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# **Report on Charing Neighbourhood Development Plan 2011-2030**

**An Examination undertaken for Ashford Borough Council with the support of Charing Parish Council on the May 2022 Submission version of the Plan.**

Independent Examiner: Derek Stebbing BA (Hons) Dip EP MRTPI

Date of Report: 20 December 2022

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## **Main Findings - Executive Summary**

From my examination of the Charing 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 Charing Parish Council (the Parish Council);
- the Plan has been prepared for an area properly designated – the Charing Neighbourhood Area, as identified on the map at page 2 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2011 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**

### **Charing Neighbourhood Development Plan 2011-2030**

- 1.1 The Parish of Charing in the Borough of Ashford in Kent is situated between the towns of Maidstone and Ashford, and partly within the Kent Downs Area of Outstanding Natural Beauty (AONB). The village of Charing lies at the foot of the chalk escarpment of the Kent Downs and this results in an attractive setting for the village. The Parish contains the principal settlement of Charing which is centrally located within the Parish, the smaller village of Charing Heath at the west of the Parish and the hamlet of Westwell Leacon to the east. At the 2011 Census, the population of the Parish was 2,765 persons within 1,228 households.
- 1.2 There is evidence of occupation in the area before and during the Roman period, but the earliest recorded history of settlement at Charing village dates from the 8<sup>th</sup> century. During the Middle Ages, the manor of Charing belonged to the Archbishops of Canterbury who built a palace in the centre of the village. This was one of a number of palaces owned by the Archbishops and used on their travels. Many of the current palace buildings at Charing date from the early 14<sup>th</sup> century, with later additions and rebuilding, and in 1952 the site was designated as a Scheduled Monument and four of the buildings were listed as Grade I. A large part of

the historic village centre is a designated Conservation Area (designated July 1996) including the Archbishop's Palace.

- 1.3 Historically, major transport routes have passed through the area, and today the M20 motorway and the HS1 high-speed railway line pass through the southern parts of the Parish. The village of Charing is at the junction of the A20 road between Maidstone and Ashford and the A252 leading to Canterbury. The railway station at Charing is on the London (Victoria) to Ashford line, and this provides good connections to London and other parts of Kent. The A20 road bisects the village and it also serves as a relief route for the M20 when there is disruption on that motorway, which leads to significant congestion within the village.
- 1.4 Charing has a good level of community facilities to support the needs of residents, mainly concentrated around the centre of the village, with local shops, the Parish Hall, a library, Charing Primary School, G.P. practice and two churches. However, the remaining public house, The Oak P.H., has closed, although it is presently designated by the Borough Council as an Asset of Community Value. The principal business and industrial sites are located outside the village.
- 1.5 The Parish has ten public open spaces mainly within Charing village but including recreation grounds at Charing Heath and Westwell Leacon. The Plan proposes the designation of these public open spaces as Local Green Spaces. Beyond the settlements the landscape of the Parish is dominated by the steep wooded scarp slope of the Kent Downs AONB. Developments within, or in the setting of the AONB, must take account of the strategies and policies contained in the Kent Downs AONB Management Plan 2021-2026. Beyond the AONB, the landscape character of the Parish is more varied, with some extensive areas of woodland, including ancient woodland, agricultural land and watercourses. The underlying chalk of the North Downs and sand of the Folkestone Sand Beds has led to some extensive, and continuing, quarrying within the Parish, parts of which are designated Mineral Safeguarding Zones. The Parish is also rich in protected sites of wildlife importance, with a Site of Special Scientific Interest (SSSI) at Charing Beech Hangers, three roadside Nature Reserves and seven Local Wildlife Sites.
- 1.6 The introduction to the Plan states that it has been prepared in the context of further housing growth in the Parish, with some 600 new homes being planned for the Plan period, of which some 500 will be built during this decade, and the need to ensure that there are suitable new facilities and infrastructure in place to support the needs of new and existing residents. Proposals for a new multi-use community centre at Parsons Mead in Charing, as set out in the Plan, are seen as an important element of meeting such needs.

## The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been

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appointed as the examiner of the Plan by Ashford Borough Council (ABC), with the agreement of the Parish Council.

- 1.8 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.
- 1.9 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Plan.

### The Scope of the Examination

- 1.10 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.
- 1.11 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').

1.12 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

1.13 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)<sup>1</sup>; and
- meet prescribed conditions and comply with prescribed matters.

1.14 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').<sup>2</sup>

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

<sup>2</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

## 2. Approach to the Examination

### Planning Policy Context

2.1 The Development Plan for this part of Ashford Borough Council, not including documents relating to excluded minerals and waste development, consists of the adopted Ashford Local Plan 2030 (ALP) prepared by ABC and adopted in February 2019. The ALP covers the period from 2011 to 2030 and contains a suite of strategic policies (Policies SP1-SP7) for the Borough, thematic policies covering matters such as housing, transport and employment, and village site policies, of which Policies S28, S29 and S55 are relevant to Charing. The ALP sets out the scale of housing and employment development required within the Borough and seeks to provide 13,118 new dwellings (between 2018 and 2030) and 63 hectares of new employment land (between 2014 and 2030). Within the Plan's spatial strategy, Charing is categorised as a Village, below the towns of Ashford and Tenterden in the strategy's settlement hierarchy. Policies S28, S29 and S55 are housing allocation policies, as follows:

Policy S28 - Northdown Service Station, Maidstone Road, Charing – proposed for residential development with an indicative capacity of 20 dwellings.

Policy S29 - Land south of the Arthur Baker playing field, Charing – proposed for residential development, with an indicative capacity of 35 dwellings.

Policy S55 - Land adjacent to Poppyfields, Charing - proposed for residential development with an indicative capacity of 180 dwellings.

2.2 The adopted ALP will be superseded in due course by a Local Plan Review (LPR) but the Borough Council's most recent Local Development Scheme (July 2022) does not yet set out a timetable for the preparation of the LPR.

2.3 The Basic Conditions Statement provides an overview assessment at page 9 of the compliance of the Plan with the legal requirements. A detailed assessment is provided of how the policies proposed in the Plan have regard to national policy (at pages 12-21) and are in general conformity with the relevant strategic policies in the adopted Development Plan, which is the ALP (at pages 27-33).

2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The PPG offers guidance on how this policy should be implemented. A revised NPPF was published on 20 July 2021. All references in this report are to the 2021 NPPF and its accompanying PPG.

## 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 Charing Neighbourhood Development Plan 2011-2030 Submission Version (May 2022);
- the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report and Determination (prepared by ABC) (January 2019, updated October 2020 and December 2020);
- the Strategic Environmental Assessment (SEA) Scoping Report (prepared by AECOM) (October 2019);
- the Strategic Environmental Assessment (SEA) Environmental Report (prepared by AECOM) (December 2019);
- the Habitats Regulations Assessment (HRA) Report (prepared by AECOM) (October 2021) and the updated Nutrient Neutrality calculations (prepared by AECOM) (15 June 2022);
- the Basic Conditions Statement (March 2022);
- the Consultation Statement (April 2022); and
- all the representations that have been made in accordance with the Regulation 16 consultation.<sup>3</sup>

The submission Plan and its accompanying documents are also supported by a series of nine Evidence Books (1-9), containing 62 research project reports (Refs. 101-162) which were prepared during the course of the Plan's preparation. These are listed in full at Appendix B to the Plan. Where appropriate, I refer to these research project reports in this report by their reference number, e.g. RPR 116.

## Examiner Questions

2.6 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 ABC and the Parish Council on 6 October 2022 seeking further clarification and information on eight matters contained in the submission Plan, as follows:

- First, with regard to nutrient neutrality and in relation to Policies C2, H1, H2, H3, H4, H6, H7, H10, H12, H14, H15 and H16 and Sub-section 10.10.2, in light of the Habitats Regulation Assessment (HRA) report (October 2021) and the update note (15 June 2022), I stated that I considered that Policies H1, H3 and H4, and potentially also Policies H2, H6, H7, H10, H12, H14, H15 and H16, will need to reflect the advice contained in the HRA report and update note. I noted that Section 11 of the Plan does not, at present, reflect that advice directly, and I considered that, in order to address the issue, a new sub-section

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<sup>3</sup> View at: <https://www.ashford.gov.uk/planning-and-development/planning-policy/neighbourhood-plans/charing-neighbourhood-plan/>

within Section 11 ahead of existing sub-section 11.7 should be included in the Plan, rather than by the addition of a policy requirement similar to criterion h) in Policy C2 to each of the above-mentioned Housing Policies. In that respect, I noted that the new sub-section will need to make a suitable cross-reference to sub-section 10.10.2, or possibly include some of the material within 10.10.2. I further noted that it will be important that such a modification and its advice/requirements is identical to that being applied by the Borough Council to the existing housing allocation sites within the Plan area contained in the adopted Local Plan, as listed at Table 7 (Page 58) in the Plan. I therefore invited the Borough Council to consider the matter and advise me of the current advice being provided to applicants for new residential development in the Neighbourhood Plan Area, including that for the allocated sites in the Plan area in relation to the mitigation measures necessary to demonstrate nutrient neutrality regarding the Stodmarsh Special Area of Conservation (SAC)/Special Protection Area (SPA).

- Second, with regard to Policies C6 and C7, I noted that, as drafted, these policies do not provide sufficient information for users of the Plan on how new health care and educational facilities will be secured. I further noted that, commonly, this is achieved by planning contributions secured through Section 106 agreements linked to planning permissions for new residential development. I noted that Policies C6 and C7 could be linked by suitable cross-references to clause k) of Policy C2 in order to address this point. I therefore sought the Qualifying Body's views on that approach and, subject to their position, the Qualifying Body might wish to provide draft text for the policies which sets out the proposed approach to securing the new facilities. I also noted that the Qualifying Body should take into account Kent County Council's comments on Policy C7 provided in their Regulation 16 representation.
- Third, with regard to Policy T1, I noted that, as titled, Policy T1 and potentially some parts of its policy wording are not land-use planning considerations, but rather are the responsibilities of the Local Highway Authority (Kent County Council) under other legislation, e.g. road safety, traffic speed and HGV restrictions. I considered that the policy will require modification to address the environmental impacts of traffic generation potentially arising from new developments upon the surrounding area. I therefore invited the Qualifying Body to provide me with some suitable draft text for consideration as a modification, which excludes matters that are the direct responsibility of Kent County Council under the Highways Act and related legislation. I also noted that such matters are addressed in the supporting text, for example at sub-section 8.1, and that I am content with that approach. I further noted that Kent County Council have made some detailed representations concerning this policy, which the Qualifying Body might wish to take account of in their response.
- Fourth, with regard to Policy EC1, I noted from the Borough Council's representations that the allocation of the Charing Motors site for new business units is considered to not be in general conformity with the

adopted Local Plan, and specifically with site allocation S28, in that it reduces the potential to boost the supply of housing by delivering a mixed-use scheme, or an entirely residential scheme. As noted by the Borough Council, this appears to contradict part of Policy EC2 (a policy which is supported by the Borough Council). I invited the Qualifying Body to provide me with a note setting out their preferred approach for addressing the future planning of the Charing Motors site. This approach should remove the contradiction that is presently evident between Policies EC1 and EC2. The contradiction is also evident between Figures 7 and 19. I also observed that, bearing in mind the Parsons Mead site is also addressed by both Policies EC1 and EC2, I saw some merit in consolidating those policies to constitute a 'Business and Mixed-Use Developments' policy and I also welcomed the views of the Qualifying Body on that point.

