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# **Report on Rolvenden Neighbourhood Plan 2013 - 2030**

**An Examination undertaken for Ashford Borough Council with the support of the Rolvenden Parish Council on the April 2019 Submission version of the Plan.**

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Date of Report: 5 September 2019

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Registered in England and Wales. Company Reg. No. 10100118. VAT Reg. No. 237 7641 84

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## **Main Findings** - Executive Summary

From my examination of the Rolvenden 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 – Rolvenden Parish Council (the Parish Council);
- the Plan has been prepared for an area properly designated – the Neighbourhood Plan Area, the boundary of which is coterminous with the Parish Council boundary, as identified on the Map (Figure 1) at Page 5 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2013 to 2030; 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**

### *Rolvenden Neighbourhood Plan 2013-2030*

- 1.1 Rolvenden is a village within Ashford Borough. It lies 5 miles to the south-west of Tenterden and is centred on the A28 road between Ashford and Hastings. The Plan area comprises the main village of Rolvenden, the smaller hamlet of Rolvenden Layne and a number of dispersed hamlets and farmsteads spread across the Parish. The Plan area extends to some 8.99 square miles and is predominantly rural in character. It has a population of 1,414 residents (2011 Census) in 699 households. 30% of the population are aged over 65 years. The local economy is based largely upon agriculture and tourism-related activities, with other employment within the retail and service sectors, together with some small-scale industrial businesses, being concentrated within the village of Rolvenden and the surrounding countryside.
- 1.2 The settlement of Rolvenden dates from Saxon times. The Plan area is almost entirely within the High Weald Area of Outstanding Natural Beauty (AONB). There are also a large number of listed buildings, two

Conservation Areas and a Registered Park and Garden within the Plan area, reflecting its rich historic environment.

### *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 Ashford Borough Council (ABC / the Borough Council), with the agreement of the Parish 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 2017<sup>1</sup>.

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<sup>1</sup> 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 Ashford Borough, not including documents relating to excluded minerals and waste development, is the Ashford Borough Local Plan 2030, which was adopted on 21 February 2019.
- 2.2 The Basic Conditions Statement (at pages 18-30) 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 adopted Local Plan. Having been adopted in February 2019, the Local Plan provides an up to date strategic planning context for the Neighbourhood Plan, and this has enabled the Neighbourhood Plan and its policies to be prepared.
- 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 on 19 February 2019 (and updated on 19 June 2019). All references in this report are to that 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 comprise:
- the draft Rolvenden Neighbourhood Plan 2013-2030, dated April 2019;
  - the Neighbourhood Designation Map (dated 11 July 2013), which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement and Executive Summary, dated May 2019;
  - the Basic Conditions Statement, dated April 2019;
  - the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (dated February 2019) prepared by Ashford Borough Council; and
  - all the representations that have been made in accordance with the Regulation 16 consultation.

### *Site Visit*

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 28 July 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*

- 2.6 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.

### *Modifications*

- 2.7 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 Parish Council, which is a qualifying body. An application to ABC for the Parish Council area to be designated a neighbourhood planning area was made in April 2013 and was approved by the Borough Council's Cabinet on 11 July 2013.
- 3.2 It is the only Neighbourhood Plan for Rolvenden and does not relate to land outside the designated Neighbourhood Plan Area.

### *Plan Period*

- 3.3 The Plan specifies (on page 8) the period to which it is to take effect, which is between 2013 and 2030. This aligns with the end date of the adopted Ashford Borough Local Plan. However, in the interests of clarity, the Plan period should also be stated on the front cover and I recommend **PM1** accordingly.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The Plan has been prepared in response to the Localism Act 2011. Work first commenced on the preparation of the Plan in 2012 when a Neighbourhood Development Plan Steering Group was established comprising members of the community and Parish Councillors to prepare the Plan. A variety of methods were used to communicate with the community and stakeholders during the Plan preparation period. A Parish-wide survey of local housing needs was undertaken in January 2015. A public presentation was undertaken in March 2015 to identify key issues

for the Plan to address. Further evidence gathering work was undertaken during 2015, including a local business needs survey.

