



Intelligent Plans
and examinations

Report on the Aldington & Bonnington Neighbourhood Development Plan 2022-2030

An Examination undertaken for Ashford Borough Council with the support of Aldington & Bonnington Parish Council on the December 2023 Submission version of the Plan.

Independent Examiner: Derek Stebbing BA (Hons) DipEP MRTPI

Date of Report: 20 June 2024

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Main Findings - Executive Summary

From my examination of the Aldington & Bonnington 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 – Aldington & Bonnington Parish Council (the Parish Council);
- the Plan has been prepared for an area properly designated – the Neighbourhood Plan Area, the boundary of which is coterminous with the Parish Council boundary, as identified on Figure 1 at Page 7 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2022 to 2030; 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

Aldington & Bonnington Neighbourhood Development Plan 2022-2030

- 1.1 The parishes of Aldington and Bonnington lie approximately 13 kilometres to the east of the town of Ashford and 11 kilometres to the west of the town of Hythe in Folkestone & Hythe district. Aldington is the larger parish with an area of some 1,376 hectares, with Bonnington covering some 490 hectares. The population of the two parishes was 1,573 persons at the 2021 Census. The principal settlement is the village of Aldington, with a primary school, public house with restaurant and village shops, together with community and recreational facilities. The parish of Bonnington has a much more dispersed settlement pattern of a very rural character, with no discernible village centre.
- 1.2 The southern part of the neighbourhood area is within the Kent Downs National Landscape, with the other parts of the neighbourhood area lying within the setting of the National Landscape which surrounds it on three sides. The eastern boundary of the Aldington parish is immediately adjacent to the proposed Otterpool Park Garden Settlement contained in Folkstone and Hythe District Council's adopted Core Strategy Review

(March 2022). This includes the development of circa 5,600 new homes in the period up to 2036/37, with potential for future growth to provide a total of 8,000-10,000 homes within the site allocation area (which is to the south of Sellindge and the M20 motorway).

- 1.3 The village centre of Aldington is focused on Roman Road. The Grade I listed St. Martin's Church is situated in Church Lane, Aldington within the Church Lane Conservation Area. The nearest railway station is Ashford International, approximately 11.2 kilometres from Aldington, which provides regular services to London, Canterbury, Maidstone and the Thanet towns. Aldington is served by a local bus service to Ashford, although this is not a frequent service. Local employment is concentrated in a range of small businesses, spread across the neighbourhood area including a number within former farm buildings.
- 1.4 The village of Bonnington is located on the northern edge of Romney Marsh, which covers approximately 40% of the parish. Bonnington has important historic features including the ancient St. Rumwold's Church, the Royal Military Canal and the Old Law Oak tree, which is believed to be around 900 years old, at the hamlet of Bonnington.

The Independent Examiner

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Ashford Borough Council (the Council/Borough Council), with the agreement of the Parish Council.
- 1.6 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.
- 1.7 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

- 1.8 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.

1.9 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').

1.10 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

1.11 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.

1.12 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 Ashford Borough Council, not including documents relating to excluded minerals and waste development, is the Ashford Local Plan 2030 (ALP), which was adopted on 21 February 2019. The Council's latest Local Development Scheme (LDS) (March 2023)³ indicates that work on the preparation of a new Local Plan to cover the period up to 2041 commenced during 2023, with a Regulation 18 consultation expected in the second quarter of 2024; followed by Regulation 19 pre-submission consultation in the first quarter of 2025; submission to the Secretary of State for examination in the second quarter of 2025; and the formal adoption of the new Local Plan in the third quarter of 2026.
- 2.2 The adopted Local Plan contains a suite of seven strategic policies (Policies SP1-SP7) and a series of site-specific policies and topic-related policies. The Basic Conditions Statement (at Section 4) sets how each of the draft Plan's policies are in general conformity with the relevant strategic policies and other policies in the adopted Local Plan. Having been adopted in 2019, the ALP provides a relatively up-to-date strategic planning context for the Neighbourhood Plan, and this has enabled the draft Plan and its policies to be prepared.
- 2.3 The Council has raised a number of concerns with regard to the general conformity of the draft Plan's policies with policies in the adopted Local Plan and I address those concerns in detail within Section 4 of this report.

