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Report on the Tenterden Neighbourhood Development Plan 2013-2030

An Examination undertaken for Ashford Borough Council with the support of Tenterden Town Council on the July 2023 submission version of the Plan.

Independent Examiner: Derek Stebbing BA (Hons) DipEP MRTPI

Date of Report: 25 April 2024

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Contents

Main Findings - Executive Summary	4
1. Introduction and Background	4
Tenterden Neighbourhood Development Plan 2013-2030	4
The Independent Examiner	6
The Scope of the Examination	6
The Basic Conditions.....	7
2. Approach to the Examination	8
Planning Policy Context	8
Submitted Documents.....	9
Supporting Documents.....	9
Examiner Questions.....	10
Site Visit.....	13
Written Representations with or without Public Hearing	13
Modifications	13
3. Procedural Compliance and Human Rights.....	13
Qualifying Body and Neighbourhood Plan Area	13
Plan Period.....	14
Neighbourhood Plan Preparation and Consultation	14
Development and Use of Land	15
Excluded Development.....	16
Human Rights.....	16
4. Compliance with the Basic Conditions.....	16
EU Obligations	16
Main Assessment	18
Specific Issues of Compliance.....	18
Overview	18
Policies.....	19
Environment.....	20
Housing	29
Local Economy.....	30
Leisure, Health and Wellbeing and Infrastructure Policies.....	33
Monitoring and Review	35
Appendices	35
Other Matters	35
Concluding Remarks	36

5. Conclusions36
 Summary..... 36
 The Referendum and its Area 36
 Overview 36
Appendix: Modifications.....38

Main Findings - Executive Summary

From my examination of the Tenterden Neighbourhood Development 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 – the Tenterden Town Council (the Town Council);
- the Plan has been prepared for an area properly designated – the Tenterden Neighbourhood Area, as identified on the map at page 6 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

Tenterden Neighbourhood Development Plan 2013-2030

- 1.1 The Parish of Tenterden is located approximately 20 kilometres south-west of Ashford and has good road links via the A28 to Ashford, Canterbury, Hastings and the M20 motorway, and via the A262 and A274 to Maidstone. The nearest railway station is at Headcorn, with direct services to London. The heritage Kent and East Sussex Railway runs between Tenterden Town and Bodiam, along part of the former railway line between Headcorn and Robertsbridge, which closed to passenger traffic in 1954. The population of the Parish was 8,186 persons at the 2021 Census.
- 1.2 Tenterden is a rural market town with a catchment of some 20,000 residents living within a 15-minute drive of the centre. The town centre provides a wide range of retail facilities, community services, restaurants, public houses and business services. Tourism is an important part of the local economy, with visitors to the town, the surrounding countryside and various tourist attractions. The High Weald National Landscape extends across most of the countryside around Tenterden, wrapping around the west and south of the town. Other significant landscapes around the town are the Clapper Hill Wooded Farmlands, the Woodchurch Undulating

Farmlands and the Biddenden and High Halden Farmlands. There are important areas of ancient woodland within the Parish together with designated nature reserves and Local Wildlife Sites.

- 1.3 The town's history dates from the Anglo-Saxon period, with the first known reference being found in a Charter of 968 AD. During the twelfth century, the town's prosperity increased from the growth in sheep farming on the rich pastures of the Rother Levels and the Romney Marsh, to the south of Tenterden, and the production of raw wool. Between 1300 and 1550, the hamlet of Smallhythe on the southern side of Tenterden was a thriving port and shipbuilding centre. In 1449, King Henry VI granted Tenterden a Royal Charter and incorporation in the Confederation of Cinque Ports. The Charter effectively gave the town self-government, and it was not until the Local Government Act of 1894 that Tenterden became a Rural District Council for the rural areas and a Borough Council for the town. On 1 April 1974, both Councils became part of the newly-formed Ashford Borough Council, and Tenterden Borough Council resolved to continue as a Town Council, which is the Qualifying Body for this Neighbourhood Plan.
- 1.4 In recent times, the town's growth has been primarily within the 'Tenterden Southern Extension' which is a strategic growth area within the adopted Ashford Local Plan 2030. This development is progressing through two phases (Phases A and B), and the Tenterden Design Code (which forms Appendix 1 to the submitted draft Neighbourhood Plan) seeks to provide design guidance for Phase B of the Southern Extension and for other developments that may come forward through the Local Plan Review.
- 1.5 Tenterden has a rich and distinctive heritage, with some 120 Grade II listed buildings in the town, many in the High Street. There are four designated Conservation Areas at Tenterden, St Michaels, Smallhythe and Reading Street, although none have a Conservation Area Appraisal and Management Plan (CAMP). The Tenterden Conservation Area is centred on the medieval street pattern of the town centre and comprises a series of connected yet distinctive character areas comprising streets, twittens and open spaces.
- 1.6 There are four principal employment sites within the Parish (as shown on Map 18 in the draft Plan), primarily with light industrial and storage/warehousing uses. Tenterden's retail facilities are concentrated in the High Street and along the lanes either side of the High Street. The smaller St Michaels local shopping centre is situated in the north of the town, largely within the St Michaels Conservation Area, and provides a range of convenience shops and other facilities for the St Michaels community.
- 1.7 The Parish has a very extensive network of Public Rights of Way, many following historic routes through the High Weald. Important long-distance routes are the High Weald Landscape Trail, which extends for 145

kilometres between Horsham and Rye, and National Cycle Route 18 which connects Canterbury with Royal Tunbridge Wells. Walking and cycling are particularly important aspects of the area's attractiveness for visitors to the Tenterden area.

The Independent Examiner

- 1.8 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Ashford Borough Council (the Council), with the agreement of the Town Council.
- 1.9 I am a chartered town planner, with over 45 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.
- 1.10 I am independent of the qualifying body and the local authorities and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.11 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.
- 1.12 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'; and
 - 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.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.13 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

1.14 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 (under retained EU law)¹; and
- meet prescribed conditions and comply with prescribed matters.

1.15 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 ('the Habitats Regulations').²

¹ The existing body of environmental regulation is retained in UK law.

² 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 The Development Plan for this part of Ashford Borough Council, not including documents relating to excluded minerals and waste development, is the Ashford Local Plan 2030 (ALP), which was adopted on 21 February 2019. The Council's latest Local Development Scheme (LDS) (March 2023) indicates that work on the preparation of a new Local Plan to cover the period up to 2041 commenced during 2023, with a Regulation 18 consultation expected in the second quarter of 2024; followed by Regulation 19 pre-submission consultation in the first quarter of 2025; submission to the Secretary of State for examination in the second quarter of 2025; and the formal adoption of the new Local Plan in the third quarter of 2026. However, in response to Question No. 6 (see paragraph 2.7 below), the Council confirmed that the LDS is expected to be reviewed in the second quarter of 2024, and that the Council will not be producing a Regulation 18 version of the new Local Plan, as envisaged in the current LDS. The latest timetable for the next stages of the new Local Plan was not available at the time of this examination.
- 2.2 The adopted Local Plan contains a suite of seven 'strategic' policies (Policies SP1-SP7) and a series of site-specific policies and topic-related policies. However, Appendix 7 of the ALP sets out those policies which are considered strategic for the purposes of the Local Plan policies in the Neighbourhood Plan context (for example, it advises Local Plan site allocations should be considered strategic in most instances). The Basic Conditions Statement (at Section 6) sets how each of the Plan's policies are in general conformity with the relevant strategic policies and align with other policies in the adopted Local Plan. Having been adopted in 2019, the ALP provides a relatively up-to-date strategic planning context for the Neighbourhood Plan, and this has enabled the Plan and its policies to be prepared. Readers should refer to the Basic Conditions Statement and to the adopted Local Plan for further information on all relevant strategic planning policies and other policy guidance that affects the Plan area.
- 2.3 The Basic Conditions Statement (at Sections 4 and 5) provides a comprehensive assessment of how the policies proposed in the Plan have regard to national policy and seeks to contribute to the achievement of sustainable development.
- 2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF).³ In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented. An amendment will be necessary to update the references in the draft Plan to the NPPF (December 2023), for example at page 34. All references in this report are to the latest December 2023 NPPF and its accompanying PPG.

³ A revised version of the NPPF was published during the examination on 19 December 2023 (and further updated on 20 December 2023).

