ASHFORD
BOROUGH COUNCIL

Egerton Parish Neighbourhood Plan

Decision Statement

Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

1. Purpose

The purpose of this Decision Statement is to set out Ashford Borough Council's (the Council's) decision in relation to the Egerton Parish Neighbourhood Plan (the Plan) 2021 – 2040. 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. Examination and Examiners Report

The Egerton Parish Neighbourhood Plan was submitted for Examination in August 2021. The Council appointed Derek Stebbing BA(Hons), DIP EP, MRTPI to independently examine the Plan. The Examiner examined the Neighbourhood Plan by written representations, and undertook an unaccompanied site visit of the Neighbourhood Plan Area.

The Council received the Examiner's report on 15th November 2021. The Examiner's report recommended that the Egerton Parish Neighbourhood Plan 2021-2040 has been duly prepared in compliance with the procedural requirements and that the Plan, subject to a number of modifications (set out in Appendix 1), meets the Basic Conditions and should proceed to referendum.

3. Decision and Reasons

The Council must consider each of the recommendations made in the Examiner's report and decide what action to take in response. The Council has considered each of the recommendations made by the Examiner and what modifications need to be made to the Plan. The recommendations for proposed modifications, the Council's response and reasons are set out in Appendix 1.

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

4. 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.

5. Conclusion

The Egerton Parish Neighbourhood Plan can proceed to a Neighbourhood Planning Referendum (Date of referendum to be confirmed). The Egerton Parish Neighbourhood Area shall define the extent of the referendum area.

Date of Decision Statement: 15th December 2021

This Decision Statement and the Examiners Report will be made available on the Council's website and the Neighbourhood Plan website.

Due to current restrictions around Covid-19, hard copies of these documents will not be available in public libraries. However, if a copy is required please contact planning.policy@ashford.gov.uk.

Appendix 1 – Examiner's recommendations for proposed modifications, Council's response and reasons.

Proposed modification number (PM)	Page no./ other reference	Examiners Recommended Modification	Council's Response	Council's Reasons
PM1	Page 26	<u>Policy P1 – Distinctive Landscape Character and Biodiversity</u> Clause 1. – Amend 2nd sentence of text to read: **"Egerton areas of distinctive character have been identified as follows and are shown on Map 10 on page --:"** Clause 2. – Amend 2nd sentence of text to read: **"These have been identified as the sunken lanes listed below which are shown on Map 10 on page --:"** Clause 3. – Delete existing text in full and replace with: **"Development proposals should seek to include measures which will promote and enhance biodiversity, for example by safeguarding existing habitats, by including appropriate landscaping schemes and by maintaining wildlife corridors."** Clause 5. – Delete this clause, and place the text of this clause, without amendment, as new Clause 5. within Policy D7 on Page 66 (see also PM16). Include an additional map at an appropriate scale, to be numbered Map 10 (and to follow Maps 1-9 on pages 72-82) showing the location of the distinctive character areas and sunken lanes referenced in Clauses 1 and 2 of the policy.	Agree to modify the text and provide an additional map as indicated to comply with the examiner's recommendation.	To meet the basic conditions and provide clarity.
PM2	Page 29	<u>Policy P2 – Trees, Hedges and Woodland Space</u> Clause 1. – Amend "Conservation area trees" in the 3rd sentence to read **"Conservation Area trees"**.	Agree to modify the text as indicated to comply with the examiner's recommendation.	Minor correction for accuracy.

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PM3	Pages 31 and 75	<u>Policy P3 – Local Green Spaces</u> Delete existing text in full and replace with: **"The following sites are designated as Local Green Spaces as defined on the inset maps contained at Map 4 on page 75:** **a. The Glebe, The Street** **b. Green Space off Elm Close and behind Rock Hill Road** **c. Lower Recreation Ground, Rock Hill Road** **d. Pembles Cross** **e. Stonebridge Green** **Proposals for development at the sites identified on the inset maps at Map 4 as designated Local Green Spaces will be considered in line with national planning policy on Green Belts. Proposals which would result in the loss of all or part of any designated Local Green Space will not be supported."** Add inset maps for Sites d. (Pembles Cross) and e. (Stonebridge Green) to the suite of maps at Map 4 on Page 75 (as contained in the Neighbourhood Plan Steering Groups response dated 15 September 2021).[1] Delete existing inset map for Site b. (Green space off Elm Close and behind Rock Hill Road) at Map 4 on Page 75 and replace with the map at Revision f. to the Local Green Spaces Assessment report.	Agree to modify the text and revise maps as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.
PM4	Page 33	<u>Policy P4 – Key Views and Vistas</u> Add new sentence to Clause 1. of the text of the policy (to follow the list of views and vistas a)-h)), as follows: **"These views and vistas are shown on the photographs and inset maps at Map 9 at pages 80-82."**	Agree to modify the text as indicated to comply with the examiner's recommendation.	To provide improved clarity for users of the Plan.

