhood Development Planning (General) Regulations 2012*

Published 5th September 2022

1. Introduction

1.1 This statement has been prepared by Westgate-on-Sea Town Council (“the Town Council”) to accompany its submission of the Westgate-on-Sea Neighbourhood Development Plan (“the NDP”) to the local planning authority, Thanet District Council (“the District Council”), under Regulation 15 of the Neighbourhood Development Planning (General) Regulations 2012.

1.2 The Neighbourhood Development Plan has been prepared by a Neighbourhood Plan Steering Group - a sub-committee of Westgate-on-Sea Town Council, a qualifying body for the Neighbourhood Area. The Neighbourhood Area, which coincides with the boundary of the parished area of Westgate-on-Sea, was designated by the District Council in October 2016.



Figure 1 – Neighbourhood Area for the Westgate-on-Sea NDP

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1.3 The policies described in the Neighbourhood Development Plan relate to the development and use of land in the designated Neighbourhood Area. They do not relate to ‘excluded development,’ as defined by the Regulations. The plan period of the Neighbourhood Development Plan is from September 2021 to the end of 2040. This corresponds with the plan period of the Thanet District Local Plan which will run until 2040.

1.4 The statement addresses each of the ‘Basic Conditions’ required of the Regulations and explains how the submitted Neighbourhood Development Plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act, as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

1.5 The Regulations state that a Neighbourhood Development Plan will be considered to have met the conditions if:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan,
2. The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development,
3. The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
4. The making of the Neighbourhood Development Plan does not breach and is otherwise compatible with EU obligations.
5. The prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

(Paragraph: 065 Reference ID: 41-065-20140306- Revision date: 06 03 2014)

2. Background

2.1 The decision to proceed with a Neighbourhood Development Plan was made by the Town Council in July 2016 following a stage 1 consultation, this gauged the views of local residents and stakeholders to ascertain if they wanted to produce an NDP.

2.2 A Neighbourhood Plan Steering Group was formed in July 2016 comprising of residents and Town Councillors. The group had delegated authority by the Town Council to make day-to-day decisions on the preparation of the Neighbourhood Development Plan. Subsequently, as the qualifying body, the Town Council approved the publication of the Pre- Submission plan in September 2021. The Council approved the NDP for submission under Regulation 15 to Thanet District Council on the 5th of July 2022.

2.3 The Town Council has consulted local communities extensively over the duration of the project. It has also collaborated with officers of the District Council since the start of the project. The outcome of that work is the submission version of the Neighbourhood Development Plan.

2.4 The Neighbourhood Development Plan contains twenty-two topic policies, the plan does not seek to allocate housing as this is being dealt with by the Thanet Local Plan. The Plan has sought to avoid containing policies that duplicate other development plan or national policies that are already being used to determine planning applications. The policies are therefore a development management matters that seek to refine and supplement the new emerging Local Plan policies.

3. Conformity with National Planning Policy

3.1 The Neighbourhood Development Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) 2021 and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Development

Plans.

3.2 The table at Appendix 1 sets out where the proposed NDP policies are in conformity with the NPPF and PPG.

4. Sustainable Development

4.1 The main purpose of the planning system is to contribute towards the achievement of sustainable development whether it is the policies in a local or NDP, or the decisions being taken on planning applications. The NPPF states that the three dimensions of sustainability are economic, social and environmental for which gains should be sought jointly.

4.2 The basic conditions require that the NDP contributes to the achievement of sustainable development. The Neighbourhood Plan Steering Group were mindful of this requirement during the course of plan preparation and the principles of sustainable development are embedded in the vision and objectives.

4.3 The vision for the NDP is: Recognising Westgate-on-Sea as a special place to live in and visit, we aim to retain this status, by protecting our environment and communities, whilst seeking to encourage change which will enhance the appeal of the area, as well as its sustainability. Our vision is to conserve and enhance the heritage and seascape of our town with its backing of quality agricultural heritage, to retain its uniqueness within the county and the area of Thanet in general. To improve and expand within a realistic and acceptable framework, to build for the future without impacting the environment negatively.