- Fifth, with regard to Policies E3 and E4, in my assessment, I considered that these policies should be combined, to form a 'Local Green Spaces' policy, which should be linked by cross-references to Figures 10-12. I invited the Qualifying Body to consider this matter and, if appropriate, to provide draft text for a replacement Policy E3 that I may consider as a modification to the Plan.
- Sixth, with regard to Policy H1, I noted the Borough Council's representations concerning this policy, and that I was concerned at the length of the policy. In particular, I considered that the policy requires greater clarity on the precise mix of uses being proposed for this site. (By way of comparison, albeit at a much smaller scale, I observed that the drafting of Policy H3 does provide such clarity). In my assessment, I commented that much of the 3<sup>rd</sup> and 4<sup>th</sup> paragraphs of the policy text concerns viability. It is unusual for a site allocation policy in a development plan to set out potential viability issues in such detail, and in my view the matter could be simplified to state that a future planning application should be accompanied by a full viability assessment in order to demonstrate the viability and deliverability of the development proposals. I also noted that the contents of Section 13 of the Plan, and in particular sub-section 13.5, may need some consequential amendments. I therefore invited the Qualifying Body to consider this matter and, if appropriate, to provide draft text for suitable amendments to the policy text, including to its supporting justification if necessary, in order to address my concern at the length of the policy and also the points raised by the Borough Council.
- Seventh, with regard to Figure 21 (Land next to Crofters) in the Plan, I observed that as produced, this plan appears to be a copy of a plan prepared by an external party (G.W. Finn & Sons). I noted that this must be avoided, and I requested that a suitable replacement site allocation plan on an Ordnance Survey base be prepared either by the Borough Council (under their licence) or by the Qualifying Body in order that I can substitute the plan as a modification.
- Finally, with regard to Policies H4, H7, H8, H9, H10, H11 and H12, I noted that the Borough Council had raised representations to each of the above policies stating that, in their assessment, the policies are not in general conformity with the adopted Local Plan. I further noted

that, in some cases, similar such representations were made by the Borough Council at the Regulation 14 stage in January 2020. I commented that, in due course, I would consider fully the relationship of the draft policies to the strategic policies in the adopted Local Plan for the area, but I invited the Qualifying Body to consider the Borough Council's representations, a number of which could be resolved by amendments to the draft policy text. Where appropriate, the Qualifying Body might wish to provide a note setting out any proposed amendments that I may consider as modifications to the Plan.

- 2.7 In response to my letter of 6 October 2022, ABC and the Parish Council provided me with responses to the questions listed above on 13 and 20 October 2022 respectively.<sup>4</sup> 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 paragraph 2.5 above.

### Site Visit

- 2.8 I made an unaccompanied site visit to the Neighbourhood Plan Area on 13 October 2022 to familiarise myself with it and visit all relevant sites and areas referenced in the Plan, evidential documents and those referenced in representations to the Plan.

### Written Representations with or without Public Hearing

- 2.9 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

- 2.10 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.

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<sup>4</sup> View at: <https://www.ashford.gov.uk/planning-and-development/planning-policy/neighbourhood-plans/charing-neighbourhood-plan/>

### 3. Procedural Compliance and Human Rights

#### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Charing Parish Council. An application to the Borough Council for the Parish Council area to be designated a neighbourhood planning area was made on 3 March 2016<sup>5</sup> and was approved by the Borough Council on 31 May 2016 following public consultation between 18 March and 29 April 2016.
- 3.2 The designated Neighbourhood Area comprises the whole of the Parish of Charing. The designated area is shown on the map at page 2 in the submission Plan. The Charing Neighbourhood Plan is the only Neighbourhood Plan in the designated area.
- 3.3 Charing Parish 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, which was established in 2016, initially comprising a combination of Parish Councillors and local residents.

#### Plan Period

- 3.4 The draft Plan specifies (on the front cover and on page 10) the Plan period for which it has been prepared, which is from 2011 to 2030. This is the same plan period of the adopted ALP. There is no published timetable at the present time for a future review of the ALP.

#### 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 mid-2016 and Spring 2020. The Consultation Statement includes (at page 14) a summary of the main issues and concerns that were raised by local residents during the various consultations undertaken in the course of the Plan's preparation.
- 3.6 The decision to undertake the preparation of the Neighbourhood Plan was taken in early-2016, and the Parish Council then sought designation of the whole Parish as a Neighbourhood Area, which was approved by ABC on 31 May 2016.
- 3.7 The official launch of the Plan took place in September 2016 with a series of public meetings attended by over 300 residents. Information gained from the launch meetings was used to develop emerging themes for a series of engagement workshops held in November 2016. The information gained from the workshops was then used to help develop a community

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<sup>5</sup> View at: <https://www.ashford.gov.uk/planning-and-development/planning-policy/neighbourhood-plans/charing-neighbourhood-plan/>

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questionnaire survey. Questionnaires were delivered to every household and by Spring 2017 54% of households had responded.

- 3.8 The preparation of the Plan and the associated community engagement and consultation has broadly involved five main stages, as follows:
- Stage 1: Initial work and consultation (Summer 2016 to Spring 2017).
  - Stage 2: Workshops, Public Exhibitions, evidence base work, data collection and consultation (Summer 2017 and throughout 2018).
  - Stage 3: Additional survey work, preparation of research project reports and preparation of draft Plan for pre-submission consultation (2019).
  - Stage 4: Pre-submission consultation on the draft Neighbourhood Plan (Regulation 14) (January-February 2020).
  - Stage 5: Submission to ABC, Regulation 16 consultation and Examination (Spring 2022 to Autumn 2022).
- 3.9 Stage 1 comprised the initial public meetings, workshops and household survey that took place during 2016 and early 2017, and the identification of the key themes for the Neighbourhood Plan Steering Committee and its project teams to address during the preparation of the Plan.
- 3.10 Work during Stage 2, extending between Summer 2017 and throughout 2018, focused on the collection of relevant evidence for the Plan's preparation, including a number of themed surveys such as a Facilities Survey, and the analysis of results. A Vision and Objectives workshop was held in October 2017 (attended by 51 people), and two public exhibitions were also held during this period (in July 2017 and November 2018) where work on the Plan's preparation was displayed, including (at the 2018 workshop) suggested policies and recommendations to meet the Plan objectives.
- 3.11 Stage 3 of the Plan's preparation extended throughout 2019 and involved the preparation and finalisation of evidence base material, including a large number of research project reports (which are numbered 101-162) covering a wide range of topics covered by the Plan, and which have been brought together in nine volumes (Evidence Books 1-9). The preparation of this evidence base material has informed the drafting of the Plan and its policies. I have considered all of the various research project reports and am satisfied that they provide an extremely comprehensive evidence base for the draft Plan and that, where relevant, are appropriately referenced within the Plan itself for the benefit of future users of the Plan.
- 3.12 The principal consultation event during Stage 4 was the publication of the Regulation 14 draft Plan for public consultation between 1 January and 21 February 2020. There was extensive local publicity, with a flyer distributed to all households, a major exhibition in the Parish Hall and a series of subsequent 'mini-exhibitions'. Some 300 people visited the various exhibitions. There was further local publicity within the Plan area and on local media. A total of 73 formal consultation responses were received, comprising 58 from residents and 15 from a range of

organisations and stakeholders. Statutory consultees, many organisations and ABC were notified individually of the consultation, as set out at Appendix I of the Consultation Statement. The Consultation Statement contains a comprehensive record (at Section 6 and at Appendices E-J) of the Regulation 14 consultation, the responses received, and the amendments made to the draft Plan following those responses.

- 3.13 Stage 5 of the Plan's preparation was the formal submission of the draft Plan by the Parish Council to ABC in May 2022 for examination under Regulation 15. Regulation 16 consultation was then held for a period of eight weeks from 17 June to 12 August 2022, accompanied by relevant local publicity.
- 3.14 I consider that the Consultation Statement and its accompanying Appendices provide a full record of the consultation and engagement work that was undertaken during the preparation of the Plan. This includes the actions that were taken to amend or modify the draft Plan following consultation responses received at the Regulation 14 consultation stage in January/February 2020.
- 3.15 I have taken account of the responses received at the Regulation 16 consultation stage and 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

- 3.16 Subject to my recommend modification in **PM6** to Policy T1: Traffic congestion and speed (see paragraph 4.40 below), 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

- 3.17 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.<sup>6</sup>

#### Human Rights

- 3.18 Neither ABC 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

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<sup>6</sup> The meaning of 'excluded development' is set out in s.61K of the 1990 Act.  
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complies with the Human Rights Act 1998. In this respect, I have taken particular account of the Equality Impact Assessment contained in the Basic Conditions Statement. 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 ABC issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations') and the Habitats Regulations in January 2019 (which was then updated in October 2020 and again in December 2020). The screening (as updated) determined that an SEA and HRA were both required in respect of the Plan.
- 4.2 An SEA Scoping Report was prepared by AECOM for the Neighbourhood Plan Steering Committee in October 2019 and was subject to consultation with the statutory consultation bodies (the Environment Agency, Historic England and Natural England) between 28 October and 2 December 2019. The consultation response from each of these bodies are set out at Table 3.1 of the Environmental Report (see below).
- 4.3 An SEA Environmental Report was then prepared by AECOM in December 2019. The Report concludes at paragraph 5.68 that "*The assessment has concluded that the current version of the Charing Neighbourhood Plan is likely to lead to significant long-term positive effects in relation to the 'Population and Community' and 'Health and Wellbeing' themes. These benefits largely relate to the Neighbourhood Plan's focus on providing significant new community and health infrastructure in Charing, the delivery of appropriate scale housing to meet local needs, support for the vitality and vibrance of the parish, and the protection and enhancement of the quality of the public realm and neighbourhood distinctiveness*". Paragraph 5.69 notes that the allocations proposed through the Plan have the potential to have impacts on the setting (but not the fabric) of features and areas nationally and locally designated for the historic environment in Charing and Charing Heath. It goes on to note that the Plan's policies respond proactively to these constraints, including through having a close focus on conserving and enhancing the fabric and setting of the historic environment, and on protecting landscape/villagescape character and on the setting of the historic environment. Paragraph 5.70 notes that the overall significance of impacts in relation to the 'Land, Soil and Water Resources' SEA theme is uncertain, in part due to the lack of detailed agricultural land classification in the Parish, although it notes the Plan's recognition of the importance of Groundwater Protection Zones in the Parish and the protection of groundwater resources through new development. Finally, paragraph 5.71 notes that, in terms of the 'Air

Quality', 'Biodiversity', 'Climate Change' and 'Transportation' themes, the Plan will initiate a number of beneficial approaches, but which are not considered to be significant in the context of the SEA process.

- 4.4 I have considered the SEA Framework established to assess the environmental effects of the Plan's proposals and policies (as described at paragraphs 1.15-1.19 in the Scoping Report and more fully at paragraph 3.5 in the Environmental Report). I have looked at the process by which the Plan was then assessed to determine whether the Plan is likely to have significant environmental effects, bearing in mind also that the policies in the adopted ALP were subject to sustainability appraisal at the relevant stages. Overall, I am satisfied that a comprehensive approach has been taken and that the SEA Environmental Report takes full account of any potential effects upon interests of environmental, landscape, historic and heritage importance within the Plan area and beyond.
- 4.5 As noted above, ABC also determined that an HRA is required for the Plan under the Habitats Regulations. There are no sites of European importance within the Plan area. However, there are two sites of European importance within 10 kilometres of the Plan area boundary, those being the Wye & Crundale Downs SAC and the Swale SPA/Ramsar site. Furthermore, the Plan area lies within the hydrological catchment of the Stodmarsh SPA/Ramsar/SAC site, which has been identified as being under threat from eutrophication. Therefore, Natural England presently require that all new residential development in hydrological connectivity with that designated site are phosphorous and nitrogen neutral.
- 4.6 AECOM have prepared an HRA Report (dated October 2021) to accompany the submission draft Plan. The HRA Report contains a full description of the European designated sites referred to above and the current threats and pressures that are evident at each site. Section 5 of the report contains a screening assessment of each of the Plan's draft policies in order to assess whether those policies will have Likely Significant Effects on the European Designated sites. It indicates that two of the Housing Policies, Policies H1 and H3, could lead to Likely Significant Effects to water quality at the Stodmarsh SPA/Ramsar/SAC site and are screened in for the requisite Appropriate Assessment. All other draft policies in the Plan are screened out for Appropriate Assessment. Section 6 of the report contains the Appropriate Assessment arising from the proposals for at least 57 new dwellings on two sites covered by Policies H1 and H3. The Appropriate Assessment considers the hydrological effects of new residential development upon water bodies flowing into the Stodmarsh SPA/Ramsar/SAC site and notes that all allocated sites are within the basin catchment and within the close proximity of the River Stour which connects directly with the Stodmarsh European site. Therefore, there is a risk of pollution during and post-construction, in the absence of mitigation.
- 4.7 A supplementary note to the HRA Report was prepared by AECOM on 15 June 2022 which contains updated nutrient neutrality calculations. The

supplementary note concludes that both of the housing allocations assessed (Policies H1 and H3 in the Plan) generate a nutrient surplus that would need to be offset to ensure no adverse effect on the integrity of the Stodmarsh European site. Given that position, the note re-states the conclusions of the main HRA report (at paragraphs 6.30 and 6.31 in that report) that Policy C2 in the Plan should be amended to state that “*the development will only be supported if it demonstrates nutrient neutrality regarding Stodmarsh SAC/SPA, both in relation to phosphorus and nitrogen*” and also that an explanatory note could be added to that policy setting out a range of six potential mitigation measures to offset and/or reduce the projected increase in nutrient concentrations. The main HRA report also states (at paragraph 6.32) that, in practice, experience in the Stour catchment indicates that the most effective way to establish nitrogen and (particularly) phosphorous neutrality at an individual development level is to deliver a wetland (to a minimum of 2 ha. in size) to treat runoff from the site itself and from surrounding agricultural land.