[1] View at https://www.ashford.gov.uk/media/rc0lmv3j/epc-response-to-examiner-s-questions-website-version.pdf

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		Amend the first sentence of Clause 2. of the policy text to read: "**The Grade I Listed Parish Church of St. James is a focus for many key views towards and within the village."**		
PM5	Pages 35 and 84	<u>Policy P5 – Local Non-designated Heritage Assets</u> Amend the title of the policy to read **"Local Heritage Assets"**. Delete existing text in full and replace with: **"Proposals for new development in the Plan area should preserve or enhance the existing designated heritage assets and their settings.** **Such proposals should also preserve or enhance the non-designated heritage assets which are listed at Appendix 2 at page 84 and, where appropriate, the setting of those assets."** <u>Appendix 2 – Non-designated Heritage Assets</u> Delete Assets numbered HS07, HS14-HS18 and HS23 from the listing in this Appendix, and re-number Assets HS08-HS13/HS19-22 as **Assets HS07-HS16**.	Agree to modify the text as indicated to comply with the examiner's recommendation.	To reflect the fact that the policy also refers to Listed Buildings and Scheduled Monuments and to provide clarity.
PM6	Page 37	<u>Policy P6 – Light Pollution and Dark Skies</u> Delete existing text in full and replace with: **"1. Proposals for new development in the Plan area should be accompanied by a proposed lighting scheme which meets the requirements set out in Policy ENV4 of the adopted Ashford Local Plan and the guidance contained in the Borough Council's 'Dark Skies' SPD.** **2. Development proposals in the main settlement areas of Egerton and Egerton Forstal should seek to avoid the use of external lighting unless it is**	Agree to modify the text as indicated to comply with the examiner's recommendation.	To provide clarity for users of the Plan.

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		required for security and health and safety reasons, in order to avoid increased light pollution and a further reduction in the dark skies in those areas. Where external lighting is necessary for the reasons stated, lamps should be of 500 lumens or less for domestic purposes and are installed at the lowest possible height to achieve the necessary level of lighting. **3. In all other parts of the Plan area, external lighting schemes should only include lamps of 500 lumens or less for domestic purposes and only use lamps above that level where required for agricultural use or security and where they are installed in suitable fixtures which prevent the upward spillage of light. All external lighting should be installed at the lowest possible height to achieve the necessary level of light."**		
PM7	Pages 39 and 43	<u>Policy S1 – Community Facilities</u> Amend Clause 1. of the text of the policy to read: **"Proposals for the development of new community facilities in the Plan area will be supported where they comply with the relevant policies in the adopted Ashford Local Plan for the protection of the environment, biodiversity and heritage assets and where the development is designed to meet community needs in accordance with Policy COM1 of the adopted Local Plan."** Amend Clause 2. of the text of the policy to read: **"The principal existing community facilities in the Plan area are:** **The Millennium Hall** **The Games Barn** **The Sports Pavilion**	Agree to modify the text as indicated to comply with the examiner's recommendation.	To provide greater clarity for users of the Plan and for accuracy.

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		The Barrow House (formerly The George Public House) – a registered Asset of Community Value" Paragraph 6.7 – delete the final sentence of this paragraph.		
PM8	Page 44	<u>Policy S2 – Community Open Space at Egerton Forstal</u> Delete existing text in full and replace with: **"Proposals for new residential development within or adjacent to the defined Village Confines of Egerton Forstal, as shown on Map 8, will be supported where such proposals include provision of suitable accessible public open space for use by the community as a whole."**	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions.
PM9	Pages 46 and 47	<u>Policy S3 – Public Rights of Way</u> Delete existing text in full and replace with: **"Proposals for new development in the Plan area should seek to protect and, where appropriate, provide improvements to the network of Public Rights of Way in the Parish.** **The Parish Council will work in partnership with Kent County Council to secure improvements to the network of Public Rights of Way, through the County Council's Rights of Way Improvement Plan. Where appropriate, contributions will be sought from new developments towards the implementation of such improvements."** Paragraph 6.27 - delete the words "have included it in their PRoW Improvement Plan" in the final sentence. Paragraph 6.27 – amend "AW68" to read "**AW368**" in the final sentence.	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions. To correct a factual error for clarity for users of the Plan.
PM10	Page 51	<u>Policy D1 – Development Principles</u> Amend Clause 1. of the policy text to read:	Agree to modify the text as indicated to comply with the	To have regard to national policy in order to

