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# **Basic Conditions Statement: Bethersden Neighbourhood Plan**

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## **1.0 Introduction**

This document explains how the proposed Bethersden Neighbourhood Development Plan (BNDP) meets the requirements of the Neighbourhood Planning (General) Regulations 2012. It has been prepared by the Bethersden Parish Council in accordance with the Localism Act 2011.

The Qualifying Body has submitted, with this application, accompanying documents as set out in Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

## **2.0 Background**

Bethersden has a strong record of working as a community, and has previously undertaken local community projects such as a Parish Plan and Village Design Statement.

The decision to undertake a Neighbourhood Plan was fully supported by Ashford Borough Council.

## **3.0 The Area of the Bethersden Neighbourhood Plan**

The parish of Bethersden was designated as a Neighbourhood Plan Area by Ashford Borough Council on 13th February 2014.

The Neighbourhood Plan Area - the 'Designated Area' is as shown in the Bethersden Neighbourhood Plan.

## **4.0 Vision towards 2030**

Our vision is for Bethersden to continue to thrive by meeting the changing needs of the community whilst preserving the distinctive character, landscape and setting of the Parish that has evolved over nine centuries.

BNDP policies are designed with the intention of complying with National and Local policies and objectives whilst delivering development locally that will respond to the community's vision for their area:

In this our vision for Bethersden Parish supports the vision of the Ashford Local Plan to 2030 Publication Draft (2016), the relevant parts of which state:

"Ashford Borough will meet its housing and employment needs, and take account of the needs of investors, through the provision of new high quality development forming attractive places, with the necessary supporting infrastructure and services, and in sustainable and accessible locations that take account of the Borough's environmental constraints.

The identity and attractive character of the Borough's rural area, with its range of attractive settlements, wealth of heritage assets and its expansive countryside, including the Kent Downs AONB to the north and the High Weald AONB to the south, will be protected and enhanced.

The Borough's green spaces will be protected and enhanced to serve expanding populations including two new strategic parks at Ashford and the promotion of sporting and recreational hubs in accessible locations; the retention of flood storage areas; reinforcement of wildlife corridors and an improved cycle network to foster healthier lifestyles for residents and workers.

A positive approach to the adaptation of climate change will be secured by avoiding development in areas at greatest risk of flooding; protecting and enhancing green networks; carefully considered new layouts and designs of housing areas; and promoting sustainable drainage and challenging water efficiency standards."

It is also in line with the Vision contained in the adopted Ashford Core Strategy 2008 which states:

Growth targets will not be met by development in the rural part of the Borough. In that area development will be restricted to that which is genuinely needed to ensure the economic and social well-being of rural residents and workers and build sustainable and balanced rural communities. Most development will take place in the larger and more sustainable rural settlements, especially Tenterden, Charing, Hamstreet and Wye. A high priority will be given to protecting and enhancing the natural and built environment of the rural areas, especially those parts that have a special designation and those that are closest to the existing and proposed built up area of Ashford."

## **5.0 Content of the proposed Neighbourhood Plan**

A number of documents have been produced in order to support the plan and meet the Basic Conditions. These include:

1. **Bethersden Neighbourhood Plan:** The main document, which includes policies developed by the community.
2. **Consultation Statement:** sets out how the community and other stakeholders have been involved in preparing the BNP.
3. **Basic Conditions Statement:** Appraisal of BNP policies against national policies, strategic policies of Ashford Borough Council and other policies and guidance.
4. **Site Assessment:** This appendix to the Basic Conditions Statement explains how sites were selected to achieve sustainable development objectives. It is prepared by the community to ensure due consideration of social, economic and environmental issues within the area.

## 5. Requirement for a Strategic Environmental Assessment (SEA/SA)

In particular, HE (Historic England) and ABC felt the BNP required more information on how historic environment conservation objectives had been satisfied in relation to the proposed sites. While the BNP contains a substantial amount of local information and views, there is a need now to undertake a SEA to be able to demonstrate this balance transparently and in a best-practice manner.

While HE as a statutory consultee had been contacted in September 2014 with regard to a SEA scoping opinion on the BNP, at that point in time there were no site allocations within the plan. HE made no comments at that time.

Given the current three site allocations, two of which are wholly within the BCA (Bethersden Conservation Area), the situation is now different. The key difference now is that the plan may have a significant effect on the historic environment and therefore, as per European Directive 2001/42/EC, requires a SEA.

It was agreed that the SEA would include a consideration of all original submitted sites for the plan, and it was noted that such an exercise would indicatively take two months to complete.

The Neighbourhood Plan has been drafted to be in general conformity with the Ashford Borough Council Local Plan to 2030, which was consulted on in the summer of 2016, and the sustainable development objectives that underpin it, as well as the main changes to that document which underwent consultation in the summer of 2017. The BNP group has been in discussion with ABC to ensure their proposals, are in general accordance with the strategic direction and policies within this emerging Local Plan.

The BNP also had regard to and is in general conformity with the adopted older Core Strategy 2008, and the Tenterden and Rural Settlements DPD 2010. Saved policies from the Ashford Borough Local Plan 2000 have also been considered where appropriate.

## 6.0 Basic Conditions

The Regulations provide that the submission of a proposed neighbourhood plan, by a qualifying body to a planning authority must be accompanied by a statement explaining how the plan meets the Basic Conditions, as well as other statutory requirements.<sup>1</sup> This document provides a summary of the measures that have been taken to ensure that the Bethersden Plan meets the Basic Conditions.