- 4.8 As noted at paragraph 2.6 above, upon my initial assessment of the draft Plan and its supporting documents including the HRA Report and its accompanying supplementary note, I posed a question to the Borough Council with regard to nutrient neutrality. I stated that, in addition to Policy C2, I considered that Policies H1, H3 and H4, and potentially also Policies H2, H6, H7, H10, H12, H14, H15 and H16, will need to reflect the advice contained in the HRA report and update note. I noted that Section 11 of the Plan does not, at present, reflect that advice directly, and I considered that, in order to address the issue, a new sub-section within Section 11 ahead of existing sub-section 11.7 should be included in the Plan, rather than by the addition of a policy requirement similar to criterion h) in Policy C2 to each of the above-mentioned Housing Policies. I therefore invited the Borough Council to consider the matter and advise me of the current advice being provided to applicants for new residential development in the Neighbourhood Plan Area, including that for the allocated sites in the Plan area in relation to the mitigation measures necessary to demonstrate nutrient neutrality regarding the Stodmarsh SAC/SPA site.
- 4.9 The Borough Council provided me with a comprehensive response to this question on 13 October 2022 noting that, in July 2020, Natural England issued advice to the Local Planning Authorities located in the Stour catchment setting out the deteriorating water quality at the Stodmarsh Lakes. The advice affects all types of development proposals that provide overnight accommodation including new homes and requires such proposals to demonstrate that they can deliver nutrient neutrality. The response further notes that the Borough Council are committed to responding to the wider Stodmarsh nutrient issue in a strategic way and is continuing to actively pursue its own ‘Stodmarsh Mitigation Strategy’ as a means of providing a strategic solution within the Borough boundary, to enable the LPA to release housing schemes on sites that are not capable of delivering mitigation on site. The core component of the strategy is the creation of strategic wetlands, and a report considered by the Borough

Council's Cabinet on 27 October 2022 indicates that the proposed strategic wetlands on a site within the Borough is likely to come forward in phases, with phases 1 and 2 being the subject of a detailed planning application in 2023 which, if approved, would provide sufficient strategic mitigation to release around 5,000 dwellings. Planning applications for phases 3 and 4 of the strategic wetlands are expected to follow in 2024 which, if approved, would then extend the strategic mitigation to cover some 10,000 new dwellings.

4.10 To accompany the strategic wetlands and provide clarity for developers on the process for their developments to rely upon it, the Council is also preparing a Stodmarsh Mitigation Supplementary Planning Document (SPD). The SPD will address the following points:

- What information developers should submit as part of planning applications, which are required to demonstrate nutrient neutrality;
- Details of the Council's nutrient mitigation hierarchy, which encourages developers to deliver mitigation on site, wherever feasible;
- Information and relevant planning considerations for different types of nutrient mitigation; and
- Details of the strategic nutrient mitigation, including how to "apply", the cost of nutrient mitigation, the payment mechanism, and some 'rules' around using the mitigation, in so far as it is tied to that specific development proposal.

4.11 On the basis of the Council's response to my question, and my further evaluation of the advice provided by Natural England and the contents of the HRA Report and its accompanying supplementary note, I consider that an appropriate modification can be made to the draft Plan. This should reflect the Borough Council's proposed measures for addressing nutrient mitigation relating to the Stodmarsh European site, as it will affect proposed developments within the Plan area. I address this matter at paragraphs 4.94-4.95 below.

4.12 Therefore, taking account of the matters set out at paragraphs 4.5-4.11 above, I conclude that, on the basis of the information provided and my independent consideration of the SEA Environmental Report, the HRA Report and its accompanying supplementary note, and the assessments contained within those reports, together with the Plan itself, I am satisfied that the Plan is compatible with EU obligations under retained EU law.

## Main Assessment

4.13 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*

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*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.

- 4.14 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 1.13 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.15 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's 43 policies, which address the following themes: Community Wellbeing; Traffic and Transport; Employment Creation and Business Development; Countryside and Environment; Housing; Design; and The Plan's Flagship Programme at Parsons Mead. 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.<sup>7</sup> I recommend some modifications in this report as a result.

## Overview

- 4.16 The Plan is addressing the period from 2011 to 2030 and seeks to provide a clear planning framework for Charing Parish which delivers benefits for the residents of the Parish by incorporating their needs into sound policies, as well as some recommendations for the Parish Council and the Borough Council. Sections 7-12 of the Plan contains specific policies in respect of each of the themes listed above.
- 4.17 Section 1 of the Plan sets out its Contents, including listings of the Figures, Pictures, Tables and Policies within the Plan. Section 2 is the Introduction to the Plan, noting that Charing faces a period of significant growth up to 2030 with nearly 500 new homes being planned. The implications of this growth have informed the preparation of the Plan and have largely driven its proposals.
- 4.18 Section 3 of the Plan is entitled 'The Parish' and contains a brief history and description of each of the settlements of Charing, Charing Heath and Westwell Leacon, together with details of the important landscape and nature conservation features within the Parish.

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<sup>7</sup> PPG Reference ID: 41-041-20140306.

- 4.19 Section 4, entitled 'Preparing the Plan', contains a brief description of how the Plan has been prepared since 2016, and includes a list of the strategic policies within the ALP with which the Plan must be in general conformity. The roles of the Parish Council as the qualifying body and the Neighbourhood Plan Steering Committee are explained.
- 4.20 Section 5, entitled 'Community Engagement', contains a summary of the various community consultation and engagement activities that were undertaken from the launch meetings held in September 2016 through to the Regulation 14 consultation in early 2020. It describes the work of the various formal and informal task groups who prepared many of the research project reports, and also of the volunteers who assisted in the consultation and engagement work.
- 4.21 Section 6 sets out the Plan's Vision and the sixteen Objectives that were developed during the initial stages of the Plan's preparation (see also paragraph 3.9 above). The Vision of the Plan is as follows:

*"Our vision for the parish of Charing at the end of the Plan period is that both new and existing residents will be enjoying the same or greater benefits of living in the village and parish as current residents do, and that the area will be an even more attractive community in which to live and work."*

The Objectives of the Plan are as follows:

1. *To minimise the impact of new developments on the surrounding countryside, landscape and ecosystems.*
2. *To ensure the beautiful views inwards and outwards are not compromised, and the public open spaces are protected.*
3. *To improve and increase Charing village parking, including provision of charging facilities to encourage the use of electric vehicles.*
4. *To establish a multi-purpose community centre with attractions for all.*
5. *To provide existing and future residents with the opportunity to live in a decent home.*
6. *To enhance the prospects of local business and take actions to create additional employment.*
7. *To reduce harm to the environment by seeking to minimise pollution.*
8. *To ensure the village character and spirit are maintained, and, where possible, enhanced.*
9. *To support actions likely to re-establish a pub/restaurant/hotel in the village heart.*
10. *To support the enhancement of, and improvement in, the level of healthcare provision.*
11. *To promote retail activity to the parish, especially Charing High Street.*
12. *To take actions to ensure road traffic congestion does not get worse, and that road networks in the parish are safe for both vehicle users and pedestrians.*
13. *To establish a formal cycle and footpath between Charing and Charing Heath.*

- 14.To support full restoration of the Archbishop’s Palace.*
- 15.To support all initiatives which preserve heritage in the parish.*
- 16.To promote sustainable tourism.*

The relevant links between these Objectives and the draft policies in the Plan are set out in the introductory paragraph to each of the following parts of this report that address Sections 7-12 of the Plan.

- 4.22 The Basic Conditions Statement (at Sections 4.1 and 4.2) describes how the Plan, and its objectives and policies, has regard to national policies contained in the NPPF and contributes to the achievement of sustainable development. Section 4.3 of the Basic Conditions Statement sets out how the Plan’s policies are in general conformity with the strategic policies in the adopted ALP.
- 4.23 As noted at paragraph 2.6 above, I noted, as part of my initial assessment of the Plan, that with regard to Policies H4, H7, H8, H9, H10, H11 and H12, ABC had raised representations to each of those policies stating that, in their assessment, the policies are not in general conformity with the adopted Local Plan. As my eighth question, I invited the Qualifying Body to consider the Borough Council’s representations, a number of which could be resolved by amendments to the draft policy text. I considered that, where appropriate, the Qualifying Body might wish to provide a note setting out any proposed amendments that I may consider as modifications to the Plan.
- 4.24 In response to that question, the Qualifying Body duly provided some draft amended text for Policies H4, H7, H8, H9 and H10, which I consider further at paragraph 4.78 below, and more general responses regarding Policies H11 and H12, which I also consider below.
- 4.25 Overall, and subject to the modifications that I recommend to specific policies below, I am satisfied that individually and collectively the Plan’s policies will contribute to the achievement of sustainable patterns of development. There are also a number of other detailed matters which require amendment to ensure that the policies have the necessary regard to national policy and are in general conformity with the strategic policies of ABC. Accordingly, I recommend modifications in this report in order to address those matters.

### Specific Issues of Compliance

- 4.26 I turn now to consider each of the proposed policies in the draft Plan, which are contained in Sections 7-12 of the Plan, and I take into account, where appropriate, the representations that have been made concerning the policies.

## Community Wellbeing

- 4.27 Section 7 of the Plan addresses the theme of Community Wellbeing in the Plan area and contains eight policies (Policies C1-C8). The draft policies are linked specifically to three of the Plan's Objectives (Nos. 9, 10 and 16 as listed above).
- 4.28 Policy C1 (New community centre at Parsons Mead, and improved sports facilities) relates to the Plan's flagship programme for a new community centre at Parsons Mead, which is described in more detail at Section 13 in the Plan (see paragraph 4.102 below), and also to the Plan's support for additional sports, recreation, social and educational facilities within the Plan area. I consider that the policy is appropriately drafted, subject to a cross-reference to Section 13 and the more detailed material therein, for the benefit of users of the Plan, and recommended modification **PM1** addresses that matter.
- 4.29 Policy C2 (Infrastructure, services and facilities) is a lengthy policy setting out a series of eleven criteria concerning infrastructure, services and facilities that development proposals will be expected to address. The Borough Council has raised a detailed representation concerning certain parts of the policy, and I am also concerned that the length of the policy and its present structure leads to a lack of clarity regarding its specific requirements. In order to improve its clarity, I therefore recommend modification **PM2** which has the effect of re-structuring the policy requirements in a more concise way, for the benefit of users of the Plan.
- 4.30 Policy C3 (New burial ground) relates to the proposal to use land owned by the Parish Council at Westwell Leacon (as identified on Figure 4 in the Plan) for a new cemetery suitable for natural burials, subject to satisfactory site investigations. I consider that the policy and its supporting justification is appropriately drafted.
- 4.31 Policy C4 (Communications infrastructure) seeks to improve and extend the coverage of digital and high-speed broadband communication networks in the Plan area. This accords with national policy, and I consider that the policy is appropriately drafted.
- 4.32 Policy C5 (Shopping) states that proposals for additional retail services in and around the High Street in Charing, and also that proposals to increase footfall within retail units through appropriate forms of tourism development will be supported. I also consider that this policy is appropriately drafted.
- 4.33 Policy C6 (Health and health care) states that proposals to expand the Charing GP Surgery and Practice will be supported. In my assessment, the policy does need further qualification to state that proposals to expand the Surgery will be supported subject to planning criteria including access, car parking and impact on local amenities being addressed satisfactorily.