Submitted Documents

2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- the draft Tenterden Neighbourhood Development Plan 2013-2030 submission version (July 2023) and its Appendices;
- the Strategic Environmental Assessment (SEA) Screening Report and Habitats Regulations Assessment (HRA) Screening Report and Determination (June 2021 and updated September 2023 and November 2023) (Ashford Borough Council);
- the Basic Conditions Statement (July 2023 and updated September 2023);
- the Consultation Statement (July 2023);
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the request for additional clarification sought in my letter of 16 January 2024 to the Council and the Town Council and their responses dated 15 February 2024.⁴

Supporting Documents

2.6 I have also considered the following evidence documents that were prepared during the preparation of the draft Plan, which have informed the development of the draft policies and their supporting justification:

- Biodiversity;
- Business and Employment Sites;
- Heritage;
- Important Public Views;
- Landscape;
- Local Economy;
- Local Green Spaces;
- Markets;
- Routeways;
- Shop Fronts and Advertisements;
- Sport, Recreation and Open Spaces;
- Tenterden Built-up Confines;
- Tenterden Town Centre and St Michaels Local Centre;
- Tourist Attractions and Tourist Accommodations;
- Historic Landscape Assessment⁵; and
- Historic Routeways AONB Map.⁶

⁴ View all the documents at: [Find details about the Tenterden Neighbourhood Plan. \(ashford.gov.uk\)](#)

⁵ <https://www.ashford.gov.uk/media/kg1fiwdb/historic-landscape-assessment-1-redacted.pdf>

⁶ <https://www.ashford.gov.uk/media/zbfpkt55/historic-routeways-aonb-unit-map.pdf>

Examiner Questions

2.7 Following my appointment as the independent examiner and my initial review of the draft Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the Council and the Town Council on 16 January 2024⁷ seeking further clarification and information on six matters contained in the submission Plan, as follows:

1. With regard to Policy TEN NP1 (Protection of Landscape Character), I considered that, as drafted, this Policy requires some further explanation on how proposed developments outside of the built-up confines of Tenterden will be assessed in relation to the seven specific criteria listed within the Policy, which cover a wide range of designated landscapes, landscape features and other features such as dark skies and tranquillity. At present, the Policy seeks to 'retain', 'maintain', 'protect' etc. such features, but does not contain any further guidance for those users of the Plan who might be considering development proposals, on how proposals should be planned and designed. I noted, by way of an example, that the text on page 38 states that "New development must be well integrated into the existing heritage and landscape through designs sensitive to their context". I therefore invited the Qualifying Body to consider this matter and to provide me with a note on possible additional text for this Policy, that I may consider as a proposed modification.
2. With regard to Policy TEN NP2 (Protection of Local Green Spaces) and Map 7 (Location of Local Green Spaces), I noted that, at the scale that is presented on Map 7, it is not possible to define with clarity the precise boundaries of the ten proposed Local Green Spaces (Sites A-J) listed on page 32 of the draft Plan. I considered that Map 7 should be accompanied in the draft Plan by Inset Maps on an Ordnance Survey base, at an appropriate scale, which is likely to be at 1:1250 or 1:2500 (depending upon the varying sizes of the sites) clearly defining the boundaries of each of the ten sites. This should be suitable for potential inclusion in the draft Plan to enable users of the Plan to clearly identify the land so designated by the Policy. I therefore requested that the Qualifying Body provide a set of plans that meet this requirement, which I can consider for inclusion in the Plan as a proposed modification. (I noted that the evidence document on 'Local Green Spaces' contains Inset Maps for each of the sites, and these may well be suitable, subject to confirmation that the boundaries are correct and accurately drawn).
3. With regard to Policy TEN NP7 (Non-designated Heritage Assets), Appendix 2 (Local Rural Heritage Statement) and Local Heritage List (Pages 82-87), I noted that this Policy, together with the listing at Appendix 2, proposes the designation of 47 buildings, structures and other features as Non-designated Heritage Assets (NDHAs). I had also

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seen and studied the accompanying evidence document on 'Heritage'. However, both the draft Plan and the evidence document lack a map showing the location within the Plan area of the 47 proposed NDHAs. I considered that it is necessary to include a suitable map within the draft Plan (probably at Appendix 2), for the benefit of future users of the Plan. Whilst I appreciated that it is not possible to show with complete accuracy the location of the smaller structures etc. on a smaller-scale map, a map that shows the general location of Nos. 1-47 will be sufficient, to serve as a guide. I therefore requested that the Qualifying Body provide a map that meets this requirement, which I can consider for inclusion in the Plan as a proposed modification. I had also noted the representations by Kent County Council which indicate that a potentially much larger number of heritage assets in the Plan area, as identified in the Kent Historic Environment Record, could have been considered for possible designation as NDHAs. Examples are set out in the representations. I therefore also requested that the Qualifying Body provide me with a note that describes how the 47 proposed NDHAs were identified, whether other proposed NDHAs were considered and not taken forward and the extent to which the Kent Historic Environment Record was used as a basis for identifying the proposed NDHAs.

4. With regard to Policy drafting, I noted that a number of policies (for example Policies TEN NP4, NP6 and NP9) include draft text which states that development proposals will be "permitted" or "not permitted". Some policies contain multiple statements of this nature. The Town Council, and therefore the Neighbourhood Plan, does not possess the statutory function of being able to grant or refuse planning permission for any categories of development within the Plan area, this being the responsibility of the Borough Council. However, policies can state that proposals will be 'supported' or 'not supported' by the Town Council. I therefore requested that the Qualifying Body review the text of all draft policies and provide me with a note setting out the necessary revisions to Policy text across the Plan, that I may consider as a proposed consolidated modification addressing this matter.
5. With regard to the land between Woodchurch Road and Appledore Road, Tenterden, I noted that I am in receipt of the Regulation 16 representations submitted on behalf of Wates Developments Ltd. and by other parties concerning the above site. I had reviewed these representations, together with the accompanying Planning Appeal decision letter (Appeal Ref: APP/E2205/W/21/3284479), dated 30 March 2022, which in summary granted Outline Planning Permission for up to 141 new dwellings on 12.35 hectares of land west of Public Right of Way AB12. Full Planning Permission was further granted for the change of use of 8.66 hectares of agricultural land to be used as a country park and 3.33 hectares of agricultural land to be used as formal sports pitches (including a pavilion). I invited the Qualifying Body to review the representations that have been submitted in respect of the site and, if it wishes, to prepare a note that provides any

additional information that may assist me in my own assessment of the various matters concerning parts of the draft Plan that are raised in those representations. Specifically, I wished to understand in more detail:

- The justification for proposed Local Green Space B (Land between Appledore Road and Woodchurch Road, east of footpath AB12) to cover the full extent of the land granted Full Planning Permission for a country park and formal sports pitches, although that permission has not yet been implemented and the land presently remains in agricultural use.
- The planning status of the Historic Routeways identified by Policy TEN NP15, and particularly those that are identified as being beyond the High Weald National Landscape. I had considered the evidence document on 'Routeways', and I wished to understand the justification for the designation of the driveway across the southern part of the Limes Land landscape as a Non-designated Heritage Asset in more detail, and the evidence that supports that proposal.

6. With regard to the review of the adopted Ashford Local Plan 2030, I requested that the Borough Council please advise me whether the preparation of the review of the Ashford Local Plan 2030 to cover the period up to 2041 is progressing in accordance with the timetable contained at pages 7 and 8 and at Appendix 2 to the Borough Council's most recent Local Development Scheme (LDS) (dated March 2023), which envisages the Regulation 18 consultation in the second quarter of 2024?

2.8 In response to my letter of 16 January 2024, the Council provided me with its response to Question No. 6 on 15 February 2024⁸ and the Town Council provided its responses to Question Nos. 1-5 also on 15 February 2024.⁹ I have taken full account of the additional information contained in these responses as part of my assessment of the draft Plan, alongside the documents listed at paragraphs 2.5 and 2.6 above. I have also taken into account the further correspondence that I have received from a resident of the Parish, subsequent to receipt of the Town Council's responses, dated 22 February 2024 and 18 March 2024.

2.9 To avoid unnecessary repetition in subsequent sections of this report, I refer to the questions and to the responses from the Council and the Town Council by their relevant number, e.g. Question No. 1. Readers should refer to paragraph 2.7 above, and to the response documents from the Council and the Town Council for the full text of questions and the responses.

⁸ View at: [Find details about the Tenterden Neighbourhood Plan. \(ashford.gov.uk\)](https://www.ashford.gov.uk)

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Site Visit

- 2.10 I made an unaccompanied site visit to the Neighbourhood Plan Area on 4 February 2024 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

- 2.11 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. In all cases, the information provided has enabled me to reach a conclusion on the matters concerned.

Modifications

- 2.12 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 to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by Tenterden Town Council. An application to the Council for the designation of the proposed Neighbourhood Area was made by the Town Council on 21 December 2018. The Council formally designated the whole Parish as a Neighbourhood Area on 12 March 2019.
- 3.2 The designated Neighbourhood Area is shown on the map (Map 1) at Page 6 in the submission Plan and at Map 1 in the Basic Conditions Statement. I am satisfied that the Tenterden Neighbourhood Plan is the only Neighbourhood Development Plan in the designated area.
- 3.3 The Town Council is the Qualifying Body for the preparation of the Plan. The preparation of the Plan has been led by a Neighbourhood Plan Steering Committee (NPSC), which was established as a Sub-Committee of the Town Council, comprising two Town Councillors, one Ashford Borough Councillor and four representatives of the Tenterden community, assisted by a planning consultant, which was established in May 2019.

Plan Period

- 3.4 The draft Plan specifies (on the Front Cover and in Section 1 - Introduction) the period to which it is to take effect, which is from 2013 to 2030. The Plan period encompasses the remaining part of the plan period for the adopted ALP (up to 2030). I make a recommendation and proposed modification PM20 (see paragraph 4.74 below) with regard to the future review of the Plan to take account of the emerging review of the adopted ALP. I have given consideration to the representation, with attached e-mail correspondence to the Town Council and the Council, stating that there is no basis in law for the introduction of a neighbourhood plan prior to 2030 when the plan period of the ALP ends. This is not the case, and I am entirely satisfied that the draft Plan has been prepared in accordance with all legal requirements including, with particular regard to this representation, the requirement for the Plan to be in general conformity with the strategic policies of the Development Plan for the area, which is the adopted ALP. As noted above, the plan period for both plans extends to 2030.