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<sup>1</sup> Neighbourhood Planning (General) Regulations "NP(G)R 2012", reg 15(1)(d);

An Independent Examiner is required by paragraph 8(1)(a) of Schedule 4B to the 1990 Act (amended by the Localism Act 2011) to consider whether a neighbourhood plan meets the "Basic Conditions".<sup>2</sup>

The table comprising Section 8 of this Statement demonstrates how Bethersden NP meets the Basic Conditions.

Paragraph 8(2) of Schedule 4B provides that a neighbourhood plan meets the basic conditions if:

"(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make [the plan],  
(d) the making of [the plan] contributes to the achievement of sustainable development,  
(e) the making of [the plan] is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),  
(f) the making of [the plan] does not breach, and is otherwise compatible with, EU obligations, and  
(g) prescribed conditions are met in relation to [the plan] and prescribed matters have been complied with in connection with the proposal for [the plan]."<sup>3</sup>

Basic conditions (b) and (c), relating to the built heritage, apply to the examination of proposed neighbourhood development orders, but not to that of neighbourhood plans. Only one further basic condition has been prescribed under paragraph 8(2)(g), as follows:

"The making of the neighbourhood plan is not likely to have a significant effect on a European site ... or a European offshore marine site ... (either alone or in combination with other plans or projects)."<sup>4</sup>

A proposed plan must meet all of the basic conditions specified in paragraph 8(2), if it is to be submitted to a referendum, not just some of them.

## 7.0 Development Plan Status

The current Plan for the Bethersden Neighbourhood plan area comprises:

- Ashford Borough Core Strategy 2008 – 2021 (ACS).
- Saved policies of the Ashford Borough Local Plan 2000, updated in 2014
- Tenterden and Rural Sites Development Plan Document 2010 - 2021 (TRSDPD)

The BNP must be in general conformity with the strategic policies of the ACS, saved policies of the Local Plan 2000 and the TRSDPD where these policies can be regarded as up to date and not in conflict with the NPPF.

A number of "saved" policies from the Local Plan 2000 remain relevant to the BNDP. With the possible exception of GP12, Protecting the Countryside and

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<sup>2</sup> TCPA 1990, Sched 4B, para 8(1), applied by PCPA 2004, ss 38A(3), 38C(5)(b), (c).

<sup>3</sup> TCPA 1990, Sched 4B, para 8(2), applied by PCPA 2004, ss 38A(3), 38C(5)(d).

<sup>4</sup> NP(G)R 2012, Sched 2, para 1.

Managing Change, they are detailed rather than strategic. Nevertheless they are referenced in the table below.

The Core Strategy was adopted by Ashford Borough Council on 10 July 2008 and sets out the overall vision and objectives for the delivery of growth in Ashford between 2006 and 2021. The Core Strategy is the principal Development Plan Document (DPD) for the Borough, and is strategic in nature.

The TRSDPD contains a number of development policies relevant to Bethersden parish regarding such things as infill housing within the village, strict control on new residential and replacement residential development elsewhere in the parish, the retention and extension of existing employment premises and sites, and the retention of rural features and the landscaping of new development.<sup>5</sup> These policies are now either slightly outmoded and overtaken by the NPPF, or carried forward in a suitably updated form in the new Local Plan 2016. It is also considered that none of these policies are strategic in nature and therefore the BNDP is not required to have regard to them. Notwithstanding this view, overall the BNDP is considered to conform to the general approach set out in the TRSDPD by enabling appropriate levels of residential and commercial development in the most sustainable locations in the parish, and by requiring an approach to landscape and habitat which is in line with it.

The Core Strategy will be replaced by a Local Plan. This new plan will determine how the most sustainable and deliverable pattern of growth can be achieved within the Borough up to 2030. The emerging Local Plan is well advanced and was published for public consultation in June 2016. Main Changes to this plan were released for further public consultation in July 2017. If no further changes are required as a result of consultation it will be submitted to the Secretary of State for examination.

Therefore the policies of the BNP have been mindful of the direction of travel of the emerging plan and its policies have been considered to check general conformity with the new Local Plan. The BNP has drawn from the up to date evidence base with regard to ABC SHELAA: its anticipated housing numbers for Bethersden parish and consideration of sites, covered later in this report.

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<sup>5</sup> TRS1,2,3,4,13,17,18,19

## 8.0 Neighbourhood Plan policies considered against NPPF & Ashford Borough Council Saved Local Plan, Core Strategy, and emerging Local Plan to 2030