I therefore recommend an amendment to cover this matter, as part of my recommended modification **PM3** (see paragraph 4.36 below).

- 4.34 Policy C7 (Education) states that, where justified, development proposals will be required to provide for necessary education infrastructure and facilities, and that such provision must be in place to support the needs of the development.
- 4.35 With regard to both Policies C6 and C7, I noted as part of my preliminary assessment of the Plan that, as drafted, both policies do not provide sufficient information for users of the Plan on how new health care and educational facilities will be secured. I further noted that, commonly, this is achieved by planning contributions secured through Section 106 agreements linked to planning permissions for new residential development. I considered that Policies C6 and C7 could be linked by suitable cross-references to Policy C2 in order to address this point. As my second question (see paragraph 2.6 above), I therefore sought the Qualifying Body's views on that approach and, subject to their position, the Qualifying Body might wish to provide draft text for the policies which sets out the proposed approach to securing the new facilities. I further noted that the Qualifying Body should take into account Kent County Council's comments on Policy C7 provided in their Regulation 16 representation.
- 4.36 As part of the Qualifying Body's response to me on 20 October 2022, revised wording for the text of both Policies C6 and C7 was suggested. I have considered that suggested replacement text, and subject also to the matter covered at paragraph 4.34 above with regard to Policy C6, I consider that the replacement text does address the points that I raised with some small revisions. Recommended modifications **PM3** and **PM4** therefore cover the required amendments to Policies C6 and C7 respectively, in order to provide improved clarity on the interpretation of these policies for users of the Plan.
- 4.37 Policy C8 (New skate park and other recreational facilities for older children) states that proposals to build a new skate park on the Arthur Baker Playing Fields in Charing will be supported. In this case, the title of the policy, and its supporting justification, also indicate that it addresses the provision of other recreational facilities for older children and I consider that the policy text should be extended to cover that matter. Therefore, I recommend modification **PM5** accordingly.
- 4.38 With recommended modifications PM1-PM5, I consider that the Plan's section on Community Wellbeing and its accompanying policies (Policies C1-C8) 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.

## Traffic and Transport

- 4.39 Section 8 of the Plan addresses the theme of Traffic and Transport in the Plan area and contains five policies (Policies T1-T5). The draft policies are linked specifically to two of the Plan's Objectives (Nos. 3 and 12 as listed above).
- 4.40 Policy T1 (Traffic congestion and speed) sets out five criteria by which development proposals can be assessed in order to seek to reduce traffic congestion and speed and improve road safety within the Plan area. Upon my preliminary assessment of the Plan, I noted that, as titled, this policy and potentially some parts of its wording are not land-use planning considerations, but rather are the responsibilities of the Local Highway Authority (Kent County Council) under other legislation, e.g. road safety, traffic speed and HGV restrictions. I considered that the policy will require modification to address the environmental impacts of traffic generation potentially arising from new developments upon the surrounding area, rather than matters covered by other legislation. As my third question, I therefore invited the Qualifying Body to provide me with some suitable draft text for consideration as a modification, which excludes matters that are the direct responsibility of Kent County Council under the Highways Act and related legislation. I also noted that such matters are addressed in the supporting text, for example at sub-section 8.1, and that I am content with that approach. I further noted that Kent County Council have made some detailed representations concerning this policy, which the Qualifying Body might wish to take account of in their response. As part of the Qualifying Body's response to me dated 20 October 2022, it was proposed that criteria b) and e) be deleted from the text of the policy. I have considered this proposal, which does address the points that I raised in my question and which I therefore recommend as modification **PM6** to the Plan.
- 4.41 Policy T2 (Pedestrian safety) sets out four criteria by which development proposals can be assessed in order to achieve satisfactory pedestrian safety and accessibility at key points within the Plan area. Whilst this policy also includes matters that are covered by other legislation, I am again satisfied that its primary purpose is to ensure that new development proposals ensure that satisfactory provision is made for safe and accessible pedestrian movement.
- 4.42 Policy T3 (Residential car parking spaces) sets out three criteria relating to the provision of on-site car parking spaces for new residential developments in the Plan area, including the adequate provision of electric vehicle charging points. I note that criterion a), which covers the provision of visitor parking spaces at sites close to certain roads within the Plan area, exceeds the Borough Council's adopted parking requirement (as set out in ALP Policy TR3a). I have given careful consideration to the evidence which supports this criterion, notably RPR116, and I further note that the Borough Council has not raised a specific objection to the requirements of criterion a). On that basis, I am satisfied that the policy,

and each of its three criteria, are appropriately drafted in the context of both national and local policies reflecting the specific circumstances that are evident in Charing. I do not recommend any modifications to the policy.

- 4.43 Policy T4 (Charing village parking) states that development proposals for additional public car parking within or close to the centre of Charing village will be supported, and that larger residential developments more than 1.0 kilometre from the village centre should contribute to the costs of adding to or improving car parking facilities in the village centre. In my assessment this specific requirement could potentially exceed the national policy requirement that developer contributions should be directly related (my emphasis) to the impacts and demands that are generated by the new developments. Notwithstanding the parking survey information set out in section 8.4, and in RPRs 116 and 140, in the case of developments which are located more than 1.0 kilometre from the village centre, it will be difficult to quantify and justify an increase in public car parking provision in the centre of Charing that is directly attributable to one or more new developments. Furthermore, in the context of both national and local policy objectives which seek to promote the use of more sustainable modes of transport than the private car, such a policy requirement could reduce or even negate the opportunities for achieving those objectives. Accordingly, I consider that the policy should be modified by the deletion of criterion b) as drafted, and be replaced by a reference to Policy C2 (as recommended for modification) which covers developer contributions. Recommended modification **PM7** addresses these points.
- 4.44 Policy T5 (Rights of way, bridleways and cycleways) contains two criteria for improving and enhancing the connectivity of new development proposals to the network of public rights of way, bridleways and cycleways in the Plan area, including by the provision of new such links where appropriate. I consider that the policy is appropriately drafted.
- 4.45 With recommended modifications PM6 and PM7, I consider that the Plan's section on Traffic and Transport and its accompanying policies (Policies T1-T5) 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.

#### Employment Creation and Business Development

- 4.46 Section 9 of the Plan addresses the theme of Employment Creation and Business Development in the Plan area and contains three policies (Policies EC1-EC3). The draft policies are linked specifically to two of the Plan's Objectives (Nos. 6 and 11 as listed above).
- 4.47 Policy EC1 (Locations allocated for new business units) allocates three sites for the development of new business premises, these being the Parsons Mead (for six business units and a shared space area), the

Charing Motors site (formerly known as Northdowns Service Station), where planning permission exists for some retail/commercial units on part of the site, and land at the Hatch Engineering site to the south of the Charing village for industrial development. The sites are identified on Figure 7 with further information on potential E Class uses for each site being set out at Table 6. The policy also sets out appropriate requirements for development proposals, including design, access, servicing and connections to footpaths and cycleways.

- 4.48 Policy EC2 (Mixed-use developments) is a short policy stating that mixed-use developments, comprising commercial and domestic properties, will be supported on Parsons Mead, sites S28, S29 and S55 (c.f. paragraph 2.1 above), and any new housing sites.
- 4.49 Upon my initial assessment of the Plan, and with regard to Policy EC1, I noted from the Borough Council's representations that the allocation of the Charing Motors site for new business units is considered to not be in general conformity with the adopted ALP, and specifically with site allocation S28, in that it reduces the potential to boost the supply of housing by delivering only a mixed-use scheme, or an entirely residential scheme. As noted by the Borough Council, this appears to contradict part of Policy EC2 (a policy which is supported by the Borough Council). I invited the Qualifying Body, as my fourth question (see paragraph 2.6 above), to provide me with a note setting out their preferred approach for addressing the future planning of the Charing Motors site. I noted that this approach should remove the contradiction that is presently evident between Policies EC1 and EC2, and that the contradiction is also evident between Figures 7 and 19. I also observed that bearing in mind that the Parsons Mead site is also addressed by both Policies EC1 and EC2, I saw some merit in consolidating those policies to constitute a 'Business and Mixed-Use Developments' policy and I also welcomed the views of the Qualifying Body on that point.
- 4.50 As part of their response to me dated 20 October 2022, the Qualifying Body set out a full note on the Charing Motors site including relevant extracts from the adopted ALP. It is the Qualifying Body's view that the residential site allocation S28 in the ALP has erroneously included some land at the site which was not intended or put forward by the site owners for residential development, particularly as it includes a vehicle repair workshop built as recently as 2015/16 to facilitate the relocation of the business from a site elsewhere in Charing.
- 4.51 The Qualifying Body also included in their response to me draft policy text for a consolidated new Policy EC1 (Locations allocated for new business units) which seeks to remove the inconsistencies that I identified between current draft Policies EC1 and EC2.
- 4.52 From everything that I have read and seen regarding the Charing Motors site, including observations on my site visit, I consider that it is probably the case that the ALP Policy S28 site allocation has included land, whether

in error or not, which the owners did not intend to be put forward for redevelopment for new housing. Nevertheless, it is the case that the whole of the Charing Motors site is allocated for the development of ca. 20 dwellings in the adopted ALP, which could lead to the loss of the existing business. In their representations, the Borough Council seek the removal of the site from Policy EC1, but do also state that *“alternatively, the Council suggest that the criteria should be amended to allow a flexible approach to the redevelopment of the site in conformity with Policy S28”*. It is my conclusion that such a flexible approach is necessary in order to address the future development of the site and I consider that it should be possible, subject to appropriate design, layout and access to accommodate a mixed-use development, with appropriate conditions attached to a planning permission to safeguard residential amenities, at the site in order to retain and secure employment opportunities. I understand that a current Reserved Matters application (following an earlier outline planning permission) for details of a new residential development on the southern part of the site does contain details of 20 new dwellings, which would achieve the indicative residential capacity for the site set out in the ALP.

- 4.53 To conclude on both Policies EC1 and EC2, I therefore recommend modifications to Policy EC1, taking account of the suggested replacement text proposed by the Qualifying Body and my own assessment, the deletion of Policy EC2 and an amendment to Figure 7 and Table 6 in the Plan. These modifications are necessary to ensure that the Plan is in general conformity with the strategic policies of the adopted ALP. Recommended modifications **PM8** and **PM9** address these matters.
- 4.54 Policy EC3 (Protection of existing commercial/industrial zones) sets out eight sites in the Plan area (which are shown on Figure 8) which should be maintained for continued commercial/industrial use. The Borough Council has raised representations to certain aspects of this policy stating that it diverges from the approach set out in Policy EMP2 of the ALP.
- 4.55 In my assessment, the policy as drafted is overly restrictive and does lack clarity on how any future development proposals at the sites concerned would be considered. The Borough Council’s representations contain details of a similar, but somewhat more flexible, policy approach that applies within Tenterden and the villages. I consider that this provides a more effective approach than the policy as presently drafted, and I therefore recommend modifications to the policy text, to reflect that approach and in order to ensure that the Plan is in general conformity with the strategic policies of the adopted ALP. Recommended modification **PM10** addresses this matter.
- 4.56 With recommended modifications PM8-PM10, I consider that the Plan’s section on Employment Creation and Business Development and its accompanying policies (Policies EC1-EC3, to be replaced by revised Policies EC1 and EC2) 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.

