

Ashford Borough Council



ASHFORD
BOROUGH COUNCIL

Pluckley Neighbourhood Development Plan

Regulation 18 Decision Statement

Regulation 18 of the Neighbourhood Planning (General) Regulations 2012.

1. Purpose

The purpose of this Decision Statement is to set out Ashford Borough Council's (the Council) decision in relation to the Pluckley Neighbourhood Development Plan (the plan) 2016-2031. The Decision Statement outlines the Council's decision in respect of:

- The actions to be taken in response to recommendations made by the Examiner in the Examiner's Report
- What modifications are to be made to the plan
- Whether the plan meets the basic conditions, and would not breach or be incompatible with any EU obligation or Convention rights.
- The area in which the referendum will take place.

2. Response to the Examiner's Report and details of modifications

The Pluckley Neighbourhood Development Plan was submitted for examination in November 2016. The Council appointed Richard High BA MA RTPI to independently examine the plan. The Council received the Examiner's report in December 2016.

The Examiner's report recommended that the Pluckley Neighbourhood Development Plan should proceed to referendum subject to a number of modifications.

The Council has considered each of the recommendations made by the Examiner, and what modifications need to be made the Plan. The recommendations, the Council's response and proposed modifications are set out in Appendix 1.

The Council is satisfied that subject to the modifications being made, that the Pluckley Neighbourhood Development Plan meets the basic conditions and other legal requirements, and can proceed to referendum.

3. Referendum Area

In recommending that the modified plan go forward to referendum, the Examiner considered whether or not the referendum area should extend beyond the designated Neighbourhood Area. The Examiner recommended that there is no need to extend the referendum area.

The Council agrees with this recommendation and concludes that the referendum area will not be extended and will be applied only to the designated Neighbourhood Area.

4. Conclusions

Following the independent examination, Ashford Borough Council confirms that the Pluckley Neighbourhood Development Plan, with modifications as set out in Appendix 1, meets the basic conditions and other legal requirements.

The Pluckley Neighbourhood Development Plan can proceed to a Neighbourhood Planning Referendum. The Pluckley Parish Neighbourhood Area shall define the extent of the referendum area.

24th January 2017

Appendix 1 - Examiner's recommendations, Council's response, reasons and proposed modifications

Recommendation no/ Examiner Report Para.	Draft NP page/ policy	Recommendation	Council's Response	Reason
R1 Para 34	n/a	That the Strategic Environmental Assessment Screening Report and Habitat Regulations Screening Report are posted on the Ashford Borough Council website with the other documents submitted with the Pluckley Neighbourhood Plan.	To be published	To meet statutory requirements
R2 Para 41	Page 12 Policy R1	Modify the second sentence of Policy R1 to read "Where appropriate proposals for new development must be accompanied by a landscape strategy that will incorporate the following details where they are applicable." In criterion (v) delete "where appropriate" as this is already covered in the first amendment.	Modify as recommended	To meet the basic conditions
R3 Para 46	Pages 12 Policy R2	Modify the second line of Policy R2 to read "... Map 3, as detailed below and accords with other development plan policies."	Modify as recommended	For clarity / correction
R4 Para 46	Page 13 Policy R2	Delete "-b" after "V3 a" and delete "V4 a-b Views from Smarden Road across open farmland" and "V5 a-b Views from Station Road across open farmland"	Modify as recommended	To meet the basic conditions
R5 Para 46	Page 21 – 23 Policy R2	Delete the references in the supporting text and the photographs relating to V3b, V4a and b and V5 a and b.	Modify as recommended	To meet the basic conditions
R6 Para 46	Page 14 Policy R2	Modify Map 3 to delete V3 b, V4 a and b and V5 a and b and improve the legibility of the labelling of the other sites.	Modify as recommended	To meet the basic conditions
R7 Para 50	Page 26 Policy R4	In Policy R4 delete "3. The woodland and lake adjoining the brickworks" and the supporting text relating to it.	Modify as recommended	Not appropriate
R8 Para 50	Page 26 Policy R4	In the third section of Policy R4 after "unless they are" insert "related to the existing recreational use,"	Modify as recommended	To meet the basic conditions
R9 Para 50	Page 27 Policy R4	Delete the last sentence of Policy R4.	Modify as recommended	For clarity