<b>Draft Bethersden Neighbourhood Plan Policy</b>	<b>Considered against NPPF</b>	<b>General Conformity With Ashford Borough Council Core Strategy, saved Local Plan policies, and emerging Local Plan 2030</b>
<b>Overall Plan</b>	<p>The Bethersden Neighbourhood Plan is considered to have regard to the NPPF particularly in relation to the section on plan making and neighbourhood plans, and in achieving sustainable development for the area.</p> <p>BNP plans positively for future housing development to meet local needs, supports a prosperous rural economy, conserves and enhances the natural environment and heritage assets in line with Core planning principles NPPF para 17.</p>	<p>The Bethersden Neighbourhood Plan is considered to be in general conformity with strategic policies within the adopted Core Strategy, specifically CS1 Guiding Principles, CS2 Borough Wide Strategy, CS6 Rural Settlement Hierarchy.</p> <p>and</p> <p>saved Local Plan policy GP12 Protecting the Countryside and Managing Change</p> <p>and</p> <p>Local Plan SP1 Strategic Objectives, SP2 Strategic Approach to Economic Development, SP4 Delivery of Retail &amp; Leisure Needs, SP6 Promoting High Quality Design</p>
<b>Managing our Rural Environment</b>  R1- Protection of Views, Vistas and Settings  R2 – Landscape character and Design  R3 – Conservation of Habitat	<p>NPPF para 109</p>  <p>NPPF para 109</p>  <p>NPPF para 109</p>	<p>CS1 Guiding Principles Saved Local Plan EN9 Setting and Entrances of towns and villages</p>  <p>CS1 Guiding Principles Local Plan ENV3 Landscape Character and Design</p>  <p>CS11 Biodiversity and Geological Conservation Saved Local Plan EN31, EN32 Local Plan ENV1 Biodiversity</p>

R4 – Public Rights of Way	NPPF para 35	CS1 Guiding Principles, CS15 Transport
R5 – Local Green Space designation	NPPF para 77	Local Plan ENV5 Protecting Important Rural Features
R6 – Recreation and Community Use areas	NPPF paras 73,74	CS18 Meeting the Community’s Needs Saved Local Plan LE11, LE12.LE13 Local Plan COM1, COM2
R7 – Drainage and Water Management	NPPF para 99	CS 1 Guiding Principles, CS 20 Sustainable Drainage Local Plan ENV 9 Sustainable Drainage
R8 – Energy	NPPF para 97	CS1 Guiding Principles, CS10 Sustainable Design and Construction Local Plan ENV10 Renewable & Low Carbon Energy
R9 – Community Benefits	NPPF para 203 - 206	CS1 Guiding Principles, CS8 Infrastructure Contributions, CS 18 Meeting the Community’s Needs Local Plan IMP1 Infrastructure Provision
<b>Housing</b>		
H1 – New residential development	NPPF paras 47, 48, 50, 54, 55	CS1 Guiding Principles, CS2 Borough Wide Strategy, CS6 Rural Settlement Hierarchy Local Plan SP2 Strategic Approach to Housing Delivery CS1 Guiding Principles, CS2 Borough Wide Strategy, CS6 Rural Settlement Hierarchy Local Plan SP2 Strategic Approach to Housing Delivery HOU4, HOU5
H2 – Housing sites; selection, locations, numbers and types	NPPF paras 47, 48, 50, 54, 55	
H3 – Site A – Village Hall (Forge Hill)	NPPF para 47	CS1 Guiding Principles Saved Local Plan HG3, EN16 Local Plan SP6 Promoting High Quality Design, HOU1 Affordable Housing, COM1 Meeting the Community’s Needs, TRA 5 Planning for Pedestrians, ENV 14 Conservation Areas CS59 Guiding Principles Saved Local Plan HG3

H4 – Site B – next to School (School Road)	NPPF para 47	Local Plan SP6 Promoting High Quality Design, HOU1 Affordable Housing, COM1 Meeting the Community’s Needs
H5 – Site C – next to Lovelace House	NPPF para 47	CS1 Guiding Principles Saved Local Plan HG3 Local Plan SP6 Promoting High Quality Design, HOU1 Affordable Housing, COM1 Meeting the Community’s Needs
H6 – Affordable and Local Needs housing	NPPF paras 47, 50	CS1 Guiding Principles, CS 12 Affordable Housing Local Plan HOU 1 Affordable Housing
H7 – Housing Interior design standards	NPPF para 58	CS1 Guiding Principles, CS9 Design Quality Local Plan HOU12, 13 & 14
H8 – External design standards	NPPF para 58	CS1 Guiding Principles, CS9 Design Quality Local Plan HOU15 Private External Open Space
H9 – Windfall and Infill housing	NPPF para 53	Local Plan HOU5 Residential Windfall Development in the countryside
H10 – Development of residential gardens	NPPF para 126	Local Plan ENV14 Conservation Areas
H11 – Self and custom build	NPPF para 50	Local Plan HOU6 Self Build and Custom Build
H12 – Parking	NPPF paras 39, 58	CS 15 Transport, CS9 Design Quality Local Plan SP6 Promoting High Quality Design
H13 – Community engagement	NPPF para 17,189	Local Plan SP6 Promoting High Quality Design
H14 – Drainage		CS21 Water Supply and Treatment Saved Local Plan CF6, CF7 Local Plan ENV8 Water Quality, supply and treatment CS 18 Meeting the Community’s Needs

H15 – Maintenance of public open spaces	NPPF para 70,73	Local Plan IMP1 Infrastructure Provision, IMP4 Governance of Public Community Space and Facilities
<b>Economy, Communication, Transport &amp; Infrastructure</b>		
CT1 – Business/Commercial development	NPPF paras 17, 20, 21,28	Local Plan SP3 Strategic Approach to Economic Development, EMP1, EMP2, EMP3, EMP4, EMP5
CT2 – Maintenance of village centre service units	NPPF paras 28, 70	Saved Local Plan SH6 Local Plan EMP4, EMP10 Local and Village Centres
CT3 – General infrastructure services	NPPF para 43,162	Local Plan EMP6 Promotion of Fibre to the Premises, IMP1 Infrastructure Provision
CT4 – Heavy goods traffic	NPPF paras 34,35,36	Local Plan TRA 7 The Local Road Network and Development
CT5 – Traffic flow and highway safety	NPPF para 35	Local Plan TRA 7 The Local Road Network and Development

## 9.0 Neighbourhood Plan policies considered against the Basic Conditions

*(2) A draft neighbourhood plan meets the basic conditions if*

*(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan,*

The Neighbourhood Plan has due regard for the core planning principles set out in para 17 of the NPPF and in particular seeks to support this rural parish into the future, contributing to conserving and enhancing the natural environment, improving health, social and cultural wellbeing for all and delivering facilities and services to meet local needs.

