

**INDEPENDENT EXAMINATION OF THE EGERTON
NEIGHBOURHOOD DEVELOPMENT PLAN 2021-2040**

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

Jane Carr
Chair, Egerton Neighbourhood Plan Steering Group

Claire Marchant
Ashford Borough Council

Examination Ref: 01/DAS/ENP

26 August 2021

Dear Ms Carr and Ms Marchant

EGERTON NEIGHBOURHOOD PLAN EXAMINATION

Following the submission of the Egerton Neighbourhood Plan 2021-2040 for examination, I would like to clarify several initial procedural matters.

1. Examination Documentation

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

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

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area in the week beginning 13 September 2021. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

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

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

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

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

I have nine questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response by **Friday, 17 September 2021**.

5. Examination Timetable

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

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

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

Thank you in advance for your assistance.

Your sincerely

Derek Stebbing

Examiner

ANNEX

From my initial reading of the Egerton Neighbourhood Plan 2021-2040 and the supporting evidence, I have the following questions for the Qualifying Body and the Borough Council. I have requested the submission of responses by **17 September 2021**, though an earlier response would be much appreciated.

Question 1: Policy P3 (Local Green Spaces, Page 31)

This Policy simply lists the proposed five Local Green Spaces but contains no further policy text regarding the protection of the sites and future management of development.

Therefore, can the **Qualifying Body** please provide me with a Note setting out some appropriate draft text for incorporation within the Policy, which I may consider as a potential modification to the Plan.

The Policy should also provide a cross-reference to the maps on Page 75 of the Plan (for the benefit of users of the Plan). I note that maps for Sites d. (Pembles Cross) and e. (Stonebridge Green) are not included on Page 75, and, subject to confirmation by the Qualifying Body that the site boundaries are correct in each case, I consider that the site maps on pages 22 and 23 of the Local Green Spaces Assessment report should be added at Page 75.

I also note that the site map (on page 75) for the proposed Local Green Space at Site b. (Green space off Elm Close and behind Rock Hill Road) differs from that shown as Revision f to the Local Green Spaces Assessment report, with the principal differences being that the site is shown as a single site and there is a different eastern boundary on the map shown at Revision f. Can the Qualifying Body please confirm which of the two maps shows the **full extent** of land proposed for designation as a Local Green Space?

Question 2: Policy P4 (Key Views and Vistas, Page 33)

Can the **Qualifying Body** please confirm whether there is any further supporting evidence beyond the text on pages 32 and 33 (and the photographs on pages 80-82) to justify the identification of the proposed Key Views and Vistas listed in this Policy?

Question 3: Policy P5 (Non-designated Heritage Assets, Page 35 and Appendix 2, Page 84)

I note that Appendix 2 includes seven Heritage Assets that are coded "Red – No", and which from my initial assessment should not be listed within Appendix 2 (and therefore not subject to Policy P5).

Can the **Qualifying Body** please confirm whether my assessment is correct and, if so, that the seven Heritage Assets concerned are **not** being proposed as Non-designated Heritage Assets as part of the Plan?

Question 4: Policy P6 (Light Pollution and Dark Skies, Page 37)

As drafted, I consider that some of the requirements set out with Part b) of this Policy are excessively detailed (and therefore probably difficult to enforce by the Borough Council) and detract from the underlying purpose of this Policy. I presently consider that proposals for new developments in the Plan area should, where appropriate, be required to include details of any external lighting scheme (which would include the type of detailed specification presently set out within the Policy).

I invite the **Qualifying Body** to consider redrafting the Policy to set out the fundamental purpose of the Policy and to seek the submission of details for any proposed external lighting scheme as part of relevant planning applications for development in the Plan area.

Question 5: Policy S1 (Community Facilities, Page 43)

Can the **Borough Council** and/or the **Qualifying Body** please confirm that The George Public House and the Egerton Post Office and Stores are the only registered Assets of Community Value within the Plan area?

Question 6 - Policy D4 (Local Needs Affordable Housing and paragraphs 7.26-7.29, Pages 59/60)

The Government has recently published details of its new 'First Homes' policy initiative. The newly published 'First Homes' section of the Planning Practice Guidance (PPG) now requires as follows (in particular see PPG IDs: 70-017-20210524 and 70-018-20210524: [First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/first-homes)):

- **Neighbourhood plans are expected to contain First Homes policies.** The guidance states that First Homes are now the Government's "preferred discounted market tenure and should account for at least 25 per cent of all affordable housing units delivered by developers through planning obligations". Policies in neighbourhood plans, like local plans, are expected to reflect this requirement.
- **Transitional arrangements apply to draft plans already being prepared.** Neighbourhood plans submitted for examination before 28 June 2021, or those that have reached publication stage by the same date and are subsequently submitted for examination by 28 December 2021, are not required to contain First Homes policies.

The Egerton Neighbourhood Plan is covered by the transitional arrangements summarised above.

Nevertheless, I consider that the Plan would benefit from a reference to the provision of First Homes (at a level of at least 25% of all affordable housing to be provided), possibly as an additional paragraph of text.

I invite both the **Borough Council** and the **Qualifying Body** to consider this matter, and if appropriate to provide draft text to address this point.

Question 7 – Policy D5 (Land at Orchard Nurseries, Egerton, Page 61)

I consider that this Policy will require some re-drafting, as I do not consider that it should refer to "*a by-product of the value of the gifted site*" (which would seem to relate to a future capital receipt).

I invite the **Qualifying Body** to consider providing re-drafted text for the Policy which should not include details of any financial benefits that might arise from the development proposal. I also consider that the Policy should identify the proposed vehicular access arrangements to serve the site, which is a matter also raised by Kent County Council in its representations. (This may also necessitate an amendment to the final sentence of paragraph 7.30).

Question 8 – Policy D7 (Water Supply and Drainage, Page 66)

I note that this Policy is entitled "Water Supply and Drainage". However, Clause 4 of this Policy (and paragraph 7.49) would seem to relate to Waste Disposal infrastructure (as opposed to waste water drainage).

Can the **Qualifying Body** please confirm that Clause 4 does relate to Waste Disposal? If so, this would fall within the category of 'Excluded Development' (being matters concerning Minerals and Waste) for the purposes of Neighbourhood Planning, and I shall be required to recommend the deletion of this part of the Policy.

Question 9 - National Planning Policy Framework July 2021

A revised version of the National Planning Policy Framework was published by the government on 20 July 2021, alongside a final version of the National Model Design Code. Can the **Borough Council** and the **Qualifying Body** please advise me whether you consider any modifications in relation to the non-strategic matters covered by the Egerton Neighbourhood Plan 2021-2040 are necessary as a result of the publications and, if so, what these are?