Neighbourhood Plan Preparation and Consultation

- 3.5 The Consultation Statement and its Appendices sets out a comprehensive record of the Plan's preparation and its associated engagement and consultation activity between Autumn 2018 and Summer 2023. The decision to undertake the preparation of the Neighbourhood Plan was taken by the Town Council on 10 December 2018.
- 3.6 The preparation of the Plan and the associated community engagement and consultation has involved four main stages, as follows:
- Stage 1: Initial work and community engagement (Spring 2019 to Autumn 2019).
 - Stage 2: Evidence gathering, research and survey work, preparation of evidence base documents and preparation of the draft Plan for the Regulation 14 pre-submission consultation, led by the NPSC and its five Work Groups (Autumn 2019 to Spring 2021).
 - Stage 3: Regulation 14 pre-submission consultation for eight weeks between 23 June and 18 August 2021, review of consultation responses, particularly to take account of comments made by the Council, and continuing work on preparation of evidence documents (Summer 2021 to Winter 2022).
 - Stage 4: Preparation of final draft Plan and supporting documents. Submission to the Council (Regulation 15), Regulation 16 consultation between 11 August and 6 October 2023 and submission for examination under Regulation 17 (Spring 2023 to Autumn 2023).

- 3.7 Stage 1 was focused upon extensive community engagement activities across the Neighbourhood Area, including various Launch Events in May 2019, the establishment of the NPSC and its Work Groups, a Visioning Workshop in October 2019 and a public exhibition in November 2019. The community engagement work was accompanied by extensive local publicity.
- 3.8 Work was concentrated during Stage 2 on preparing the evidence studies that underpin the draft Plan's policies and guidance and the preparation of the draft Plan for the pre-submission Regulation 14 consultation, together with further community engagement events, such as attendance at a Community Conference organised by the Tenterden Civil Society.
- 3.9 During Stage 3, work was focused on the Regulation 14 consultation which was undertaken for eight weeks between 23 June and 18 August 2021. A digital consultation specialist, FERIA Urbanism, was engaged to assist with the Regulation 14 consultation through digital and online platforms. Appendices C-I of the Consultation Statement contain details of the consultation material and full details of the comments and representations that were received, together with the Town Council's proposed amendments to the draft Plan following the consultation.
- 3.10 Stage 4 comprised the finalisation of the draft submission Plan and its supporting documents, and approval by the Town Council of the draft Plan, as amended, for submission to the Council for examination, with the draft Plan being formally submitted in July 2023.
- 3.11 The Consultation Statement provides a comprehensive record of the consultation and engagement work that was undertaken throughout the preparation of the Plan, particularly regarding the Regulation 14 pre-submission consultation.
- 3.12 The Town Council duly resolved at its meeting held on 24 July 2023 to submit the Plan to the Council for examination under Regulation 15. Regulation 16 consultation was then held for a period of eight weeks from 11 August to 6 October 2023. A total of 87 duly made responses were received during the consultation period. From my assessment of the Consultation Statement, I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Plan, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.13 I am satisfied that the draft Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.14 From my review of the documents before me, the draft Plan does not include policies or proposals that relate to any of the categories of excluded development.¹⁰ Kent County Council is the Minerals and Waste Planning Authority for the Plan area, and the relevant Development Plan document for these matters is the adopted Kent Minerals and Waste Local Plan (2013-2030).

Human Rights

3.15 Neither the Council nor any other party has raised any issues concerning a breach of, or incompatibility with Convention Rights (within the meaning of the Human Rights Act 1998). From my assessment of the Plan, its accompanying supporting documents and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied 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 Council issued a Strategic Environmental Assessment (SEA) Screening Determination Report and Habitats Regulations Assessment (HRA) Screening Determination Report in June 2021 in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations') and the Habitats Regulations. These Screening Assessments were prepared on the basis of the pre-submission policies contained in the draft Plan, prior to the Regulation 14 consultation undertaken in June-August 2021. These Screening Reports were then updated in September 2023, and again in November 2023, following the submission of the Regulation 15 draft Plan to the Council and following further consultation with Natural England, Historic England and the Environment Agency in October 2023. Copies of the consultation responses from these statutory bodies are contained at Appendix 2 of the November 2023 Screening Reports.

4.2 The November 2023 SEA Screening Report concludes at paragraph 1.40 that:

"Ashford Borough Council have reviewed the Regulation 15 version of the Tenterden Neighbourhood Plan and conclude that within the context of SEA screening, the proposed modifications do not

¹⁰ The meaning of 'excluded development' is set out in s.61K of the 1990 Act.
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significantly alter the nature of the Plan or result in any previously unidentified consequences or substantial policy conflicts. Therefore, the Council conclude that the decision reached in the June 2021 screening determination report remains valid and a full SEA is not required."

- 4.3 I have considered the SEA methodology and assessment set out in the Screening Report (at paragraphs 1.32-1.37 and at pages 44 and 45), by which the draft Plan was initially screened in 2021, and then again in 2023. I am satisfied that a comprehensive and rigorous approach has been taken and that the draft Plan has been appropriately assessed to take full account of any potential effects upon interests of environmental, landscape, historic and heritage importance. In addition, I note that the changes made following the Regulation 14 consultation were not so substantive as to undermine the findings of the initial screening in June 2021.
- 4.4 The HRA Screening Assessment notes that no designated European sites fall within the Neighbourhood Plan Area. However, the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar sites are located within 20 kilometres of the Neighbourhood Area boundary. An Appropriate Assessment (AA) Screening was carried out for the Ashford Local Plan 2030 and concluded that no significant effect is likely upon these European sites, and therefore there was no requirement to carry out an Appropriate Assessment/Habitats Regulations Assessment for the Local Plan. The Tenterden Neighbourhood Plan does not propose to allocate any additional sites to those that have previously been considered within the Screening Assessment for the Ashford Local Plan 2030. The HRA Screening Assessment concludes that no direct impact would result from proposals in the Plan and indirect impacts are unlikely. The HRA Screening Assessment summarises (at paragraph 1.50) that:
- "Ashford Borough Council have reviewed the Regulation 15 version of the Tenterden Neighbourhood Plan and confirms that the content of the Neighbourhood Plan does not have consequences or policy conflicts, in terms of HRA screening, which have not been previously identified. Therefore, it is concluded that the original decision set out in the June 2021 screening assessment remains valid and a full HRA/AA is not required."*
- I have noted that Natural England (by letters dated 12 May 2021 and 24 October 2023) concur with that conclusion.
- 4.5 Therefore, I consider that on the basis of the information provided and my independent consideration of the SEA Screening Determination Report and the HRA Screening Determination Report (as updated in November 2023), I am satisfied that the Plan is compatible with EU obligations under retained EU law.
- 4.6 In July 2020 Natural England published advice pertaining to the Stodmarsh Lakes complex, the river Stour catchment and the potential for

environmental degradation resulting from development within the catchment of the river Stour. The Tenterden Neighbourhood Plan Area does not fall within the catchment of the river Stour. In addition, the waste water treatment plant at Tenterden does not discharge into the Stour catchment. The Neighbourhood Area is therefore, in this regard, not subject to the current advice of Natural England.

Main Assessment

- 4.7 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*". 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.
- 4.8 Having considered above 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 1.14 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.

Specific Issues of Compliance

- 4.9 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's 17 policies, which address the following four themes: Environment; Housing; Local Economy; and Leisure, Health and Wellbeing and Infrastructure. As part of that assessment, I consider whether the policies in the Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹¹ I recommend some modifications as a result.

Overview

- 4.10 The Plan is addressing the period from 2013 to 2030 and seeks to provide a clear planning framework to enable Tenterden to be a safe, friendly, healthy and socially cohesive community. It seeks to ensure that

¹¹ PPG Reference ID: 41-041-20140306.

Tenterden will continue to provide local employment opportunities and be a vibrant tourist attraction, whilst protecting and enhancing the high-quality Weald countryside and biodiversity.

- 4.11 Section 1 of the Plan, entitled 'Introduction', describes the background to the preparation of the Neighbourhood Plan, the timeline for its preparation and the role of the Plan in the planning system, including the main requirements that it must meet. It refers to the NPPF published in 2021, but this should be changed to the more recent version published in December 2023. Whilst the revisions set out in the updated NPPF are relatively minimal for the purposes of this Plan, the references to the 2021 NPPF should be reviewed and updated to reflect the December 2023 NPPF including the revised paragraph numbers, where relevant. This is addressed by recommended modification **PM1**.
- 4.12 Section 2 of the Plan, entitled 'Tenterden Today', is a brief section setting out the key considerations concerning each of the four themes that the Plan's policies are seeking to address. It notes that the main issues have been identified from research along with issues raised by local people at the various consultation events held during the Plan's preparation.
- 4.13 Section 3 of the Plan, entitled 'Tenterden's Future: a vision to 2030', is also a short section setting out the long-term vision for the Parish up to 2030. It states that, in 2030, Tenterden, St Michaels and Smallhythe have a vision to be a safe, friendly, healthy and socially cohesive community centred in a thriving, culturally rich market town, where people of all ages can enjoy accessible, welcoming and peaceful greenspaces together with recreation facilities for all ages.
- 4.14 Section 4 of the Plan, entitled 'Tenterden Neighbourhood Plan Strategy' describes the key elements of the Plan's strategy for meeting national policy requirements, including contributing to the achievement of sustainable development and addressing climate change, and general conformity with the strategic policies of the adopted ALP. It notes that the ALP allocates two strategic sites within the Plan area, both at Smallhythe Road, comprising residential development at Phase B of the 'Tenterden Southern Extension' and an extension to the Pickhill Business Centre employment site. It notes that the Plan has been discussed with the infrastructure providers to test whether proposed development can be supported by sufficient infrastructure to ensure the quality of life of existing and future residents.