The BNDP has been prepared positively in order to support and shape local development that is outside the strategic elements of Ashford Borough Council's adopted and emerging planning policy, in accordance with NPPF para 16.

*Basic conditions (b) and (c), relating to the built heritage, apply to the examination of proposed neighbourhood development orders, but not to that of neighbourhood plans.*

*(d) the making of the neighbourhood plan contributes to the achievement of sustainable development,*

The Government's approach to sustainable development, as set out in the National Planning Policy Framework, is about enabling development to cater for the needs of current generations, ensuring that growth doesn't mean worse lives for future generations. The presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking, (NPPF para14). The overall BNDP positively seeks to promote sustainable development in all of its policies, including promoting site allocations for new housing ahead of the emerging local plan based on its up to date evidence base. BNDP Policy H1 in particular is relevant.

The NPPF attaches great importance to the design of the built environment and states in para 56 that: "Good design is a key aspect of sustainable development, is indivisible from good planning...." The BNDP contains policies to promote good design in R1, R2,H3,H4, H5 and H12.

BNDP seeks to promote the health of the community by planning positively for the provision of shared space, community facilities and other local services to enhance the sustainability of the community. Relevant policies include R4,R5,R6,R9,H6,H11,H13,H15 and CT4 and CT5.

The Plan seeks to contribute to and enhance the natural and local environment by protecting and improving valued landscapes. Policies R1, R2, R3, R7 and R8 are relevant.

<p><i>(e) the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),</i></p>	<p>This document above takes due account of the saved policies of the Ashford Borough Local Plan 2000, and the adopted Core Strategy for Ashford Borough Council, including policies for housing and economic development as outlined in the Table comprising S.8 of this document above. The Plan also takes account of and conforms with the emerging Ashford Local Plan to 2030.</p>
<p><i>(f) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations,</i></p>	<p>A screening process was carried out by the local planning authority to determine whether a Strategic Environmental Assessment (SEA) would be required in support of the plan. It was determined on 1<sup>st</sup> April 2016 that the Neighbourhood Plan will not have significant environmental effects and that no European Sites will be affected by the policies described in the Neighbourhood Plan.) As such an SEA was not initially required for this Neighbourhood Plan.</p> <p>Some months following the Regulation 14 consultation, Historic England contacted Bethersden Parish Council with concerns over the plan's potential for impact on the historic environment. It was agreed at a meeting that ABC convened with HE and the Neighbourhood Steering Group that a full SEA relating to the historic environment would be undertaken. The scoping report was agreed subsequently with the Environment Agency, Natural England and Historic England, and the final report similarly passed by all these groups and the Neighbourhood Plan amended accordingly to take account of the recommendations contained within the SEA to mitigate any impact arising from the Plan.</p> <p>Therefore, basic conditions concerning Habitats and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for.</p> <p>The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and comply with the Human Rights Act 1998.</p>
<p><i>g) prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.</i></p>	<p>None.</p>

<b>10.0 Compliance with other statutory requirements</b>	
<b>Regulation</b>	<b>Comments</b>
Para. 8 (1) <sup>6</sup> The examiner must consider the following	
(a) whether the draft neighbourhood plan meets the basic conditions (see sub-paragraph (2)),	These matters are dealt with above. Bethersden Neighbourhood Plan has due regard for the core planning principles set out in Para 17 of the NPPF and in particular seeks to support this thriving local rural community, contribute to conserving and enhancing the natural environment, improve health, social and cultural wellbeing for all and deliver facilities and services to meet local needs.
(b) whether the draft neighbourhood plan complies with the provision made by or under sections 61E(2), 61J and 61L,	<p>The provision of 61E (2) 61J and 61L as amended by s38C (5) (b) is a reference to the provisions of 38A and 38B of the 2004 Planning and Compensation Act.</p> <p><b>38A</b> (1) Bethersden Parish Council is a qualifying body authorised to act in relation to the neighbourhood area and is therefore entitled to submit a neighbourhood development plan for the neighbourhood area. (2) The BNP sets out policies in relation to the development and use of land in the whole or part of the designated neighbourhood area. The BNP therefore comprises a planning document.</p> <p><b>38B (1)</b> (b)The neighbourhood plan does not include any provision for excluded development (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990. (c)There is no other neighbourhood plan in place in this neighbourhood area.</p> <p><b>S. 38B(2)</b> The neighbourhood plan does not relate to more than one neighbourhood area; it relates to the neighbourhood area as designated by Ashford Borough Council on 13th February 2014.</p> <p><b>S. 38B (3)</b> provides that policy takes precedence over any internal conflict within the BNP. The BNP has been written</p>

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<sup>6</sup> Schedule 4B Town & Country Planning Act 1990, inserted by S. 61E of Localism Act 2011