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 [The Local Development Scheme \(LDS\) contains the production timetable for Local Plans and other Development Plan Documents \(DPD\).](https://www.ashford.gov.uk/development-planning/local-development-scheme) (ashford.gov.uk)

2.4 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 December 2023 (and updated on 20 December 2023). All references in this report are to the latest December 2023 NPPF and its accompanying PPG.⁴

Submitted Documents

2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:

- The draft Aldington & Bonnington Neighbourhood Development Plan 2022-2030 Submission Version (including Appendices A-E) (December 2023);
- the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination Report (January 2023);
- the Basic Conditions Statement (December 2023);
- the Consultation Statement (December 2023); and
- all the representations that have been made in accordance with the Regulation 16 consultation.⁵

Supporting Documents

2.6 I have also considered the supporting documents to the Plan, including the following:

- Aldington and Bonnington Housing Needs Survey (Action in Communities in Rural Kent) (January 2022);
- Aldington & Bonnington Design Guidelines and Codes (AECOM) (August 2021) (which forms Appendix C to the Plan); and
- Aldington Housing Needs Assessment (HNA) (AECOM) (August 2020).

Examiner Questions

2.7 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 Council and the Parish Council on 26 February 2024⁶ seeking further clarification and information on five matters contained in the submission Plan, as follows:

⁴ See also paragraph 4.64 below and PM13.

⁵ View at: [View at: Aldington & Bonnington Neighbourhood Plan \(Regulation 16\) | Have Your Say Ashford](#)

⁶ View at: [Aldington and Bonnington Parish Council are undertaking a Neighbourhood Plan for their parish. Read how the plan is progressing. \(ashford.gov.uk\)https://www.ashford.gov.uk/planning-and-development/planning-policy/neighbourhood-plans/pluckley-neighbourhood-](#)

1. With regard to Policy AB1 (Green and Blue Infrastructure and Delivering Biodiversity Net Gain), I had noted the Borough Council's representations concerning this draft Policy, and in particular the aim (in criteria A and B) of delivering a measurable Biodiversity Net Gain of at least 20%, where possible. In my assessment, the requirement to demonstrate a measurable Biodiversity Net Gain of at least 20% significantly exceeds the national policy requirement, and that the Policy will require modifications to have due regard to the relevant PPG⁷ (<https://www.gov.uk/guidance/biodiversity-net-gain>) as published on 14 February 2024 (updated 1 May 2024). Furthermore, I considered that, as drafted, there are inconsistencies between criteria A and B in the Policy which could lead to difficulties in interpreting the precise requirements of the Policy for users of the Plan. I considered that criteria A and B can be satisfactorily consolidated into a single criterion, which reflects national PPG, and I therefore invited the Qualifying Body to consider this matter, taking into account the Borough Council's representations, and to provide me with a note on possible revised text for this Policy, that I may consider as a proposed modification.
2. With regard to Policy AB3 (Local Green Space), I noted the representations submitted by DHA Planning Ltd. on behalf of TG Designer Homes concerning the proposed designation of the site known as 'Calleywell Field' (Site No. 5) as a Local Green Space. I also noted from the Consultation Statement that representations were submitted at the Regulation 14 consultation stage by Hobbs Parker Property Consultants LLP on behalf of the owners of this site and that "*Calleywell Field and Wood is retained, but reduced to a 10m strip, which appear more appropriate in terms of its recreational use*", as the Steering Team's response to representations. I therefore requested that the Qualifying Body provide me with a copy of the representations concerning the 'Calleywell Field' site that were submitted at the Regulation 14 consultation stage, in order that I may consider the justification for the proposed Local Green Space, as now defined in the draft Plan, in greater detail. I also confirmed that I would visit each of the proposed Local Green Space sites during the course of my site visit.
3. With regard to Policy AB6 (Residential Windfall Development), I noted the Borough Council's representations concerning the criteria that are set out in clause B of this draft Policy, which I also noted do repeat some of the concerns that were expressed by the Borough Council at the Regulation 14 consultation stage. Before I considered this matter in greater detail, I requested that the Qualifying Body please confirm that Figure 13 correctly shows the location of all bus stops within the village of Aldington and on the principal roads leading out of the

[plan/https://www.thanet.gov.uk/info-pages/broadstairs-st-peters-neighbourhood-plan-2nd-edition/](https://www.thanet.gov.uk/info-pages/broadstairs-st-peters-neighbourhood-plan-2nd-edition/)

⁷ PPG Reference ID: 74-006-20240214.