Policies

- 4.15 Section 5 of the Plan contain the draft planning policies for each of the four policy themes within the Plan, as listed at paragraph 4.9 above.
- 4.16 As Question No. 4, I noted that, with regard to the drafting of a number of the Plan's policies (for example Policies TEN NP4, NP6 and NP9), the draft text includes wording which states that development proposals will be

“permitted” or “not permitted”. Some policies contain multiple statements of this nature. The Town Council, and therefore the Plan, does not possess the statutory function of being able to grant or refuse planning permission for any categories of development within the Plan area, this being the responsibility of the Borough Council. However, policies can state that proposals will be ‘supported’ or ‘not supported’ by the Town Council. I therefore requested that the Qualifying Body review the text of all draft policies and provide me with a note setting out the necessary revisions to Policy text across the Plan, that I may consider as a proposed consolidated modification addressing this matter. The Town Council’s response to this question sets out the necessary amendments to the text of Policies TEN NP4, TEN NP5, TEN NP6, TEN NP9, TEN NP10, TEN NP11, TEN NP12, TEN NP13 and TEN NP17 to delete the word “permitted” and its replacement by the word “supported” (except in the case of Policy TEN NP17 where the word “permitted” is simply deleted). The response also notes that there are some instances where the supporting text will require consequential amendments. I recommend **PM2** as a consolidated modification to take account of multiple drafting amendments set out in the Town Council’s response to Question No. 4 dated 15 February 2024¹² including, where necessary, any consequential amendments to the relevant supporting text.

Environment

- 4.17 This section of the Plan covers the theme of the Environment within the Plan area and contains seven policies (Policies TEN NP1-TEN NP7) which address the various topics within this theme. Since the publication of the Plan, the use of the term ‘Area of Outstanding Natural Beauty’ (AONB) has been replaced with the term ‘National Landscape’. Therefore, it will be necessary to recommend that all references to the High Weald Area of Outstanding Natural Beauty are replaced by ‘High Weald National Landscape’.
- 4.18 Policy TEN NP1 (Protection of Landscape Character) states that outside of the built-up confines of Tenterden, as defined in Map 2, a proposal for development will only be supported where it would:
- a) conserve and enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty and its setting and demonstrate a positive contribution to the objectives of the High Weald AONB Management Plan;
 - b) retain the landscape character of, and not have a detrimental impact on, the area of Clapper Hill Wooded Farmlands valued landscape defined on Map 4;
 - c) retain the distinctive landscape features of Biddenden and High Halden Farmlands and, Woodchurch Undulating Farmlands defined on Map 4;
 - d) maintain the areas of dark skies and low level of light pollution outside the built-up confines of Tenterden, in accordance with the Ashford

¹² View at: <https://www.ashford.gov.uk/media/fi5bprlm/response-to-examiner-s-questions-final-2.pdf>

- Borough Council Dark Skies SPD¹³;
- e) protect and, where possible, enhance ancient woodland as defined on Map 5 and protect aged or veteran trees;
 - f) preserve areas of tranquillity where these occur; and
 - g) maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built-up confines, in particular those defined on Map 6.

- 4.19 As Question No. 1, I considered that, as drafted, this Policy requires some further explanation on how proposed developments outside of the built-up confines of Tenterden will be assessed in relation to the seven specific criteria listed within the Policy, which cover a wide range of designated landscapes, landscape features and other features such as dark skies and tranquillity. At present, the Policy seeks to 'retain', 'maintain', 'protect' etc. such features, but does not contain any further guidance for those users of the Plan who might be considering development proposals, on how proposals should be planned and designed. I noted, by way of an example, that the text on page 38 states that "*New development must be well integrated into the existing heritage and landscape through designs sensitive to their context*". I therefore invited the Qualifying Body to consider this matter and to provide me with a note on possible additional text for this Policy, that I may consider as a proposed modification.
- 4.20 In response to this question, the Town Council has provided a series of proposed amendments to this Policy and to its supporting justification (which is set out on pages 24-30), having sought updated advice from the High Weald AONB Unit. In particular, I note that the amendments take account of an emerging new Management Plan, which is due to be published in April 2024, and the High Weald Housing Design Guide. I have given careful consideration to the Town Council's proposed amendments, which I consider will provide additional and updated guidance for users of the Plan and their interpretation of this Policy and its requirements. I concur with the Town Council's proposed amendments, subject to some further focused amendments to address comments made by the Council. I therefore recommend the necessary revisions to the Policy and its supporting text, in order to provide the necessary clarity for users of the Plan. All these revisions are addressed by recommended modification **PM3**.
- 4.21 I have also given consideration to those representations which raise objections to the definition of the built-up confines of Tenterden (as shown on Map 2), comprising some which object to the inclusion of land within the boundary defined on Map 2 and that which objects to the exclusion of land that the respondent considers should appropriately be within the boundary. This concerns land at Hopes Grove Nurseries, Smallhythe Road. Overall, I am satisfied that the Town Council has taken a proportionate approach to the definition of the built-up confines of Tenterden, and I note that the Council states that, "*Having reviewed the*

¹³ Supplementary Planning Document (SPD).

TNP confines and the associated evidence base, the Town Council appear to have followed a similar approach to the Borough Council". In my experience, the definition of settlement boundaries, such as this built-up confines boundary, has to take account of many factors including the settlement morphology, the pattern of development and its changing nature and the differing size of plots. In my assessment, the Town Council has taken account of the specific factors that exist at Tenterden, including the recent grant of planning permission for development at the 'Limes Land' site, and I do not consider any amendments to Map 2 are necessary in order to meet the Basic Conditions.

- 4.22 Policy TEN NP2 (Protection of Local Green Spaces) states that ten sites are designated as Local Green Spaces as defined on Map 7, and that proposals for development at the sites designated as Local Green Spaces will be considered in line with national planning policy on Green Belts. The sites are listed as below:

- A The Dene
- B Land between Appledore Road and Woodchurch Road, east of Footpath AB12
- C East Cross Gardens
- D Coombe Lane Cemetery
- E West Cross Lane Field
- F Westwell Park
- G High Street Lawns
- H Millennium Gardens
- I Bells Lane Allotments
- J Kiln Field.

- 4.23 As Question No. 2, I noted that, at the scale that is presented on Map 7 (Location of Local Green Spaces), it is not possible to define with clarity the precise boundaries of the ten proposed Local Green Spaces (Sites A-J) listed on page 32 of the draft Plan. I considered that Map 7 should be accompanied in the draft Plan by Inset Maps on an Ordnance Survey base, at an appropriate scale, which is likely to be at 1:1250 or 1:2500 (depending upon the varying sizes of the sites) clearly defining the boundaries of each of the ten sites. I therefore requested that the Qualifying Body provide a set of plans that meet this requirement, which I can consider for inclusion in the Plan as a proposed modification.

- 4.24 The Town Council provided a set of Inset Maps for the proposed Local Green Spaces as Appendix 1 to its response to this question, which I consider will meet the requirements that I requested. Accordingly, I recommend the inclusion of these Inset Maps (to follow Map 7 in the draft Plan) as part of recommended modification **PM4** (see below) which consolidates the necessary amendments to this Policy and its accompanying maps.

- 4.25 Several representations were made concerning the proposed Local Green Spaces. As Question No. 5, with regard to the land between Woodchurch Road and Appledore Road, Tenterden (Site B), I noted that

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representations had been submitted on behalf of Wates Developments Ltd. and by other parties concerning that site. I had reviewed these representations, together with the accompanying Planning Appeal decision letter (Appeal Ref: APP/E2205/W/21/3284479), dated 30 March 2022, which in summary granted Outline Planning Permission for up to 141 new dwellings on 12.35 hectares of land west of Public Right of Way AB12. Full Planning Permission was further granted for the change of use of 8.66 hectares of agricultural land to be used as a country park and 3.33 hectares of agricultural land to be used as formal sports pitches (including a pavilion). I invited the Qualifying Body to review the representations that have been submitted in respect of the site and, if it wishes, to prepare a note that provides any additional information that may assist me in my own assessment of the various matters concerning parts of the draft Plan that are raised in those representations, including the proposed designation of the Local Green Space. Specifically, I wished to understand, in more detail, the justification for the Local Green Space B to cover the full extent of the land granted Full Planning Permission for a country park and formal sports pitches, although that permission has not yet been implemented and the land presently remains in agricultural use.