4.4 To deliver this vision the plan has the following objectives:

1. To protect the character of the seafront whilst encouraging sustainable growth in tourism. *(Achieved by policy WSPN1 and 3)*
2. To protect the town centre and encourage businesses and employment. *(Achieved by policy WSPN4 and 5)*
3. To protect the local heritage of the town, the conservation areas and the nearby Schedule Ancient Monuments. *(Achieved by policy WSPN6,7 and 8)*
4. To protect and enhance our local community assets and local green spaces. *(Achieved by policy WSPN11, 12, 13 and 17)*
5. To protect the small-town identity whilst allowing suitable, sustainable development. *(Achieved by policy WSPN2 and 9)*
6. To encourage low carbon developments with renewable energies and green innovation within the town. *(Achieved by policy WSPN9)*
7. To collaborate with the developers of the potential two thousand houses allocated in Westgate-on-Sea locality (including Garlinge) to ensure that the development has the least negative and the most positive outcomes as possible. *(Achieved by policy WSPN2, 13, 21 and 22)*

A list of specific objectives for the new two thousand home housing allocation are set out in section 17.

4.5 In addition, policies WSNP9 Low carbon development with renewable energies and WSNP10 Surface water flood risk in Westgate-on-Sea specifically addresses the need to achieve sustainable development in the Westgate-on-Sea area.

The assessment of sustainability for the NDP policies can be found at Appendix 2.

5. General conformity with the strategic policies of the Thanet Local Plan

5.1 The Neighbourhood Development Plan has been finalised to ensure its 'general conformity' with the development plan for the District, this is the Thanet Local Plan 2031. Consultation on the Regulation 19 stage of the Thanet Local plan ended on 4th October 2018. There is now a proposed partial update to Thanet's Local Plan that will extend the Plan period to 2040. To ensure ongoing conformity the NDP also has the same plan period running to 2040.

5.2 The new emerging Local Plan for Thanet sets a large number of themes, these are clearly set in the contents of the emerging Local Plan (reproduced at Appendix 3)

5.3 Not all policies contained in the Thanet Local Plan are relevant to the Westgate-on-Sea area, and of the policies that are relevant to Westgate, some are not relevant to the NDP. Appendix 4 lists where the policies in the NDP are in conformity with the Thanet Local Plan.

5.4 In addition, the NDP has been produced following support and guidance from Thanet District Council (TDC). TDC provided written feedback on the initial draft of the NDP, via their retained consultant, this gave advice, amongst other comments, on where potential conflicts in the wording of the NDP and the Thanet Local Plan could arise. Following this feedback, once finalised and published, the Regulation 14 NDP was in general conformity with the Thanet Local Plan.

6. Compatibility with EU Legislations

6.1 The District Council provided a screening opinion of the emerging NDP in January 2020, this established the NDP did not require a Strategic Environmental Assessment (in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004). The decision on the screening opinion was received by the Town Council in January 2020 and minuted on the 14th of January 2020 Neighbourhood Plan Steering Group meeting.

6.2 The Screening Opinion also screened for effects in relation to the Habitats Directive but concluded that the Plan would not require any further assessment, as a Habitats Regulation Assessment of the Local Plan had already been produced and was considered relevant in the assessment of the environmental effects of the Westgate-on-Sea NP.

6.3 The opinion on both is published separately in the evidence base, but concludes:

"in the opinion of the Local Planning Authority, the plan, in its current form is unlikely to have significant environmental effects and therefore a SEA will not be required, and the plan will 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 HRA."

6.4 The Plan has also had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

7. Other basic conditions

7.1 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe 2 basic conditions in addition to those set out in the primary legislation. These are:

- 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, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites. (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)
- having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made (see Schedule 3 to the Neighbourhood Planning (General) Regulations 2012 (as amended), where the development described in an order proposal is Environmental Impact Assessment development.

7.2 It can be confirmed that the contents of the NDP does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 and the NDP is not proposing any new development so part two in relation to Environmental Impact Assessment development is not relevant in this regard.

8. Conclusion:

8.1 In accordance with paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 this Statement demonstrates that the proposed Westgate-on-Sea Neighbourhood Development Plan prepared by the Town Council meets the requirements of each basic condition and the other legal tests.