- 3.5 A programme of direct engagement was undertaken in Spring 2015 with businesses, landowners and farmers, in order to establish and further identify key issues affecting those groups, and to identify any sites that were being considered for future development. A number of sites were formally submitted for consideration in the Plan preparation process (as recorded at Appendix C of the Consultation Statement).
- 3.6 Work on the preparation of the draft Plan continued during 2016 and 2017, culminating in the Regulation 14 consultation which was held from 2 December 2017 to 27 January 2018, and then extended until 28 March 2018 in order to provide further time for statutory consultees to respond that had not. The Regulation 14 consultation was accompanied by an exhibition, significant publicity material and a leaflet distribution across the Plan area. The Consultation Statement and its Appendices contain a comprehensive record of the various consultation activities that took place, including a full digest of the responses received during the Regulation 14 consultation.
- 3.7 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 then 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 ABC in February 2019, prior to submission to comply with Regulation 15(e)(1).
- 3.8 The Neighbourhood Plan was formally submitted to ABC on 1 May 2019. The Plan was subject to further consultation from 10 May 2019 to 24 June 2019 under Regulation 16 and I take account of the 155 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*

- 3.9 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*

- 3.10 The Plan does not include any provisions and policies for “excluded development”. In this respect, I have considered the representations

made by Kent County Council that the Plan fails to take account of the Mineral Safeguarding Areas (MSA) contained in the adopted Kent Minerals and Waste Local Plan 2013-2030 (KMWLP), with part of the Ashford MSA being within the Plan area. Mineral safeguarding is not a matter to be addressed in neighbourhood plans, being quite properly a matter for the minerals planning authority (i.e. Kent County Council). Any consideration of development proposals that fall within a MSA will fall to be considered against the policies of the development plan as a whole, which will include the KMWLP, the Ashford Borough Local Plan 2030 and this Plan.

### *Human Rights*

3.11 I have examined whether anything in the Plan would cause a breach of any Convention right<sup>2</sup>. Whilst ABC has not raised any issues concerning breach or incompatibility, I have considered the Plan particularly against Convention Articles 8 and 14 and its First Protocol Article 1, principally relating to privacy, discrimination and property. From my assessment, it appears considerable care was taken to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups. The Plan, its accompanying evidence base studies and the consultation and extensive engagement on the Plan's preparation (including responses made to the Plan at the Regulation 14 and 16 stages from a range of interested parties), demonstrate to my satisfaction 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. I consider 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*

4.1 The Regulation 15 Plan was screened for SEA and HRA by ABC on behalf of the Parish Council in February 2019, prior to submission of the Plan under Regulation 15. In relation to SEA the Screening Report confirms that the Plan has been assessed against the Schedule 1 criteria contained in the SEA Regulations<sup>3</sup> for determining the likely significance of the effects on the environment. It notes that the assessment finds that no significant negative effects will occur as a result of the Rolvenden Neighbourhood Plan. It further notes that the assessment also finds that the aims and objectives of the Neighbourhood Plan are in conformity with the adopted Local Plan policies which have a full Sustainability Appraisal (including SEA) which identified that no significant effects will occur as a

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<sup>2</sup> See paragraph 1.8 above.

<sup>3</sup> 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'.

result of the implementation of those policies. 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, and that a full SEA is not required. From my independent consideration, I concur with that conclusion.

- 4.2 The Regulation 15 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 20 kilometres of three sites of European importance, comprising the Hastings Cliffs Special Area of Conservation (SAC), the Dungeness SAC and the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and RAMSAR site. The HRA Screening concludes that the Plan will not adversely affect the integrity of the internationally designated sites, either alone or in combination with other projects and plans. It is therefore concluded that a full HRA of the Plan is not required. I have also noted that at the examination of the Ashford Borough Local Plan, in light of the judgment of the Court of Justice of the European in the People Over Wind case<sup>4</sup>, the Borough Council confirmed that the Local Plan did not require Appropriate Assessment (AA), and that the Local Plan Inspectors were content with that position. From my independent consideration, I also concur with the conclusion that the Plan does not require a full HRA.
- 4.3 I have further taken account of the responses received from the Environment Agency, Natural England and Historic England who have not raised any concerns regarding the SEA and HRA Screening Report. On the basis of the information provided and my independent assessment 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 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 17 policies, which deal with Environment, Housing, Local Economy, Leisure and Wellbeing and Local Infrastructure.

