



Report on Ash Neighbourhood Development Plan 2018-2037

An Examination undertaken for Dover District Council with the support of Ash Parish Council on the November 2020 Submission version of the Plan.

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Main Findings - Executive Summary

From my examination of the Ash 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 Ash Parish Council (the Parish Council);
- the Plan has been prepared for an area properly designated – the Ash Neighbourhood Area, as identified on the Map at Page 5 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2018 to 2037; 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

Ash Neighbourhood Development Plan 2018-2037

- 1.1 Ash Parish lies between Canterbury and Sandwich, to the south of Ramsgate and to the north of Dover and at the 2011 Census had a population of 3,365 persons with 1,332 dwellings.
- 1.2 The village of Ash is the largest settlement within the Parish, which also includes the hamlets of Westmarsh, Ware, Cop Street, Upper and Lower Goldstone, Richborough, Paramour Street and Hoaden.
- 1.3 The ecclesiastical Parish of Ash was established in 1282, having previously been part of the Archbishop of Canterbury's manor of Wingham. However, the area was inhabited for many centuries prior to that, and the Roman Fort at Richborough dates from 43 AD. The Parish grew during the Medieval period, and St. Nicholas Church in the centre of Ash village dates from the 12th century and is a Grade I Listed building. There have been many significant archaeological finds within the Parish, including most recently a collection of Bronze Age artefacts in 2019. Historic England record 105 Listed Buildings and 3 Scheduled Monuments within the Parish.

- 1.4 The landscape features found within the Parish are an intrinsic part of the character of the settlement pattern, with Ash village occupying a ridge that gives extensive views northwards towards the Ash Levels and the River Stour, south-west towards the villages of Wingham and Staple and east towards Sandwich.
- 1.5 The principal road serving the Parish is the A257 linking Canterbury with Sandwich some three miles to the east. This provides a link to the A256 which extends southwards to join the A2 which links to the district administrative centre of Dover. The A257 passes around the north of Ash village via the Ash by-pass, which was built during the 1990s to cater for increased traffic flows in the area. There are no railway stations within the Parish.
- 1.6 The majority of retail and community facilities serving the Parish are concentrated within the village of Ash, including a primary school and preparatory school, a GP surgery and recreational facilities. There is an extensive network of Public Rights of Way including many bridleways, totalling around 100 miles in length, within the Parish. The local economy continues to be dominated by agriculture and its related uses on some 7,000 acres of agricultural land across the Parish.

The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Dover District Council (the District Council), 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)¹; 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').²

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Dover District Council, not including documents relating to excluded minerals and waste development, is the saved policies of the Dover District Local Plan (2002), the Dover District Core Strategy (2010) and the Dover District Land Allocations Local Plan (2015).
- 2.2 The Basic Conditions Statement (at Section 3 and Appendix 1) provides an assessment of how each of the policies proposed in the Plan have regard to national policy and are in general conformity with the relevant strategic policies in the adopted Local Plan (Section 3). A review of the Local Plan is now underway to cover the period from 2020 to 2040, albeit this is at a very early stage of progression with consultation on the Regulation 18 draft Plan having recently taken place between 20 January and 17 March 2021. Nonetheless, for the purposes of this examination, although I do not test the Plan against the policies in the emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the Basic Conditions against which a neighbourhood plan is tested.³ It is on that basis that I consider the emerging Local Plan.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 (and updated on 19 June 2019). All references in this report are to the 2019 NPPF and its accompanying PPG.

¹ The existing body of environmental regulation is retained in UK law.

² 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.

³ PPG Reference ID: 41-009-20190509.

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination. Those documents submitted include:
- the draft Ash Neighbourhood Development Plan 2018-2037 (Submission Version) (November 2020);
 - the Strategic Environmental Assessment (SEA) for the Ash Neighbourhood Development Plan (November 2020), prepared by AECOM;
 - the Habitats Regulations Assessment (HRA) for the Ash Neighbourhood Development Plan (November 2020), prepared by AECOM;
 - the Basic Conditions Statement (November 2020);
 - the Consultation Statement and Appendices I-VIII (November 2020); and
 - all the representations that have been made in accordance with the Regulation 16 consultation.⁴
- 2.5 I have also considered the supporting evidence documents that have informed the preparation of the Plan, including the following documents:
- Ash Character Assessment (October 2018);
 - Ash Local Green Spaces Assessment (October 2018);
 - Ash NDP Climate Change Matrix (November 2019);
 - Rural Profile Ash (May 2018) (OCSI);
 - Ash NDP Green Infrastructure and Biodiversity Report (August 2019);
 - Ash NDP Archaeological Review (May 2018);
 - Ash NDP Key Views (November 2019);
 - Ash NDP - Historic England Listed Buildings (September 2018);
 - Ash NDP – Draft Design Styles (November 2019);
 - Ash NDP – Allocated Sites (November 2019);
 - Ash Housing Needs Survey (July 2017) (Action with Communities in Rural Kent);
 - Ash Housing Needs Assessment (HNA) (April 2019) (AECOM); and
 - Ash NDP – Site Assessment & Options (August 2018) (AECOM).⁵

Preliminary 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 the District Council and the Parish Council on 8 February 2021⁶ seeking further clarification and information on six matters contained in the submission Plan, as follows:

⁴ View at: <https://www.dover.gov.uk/Planning/Planning-Policy-and-Regeneration/Neighbourhood-Planning/Ash-Neighbourhood-Plan-Consultation.aspx>]

⁵ <https://ashparishcouncil.gov.uk/ash-ndp/ndp-information-on-ash/>

⁶ <https://www.dover.gov.uk/Planning/Planning-Policy-and-Regeneration/PDF/Examiner-Procedural-Matters-and-Questions-Ash-NDP-080221.pdf>

- Firstly, with regard to Policy ANP1 (Development in the countryside) I noted that, as drafted, the Policy, infers (but not does not state explicitly) that clauses 1.1-1.13 could be interpreted as applying to all development proposals, but that some will only apply in specific circumstances. I therefore invited the Parish Council to consider re-structuring the Policy text to set out, firstly, the planning requirements for all proposed developments in the countryside and, secondly, the potential additional requirements for developments in certain settings.
- Secondly, with regard to Policy ANP4 (Biodiversity), I considered that, as drafted, some of the material included in the Policy could be placed within its supporting justification, and that furthermore there is some duplication between this Policy and the second part of Policy ANP1. I therefore invited the Parish Council to consider re-structuring the Policy to minimise the non-Policy specific material and to reduce the duplication with the content of Policy ANP1.
- Thirdly, with regard to Policy ANP2 (Designated local green and open spaces), I sought confirmation from the Parish Council that the draft Plan is seeking the designation of the 14 sites listed in this Policy as Local Green Spaces (rather than publicly accessible Green Spaces), in accordance with the national policy advice at paragraphs 99-101, and also that the reference in the Policy to Map 5 should be to Map 8 and that the reference at the foot of page 27 to "... *the 11 areas above ...*" should be to "15 areas".
- Fourthly, with regard to Policies ANP7a, ANP7b, ANP7c, ANP7d, and ANP7e, I noted that each of these Policies introduces a requirement for 'nutrient neutrality' with regard to the Stodmarsh SAC⁷/SPA⁸/Ramsar site. I noted that the concept of 'nutrient neutrality' is not commonly cited in development plans, being a highly technical calculation as shown by Appendix C to the Habitats Regulations Assessment. I therefore considered that the Plan should contain a simple explanation of the concept of 'nutrient neutrality' for the benefit of its future users (in addition to the material at Appendix 1), and invited the Parish Council to draft a short sub-section, possibly based upon paragraphs 3.10/3.11 of the Habitats Regulations Assessment document, to be included in the Plan at the most convenient place (which I considered to be at or about paragraphs 148-150 in the Plan).
- Fifthly, with regard to the drafting of Policies in general, I noted that there are areas of duplication and/or overlap in the drafting of certain Policies in the Plan, leading, in some cases, to lengthier Policies than are necessary. I noted that a key part of my examination will be to test whether the Policies in the Plan are

⁷ Special Area of Conservation.

⁸ Special Protection Area.

sufficiently clear and unambiguous, having regard to advice in the PPG and that a policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. In order to avoid the need for extensive proposed modifications to the Plan, I therefore invited the Parish Council to review each of the Policies in the Plan and identify those clauses that are suitably and adequately addressed by other Policies, and which could be replaced by a statement such as “*development proposals should comply with all relevant Policies in this Plan*” (or similar), and to prepare a note on this matter.

- Finally, I sought confirmation from the Parish Council whether there is any text missing at Paragraph 380 in the draft Plan.

2.7 In response to my letter of 8 February 2021, the Parish Council provided me with responses to the preliminary questions on 19 February 2021.⁹ I have taken account of the additional information contained in these responses as part of my full assessment of the draft Plan, alongside the documents listed at paragraphs 2.4 and 2.5 above.

Site Visit

2.8 I made an unaccompanied site visit to the Neighbourhood Plan Area on 6 March 2021 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

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.

⁹ View at: <https://www.dover.gov.uk/Planning/Planning-Policy-and-Regeneration/PDF/Ash-NDP-Final-Policies-Nov-2020-Reply-to-examiner-Version-2-Feb-2021.pdf>

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 Ash Parish Council. An application to the District Council for the Parish Council area to be designated a neighbourhood planning area was made on 3 September 2012 and was approved by the District Council on 4 February 2013, following public consultation between 8 November and 20 December 2012.
- 3.2 The designated Neighbourhood Area comprises the whole of the Parish of Ash. The designated area is shown on the map at Page 3 in the Basic Conditions Statement and on the map at Page 5 in the submission Plan. The Ash Neighbourhood Development Plan is the only Neighbourhood Plan in the designated area.
- 3.3 Ash Parish Council is the designated body for the preparation of the Plan. The preparation of the Plan has been led, initially by a Steering Group comprising eleven members and latterly, since 2017, by a Neighbourhood Development Plan Committee.

Plan Period

- 3.4 The draft Plan specifies (on page 8) the period to which it is to take effect, which is for the period 2018 to 2037. This encompasses the remaining part of the plan period for the adopted Dover District Core Strategy (up to 2026) and part of the proposed plan period for the emerging Dover District Local Plan, which will cover the period 2020-2040. The Plan period should also be specified on the front cover of the Plan, and I recommend modification **PM1** to address this point.

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. The decision to undertake the preparation of the Neighbourhood Plan was taken in 2012. However, there was a significant delay, from 2013 to early-2016, in progressing the initial work on the Plan. At a public meeting held in March 2016, the decision was taken to re-start the process, and this was followed by an open-day event for residents in April 2016, and a series of workshops later in the year, all seeking to establish residents' views about the vision and themes of the prospective Neighbourhood Plan. A questionnaire survey of all households in the Parish was undertaken in September 2016. During 2017, a further series of workshops was held, each considering different policy themes for the Plan, followed by preparation of supporting evidence documents and the draft Sustainability Appraisal Scoping Report (May 2017). After consultation, the final Scoping Report was prepared in October 2017.