Westgate-on-Sea NDP policy and where it conforms to National Policy	NPPF 2021 and PPG References where relevant
WSNP1: Protection of Seafront Character in the West Zone	NPPF Section 12: Achieving well-designed places and Paragraphs 112(C) and 124 PPG- https://www.gov.uk/guidance/design
WSNP 2: General Design Principles	NPPF Section 12: Achieving well-designed places PPG- https://www.gov.uk/guidance/design
WSNP 3: Safeguarding Leisure and Tourism	NPPF Section 6: Building a strong, competitive Economy
WSNP 4: Protection of Shopping Areas	NPPF Section 7: Ensuring the vitality of town centres PPG- https://www.gov.uk/guidance/ensuring-the-vitality-of-town-centres
WSNP 5: Retention of Employment Space	NPPF Section 6: Building a strong, competitive economy and paragraph 106a
WSNP 6: Conservation Areas	NPPF Section 16: Conserving and enhancing the historic environment, Paragraph 191 PPG- https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment
WSNP 7: Local Heritage Assets	NPPF Section 16: Conserving and enhancing the historic environment, specifically Paragraph 192 PPG- https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment
WSNP 8: Schedule Ancient Monument	NPPF Section 16: Conserving and enhancing the historic environment- Paragraph 200(b) PPG- https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment
WSNP 9: Low Carbon Development with Renewable Energies	NPPF Section14: Meeting the challenge of climate change, flooding and coastal change- Paragraph 8(c), 152, 155, 156 PPG- https://www.gov.uk/guidance/climate-change PPG- https://www.gov.uk/guidance/renewable-and-low-carbon-energy
WSNP10: Surface Water Flood Risk	NPPF Section14: Meeting the challenge of climate change, flooding and coastal change

	PPG- https://www.gov.uk/guidance/flood-risk-and-coastal-change
WSNP11: Designation of Local Green Spaces	NPPF Section 8: Promoting healthy and safe communities - Paragraphs 101 and 102 PPG- Open space, sports and recreation facilities, public rights of way and local green space - GOV.UK (www.gov.uk)
WSNP12: The Green Wedge	NPPF paragraph 138(b)- preventing towns merging with one and other. PPG- https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space
WSNP 13: Westgate Countryside Triangle	NPPF Section 8: Promoting healthy and safe communities - Paragraphs 101 and 102 PPG- https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space
WSNP 14: Building on the Best and Most Versatile Agricultural Land	NPPF Section 15: Conserving and enhancing the natural environment. Paragraph 174(b) PPG- https://www.gov.uk/guidance/natural-environment
WSNP15: Protecting and Promoting Trees	NPPF Section 15: Conserving and enhancing the natural environment. Paragraph 174(b) PPG- https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas
WSNP16: Protection of Protected Species and Biodiversity	NPPF Section 15: Conserving and enhancing the natural environment. Paragraph 179(b) PPG- https://www.gov.uk/guidance/natural-environment
WSNP17: Safeguarding Community Facilities	NPPF Section 3: Plan making Paragraph 20(c), 93(a+e),
WSNP18: Provision of Infrastructure	Section 2: Achieving sustainable development
WSNP19: Community Infrastructure Levy	NPPF Section 4: Decision making, paragraph 57 PPG- https://www.gov.uk/guidance/community-infrastructure-levy
WSNP20: Section 106	NPPF Section 4: Decision making, Paragraph 57
WSNP21: Site Policy Statement	NPPF Section 12: Achieving well-designed places
WSNP22: Protection of Existing Residents abutting the new Development	NPPF Section 12: Achieving well-designed places

Assessment of the sustainability of the Neighbourhood Development Plan Policies

+ small positive response

++ large positive response

0 Neutral response

- small negative response

-- large negative response

Policy and title	Social Factors	Economic Factors	Environmental Factors	Comment on achieving sustainable development
WSNP1: Protection of Seafront Character in the West Zone	+	0	0	Policy seeks to prevent demolition of buildings in the West Zone of Sea Road for the purpose of building flats.
WSNP 2: General Design Principles	+	0	0	The policy seeks to set out the general design principles with regards to Westgate's character and the design of new infill, householder and large-scale development.
WSNP 3: Safeguarding Leisure and Tourism	+	++	+	The policy seeks to ensure that leisure and tourism facilities are safeguarded; changes of use or redevelopment only supported when the site/premises are not viable, and the relocation of an existing leisure or tourist facility is achieved.
WSNP 4: Protection of Shopping Areas	++	++	0	The policy seeks to support the main shopping areas for the town in particular will support the following classes: Class E, Class F, Sui Generis (on an individual basis) and Class C3.
WSNP 5: Retention of Employment Space	0	++	0	The policy seeks to retain employment space, any proposed use or redevelopment of land/premises identified for or currently in employment use will only be supported in particular circumstances.