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<sup>4</sup> People over Wind & Sweetman v Coillte Teoranta Case C-323/17. View at: <http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30ddf571da66f02d449d9f60cc9f39bf8846.e34KaxiLc3qMb40Rch0SaxyNch10?text=&docid=200970&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=628325>

- 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.
- 4.7 The Plan is addressing a Plan period from 2013 to 2030. Its vision for the Plan area is to seek to ensure that it continues to thrive by meeting local housing needs, sustaining the local economy and enhancing the strong social fabric, whilst preserving the distinctive heritage and village character together with the natural beauty of the surrounding landscape. Each section of the Plan contains objectives relevant to the specific policy themes.
- 4.8 The NPPF states (at paragraph 29) that "*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan*" 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 11) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans; and should shape and direct development that is outside of these strategic policies.
- 4.10 The Vision for Rolvenden up to 2030 is set out on page 15 of the Plan. The Neighbourhood Plan Strategy is set out on pages 15-18, and I am satisfied that the key issues arising from the NPPF and the strategic policies in the adopted Ashford Borough Local Plan covering the period up to 2030, as they affect Rolvenden, are appropriately referenced within the Plan and more fully in the Basic Conditions Statement (at pages 18-30). In particular, I also note that the Basic Conditions Statement (at pages 16/17) describes how the Plan's policies contribute to the achievement of 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 ABC. Accordingly, I recommend modifications in this report in order to address these matters and to ensure that the Plan meets the Basic Conditions.

### *Environment*

- 4.12 Policies RNP1-RNP5 in the Plan address matters concerning the environment in the Plan area. The objectives for this section of the Plan are to seek to preserve and enhance the heritage of the Plan area, to ensure development is well designed, to protect and enhance the natural

beauty of the High Weald landscape, to protect Local Green Spaces and to maintain the distinctive locally valued views. 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.

- 4.13 Policy RNP1 (Design of New Development and Conservation) – this policy seeks to ensure that new development is designed to a high quality which responds to the heritage and distinctive characteristics of Rolvenden and Rolvenden Layne and the approaches to those settlements. The policy makes cross-references to Appendix 1 to the Plan, which is a comprehensive assessment of the Character Areas of Rolvenden and Rolvenden Layne, and the Village Approaches. Maps 5 and 6 define the proposed Character Areas for Rolvenden and Rolvenden Layne respectively, together with the boundaries of the existing designated Conservation Areas. A number of representations make detailed comments about the boundaries of the proposed Character Areas, for example that further residential properties and land at the south-east of Rolvenden should be included within the Character Area. I have considered such representations in the context of the comprehensive information contained in Appendix 1, which I note has itself been the subject of significant community engagement, and observations during my own site visit. I am satisfied that the information in Appendix 1 is robust and accurate, and that Maps 5 and 6 define appropriate Character Area boundaries. Accordingly, I do not recommend any modifications to those boundaries. However, I note the representation made by Kent County Council that the policy should make reference to the desirability that development proposals in the Plan area make provision for the protection and enhancement of the Parish Public Rights of Way network. I concur with that point, which conforms with the County Council’s strategic county-wide policies for securing improved sustainable transport links. I recommend, as **PM2**, a modification to add a further clause to Policy RNP1 to address that matter.
- 4.14 Additionally, the Plan cannot state that development proposals “*will be permitted*” (as in Policy RNP1); “*will only be permitted*”; “*will not be permitted*” or “*may exceptionally be allowed*”, as that planning responsibility rests with Ashford Borough Council. This form of wording appears in a number of the Plan’s policies, and, to avoid multiple modifications, I recommend as **PM3** a modification to amend the relevant policy wording to “*will be supported*”; “*will only be supported*”; “*will not be supported*” or “*may exceptionally be supported*”, with the relevant policies listed specifically within the modification.
- 4.15 Policy RNP2 (Protection of Local Green Space within the Built-Up Confines) - this policy seeks to protect ten areas of land, which are proposed for designation as Local Green Spaces, with eight being at Rolvenden and two at Rolvenden Layne. The proposed Local Green Spaces are listed at page 25 and defined on Maps 7 and 8. In considering each of the proposed Local Green Spaces, I have taken account of the information in the Local