- 3.6 Further survey work and evidence preparation was undertaken in 2018, for example the preparation of an Archaeological Review and a Business Survey. Work on the various supporting studies for the Plan continued during 2019, alongside further community engagement activity including a public exhibition of potential sites for residential development held on 28 September 2019. Work on the finalisation of the draft Plan for Regulation 14 consultation was then completed.
- 3.7 The Regulation 14 draft Plan was published for public consultation from 11 November–23 December 2019,¹⁰ accompanied by local publicity and two exhibitions on 7 and 14 December 2019. A total of 142 responses and comments were received from statutory bodies, developers and local residents, following which the draft Plan was amended where considered appropriate to take account of the responses.
- 3.8 The Consultation Statement, at Appendix VII, sets out a comprehensive record of the responses received to the Regulation 14 consultation and the subsequent actions that were taken to amend or modify the draft Plan following those responses.
- 3.9 At its meeting held on 2 November 2020, the Parish Council resolved to formally submit the Plan to the District Council for examination under Regulation 15, and the Plan was duly submitted thereafter alongside its supporting documents. Regulation 16 consultation was then held for a period of six weeks from 1 December 2020 to 15 January 2021. I have taken account of all the responses then received, as well as the Consultation Statement. 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 is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.10 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

- 3.11 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.¹¹

¹⁰ The Regulation 14 Consultation was extended for local residents, organisations, and representatives of all the sites considered for the Plan until 23 January 2020.

¹¹ The meaning of 'excluded development' is set out in s.61K of the 1990 Act.

Human Rights

- 3.12 Neither the District Council 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 complies with the Human Rights Act 1998. 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 Land Use Consultants (LUC), on behalf of the District Council, prepared a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion in November 2019 in relation to the emerging Plan, in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations'). The Screening Opinion concluded that a SEA would be required for the Plan and was subject to formal consultation with the District Council, the Environment Agency, Natural England and Historic England between 25 February and 31 March 2020. AECOM were commissioned to undertake the necessary SEA in support of the emerging Plan, and the SEA Environmental Report was published in November 2020, in order to accompany the submission of the draft Plan to the District Council for Regulation 16 consultation and examination.
- 4.2 I have considered the SEA methodology set out in the Environmental Report and process by which the Plan was duly assessed to determine whether the Plan is likely to have significant environmental effects. Part 1 of the SEA sets out how work was undertaken to develop and assess a range of alternative approaches to the allocation of land for housing, or housing growth scenarios, which were tested alongside the preferred approach contained in the draft Plan. In this respect, Part 1 concludes that *"Overall it is considered that the ANP takes a proactive approach to delivering new development whilst protecting key aspects of the natural, built and historic environment that contribute to the overall sense of place and quality of life in Ash, though significant negative effects are considered inevitable in relation to the loss of best and most versatile agricultural land"*.
- 4.3 Part 2 of the SEA contains an appraisal of the submission Plan and its 16 Policies in the context of the nine SEA themes of Air Quality; Biodiversity; Climate Change (Mitigation and Adaptation); Landscape; Historic Environment; Land, Soil and Water Resources; Population and

Community; Health and Wellbeing; and Transportation. Following this appraisal, Part 2 repeats the conclusion set out above for the Part 1 assessment.

- 4.4 Part 3 of the SEA describes Plan finalisation and future monitoring and concludes that the SEA has not identified any potential for significant negative effects that would require closer review or monitoring over and above the monitoring arrangements of the District Council's Annual Monitoring Report (AMR).
- 4.5 Overall, I am satisfied that a comprehensive approach has been taken to the assessment of the draft Plan to identify any potential positive and negative environmental impacts upon interests of environmental importance. I concur with the findings set out in the Environmental Report.
- 4.6 The Plan was also screened by LUC on behalf of the District Council in order to establish whether the Plan required Habitats Regulations Assessment (HRA) under the Habitats Regulations. LUC could not rule out likely significant effects within their Screening Opinion and concluded that an HRA Appropriate Assessment would be required for the draft Plan. Again, AECOM were commissioned to undertake the necessary Appropriate Assessment.
- 4.7 The issues necessitating Appropriate Assessment identified in the Screening Opinion were:
- Physical damage/loss of habitat with respect to the Thanet Coast/Sandwich Bay SPA/Ramsar site and the Stodmarsh SPA/Ramsar site;
 - No physical disturbance with respect to the Thanet Coast and Sandwich Bay SPA/Ramsar site and the Stodmarsh SPA/Ramsar site;
 - Air pollution with respect to the Sandwich Bay SAC and the Thanet Coast and Sandwich Bay SPA/Ramsar site;
 - Recreational pressure with respect to the Sandwich Bay SAC and the Thanet Coast and Sandwich Bay SPA/Ramsar site; and
 - Water quality/quantity with respect to the Stodmarsh SAC and the Stodmarsh SPA/Ramsar site.

Consultation on the scope of HRA was undertaken with Natural England, who concurred with the findings of the Screening Opinion. The response from Natural England highlighted that Appropriate Assessment would need to consider the existing nutrient and conservation status of receiving waters and provide certainty over mitigation measures to achieve nutrient neutrality within the Stodmarsh European sites referred to above. Natural England also highlighted the need to assess potential recreational disturbance upon the above-listed European sites, all of which are within three kilometres of the Parish boundary.

- 4.8 The Appropriate Assessment is contained within the HRA report published in November 2020 in order to accompany the submission of the draft Plan to the District Council for Regulation 16 consultation and examination. Its conclusions are set out in Section 7. With regard to recreational pressure, it concludes that Policy ANP1 contains the necessary clauses to ensure that the integrity of vulnerable European sites is safeguarded. With regard to water quality, it concludes that the housing allocation Policies ANP7a-ANP7e each contain the necessary clause to ensure that nutrient neutrality is achieved and safeguarded at the Stodmarsh SAC/SPA/Ramsar site, with any necessary mitigation measures set out in full at Appendix 1 to the Plan. Accordingly, it concludes that the integrity of vulnerable European sites will be safeguarded. A similar conclusion is reached after assessment of potential non-physical disturbance and an air quality assessment. Overall, the HRA report therefore concludes that the submission Plan takes necessary account within its Policies and supporting material of the need to safeguard the vulnerable European sites within close proximity of the Plan area.
- 4.9 Overall, I am satisfied that the necessary HRA Appropriate Assessment of the draft Plan and its Policies and proposals has been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). I further note that, in their Regulation 16 consultation response, Natural England state that *"we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured as part of any subsequent planning permission"*.
- 4.10 Therefore, I consider that on the basis of the information provided and my independent consideration of the SEA Environmental Report, the HRA report and the Plan itself, I am satisfied that the Plan is compatible with EU obligations under retained EU law.

Main Assessment

- 4.11 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 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.
- 4.12 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.

- 4.13 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's 16 policies, which address the following themes: Environmental; Biodiversity; Climate Change; Design of New Developments and Conservation; Housing; Leisure and Wellbeing; Health Care and Education; Local Economy; and Local Infrastructure. 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.¹² I recommend some modifications as a result.

Overview

- 4.14 The Plan is addressing a period up to 2037 and seeks to provide a clear planning framework to guide residents, businesses, the District Council and developers as to how the community wish to shape future development in the Plan area during that period. Section 5 of the Plan contains specific policies in respect of each of the themes listed above.
- 4.15 Section 1 of the Plan provides an introduction to the Plan following the designation of the Parish as a Neighbourhood Area in February 2013 and includes a map of the designated area (on page 5).
- 4.16 Section 2 of the Plan provides a wider planning context for the Plan including broad details of the relevant national and local planning policy documents which are in place, and to which the Plan must have regard. These include the NPPF, the adopted Dover District Core Strategy and the emerging Dover District Local Plan 2020-2040.
- 4.17 The Vision for Ash Parish towards 2037 is set out in Section 3 of the Plan and states that, "*By 2037, we envision a rural community with green spaces, safe spaces, adequate medical services, and the right kind of houses in the right place, with good biodiversity (also a community pub, a thriving church and schools)*". This leads to the Plan's five community-led themes and to the Plan's five Objectives. Those Objectives concern, firstly, the need to protect the Parish's historic landscape and heritage, promote a healthy and safe environment, to improve and reduce the loss of biodiversity and wildlife habitats and address climate change; secondly, to promote sustainable new housing developments; thirdly, to protect and enhance leisure, wellbeing, education and healthcare provision through new developments'; fourthly, to support and enhance the local economy; and fifthly, to improve traffic flows and reduce the climate impact of road traffic within the Plan area.

¹² PPG Reference ID: 41-041-20140306.

- 4.18 Section 4 of the Plan sets out the overall strategy of the Plan which, in summary, is to ensure that any new development is of an appropriate scale, well located, be designed and built to be sustainable, to respond to climate change and to respect the distinctive local character. It notes that the Plan has taken into account the results of community engagement, notably at five key public events held during 2018 and 2019. It also notes that the Plan's objectives will be implemented through its Policies and also by a series of community action projects, which are listed at Appendix II to the Plan.
- 4.19 The Basic Conditions Statement (at Section 3) 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. Appendix 1 to the Basic Conditions Statement sets out how each of the Plan's 16 Policies has regard to national policy, takes account of the SEA and HRA and is in general conformity with the strategic policies in the adopted Dover District Core Strategy (2010).
- 4.20 I consider that overall, subject to the detailed modifications I recommend to each of the Policies below, that individually and collectively the Plan's policies will contribute to the achievement of sustainable patterns of development. There are also a number of 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 the District Council. Accordingly, I recommend modifications in this report in order to address these matters.

Specific Issues of Compliance

- 4.21 I turn now to consider each of the proposed Policies in the draft Plan, and I take into account, where appropriate, the representations that have been made concerning the Policies.
- 4.22 As noted at paragraph 2.6 above, upon my initial assessment of the Plan, I was concerned that, with regard to the drafting of Policies in general, there are areas of duplication and/or overlap in the drafting of certain Policies in the Plan leading, in some cases, to lengthier Policies than are necessary. I raised a preliminary question to the Parish Council on this matter stating that, having regard to advice in the PPG and in order to avoid the need for extensive proposed modifications to the Plan, the Parish Council were invited to review each of the Policies in the Plan and identify those clauses that are suitably and adequately addressed by other Policies in the Plan. The Parish Council duly replied to me on 19 February 2021, providing me with a full schedule of re-drafted Policies taking account of my concerns as raised in each of my preliminary questions.
- 4.23 I have therefore considered the re-drafted Policies alongside the submitted Plan and, in general, I consider that the revised Policy text provides the basis for my recommended modifications to the Plan's Policies, as referenced below. There is, however, in the case of a number

of Policies, a need for further amendments to the revised Policy text and such amendments are encompassed within my recommended modifications where necessary.