WSNP 6: Conservation Areas	0	0	+	This policy seeks to ensure that planning applications in the conservation areas follow the design guidelines (WSNP2) and conservation area policies as set out by Thanet District Council and Conservation Area Advisory Group.
WSNP 7: Local Heritage Assets	+	0	+	This policy seeks to protect the buildings or structures on the local list of heritage assets. Renewable energy installations will be considered on a case-by-case basis and exceptions will be supported wherever possible.
WSNP 8: Schedule Ancient Monument	+	0	+	This policy seeks to protect the schedule ancient monuments and their setting.
WSNP 9: Low Carbon Development with Renewable Energies	+	+	++	This policy seeks to support the use of low carbon materials in developments.
WSNP10: Surface Water Flood Risk	+	0	++	This policy seeks to ensure that all planning applications contain a full surface water flood risk, surface water drainage and mitigation report.
WSNP11: Designation of Local Green Spaces	++	0	++	This policy seeks to protect the designated local green spaces and ensure that development is demonstrated as either ancillary to the use for a public recreational purpose or required for a statutory utility infrastructure purpose.
WSNP12: The Green Wedge	++	0	++	This policy seeks to protect the green wedge between Westgate-on-Sea and Birchington.
WSNP 13: Westgate Countryside Triangle	++	0	++	This policy aims to create and retain a countryside open space for nature conservation/biodiversity net gain.
WSNP 14: Building on the Best and Most Versatile Agricultural Land	+	++	++	This policy aims to prevent development on the best and most versatile agricultural land other than that allocated in the Thanet Local Plan.

WSNP15: Protecting and Promoting Trees	+	0	++	This policy aims to protect trees particularly in the Conservation Area and the promotion of trees supported.
WSNP16: Protection of Protected Species and Biodiversity	+	+	++	This policy seeks to protect existing wildlife and to mitigate protected species in the form of assessments.
WSNP17: Safeguarding Community Facilities	++	+	0	This policy supports the protection of existing community facilities or those gaining planning permission for such use. If a community facility is no longer viable then a change of use should be supported with a full viability assessment.
WSNP18: Provision of Infrastructure	++	+	-	This policy seeks to support the provision of infrastructure for all development proposals.
WSNP19: Community Infrastructure Levy	+	0	0	This policy seeks to ensure that any future community infrastructure levy raised from a development is utilised for the benefit of residents in Westgate-on-Sea.
WSNP20: Section 106	+	0	0	This policy seeks to ensure that any Section 106 agreement monies are invested in the amenities of the town.
WSNP21: Site Policy Statement	N/A	N/A	N/A	<p>This statement seeks to ensure that the design guidelines set out in WSNP2 are applied and that the following is achieved:</p> <ul style="list-style-type: none"> • Thirty percent affordable housing • Assisted accommodation for the elderly • Low carbon options • Trees are preserved and planted • Biodiversity net gain achieved • Flood risks for the site considered • Protect historical buildings and their settings • Include active travel options • All infrastructure provided in a timely manner • Housing not to extend beyond the boundary

				proposed within the Local Plan
WSNP22: Protection of Existing Residents abutting the new Development	++	0	0	This policy seeks to protect the reasonable spacing between existing residents and any new builds, with particular emphasis on a green corridor being created.

Themes in the Regulation 19 Thanet Local Plan:

- Chapter 1 - Economic Strategy (includes Manston Airport)
- Chapter 2 - Town Centre Strategy (includes policies for each of the Thanet towns and Westwood)
- Chapter 3 - Housing Strategy (includes housing numbers and strategic housing allocations)
- Chapter 4 - Environment Strategy (includes green wedges, protection of environmental sites and mitigation strategy)
- Chapter 5 - Community Strategy (includes new medical centre at Westwood, expansion of schools)
- Chapter 6 - Transport Strategy (includes strategic road network, Parkway station)
- Chapter 7 - Economy (includes retention of employment sites, home working, digital infrastructure)
- Chapter 8 - Town and District Centres (includes primary and secondary frontages, sequential test)
- Chapter 9 - Tourism (includes tourist accommodation, Thanet's beaches, language schools, Quex park)
- Chapter 10 - Rural Economy (includes economic development in the rural area, farm diversification)
- Chapter 11 - Housing (includes non-strategic housing allocations, retention of housing stock, ancillary accommodation, fostering homes)
- Chapter 12 - Green Infrastructure (includes national and local wildlife sites, green space, play areas, playing fields)
- Chapter 13 - Quality Development (includes sustainable design, general design principles, technical standards)
- Chapter 14 - Heritage (includes archaeology, conservation areas, heritage assets)
- Chapter 15 - Climate Change (includes flooding, renewable energy, solar parks)
- Chapter 16 - Safe and Healthy Environment (includes pollution - land, air, noise & light, groundwater protection)
- Chapter 17 - Communities (includes community facilities, cemeteries)
- Chapter 18 - Transport (includes walking, cycling, public transport, coach & car parking)