Green Space Assessment, 2018 document, and have visited the sites. I am satisfied that a rigorous approach has been taken in accordance with the principles outlined in Section 8 of the NPPF and the PPG<sup>5</sup>. I am also satisfied that each of the proposed sites meets the specific criteria set out in paragraph 100 of the NPPF for designation as a Local Green Space, and that the proposed Local Green Spaces are appropriately described in the Plan (at page 25) and mapped accurately (on Maps 7 and 8). Therefore, I agree that the 10 proposed areas of land are duly designated as Local Green Spaces.

- 4.16 Policy RNP3 (Conserve and Enhance the Countryside) – this policy seeks to protect the countryside outside the built-up areas of Rolvenden and Rolvenden Layne (which are defined on Maps 3 and 4 respectively) from inappropriate development. Clause b) of the policy seeks to “*maintain the distinctive views from public vantage points within, and adjacent to, the built-up confines ...*” and the relevant views are listed on pages 30/31 in the Plan and defined on Maps 11 and 12. I consider that the important views are accurately described in the Plan, and that Maps 11 and 12 provide a clear definition of each view to be protected. I am satisfied that the policy provides clear guidance in accordance with its purpose, and that the supporting text (on page 32) notes that certain categories of development may be developed within the countryside (with cross-references to the other relevant policies in the Plan). Accordingly, Policy RNP3 meets the Basic Conditions.
- 4.17 Policy RNP4 (Residential development on the periphery of Rolvenden Built-Up Confines) is concerned with proposals for residential development in the countryside on the periphery of Rolvenden. It seeks to ensure that any proposals are justifiable in the context of the High Weald AONB and its Management Plan, and that proposals will also preserve and enhance the landscape character of the Rolvenden Conservation Area and its setting. I am satisfied that the policy provides clear guidance, and I do not recommend any further modifications.
- 4.18 Policy RNP5 (Residential development on the periphery of Rolvenden Layne Built-Up Confines). Rolvenden Layne is a much smaller settlement, surrounded entirely by the High Weald AONB. The policy seeks to restrict any residential development on the periphery of the settlement, and in view of the landscape and conservation designations that exist in the area, I concur with that policy objective. I am satisfied that the policy is clear and precise, and meets the Basic Conditions.

### *Housing*

- 4.19 Policies RNP6-RNP8 in the Plan address matters concerning housing in the Plan area. The objectives for this section of the Plan are to seek to facilitate local people to stay in the Parish by enabling an additional supply and mix of housing which meets local needs, to increase the supply of

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<sup>5</sup> See PPG Reference IDs: 37-005-20140306 to 37-022-20140306.

smaller and affordable homes and to make the best and effective use of brownfield sites and allocate small-scale greenfield sites which can be well integrated with the High Weald AONB. I have considered each of the 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 have also taken account of the relevant background documents that address housing need and the potential allocation of housing sites.