	<p>so that there should be no conflict between written text and the policies.</p> <p><b>S. 38B (4)</b> The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Neighbourhood Plan.</p> <p>Bethersden Parish Council (the 'qualifying body') has submitted as part of the proposal a Consultation Statement setting out the process and extent of the consultation undertaken as part of the neighbourhood plan development. The consultation bodies have been included in the Statement.</p>
(c) whether any period specified under section 61L(2)(b) or (5) is appropriate	<b>S. 38B (1)</b> (a) The period of the neighbourhood plan is until 2030.
<i>(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates,</i>	It is considered that there would not be any benefit in extending the referendum area beyond the neighbourhood area as the plan relates only to those properties that fall within the neighbourhood boundary.
<i>(e) such other matters as may be prescribed.</i>	There are no other prescribed matters

## 11.0 Conclusion

It is submitted that the Neighbourhood Plan meets the Basic Conditions set out in Paragraph 8 of Schedule 4B of the 1990 Act.

# **Appendix 1: List of Policies**

Managing our Rural Environment

## **Policy R1– Protection of Views, Vistas and Settings**

**Policy R2 – Landscape character and Design**

**Policy R3 – Conservation of Habitats**

**Policy R4 – Public Rights of Way**

**Policy R5 – Local Green Space designation**

**Policy R6 – Recreation and Community Use areas**

**Policy R7 – Drainage and Water Management**

**Policy R8 – Energy**

**Policy R9 – Community Benefits**

## **Housing**

**Policy H1 – New residential development**

**Policy H2 – Housing sites; selection, locations, numbers and types**

**Policy H3 – Site A – Village Hall (Forge Hill)**

**Policy H4 – Site B – next to School (School Road)**

**Policy H5 – Site C – next to Lovelace House**

**Policy H6 – Affordable and Local Needs housing**

**Policy H7 – Housing design standards**

**Policy H8 – External design standards**

**Policy H9 – Windfall and Infill housing**

**Policy H10 – Development of residential gardens**

**Policy H11 – Self and custom build**

**Policy H12 – Parking**

**Policy H13 – Community engagement**

**Policy H14 – Drainage**

**Policy H15 – Maintenance of public open spaces**

## **Economy, Communications, Transport & Infrastructure**

**Policy CT1 – Business/Commercial development**

**Policy CT2 – Maintenance of village centre service units**

**Policy CT3 – General infrastructure services**

**Policy CT4 – Heavy goods traffic**

**Policy CT5 – Traffic flow and highway safety**

## **Appendix 2. Written confirmation from Ashford Borough Council of the Qualifying Body status of the Parish and of the Designated Area.**

*CA Published 18<sup>th</sup> February 2014 Decisions effective from the 26<sup>th</sup> February 2014 unless they are called in or recommended to the Council for approval 585*

### **Cabinet**

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **13<sup>th</sup> February 2014.**

### **Present:**

Cllr. Clarkson (Chairman);  
Cllr. Cloughton (Vice-Chairman);  
Cllrs. Mrs Bell, Mrs Blanford, Galpin, Heyes, Hicks, Howard, Robey, Shorter. Services and Scrutiny Manager.

CA 130214 595

### **314 Application for the Designation of a Neighbourhood Area for Bethersden Parish**

The report explained the process for approving Neighbourhood Planning Areas and advised of an application submitted by Bethersden Parish Council. It also set out the response to the Consultation undertaken on the Neighbourhood Area application.

The Portfolio Holder for Planning and Development read his views which were set out within the report.

### **Resolved:**

**That the application and designation of the Parish of Bethersden as shown edged blue on the plan attached at Appendix 1 to the report be approved as a Neighbourhood Area.**