### Countryside and Environment

- 4.57 Section 10 of the Plan addresses the theme of Countryside and Environment in the Plan area and contains seven policies (Policies E1-E7). The draft policies are linked specifically to five of the Plan's Objectives (Nos. 1, 2, 8, 14 and 15 as listed above).
- 4.58 Policy E1 (Historic environment) states that proposals which conserve and enhance designated heritage assets in the Plan area will be supported, and that proposals that affect non-designated heritage assets (NDHAs) will be considered taking account of any harm or loss, and the significance of the assets and their setting. I visited the sites of the proposed NDHAs during the course of my site visit and I do not disagree with the proposed identification of any building, structure or site as a NDHA from all that I have seen and read. An amendment is necessary to clause a) in order that the policy has regard to national policy, and I also consider that suitable references should be made in the policy to the relevant maps and listings of heritage assets in the Plan area for the benefit of users of the Plan. These matters are addressed by recommended modification **PM11**. Kent County Council considers that there are other assets and sites in the Parish worthy of consideration as NDHAs, but I have examined the submitted Plan on the basis of the proposed NDHAs listed therein. This is a matter that might be considered in a future review of the Plan.
- 4.59 Policy E2 (The Archbishop's Palace) states in essence that proposals for the ongoing restoration of The Archbishop's Palace (which is a scheduled ancient monument with four Grade I listed buildings in the centre of Charing village) that enhance public access will be encouraged, if shown to be possible. RPR 129 contains further information about this important heritage asset. I concur with the objectives and draft text of this policy.
- 4.60 Policy E3 (Designation of local green spaces in the Parish) states that ten sites within the Plan area are designated as Local Green Spaces. Eight are at Charing village, one is at Charing Heath and one is at Westwell Leacon, as shown on Figures 10-12.
- 4.61 Policy E4 (Local green space development) states that proposals for development in such locations will only be allowed in very special circumstances and sets out the criteria which would apply should any development take place.
- 4.62 Upon my initial assessment of the Plan, I considered that Policies E3 and E4 should be combined, to form a 'Local Green Spaces' policy, which should be linked by cross-references to Figures 10-12. As my fifth question, I therefore invited the Qualifying Body to consider this matter and, if appropriate, to provide draft text for a replacement Policy E3 that I may consider as a modification to the Plan. As part of the Qualifying

Body's response to me dated 20 October 2022, revised policy text for a combined policy (to be Policy E3 - Local Green Spaces) was suggested.

4.63 I have assessed the proposed designation of each Local Green Space against the criteria set out in the NPPF (at paragraph 102), 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."*

*In addition, paragraph 101 states that Local Green Space should be capable of enduring beyond the end of the Plan period.*

4.64 During the course of my site visit, I observed that the ten proposed Local Green Spaces fall into three categories. Firstly, the sites at the Picnic Area Maidstone Road (A20), Piquets Meadow (A20), Clewards Meadow, Sundial Garden, Sayer Road, Arthur Baker Playing Fields, the Westwell Leacon Recreation Ground and the Charing Heath Recreation Ground are green spaces of varying size that are used by their local communities for a variety of informal and formal recreational activities. Secondly, Charing Cemetery at School Road is an important and well-tended public space close to the centre of Charing village. Finally, Alderbed Meadow is an area of wet grassland and woodland immediately to the east of the Arthur Baker Playing Fields and is a designated Local Wildlife Site.

4.65 In the national policy context, I am satisfied that all of the sites listed above justify their designation as proposed Local Green Spaces. I have taken into account the supporting material contained in RPR 114 and my own observations in reaching that conclusion. I have noted that Alderbed Meadow is already protected by its designation as a Local Wildlife Site, but I do consider that it also fulfils the necessary criteria for designation as a Local Green Space.

4.66 With regard to the policy text, and specifically in relation to managing development within a Local Green Space, this should be consistent with those for Green Belts (NPPF paragraph 103), and development should not be approved except in very special circumstances. I am satisfied that the proposed text for revised Policy E3 (see paragraph 4.62 above) does have due regard to national policy. It is therefore my conclusion that, having regard to NPPF paragraphs 101-102 and the guidance in the PPG<sup>8</sup>, the ten sites identified within the Plan should be designated as Local Green Spaces and that Policy E3 (as proposed to be modified) meets the Basic Conditions. Recommended modifications **PM12** and **PM13** address the necessary amendments to Policies E3 and E4.

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<sup>8</sup> PPG Reference IDs: 37-005-20140306 to 37-022-20140306.

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- 4.67 Policy E5 (Landscape strategy, and safeguarding and enhancing biodiversity) contains four criteria which state, firstly, that development proposals should include a proportionate landscape strategy and demonstrate consideration of both near and distant views of the development. It states, secondly, that each such development should put forward proposals to enhance the biodiversity and green infrastructure of the Parish wherever possible. Thirdly, it states that development proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats and networks of ecological interest. Finally, it states that development proposals which minimise impacts on, and provide net gains in, biodiversity will be supported in principle. I consider that the policy and its supporting justification is appropriately drafted. However, it will now be re-numbered as Policy E4 and this amendment is addressed by modification **PM14**.
- 4.68 Policy E6 (Views) states that developments will not be supported that significantly detract from certain views within the Plan area that are listed within the policy (which are identified on Figure 13, and accompanying photographs on pages 51-55 in the Plan). During the course of my site visit, I visited the locations identified on Figure 13, and I am satisfied that all of the views listed warrant their inclusion in this policy. I consider that the policy should make reference to Figure 13, for the benefit of users of the Plan, and the policy will now also be re-numbered as Policy E5. These matters are covered by recommended modification **PM15**.
- 4.69 Policy E7 (Climate change) is a lengthy policy and contains five clauses which contain measures by which development proposals in the Plan area can address the effects of climate change. These cover a wide range of matters including green infrastructure, energy reduction and efficiency, waste recycling, maximising thermal efficiency and environmental sustainability, the provision of sustainable transport infrastructure, flood protection and drought-resistant planting. The policy states that development proposals will be supported where such measures are addressed as appropriate. Although it is a lengthy policy, I am satisfied that it provides clear guidance on the many measures that can be incorporated in development proposals in order to address climate change. This accords with national policies. I consider that the policy and its supporting justification is appropriately drafted. However, it will now be re-numbered as Policy E6 and this amendment is addressed by modification **PM16**.
- 4.70 With recommended modifications PM11-PM16, I consider that the Plan's section on Countryside and Environment and its accompanying policies (Policies E1-E7, to be replaced by revised Policies E1-E6) 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.

## Housing

- 4.71 Section 11 of the Plan addresses the theme of Housing in the Plan area and contains seventeen policies (Policies H1-H17). The draft policies are linked to one of the Plan's Objectives (No. 5 as listed above). This section of the Plan is informed by supporting studies including a Housing Needs Assessment prepared by AECOM in 2017 (RPR 103), a Call for Sites in March 2017 (RPR 149) and site assessments (RPR 110), the results of which are summarised in sub-sections 11.4 and 11.6.
- 4.72 Policy H1 (Land at Parsons Mead) covers the proposed development of two adjoining sites of Parsons Mead and land adjoining Burleigh Bungalow in Charing, but which are referred to as just 'Parsons Mead' throughout the Plan. The combined site is shown on Figure 20. The policy is lengthy and sets out details of the proposed development of a new community centre incorporating a number of potential uses, including employment floorspace, uses promoting health and wellbeing and events space. This is the Parish Council's 'flagship' project for the Parish and for this Plan, and which is further described at Section 13 in the Plan (see paragraph 4.102 below).
- 4.73 The policy further states that 'enabling' residential development (with an indicative capacity of 48 new dwellings) is proposed for the site, the exact quantum of new housing being determined by viability evidence to support a future planning application. It is envisaged that the proposed site for the community centre will be transferred to the Parish Council's ownership at an early stage in the overall development, subject to the site being laid out and serviced to include access and utility supply connections, such as water, drainage and electricity.
- 4.74 Upon my initial assessment of the Plan and consideration of the representations made by the Borough Council regarding this policy, I was concerned at the length of the policy. I also considered that it requires greater clarity on the precise mix of uses being proposed for the site, noting by way of comparison, albeit at a much smaller scale, that the drafting of Policy H3 does provide such clarity. I noted that much of the third and fourth paragraphs of the policy text concerns viability issues and that it is unusual for a site allocation policy in a development plan to set out potential viability issues in such detail. In my view, that matter could be simplified to state that a future planning application should be accompanied by a full viability assessment in order to demonstrate the viability and deliverability of the development proposals. As my sixth question, I therefore invited the Qualifying Body to consider the points that I had raised and, if appropriate, to provide draft text for suitable amendments to the policy text, including to its supporting justification if necessary, in order to address my concern at the length of the policy and also the points raised by the Borough Council.
- 4.75 The Qualifying Body's response to me of 20 October 2022 sets out further details on the development of this policy and includes the suggested text

for a shorter revised policy. I have taken full account of the Qualifying Body's response in my further assessment of the policy. It is clear from that response that the provision of affordable housing as part of the proposed residential development at the site is a key factor in affecting the viability of the project as a whole. However, any reduction in the requirement for affordable housing is a matter for the Borough Council to consider in due course as part of its assessment of a planning application, which will need to be supported by a full viability assessment. Therefore, subject to some further revisions, I recommend a number of amendments to the policy which take account of the draft text suggested by the Qualifying Body and which lead to improved clarity for this policy, for the benefit of users of the Plan. Recommended modification **PM17** addresses these points.

- 4.76 Policy H2 (Housing in Charing Heath) states that small-scale residential developments will be supported on appropriate sites within the confines of Charing Heath, as defined on Figure 24. Two amendments are necessary to secure the clarity of the policy, and these are addressed by recommended modification **PM18**.
- 4.77 Policy H3 (Allocation of land next to Crofters) states that development of land next to Crofters, Charing Heath for an indicative total of nine dwellings will be supported. The site is identified on Figure 21. It is proposed that at least five of the dwellings shall be First Homes, and this accords with national policy for a site of this nature. I noted that Figure 21 in the submission Plan appears to be a copy of a plan prepared by an external party (G.W. Finn & Sons). I therefore requested, in my seventh question (see paragraph 2.6 above), that the Qualifying Body or the Borough Council prepare a replacement plan on an Ordnance Survey base in order that I can substitute the plan as a modification. The Qualifying Body have provided a suitable replacement plan as part of their response dated 20 October 2022. Subject to the replacement of that plan, as addressed by recommended modification **PM19**, I am satisfied that this policy is appropriately drafted.
- 4.78 With regard to Policies H4, H7, H8, H9, H10, H11 and H12, I noted, as part of my initial assessment of the Plan, that the Borough Council had raised representations to each of these policies stating that, in its assessment, the policies are not in general conformity with the adopted Local Plan. I further noted that, in some cases, similar such representations had been made by the Borough Council at the Regulation 14 consultation stage in January 2020. In my eighth question (see paragraph 2.6 above), I commented that, in due course, I would consider fully the relationship of the draft policies to the strategic policies in the adopted Local Plan for the area, but I invited the Qualifying Body to consider the Borough Council's representations, a number of which could be resolved by amendments to the text of the draft policies. I also stated that, where appropriate, the Qualifying Body might wish to provide me with a note setting out any proposed amendments that I may consider as modifications to the Plan. As part of their response dated 20 October 2022

to the questions, the Qualifying Body has suggested amendments to the text of Policies H4, H7, H8, H9 and H10 together with comments on Policies H11 and H12. I have taken account of the Qualifying Body's response with regard to each of these policies as part of my assessment.

- 4.79 H4 (Land rear of Red Lion, Charing Heath) concerns the proposed development of land to the rear of the Red Lion P.H. at Charing Heath for up to nine new dwellings. Although the policy states that part of the site (which comprises the land coloured blue on Figure 22) "*is gifted to the Parish Council*" this is not an appropriate policy requirement and would need to be the subject of either a Section 106 agreement linked to a planning permission or a separate transfer to the Parish Council. I take account of the Qualifying Body's suggested amendments to the policy text, in my assessment. A number of amendments are necessary in order that the policy is in general conformity with the adopted ALP, and these amendments are addressed by recommended modification **PM20**. Furthermore, Figure 24 should be amended to include the land coloured red on Figure 22 within the village confines boundary and this is also addressed by **PM20**.
- 4.80 Policy H5 (First Homes) states that all large-scale developments should meet the Government's policy guidance for the provision of First Homes as part of the affordable housing to be provided at such developments. I consider that the policy and its supporting justification is appropriately drafted.
- 4.81 Policy H6 (Larger new developments) states that further larger-scale developments (that are not already identified elsewhere in the Plan) will only be supported if they do not create a significant adverse impact on infrastructure and amenities, take away land that contributes positively to the local character, damage the character, form, heritage or attractiveness of the settlements and countryside, be disproportionate to the size of the settlement or compromise vehicle movements and pedestrian safety. As drafted, the policy is not an effective planning policy but rather is a series of statements which do not provide a sufficiently clear planning context for the assessment of any proposals for larger-scale developments that might be proposed during the Plan period. The policy therefore requires substantive amendment, and I recommend modification **PM21** to address this matter, in order that the policy is in general conformity with the strategic policies of the adopted ALP.
- 4.82 Policy H7 (Rest of site S55 (S55/2)) concerns land that forms part of the wider ALP Policy S55 site allocation (see paragraph 2.1), which is shown as sites D and E on Figure 19 in the Plan. Policy H7 concerns the land at site E. Together, sites D and E have an indicative capacity for 180 dwellings, and outline planning permission has previously been granted 135 dwellings on site D. As drafted, there is some duplication between the criteria listed in this policy and other policies in both the Plan and the

adopted ALP.<sup>9</sup> To reduce such duplication and also to improve the clarity of the policy, I recommend a number of amendments to the policy text which are addressed by recommended modification **PM22**. I have taken into account the Qualifying Body's suggested amendments to the policy as part of my assessment.