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village. Furthermore, I also requested that the Qualifying Body confirm whether the term “*small to medium-scale development*” should be interpreted as being for sites no larger than 1.0 hectare, as assumed by the Borough Council in its representations.

4. With regard to Policy AB12 (Sustainable Travel), I requested that the Qualifying Body confirm that the reference to Figure 20 in clause B of this draft Policy should be to Figure 19.
 5. With regard to Paragraph 2.7 in the draft Plan, I noted Kent County Council’s representations, which include the suggestion that paragraph 2.7 of Section 2 (About Aldington and Bonnington) contains some inaccuracies and is confusing. I therefore requested that the Qualifying Body review the County Council’s representations, and specifically Appendix A to those representations, and provide me with a note setting out any necessary revisions to paragraph 2.7, and if appropriate to other parts of Section 2, that I may consider as a modification to the Plan.
- 2.8 In response to my letter of 26 February 2024, the Parish Council provided me with responses to the questions listed above on 20 March 2024.⁸ I have taken full account of the additional information contained in these responses as part of my assessment of the draft Plan, alongside the documents listed at paragraphs 2.5 and 2.6 above.
- 2.9 To avoid unnecessary repetition in subsequent sections of this report, I refer to the questions and to the responses from the Parish Council by their relevant number, e.g. Question No. 1. Readers should refer to paragraph 2.7 above, and to the response documents from the Parish Council for the full text of the questions and responses.

Site Visit

- 2.10 I made an unaccompanied site visit to the Neighbourhood Plan Area on 24 March 2024 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

- 2.11 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.

⁸ View at: [Aldington and Bonnington Parish Council are undertaking a Neighbourhood Plan for their parish. Read how the plan is progressing. \(ashford.gov.uk\)](https://www.ashford.gov.uk)

In all cases, the information provided has enabled me to reach a conclusion on the matters concerned.

Modifications

- 2.12 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 to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by Aldington & Bonnington Parish Council. An application to the Council for the parishes of Aldington and Bonnington to be designated a neighbourhood planning area was made by the Parish Council on 7 November 2019 and was approved by the Council on 14 November 2019, under Section 61G of the 1990 Act.⁹
- 3.2 The designated neighbourhood area comprises the whole of the parished areas of Aldington and Bonnington. The designated area is shown on the map (Figure 1) at page 7 in the submission draft Plan.
- 3.3 Aldington & Bonnington Parish Council is the Qualifying Body for the preparation of the Plan. The preparation of the Plan has been led by a Neighbourhood Plan Steering Team comprising Parish Councillors and volunteers from the community.

Plan Period

- 3.4 The draft Plan specifies (on the front cover) the period to which it is to take effect, which is stated to be from 2022 to 2030. The Plan period encompasses the remaining part of the plan period for the adopted ALP (up to 2030). It does not extend into the plan period from 2031 up to 2041, which will be covered by the emerging review of the adopted ALP. Whilst that review is presently still at an early stage of progression, I do make a recommendation and associated proposed modification **PM11** (see paragraph 4.57 below) with regard to a future review of the Plan needing to take account of the emerging review of the ALP.

Neighbourhood Plan Preparation and Consultation

- 3.5 The Consultation Statement and its two Appendices sets out a comprehensive record of the Plan's preparation and its associated engagement and consultation activity during 2019-2023. Initial work began in January 2020 with the first community meeting held in Aldington Village Hall and attended by 76 persons. This was followed by the

⁹ View at: [Aldington and Bonnington Parish Council are undertaking a Neighbourhood Plan for their parish. Read how the plan is progressing. \(ashford.gov.uk\)](https://www.ashford.gov.uk/your-council/parishes-and-villages/aldington-and-bonnington-parish-council-are-undertaking-a-neighbourhood-plan-for-their-parish-read-how-the-plan-is-progressing)