Environmental

- 4.24 Section 5.1 of the draft Plan addresses the Environmental objective of the Plan, covering the topics of landscape, heritage, biodiversity and climate change, and contains six policies, Policies ANP1-ANP6, which address development in the countryside, designated local green and open spaces, green and open spaces in new developments, biodiversity, climate change and developments and conservation.
- 4.25 Each of the Policies in this section of the Plan is supported by significant contextual information, including a summary of relevant evidence and a statement of the Policy intentions and objectives.
- 4.26 Policy ANP1 (Development in the countryside) is concerned with development proposals in the countryside beyond the defined village settlement boundary of Ash (which is defined within Policy DM1 of the adopted Dover District Core Strategy). In the case of this Policy, the Policy intentions and objectives are:
- *To improve the built environment through good design and sensitive development.*
 - *To preserve and enhance, where appropriate, the landscape, heritage and character of the area.*
 - *To maintain the distinctive, locally valued and historic views and visual connectivity of the village with the surrounding countryside.*
 - *To deliver net gains to biodiversity.*
 - *To improve climate change resilience.*
- 4.27 As drafted, the Policy contained 13 separate clauses, and it was unclear from my initial assessment whether or not all categories of development needed to satisfy all of the Policy requirements. The revised Policy text provided by the Parish Council is shorter and contains seven clauses. I consider that the revised text is clearer and easier for users of the Plan to understand. Subject to one further amendment, I therefore consider that the revised text should replace that in the submission Plan, in order to provide improved clarity for users of the Plan and I recommend modification **PM2** to address this matter.
- 4.28 Policy ANP2 (Designated local green and open spaces) addresses the various open spaces and green spaces within the Plan area and in the case of this Policy and Policy ANP3, the policy intentions and objectives are:
- *To protect identified green and open spaces (as per assessment)*
 - *To create and/or enhance green and open spaces within new developments*
 - *To provide green corridor links between new developments and existing settlements.*

- 4.29 As drafted, the Policy contains four clauses, the third of which proposes the designation of 14 sites as “publicly accessible Green Spaces”. As noted above, I raised a preliminary question with the Parish Council concerning the content of the Policy and its supporting text, specifically seeking confirmation that the draft Plan is seeking the designation of the 14 sites listed as Local Green Spaces (rather than publicly accessible Green Spaces), in accordance with the national policy advice at paragraphs 99-101. I also queried whether the reference in the Policy to Map 5 should be to Map 8 and whether the reference at the foot of page 27 to “... *the 11 areas above* ...” should be to “15 areas”. The Parish Council responded to me on these points on 19 February 2021, including amendments to the Policy text, and I take account of that response in my assessment.
- 4.30 In the Plan, the Policy is linked to Table 1 (page 27) and Map 8 (page 28). However, neither Table 1 nor Map 8 provide sufficient information and clarity regarding the 14 proposed Local Green Spaces. In the case of Table 1, it contains one site (Ash Rugby Club pitch) which the Parish Council has now confirmed is not a preferred Local Green Space, and it should therefore be deleted. Furthermore, I am concerned that the sites listed in the table do not contain their full address or a reference number (to enable cross-reference to accompanying maps and to the Policy itself). Map 8 is produced at a scale which makes it extremely difficult for users of the Plan to interpret the precise boundaries of the proposed Local Green Spaces and is not accompanied by any detailed inset plans showing the individual sites. As part of my recommended modifications to this Policy, I consider that Table 1 should be replaced by a listing of the 13 sites (c.f. **PM3**), each with a reference number (linked to the Policy site reference numbers 1-13), a full address with a fuller description of the nature of the site, and its key features. I further consider that Map 8 should be replaced by a map at a larger scale showing the location of the 13 sites with the appropriate reference numbers added, together with a series of 13 inset maps at a suitable scale showing the detailed boundaries of each site. The relevant site maps contained in the supporting evidence document, Ash Local Green Spaces Assessment (October 2018), are appropriate for this purpose, subject to being suitably annotated.
- 4.31 I am satisfied that all landowners of the proposed Local Green Spaces were made aware of the proposed designations at the Regulation 14 consultation stage in November/December 2019, inviting their comments.¹³ No representations were received from the landowners concerned at that stage or subsequently at the Regulation 16 consultation stage. I have visited each of the proposed Local Green Spaces during the course of my site visit to the Plan area. My assessment of each of the 14 proposed sites is as follows:

¹³ PPG Reference ID: 37-020-20140306.

Saunders Wood (Site no. 1) – this is a site of 1.08 hectares situated at the junction of Sandwich Road and Saunders Lane in Ash. It comprises areas of deciduous woodland and some grassland and clearly provides an attractive and well-used area for walking and recreation by local residents.

Collar Makers Green (Site no. 2) – this is the central green space within the Collar Makers Green residential area and contains a children’s equipped play area. It provides a valuable recreational and amenity space within the residential area as well as an attractive visual amenity.

Public Bridleway EE466 (Site no. 3) – in my assessment, this site should be re-titled “Hills Court Nature Path” (c.f. **PM3**) as it is recognised in other supporting studies as a wildlife corridor containing various habitats. It is a linear space of some 280 metres along the bridleway extending north-east from the junction of Cherry Garden Lane and Sandwich Road to the A257 road. Although the site is part of a designated Public Right of Way, it has particular recreational importance and value as a wildlife corridor.

Street Field and Discovery Field (Site no. 4) – this site comprises two fields totalling 2.585 hectares in size situated between The Street and Moat Lane in Ash. Street Field is designated as an Open Space within the adopted Dover District Core Strategy (2010). From my observations, the site clearly provides a valuable area of green space at the centre of the village, and is extensively used for walking and informal recreation. It also forms part of the setting of the village contributing to the visual amenities of the area.

Ash War Memorial (Site no. 5) – this is a small site situated at the junction of The Street, Queens Road and Moat Lane in the centre of Ash containing the village’s war memorial. The site is of local historic importance and is a focal point for remembrance and ceremonies.

St Nicholas Churchyard (Site no. 6) – although described as the Churchyard of St. Nicholas Church, I note that the proposed Local Green Space designation does also include the church building. In my assessment, the designation of the churchyard is justified, recognising its important historic status. However, the church building should be excluded from that designation, as it places a constraint upon the Diocese of Canterbury should they wish to undertake any alterations or improvements to the church. I address this point as part of recommended modification **PM3**, including an adjustment to the accompanying maps.

Ash Recreation Ground (Site no. 7) – this is a site of 3.8 hectares situated at Queens Road, Ash which is also designated as an Open Space within the adopted Dover District Core Strategy (2010). The site provides important sports and recreation facilities for residents of the Parish, including facilities for tennis, football, rugby and cricket, together with a children’s play area and outdoor gym equipment.

Allotments (Site no. 8) – the allotments are situated to the south of the Ash Recreation Ground at Queens Road, Ash and from my observation the allotments are well-used.

10 Acre Field/The Meadows (Site no. 9) – this is a site totalling 5.7 hectares to the south of Pudding Lane extending west along the Parish boundary. The site extends across the Parish boundary into the neighbouring Parish of Woodnesborough. Although the site description in the Ash Local Green Spaces Assessment makes it clear that the proposed designation does not include the land within Woodnesborough, the accompanying mapping, including Map 8 in the draft Plan, does show the site extending across the Parish boundary. This requires correction to ensure that the proposed designation does not include any land within Woodnesborough Parish, and I also address this point as part of recommended modification **PM3**. The site is an area of grassland meadow to the south of Ash village, but with good access by footpaths from the surrounding area. The site is clearly well used by the local community for informal recreation and leisure, and also has biodiversity importance.

Ash Bowls Club (Site no. 10)– this is a site of 0.34 hectare situated at Moat Lane in Ash village. It provides a bowling green and pavilion for the Ash Bowls Club and is clearly an important sporting and recreational facility for local residents.

School Grounds (Cartwright and Kelsey Church of England Primary School) (Site no. 11) - although this site is described as the school grounds of the Cartwright and Kelsey Church of England Primary School, I note that the proposed Local Green Space at this site includes the school buildings, their immediate curtilage and the car parking area. This represents a significant potential constraint to the Education Authority should there be future plans to provide additional school accommodation at the site. I therefore consider that the proposed Local Green Space designation can only be justified for the sports field and green spaces within the north-eastern and eastern parts of the school site, in view of their importance for recreational provision within the Ash community. (For clarity, this relates to those parts of the site which are to the east of the hardened playground areas, which should not form part of the Local Green Space). Subject to those amendments, which are also addressed as part of recommended modification **PM3**, I consider that the reduced area of the site should be designated as a Local Green Space.

School Grounds (St. Faith's at Ash Prep School) (Site no. 12) – again, as with the Cartwright and Kelsey Church of England Primary School, I note that this proposed Local Green Space designation includes the school buildings, their immediate curtilage and the car parking area. This represents a significant potential constraint to the school's owners should there be future plans to provide additional school accommodation at this site. In this case, I consider that the sports pitch and other sports facilities to the west of the car park and south-west of the school buildings can be justified as a Local Green Space, in view of their importance as a

sports and recreational resource for users of the school, but that other parts of the site should be excluded from the proposed designation. (For clarity, this relates to those parts of the site which are to the west of the hardened sports pitch which should not form part of the Local Green Space). Subject to this amendment, which is also addressed as part of recommended modification **PM3**, I consider that the reduced area of the site should be designated as a Local Green Space.

Pound Corner (Site no. 13) – this is a small landscaped amenity space within the centre of Ash village which provides an attractive setting to the surrounding buildings. From my observation, it clearly provides an important and well-used space by residents and visitors to Ash for rest and relaxation.

Green Corridors (Site no. 14) – this proposed designation covers seven separate areas at Saunders Lane, Sandwich Road, Cherry Garden Lane, Chequer Lane, Gilton, Molland Lane and New Street. In all cases, they constitute roadside verges of varying lengths in the ownership of Kent County Council as Highway Authority. I have given very careful consideration to the evidence to support these proposed designations. From my site visit, I noted that they display some differing characteristics. I also note that the seven proposed designations are all within the vicinity of Ash village. From my visit to other parts of the Parish, I observed many other examples of roadside verge close to the smaller settlements and hamlets elsewhere in the Parish that could equally be considered as possible Local Green Spaces on the same parameters as those used in the Ash Local Green Spaces Assessment (October 2018), but which do not form part of that assessment. Overall, I do not consider that any of the seven green corridors identified meet, in full, the tests set out in paragraph 100 of the NPPF, and particularly that a Local Green Space designation should only be used where the green space is “*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*”. Furthermore, I do not believe that any of the seven proposed sites are under any immediate threat of highways or construction works which would lead to any diminution of their present condition and quality. Therefore, based upon my assessment of these factors, I do not consider that any of the seven Green Corridors can be justified as Local Green Spaces. I also address this matter as part of recommended modification **PM3**.