- 4.26 In response to Question No. 5, the Town Council supplied a note on how the proposed Local Green Space designation has regard to national policies and advice together with a copy of the Historic Landscape Assessment (prepared by RPS Group in December 2019 on behalf of Wates Developments Ltd.) and submitted with the planning application (Ref. 19/01798/AS), which was refused planning permission by the Council on 16 September 2020. I have taken full account of the Town Council's response, and the accompanying Historic Landscape Assessment, in my own assessment. I have also taken into account the submissions on behalf of Wates Developments Ltd., including various Examiners' reports concerning Local Green Space designations elsewhere in England.
- 4.27 It is the case that Full Planning Permission has been granted for the change of use of 8.66 hectares of agricultural land to be used as a country park and 3.33 hectares of agricultural land to be used as formal sports pitches (including a pavilion), as referenced at Pages 29 and 30 of the Inspector's decision letter dated 30 March 2022 concerning the above planning appeal. This constitutes the land area that is the site of the proposed Local Green Space. However, at the present time, that planning permission has yet to be implemented and the land remains in agricultural use.
- 4.28 I fully acknowledge the Town Council's desire, and also that of many members of the Tenterden community, to safeguard and secure the long-term status of the land as a Local Green Space. I also note that the land now proposed for such designation is reduced in size from that previously proposed (as Local Green Space D, and then described as 'Limes Land') in the Regulation 14 pre-submission draft Plan, in recognition of the Outline Planning Permission for 141 dwellings on part of that land. I further note

that the Inspector in determining the above appeal states, at paragraph 109 of his decision letter, that *“the appeal proposal would provide additional public access to that which is currently available, especially as there appears to me to be no established legal right to use the informal routes”*. He goes on to state that, in his planning balance, *“I have given the recreational benefit of the country park and the community orchard moderate weight”*. I also recognise that the development proposals, for which planning permission has now been granted, have been a very controversial matter within the Tenterden community in recent years, and they continue to be a matter of great concern as evident in a number of representations to this draft Plan.

4.29 I visited all of the ten sites listed above during the course of my site visit and have assessed the proposed designation of each of the sites as a Local Green Space against the criteria set out in the NPPF (at paragraph 106), which states that the Local Green Space designation should only be used where the green space is:

- “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; and*
- c) local in character and is not an extensive tract of land.”*

NPPF, paragraph 105 further advises that Local Green Space should be capable of enduring beyond the end of the Plan period. In addition, the PPG provides guidance in the section ‘Open space, sports and recreation facilities, public rights of way and local green space’.¹⁴ Amongst other things, the PPG advises that *“Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented”*.¹⁵

4.30 Having given very careful consideration to the supporting document ‘Local Green Spaces’ prepared as evidence to support this Policy, I conclude that the land between Woodchurch Road and Appledore Road, Tenterden (Site B) falls, in my opinion, below the thresholds to meet the criteria set out in paragraph 106 of the NPPF for its designation, at this time, as a Local Green Space. My conclusion is based upon a number of factors concerning the site, chief of which is that the site remains in agricultural use at the present time as the planning permission for the land (for use as a country park and formal sports pitches) has yet to be implemented. In reaching my conclusion, I have taken full account of the extensive representations that have been submitted concerning the site, together with my own assessment from the site visit. In due course, the potential designation of the site as a Local Green Space can be reconsidered by the Town Council as part of a future review of the Plan if the informal and formal

¹⁴ PPG Reference IDs: 37-005-20140306 to 37-022-20140306.

¹⁵ PPG Reference ID: 37-008-20140306.

recreational facilities are provided, as planned. I therefore recommend that Site B be deleted from the draft Plan as a proposed Local Green Space. In respect of the nine sites (Sites A, C, D, E, F, G, H, I and J), I am satisfied that they do each meet the criteria set out in the NPPF, paragraph 106 (and the terms of paragraph 105), and I conclude that they should be designated as Local Green Spaces in the Plan.

- 4.31 With regard to the policy text, and specifically in relation to managing development within a Local Green Space, this should be consistent with that for Green Belts (NPPF, paragraph 107). Therefore, I recommend that the policy text as drafted be modified to reflect that requirement (NPPF, paragraph 152). Recommended modification **PM4** addresses the necessary amendments to Policy TEN NP2, to Map 7 and to the supporting text, together with the inclusion of the Inset Maps for the nine sites as referenced at paragraph 4.23 above.
- 4.32 Policy TEN NP3 (Conserve and Enhance Biodiversity) states that proposals for development will only be supported where they would:
- a) avoid significant impact on, or promote the conservation, restoration and enhancement of, local wildlife-rich habitats including Local Wildlife Sites, Ancient Woodland, Nature Reserves and sites identified within the Priority Habitats Inventory, as defined on Maps 8 and 9 (having regard to Local Nature Recovery Strategies where applicable);
 - b) avoid significant impact on wider ecological networks which act as networks which play a vital role in extracting and storing carbon from the atmosphere to combat climate change, and as corridors and stepping stones for wildlife including water features, ditches, ponds and hedges;
 - c) avoid an adverse impact on protected species;
 - d) enhance habitats for wildlife on site, with a minimum 10% increase in habitat value for wildlife compared with the pre-development baseline;
 - e) incorporate and integrate features of biodiversity interest into development proposals and maintain appropriate buffer zones;
 - f) retain adequate separation between veteran or ancient trees, groups of trees or hedgerows and the proposed development so as to secure their long-term retention and allow for their growth and development and exploit their ability to sequester atmospheric carbon; and
 - g) provide new tree planting, Priority Habitats, wildlife friendly landscaping and ecological enhancements (such as mixed native hedges, wildlife ponds, bird nesting and bat roosting features) wherever practicable.

It goes on to state that in exceptional circumstances where loss of biodiversity resulting from development is unavoidable and all alternatives have been explored on-site, off-site biodiversity offsetting must ensure that appropriate net gain for biodiversity is achieved, and adequate mitigation and compensation is provided for the benefit of priority habitats and species and local nature recovery initiatives pursued by the community.

- 4.33 I consider that the policy is appropriately drafted, subject to two focused amendments to criterion b) and an amendment to criterion d) to take account of a representation by Kent County Council. These amendments are necessary to provide clarity for users of the Plan and are addressed by recommended modification **PM5**.
- 4.34 Policy TEN NP4 (Design of New Development and Conservation) states that new development in accordance with the Plan will be supported where it:
- a) is designed to a high quality which responds to the heritage and distinctive character of the individual area in which it is located by way of:
 - i. height, scale, density, layout, orientation, design and materials of buildings,
 - ii. boundary treatment,
 - iii. the scale, design and materials of the public realm (highways, footways, open space and landscape);
 - b) at edge of town locations, follows the Design Principles in the Tenterden Design Code;
 - c) protects and enhances designated heritage assets and their setting; and
 - d) protects and sensitively incorporates natural features such as trees, hedges and ponds within the site.
- 4.35 As drafted, criterion c) of the Policy does not have the necessary regard to national policy, and I recommend an amendment to that text in order that the Policy is compliant with the legislative requirements and the policy guidance in the NPPF. This necessary amendment is addressed by recommended modification **PM6**.
- 4.36 Policy TEN NP5 (Tenterden, St Michaels, Smallhythe and Reading Street Conservation Areas and their setting) states that development within the Tenterden, St Michaels, Smallhythe and Reading Street Conservation Areas, as defined on Maps 10 - 13, and their setting will be supported where it:
- a) is designed to a high quality and preserves and enhances the character of the Conservation Area and its setting;
 - b) retains those buildings and other features, including trees and hedges, which make a significant contribution to the character of the Conservation Area;
 - c) protects open spaces and vistas important to the character and setting of the area;
 - d) maintains the character and alignment of twittens, yards and The Pavement; and
 - e) where appropriate, makes provision for the enhancement measures.
- 4.37 As drafted, criterion a) of the Policy is also not sufficiently consistent with national policy, and I recommend a focused amendment to that text in

order to address that issue. Recommended modification **PM7** sets out the necessary amendment.

- 4.38 Policy TEN NP6 (Shop Fronts and Advertisements within Tenterden Conservation Area and its setting) states that proposals for new shop fronts, or alterations to existing shop fronts, will be supported where the following criteria are satisfied:
- a) the proposal would not result in the loss of a traditional shop front or features and details of architectural or historic interest;
 - b) the proposal would be in sympathy with the architectural style, materials and form of the building(s) of which it would form part and the character of the Conservation Area;
 - c) the shop front would be related to the width of the property or a logical vertical sub-division created by the upper storey; and,
 - d) where a fascia is to be applied, it would be of an appropriate height which would be in scale with the overall height of the shop front and other elements of the building and would not intrude over the first floor level.

It goes on to state that an advertisement will be supported where it would be designed, constructed and sited so as to preserve and enhance the character or appearance of the Conservation Area and would not cause visual clutter in the street scene, or cause significant harm to the appearance of any building on which it would be displayed because of its size, design, construction or materials.

- 4.39 Similarly, as drafted, the text concerning advertisements does not have the necessary regard to national policy, and accordingly I recommend a focused amendment to the text to address that issue. Recommended modification **PM8** sets out the necessary amendment.
- 4.40 Policy TEN NP7 (Non-designated Heritage Assets) states that proposals should take into account the effect on the significance of a Non-designated Heritage Asset identified in Appendix 2 and subsequently and wherever possible seek to protect and enhance the asset.
- 4.41 As Question No. 3 (see paragraph 2.7 above), with regard to this Policy and to Appendix 2 (Local Rural Heritage Statement) and Local Heritage List (at Pages 82-87 in the draft Plan), I noted that the Policy proposes the designation of 47 buildings, structures and other features as NDHAs within the Plan area. I had also seen and studied the accompanying evidence document on 'Heritage'. However, I observed that both the draft Plan and the evidence document lack a map showing the location within the Plan area of the 47 proposed NDHAs. I considered that it is necessary to include a suitable map within the draft Plan (probably at Appendix 2), for the benefit of future users of the Plan. I therefore requested that the Qualifying Body provide a map that meets this requirement, which I could consider for inclusion in the Plan as a proposed modification.

