

**INDEPENDENT EXAMINATION OF THE TENTERDEN
NEIGHBOURHOOD DEVELOPMENT PLAN 2013-2030**
EXAMINER: DEREK STEBBING BA (Hons) DipEP MRTPI

Debbie Baines
Town Clerk to Tenterden Town Council

Claire Marchant
Ashford Borough Council

Examination Ref: 01/DAS/TNP

16 January 2024

Dear Ms Baines and Ms Marchant

Following the submission of the Tenterden Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Tenterden Town Council (the Qualifying Body/Town Council) and Ashford Borough Council (the Borough Council), to which I would like to receive a written response(s) by **Friday 16 February 2024** if possible.

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 (SEA) Environmental Report, the Habitats Regulations Assessment (HRA) Appropriate Assessment Report and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the draft Plan, I have not identified any very significant 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 29 January 2024. 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 Qualifying Body and the Borough Council. I have six questions seeking further clarification, which I have set out in the Annex to this letter.

I would be grateful if you can seek to provide a written response(s) by **Friday 16 February 2024**.

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') around 6-8 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 may 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 Town Council and Borough Council websites.

Thank you in advance for your assistance.

Yours sincerely

Derek Stebbing

Examiner

ANNEX

From my initial reading of the Tenterden Neighbourhood Plan 2013-2030 (Submission Version, dated July 2023), the supporting evidence and the representations that have been made to the Plan, I have the following questions for the Qualifying Body and the Borough Council. I have requested the submission of responses **by Friday 16 February 2024**, though an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Question 1 Re: Policy TEN NP1 (Protection of Landscape Character) (Page 31)

As drafted, I consider that this Policy requires some further explanation on how proposed developments outside of the built-up confines of Tenterden will be assessed in relation to the seven specific criteria listed within the Policy, which cover a wide range of designated landscapes, landscape features and other features such as dark skies and tranquillity. At present, the Policy seeks to 'retain', 'maintain', 'protect' etc. such features, but does not contain any further guidance for those users of the Plan who might be considering development proposals, on how proposals should be planned and designed. I note, by way of an example, that the text on page 38 states that "*New development must be well integrated into the existing heritage and landscape through designs sensitive to their context*".

I invite the **Qualifying Body** to consider this matter and to provide me with a Note on possible additional text for this Policy, that I may consider as a proposed modification.

Question 2: Re. Policy TEN NP2 (Protection of Local Green Spaces) and Map 7 (Location of Local Green Spaces) (Pages 32 and 33)

At the scale that is presented on Map 7, it is not possible to define with clarity the precise boundaries of the ten proposed Local Green Spaces (Sites A-J) listed on page 32.

I consider that Map 7 should be accompanied in the draft Plan by Inset Maps on an Ordnance Survey base, at an appropriate scale, which is likely to be at 1:1250 or 1:2500 (depending upon the varying sizes of the sites) clearly defining the boundaries of each of the ten sites. This should be suitable for potential inclusion in the draft Plan to enable users of the Plan to clearly identify the land so designated by the Policy.

I therefore request that the **Qualifying Body** provide a set of plans that meet this requirement, which I can consider for inclusion in the Plan as a proposed modification. (I have noted that the Evidence document on 'Local Green Spaces' contains Inset Maps for each of the sites, and these may well be suitable, subject to confirmation that the boundaries are correct and accurately drawn).

Question 3: Re: Policy TEN NP7 (Non-designated Heritage Assets) (Page 46) and Appendix 2 (Local Rural Heritage Statement) and Local Heritage List (Pages 82-87)

I note that this Policy, together with the listing at Appendix 2, proposes the designation of 47 buildings, structures and other features as Non-designated Heritage Assets (NDHAs). I have also seen and studied the accompanying Evidence document on 'Heritage'.

However, both the draft Plan and the Evidence document lack a map showing the location within the Plan area of the 47 proposed NDHAs. I consider that it is necessary to include a suitable map within the draft Plan (probably at Appendix 2), for the benefit of future users of the Plan. Whilst I appreciate that it is not possible to show with complete accuracy the location of the smaller structures etc. on a smaller-scale map, a map that shows the general location of Nos. 1-47 will be sufficient, to serve as a guide.

I therefore request that the **Qualifying Body** provide a map that meets this requirement, which I can consider for inclusion in the Plan as a proposed modification.

I have also noted the representations by Kent County Council which indicate that a potentially much larger number of heritage assets in the Plan area, as identified in the Kent Historic Environment Record, could have been considered for possible designation as NDHAs. Examples are set out in the representations. I therefore also request that the **Qualifying Body** provide me with a Note that describes how the 47 proposed NDHAs were identified, whether other proposed NDHAs were considered and not taken forward and the extent to which the Kent Historic Environment Record was used as a basis for identifying the proposed NDHAs.

Question 4: Re. Policy Drafting

A number of Policies (for example Policies TEN NP4, NP6 and NP9) include draft text which states that development proposals will be “permitted” or “not permitted”. Some Policies contain multiple statements of this nature. The Town Council, and therefore the Neighbourhood Plan, does not possess the statutory function of being able to grant or refuse planning permission for any categories of development within the Plan area, this being the responsibility of the Borough Council. However, Policies can state that proposals will be ‘supported’ or ‘not supported’ by the Town Council.

I therefore request that the **Qualifying Body** review the text of all draft Policies and provide me with a Note setting out the necessary revisions to Policy text across the Plan, that I may consider as a proposed consolidated modification addressing this matter.

Question 5: Re. Land between Woodchurch Road and Appledore Road, Tenterden

I am in receipt of the Regulation 16 representations submitted on behalf of Wates Developments Ltd. and by other parties concerning the above site. I have reviewed these representations, together with the accompanying Planning Appeal decision letter (Appeal Ref: APP/E2205/W/21/3284479), dated 30 March 2022, which in summary granted Outline Planning Permission for up to 141 new dwellings on 12.35 hectares of land west of Public Right of Way AB12. Full Planning Permission was further granted for the change of use of 8.66 hectares of agricultural land to be used as a country park and 3.33 hectares of agricultural land to be used as formal sports pitches (including a pavilion).

I invite the **Qualifying Body** to review the representations that have been submitted in respect of the site and, if it wishes, to prepare a Note that provides any additional information that may assist me in my own assessment of the various matters concerning parts of the draft Plan that are raised in those representations.

Specifically, I wish to understand in more detail:

- The justification for proposed Local Green Space B (Land between Appledore Road and Woodchurch Road, east of footpath AB12) to cover the full extent of the land granted Full Planning Permission for a country park and formal sports pitches, although that permission has not yet been implemented and the land presently remains in agricultural use.
- The planning status of the Historic Routeways identified by Policy TEN NP15, and particularly those that are identified as being beyond the High Weald Natural Landscape.¹ I have considered the Evidence document on ‘Routeways’, and I wish to understand the justification for the designation of the drove way across the southern part of the Limes Land landscape as a Non-designated Heritage Asset in more detail, and the evidence that supports that proposal.

¹ [News: Introducing the High Weald National Landscape](#)

Question 6: Re. Review of the adopted Ashford Local Plan 2030

Can the **Borough Council** please advise me whether the preparation of the Review of the Ashford Local Plan 2030 to cover the period up to 2041 is progressing in accordance with the timetable contained at pages 7 and 8 and at Appendix 2 to the Borough Council's most recent Local Development Scheme (LDS) (dated March 2023), which envisages the Regulation 18 consultation in the second quarter of 2024?