- 4.20 Policy RNP6 (Small-scale residential development within the built-up confines of Rolvenden and Rolvenden Layne) - this policy notes that proposals for small-scale residential development within the built-up confines of Rolvenden and Rolvenden Layne will be supported, providing there would be no conflict with certain other policies in the Plan. Whilst the purpose of the policy is clear, I do consider that, in the context of the supporting justification set out on pages 37 and 38, it should contain more precise guidance to provide greater clarity in terms of the policy wording and its interpretation<sup>6</sup>. Accordingly, I recommend **PM4** as a modification to the text of the policy, in addition to **PM3**. I have also considered the various representations that have been made concerning the definition of the boundaries for the built-up confines of Rolvenden and Rolvenden Layne, as defined on Maps 3 and 4. I am satisfied that a consistent approach has been taken in defining these boundaries, recognising that parts of the curtilage of some properties do fall outside the built-up area. This is not unusual in the definition of settlement boundaries in plan-making, particularly in rural areas, and I do not recommend any modifications to Maps 3 and 4.
- 4.21 Policy RNP7 (Housing Site Allocations) proposes the allocation of three sites for residential development. The sites are the Cornex Garage site at High Street, Rolvenden (Policy RNP7 a), Land to the rear of Redwood, Tenterden Road, Rolvenden (Policy RNP7 b) and Kingsgate Corner, Maytham Road/Frensham Road, Rolvenden Layne (Policy RNP7 c). The sites are defined on Maps 13, 14 and 15 respectively. I have given very careful consideration to each of these proposed site allocations and to the various representations that have been made concerning either the principle of such allocations or to the detail of the specific development guidance for the allocations. In each case, I consider that the principle of the proposed allocations is justifiable in the context of national planning policies and is in general conformity with the relevant strategic policies in the adopted Ashford Borough Local Plan, and consistent with the other Plan policies. I also consider that the proposed Development Guidance is clear and that it is compatible with the other policies in the Plan. Therefore, I conclude that Policy RNP7 and the three specific residential site allocations meet the Basic Conditions, without need for further modification. I note that, if developed during the Plan period, the sites

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<sup>6</sup> A policy in a neighbourhood 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.

will yield some 24 new dwellings to the housing stock in the Plan area, which, in addition to other completions since 2013, outstanding planning permissions and potential windfall developments, will be an appropriate and proportionate approach to meeting the housing needs of the Parish.

- 4.22 Policy RNP8 (Dwelling Size) – this policy seeks to encourage the development of 1 and 2 bedroom dwellings, in order to reflect the findings of the Rolvenden Housing Needs Survey, 2015. I am satisfied that the objective of this policy is justified and in accordance with the evidence supporting the Plan. Accordingly, I consider Policy RNP8 meets the Basic Conditions.

### *Local Economy*

- 4.23 Policies RNP9-RNP11 are concerned with the local economy in the Plan area. This section of the Plan seeks to retain the economic and social hub of Rolvenden village, to retain the public house in Rolvenden Layne, to retain and facilitate the regeneration of existing specified business sites and to support new business floorspace, tourist accommodation and tourist attractions in existing buildings, subject to their compatibility with the High Weald AONB.
- 4.24 Policy RNP9 (Village Shops and Public Houses) – this policy seeks to resist the loss of village shops and public houses at clause a), to support extensions to existing shops and public houses at clause b) and to support proposals for the change of use of premises to shops (Use Class A1) or restaurant/café (Use Class A3) within the Rolvenden High Street and at Regent Street, Rolvenden. I consider that the objectives of this policy are clear and that it contains adequate and appropriate guidance to enable it to be implemented satisfactorily. Accordingly, the Basic Conditions are met.
- 4.25 Policy RNP10 (Retention, intensification and regeneration of existing business sites) - this policy identifies eight business sites in the Plan area, which are shown on Map 18, where there is a policy presumption to retain the sites for continued business use during the Plan period. The policy further supports the potential regeneration and intensification of business uses, subject to there being no adverse effects upon residential amenities, satisfactory road access and sufficient on-site parking. I consider that this policy has regard to national planning policy and is in general conformity with Policy EMP2 of the adopted Ashford Borough Local Plan, meeting the Basic Conditions.
- 4.26 Policy RNP11 (Conversion of rural buildings to business use; tourist accommodation or tourist attraction) – this policy supports development proposals to convert rural buildings to business use and tourist accommodation or tourist attractions, subject to satisfying the criteria set out at clauses a) - e) in the policy. Again, I consider that this policy is consistent with national planning policy and is in general conformity with Policy EMP4 of the adopted Ashford Borough Local Plan, thus satisfying

the Basic Conditions. However, I recommend one further modification (**PM5**) to the policy, to correct a minor typographical error in the title<sup>7</sup>.

