

Revised Notification of compliance of documents submitted relating to the Birchington Neighbourhood Plan

Birchington Parish Council has resubmitted their Basic Conditions Statement to the Local Planning Authority (Thanet District Council) at the request of the Examiner.

The Local Planning Authority has carried out assessments of the document submitted in accordance with the requirements of the Town & Country Planning Act 1990 and the relevant Regulations. The Local Planning Authority assessment of the revised Basic Conditions Statement is as follows:

Basic Condition	TDC Assessment
Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).	The revised BCS demonstrates that regard has been had to national policies and advice
<i>Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order.</i>	N/A - applies only to Neighbourhood Development Orders
<i>Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order.</i>	N/A - applies only to Neighbourhood Development Orders
The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.	The revised BCS includes the NP policies, many of which may contribute to the achievement of sustainable development
The making of the order (or neighbourhood 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).	The revised BCS demonstrates that conformity with the strategic policies in the Thanet Local Plan has been considered
<p>The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.</p> <ul style="list-style-type: none"> ● the European Convention on Human Rights; 	The revised BCS demonstrates that consideration has been given to the effect of the Plan on the European Convention of Human Rights

<ul style="list-style-type: none"> • Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (The Strategic Environmental Assessment (SEA) Directive); and • Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (The Habitats Directive). 	<p>A Screening Opinion carried out by TDC considers that SEA or HRA assessments are not required as the making of the Plan will not have a detrimental impact on European designated sites. This is reflected in the Revised BCS.</p>
<p>Neighbourhood Planning Regs: Reg32</p> <p>In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—</p> <p>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</p>	<p>The revised BCS reflects a Screening Opinion carried out by TDC which confirmed that the making of the neighbourhood plan does not breach these requirements. Consultation on the Screening was undertaken with Natural England, the Environment Agency and Historic England.</p>
<p>Other Legal Requirements</p>	
<p>Localism Act 2011</p> <p>38B</p> <p>Provision that may be made by neighbourhood development plans</p> <p>1)A neighbourhood development plan—</p> <ul style="list-style-type: none"> (a) must specify the period for which it is to have effect, (b) May not include provision about development that is excluded development and (c) may not relate to more than one neighbourhood area. 	<p>The Revised BCS specifies the period for which the NP is to have effect</p> <p>The revised BCS addresses the contents of the NP in relation to excluded development</p> <p>The revised BCS describes the area to which the NP relates</p>

None of the other submission documents have been changed.

Thanet District Council considers that the resubmission of the Basic Conditions Statement, and documents previously submitted, comply with the provision made by or under sections 61E (2) (Localism Act 2011) and 61J and 61L (Town and Country Planning Act 1990)