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formation of the Neighbourhood Plan Steering Team. Further community events were held in 2020, and a community questionnaire was distributed to every household in the two parishes on the emerging themes for the Plan, with a total of 212 responses. The HNA was completed by AECOM in October 2020. During 2021 work was focused on preparing the evidence base for the draft Plan, continuing community engagement through a range of communication activities, including a dedicated web-site, social media and regular articles in the Parish News, together with meetings and discussions with key stakeholders including the Borough Council, the Kent Downs AONB¹⁰ Unit and Kent County Council. The Aldington & Bonnington Design Guidelines and Codes (which form Appendix C in the draft Plan) were completed by AECOM in August 2021. During 2022, work was concentrated on developing the draft policies for the Plan and preparing the draft Plan and its supporting documents for Regulation 14 consultation. The SEA and HRA Screening Report and Determination was issued to the Parish Council by the Borough Council in February 2023. The Regulation 14 pre-submission consultation was undertaken between 29 May and 10 July 2023 and details of the responses received to that consultation are set out at Appendix B to the Consultation Statement. The Steering Team's responses to the matters raised in this consultation are also set out in Appendix B.

- 3.6 The preparation of the draft Plan and the associated community engagement and consultation has involved five main stages, as follows:
- Stage 1: Initial work, community engagement and identification of matters to be covered by the draft Plan (Late 2019 to Autumn 2020).
 - Stage 2: Developing the Vision and Objectives for the draft Plan and preparation of the Plan's evidence base (Autumn 2020 to Spring 2021).
 - Stage 3: Developing and testing the draft Policies for the Plan and preparing the draft Plan (Spring 2021 to Spring 2023).
 - Stage 4: Finalisation of the draft Plan for Regulation 14 pre-submission consultation, which was held between 29 May and 10 July 2023 (Spring 2023 to Summer 2023).
 - Stage 5: Revisions to the Plan post-Regulation 14, submission to the Council, Regulation 16 consultation and examination (Autumn 2023 through to Spring 2024).
- 3.7 Stage 1 was focused on the community engagement work described above, the community questionnaire and the identification of the themes that would be covered by the Plan.
- 3.8 During Stage 2, work was focused on preparing the Plan's evidence base, further community engagement (as recorded at paragraphs 2.25-2.29 in the Consultation Statement) and the development of the Vision and Objectives for the draft Plan.

¹⁰ Areas of Outstanding Natural Beauty (AONBs) are now known as 'National Landscapes'. See also paragraph 4.62 below.

- 3.9 Work during Stage 3 comprised developing and testing the emerging policies for the draft Plan, including two community workshops, a policy writing workshop and a public exhibition in October 2021, completion of the evidence base work for the draft Plan and initial work on preparing the draft Plan.
- 3.10 Stage 4 largely involved work on completing the draft Plan and the supporting material for pre-submission (Regulation 14) consultation which, as previously noted, was held during May-July 2023.
- 3.11 Stage 5 comprised the finalisation of the draft submission Plan and its supporting documents, following the Regulation 14 consultation, and the formal submission of the draft Plan to the Borough Council for examination in December 2023.
- 3.12 The Consultation Statement provides a full record of the consultation and engagement work that was undertaken during the preparation of the Plan, particularly regarding the Regulation 14 pre-submission consultation.
- 3.13 The Parish Council noted at its meeting held on 8 January 2024 that the draft Plan had been submitted to the Council for examination under Regulation 15. Regulation 16 consultation was held for a period of eight weeks from 15 December 2023 to 9 February 2024. I have taken full account of the 13 responses received during that consultation. 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 engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.14 I am satisfied that 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

- 3.15 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 Kent County Council is the Minerals and Waste Planning Authority for the Plan area, and the relevant Development Plan document for these matters is the adopted Kent Minerals and Waste Local Plan (2013-2030).