- 4.42 I also noted the representations by KCC which indicates that a potentially much larger number of heritage assets in the Plan area, as identified in the KHER, could have been considered for possible designation as NDHAs. Examples are set out in the KCC representations. I therefore also requested that the Qualifying Body provide me with a note that describes how the 47 proposed NDHAs were identified, whether other proposed NDHAs were considered and not taken forward and the extent to which the KHER was used as a basis for identifying the proposed NDHAs.
- 4.43 In its response to Question No. 3, the Town Council states that the proposed NDHAs have been identified from a variety of sources, including the KHER, the Tenterden Museum and local research. The Town Council also state that one significant category of the KHER is historic farms and out-farms, of which there are 74 examples identified on the map provided at Appendix 3 to the Town Council's response. The Town Council indicate that they would support the addition of the individual historic farmsteads to the list of NDHAs rather than listing them as a collective asset within the Local Rural Heritage Statement (at Appendix 2 to the draft Plan). However, I am conscious that the owners of these structures have not been directly consulted about the proposal to designate them as NDHAs. Accordingly, I consider at this juncture that it would be more appropriate for the potential designations to be reconsidered by the Town Council as part of a future review of the Plan. As requested, the Town Council has also provided a location map, at Appendix 2 of its response, for the 47 proposed NDHAs listed at Appendix 2 to the draft Plan.
- 4.44 I have also given consideration to the various representations that have been made concerning the proposed NDHAs at Appendix 2. The Kent & East Sussex Railway advise that the building at entry no. 47 (Cranbrook Road Level Crossing and Signal Box) is a crossing keeper's hut and not a signal Box, and this entry should therefore be corrected. I note that Limes Land Farmhouse (Formerly Gallows Green) is identified as entry no. 34 on the map of historic farms and out-farms, and this site is the subject of a representation seeking its listing as a NDHA. A further representation seeks the listing of Gallows Green as a NDHA. This is the site of the last public execution in Tenterden in 1785, and is clearly of some historic significance. The site is referenced at paragraph 82 of the Planning Appeal decision letter (Appeal Ref: APP/E2205/W/21/3284479 dated 30 March 2022) where the Inspector accepts the appellant's evidence that Gallows Green does not lie within the appeal site. I have seen conflicting evidence regarding the precise location of Gallows Green, and it is not possible for me to determine whether sufficient certainty exists for the site to be defined. However, I do consider that the Town Council should undertake further research in order to establish whether the site can be defined, and if so whether it should then be added to the list of NDHAs as part of a future review of the Plan.
- 4.45 Taking account of the matters raised above, I recommend a focused amendment to the Policy text and some amendments to the content of Appendix 2, and these are addressed by recommended modification **PM9**.

- 4.46 With recommended modifications PM3-PM9, I consider that the draft Plan's section on the Environment (Policies TEN NP1-TEN NP7) would align with the relevant policies of the ALP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Housing

- 4.47 This section of the Plan covers the theme of Housing within the Plan area and contains one policy (Policy TEN NP8) which addresses Phase B of the Tenterden Southern Extension.
- 4.48 Policy TEN NP8 (Tenterden Southern Extension Phase B) states that the Tenterden Southern Extension Phase B proposed masterplan for the overall development and any subsequent planning applications should take account of the Masterplan Principles and Framework from the Tenterden Design Code, as illustrated on Map 15. It goes on to state that, additionally, development proposals should ensure that they follow the Design Principles from the Design Code in accordance with Policy TEN NP 4. It further states that the Town Council will participate in the master planning work for the Tenterden Southern Extension Phase B site as set out in Policy S24 of the adopted ALP. I have considered those representations that have been made concerning this Policy, and in particular the concerns that have been expressed regarding road linkages between Phases A and B of the Tenterden Southern Extension, potentially leading to 'rat running' and road safety issues. These are not matters within my purview, and I consider that the correct approach will be for these matters to be addressed by the Council through the development management process
- 4.49 I consider that the Policy is appropriately drafted with the exception that it should contain a reference to Appendix 1, which comprises the full copy of the Tenterden Design Code and Guidance for Edge of Town Development. This focused amendment is addressed by recommended modification **PM10**.
- 4.50 The draft Plan does not make any site-specific allocations of land for new development, including residential development. It is my assessment that the Council is presently meeting its planned strategic housing growth requirements for Ashford Borough over the present ALP period up to 2030 and that the planned development of the 'Tenterden Southern Extension' is making a significant contribution towards meeting those requirements. The PPG is also clear that whilst neighbourhood plans can allocate sites for development, including housing¹⁶, they "are not obliged to contain policies addressing all types of development"¹⁷ and "the scope of neighbourhood plans is up to the neighbourhood planning body".¹⁸ The position of the

¹⁶ PPG Reference ID: 41-042-20170728.

¹⁷ PPG Reference ID: 41-040-20160211.

¹⁸ PPG Reference ID: 41-104-20190509.

Courts on the absence of a requirement to allocate sites in a neighbourhood plan is most recently stated in *Park Lane Homes (South East) Ltd, R (On the Application Of) v Rother District Council*¹⁹, more particularly that the absence of housing allocations in a draft Plan is not of itself a basis to conclude that the Plan fails to meet Basic Condition a) regard to national policies and advice. It follows that I do not consider that this Plan has a requirement, in the context of the current adopted ALP and the discretion afforded to the Town Council, to allocate any additional sites for residential development during the period up to 2030. The emerging review of the ALP will enable consideration of potential site allocations in the period beyond 2030, but this is a matter that can be addressed in future reviews of this Plan. Accordingly, I do not recommend any modifications to the Plan's section on Housing in response to those representations that suggest a requirement for additional housing development within the Plan area in the period up to 2030. I also note that the Plan acknowledges (at page 47) that small-scale windfall developments are expected to contribute some 45 additional dwellings in the Plan area over the period 2026-2030.

- 4.51 With recommended modification PM10, I consider that the draft Plan's section on Housing and its accompanying policy (Policy TEN NP8) is in general conformity with the strategic policies of the ALP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Local Economy

- 4.52 This section of the Plan covers the theme of the Local Economy within the Plan area and contains five policies (Policies TEN NP9-TEN NP13) which address the various topics within this theme.
- 4.53 Policy TEN NP9 (Tenterden Town Centre) states that within Tenterden Town Centre, as defined on Map 16, extensions to existing shops, cafes and restaurants, public houses, financial and professional services, offices and the leisure centre will be supported, provided they have no significant adverse effect on residential amenity and they comply with Policies TEN NP4, TEN NP5 and TEN NP6 and have access to sustainable methods of transport and convenient cycle parking. The change of use to residential use on the ground floor of any unit within the Primary Shopping Frontage or the loss of tourist accommodation within the town centre will not be supported. The change of use to residential use on the ground floor of any unit outside the Primary Shopping Frontage will only be supported where sufficient evidence is provided to the Council to demonstrate that the operation of the shop is no longer financially viable and where there are no other realistic proposals for such use on the site. It further states that existing markets should be retained and enhanced. The second part of the policy states that new town centre uses such as a shop, office

¹⁹ [2022] EWHC 485 (Admin) | England and Wales High Court (Administrative Court).
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(including for financial and professional services), cafes and restaurants, hotel or cinema should locate within the defined town centre unless suitable sites are not available or expected to become available within a reasonable period.

- 4.54 The Council has made a number of representations concerning this Policy, noting in particular that national policy no longer refers to primary and secondary shopping frontages but instead requires policies to define the extent of town centres and primary shopping areas. In that regard, Map 16 in the draft Plan, which defines a town centre boundary for Tenterden, clearly extends beyond an area that might be defined as a Primary Shopping Area. The Council acknowledge that Policy EMP8 in the ALP does not fully reflect the revised national policy position but remains as the relevant strategic policy for this Plan until the review of the adopted Local Plan is progressed to adoption. In that context, the Policy needs to be clearer that it is based upon the requirements of Policy EMP8, and I recommend an amendment accordingly. Additionally, the Council also raise some concerns regarding criterion c) and Part 2 of the Policy and seek to ensure the Policy's general conformity with the requirements of Policy EMP8. I concur with the Council's concerns and recommend a number of amendments to the Policy text to address the points raised by the Council. These amendments are addressed by recommended modification **PM11**.
- 4.55 Policy TEN NP10 (St Michaels Local Centre) states that within the St Michaels Local Centre, as defined on Map 17, development to provide shopping and service provision will be supported, subject to the scale being suited to the Local Centre and provided they have no significant adverse effect on residential amenity, they comply with Policies TEN NP4 and TEN NP5 and have access to sustainable methods of transport and convenient cycle parking. Proposals that would result in the loss of shops and services will only be supported where it can be demonstrated that a) there is alternative provision for a similar use within the Local Centre or b) the unit is no longer viable for that purpose, or for an alternative local service, and that it has remained vacant for a substantial period of time.
- 4.56 I consider that the Policy is appropriately drafted, subject to one focused amendment to criterion a) to ensure clarity. This is addressed by recommended modification **PM12**.
- 4.57 Policy TEN NP11 (Intensification, regeneration and expansion of existing business sites) states that regeneration and intensification for business uses will be supported at the following sites, as defined on Map 18:
- Parkgate Centre
 - Pickhill Business Village (Pickhill Business Centre) and the ALP site allocation
 - Leigh Green Industrial Estate
 - Station Road Business Centre.

All proposals should meet five policy criteria regarding design, materials and landscaping, advertising and lighting, the amenities of any neighbouring residential occupiers or the tranquillity of the countryside, traffic generation and the provision of on-site car and cycle parking for visitors, staff and delivery vehicles. It goes on to state that proposals for start-up units are encouraged at the Pickhill Business Village expansion site.