- 4.32 I therefore recommend that, having regard to NPPF paragraphs 99-100 and the guidance in the PPG, that the sites numbered 1-13 within Policy ANP2 are sufficiently justified to ensure their protection for the Plan period and beyond. These sites should be designated as Local Green Spaces (subject to amendments to the site boundaries of site nos. 6, 9, 11 and 12, and the deletion of site no. 14 from the Plan). As regards clause 2.4 of Policy ANP2, this departure from national policy has not been sufficiently evidenced and should be removed in order that the need to

demonstrate very special circumstances shall apply. I also recommend that Table 1 on page 27 of the Plan be deleted and be replaced by a listing of the 13 sites, each with a reference number (linked to the Policy site reference numbers 1-13), a full address with a fuller description of the nature of the site, and its key features. I further recommend that Map 8 on page 28 of the Plan be replaced by an equivalent plan at a larger scale showing the location of the 13 sites with the appropriate reference numbers added, together with a series of 13 inset maps at a suitable scale showing the detailed boundaries of each site. Finally, I consider that the revised Policy text, as provided by the Parish Council in response to my preliminary question, and as further revised by the amendments set out above, provides clear and appropriate guidance for development proposals which may affect green spaces, having sufficient regard to NPPF paragraph 101 which makes clear that local policy for managing development on a Local Green Space should be consistent with policy for Green Belts. Recommended modification **PM3** encompasses the amendments and revisions set out above within paragraphs 4.30-4.32 and with these modifications meets the Basic Conditions.

- 4.33 Policy ANP3 (Green and open spaces in new developments) seeks to ensure that suitable provision of green and open spaces is made for residential developments of five or more dwellings, for residents' health and wellbeing and for recreational use. The Policy text, as drafted, requires some minor amendments to ensure that its requirements are clear, for the benefit of future users of the Plan. Such amendments are addressed by recommended modification **PM4**.
- 4.34 Policy ANP4 (Biodiversity) seeks to retain and enhance the biodiversity of the Plan area, and to mitigate the impacts of any development upon wildlife habitats and upon the designated European sites close to the Plan area. In the case of this Policy, the Policy intentions and objectives are:
- *To secure existing areas of high biodiversity identified by the survey.*
 - *To retain and enhance the biodiversity across the Parish.*
 - *To ensure that there would be no adverse effects on European sites.*
 - *To ensure a 10% measurable net gain is made for every development as set out by best practice guidance by Construction Industry Research and Information Association (CIRIA), Chartered Institute of Ecological & Environmental Management (CIEEM) and the Institute of Environmental Management & Assessment (IEMA).*
- 4.35 As noted at paragraph 2.6 above, upon my initial assessment of the Plan, I considered that, as drafted, some of the material included in the Policy could be placed within its supporting justification, and that furthermore there is some duplication between this Policy and the second part of Policy ANP1. I therefore invited the Parish Council to consider re-structuring the Policy to minimise the non-Policy specific material and to reduce the duplication with the content of Policy ANP1. Additionally, and

more specially relating to Policies ANP7a-ANP7e (see below) but also relating to the potential impacts of development upon the designated European sites as addressed by this Policy, I noted that the Policies introduce a requirement for 'nutrient neutrality' with regard to the Stodmarsh SAC/SPA/Ramsar site. I further noted that the concept of 'nutrient neutrality' is not commonly cited in development plans, being a highly technical calculation as shown by Appendix C to the Habitats Regulations Assessment. I therefore considered that the Plan should contain a simple explanation of the concept of 'nutrient neutrality' for the benefit of its future users (in addition to the material at Appendix 1). I invited the Parish Council to draft a short sub-section to be suitable for inclusion in the Plan at the most convenient place. The Parish Council duly responded to me on both of these matters on 19 February 2021, and I have taken account of those responses in considering this Policy and its supporting text.

- 4.36 Subject to some further minor amendments, I consider that the revised Policy text provided by the Parish Council improves the clarity and purposes of the Policy as contained in the submission Plan, and removes the duplication with Policies ANP1 and ANP7a-ANP7e. I also consider that the text provided on the subject of 'nutrient neutrality' is appropriate for inclusion in the Plan, and I recommend that it be included as a new sub-section preceding this Policy as new paragraphs 150-152. These matters are addressed by recommended modification **PM5**.
- 4.37 Policy ANP5 (Climate Change) seeks to ensure that new developments in the Plan area incorporate measures designed to reduce greenhouse gas emissions and contribute towards achieving net zero carbon targets. In the case of this Policy, the Policy intentions and objectives are:
- *To reduce the amount of greenhouse gas and become a zero carbon zone in line with DDC and KCC emission target dates.*
 - *To ensure all new development is low carbon and contributes to carbon sequestration.*
 - *To promote retro-fitting of low carbon technologies to existing building stock.*
 - *To reduce the amount of rainwater run-off within new and existing developments or where substantial upgrading takes place.*
- 4.38 Subject to some further minor amendments, I consider that the revised Policy text provided by the Parish Council following my preliminary questions is an appropriate basis for revisions to this Policy, which more closely reflect national and local policy objectives concerning climate change. Such revisions are addressed by recommended modification **PM6**.
- 4.39 Policy ANP6 (Developments and Conservation) seeks to ensure that proposals for new development in the Plan area reflect the heritage and

distinctive characteristics of the area and that they preserve and enhance assets of heritage importance. In the case of this Policy, the Policy intentions and objectives are:

- *To ensure developments within the Parish reflect the heritage and distinctive characteristics of the location they are to be developed within and or near.*
- *To ensure design layouts of the new developments are in keeping with the village character and heritage.*
- *To preserve and enhance the heritage and character of the area and to protect the historic heritage assets.*
- *To provide through design sustainable, high quality, climate change resilient development.*

4.40 As drafted, this is a lengthy Policy containing 13 criteria, and I considered, as part of my initial assessment of the Plan, that it did not provide clear and concise guidance for users of the Plan. Following my preliminary questions, the Parish Council provided revised text for this Policy which does reduce its length. However, that revised text requires further amendment to ensure that it is consistent with national policy, one example being that the Code for Sustainable Homes was withdrawn by the Government in 2014. Recommended modification **PM7** addresses the necessary amendments to ensure that the Policy has regard to national policy.

4.41 With recommended modifications PM2-PM7, I consider that the draft Plan's section on environmental issues is in general conformity with the strategic policies of the adopted Dover District Core Strategy, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Housing

4.42 Section 5.2 of the draft Plan addresses the Housing objective of the Plan, and contains one Policy (Policy ANP7), which contains details of five housing site allocations (Policies ANP7a)-ANP7e)) within the Plan area to meet the assessed need for new housing up to 2037.

4.43 There is a significant body of evidence underpinning this part of the Plan, including the Ash Housing Survey (2017), the AECOM Housing Needs Assessment (2019), the AECOM Site Assessment and Options (SAO) (2018) and the Strategic Environmental Assessment (SEA) (2020).

4.44 In developing the preferred approach for the identification of suitable sites for residential development in the Plan area up to 2037, the starting point (in 2018) was an assessment of those sites in the Parish that had been put forward and considered as part of the District Council's Housing and Economic Land Availability Assessment (HELAA). This identified 12 sites (together with three sites (Local Plan site refs. LA20-LA22) already allocated in the adopted Dover District Land Allocations Local Plan (2015)). Each of the 12 sites, which are shown on Figure 3 (page 45) and

Map 11 (page 46) in the Plan, were reviewed in the SAO report to ensure that they were available, deliverable, viable and appropriate for allocation. During that review, one of the sites (Land at White Post Farm – site ref. HELAA 137) was granted planning permission (for 30 dwellings) on appeal, and which has now been included as a commitment towards meeting the housing requirement up to 2037. Planning permission (for 76 dwellings) has also since been granted (in September 2020) at another site, Land North of Orchard View, West of Saunders Lane, which again is now included as a commitment. In this respect, I have given careful consideration to representations seeking the formal allocation of this site in the Plan, citing potential difficulties with the implementation and delivery of certain sites that are included as allocations in the Plan. I do not agree that the site should be included in the Plan as a formal residential site allocation, as it is clear that the site's planning permission (for 76 dwellings) has been taken into account in meeting, and indeed exceeding, the calculated housing requirement for the Plan area. Furthermore, as noted above, I am satisfied that the site selection process which has been undertaken during the preparation of the Plan is both robust and comprehensive and that the sites selected for inclusion in the Plan will assist in the wider objective of contributing towards the achievement of sustainable development.

- 4.45 Work on the assessment of these potential sites for residential development was undertaken in close consultation with the District Council, both in the context of the existing adopted Development Plan site allocations and also in the context of the emerging new Local Plan.
- 4.46 The site assessment process is described at paragraphs 213-221 in the Plan, and more fully within the SEA, at Section 5, as part of the environmental assessment of establishing and testing the reasonable alternatives. The SEA takes into account the conclusions of the SOA in identifying and testing the reasonable alternative housing growth scenarios, with the scenarios based upon the consideration of the 'top-down' strategic policy factors, chiefly relating to the adopted Dover District Core Strategy and Land Allocations documents, and a 'bottom-up' approach based upon the SAO and the sites identified and summarised at paragraph 4.44 above.
- 4.47 Alongside this work in identifying the most suitable sites for inclusion in the Plan for future housing development, other work was undertaken in order to identify the housing requirement for the Plan area up to 2037. The key supporting documents in this respect are the Ash Housing Needs Survey (2017) and the AECOM Housing Needs Assessment (2019). The key findings from these reports are summarised at paragraphs 183-204 in the Plan. Other factors taken into account were the demographic profiles and projections for the Parish, drawn from Office for National Statistics (ONS) data and the OCSI 'Rural Profile Ash' report (2018), together with the results of the community engagement undertaken at earlier stages in the Plan's preparation. These profiles and projections are summarised at paragraphs 170-192 in the Plan.

- 4.48 The AECOM Housing Needs Assessment identified the following issues for Ash:
- *requires an increase in affordable family households;*
 - *requires an increase in one person and couple households;*
 - *households with children are projected to show little growth;*
 - *those aged between 25 and 44 are forecast to decline;*
 - *those over the age of 65 will increase;*
 - *those aged over 85 will grow substantially and are likely to need suitable housing; and*
 - *the assessment also highlights that for households on lower incomes, their options for house ownership or rental in Ash are very limited.*
- 4.49 Following consideration of this data and evidence, the projected housing requirement for the Plan area over the period from 2018 to 2037 was calculated to be 323 dwellings for main site allocations, together with a windfall allowance of two dwellings per annum, amounting to 38 dwellings over that same period. The total housing requirement set out in the Plan is for 437 dwellings, which takes into account the 76 dwellings recently permitted at the Land North of Orchard View, West of Saunders Lane site referred to above. In taking this yield of 76 dwellings into account, the Plan states that it provides a buffer above the calculated requirement, to provide greater certainty of delivery.
- 4.50 The Plan is therefore addressing a primary housing requirement for 323 dwellings to be met by site allocations within the Plan. In meeting this requirement, the Plan takes into account the three sites (Local Plan site refs. LA20-LA22) already allocated in the adopted Dover District Land Allocations Local Plan, and which were undeveloped at the start of the Plan period. These three sites are included within the Plan as Policies ANP7a), ANP7b) and, in the case of the third site at Land West of Chequers Lane (site ref. LA20), as a commitment for 73 dwellings (from a total of 93 dwellings) that remain to be built at the site following the approval of Reserved Matters in November 2019.
- 4.51 Following the assessment of sites undertaken as part of the SEA process, and the conclusions of the SAO report, the Plan makes three new allocations of land for residential development to contribute towards meeting its target of 323 dwellings, comprising Land South of Millfield (for 9 dwellings), Land North of Molland Lane (for 105 dwellings) and Land South of Gilton (for 9 dwellings). These sites are included in the Plan as Policies ANP7c), ANP7d) and ANP7e) respectively.
- 4.52 I consider each of the five proposed residential site allocations and their policy requirements in greater detail at paragraphs 4.56 - 4.61 below.
- 4.53 Overall, on the basis of the documents and supporting evidence that I have considered, I am satisfied that a robust and comprehensive approach has been taken to both the calculation of the housing requirement to be met by the Plan up to 2037 and to the identification and assessment of

potential sites to meet that requirement, in accordance with established good practice and methodology. In particular, the SEA has fully addressed the environmental impacts of the development of the five sites included within Policy ANP7 as part of its evaluation of reasonable alternatives for housing growth and of the Plan's Policies as a whole. I also consider that the close consultation that was undertaken with the District Council during this process has been commendable.

