

**INDEPENDENT EXAMINATION OF THE BOUGHTON ALUPH & EASTWELL PARISHES**

**NEIGHBOURHOOD PLAN 2013=2030**

EXAMINER: DEREK STEBBING B.A. (Hons), Dip. E.P., MRTPI

Rachel Girt.  
Clerk to Boughton Aluph & Eastwell Parish Council

Carly Pettit  
Ashford Borough Council

Examination Ref: 01/DAS/BA&ENP

18 January 2021

Dear Ms Girt and Ms Pettit

**BOUGHTON ALUPH & EASTWELL PARISHES NEIGHBOURHOOD PLAN EXAMINATION**

Following the submission of the Boughton Aluph & Eastwell Parishes Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters.

1. Examination Documentation

I can confirm that I am satisfied that I have received a complete submission of the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement and Appendices, the Environmental Statement and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the draft Plan, I have not at this initial stage identified any very significant and obvious flaws in the Plan that might lead me to advise that the examination should not proceed.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area in the week beginning 15 February 2021, subject to the prevailing Government COVID-19 advice at that time. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process (and further respecting the current COVID-19 distancing arrangements).

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing

should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

#### 4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the Qualifying Body.

I have three questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response **within 3 weeks from the date of this letter**.

#### 5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within 4-6 weeks of submission of the draft Plan. However, as I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended. Please be assured that I will seek to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If the Parish Council or Local Planning Authority have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and Local Authority's websites.

Thank you in advance for your assistance.

Your sincerely

*Derek Stebbing*

Examiner

## ANNEX

From my initial reading of the Boughton Aluph and Eastwell Parishes Neighbourhood Plan 2013-2030 and the supporting evidence, I have the following questions for the Qualifying Body. I have requested the submission of responses **within 3 weeks from the date of this letter**, though an earlier response would be much appreciated.

### **Question 1: Policy BAE NP2 (Protection of Local Green Space) (Page 28)**

I note that that two of the proposed Local Green Spaces relate to Churchyards in the Parishes. These are All Saints Churchyard, Boughton Aluph and St Mary the Virgin Churchyard, Eastwell as shown on Maps 7 and 8.

I am aware that, elsewhere in the country, Diocesan bodies have objected to the inclusion of Church buildings and outbuildings within Local Green Spaces, as it potentially limits and constrains the ability of the Dioceses to plan for any extensions to Church buildings for future religious/community use.

Should I be minded to agree that the Churchyards do meet the necessary criteria for their designation as Local Green Spaces, I am unlikely to confirm the inclusion of Church buildings and their immediate curtilages within such designation.

I therefore invite the **Qualifying Body** to provide me with two plans, to replace Maps 7 and 8 on page 25 of the draft Plan, which show the extent of the Churchyards noted above and which exclude the Church buildings and their immediate curtilage.

### **Question 2: Re. Policy BAE NP4 (Residential Development on the periphery of Boughton Lees Built-Up Confines) (Page 42)**

As presently drafted, this Policy is defective, and will require a minor modification.

However, there is a wider issue concerning the Policy. It specifically only refers to residential development and does not identify the exceptions that may be permitted (as listed on page 41). Furthermore, it does not include other categories of development, e.g. commercial development, which the Qualifying Body may wish to include.

I invite the **Qualifying Body** to consider redrafting the Policy, such that it identifies the exceptions that may be supported and permitted beyond the built-up confines and any further categories of development that would not be supported.

### **Question 3: Re. Policy BAE NP7 (Land at Eureka Place Local Centre) (Page 52) and Map 21 (Page 50)**

I have noted the concerns of Ashford Borough Council regarding this Policy and Map 21, as expressed in their Regulation 16 response letter dated 27 November 2020., and I note that similar concerns were raised at the Regulation 14 consultation stage.

As far as I can establish, the principal supporting evidence for the Policy and proposed land allocation (as identified on Map 21) is the "Eureka Place: Survey of Business Needs" document prepared in 2019.

On my initial assessment, the proposed land allocation is not in general conformity with Policy S20 in the adopted Ashford Local Plan 2030. It also potentially has implications for land beyond the designated Neighbourhood area, for example in Wye with Hinxhill Parish. This could lead, in due course, to a recommendation that a future Referendum concerning the Plan be extended to adjoining areas, should the Plan reach that stage.

I invite the **Qualifying Body** to provide me with a Note which addresses the concerns that have been expressed by the Borough Council, at the Regulation 14 and Regulation 16 consultation stages and in various e-mails (which are attached at Appendix 2 to the Borough Council's letter of 27 November 2020).

In particular, the Note should address the Borough Council's statement (in an e-mail of 19 December 2019) that *"There is no evidence that this use is required or that it would not restrict delivery of strategic employment and housing requirements in Policy S20"*.