Human Rights

- 3.16 Neither the 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

¹¹ The meaning of 'excluded development' is set out in s.61K of the 1990 Act.
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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 In December 2022, the draft Plan was submitted to the Council for SEA and HRA screening. The Council issued a SEA and HRA Screening and Determination Report in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations') and the Habitats Regulations on 1 February 2023, and this was prepared on the basis of the pre-submission policies, Vision and Objectives contained in the draft Plan. This Screening Determination Report has been submitted alongside the draft Plan and concludes (at Section 4) that, on the basis of the SEA Screening Assessment, the draft Plan will not have significant negative effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and that a full SEA is not required. The main reason for this conclusion is that the draft Plan does not propose to allocate any additional sites for development and contain policies which would require any development coming forward to protect and enhance the environment.
- 4.2 The Screening Report was the subject of consultation with the Environment Agency, Natural England and Historic England between 20 December 2022 and 1 February 2023. The consultees all responded within the consultation period and confirmed that the preparation of a full SEA is not required. Appendix 2 to the Screening Determination Report contains the consultees' responses.
- 4.3 I have considered the SEA methodology set out in the Screening Determination Report (at Section 4 and Appendix 3) and process by which the draft Plan was duly screened to determine whether the Plan is likely to have significant environmental effects. Overall, I am satisfied that a proportionate approach has been taken and that the Plan was screened to take full account of any potential effects upon interests of environmental, landscape, historic and heritage importance.
- 4.4 The draft Plan was also screened by the Council in order to establish whether the Plan required HRA under the Habitats Regulations. The HRA Screening Assessment, which is contained within the Screening Report (at Section 5), concludes that the draft Plan does not include any proposals that would be likely to adversely affect the integrity of the European sites, alone or in combination with other projects and plans, and that a full HRA

Appropriate Assessment of the Plan is not required. I have noted that Natural England have confirmed (on 26 January 2023) that a HRA is not required. I further note that although the Plan area is within the catchment of the Stodmarsh Lakes Special Protection Area (SPA), Ramsar site and Special Area of Conservation (SAC), which lie east of Canterbury, the Plan will not have any impact upon the water and environmental quality at that designated site, as the Plan does not allocate housing sites or sites for overnight accommodation and therefore there is unlikely to be an impact on the integrity of internationally designated sites.

- 4.5 Therefore, I consider that on the basis of the information provided and my independent consideration of the SEA and HRA Screening and Determination Report (and the Plan itself), I am satisfied that the Plan is compatible with EU obligations under retained EU law.

Main Assessment

- 4.6 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.
- 4.7 Having considered above whether the draft 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 1.11 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.
- 4.8 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan’s 17 policies. 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.

¹² PPG Reference ID: 41-041-20140306.

Neighbourhood Plan Overview

- 4.9 The Plan is addressing the period from 2022 to 2030 and seeks to provide a clear planning framework to enable the parishes of Aldington and Bonnington to continue to thrive and meet the evolving needs of their communities, while preserving the rural character, natural beauty and views in the area.
- 4.10 Section 1 of the Plan comprises the Introduction to the Plan and describes the legislative framework for the preparation of neighbourhood plans, the planning policy context and a summary of the community engagement that was undertaken during the preparation of the Plan. It also includes a section on the sustainability of the Plan and the SEA and HRA screening process that was undertaken.
- 4.11 Section 2 of the Plan is entitled 'About Aldington & Bonnington' and provides a full description of the Plan area, its historical development and principal environmental features. It also provides key information on the socio-economic characteristics of the area, noting that the population of Aldington increased significantly during 2011-2021 following several new housing developments in the village. Kent County Council (KCC), in its representations on the draft Plan, considered that paragraph 2.7 within this section contains some inaccuracies and is confusing. I raised this matter as Question No. 5 (see paragraph 2.7 above), and I consider that the replacement text provided by the Parish Council in its response dated 20 March 2024 addresses the concerns raised by KCC. Accordingly, I recommend modification **PM1** to address this issue.
- 4.12 Section 3 of the Plan sets out the Plan's Vision and six Objectives. The Vision for the neighbourhood area up to 2030 is as follows:
- "The rural parish of Aldington & Bonnington will, in 2030, be a better version of the place that it is today. The distinctive, ridgeline landscape, ancient woodlands and open, farming character will still yield dramatic views. Nature and dark skies will be protected, and the area made safely accessible for all to enjoy. Any development will prioritise homes for all ages that are affordable on local wages and people will live happily for generations in a thriving, healthy, active and connected community. We will have built with care, made a feature of our heritage and embraced more sustainable ways of living, along with modern technology, to facilitate local enterprise. We will continue to be proud to call this parish our home."*
- 4.13 The Plan's six Objectives are as follows:
1. Conserve the rural landscape character and views
 2. Enhance nature and increase biodiversity
 3. Celebrate our built heritage and achieve high-quality design
 4. Become a healthier, safer, cleaner and more connected community

5. Support the local economy
6. Manage the impact of traffic.

Each of the policies in the Plan identifies which of these Objectives it is seeking to address.