4.54 In the case of Policy ANP7 as a whole, the Policy intentions and objectives are:

- *To facilitate local people living in the Parish for the whole of their lives, with a focus on the provision of local needs housing, i.e. starter homes, downsizing homes, homes for the older population (specialised housing).*
- *To ensure there are sufficient truly affordable houses for the young and local workforce with connections to the village to remain in the village.*
- *To ensure that social housing is primarily for people with links/work within the Parish.*
- *To ensure there is sufficient housing for the elderly, be it single units, blocks or warden assisted, the provision of which will free up larger houses helping to solve the shortage of housing generally.*
- *To ensure that over-development of the village does not take place considering the number of houses Ash has had in comparison to other villages and surrounding towns between 2000-2018.*
- *To have a mixture of houses on new residential developments that maintains the essential characteristics of the village and its immediate surroundings.*
- *To make best and effective use of brownfield sites and promote the development of small-scale sites.*
- *To develop the village from the centre outwards, ensuring good connectivity to the local facilities (i.e. schools, GP's, shops, village hall) and reduce the isolation that new developments experience when placed on the outskirts of the village, e.g. Collar Makers Green.*

4.55 I turn now to consider each of the proposed residential development sites included within the Plan. I visited each of these sites during the course of my site visit to the Plan area. I have also considered the drafting of the Policy text in each case as part of my overall review of the drafting of Policies in the Plan and, in this respect, I have taken account of the revised and amended text to Policies provided to me by the Parish Council in response to my preliminary questions (see paragraphs 2.6 and 2.7 above) following my initial assessment of the Plan and also the representations made to the draft Plan, notably by Historic England.

- 4.56 Policy ANP7a) relates to the site described as the Agri/Cowans site. This site is 3.23 hectares in size and is situated on the eastern side of the village to the south of Sandwich Road, within the defined Ash Village Settlement Boundary. It has an estimated capacity of 95 new dwellings. The site has previously been allocated for residential development in the adopted Dover District Land Allocations Local Plan (2015), and that Plan's Policy requirements are set out at page 49 in the Plan. I consider that the allocation of this site and its development will make a significant contribution towards meeting the Plan's overall housing requirement. I recommend some amendments and revisions to the text of the Policy to ensure that its requirements are clear and concise, with a reference to Map 12, and this is addressed by recommended modification **PM8**.
- 4.57 Policy ANP7b) relates to the site described as the Old Council Yard at the north-east of Molland Lea. This is a small site, again previously allocated for residential development in the Dover District Land Allocations Local Plan (2015). It has a potential capacity of five new dwellings, which due to its location close to the centre of the village may be suitable for specialist housing for older persons. I recommend some amendments and revisions to the text of this Policy to ensure that its requirements are clear and concise, with a reference to Map 13, and this is addressed by recommended modification **PM9**.
- 4.58 Policy ANP7c) relates to a site, 0.4 hectare in size, at the southern end of Mill Field at the south-east of the village. The site is presently outside the Village Settlement Boundary and has an estimated capacity of nine new dwellings. I consider that the development of this site is also fully justified as it will relate well to the existing pattern of development in the area. However, as the Policy acknowledges strengthened landscaping will be required along the site's western, southern and eastern boundaries to ensure that new development is well screened from the surrounding areas of countryside. Again, I recommend some amendments and revisions to the text of the Policy to ensure that its requirements are clear and concise, with a reference to Map 14, and this is addressed by recommended modification **PM10**.
- 4.59 I have given careful consideration to a representation seeking to extend the site area of the allocation in this Policy, by the inclusion of additional land (of some 1.5 hectares) to the west. In my assessment, this would substantially increase the extent of this allocation, and prove very much more difficult to integrate sensitively with the surrounding countryside. I do not accept that there is a requirement to consider further, or extended, site allocations for residential development in the Plan, for the reasons set out in paragraph 4.53 above.
- 4.60 Policy ANP7d) relates to a site, 3.8 hectares in size, on land to the north of Molland Lane, and south of the A257 Ash by-pass. It has an estimated capacity of 105 new dwellings and, as such, represents the largest site allocation contained in the Plan and will make a significant contribution towards meeting the Plan's overall housing requirement. Access to the

site can be achieved from Molland Lane or via the new development at Chequer Lane. The western boundary of the site adjoins the Gilton Conservation Area, and the development of the site will need to safeguard the characteristics of that area. I consider that the allocation of this site is fully justified, and I also take into account the representation submitted on behalf of the landowner confirming the potential deliverability of the site in accordance with the Policy requirements. As with Policies ANP7a)-ANP7c), I recommend some amendments and revisions to the text of this Policy to ensure that its requirements are clear and concise, with a reference to Map 15, and this is addressed by recommended modification **PM11**.

- 4.61 Policy ANP7e) is a previously developed site, 0.5 hectare in size, described as Land South of Gilton, at the north-west of Ash village, close to the Gilton Conservation Area. It has an estimated capacity of nine new dwellings. I consider that, with strengthened landscaping at the site's boundaries, the development of the site is fully justified, and provides an opportunity for a development of high quality which will enhance the character of the area, including the nearby Conservation Area. I recommend some amendments and revisions to the text of the Policy to ensure that its requirements are clear and concise, with a reference to Map 16, and this is addressed by recommended modification **PM12**.
- 4.62 I have also given careful consideration to a representation promoting the inclusion of land, totalling 5.73 hectares, to the north of Sandwich Road at the east of the village close to the junction of Sandwich Road and the A257 Ash by-pass, as a further housing allocation site in the Plan. I note that planning permission was refused for 104 dwellings at this site in 2017, and that a subsequent appeal against that decision was dismissed. I further note that this site (ref. HELAA 132) was fully assessed within the SAO, as part of the site selection process undertaken during the preparation of the Plan. The SAO (at pages 43-48) concluded, with respect to this site, that it is available but not appropriate for inclusion in the Plan because of its high landscape sensitivity, high visual impact and poor location in relation to village services and facilities. I agree with that assessment, and, as with other sites being promoted for inclusion in the Plan, I do not consider that there is a requirement to consider further site allocations for residential development in the Plan, for the reasons that I set out at paragraph 4.53 above.
- 4.63 With recommended modifications PM8-PM12, I consider that the draft Plan's policies, and its five site allocations, for housing are in general conformity with the strategic policies of the adopted Dover District Core Strategy, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Leisure and Wellbeing, Health Care and Education

- 4.64 Section 5.3 of the draft Plan addresses the Leisure and Wellbeing, Health Care and Education objectives of the Plan, covering the topics of community facilities, health and social care and education, and contains two Policies ANP8 and ANP9.
- 4.65 Policy ANP8 (Retention of Community Facilities) seeks to ensure that the existing community facilities within the Plan area (as listed at page 63 and shown on Map 17 in the Plan) are retained, and that development proposals which would result in their loss or reduced scope will not be supported, unless it can be demonstrated that demand no longer exists or that suitable alternative provision is made elsewhere. In the case of this Policy, the Policy intentions and objectives are:
- *To ensure that sufficient community space and leisure facilities are maintained to serve the Parish including new provision in association with new developments.*
 - *To protect and enhance open spaces used for recreational purposes, including improving the changing facilities within the existing Ash Recreation Ground sports pavilion and/or provide a new multi-sports community-owned pavilion.*
 - *To secure the future of the facilities and encourage use by the wider community.*
 - *To secure a long-term solution to increase the rugby field capacity.*
 - *To protect the extensive network of Public Rights of Way in Ash Parish.*
- 4.66 Following my preliminary questions, the Parish Council provided revised text for this Policy which does reduce its length. However, I consider that some further revisions are necessary, particularly to its second clause regarding the provision of new and improved facilities as part of any Section 106 agreements linked to planning permissions for new development in the Plan area, in order to ensure that it constitutes an effective planning policy that clearly states that any such agreements and associated contributions are directly related to evidence that the demand placed upon the community facilities from new development will lead to deficiencies in their provision. The necessary revisions to the Policy are addressed by recommended modification **PM13**.
- 4.67 Policy ANP9 (Health and social care) states that the use of land situated to the north-west of the existing GP Surgery in Ash village for additional accommodation for the Surgery will be supported, subject to satisfying three criteria concerning any such development proposals. In the case of this Policy, the Policy intentions and objectives are:
- *Improve service delivery by developing more physical capacity within the GP surgery to enable more services to be delivered locally, in line with Canterbury & Coastal Clinical Commissioning Group strategy.*

- *To ensure the pharmacy remains in the village by supporting changes etc. required to the premises in line with Policy ANP10.*
- *To encourage more health services to become village-based (for example, dentist, chiropodist, etc.).*

4.68 The Parish Council provided some amended text for this Policy following my preliminary questions. However, in my assessment, the Policy as drafted cannot specify, as the first requirement that *"developers would be required to agree with Dover District Council and Canterbury Clinical Commissioning Group a Section 106 contribution towards the expansion of the facilities"*. Any such contribution cannot be a pre-requisite for the grant of planning permission at any site in the Plan area, and must be linked to an assessment by the District Council in conjunction with the Clinical Commissioning Group that the necessity for increased accommodation at the GP Surgery is directly related to the health care impacts generated by developments which may be granted planning permission in the future. I therefore recommend modification **PM14** to address the necessary amendments to the Policy.

4.69 With the revisions to the Plan encompassed by recommended modifications PM13 and PM14, I consider that the draft Plan's Policies for Leisure and Wellbeing, Health Care and Education are in general conformity with the strategic policies of the adopted Dover District Core Strategy, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Local Economy

4.70 Section 5.4 of the draft Plan addresses the Local Economy objectives of the Plan, covering the topics of retail facilities, local businesses, tourism and working from home, and contains three policies, Policies ANP10-ANP12.