### *Leisure and Wellbeing*

- 4.27 Policies RNP12-RNP14 address matters concerning leisure and wellbeing in the Plan area. The objectives of this section of the Plan are to ensure that sufficient community and leisure facilities are maintained to serve the Parish, to protect and enhance open spaces used for recreational purposes, including the development of a new multi-sport pavilion at the Rolvenden sports and recreation ground and to protect the network of footpaths in the Parish.
- 4.28 Policy RNP12 (Recreation and Leisure Open Space and Public Rights of Way) – this policy defines three areas of land in the Plan area (as shown on Map 19) used as Recreation and Leisure Open Space and seeks to retain and enhance those spaces. The policy also seeks to protect and enhance existing Public Rights of Way, but this part of the policy is not linked to an accompanying map. I consider that the text of the policy is appropriate to its objectives. However, I also consider that the absence of a map in the Plan showing, at least, the principal network of Public Rights of Way in the Plan area is an omission which does not assist users of the Plan, and specifically the interpretation of Policy RNP12. I therefore recommend as proposed modification **PM6** the inclusion of an additional map, at an appropriate scale, in the Plan showing the principal network of Public Rights of Way in the Parish. I consider that this map should be cross-referenced within the second part of Policy RNP12, and that the map be numbered Map 20 (with existing Map Nos. 20 and 21 being re-numbered to Map Nos. 21 and 22 respectively).
- 4.29 Policy RNP13 (Retention of Community Buildings) – this policy seeks to resist the loss of existing community buildings in Rolvenden, which are defined on Map 20 on page 56. I am satisfied that the policy is appropriately drafted and meets its objective, and that the facilities as defined on Map 20 are appropriate community buildings to be covered by the policy. The Basic Conditions are met.
- 4.30 Policy RNP14 (Multi-Sports Pavilion) – this policy proposes the development of a new multi-sports pavilion at the sports and recreation ground at Regent Street, Rolvenden. The policy provides criteria for the satisfactory development of the new pavilion. I am satisfied that the policy is appropriately drafted and meets its objective, in accordance with the Basic Conditions.

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

### *Local Infrastructure*

- 4.31 Policies RNP15-RNP17 address matters concerning the provision of local infrastructure in the Plan area. The objectives of this section are to ensure that new development is well connected to village facilities by a range of transport modes and that sufficient capacity is available at local community facilities to meet the needs of new development.
- 4.32 Policy RNP15 (Off Street Car Parking) – this policy seeks to ensure that within the areas in Rolvenden defined on Map 2 as ‘Problem Parking Areas’ proposals for new development should incorporate sufficient off-street parking, and not result in the loss of existing off-street parking facilities. The supporting justification for the policy also refers to the need (as required by Policy RNP1) to ensure that additional off street parking does not adversely affect the character and appearance of the area. I consider that the policy wording is appropriate and proportionate to the issue that it is seeking to address, and complies with the Basic Conditions.
- 4.33 Policy RNP16 (Extension to Village Hall Car Park) – this concise policy proposes an extension to the Village Hall car park on land owned by Ashford Borough Council identified on accompanying Map 21. I note that the Borough Council have raised no representations concerning this proposal, and I consider the Basic Conditions are met.
- 4.34 Policy RNP17 (Securing Infrastructure) – this policy seeks to ensure that new development within the Plan area makes provision for the necessary social, physical and green infrastructure to support the development. The policy also seeks to ensure that the infrastructure and environmental enhancement projects listed within the policy can be delivered during the Plan period through developer contributions linked to planning permissions. Clearly, the implementation of this policy will require the full support of the Borough Council, but I note that ABC has not raised representations concerning any aspect of the policy. I am satisfied that the policy is justified and meets the objectives of the Plan, meeting the Basic Conditions

### *Monitoring and Review*

- 4.35 Section 6 of the Plan addresses Monitoring and Review. It should be noted the primary responsibility for monitoring lies with ABC. I welcome the clearly stated monitoring indicators set out for each policy in the Plan as the basis for the monitoring of the Plan and its implementation, and if necessary its formal review in due course.