## **PUBLIC NOTICE**

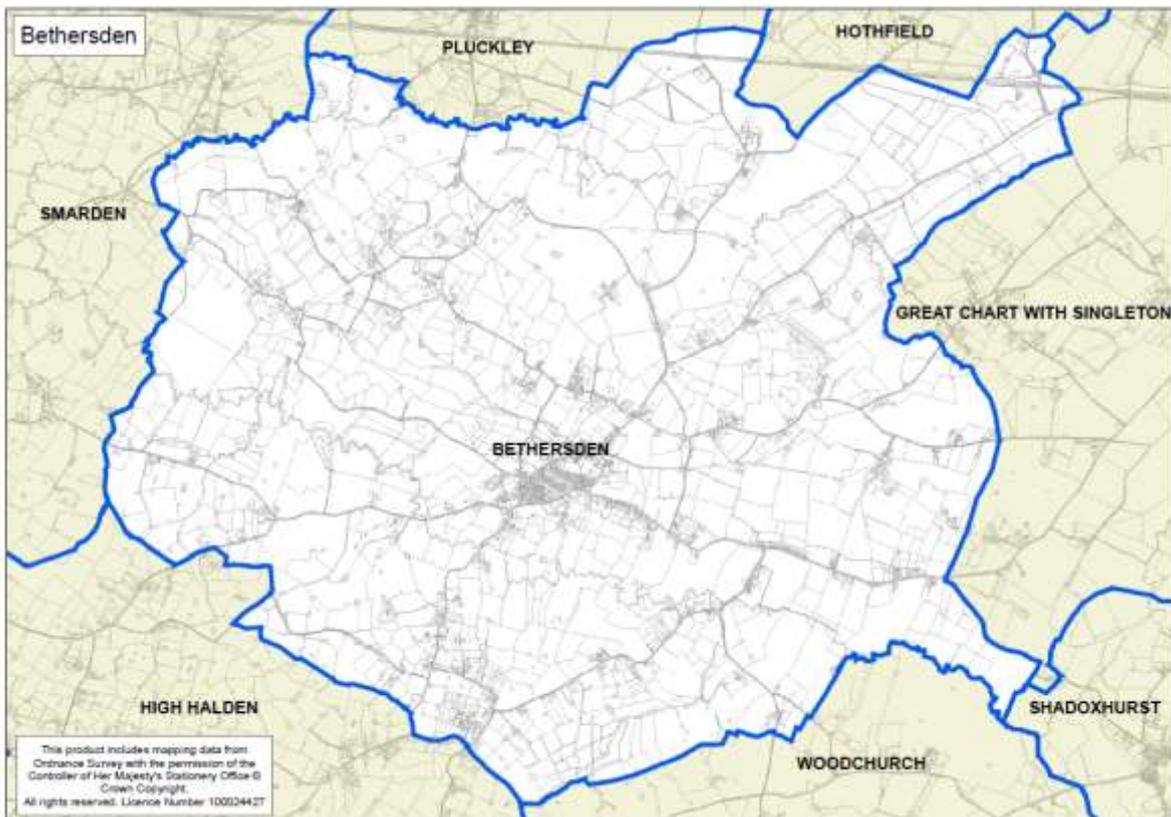
### **DESIGNATION OF A NEIGHBOURHOOD AREA: BETHERSDEN**

Ashford Borough Council has designated, under section 61G of the Town and Country Planning Act 1990, the following neighbourhood area:-

Neighbourhood Area Name: **BETHERSDEN**

Name of body who applied for the designation: **BETHERSDEN PARISH COUNCIL**

The neighbourhood area is identified on the map below



For more information please visit [www.ashford.gov.uk/neighbourhood-plans](http://www.ashford.gov.uk/neighbourhood-plans) Or contact the Parish Council on 01233 758298

## Appendix 3. Bethersden Site Assessments Summary

### 1. Introduction

In order to assess which sites were potentially suitable for development, the red group used an ABC template as a starting point and fine tuned it for local requirements. A key local requirement was easy and safe access to the village centre and its amenities. Once this template was completed for each of the sites we then spent time discussing each proposed site in detail. With a combination of census data and survey data giving us a guide as to the types of housing needed in Bethersden we used the criteria template as an overview and then discussed detailed pros and cons for each site. Thus allowing for the following conclusion.

### 2. Site assessment variance from 2007 to 2014 is as follows:

**The Neighbourhood Plan** is aimed at meeting the important housing needs location and numbers identified in the 2014 survey, while retaining substantial areas of open space on each site so as to keep the open rural feel of the village.

It can be seen by reference to NP preamble that there is a substantial difference between the basis for site selection 2007/9 and in 2014.

In 2007- 2009 – there was a need to provide Local Needs housing, with the difficulty of finding an “exception site”

2014 survey – A wide range of different house types for young people, those looking for a larger family house and elderly people looking for a house which is easier to manage etc.

The current Plan, while aiming to meet the request for easy access to the village centre facilities, has limited the number of houses per site so as to retain open spaces and important views across the sites.

In both cases, sites on the far side of the A28 have been avoided because of concerns for pedestrian safety, particularly young children and the elderly.

Pedestrians from the current sites do not need to cross any major roads to reach the village centre, which can be reached in 5 to 10 minutes.

### 3. Individual Site Summaries

**WC1 Not considered suitable** - The site is located at a peripheral position on the outskirts of the village, far removed from the central services & outside the village envelope. To the south of the site lies open countryside.

**WC2 Not suitable** - The site lies outside of the heart of the village, with wide ranging and expansive views over the surrounding countryside. It is bordered to the south by new development at Millfields. Development here would close off the remaining open space in the row of houses from the eastern end of the Pluckley Road.

**WC3 Not suitable** – There is no residential housing on this side of Mill Road and development of this substantial site would be out of keeping with the built form of this area, which on this side of Mill Road is open country used for agriculture.

**WC4 Not suitable** - It does not have easy access to the central amenities

It is adjacent to the very noisy A28 and would constitute ribbon development, which does not have public support, as it would spoil the open aspect to the village from the eastern approach. This site suffers from inundation/standing water following heavy rain. This surface water flooding requires pumping out from the houses to relieve the situation on regular basis.

**WC5 Suitable** - While the site is in the conservation area, careful planning could ensure its enhancement and protection. This site can meet the needs for affordable housing close to the school and village centre amenities, including bus services. By allowing some development on the upper part of the site, the lower part could be preserved as green public open space, and would retain the highly valued views and vistas. The lower part of this site is partly located in Flood Zones 2 and 3, and any development should avoid this area. The provision of a small public car part will reduce the pressure on parking in School Road with its associated risks to pedestrians during school drop off and pick up times.

As with all the sites allocated for development, at least 30% (Modified to 50% following representations by Historic England) of the site should be retained as green public open space.

**WC31 Not suitable** - Our neighbourhood plan is designed to be sustainable for all types of owner occupancy families, single persons and older residents, encouraging development this far from the village centre would be contrary to these aims. Any development on this site would be visually intrusive and severely compromise the countryside setting.