- 4.83 Policy H8 (Affordable housing) states that 40% of dwellings in developments of 10 or more dwellings, or sites of 0.5. hectare or more should, wherever possible, be affordable housing. It then sets out a tenure mix for such affordable housing. It further states that deviations from this policy should be exceptional and only occur in cases where alternative benefits are being provided to the local community to improve its wellbeing. Finally, it states that this policy will not apply to the housing development proposed for Parsons Mead (c.f. paragraphs 4.72-4.75 above).
- 4.84 The Borough Council has raised significant concerns regarding this policy, and I am clear that the policy is not in general conformity with policy HOU1 in the adopted ALP in a number of respects. In particular, the statement that in cases where any deviations from this policy requirement (40% affordable housing) should be accompanied by community benefits of equal or greater value and the statement that the policy will not apply to the Parson Mead development (Policy H1) are wholly contrary to strategic Policy HOU1 in the adopted ALP. The policy also fails to identify First Homes as part of the affordable housing to be provided in new developments. These matters necessitate a number of amendments to the draft policy in order that it is in general conformity with the strategic policies of the adopted ALP, and these amendments are addressed by recommended modification **PM23**. I have taken into account the Qualifying Body's suggested amendments to the policy as part of my assessment.
- 4.85 Policy H9 (Local-needs housing) states that a minimum of 50% of all new affordable housing in Charing provided by the Plan will initially be made available to those with a local connection and whose needs are not met by the open market. The policy goes on to set out the criteria for meeting the definition of "local connection". The Borough Council has made representations concerning this policy, stating that it is not in general conformity with Policy HOU2 of the adopted ALP. In my assessment, and taking account of the Qualifying Body's suggested amendment to the policy text, I do consider that some amendments are necessary in order that the policy is brought into general conformity with the ALP. Such amendments are addressed by recommended modification **PM24**.
- 4.86 Policy H10 (Local-needs housing on exception sites) states that proposals for the development of small-scale/subsidised special housing schemes in or around Charing village, where housing would not normally be permitted by other policies, will be supported, subject to satisfying four criteria,

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<sup>9</sup> See NPPF, paragraph 16 f).

relating to the need for the development, its scale and potential impacts upon the character of the surrounding area. Following a representation made by the Borough Council, the Qualifying Body has suggested some amendments to the text of this policy as part of its response to my questions (see paragraph 2.6 above). I have taken into account the Borough Council's representation and the Qualifying Body's response in my assessment. I consider that amendments are necessary to the policy text to ensure that the policy is in conformity with Policy HOU2 of the adopted ALP, and these are addressed by recommended modification **PM25**.

- 4.87 Policy H11 (Size of homes) states that developments of 9 or more houses will not be supported unless they approximate the following mix – 10% one bedroom, 40% two bedrooms, 40% three bedrooms, 10% four or more bedrooms – unless viability or other considerations show a robust justification for a different mix, or other policies in the Plan indicate a different mix. The Borough Council considers that this policy is not in conformity with Policy HOU18 of the adopted ALP. However, on the basis of the supporting evidence for the policy, which includes the Housing Needs Assessment 2017 (RPR 103) and the outcomes of public consultation during the preparation of the Plan, I am satisfied that the policy is justified subject to a numeric amendment to the policy text that is addressed by recommended modification **PM26**.
- 4.88 Policy H12 (Mixed development) states that support will be given to developments of 10 or more dwellings which provide a mix of residential and commercial premises, to create local employment and reduce vehicle movements. In my assessment, some amendments are necessary to the title and text of this policy in order to provide greater clarity for users of the Plan, and these are addressed by recommended modification **PM27**. (The Borough Council has submitted a representation citing this policy number, but I consider that this was an error and that the representation should relate to Policy H15. I therefore duly consider that representation at paragraph 4.91 below).
- 4.89 Policy H13 (Housing in Charing Heath) is a short policy stating that the confines of Charing Heath are shown in Figure 24, wherein new development proposals must satisfactorily integrate with the existing settlement. In order to meet the Basic Conditions, I consider that it should be redrafted in accordance with the more conventional drafting of such planning policies. I therefore recommend revised text for the policy as modification **PM28**.
- 4.90 Policy H14 (Infill development) states that infill development within the village confines of Charing and Charing Heath will be supported subject to meeting the requirements of seven planning criteria which are listed in the policy. I consider that the policy is appropriately drafted, provided a further criterion be added stating that such development proposals should take account of other relevant policies in the Plan. This is addressed by recommended modification **PM29**.

- 4.91 Policy H15 (New development, including extensions outside village confines) states that sensitive small-scale development (normally up to 5 dwellings or extensions), compliant with design policies in the Plan, adjoining or close to the confines of Charing village may be supported. It goes on to state that development elsewhere in the countryside will only be supported if it meets the requirements of Policy HOU5 in the Local Plan. The Borough Council has raised representations concerning this policy and considers that it is not sufficiently in general conformity with ALP Policy HOU5. I concur with that view and some amendments to the policy text are necessary as addressed by recommended modification **PM30**.
- 4.92 Policy H16 (Development in residential gardens) states that development proposals involving the complete or partial redevelopment of residential garden land will be permitted provided the proposed development complies with ALP space standards laid out in Policy HOU15. The policy goes on to state that the use of rear gardens for housing within the centre of Charing village will only be permitted provided that it does not harm the character of the village. Subject to amendments for accuracy, I am satisfied that the policy is appropriately drafted. Recommended modification **PM31** addresses the necessary amendments.
- 4.93 Policy H17 (Development on groundwater protection zones) relates to proposed developments which may overlie Groundwater Protection Zones. There are a number of such Zones in the Plan area which are designated to protect the supply of fresh drinking water to the Charing area and beyond. The Borough Council has raised some representations to the policy stating that it results in some duplication to ALP Policy ENV8. However, in my assessment, and taking account of the information provided in RPR 131 and RPR 157, I consider that it is an important policy for this Plan to contain. Subject to an amendment to clause b), which is addressed by recommended modification **PM32**, I consider that the policy is in general conformity with the strategic policies in the adopted ALP.
- 4.94 The final important matter that I need to address with regard to this section of the Plan concerns the issue of nutrient neutrality at the Stodmarsh SAC/SPA site as it affects new residential developments and other developments providing overnight accommodation in the Plan area. The issue affects a number of the proposed Housing Policies, and specifically those which either propose or support new residential developments of whatever type and scale. I have considered this issue in detail at paragraphs 4.5-4.11 in this report, in which I note that Section 11 of the Plan does not, at present, reflect the Borough Council's advice or that of Natural England directly. I considered that, in order to address the issue, a new sub-section within Section 11 ahead of existing sub-section 11.7 should be included in the Plan, rather than by the addition of a policy requirement to each of the relevant Housing Policies.
- 4.95 I have taken account of the Borough Council's response dated 13 October 2022 to my question on this matter, and I therefore recommend the

insertion of a short new sub-section 11.7 in the draft Plan, which will supplement the more detailed information presently set out at sub-section 10.10, in order to provide clarity for users of the Plan and specifically for those considering new residential developments. This is addressed by recommended modification **PM33**.

- 4.96 With recommended modifications PM17-PM33, I consider that the Plan's section on Housing and its accompanying policies (Policies H1-H17) 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.

### Design

- 4.97 Section 12 of the Plan sets out the Design policies for new developments in the Plan area and contains three policies (Policies D1-D3). The policies are not specifically addressing any of the Plan's Objectives, but rather are carrying forward recommendations into the Plan from the Charing Parish Design Statement (2002) and the AECOM Heritage and Character Assessment (May 2017).
- 4.98 Policy D1 (Good design) is a lengthy policy, covering a wide range of design considerations for all forms of new development in the Plan area, including extensions, conversions and alterations. In my assessment, the scope of the policy does justify its length. However, in order to ensure clarity for users of the Plan, I do consider that some presentational and other textual amendments are necessary. I therefore recommend modification **PM34** which encompasses the necessary amendments and revisions.
- 4.99 Policy D2 (Good, imaginative and innovative design) supports the introduction of innovative design features in the planning and layout of new developments within the Plan area. In my assessment, I consider that some amendments to the policy text are necessary to generally conform with the strategic policies of the adopted ALP and to have regard to national policy advice. These amendments are addressed by recommended modification **PM35**.
- 4.100 Policy D3 (Street furniture) concerns the planning and design for street furniture within the Plan area. I have assessed this policy in the context of the many Permitted Development Rights for residents and statutory bodies which apply to some of the matters raised within the scope of this policy. Nevertheless, I do recognise that the policy establishes good principles for the siting, design and appearance of street furniture, particularly in the Conservation Area. However, I do recommend certain amendments to the text of the policy in order to provide the necessary clarity for future users of the Plan. These amendments are encompassed by modification **PM36**.

4.101 With recommended modifications PM34-PM36, I consider that the Plan's section on Design and its accompanying policies (Policies D1-D3) 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.

#### The Plan's Flagship Programme at Parsons Mead

4.102 Section 13 of the Plan provides a full description of the Parish Council's proposal for a new multi-functional community centre at Parsons Mead, Charing. The proposal is stated to be central to the Plan, and I am in no doubt that it represents a major proposal which will have wide-ranging positive benefits for the Charing community, which is confirmed in the SEA Environmental Report. A number of the draft policies in the Plan have a bearing on the successful implementation of the project, most notably Policy H1 (see paragraphs 4.72-4.75 above), but in my assessment Section 13 also requires some additional commentary regarding the need to ensure that the proposals for the development of the community centre take account of the relevant policies in the Plan and also the adopted ALP. I am also cognisant of the Qualifying Body's response to me regarding my sixth question, which relate to the proposed amendments to Policy H1 (see also **PM17**). I therefore recommend the addition of a new sub-section (to be numbered 13.6) to provide additional commentary on the implementation of the project, and this is addressed by recommended modification **PM37**.

#### Other Community Needs

4.103 Section 14 of the Plan covers other topics which are of importance to the Charing community but which are not generally the subject of land-use planning policies in the Plan. Notwithstanding this, some of these matters do have implications for policies in the Plan and, where appropriate, I have recommended modifications to reflect these.

#### Plan Period, Monitoring and Review

4.104 Section 15 of the Plan covers the Plan period, monitoring and review. There is the likelihood that there will be a need for formal review of the Plan during the Plan period, particularly following the adoption of a review to the ALP and any relevant changes in national policy. Although this section does cover the periodic review of the Plan, I consider that it should be strengthened to state a commitment to undertake a formal review, if necessary. This is addressed by recommended modification **PM38**.

#### Other Matters

4.105 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. that may be necessary. The Kent Downs AONB Joint Advisory Committee

has advised that two matters (Picture 3 and Paragraph 10.6) require minor correction. These can be undertaken as minor, non-material changes.<sup>10</sup>

## Concluding Remarks

4.106 I conclude that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Charing Neighbourhood Plan 2011-2030 meets the Basic Conditions for neighbourhood plans.