R10 Para 50	Page 28 Policy R4	On Map 5 delete reference to 3. Brickworks woodland/lake.	Modify as recommended	Reference not appropriate
R11 Para 51	Page 29 Policy R5	Modify Policy R5 after "...will be required to demonstrate" to read "that they do not have a seriously harmful impact on sensitive landscapes and do not use the best and most versatile agricultural land."	Modify as recommended	To meet the basic conditions
R12 Para 63	Page 30 Policy H1	In the first part of Policy H1 delete "up to" and insert "approximately" in relation to the total number of dwellings and each of sites A-C.	Modify as recommended	To meet the basic conditions
R13 Para 63	Page 30 Policy H1	After "The following sites" insert "(, shown on Map 6")	Modify as recommended	For clarity
R14 Para 63	Page 30 Policy H1	After "Site C approximately 25 dwellings insert ", including at least four two/three bedroom dwellings. The development of Site C shall be subject to an approved management plan for the lake and provision of public access to the woodland to the north of it."	Modify as recommended	For clarity
R15 Para 63	Page 33 and 35 Policy H1	Amend the Map 6 and the map on p35 relating to Site H1C to show the lake and woodland to the north of Site C as an area to be made available for recreation and community use.	Modify as recommended	For clarity
R16 Para 63	Page 31 Policy H1	Delete the last two sections of Policy H1, i.e. from "Development elsewhere in the Parish onwards".	Modify as recommended	To meet the basic conditions
R17 Para 63	Page 34-35 Policy H1	Delete the supporting text and maps on pages 34-35 in relation to each of the allocated sites and insert it immediately before Policy H1A.	Modify as recommended	For clarity
R18 Para 63	Page 34 Policy H1	Modify the first sentence of the supporting text relating to site A to read. "This site could accommodate 4 affordable, two/three bedroom homes with the potential to be suitable for young people.	Modify as recommended	To meet the basic conditions
R19 Para 63	Page 34 Policy H1	In the first line of the supporting text in relation to Site B delete "will" and insert "could".	Modify as recommended	To meet the basic conditions
R20 Para 63	Page 35 Policy H1	Reword the sentence which starts after the map of Site C on page 35 to read: "The inclusion of at least	Modify as recommended	For clarity

		four 2/3 bedroom houses would reflect the needs identified by the parish and one of the reasons for supporting the release of the site is the potential for permission to be subject to a management plan for the adjoining lake and woodland. The owner has also indicated that the adjoining field site off Chambers Green Lane will remain as grazing land."		
R 21 Para 63	Page 36 Policy H1	Before the last paragraph of the supporting text relating to Site C insert a paragraph on the following lines "Outline planning permission has been granted for the construction of up to 25 dwellings on site C subject to conditions including a requirement for details of the management and maintenance of all parts of the site except the houses and their gardens. These details are also required to identify those parts of the site which shall be available for the public to access."	Modify as recommended	For clarity
R22 Para 67	Page 31 Policy H1A	In Policy H1A delete "excluding any curtilage beyond the built footprint of the buildings on site (e.g. garden areas)".	Modify as recommended	To meet the basic conditions and for consistency
R23 Para 67	Page 32 Policy H1A	In criterion j after "work" insert "or a public transport service".	Modify as recommended	To meet the basic conditions
R24 Para 69	Page 37 Policy H2A	Reword the first sentence of the 4 th bullet point of Policy H2A to read "ensuring that openings and boundary treatments reflect their context when viewed from the street, open spaces or the countryside."	Modify as recommended	For clarity
R25 Para 72	Page 37 Policy H2B	Delete the first two paragraphs of Policy H2B.	Modify as recommended	To meet the basic conditions
R26 Para 73	Page 38 Policy H2C	In the supporting text to Policy H2C delete "not" in the last line.	Modify as recommended	Factual correction
R27 Para 74	Page 38 Policy E1	Reword Policy E1 to read "Development related to agriculture, tourism and other business activity will be supported where they comply with other policies in this plan and the benefits to the local economy and any other benefits to the local environment or the well-being of the parish outweigh any environmental harm."	Modify as recommended	For clarity

R28 Para 75	Page 39 Policy E2	Reword Policy E2 to read “Applications for new residential development will only be approved if they are accompanied by a communications statement that demonstrates that the development will be able to connect to the best available broadband network and to take advantage of future improvements to it.”	Modify as recommended	For clarity
R29 Para 76	Page 39 Policy E3	In the 4 th line of Policy E3 after “...that they do not” delete “further inhibit the free flow of traffic or” and replace with “have a significantly harmful effect on congestion or road safety and do not seriously...”	Modify as recommended to the 4 th line of the 2 nd para of Policy E3.	To meet the basic conditions
R30 Para 79	Page 44 and 45 Policy C3	Delete Policy C3 and the supporting text and map associated with it.	Modify as recommended	To meet the basic conditions