**WC33 Suitable** - Particularly for retirement housing, due to its location near to the village centre its close access to the village hall and existing retirement bungalows in The Dene. While this site is located in the conservation area, careful planning could ensure its enhancement and protection. Carefully placed dwellings here would enable the creation of a corridor of protected green space, linked to the existing green space in the George Field, while also protecting valuable views and vistas. A benefit to the community would include the creation of an extension to the village hall, providing a wellbeing / community resource aimed at the growing elderly local population. As with all the sites allocated for development, at least 30% of the site should be retained as green public open space.

**WC34 Suitable** - This site is deemed suitable for development, as it lies within the village envelope, within easy walking distance of the school and other amenities, making it good for families. However, it is located adjacent to Lovelace House, which is a grade 2 listed building having local historical value, any development should be designed to be respectful of this location. The possible benefit of this site is for a car park for use by school visitors, reducing congestion at school drop off and pick up times. Development here will have a relatively low impact on the village as a whole as it has no adverse impact on key views and vistas (apart from consideration of any impact on Lovelace House, as above). The site is adjacent to an existing development of family homes.

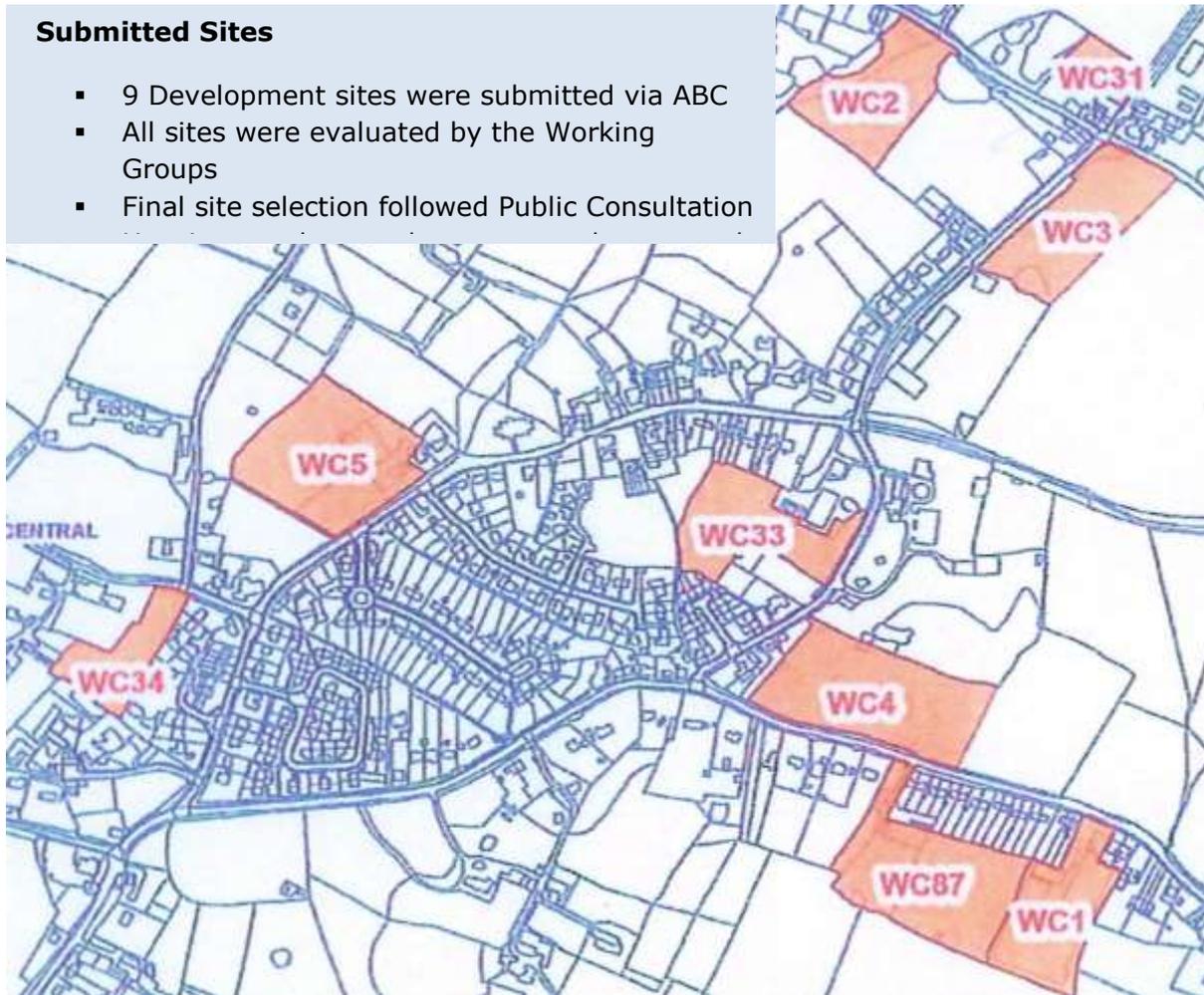
As with all the sites allocated for development, at least 30% of the site should be retained as green public open space.

**WC87 Not suitable** - Our neighbourhood plan is designed to support families and also older residents in the village, encouraging development this far from the village centre would be contrary to these aims. Any development on this site would be visually intrusive and severely compromise the countryside setting.