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		"Proposals for new development in the Plan area should seek to achieve a high quality of design, as defined in Policy SP6 of the adopted Ashford Local Plan, and to make a positive contribution to the local character and environment of Egerton (see also Policies P4 and D2 in this Plan). Delete the words "innovative and" from the second sentence of Clause 2. Add to the end of Clause 3.: **"New developments should also take account of the National Design Guide and National Model Design Code."**	examiner's recommendation.	meet the basic conditions and to provide clarity for users of the Plan.
PM11	Page 52	Policy D2 – Application of the Parish Design Statement Add new Clause 3. to the text of the policy to read as follows: **"3. Development proposals should also take into account all other relevant policies in this Plan."**	Agree to modify the text as indicated to comply with the examiner's recommendation.	In order to promote high quality design in general conformity with the Parish Design Statement and Local Plan 2030 Policy SP6.
PM12	Page 57	Policy D3 – Housing Policy Clause 3. – Delete existing text and replace with: **"3. Where there is a mix of affordable and open market housing provided on a development site, the affordable housing should be appropriately integrated with open market housing in the site layout."** Clause 4. – Delete existing text in full and replace with: **"4. Proposals for new residential development should take into account all other relevant policies in this Plan."** Add new Clause 5. as follows:	Agree to modify the text as indicated to comply with the examiner's recommendation.	To improve clarity for users of the Plan. To address housing need and maintain general conformity with The Council's Local Plan. To complete paragraph 7.21

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		"5. Housing need in the parish for the period 2031-2040 will be subject to future review in light of an updated Housing Needs Survey and a review of the adopted Ashford Local Plan." Paragraph 7.21 – add the word "**Plan.**" to the end of the existing text.		
PM13	Pages 55, 58-60	<u>Policy D4 – Local Needs Affordable Housing</u> Delete existing text in full and replace with: **"1. The Parish Council will support the development of a rural exception site for local needs affordable housing in order to meet an identified need for such housing. Proposals should comply with national policy and the relevant policies of the adopted Local Plan concerning rural exception housing schemes.** **2. The Parish Council will work in partnership with landowners and affordable housing providers to identify opportunities for rural exception sites to meet the local needs identified in the Housing Needs Survey (2018) and any subsequent reviews of local housing need."** Insert new Paragraph 7.26 as follows: **"7.26 The Government's recently published guidance on First Homes recognises the need for lower cost (entry level) market housing for first time buyers, at a level of at least 25% of all affordable housing units delivered by developers through planning obligations. First Homes must be offered at a minimum of 30% discount against market value, with a maximum price after discount of £250,000. On first sale, a restriction on the title of properties sold as First Homes, will ensure that the discount is passed on to any subsequent eligible owners. In**	Agree to modify the text as indicated to comply with the examiner's recommendation.	To ensure general conformity with national policy guidance and Policy HOU2 of the Local Plan 2030 in order to meet the basic conditions.

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		due course, a number of new homes in the Plan area may be built as First Homes, thereby contributing to the provision of affordable housing." Re-number existing Paragraph 7.26 as **7.27,** and add the following text at the end of the first sentence: **"who wish to stay in the village because of their family links and commitments, such as children attending the local school or employment in local farms and businesses."** Re-number existing paragraph 7.27 as **7.28.** Delete what were previously paragraphs 7.28 and 7.29 in full. Delete the inset map of Gale Field and the indicative layout of the Gale Field site on page 59. Insert new paragraph 7.29 as follows: "**The Parish Council will work in partnership with landowners and affordable housing providers to identify and secure the development of a suitable site as a rural housing exception site, of sufficient size to develop up to 10 affordable homes for local residents. The call for sites undertaken in 2018 as part of the preparation of this Plan, and the subsequent site assessment process, that was undertaken, identified land at Gale Field, Crockenhill Road, Egerton Forstal as a potential suitable site for such a scheme. The Parish Council will continue to work with the landowner, local residents, the Borough Council and other partners to establish whether a scheme can be delivered in the period up to 2030."** Table 1 (Page 55) – re-title as "**Table 7.1**" as referenced in paragraph 7.18 and delete text in first column "Gale Field" and replace with "**Rural Housing Exception**		