4.71 Policy ANP10 (Village Shops and Public Houses) seeks to ensure that the continued provision of village shops, restaurants/cafes and public houses within the Plan area is maintained and supported. In the case of this Policy and Policy ANP11, the Policy intentions and objectives are:

- *Support sites suitable for further intensification and regeneration for business use subject to meeting certain criteria. (Given the location of most of the sites within the countryside of the Parish, any proposals will need to conserve and enhance the landscape and tranquillity of the countryside).*
- *Support sites within the countryside that are served by the rural road network. (This should be able to safely accommodate the type and/or amount of additional traffic that would be generated without any unsympathetic change to the character of a rural lane).*

- *Where businesses are located in the village, (because of the narrow road widths), sufficient additional parking should be provided to stop cars spilling out on to the road network by preventing on-road parking. The sites and provision of on-site parking should be subject to careful assessment of their impact on the Conservation Areas and listed buildings.*
 - *To support and retain the local shops and service providers within the community.*
- 4.72 Following my preliminary questions, the Parish Council provided revised text for this Policy. Subject to some further minor amendments, I consider that the revised Policy text is appropriate, and recommended modification **PM15** encompasses the necessary revisions to this Policy.
- 4.73 Policy ANP11 (Conversion of rural buildings to business use, tourist accommodation and tourist attractions) states that proposals to convert rural buildings to business use and tourist accommodation will be supported, subject to satisfying seven planning criteria.
- 4.74 As for each of the Policies in the Plan, the Parish Council provided revised text for this Policy following my preliminary questions. Subject to some further amendments to reduce the length of the Policy, in order to provide improved clarity for users of the Plan, I consider that the revised Policy text is satisfactory, and recommended modification **PM16** addresses these revisions.
- 4.75 Policy ANP12 (Working from home) seeks to support and encourage increased home working by residents within the Plan area, subject to those proposals which require planning permission satisfying appropriate criteria commensurate with the location and scale of such proposals, particularly concerning their impact upon residential amenities. In the case of this Policy, the Policy intentions and objectives are:
- *To support the growth in homeworking by securing faster broadband for the village and rural areas.*
 - *To ensure all new dwellings have broadband connectivity or access to it in the future, by the placement of cabinets etc. on the site and connection/ducting into each house.*
 - *To ensure some homes in all developments make provision for homeworking accommodation, either within the main dwellings or by providing space/accommodation in the garden.*
 - *Develop the options to create a business centre/meeting space, by providing new facilities or using public facilities (the public library) or supporting the private sector to provide access to facilities i.e. the public houses*
- 4.76 The Parish Council provided some revised text for this Policy, following my preliminary questions, which I have taken into account in my assessment of the Policy. However, that revised text requires further amendment to reduce its length and improve its clarity for users of the Plan. The revisions to the Policy are encompassed by recommended

modification **PM17**.

- 4.77 With recommended modifications PM15-PM17, I consider that the draft Plan's Policies on the local economy are in general conformity with the strategic policies of the adopted Dover District Core Strategy, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Local Infrastructure

- 4.78 Section 5.5 of the draft Plan addresses the Local Infrastructure objectives of the Plan, covering the topics of traffic management, off-street parking, telecommunications, public transport, water and sewerage, and contains four policies, Policies ANP13-ANP16.
- 4.79 Policy ANP13 (Off-Street Parking) seeks to ensure that new developments within the Plan area make provision for adequate off-street car parking. In the case of this Policy, the Policy intentions and objectives are:
- *To ensure new housing developments do not increase the parking problems by ensuring sufficient off-street parking is provided for each dwelling within the confines of each development.*
 - *Ensure the local shops are not impacted by the reduction of local parking/access.*
 - *To reduce air pollution by encouraging walking, cycling and encouraging the use of electric cars.*
 - *A community project will be taken forward on the completion of this Plan by the Parish Council to look at the options to provide additional car parking in the village centre and to deliver the traffic calming measures identified in the traffic survey.*
- 4.80 Following my preliminary questions, the Parish Council provided some revised text for this Policy. However, I consider that it requires some further amendments to ensure that the Policy contains clearer and more succinct guidance for users of the Plan. The necessary revisions to the Policy are addressed by recommended modification **PM18**.
- 4.81 Policy ANP14 (Communications) seeks to ensure that proposals for new residential and employment developments throughout the Plan area are provided with high-speed broadband connections, either by utilising existing infrastructure or by incorporating new telecommunications infrastructure where necessary. In the case of this Policy, the Policy intentions and objectives are:
- *To ensure all businesses within the Parish have access to superfast broadband speeds.*
 - *Ensure all properties within the village have access to superfast broadband speeds.*
 - *Work with KCC and Openreach to activate the above within the next five years.*

- *Ensure all new housing developments have access to fibre via ducting to convenient points on site and each dwelling.*
- *Ensure all rural conversions have been suitably ducted to enable line of sight equipment to be installed and run to a convenient location within the property.*
- *Look into grant opportunities for community lead partnerships to improve connectivity via Openreach's Community Fibre Partnership Team, or commercial line of sight providers.*
- *This is likely to be one of the community projects that will be taken forward on the completion of this Plan by the Parish Council. It will continue to develop a communications strategy to support these objectives.*

4.82 The Parish Council provided some revised text for this Policy, following my preliminary questions, which I have taken into account in my assessment of the Policy. However, that revised text requires further amendment to reduce its length and to improve its clarity for users of the Plan, including an amendment to the title of the Policy. These revisions are encompassed by recommended modification **PM19**.

4.83 Policy ANP15 (Transport) seeks to promote measures that encourage the use of sustainable transport, such as public transport, walking and cycling, in relation to new developments within the Plan area. It also seeks to implement speed reduction measures along parts of the A257 road as part of any new developments over 10 dwellings permitted along Sandwich Road (from the A257 to Cherry Garden Lane). In the case of this Policy, the Policy intentions and objectives are:

- *To ensure the public transport system can effectively use the road network within the village by ensuring access to bus stops and being able to travel unhindered through the village. (The Street has been blocked on a number of occasions with buses unable to enter the village).*
- *To ensure that any developments within the village do not unduly impact upon safe access/egress from the A257 or impact upon the village access routes to the A257.*
- *Developments have sufficient car parking within the site and do not impact upon the surrounding road network by creating overspill parking.*

4.84 Following my preliminary questions, the Parish Council provided some revised text for this Policy. However, in my assessment, some further revisions are required to ensure that it constitutes a land use planning policy appropriate for inclusion in the Plan. In this respect, the Policy cannot link the grant of planning permissions to a reduction in speed limits on nearby roads, as this is a matter for the Highway Authority (Kent County Council) to consider under other legislation. Furthermore, at this stage, the Policy cannot make reference to any policies or strategies that may be within the emerging Dover District Local Plan, as that Plan is neither part of the adopted development plan

for the Plan area nor well progressed in its preparation. Recommended modification **PM20** addresses the necessary amendments to the Policy.

- 4.85 Policy ANP16 (Infrastructure) seeks to ensure that all new developments provide an appropriate level of infrastructure to meet the needs arising from the development, and that the necessary infrastructure is put in place as the need arises. This Policy is not preceded by a statement of its objectives and intentions. Following my preliminary questions, the Parish Council provided some revised text for the Policy. Subject to some minor amendments, I consider that the Policy is appropriately drafted and recommended modification **PM21** sets out the amended Policy text.
- 4.86 With the recommended modifications PM18-21, I consider that the draft Plan's Policies for Local Infrastructure are in general conformity with the strategic policies of the adopted Dover District Core Strategy, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Other Matters

- 4.87 There is the likelihood that there will be a need to formally review the Plan during the Plan period, particularly following the potential adoption of the emerging new Dover District Local Plan 2020-2040, which is presently timetabled to occur in February 2023. Section 6 of the Plan addresses monitoring and review during the Plan period, with an intention to undertake a full review of the Plan every five years. I consider that a specific reference should be made to the emerging Dover District Local Plan 2020-2040, and I therefore recommend modification **PM22** to add a suitable reference in paragraph 431 in order to address this point.

Concluding Remarks

- 4.88 I consider that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Ash Neighbourhood Development Plan 2018-2037 meets the Basic Conditions for neighbourhood plans. 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.

5. Conclusions

Summary

- 5.1 The Ash Neighbourhood Development Plan 2018-2037 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 responses to my preliminary 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. The Ash Neighbourhood Development Plan 2018-2037, as modified, has no policies or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Area.

Overview

- 5.4 It is clear that the Ash Neighbourhood Development Plan is the product of much hard work undertaken by the Parish Council, its Neighbourhood Plan Committee and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. In my assessment, the Plan reflects the land use aspirations and objectives of the Ash community for the future planning of their Parish. The output is a Plan which should help guide the area's development, making a positive contribution to informing decision-making on planning applications by Dover District Council.

Derek Stebbing

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front Cover	Add the Plan period " 2018-2037 " to the Front Cover, beneath the main title.
PM2	Page 25	<u>Policy ANP1 - Development in the countryside</u> Delete Policy text in full, and replace with: "Development proposals should comply with all relevant Policies in this Plan. 1.1 Development in the countryside beyond the Ash village settlement boundary will only be supported where it provides for a local business or community need on a site that is adjacent to or beyond the existing village settlement area and is physically well related to the existing settlement boundaries. The use of previously developed land and sites that are physically well connected to the existing village settlement will be encouraged where suitable opportunities exist. 1.2 Development proposals must have regard to the purpose of conserving and improving the physical surroundings and the natural beauty by enhancing and expanding the trees and hedgerows, preferably native/indigenous, and landscape within the designated area. 1.3 Developments should respect the natural environment within the designated site and adjacent land by enhancing and re-connecting the existing natural features such as veteran trees, hedges, protecting wildlife corridors/ watercourses. 1.4 Developments would maintain the distinctive views and visual connectivity of the village with the surrounding countryside from public vantage points within, and adjacent to, the built-up area, in particular those defined on Map

		6 (Key views in and around the village of Ash). 1.5 In areas where there would be significant effect on Public Rights of Way, the network must also be included in the landscape planning of the infrastructure as a whole. 1.6 Developments should demonstrate how they will positively accommodate, divert or enhance paths and link networks. 1.7 Lighting should only be directed where necessary and there should be no loss of night-time dark skies due to light pollution.”
PM3	Pages 27-29	<u>Policy ANP2 – Designated local green and open spaces</u> Delete existing title to the Policy, and replace with: “Designated Local Green Spaces” Delete Policy text in full, and replace with: “2.1 Development proposals that result in the loss of local green spaces or result in any harm to their character, setting, accessibility, appearance, or general quality or amenity value will not be supported. 2.2 The provision of high-quality local green spaces and opportunities for outdoor recreation space and/or access to these via green routes should be a priority of all developments. 2.3 The areas listed below are designated as Local Green Spaces and subject to this policy. (They are shown on Map 8 (Local Green Spaces) and their designation is shown in the listing entitled Designated Local Green Spaces on Page 27). 1 Saunders Wood 2 Collar Makers Green 3 Hills Court Nature Path 4 Street Field and Discovery Field