## 4. Submitted Sites and Key Point Summaries

### Submitted Sites

- 9 Development sites were submitted via ABC
- All sites were evaluated by the Working Groups
- Final site selection followed Public Consultation



### Site Evaluation Summary

ABC Ref	NP Ref	Good Access to services	Low impact neighbours	Low impact Environment and views	Safe Road Access	Flooding or drainage issues	Suitable for development
WC34	C	✓	✓	✓	✓	✓	✓
WC5	B	✓	✓	✓ <sup>1</sup>	✓	x <sup>2</sup>	✓
WC2		x	x	x	✓	✓	x
WC31		x	✓	x	✓	✓	x
WC3		✓	x	x	x	✓	x
WC33	A	✓	✓	✓	✓	✓	✓
WC4		✓	✓	x	✓	x <sup>3</sup>	x
WC87		x	x	x	✓	✓	x
WC1		x	x	x	x	✓	x
✓ <sup>1</sup>	Open space on this site increased to minimum of 50% (Ref Historical England)						
x <sup>2</sup>	Development to be outside of Flood Zone 3 (Ref Environment Agency)						
x <sup>3</sup>	Serious surface water flooding						

## Appendix 4. Ashford Borough Council Responses to 2017 Screening/Scoping Report

From: KSLPlanning [<mailto:KSLPlanning@environment-agency.gov.uk>] Sent: 16 March 2017 14:50  
To: Matthew Nouch  
Subject: RE: Bethersden Neighbourhood Plan: SEA Scoping Report for comment  
Dear Matthew

Thank you for consulting us on the above SEA scoping report. We have the following comments:  
Section 1.6 states under Environmental objective the following

### “Environmental:

Preserving the rural and open character of the village and the wider parish; protection of local habitats; expanding recreational needs and countryside accessibility; promoting sustainable drainage and energy.”

We support the protection of local habitats but this should include the protection and enhancement of the biodiversity of the river Beult and its corridor.

In addition we note that there is no mention of the risk of flooding particularly as one of the proposed allocated sites within the conversation area, identified in Figure 3 (eastern site) falls partly within flood zone 3. Any planning application for development at this site will have to be supported by a site specific flood risk assessment. We would recommend that development on this site avoids the area that floods, which lies along the south-west boundary.



We would also wish to reiterate our previous comments 17<sup>th</sup> October 2014 on the screening opinion that as part of the River Beult’s upper reaches flow through the Neighbourhood Plan area, it is hoped that, in future, actions to deliver the objectives will include work to protect and enhance this important Water Framework Directive (WFD) water body which, further downstream, is designated as a Site of Special Scientific Interest.

We would be interested in working with residents of Bethersden to help ensure any development proposed is in the most appropriate location and also to help deliver WFD measures to improve the river, as specified in the River Basin Management Plan that help achieve their objectives.

We hope you find these comments useful.

Kind Regards **Jennifer Wilson** Planning Specialist (KSL - Kent) [kslplanning@environmentagency.gov.uk](mailto:kslplanning@environmentagency.gov.uk)

Mr M Nouch  
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T 0300 060 3900

Dear Mr Nouch

### **Bethersden Neighbourhood Plan - Strategic Environmental Assessment (SEA) Scoping Report**

Thank you for your consultation on the above which was dated and received by Natural England on 24<sup>th</sup> March 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **Screening Request: Strategic Environmental Assessment**

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

#### **Neighbourhood Plan**

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely  
Sharon Jenkins Consultations Team

From: Lloyd Sweet, Robert [<mailto:Robert.LloydSweet@HistoricEngland.org.uk>]

Sent: 06 April 2017 17:21

To: Matthew Nouch

Subject: Re: Bethersden Neighbourhood Plan: SEA Scoping Report for comment

Dear Matthew

Re: Bethersden Neighbourhood Plan: SEA Scoping Report for comment

Thank you for consulting Historic England on the draft scoping report for the Bethersden Neighbourhood plan. Historic England's remit is to provide advice on planning for the historic environment and, as such, our comments relate to how areas within our interest should be dealt with in the SEA/SA. These comments are without prejudice to those we may wish to make on any planning application within the area.

Section 5.2: The draft scoping report identifies the impact of development on the form and setting of the conservation area as a key issues to be considered in the environmental report. Whilst form is an element of character government guidance through the NPPF is that decisions affecting heritage assets should be considered with regard to their impact on the asset's 'significance', which in the case of conservation area is defined as the special historic or architectural interest. Nevertheless, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires councils to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Whilst the settlement form and setting are important as parts of Bethersden's character and significance there are other elements of the area's character or appearance that could be affected by the plan's proposals. Specifically it's green and rural character could be affected by development. Rather than focus on a specific element of character at the scoping stage we would recommend the second bullet point at 5.2 is amended to read:

“ . The impact of development on the significance and character or appearance of the conservation area and its setting”. This might be extended in the Environmental Report by providing a list of key character features that could be affected by plan options that have been assessed. As such it is helpful that the settlement form is identified already as a factor that will be taken into account, to which we would expect to see the rural, green and open character of those parts of the conservation area included as fields or paddocks at the time of their inclusion in the area.

We are pleased to support the sustainability framework as set out, which includes prompts to include consideration of predicted effects and opportunities for mitigation, which are both important elements of the SEA process. We feel the Criteria reflect our comments above, although we would suggest that the 'views' indicator should seek to “maintain or enhance the character of key views of heritage assets”.

We hope these comments are of assistance to the Borough Council and Parish Council in taking forward the SA/SEA but would be pleased to answer any queries relating to them or to provide further information if necessary.

Yours sincerely

Rob Lloyd-Sweet | Historic Places Adviser | Historic Places | South East

Direct Line: 01483 252028

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