- 4.58 I consider that the Policy is appropriately drafted, subject to a focused amendment to the text of criterion d) to ensure its clarity for users of the Plan. This amendment is addressed by recommended modification **PM13**.
- 4.59 Policy TEN NP12 (New business premises outside the built-up confines) states that outside the built up confines of Tenterden, as defined on Map 2, new business premises will be supported through the conversion of a suitable rural building or in new premises where it is essential for the business to be located in the countryside or represents the sustainable development of an established rural business where no existing building suitable or potentially suitable for the purpose, or suitable building that could be converted, would be available within the curtilage. All proposals should meet five policy criteria regarding design, materials and landscaping, advertising and lighting, the amenities of any neighbouring residential occupiers or the tranquillity of the countryside, traffic generation and the provision of on-site car and cycle parking for visitors, staff and delivery vehicles.
- 4.60 Again, I consider that this Policy is appropriately drafted, subject to a focused amendment to the text of criterion d), in order to provide the necessary clarity for users of the Plan, and the correction of a typographical error.²⁰ These matters are addressed by recommended modification **PM14**.
- 4.61 Policy TEN NP13 (Tourist Accommodation and Attractions) states that within the built-up confines of Tenterden, as defined in Map 2, proposals for new tourist accommodation and attractions will be supported. Outside the built-up confines of Tenterden proposals to convert suitable rural buildings to tourist accommodation or attractions will be supported. New premises will only be supported for a tourist attraction where it is essential for the sustainable development of an established tourist attraction where no existing building suitable or potentially suitable for the purpose, or suitable building that could be converted, would be available within the curtilage. All proposals should meet five policy criteria concerning the integration of the proposed development into its landscape context, the amenities of any neighbouring residential occupiers or the tranquillity of the countryside, accessibility by a choice of modes of transport and the opportunities for improving access on foot, by cycling or

²⁰ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

by public transport, traffic generation and the provision of on-site car and cycle parking would be for visitors, staff and delivery vehicles.

- 4.62 The Council has raised a number of concerns with regard to this Policy, noting that it is significantly more restrictive than Policy EMP11 (Tourism) in the adopted ALP. I concur with the Council's concerns, and also note that the Policy does not fully reflect the positive approach towards the tourism industry that is set out in the supporting justification for the Policy and elsewhere in the Plan. I am clear that the tourism industry is an important part of the local economy in Tenterden and in the surrounding areas, and this is evident from a number of representations made to the Plan, for example by the Kent & East Sussex Railway.
- 4.63 I therefore recommend a series of amendments to the Policy text, which will frame the policy within the context of the approach in Policy EMP11 in the adopted ALP and, more importantly, provide positive support for the development of the tourism sector in the Plan area. Recommended modification **PM15** sets out the necessary amendments.
- 4.64 With recommended modifications PM11-PM15, I consider that the draft Plan's section on the Local Economy and its accompanying policies (Policies TEN NP9-TEN NP13) is in general conformity with the strategic policies of the ALP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Leisure, Health and Wellbeing and Infrastructure Policies

- 4.65 This section of the Plan covers the theme of Leisure, Health and Wellbeing and Infrastructure and contains four policies (Policies TEN NP14-TEN NP17) which address the various topics within this theme.
- 4.66 Policy TEN NP14 (Protection of Sports and Recreation Grounds) states that the following sports and recreation grounds, as defined on Map 19, will be retained and, where appropriate, enhanced:
- Tenterden Recreation Ground
 - St Michaels Recreation Ground
 - Tenterden Cricket Club Ground
 - Smallhythe Road Cricket Ground
 - Homewood School Tenterden (School Site).

It goes on to state that development on these sites may exceptionally be supported where replacement provision is made of at least equivalent value to the local community in terms of quantity, quality and location or an assessment has been undertaken which clearly shows the provision is surplus to requirements, or the development is for an alternative sport and recreational provision, the needs for which clearly outweigh the loss. I consider that the Policy is appropriately drafted with the necessary clarity for users of the Plan.

- 4.67 Policy TEN NP15 (Historic Routeways) states that the alignment of historic routeways within Tenterden Parish should be maintained, and also that proposals should not result in an unsympathetic change to the character of a historic routeway. Map 21 identifies the historic routeways that are covered by this Policy. However, I note that the High Weald AONB Landscape Character Map of Historic Routeways, which has been supplied by the Town Council as part of its response to Question No. 5, identifies two categories of historic routeways within the Plan area, roads and Public Rights of Way, and that Map 21 does not depict the full details and extent of these routeways, as categorised by the High Weald AONB Unit. I therefore consider that Map 21 should be amended to include the full information shown on the High Weald AONB Landscape Character Map, and this is addressed by recommended modification **PM17**.
- 4.68 With regard to the Policy text, I consider that it is appropriately drafted subject to the need to include a reference to Map 21, for the benefit of users of the Plan. This focused amendment is addressed by recommended modification **PM16**.
- 4.69 Policy TEN NP16 (Public Rights of Way) states that the provision, character and biodiversity of existing public rights of way, as shown on Map 22, will be protected and enhanced, including within new development, in accordance with Policy TEN NP4. It goes on to state that new development should incorporate and enhance the intrinsic character and biodiversity of existing public rights of way.
- 4.70 Kent County Council have made a representation concerning this Policy, and the need for the policy to make reference to potential off-site improvements to the Public Rights of Way network being secured by developer contributions linked to planning permissions granted for new development within the Plan area. I agree with this point, and I therefore recommend an amendment to the Policy text to address the matter. Recommended modification **PM18** sets out the necessary additional text.
- 4.71 Policy TEN NP17 (Securing Infrastructure) states that any qualifying development will be expected to ensure provision of the necessary social, physical and green infrastructure needed to support the proposed development, and where relevant the infrastructure identified in the Neighbourhood Plan below through developer contributions, in a timely manner subject to an appropriate assessment of viability:
- Sustainable transport measures serving new development which assist walking and cycling; and
 - The upgrade and provision of children’s and young people’s play facilities at Tenterden Recreation Ground and elsewhere.
- 4.72 The Council, Kent County Council and Tunbridge Wells Borough Council have made a number of focused comments regarding this Policy, as drafted. I concur with the points that the three Councils raise, and I therefore recommend several amendments to the Policy text accordingly. Recommended modification **PM19** sets out the necessary amendments.

4.73 With recommended modifications PM16-PM19 I consider that the draft Plan's section on Leisure, Health and Wellbeing and Infrastructure and its accompanying policies (Policy TEN NP14-TEN NP17) is in general conformity with the strategic policies of the ALP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Monitoring and Review

4.74 Section 6 of the Plan addresses Monitoring and Review and includes reference to the potential future need to review the Plan, if required. I consider that the Plan needs to include a clearer statement that, if necessary, the Plan will be reviewed in light of any relevant changes in national policies and the emerging review of the ALP, and this is addressed by recommended modification **PM20**.

Appendices

4.75 The Plan contains three Appendices. Appendix 1 is the Tenterden Design Code (July 2023) prepared by AECOM and Tony Fullwood Associates. Appendix 2 is the listing of the proposed 47 Non-designated Heritage Assets in the Plan area, together with a Local Rural Heritage Statement. Appendix 3 is a listing of the current, proposed and potential community, social, environmental and transport projects across the Plan area that the Town Council wish to pursue, in conjunction with other bodies and stakeholders. Some of the projects have been identified through the work undertaken on the preparation of the Plan. I do not make any comments on the proposed projects, which are not the subject of proposed land-use planning policies.²¹ However, I do draw the Town Council's attention to certain representations that have been made concerning the projects, including the capability to progress 59 projects during the current Plan period. I also comment that Appendix 3 needs a more significant title heading on page 88, similar to Appendix 2. Where relevant, comments and certain recommended modifications are made regarding the content of Appendix 2 within this report.

Other Matters

4.76 As an advisory comment, when the Plan is being redrafted to take account of the recommended modifications in this report, it should be re-checked for any typographical errors and any other consequential changes, etc. Minor amendments to the text and numbering (sections, paragraphs etc.) can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates, in agreement between the Town Council and the Council.²²

²¹ PPG Reference ID: 41-004-20190509.

²² PPG Reference ID: 41-106-20190509.

- 4.77 I have given consideration to a representation that indicates that the Plan, as currently presented, may not meet the Public Sector Bodies Accessibility Regulations 2018, by its use of a two-column format on each page of text. I therefore advise the Town Council to consider this matter before finalising the Plan.

Concluding Remarks

- 4.78 I conclude that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Tenterden Neighbourhood Development Plan 2013-2030 meets the Basic Conditions for neighbourhood plans.

5. Conclusions

Summary

- 5.1 The Tenterden Neighbourhood Development Plan 2013-2030 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 to all the responses made following consultation on the Plan, and the supporting documents submitted with the Plan together with the Town Council and the Council's responses to my questions.
- 5.2 I have made recommendations to modify certain 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. I conclude that the Tenterden Neighbourhood Development Plan 2013-2030, as modified, has no policy or proposal which I consider to be significant enough to have an impact beyond the designated Neighbourhood Development Plan boundary, requiring the referendum to extend to areas beyond that boundary. I therefore recommend that the boundary for the purposes of any future referendum on the Plan, should be the boundary of the designated Neighbourhood Area.