## 5. Conclusions

### Summary

- 5.1 The Charing Neighbourhood Plan 2011-2030 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 Parish Council's and ABC'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 Charing Neighbourhood Plan 2011-2030, as modified, has no policy or proposal which I consider to be significant enough to have an impact beyond the designated Neighbourhood 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 Plan Area.

### Overview

- 5.4 It is clear that the Charing Neighbourhood Plan is the product of much hard work undertaken since 2016 by the Parish Council, its Neighbourhood Plan Steering Committee and the many individuals and stakeholders who have contributed to the preparation and development of

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<sup>10</sup> PPG Reference ID: 41-106-20190509.

the Plan. In my assessment, the Plan reflects the land use aspirations and objectives of the Charing community for the future planning of their Parish 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 22	<p><u>Policy C1 – New community centre at Parsons Mead and improved sports facilities</u></p> <p>Add new second sentence to the policy text to read as follows:</p> <p><b>“Further details regarding this project are set out at Section 13 in the Plan.”</b></p>
PM2	Page 24	<p><u>Policy C2 – Infrastructure, services and facilities</u></p> <p>Delete existing text in full and replace with:</p> <p><b>“Proposals for new development in the Plan area will be required to make adequate provision for new infrastructure, services and facilities that may be necessary to address the environmental, transportation and social impacts directly arising from such new development.</b></p> <p><b>Such provision may include off-site improvements and enhancements that will be secured, where appropriate, by financial contributions linked to the grant of planning permissions.</b></p> <p><b>Contributions may be sought by the Borough Council, Kent County Council and service providers for capacity improvements and enhancements to infrastructure, services and facilities which include education, health care, community facilities such as recreational and sports facilities, public open spaces, footpaths and cycleways, allotments and burial spaces, utilities including sewerage, surface water drainage and water supply, and any necessary highway improvements.</b></p> <p><b>The Parish Council may seek contributions towards the provisions of a new community centre, including a range of</b></p>

Proposed modification number (PM)	Page no./ other reference	Modification
		<p><b>community services and facilities and associated car parking, at Parsons Mead, Charing, and also towards the provision of a new all-weather footpath and cycleway between Charing and Charing Heath.</b></p> <p><b>Proposals for new residential development and other development including overnight accommodation within the Plan area will only be supported if they demonstrate nutrient neutrality regarding the Stodmarsh SAC/SPA/Ramsar designated site, both in relation to nitrogen and phosphorous. All such proposals must take account of the guidance on this issue published by Natural England and the Borough Council."</b></p>
PM3	Page 28	<p><u>Policy C6 – Health and health care</u></p> <p>Extend the first sentence of the policy text by the addition of the following text:</p> <p><b>"subject to the proposals making satisfactory provision for vehicular and pedestrian access, car parking for patients and staff, and having no adverse impacts upon local amenities.</b></p> <p>Add new second sentence of policy text, as follows:</p> <p><b>"Where justified, qualifying developments within the Plan area should provide S106 contributions towards this purpose in accordance with Policy C2 in this Plan."</b></p>
PM4	Page 29	<p><u>Policy C7 – Education</u></p> <p>Delete the second sentence of the policy text as drafted, and extend the first sentence by the addition of the following text:</p> <p><b>"in accordance with Kent County Council plans and Policy C2 in this Plan."</b></p>
PM5	Page 29	<p><u>Policy C8 – New skate park and other recreational facilities for older children</u></p>

Proposed modification number (PM)	Page no./ other reference	Modification
		<p>Add new second sentence to the policy text, as follows:</p> <p><b>“Other proposals at appropriate sites for new recreational facilities that are suitable for older children will also be supported.”</b></p>
PM6	Page 32	<p><u>Policy T1 – Traffic congestion and speed</u></p> <p>Delete criteria b) and e) in full.</p> <p>Accordingly, criteria c) and d) will become criteria b) and c) respectively, without any further amendment.</p>
PM7	Page 35	<p><u>Policy T4 – Charing village parking</u></p> <p>Delete criterion b) of the policy text, and replace with:</p> <p><b>“Contributions may be sought from new developments within the Plan area, in accordance with Policy C2 in the Plan, towards the provision of additional public car parking, including at the proposed new Community Centre at Parsons Mead, Charing, where justified.”</b></p>
PM8	Pages 38 and 39	<p><u>Policy EC1 – Locations allocated for new business units</u></p> <p>Delete existing policy in full, and replace with:</p> <p><b><u>“Policy EC1 – Business and Mixed-use developments</u></b></p> <p><b>The following sites (as shown on Figure 7) are proposed for new business or mixed-use developments:</b></p> <ul style="list-style-type: none"> <li><b>a) Parsons Mead, Charing (as part of the Parsons Mead Community Centre scheme – see also Policy H1 and Section 13)</b></li> <li><b>b) Charing Motors site (as part of the Ashford Local Plan Policy S28 allocation for new residential development)</b></li> </ul>

Proposed modification number (PM)	Page no./ other reference	Modification
		<p><b>c) Hatch Engineering site</b></p> <p><b>Table 6 sets out the Class E uses that would be considered suitable at each of the above sites.</b></p> <p><b>Development proposals for each of these sites will need to demonstrate the suitability of building design and layout for the proposed use(s), taking account of all other relevant policies in the Plan, the provision of satisfactory vehicular access and servicing arrangements, the provision of suitable access for pedestrians and cyclists and adequate on-site car parking for staff and visitors. All proposals must ensure that there are no adverse impacts upon residential amenities and the natural environment in the vicinity of the site.”</b></p> <p><u>Figure 7</u></p> <p>Amend title to read:</p> <p><b>“Sites suitable for new business or mixed-use developments”.</b></p> <p>Delete notation currently shown for Site 1 – Northdowns, and replace with a notation that covers the whole of the Charing Motors site (as contained at Policy S28 of the adopted ALP). The site should be described in the Plan and on Figure 7 as the “Charing Motors” site as the former name of “Northdowns Garage” is now defunct.</p> <p>Add new notation panel to Figure 7 containing the following text:</p> <p><b>“1. <u>Charing Motors site</u> – suitable for mixed-use development together with new residential development</b></p> <p><b>2. <u>Parsons Mead</u> - suitable for some business and/or mixed-use development (see also Policy H1)</b></p> <p><b>3. <u>Hatch Engineering</u> – suitable for</b></p>

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		<p><b>business development”.</b></p> <p><u>Table 6</u></p> <p>Add colour coded “<b>Yes</b>” for Class Eb (Sale of food, consumption on premises) at column 4 for the “Charing Motors” site.</p>
PM9	Page 39	<p><u>Policy EC2 – Mixed-use developments</u></p> <p>Delete this policy in full (with a consequential amendment to the Contents at page 9)</p>
PM10	Page 40	<p><u>Policy EC3 – Protection of existing commercial/industrial zones</u></p> <p>Re-number this policy as EC2 (with a consequential amendment to the Contents at page 9).</p> <p>Amend title of Policy to read:</p> <p><b>“Loss or redevelopment of existing employment sites and premises”.</b></p> <p>Delete the final sentence of policy text, and replace with the following text:</p> <p><b>“Proposals for the loss or redevelopment of the above employment sites will not be supported, unless any of the following criteria apply:</b></p> <ul style="list-style-type: none"> <li><b>a) The site is no longer appropriate for continued employment use in terms of its serious adverse impact upon neighbouring occupiers or the environment;</b></li> <li><b>b) The site or premises is vacated by the relocation of the existing business to another appropriate site within or close to the Plan area and which ensures the retention of local employment opportunities;</b></li> <li><b>c) It has been demonstrated to the satisfaction of the Parish Council and the Borough Council that the site or</b></li> </ul>

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		<p><b>premises has remained unlet or unsold for continued employment use, despite genuine and sustained marketing of the site or premises on reasonable terms over a period of not less than three years.”</b></p>
PM11	Page 45	<p><u>Policy E1 – Historic environment</u></p> <p>Clause a) delete the word “and” and replace with “or”.</p> <p>Add new paragraph at the end of the policy text, as follows:</p> <p><b>“Details of the listed buildings and scheduled ancient monuments in the Plan area are set out in supporting document RPR 142. Details of the non-designated heritage assets in the Plan area are set out in section 10.3 of the Plan.”</b></p>
PM12	Page 48	<p><u>Policy E3 – Designation of local green spaces in the parish</u></p> <p>Delete existing policy in full and replace with revised Policy E3 – Local Green Spaces, as set out in the Qualifying Body’s response to Question 5 dated 20 October 2022<sup>11</sup>, with no amendments.</p>
PM13	Page 48	<p><u>Policy E4 – Local green space development</u></p> <p>Delete this policy (with a consequential amendment to the Contents at page 9).</p>
PM14	Page 49	<p><u>Policy E5 – Landscape strategy, and safeguarding and enhancing biodiversity</u></p> <p>Re-number this policy as E4 (with a consequential amendment to the Contents at page 9).</p>
PM15	Page 51	<p><u>Policy E6 – Views</u></p>

<sup>11</sup> View at: <https://www.ashford.gov.uk/media/s5dhlfad/charing-pc-response-to-examiners-questions.pdf>

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		<p>Re-number this policy as E5 (with consequential amendments to the Contents at page 9 and the titles on pages 51-55).</p> <p>Second line of policy text - insert the words <b>"as identified on Figure 13,"</b> after the words "within the village".</p>
PM16	Page 56	<p><u>Policy E7 – Climate Change</u></p> <p>Re-number this policy as E6 (with a consequential amendment to the Contents at page 9).</p>
PM17	Page 66	<p><u>Policy H1 – Land at Parsons Mead</u></p> <p>Delete second paragraph of policy text in full, and replace with:</p> <p><b>"The site is also allocated for new residential development, with an indicative capacity of 48 dwellings."</b></p> <p>Delete third and fourth paragraphs of policy text in full.</p> <p>Amend fifth paragraph of policy text to read as follows:</p> <p><b>"Proposals for the development of the Parsons Mead site shall:</b></p> <ul style="list-style-type: none"> <li><b>a) be planned and designed in such a way as to preserve or enhance the character and appearance of the Charing Conservation Area and its setting in accordance with Policy ENV 14 of the adopted Ashford Local Plan 2030;</b></li> <li><b>b) retain and enhance the existing landscape features of the site, where possible;</b></li> <li><b>c) provide safe vehicular and pedestrian access to serve the proposed residential development and the proposed Community Centre;</b></li> </ul>

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		<p>d) provide adequate car parking including electric vehicle charging points for the proposed residential development in accordance with the parking standards set out in Policy TRA 3(a) of the adopted Ashford Local Plan 2030;</p> <p>e) provide adequate on-site car parking including electric vehicle charging points for the staff and users of the proposed Community Centre;</p> <p>f) include a full Viability Assessment as part of any planning application(s) for the development of the site;</p> <p>g) ensure that the amenities of neighbouring residential properties are safeguarded;</p> <p>h) protect the alignment of Public Footpath AW349 which crosses the site;</p> <p>i) include an Archaeological Assessment of the site, and if necessary, include a programme for archaeological mitigation;</p> <p>j) take account of all other relevant policies in this Plan and the adopted Ashford Local Plan 2030, as they affect the specific development proposals.”</p>
PM18	Page 67	<p><u>Policy H2 – Housing in Charing Heath</u></p> <p>Insert the word “<b>residential</b>” after the words “Small-scale” in the first line of policy text.</p> <p>Delete clause b) in full and replace with:</p> <p><b>“Proposals for such developments should take account of Policy H13 in the Plan, and its supporting text.”</b></p>
PM19	Page 68	<p><u>Figure 21 – Land next to Crofters</u></p> <p>Delete the existing plan at Figure 21 and replace with the plan supplied by the Qualifying</p>

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		Body at page 9 of their response dated 20 October 2022. <sup>12</sup>
PM20	Pages 69, 70 and 77	<p><u>Policy H4 – Land rear of Red Lion, Charing Heath</u></p> <p>Amend the policy title and the title of Figure 22 to read <b>“Red Lion P.H.”</b></p> <p>Amend the first sentence of policy text to read:</p> <p><b>“Proposals for the residential development of land to the rear of the Red Lion P.H. at Charing Heath, with an indicative capacity of nine dwellings, as shown coloured red on Figure 22, will be supported subject to:”</b></p> <p>Amend criterion iii) to read as follows:</p> <p><b>“iii) The land coloured blue on Figure 22 is allocated for use as public open space for recreational purposes or for other public benefit, and includes the land occupied by the Charing Heath and Lenham Heath Memorial Hall.”</b></p> <p>Amend criterion iv) to read as follows:</p> <p><b>“iv) The development shall provide a pedestrian and cycle route that connects the site to the proposed ‘Charing/Charing Heath Greenway’ via Windhill Lane.”</b></p> <p>Amend criterion v) by replacing the words “policy C2g” with <b>“Policy C2”</b>.</p> <p><u>Figure 24 – Charing Heath confines</u></p> <p>Amend Figure 24 by the inclusion of the land coloured red on Figure 22 within the village confines of Charing Heath.</p>
PM21	Page 71	<p><u>Policy H6 – Larger new developments</u></p> <p>Delete existing policy text in full, and replace with the following text:</p>

<sup>12</sup> See footnote 11.