Relevant Thanet Local Plan policies and the Westgate-on-Sea NDP:

NDP Policy and title	Relevant Thanet Local Plan policies that the NDP is in conformity with
WSNP1: Protection of Seafront Character in the West Zone	SP25 Protection of the International and European Designated Sites SP26 Strategic Access Management and Monitoring Plan (SAMM) SP33 Quality Development CC03 Coastal Development GI01 Protection of Nationally Designated Sites (SSSI) and Marine Conservation Zones (MCZ) QD01 Sustainable Design QD02 General Design Principles E10 Major Holiday Beaches E11 Intermediate Holiday Beaches E12 Undeveloped Beaches
WSNP 2: General Design Principles	SP33 Quality Development SP34 Conservation and Enhancement of Thanet's Historic Environment HE02 Development in Conservation Areas QD01 Sustainable Design QD02 General Design Principles QD03 Living Conditions QD04 Technical Standards QD05 Accessible and Adaptable Accommodation QD06 Advertisements
WSNP 3: Safeguarding Leisure and Tourism	SP10 Westgate-on-Sea SP02 Economic Growth E07 Serviced Tourist Accommodation E08 Self Catering Tourist Accommodation E09 Protection of Existing Tourist Accommodation E10 Major Holiday Beaches E11 Intermediate Holiday Beaches E12 Undeveloped Beaches E13 Language Schools
WSNP 4: Protection of Shopping Areas	SP06 Thanet's Town Centres SP10 Westgate-on-Sea E04 Primary and Secondary Frontages E05 Sequential and Impact Test E06 District and Local Centres
WSNP 5: Retention of Employment Space	SP10 Westgate-on-Sea E01 Retention of Existing Employment Sites
WSNP 6: Conservation Areas	SP33 Quality Development SP34 Conservation and Enhancement of Thanet's Historic Environment HE02 Development in Conservation Areas
WSNP 7: Local Heritage Assets	SP34 Conservation and Enhancement of Thanet's Historic Environment HE03 Local Heritage Assets

WSNP 8: Schedule Ancient Monument	SP34 Conservation and Enhancement of Thanet's Historic Environment HE03 Local Heritage Assets SP21 Development in the Countryside SP23 Landscape Character Areas
WSNP 9: Low Carbon Development with Renewable Energies	SP37 Climate Change CC04 Renewable Energy CC05 District Heating
WSNP10: Surface Water Flood Risk	SP37 Climate Change CC02 Surface Water Management
WSNP11: Designation of Local Green Spaces	SP30 Local Green Space SP31 Provision of Accessible Natural and Semi Natural Green Space, Parks, Gardens and Recreation Grounds SP36 Healthy Communities Policy GI04 Amenity Green Space and Equipped Play Areas Policy GI05 Protection of Playing Fields and Outdoor Sports Facilities Policy GI06 Landscaping and Green Infrastructure
WSNP12: The Green Wedge	SP21 Development in the Countryside SP22 Safeguarding the Identity of Thanet's Settlements
WSNP 13: Westgate Countryside Triangle	SP21 Development in the Countryside SP22 Safeguarding the Identity of Thanet's Settlements
WSNP 14: Building on the Best and Most Versatile Agricultural Land	E16 - Best and Most Versatile Agricultural Land
WSNP15: Protecting and Promoting Trees	SP24 Green Infrastructure SP27 Biodiversity and Geodiversity Assets
WSNP16: Protection of Protected Species and Biodiversity	SP30 Biodiversity and Geodiversity Assets SP31 Biodiversity Opportunity Areas
WSNP17: Safeguarding Community Facilities	SP36 Healthy and Inclusive Communities SP39 Community Infrastructure CM02 Protection of Existing Community Facilities
WSNP18: Provision of Infrastructure	SP41 Community Infrastructure
WSNP19: Community Infrastructure Levy	TDC Planning Obligations Supplementary Planning Document
WSNP20: Section 106	TDC Planning Obligations Supplementary Planning Document
WSNP21: Site Policy Statement	SP17 Strategic Housing Site Westgate on Sea SP33 Quality Development All relevant policies related to site design
WSNP22: Protection of Existing Residents abutting the new Development	SP33 Quality Development QD01 Sustainable Design QD02 General Design Principles QD03 Living Conditions