

INDEPENDENT EXAMINATION OF THE CHARING

NEIGHBOURHOOD PLAN 2011-2030

EXAMINER: Derek Stebbing BA (Hons) Dip EP MRTPI

Hugh Billot
Charing Parish Council

Claire Marchant
Ashford Borough Council

Examination Ref: 01/DAS/CNP

6 October 2022

Dear Mr Billot and Ms Marchant

CHARING NEIGHBOURHOOD DEVELOPMENT PLAN EXAMINATION

Following the submission of the Charing Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Charing Parish Council (the Qualifying Body) and Ashford Borough Council (the Borough Council), to which I would like to receive written responses by **Friday 21 October 2022**.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment Screening Opinion Report and the Regulation 16 representations, to enable me to undertake the examination.

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

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 10 October 2022. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

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

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

3. Written Representations

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

4. Further Clarification

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

I have eight questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide written responses by **Friday 21 October 2022**.

5. Examination Timetable

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

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

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

Thank you in advance for your assistance.

Your sincerely

Derek Stebbing

Examiner

ANNEX

From my initial reading of the Charing Neighbourhood Plan 2011-2030 and the supporting evidence, I have the following questions for the Qualifying Body and the Borough Council. I have requested the submission of responses **by Friday 21 October 2022**, although earlier responses would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Question 1: Re. Nutrient Neutrality Re. Policies C2 (Page 24), H1 (Page 66), H2 (Page 67), H3 (Page 68), H4 (Page 69), H6 (Page 71), Policy H7 (Page 72), Policy H10 (Page 74), Policy H12 (Page 75), Policy H14 (Page 78), Policy H15 (Page 78), Policy H16 (Page 79) and Sub-section 10.10.2 (Page 57)

In light of the Habitats Regulation Assessment (HRA) report (October 2021) and the update note (15 June 2022), I am clear 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.

Section 11 of the Plan does not, at present, reflect that advice directly, and I am minded to address the issue as a new sub-section within Section 11 ahead of existing sub-section 11.7, 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, 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.

In this regard, 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 invite the **Borough Council** to consider this 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.

Question 2 Re. Policies C6 and C7 (Pages 28 and 29)

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. Commonly, this is achieved by planning contributions secured through Section 106 agreements linked to planning permissions for new residential development. Policies C6 and C7 could be linked by suitable cross-references to clause k) of Policy C2 in order to address this point.

I seek the **Qualifying Body's** views on that approach. Subject to their position, the **Qualifying Body** may wish to provide draft text for the Policies which sets out the proposed approach to securing the new facilities. The Qualifying Body should take into account Kent County Council's comments on Policy C7 provided in their Regulation 16 representation.

Question 3: Re: Policy T1 (Page 32)

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. The Policy will require modification to address the environmental impacts of traffic generation potentially arising from new developments upon the surrounding area.

I therefore invite 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 note that such matters are addressed in the supporting text, for example at sub-section 8.1, and I am content with that approach. I further note that Kent County Council have made some detailed representations concerning this Policy, which the Qualifying Body may wish to take account of in their response.

Question 4: Re: Policy EC1 (Page 32)

I note 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 invite 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.

Bearing in mind that the Parsons Mead site is also addressed by both Policies EC1 and EC2, I see some merit in consolidating those Policies to constitute a 'Business and Mixed-Use Developments' policy and I would welcome the views of the **Qualifying Body** on that point.

Question 5: Re. Policies E3 and E4 (Page 48)

In my assessment, these Policies should be combined, to form a 'Local Green Spaces' policy, which should be linked by cross-references to Figures 10-12.

I invite the Qualifying Body to consider this matter and, if appropriate, to provide draft text for a replacement Policy E2 that I may consider as a modification to the Plan.

Question 6: Re. Policy H1 (Page 66)

I have noted the Borough Council's representations concerning this Policy, and I am concerned at the length of the Policy. In particular, I consider 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, the drafting of Policy H3 does provide such clarity).

In my assessment, much of the 3rd and 4th 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 can 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 have also noted the contents of Section 13 of the Plan, and in particular sub-section 13.5, which may need some consequential amendments.

I therefore invite 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, to address my concern at the length of the Policy and also the points raised by the Borough Council.

Question 7 – Re. Figure 21 (Page 68)

Figure 21 (Land next to Crofters) appears to be a copy of a plan prepared by an external party (G.W. Finn & Sons). This must be avoided, and I request 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.

Question 8 – Re. Policies H4 (Page 70), H7 (Page 72), H8 (Page 73), H9 (Page 74), H10 (Page 74), H11 (Page 74) and H12 (Page 75)

I note that the Borough Council has 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 note that, in some cases, similar such representations were made by the Borough Council at the Regulation 14 stage in January 2020.

In due course, I shall consider fully the relationship of the draft Policies to the strategic policies in the adopted Local Plan for the area, but I invite the **Qualifying Body** to also now 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** may wish to provide a note setting out any proposed amendments that I may consider as modifications to the Plan.