### *Concluding Remarks*

- 4.36 I consider that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Rolvenden Neighbourhood Plan meets the Basic Conditions for neighbourhood plans. As noted, in the instances where there are no

modifications proposed to a policy I consider that the policy, as drafted, satisfies the Basic Conditions. 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 Rolvenden 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 other matters to ensure that 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 Rolvenden 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 Rolvenden Neighbourhood Plan is the product of much hard work since 2012 by the Parish Council, the Neighbourhood Development Plan Steering Group and by the many individuals and stakeholders who have contributed to the preparation and development of the Plan. There is no doubt in my view that the Plan reflects the aspirations and objectives of the Rolvenden community for the future development of their community up to 2030. The output is a Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by Ashford Borough Council.

*Derek Stebbing*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front Cover	Amend to read:  <b>“Rolvenden Neighbourhood Plan 2013 – 2030”.</b>
PM2	Page 23	<u>Policy RNP1 (Design of New Development and Conservation)</u>  Add new clause e) to read:  <b>“Protects and, where appropriate, secures enhancements to the Public Rights of Way network within the Plan area through developer contributions in accordance with Policy RNP17.”</b>
PM3	Pages 23, 27, 33, 34, 35, 38, 46, 49, 52, 53 and 55	<u>Policies RNP1, RNP2, RNP3, RNP4, RNP5, RNP6, RNP8, RNP9, RNP10, RNP11 and RNP12</u>  Policy RNP1 – line 1: Replace “permitted” with <b>“supported”</b> .  Policy RNP2 – line 2: Replace “permitted” with <b>“supported”</b> .  Policy RNP3 – line 3: Replace “permitted” with <b>“supported”</b> .  Policy RNP4 – line 6: Replace “permitted” with <b>“supported”</b> .  Policy RNP5 – line 1: Replace “permitted” with <b>“supported”</b> .  Policy RNP6 – line 2: Replace “permitted” with <b>“supported”</b> .  Policy RNP8 – line 6: Replace “permitted” with <b>“supported”</b> .  Policy RNP9 – clauses b) and c): Replace “permitted” with <b>“supported”</b> in each clause.

		<p>Policy RNP10 – line 13: Replace “permitted” with “<b>supported</b>”.</p> <p>Policy RNP11 – line 2: Replace “permitted” with “<b>supported</b>”.</p> <p>Policy RNP12 – line 2: Replace “allowed” with “<b>supported</b>”.</p>
PM4	Page 38	<p><u>Policy RNP6 (Small scale residential development within the built-up confines of Rolvenden and Rolvenden Layne)</u></p> <p>Amend the text of the policy to read:</p> <p><b>“Proposals for small scale residential development within the built-up confines of Rolvenden and Rolvenden Layne, as defined in Maps 3 and 4 respectively, will be supported, where such proposals do not conflict with other policies in the Plan. Development proposals should be designed to a high quality and respond to the heritage and distinctive characteristics of Rolvenden and Rolvenden Layne. Proposals should also seek to protect important landscape features, such as trees, hedges and ponds, within a development site.”</b></p>
PM5	Page 53	<p><u>Policy RNP11</u></p> <p>Replace the semi-colon in the title of the Policy with a comma.</p> <p>Amended title of Policy to read:</p> <p><b>“Conversion of rural buildings to business use, tourist accommodation or tourist attraction”.</b></p>
PM6	Page 55	<p><u>Policy RNP12 (Recreation and Leisure Open Space and Public Rights of Way)</u></p> <p>Add new Map 20 (with subsequent Maps in the Plan to be re-numbered to Maps 21 and 22), to be cross-referenced within the second part of this policy, showing</p>

		the principal network of existing Public Rights of Way within the Parish.
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