Overview

- 5.4 It is clear that the Tenterden Neighbourhood Plan 2013-2030 is the product of much hard work undertaken since 2019 by the Town Council and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. In my assessment, the Plan

reflects the land use aspirations and objectives of the Tenterden community for the future planning of their area 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	Page 7 and throughout the document	<p><u>Section 1 – Introduction</u></p> <p>Amend all references in the Plan to the NPPF that was published in 2021 to that published in “December 2023”.</p> <p>In addition, specific references to NPPF numbered paragraphs should be checked to ensure that they refer to the December 2023 version.</p>
PM2	Between Pages 24 and 75	<p><u>Section 5 – Policies</u></p> <p>Amend the text of Policies TEN NP4, TEN NP5, TEN NP6, TEN NP9, TEN NP10, TEN NP11, TEN NP12, TEN NP13 and TEN NP17 as set out in the Town Council’s response dated 15 February 2024²³ to Question No. 4 (see paragraph 2.7), with any necessary consequential amendments to the supporting text.</p>
PM3	Between Pages 24 and 31	<p><u>Policy TEN NP1 - Protection of Landscape Character</u></p> <p>Amend the words “built up” in the first line of Policy text to read “built-up”.</p> <p>Delete the word “retain” in criterion b) and replace with “maintain”.</p> <p>Delete the word “retain” in criterion c) and replace with “maintain”.</p> <p>Amend the Policy text and its supporting justification as set out in the Town Council’s response dated 15 February 2024 to Question No. 1 (see paragraph 2.7), to take account of the above amendments.</p> <p>Replace all references to the “High Weald Area of Outstanding Natural Beauty” with “High Weald National Landscape”.</p>

²³ View at: <https://www.ashford.gov.uk/media/fi5bprlm/response-to-examiner-s-questions-final-2.pdf>

PM4	Pages 32 and 33	<p><u>Policy TEN NP2 – Protection of Local Green Spaces and Map 7 (Location of Local Green Spaces)</u></p> <p>Delete Site B – Land between Appledore Road and Woodchurch Road, east of Footpath AB12 – from the schedule of sites on page 32 and from Map 7 and amend the supporting text to refer to nine Local Green Spaces.</p> <p>Insert Inset Maps, as provided with the Town Council’s response of 15 February 2024, for the nine sites (referenced A, C, D, E, F, G, H, I and J) in the Plan to follow Map 7 in that sequence.</p> <p>It is recommended that sites C-J be amended to be referenced as B-I inclusive.</p> <p>Delete Policy text in full and replace with:</p> <p>“Development proposals in the nine designated Local Green Spaces listed above and defined on Map 7 and the accompanying Inset Maps will be managed in accordance with national policy for Green Belts.”</p>
PM5	Page 37	<p><u>Policy TEN NP3 - Conserve and Enhance Biodiversity</u></p> <p>Criterion b) of the Policy text – insert the word “connective” before the word “corridors” in the penultimate line of text and delete the words “and stepping stones” in the same line of text.</p> <p>Criterion d) of the Policy text – delete existing text in full and replace with:</p> <p>“Submit a Biodiversity Net Gain metric with all applications demonstrating a minimum increase in value of 10% in accordance with the Environment Act 2021 and accompanying guidance.”</p>
PM6	Page 41	<p><u>Policy TEN NP4 - Design of New Development and Conservation</u></p> <p>Criterion c) of the Policy text – replace the words “Protects and enhances” with the words “Preserves or enhances”.</p>

		See also PM2 above.
PM7	Page 43	<p><u>Policy TEN NP5 - Tenterden, St Michaels, Smallhythe and Reading Street Conservation Areas</u></p> <p>Criterion a) of the Policy text – replace the word “and” in the second line of text with the word “or”.</p> <p>See also PM2 above.</p>
PM8	Page 45	<p><u>Policy TEN NP6 – Shop Fronts and Advertisements within Tenterden Conservation Area and its setting</u></p> <p>Final paragraph of Policy text - replace the word “and” in the third line of text with the word “or”.</p> <p>See also PM2 above.</p>
PM9	Pages 46 and 82-87	<p><u>Policy TEN NP7 – Non-designated Heritage Assets - and Appendix 2 – Local Rural Heritage Statement and Local Heritage List</u></p> <p>Amend the Policy text to read as follows:</p> <p>“Proposals should take into account the effect on the significance of a non-designated heritage asset identified on the map and listing at Appendix 2, and subsequently and wherever possible seek to preserve or enhance the asset.”</p> <p><u>Appendix 2</u></p> <p>Add the map contained at Appendix 2 to the Town Council’s response dated 15 February 2024 to Question No. 3 to the content of Appendix 2 in the Plan.</p> <p>Entry no. 47 (and accompanying reference on page 46) – delete the words “Signal Box” and replace with “Crossing Keeper’s Hut”.</p>
PM10	Page 50	<p><u>Policy TEN NP8 – Tenterden Southern Extension Phase B</u></p> <p>Add new second sentence of text to the first paragraph of Policy text to read as follows:</p> <p>“The Tenterden Design Code which contains design principles and guidance</p>

		for edge of town developments is at Appendix 1 to this Plan.”
PM11	Page 55	<p><u>Policy TEN NP9 – Tenterden Town Centre</u></p> <p>Amend the opening sentence of Policy text to read as follows:</p> <p>“1. Within Tenterden Town Centre as defined on Map 16 and in accordance with Policy EMP8 of the adopted Ashford Local Plan 2030:”</p> <p>Criterion c) of the Policy text – delete existing text in full and replace with:</p> <p>“Change of use to residential on the ground floor of any unit outside the Primary Shopping Frontage will only be supported where it is clear that there is no realistic prospect of continued retail use or other appropriate town centre uses for the premises.”</p> <p>Part 2 of the Policy text – delete the words “or expected to become available within a reasonable period.”</p> <p>See also PM2 above.</p>
PM12	Page 56	<p><u>Policy TEN NP10 – St Michaels Local Centre</u></p> <p>Criterion a) of the Policy text – amend to read as follows:</p> <p>“a) Alternative provision for a similar use already exists within the Local Centre or will be provided through other proposals, or”</p> <p>See also PM2 above.</p>
PM13	Page 60	<p><u>Policy TEN NP11 – Intensification, regeneration and expansion of existing business sites</u></p> <p>Criterion d) of the Policy text – delete the words “Development should not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it” and replace with “The proposals include a Transport Assessment providing details of the projected traffic</p>

		<p>generation for the proposed development. Proposals relating to the Station Road Business Centre should take account of the necessity to ensure the safe operation of the level crossing at Station Road at all times."</p> <p>See also PM2 above.</p>
PM14	Page 62	<p><u>Policy TEN NP12 – New business premises outside the built-up confines</u></p> <p>Amend the words "built up" in the Policy title and the Policy text to "built-up".</p> <p>Criterion d) of the Policy text – delete the words "Development should not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it" and replace with "The proposals include a Transport Assessment providing details of the projected traffic generation for the proposed development;".</p> <p>See also PM2 above.</p>
PM15	Page 63	<p><u>Policy TEN NP13 – Tourist Accommodation and Attractions</u></p> <p>Amend the words "built confines" in Parts 1 and 2 of the Policy text to read "built-up confines".</p> <p>Clause 2 (ii) – delete existing text in full and replace with:</p> <p>"The retention and sustainable development of existing and new tourism facilities which respect the character of the countryside in the Plan area will be supported where such proposals comply with the relevant policies in this Plan and in the adopted Ashford Local Plan 2030."</p> <p>Criterion d) – delete existing text in full and replace with:</p> <p>"The proposals include a Transport Assessment providing details of the projected traffic generation for the proposed development; and".</p> <p>See also PM2 above.</p>

PM16	Page 70	<p><u>Policy TEN NP15 – Historic Routeways</u></p> <p>Add the words “as shown on Map 21” after the words “historic routeways” in the first paragraph of Policy text.</p>
PM17	Page 71	<p><u>Map 21 – Historic Routeways</u></p> <p>Amend Map 21 to depict the full extent and categorisation (as Roads and Public Rights of Way) of the Historic Routeways as depicted on the High Weald AONB Landscape Character Map of Historic Routeways (supplied as part of the Town Council’s response dated 15 February 2024).</p>
PM18	Page 74	<p><u>Policy TEN NP16 – Public Rights of Way</u></p> <p>Add new third paragraph of Policy text to read as follows:</p> <p>“Where appropriate, developer contributions will be sought linked to planning permissions granted for new developments in the Plan area in order to secure off-site improvements to the Public Rights of Way network in the vicinity of new developments.”</p>
PM19	Page 75	<p><u>Policy TEN NP17 – Securing Infrastructure</u></p> <p>Delete the words “subject to an appropriate assessment of viability” in the first paragraph of Policy text.</p> <p>Add the words “including the Public Rights of Way network” after the words “walking and cycling” in the first bullet point text.</p> <p>Add new third bullet point text to read as follows:</p> <ul style="list-style-type: none"> • “Any other necessary identified infrastructure, including infrastructure of a cross-boundary nature.” <p>See also PM2 above.</p>
PM20	Page 78	<p><u>Section 6 – Monitoring and Review</u></p> <p>Delete 4th paragraph of text and replace with:</p>

		<p>“The Plan will be formally reviewed should the emerging review of the adopted Ashford Local Plan 2030 contain policies and proposals that necessitate such a review, in order that the Plan remains in conformity with the relevant strategic policies of the Local Plan. Similarly, the Plan will be reviewed should any changes in national policies necessitate revisions to the Plan’s policies.”</p>
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