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		<p><b>“Proposals for any larger-scale residential developments within the Plan area that are not presently identified by site allocations in this Plan or in the adopted Ashford Local Plan 2030 will only be supported if the proposals demonstrate that:</b></p> <ul style="list-style-type: none"> <li><b>a) the development will not lead to any adverse impacts upon existing community and transportation infrastructure provision within the Plan area; and,</b></li> <li><b>b) the development will not result in the loss of any land that contributes positively to the character, form, heritage or attractiveness of any part of the Plan area; and,</b></li> <li><b>c) the development will not lead to adverse impacts upon any sites of nature conservation importance within the Plan area; and,</b></li> <li><b>d) the development will not lead to any adverse impacts upon the designated heritage assets within the Plan area; and,</b></li> <li><b>e) the proposals satisfy the requirements of Policies HOU3a and HOU5 of the adopted Ashford Local Plan 2030; and,</b></li> <li><b>f) provides appropriate contributions to any necessary community and transportation infrastructure improvements within the Plan area, in accordance with Policy C2 in the Plan and Policies COM1 and IMP1 in the adopted Ashford Local Plan 2030.”</b></li> </ul>
PM22	Page 72	<p><u>Policy H7 – Rest of site S55 (S55/2)</u></p> <p>Amend the policy title to read:</p>

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		<p><b>“Local Plan residential site allocation S55 – land to the west of Poppyfields, Charing”.</b></p> <p>Amend first sentence of policy text to read:</p> <p><b>“Residential development of the second phase of Local Plan site allocation S55 (S55/2) as shown on Figure 19 as site E will be supported if it:”</b></p> <p>Delete criteria d) and e) in full, and replace with:</p> <p><b>“d) provides appropriate contributions to any necessary community and transportation infrastructure improvements within the Plan area, in accordance with Policy C2 in the Plan and Policies COM1 and IMP1 in the adopted Ashford Local Plan 2030;”</b></p> <p>Criterion f) will now become e) and amend the text to read:</p> <p><b>“e) it provides approximately 0.5 hectare of land for use as allotments provided that the need for such allotments is demonstrated by the Parish Council;”</b></p> <p>Criterion g) will now become f).</p>
PM23	Page 73	<p><u>Policy H8 – Affordable housing</u></p> <p>Delete existing policy text in full, and replace with:</p> <p><b>“40% of new dwellings in developments of 10 or more dwellings, or sites of 0.5 hectare or more, shall be affordable housing, in accordance with Policy HOU1 in the adopted Ashford Local Plan 2030. All proposals are expected to meet their full affordable housing provision on-site.</b></p> <p><b>The tenure mix of affordable housing to be provided shall be agreed with the Borough Council, but will include social rented</b></p>

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		<p>homes, and affordable home ownership schemes, including shared ownership and First Homes. The proposed tenure mix should take account of the Housing Needs Assessment 2017 (RPR 103) prepared alongside this Plan.</p> <p>Should independently verified viability evidence establish that it is not possible to deliver the affordable housing in full as required by this policy, and the viability position is agreed by the Borough Council, the Borough Council will consider on a case-by-case basis flexibility in the provision of affordable housing in accordance with clause 2) of Policy HOU1.”</p>
PM24	Page 74	<p><u>Policy H9 – Local-needs housing</u></p> <p>Delete bullet points in this policy</p> <p>Amend first sentence of policy text to read as follows:</p> <p><b>“A minimum of 50% of all new affordable housing provided in the Plan area, either on developments proposed in the adopted Ashford Local Plan 2030 or in this Plan shall be made available initially to persons with a local connection and whose needs are not met by the open housing market.”</b></p> <p>Delete second sentence of policy text, and replace with:</p> <p><b>“The local connection to be considered in relation to this policy shall be confirmed by the Borough Council in accordance with the requirements of Policy HOU2 in the adopted Ashford Local Plan 2030 and the accompanying guidance.”</b></p>
PM25	Page 74	<p><u>Policy H10 – Local-needs housing on exception sites</u></p>

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		<p>Amend the first sentence of policy text to read as follows:</p> <p><b>“Proposals for the development of local needs housing schemes on suitable sites beyond the village confines of Charing village, where residential development would not normally be permitted by other policies, will be supported, provided that:”</b></p> <p>This text to be followed by the four criteria as presently drafted, but with the insertion of the word <b>“and”</b> after each of the first two criteria.</p>
PM26	Page 74	<p><u>Policy H11 – Size of homes</u></p> <p>Delete the figure “9” in the first line of policy text and replace with <b>“10”</b>.</p>
PM27	Page 75	<p><u>Policy H12 – Mixed development</u></p> <p>Amend title to read <b>“Mixed-use development”</b> (with a consequential amendment to the Contents at page 9).</p> <p>Delete existing policy text in full, and replace with:</p> <p><b>“Proposed developments of 10 dwellings and above which provide a mix of both new dwellings and commercial floorspace within Use Class E, to create local employment opportunities for residents and reduce traffic movements, will be supported, subject to the proposals being planned and designed to take account of other relevant policies in this Plan and the adopted Ashford Local Plan 2030 and not leading to any loss of residential amenities in the vicinity of the development.”</b></p>
PM28	Page 77	<p><u>Policy H13 – Housing in Charing Heath</u></p> <p>Delete existing policy text in full, and replace with:</p> <p><b>“Proposals for new residential development within the village confines of Charing Heath, as defined on Figure 24,</b></p>

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		<b>must ensure that the development integrates satisfactorily with the existing form and pattern of the settlement, taking account of other relevant policies in this Plan."</b>
PM29	Page 78	<p><u>Policy H14 – Infill development</u></p> <p>Add new criterion h) to the policy text to read as follows:</p> <p><b>"h. It has been planned and designed to take account of all other relevant policies in this Plan concerning new development within the village confines of Charing and Charing Heath."</b></p>
PM30	Page 78	<p><u>Policy H15 – New development, including extensions outside village confines</u></p> <p>Delete "(normally up to 5 dwellings or extensions)" in the first line of policy text.</p> <p>Delete the word "may" in the third line of policy text and replace with <b>"will"</b>.</p>
PM31	Page 79	<p><u>Policy H16 – Development in residential gardens</u></p> <p>Delete the word "permitted" in the 2<sup>nd</sup>, 4<sup>th</sup> and 8<sup>th</sup> lines of policy text and replace with <b>"supported"</b>.</p>
PM32	Page 79	<p><u>Policy H17 – Development on groundwater protection zones</u></p> <p>Clause b) – amend the policy text to read as follows:</p> <p><b>"Proposed housing site S55 in Charing village contains Groundwater Protection Zones, and all proposals for the development of this site will be required to confirm to the satisfaction of the Borough Council and the Environment Agency that any development will not contaminate drinking water supply sources or create flooding risks."</b></p>

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PM33	Page 63	<p>Insert new sub-section 11.7, to read as follows:</p> <p><b>“Addressing nutrient neutrality</b></p> <p><b>All proposals for new residential development in the Plan area including those covered by the policies in this section of the Plan and those contained in the adopted Ashford Local Plan 2030 for the Plan area will be required to take full account of the advice published by Natural England and the Borough Council on the measures necessary to demonstrate that the proposals satisfactorily mitigate any potential adverse effects on the designated Stodmarsh SAC/SPA/Ramsar sites.</b></p> <p><b>All planning applications for new residential development in the Plan area will be assessed on the basis of such advice, and in due course in the context of the Stodmarsh Mitigation Supplementary Planning Document (SPD) prepared by the Borough Council. This matter is also addressed in detail at Section 10.10 in the Plan.”</b></p> <p>Re-number existing sub-sections 11.7-11.14 as <b>11.8-11.15</b> (with consequential amendments to the Contents at page 5).</p>
PM34	Pages 82 and 83	<p><u>Policy D1 – Good design</u></p> <p>Delete clause a) in full and replace with the following text:</p> <p><b>“Proposals for all forms of new development within the Plan area should seek to achieve high quality design, whilst also demonstrating that they recognise local distinctiveness and traditional patterns of development within the Plan area, such as the scale and setting of buildings, architectural detailing and materials and the protection of important views and heritage assets. Where</b></p>

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		<p><b>appropriate to the specific nature and future use of the proposals, the following design principles should be taken into account in the planning and design of new developments:"</b></p> <p>Delete clause lettering b)-i) inclusive.</p> <p>Place the existing policy text under the following sequence of sub-headings:</p> <p><b>"New buildings</b> <i>(deleting bold font for Roofs, Walls, Windows, Doors and Garages)</i></p> <p><b>Extensions, conversions and alterations</b></p> <p><b>New industrial developments</b></p> <p><b>Sustainable design</b></p> <p><b>Climate change</b></p> <p><b>Water conservation</b></p> <p><b>Surfacing</b> <i>(deleting the word "prohibited" in the second line of text and replacing it with the word "discouraged")</i></p> <p><b>Boundaries".</b></p> <p>Delete clause j) in full and replace with the following text:</p> <p><b>"Proposals which fail to demonstrate good design and appropriate regard to other policies in this Plan, for example on matters regarding landscaping, village character and biodiversity will not be supported."</b></p> <p>All sub-headings and blocks of text should be separated for presentational clarity.</p>
PM35	Page 83	<p><u>Policy D2 – Good, imaginative and innovative design</u></p> <p>Criterion a) – delete the words "The introduction of imaginative and" and replace with <b>"The incorporation of outstanding and"</b>.</p>

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		<p>Criterion c) – delete the words “Simple terracing” and replace with <b>“Terraced residential developments”</b>.</p> <p>Criterion d) – delete existing text, and replace with:</p> <p><b>“All developments should be planned in the context of the site and its surroundings, taking account of existing developments, natural features such as trees, hedgerows, watercourses and wildlife habitats.”</b></p>
PM36	Page 83	<p><u>Policy D3 – Street furniture</u></p> <p>Criterion a) – delete the word “suited” and replace with <b>“appropriate”</b>.</p> <p>Criterion b) – delete the word “hidden” and replace with the words <b>“discreetly sited”</b>.</p> <p>Criterion c) – delete existing text in full, and replace with:</p> <p><b>“External lighting fitments, including street and security lighting, should avoid excessive glare and utilise solar energy and LED lamps wherever possible.”</b></p>
PM37	Page 89`	<p><u>Section 13 – The Plan’s Flagship Programme at Parsons Mead</u></p> <p>Add new sub-section 13.6, to read as follows:</p> <p><b>“13.6 Implementation</b></p> <p><b>“In addition to meeting the requirements of Policy H1 in the Plan, the successful planning and implementation of the project will need to take account of other relevant policies in this Plan and the Ashford Local Plan 2030. To that end, the Parish Council will continue to work in partnership with the Borough Council and other key stakeholders to ensure that the proposals can be taken forward for</b></p>

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
		<b>planning approval by the Borough Council.”</b>
PM38	Page 91	<p><u>Section 15 – Plan period, monitoring and review</u></p> <p>Add new 4<sup>th</sup> paragraph to this section, to read as follows:</p> <p><b>“If necessary, the Plan will be formally reviewed and subject to statutory consultation and examination in accordance with the legislative requirements, to ensure that it continues to take into account national policy and the strategic policies of the Ashford Local Plan.”</b></p>