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		Site". Adjust capacity for that entry to read **10** Homes total, 10 Affordable Homes (as existing) and delete entry of 1 (one) Open Market home. Adjust total provision figures in final row accordingly, viz:- **33, 16, 17**. Delete footnote ii. with footnote iii being re-numbered as **ii.**		
PM14	Pages 60 and 61	<u>Policy D5 – Land at Orchard Nurseries, Egerton</u> Delete existing text in full and replace with: "**1. Land at the former Orchard Nurseries, Egerton, as shown on the inset plan on page 61, is proposed for the development of up to eight dwellings suitable for occupation by older persons presently living in less suitable homes within the community. The development of these dwellings will be restricted to occupation by older persons.** **2. The development of the site will only proceed when arrangements for suitable access to the site have been secured, and which meet the requirements of Kent County Council as Highways Authority."** Paragraph 7.30 - 3rd sentence: delete all text after the word "Chairman".	Agree to modify the text as indicated to comply with the examiner's recommendation.	In order to ensure the provision of suitable access.
PM15	Page 64	<u>Policy D6 – Re-use of Redundant Farm Buildings</u> Clause 1. – delete existing text and replace with: **"The conversion or redevelopment of redundant farm buildings to provide small-scale business units (up to a maximum of 10 single units or on a footprint equivalent to the floorspace of the redundant buildings) will be supported. The conversion or redevelopment of such buildings to provide residential or visitor accommodation will also be supported,**	Agree to modify the text as indicated to comply with the examiner's recommendation.	To provide greater clarity for users of the Plan.

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		where such proposals conform to all other relevant Policies in this Plan and the adopted Local Plan, and where suitable sustainable transport connections, such as for walking and cycling, can be achieved."		
PM16	Page 66	<u>Policy D7 – Water Supply and Drainage</u> Delete existing text in full and replace with: **"1. All proposals for development in the Plan area must demonstrate to the satisfaction of the relevant statutory undertakers that adequate capacity is available within the sewerage, drainage and water supply network to meet the requirements of the development proposed and that the development will not lead to any increase in flood risk.** **2. In situations where it is not possible to make a connection to the sewerage network, proposals for new development should provide an on-site solution to manage drainage and sewage which does not lead to any adverse impacts upon the local community or to the natural environment.** **3. All proposals for new development within Flood Zones 2 and 3 in the Plan area must be supported by a site-specific Flood Risk Assessment*.** **4. Development proposals should retain and protect the local drainage network and adopt a sustainable drainage (SuDS) approach to protect capacity and water quality in the Plan area."** *Retain existing footnote to this policy.	Agree to modify the text as indicated to comply with the examiner's recommendation.	To ensure general conformity with national policy guidance and Policy ENV8 of the Local Plan 2030 in order to meet the basic conditions.
PM17	Page 70	<u>Policy D8 – Renewable Energy and Climate Change Mitigation</u> Clause 2. – amend "Passive House" to read "**Passivhaus**" (correct spelling).	Agree to modify the text as indicated to comply with the	For accuracy and to reflect representations received.

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		Clause 3. – Add the following text: **"Water efficiency measures should be included in all new residential developments – with a maximum usage of 110 litres per person."** Clause 4. – amend the second sentence to read: **"More effective land drainage will be promoted by the Parish Council through a collaborative approach with property owners and landowners and with Kent County Council as Highways Authority and Lead Local Flood Authority, to help mitigate the effects of climate change."**	examiner's recommendation.	
PM18	Various	The following minor amendments are necessary: Page 7 – paragraph 1.7 – amend "2020-2040" to read "**2021-2040**". Page 8 – paragraph 1.9 –delete existing text in full, and replace with: "**Ashford Borough Council undertook full assessments and presented their report (Egerton Neighbourhood Plan Environmental Assessment (SEA) Screening Report and Habitats Regulations Assessment (HRA) Screening Report) in March 2021.** **The Screening Assessment concluded that:** • **The assessment finds that no significant negative effects will occur as a result of the Egerton Neighbourhood Plan. It is therefore concluded that a full SEA is not required at this time.** **The Habitats Regulation Assessment screening concluded that:** • **In respect of six designated Natura 2000 sites there is unlikely to be**	Agree to modify the text as indicated to comply with the examiner's recommendation.	For accuracy.

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		significant environmental effects on these sites. • **Based on the latest communication from Natural England (January 2021) there is no longer the potential for a likely significant effect to result to the Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar Site and the Stodmarsh Site of Special Scientific Interest. Consequently, a full Appropriate Assessment of the Plan is not required."** Page 48 – amend "Key Aims for Development 2020-2040" title to read "**Key Aims for Development 2021-2040**" Paragraphs 1.4, 5.24, 6.1, 7.1 and 7.38 should all refer to "**the National Planning Policy Framework 2021**".		