		5 Ash War Memorial 6 St Nicholas Churchyard 7 Ash Recreation Ground 8 Allotments 9 10 Acre Field / The Meadows 10 Ash Bowls Club 11 School Grounds (Cartwright and Kelsey (CoE Primary School)) 12 School Grounds (St Faiths at Ash Prep School) 13 Pound Corner”. Replace Table 1 on page 27 with a listing, to be entitled “Designated Local Green Spaces”, of the 13 Local Green Spaces, each with a reference number (linked to the Policy site reference numbers 1-13), a full address with a fuller description of the nature of the site and its key features. Replace Map 8 on page 28 of the Plan with a map at a larger scale showing the location of the 13 sites with the appropriate reference numbers added, together with a series of 13 inset maps at a suitable scale showing the detailed boundaries of each site. Amend the site boundaries of site no. 6 (St. Nicholas Churchyard) on all relevant maps to exclude the Church building and its immediate curtilage from the Local Green Space designation. Amend the site boundaries of site no. 9 (Ten Acre Field/The Meadows) on all relevant maps to exclude any land shown as part of the Local Green Space designation that lies within Woodnesborough Parish. Amend the site boundaries of site no.11 (School Grounds (Cartwright and Kelsey Church of England Primary School)) to only include the sports field and green spaces within the north-eastern and eastern parts of the school site within the designated Local Green Space.
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		Amend the site boundaries of site no.12 (School Grounds (St. Faith's at Ash Prep School)) to only include the sports pitch and other sports facilities to the west of the school car park and south-west of the school buildings within the designated Local Green Space. Delete references to Ash Rugby Club Pitch as a Local Green Space within the Plan. Delete references to Green Corridors as a Local Green Space within the Plan and from all relevant mapping. Delete the final sentence on page 27.
PM4	Page 29	<u>Policy ANP3 – Green and open spaces in new developments</u> Delete existing Policy text in full, and replace with: “Developments of five or more dwellings should provide appropriate green and open spaces, in accordance with the District Council’s standards, for residents’ health and well-being and recreational use, and: 3.1 Provide high quality, open green spaces and opportunities for recreational space and/or access to these via green routes, as a priority of all developments, and developers should refer to the Kent County Council ROWIP, PRow’s and “Access Good Design Guidance”; 3.2 Provide green infrastructure linking new developments to existing corridors and provide access by foot or cycle to and around the village and public amenities; and 3.3 Should be sensitive to the rural setting, relate to the existing landscape and enhance the built environment.”

PM5	Page 31	<u>Policy ANP4 - Biodiversity</u> Delete existing Policy text in full, and replace with: "4.1 Developments should provide biodiversity net gains of not less than 10% (as set out by the DERFA metric) at all stages of the mitigation processes. Developers must demonstrate that they have followed the mitigation hierarchy. 4.2 New developments present an opportunity to maximise the benefits for biodiversity and should therefore seek to maximise these while ensuring there is no detriment to the Sandwich Bay and Thanet Coast SPA, SAC and Ramsar sites, the Pegwell Bay NNR and the Stodmarsh SSSI. 4.3 Developments should seek to avoid any harm and to minimise any adverse impact upon the local biodiversity, habitats and wildlife. Where necessary and appropriate, proposed development should demonstrate that the conservation of protected and rare species will be maintained, including that of their foraging habitat. Compensatory provision elsewhere should be the last resort and used only if the development demonstrates an overriding benefit to the local community. 4.4 Where necessary and appropriate, development should incorporate additional features for the support of protected species, such as bird and bat boxes, swift bricks and roosting sites and access routes for wildlife (e.g. hedgehogs). 4.5 Developments will only be supported when they provide an independent survey report that is supported by the local planning authority, which agrees a robust mitigation plan that identifies there are no alternatives, or that
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		appropriate mitigation measures can be put in place. 4.6 Developments will only be supported if they comply with the most recent mitigation strategies relating to the Thanet Coast and the Sandwich Bay SPA and Sandwich Bay SAC, where applicable. 4.7 Developments can evidence they will not cause an adverse effect on the integrity of any European Site within the proximity of the Plan area. 4.8 Development can achieve nutrient neutrality regarding the Stodmarsh SAC/SPA/Ramsar site, as described at paragraph 150 of the Plan.” Add new paragraphs 150-152 on page 31 under the sub-heading of “Nutrient neutrality”, to read as follows: “150. The water environment within the Stour Catchment is one of the most important for water dependent wildlife in the UK. There is evidence that high levels of nitrogen and phosphorous input into this environment are causing eutrophication to the Stour European sites. (Eutrophication is an enrichment of water by nutrients that causes structural changes to the ecosystem such as increased production of algae and aquatic plants, depletion of fish species and general reduction in water quality that has an impact upon the ecosystem). 151. It is thought that the main sources of these nutrients are wastewater from housing developments and agricultural sources. Increasing housing development within the Plan area could further contribute to nutrient input into the European sites. Currently, local wastewater treatment plants are under investigation with regard to their impact on the Stodmarsh European sites. The
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		report is due to be published in 2022 by the Environment Agency Water Industry National Environment Programme (WINEP). 152. Due to the uncertainty of the impact on the Stour catchment area of the new residential developments, all developments must ensure they achieve nutrient neutrality (as set out at paragraph 3.9 in the Ash Habitats Regulations Assessment (HRA) report prepared for this Plan) using the standard metrics to calculate the impacts. Developments must secure agreement measures with the water treatment providers to maintain and increase nitrogen/phosphorus offsetting within the catchment area.” Re-number existing paragraphs 150 et seq in the Plan to 153 et seq.
PM6	Page 33	<u>Policy ANP5 – Climate Change</u> Delete existing Policy text in full, and replace with: “5.1 Proposals for new development will be supported where it is evident that they seek to meet the following criteria: a) are designed to minimise vulnerability to the range of impacts arising from climate change by maximising energy efficiency, utilising low carbon energy and reduce greenhouse emissions; b) are resilient to climate change and demonstrate how the development will respond to climate change adaption measures; c) incorporate one or more low carbon technologies; d) do not increase, and where possible, reduce surface water run-off through increased permeability of surfaces and the use of Sustainable Drainage Systems;

		e) incorporate, where appropriate, bio-diverse green roofs and green walls; f) provide public or private open space that is accessible to shade and shelter and is multi-functional; g) provide opportunities to encourage local food sources, recycling and composting; h) adopt the Home Quality Mark and Passivhaus design standards; i) provide electric vehicle car charging points; and j) provide good quality pedestrian/cycle infrastructure. 5.2 New developments should reduce greenhouse gas emissions by the use of renewable and low carbon energy and heat by reflecting the Government's policy for national technical standards. 5.3 New developments should submit a positive strategy as part of the planning application, demonstrating how the development will achieve carbon sequestration. It should also demonstrate how low energy consumption will be achieved based upon low carbon technologies (e.g. air/ground source heat pumps, photovoltaic panels, solar water heating, rainwater harvesting etc.). If a positive strategy cannot be achieved, a statement outlining the reasons why it cannot be achieved will be required."
PM7	Page 36	<u>Policy ANP6 – Developments and Conservation</u> Delete existing Policy text in full, and replace with: "Proposals for new development in the Plan area should comply with all relevant Policies in this Plan. Proposals which assist in delivering the social and environmental aims of

		the Plan will be supported. In particular, proposals will be supported which: 6.1 Demonstrate a high standard of design which respects and reinforces the local distinctiveness of its location, surroundings and the individual character areas of the Parish, as described in the Ash Character Assessment (2018). 6.2 Building design should respect and respond to the village setting, taking account of the Ash Design Guide, in relation to: a) scale, density, massing, height of nearby buildings, orientation, use of local natural materials, fenestration, landscape layout and access; and b) the scale, design and materials of the street furniture in the public realm (highways, footways, open spaces and landscape). 6.3 Buildings should take account of landform, layout, building orientation, massing and landscape to minimise energy consumption. 6.4 All new developments should be designed to avoid increased vulnerability to the impacts of climate change by: a) ensuring development schemes demonstrate how adaption measures and sustainable development principles have been incorporated into the design and proposed implementation; b) planning applications which use the Home Quality Mark and Passivhaus design standards will be positively supported; c) conversions and extensions of 500 sq.m. of residential floorspace or above, or five or more dwellings, to achieve
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	Page 86	'excellent' in BREEAM domestic refurbishment; and d) expect non-domestic developments over 500 sq.m. of floorspace or above, to achieve 'excellent' in BREEAM assessments and encouraging zero carbon in new developments from 2021. 6.5 All new developments must provide facilities for cycle storage and in the case of dwellings for the disabled and older persons, suitable access for mobility scooters. 6.6 Provision for electric charging points to either each dwelling or one point per five dwellings. 6.7 Respects, conserves and enhances the settings of Listed Buildings and street frontages as described in the Ash Character Assessment. 6.8 Respects the integrity, character and appearance of the conservation areas. 6.9 All development works should review the possibilities of archaeological finds within the site confines and seek early discussions with the Kent County Council Heritage Conservation team." Add to the Glossary: "Building Research Establishment Environmental Assessment Method (BREEAM) It sets best practice standards for the environmental performance of buildings through design, specification, construction and operation."
PM8	Page 50	<u>Policy ANP7a) – Agri/Cowans land brought forward from DDC 2015 Land Allocation</u> Delete existing Policy text in full, and replace with: "This site, as defined on Map 12, is allocated for residential development

		with an estimated capacity of 95 dwellings. Development proposals should comply with all relevant Policies in this Plan. Proposals which meet the following criteria will be supported: 7a.1 Any application for development is preceded by and is consistent with a development brief that has been agreed by Dover District Council; this must include an ecological survey; 7a.2 Any application of development is preceded by an archaeological assessment of the site and its submission to Kent County Council; 7a.3 There is a comprehensive approach to development of the whole site but if the site is developed incrementally, each phase must demonstrate that it will not prejudice the implementation of the whole development; 7a.4 The impact of the development on the setting of the village and wider landscape is minimised by reference to Policies ANP4, ANP5 and ANP6; 7a.5 The existing boundary hedgerows and vegetation are retained and enhanced as part of the development; 7a.6 Vehicular access to the site is from Sandwich Road and New Street; 7a.7 There is no vehicular access to the site from Cherry Garden Lane; 7a.8 Open and/or shared spaces should be maintained by a management company established by the developer with on-going maintenance responsibilities being held by this company; and
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		7a.9 Development should ensure that occupation is phased to align with the delivery of sewerage infrastructure, provide connection to gas supply and ensure future access to existing water supply and/or wastewater infrastructure for maintenance and capacity improvements."
PM9	Page 51	<u>Policy ANP7b) – Old Council Yard, land allocated from DDC 2015 Land Allocation</u> Delete existing Policy text in full, and replace with: "This site, as defined on Map 13, is allocated for residential development with an estimated capacity of 5 dwellings and would be suitable for specialist housing. Development proposals should comply with all relevant Policies in this Plan. Proposals which meet the following criteria will be supported: 7b.1 Any application of development is preceded with a development brief for the whole site, including the retention and/or replacement of the Scout Hut, that has been agreed by Dover District Council; 7b.2 Any application of development is preceded by an archaeological assessment of the site and its submission to Kent County Council; 7b.3 The impact of development on the setting within the village and wider landscape is minimised by reference to Policies ANP4, ANP5 and ANP6; and 7b.4 Vehicular access to the site is from Molland Lea."
PM10	Page 54	<u>Policy ANP7c) – HELAA 45 Land South of Mill Field</u> Delete existing Policy text in full, and replace with:

		"This site, as defined on Map 14, is allocated for residential development with an estimated capacity of 9 dwellings. Development proposals should comply with all relevant Policies in this Plan. Proposals which meet the following criteria will be supported: 7c.1 Any application of development is preceded by an archaeological assessment of the site and its submission to Kent County Council; 7c.2 The existing boundary hedgerows and veteran trees are retained and enhanced with native/indigenous species as part of the development boundary; new hedgerows of no less than 10 metres width should be established along the southern, western and eastern boundaries; 7c.3 A green buffer zone is provided between the development and the existing houses to the north side of the site; and 7c.4 Vehicular access to the site is from the existing road through Millfield."
PM11	Page 57	<u>Policy ANP7d) – HELAA 95 Land north of Molland Lane</u> Delete existing Policy text in full, and replace with: "This site, as defined on Map 15, is allocated for residential development with an estimated capacity of 105 dwellings. Development proposals should comply with all relevant Policies in this Plan. Proposals which meet the following criteria will be supported: 7d.1 Any application of development is preceded by an archaeological

		assessment of the site and its submission to Kent County Council; 7d.2 The existing boundary of trees and hedgerows along the A257 are retained and enhanced landscaping, of no less than 15 metres in width should be established, to reduce the impact of noise and air pollution from the A257. New boundaries of native trees and indigenous hedgerow of no less than 10 metres in width are established along the southern and western boundaries to reduce the impact of noise, air pollution and visual impact to maintain the rural setting; 7d.3 The density of development along the western boundary is reduced to mitigate the loss of the rural landscape; 7d.4 The Public Rights of Way EE90A, EE112 and the Public Bridleway EE464 are enhanced and incorporated into the design and the layout to improve cycle and pedestrian connections to Chequer Lane (through the new development) and Molland Lea; 7d.5 The main vehicular access to the site could be from the Chequer Lane development and/or in the vicinity of Molland Lane; 7d.6 The impact of development on the setting of the village, surrounding dwellings and the wider landscape is minimised through design, materials, setting, massing and scale of new buildings; and is minimised by reference to Policies ANP4, ANP5 and ANP6; and 7d.7 Development should ensure that occupation is phased to align with the delivery of sewerage infrastructure."
PM12	Page 59	<u>Policy ANP7e) – HELAA 163 Land South of Guiton</u> Delete existing Policy text in full, and replace with:

		"This site, as defined on Map 16, is allocated for residential development with an estimated capacity of 9 dwellings. Development proposals should comply with all relevant Policies in this Plan. Proposals which meet the following criteria will be supported: 7e.1 Any application of development is preceded by an archaeological assessment of the site and its submission to Kent County Council; 7e.2 The existing boundary hedgerows and veteran trees are retained and new landscaping to the boundary of no less than 5 metres in width containing indigenous hedges and native trees is established along the south eastern, north and north western boundaries to reflect the importance of the local landscape and its setting within the wider countryside; 7e.3 Special attention should be paid to sustainable drainage on the site especially near the entrance of the site to avoid the possibility of surface water runoff impacting the residents, the bottom of Gilton Hill and the surrounding road network; 7e.4 The density of development respects its location within the countryside and reflects the special character of the surrounding buildings on the edge of the Gilton Conservation Area and one of the main entrances into Ash village; 7e.5 Vehicular access to the site is from Gilton; and 7e.6 Pedestrian access to and from the site must include direct access to a public pavement on both sides of the road at a convenient point."
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PM13	Page 64	<u>Policy ANP8 – Retention of Community Facilities</u> Delete existing Policy text in full, and replace with: “8.1 Development resulting in the loss, or reduction of scope of the community facilities as listed on page 63 and shown on Map 17 will only be supported where it can be demonstrated that demand within the locality for the facility no longer exists or that suitable alternative provision is made elsewhere. 8.2 Contributions from Section 106 agreements will be sought to improve existing community facilities and provide new facilities where there is evidence that the demand placed upon them from new development will lead to deficiencies in their provision.”
PM14	Page 66	<u>Policy ANP9 – Health and social care</u> Delete existing Policy text in full, and replace with: “9.1 The use of the land to the north-west of the existing GP surgery to provide additional accommodation for the expansion of facilities will be supported, subject to proposals meeting the following criteria: 9.1.1 Provide an appropriate level of car parking for staff and visitors; and 9.1.2 Provide suitable landscaping and screening of the new development. The Parish Council will seek agreement with Dover District Council and the Canterbury Clinical Commissioning Group to secure Section 106 contributions towards the expansion of the health care facilities should that be necessary to meet the needs of an increasing population arising from new developments in the Plan area.”

PM15	Page 69	<u>Policy ANP10 – Village Shops and Public Houses</u> Delete existing Policy text in full, and replace with: “The continued provision and improvement of village shops, restaurants/cafes and public houses in the Plan area will be supported, subject to: 10.1 Proposals for alternative use will only be supported, where it has been demonstrated that the current use is no longer economically viable, and that there is no longer any realistic prospect of continued use, by: 10.1.1 Evidence that the site has been actively marketed for a minimum of 6 months at a realistic price for its current use; and 10.1.2 Evidence that the facility is no longer economically viable.”
PM16	Page 71	<u>Policy ANP11 – Conversion of rural buildings to business use, tourist accommodation and tourist attractions</u> Delete existing Policy text in full, and replace with: “Proposals to convert rural buildings to business use and tourist accommodation or attractions within the Plan area will be supported, where they meet all of the following criteria: 11.1 Any changes to existing buildings should retain the traditional rural character of the buildings and their setting in the defined Character Assessment area, and their landscape; 11.2 The building is of a permanent and substantial construction, and does not require complete or substantial reconstruction;

		11.3 The local road network serving the site would be able to accommodate the type and/or amount of traffic that would be generated; 11.4 The amenities of any neighbouring residential occupiers or the tranquillity of the countryside would not be significantly adversely affected; and 11.5 Sufficient on-site parking is provided for staff and delivery vehicles. Where possible and practicable, the Public Rights of Way network around each of the proposed developments should be improved to provide access to walking and cycling routes, in liaison with Kent County Council."
PM17	Page 72	<u>Policy ANP12 – Working from home</u> Delete existing Policy text in full, and replace with: 12.1 Where planning permission is required for homeworking, development proposals will be supported for appropriate office and/or light industrial use, which meet the following criteria: 12.1.1 No significant and adverse impacts arise to nearby residents or properties from noise, fumes, odour or other nuisances associated with the homeworking, or causes traffic issues; 12.1.2 Any extension or free-standing building shall be designed having regard to all relevant Policies in this Plan and should not detract from the quality and character of the building to which it is subservient by reason of height, scale, massing, location or materials used in its construction; 12.1.3 There are good, sustainable transport links with high quality walking and cycling infrastructure available linking the development to local networks.

		12.2 Development will be supported for a community business centre within the Plan area that provides, extends and/or re-uses existing community premises, subject to: 12.2.1 Provision of sufficient car parking on-site to accommodate the demand; and 12.2.2 The use of the premises does not lead to adverse impacts on residential amenities in the vicinity of the site.”
PM18	Page 75	<u>Policy ANP13 – Off-street Parking</u> Delete existing Policy text in full, and replace with: “Development proposals in the Plan area should: 13.1 Provide parking in accordance with the Kent County Council Standards, and not less than: 1.5 parking spaces independently accessible for each 1 and 2 bed dwelling; 2 parking spaces independently accessible for each 3 and 4 bed dwelling; 1 parking space independently accessible for each specialist dwelling; or a communal car park. The above requirements exclude garages. 13.2 Not result in a net loss of on-site parking spaces; 13.3 Not result in a loss of off-road public parking spaces through the need for cross over and/or visibility splays: and 13.4 Not lead to overspill parking on to public areas.”
PM19	Page 77	<u>Policy ANP14 – Communications</u> Amend Policy title to read: “Telecommunications”

		Delete existing Policy text in full, and replace with: "14.1 All new and refurbished residential units and employment developments within the Ash village settlement boundary will enable 'Fibre to the Premises' (FTTP) broadband connections. 14.2 Before development commences, details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunications infrastructure by connections to multi-point destinations or to buildings/premises which have been ducted to accommodate such technologies. 14.3 This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. 14.4 Where the above is not possible or practicable, mitigation should be provided to ensure premises can receive broadband speeds. This should be submitted as part of the planning application or reserved matters. 14.5 Rural conversions should make provision for ducting within the premises to enable 'line of sight' equipment to be installed and accessible at suitable locations within the premises. 14.6 The requirement for masts in the countryside to enable connectivity will be supported providing that they are not located close to residential buildings, historic buildings and Conservation Areas, key views and sensitive habitats. 14.7 Where possible, telecommunications providers should share masts.
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		14.8 Connectivity through 'line of sight' links will be positively supported."
PM20	Page 79	<u>Policy ANP15 – Transport</u> Delete existing Policy text in full, and replace with: "Development proposals within the Plan area should include measures to minimise and make acceptable the impacts on the local road network by: 15.1 Demonstrating how walking and cycling opportunities have been prioritised and new connections have been made to existing routes. 15.2 Encouraging the use of sustainable transport, such as public transport, and including new and enhanced pedestrian/ cycle routes within the development leading to the existing public transport network and, where necessary, the provision of new bus infrastructure. 15.3 Ensuring that development does not lead to adverse impacts upon air quality. Proposals that either adversely affect existing walking and cycle routes or do not encourage appropriate new walking and cycling opportunities, will not be supported."
PM21	Page 80	<u>Policy ANP16 – Infrastructure</u> Delete existing Policy text in full, and replace with: "16.1 New and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community, subject to other Policies in this Plan. 16.2 All new developments will be expected to provide an appropriate level of infrastructure to meet the needs and demands arising from the development. Where an infrastructure need is

		identified for a particular development, the necessary infrastructure must be put in place to support that development as the need arises.” Amend the word “Sewage” to read “Sewerage” where it appears in the sub-section entitled “Water and Sewage” on page 79.
PM22	Page 81	<u>Section 6 – Monitoring Ash Neighbourhood Development Plan</u> Amend Paragraph 431, to read as follows: “Every five years, or before if there is a major change, the Parish Council will undertake a full review of the Plan and its policies, in line with the NPPF, the new Dover District Local Plan 2020-2040 and its planning policies and any other relevant changes affecting the Parish, to ensure that the Ash NDP remains current and reflects the community vision.”