- 4.14 The Basic Conditions Statement (at Sections 2-4) 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. Figure 1 in the Basic Conditions Statement comprises a map of the designated neighbourhood area.
- 4.15 In my assessment, I consider that the draft Plan, through its Vision, Objectives, Policies and its supporting text, contains a planning strategy that addresses the national requirement to contribute to the achievement of sustainable development, as it applies to the Plan area.
- 4.16 I consider that overall, subject to modifications that I recommend to specific policies below, that individually and collectively the Plan's policies will contribute to the achievement of sustainable patterns of development in Aldington & Bonnington and within the wider area. There are 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 Council. Accordingly, I recommend modifications in this report in order to address these matters.

Specific Issues of Compliance

- 4.17 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.

The Rural Environment

- 4.18 Section 4 of the Plan addresses the theme of the Rural Environment in the Plan area and contains five policies (Policies AB1-AB5). These policies address green and blue infrastructure and delivering biodiversity net gain; managing the environmental impact of development; the designation of Local Green Spaces; the protection of locally significant views; and dark skies.
- 4.19 Policy AB1 (Green and blue infrastructure and delivering biodiversity net gain) is in four parts. Clause A states that proposals should be designed to create, conserve, enhance and manage green and blue spaces and connect chains of green and blue infrastructure, as identified on the Policies Maps, with the aim of achieving a measurable Biodiversity Net Gain of at least 20%, where possible, but at a minimum, a net gain in excess of 10% for wildlife. Clause B states that development proposals must be supported by a biodiversity appraisal and that a measurable Biodiversity Net Gain (BNG) of at least 20% (where possible) must be

demonstrated by utilising the Defra biodiversity metric. Clause C states that measures to achieve biodiversity net gain, mitigation or compensation involving the creation of habitat and/or relocation of species, must be agreed by the Local Planning Authority and Parish Council (either via Section 106 agreements or a compensation covenant) and should include sufficient funding to support at least 30 years of post-development habitat management or land use change, in accordance with the Environment Act 2021. Finally, Clause D states that proposals that seek to improve the connectivity between wildlife areas and green spaces will be encouraged, to enhance the green infrastructure of the neighbourhood area. Proposals that support the enhancement and management of the identified Biodiversity Opportunity Areas, as shown on Figures 5 and 6, will be supported.

- 4.20 Upon my initial assessment of the Plan, I noted that the Council had raised some significant concerns with regard to matters concerning the application of Biodiversity Net Gain policy within this Policy. I shared those concerns, and accordingly raised Question No. 1 (see paragraph 2.7 above) noting that, in my assessment, the requirement to demonstrate a measurable BNG of at least 20% significantly exceeds the national policy requirement, and that the Policy will require modifications to have due regard to the relevant national PPG as published on 14 February 2024 (updated 1 May 2024). Furthermore, I also considered that, as drafted, there are inconsistencies between criteria A and B in the Policy which could lead to difficulties in interpreting the precise requirements of the Policy for users of the Plan. I considered that criteria A and B could be satisfactorily consolidated into a single criterion, which reflects national PPG, and I therefore invited the Parish Council to consider this matter, taking into account the Council's representations, and provide me with a note on possible revised text for this Policy, that I may consider as a proposed modification. In its response dated 20 March 2024, the Parish Council has proposed the consolidation of Clauses A and B (to form a revised Clause A), which I consider to be appropriate and which addresses the points that I raised in Question No. 1.
- 4.21 I have given further detailed assessment to the Policy text and consider that Clause C also requires some amendment to reflect the fact that responsibility and cost of managing post-development habitat management for a period of at least 30 years on development sites is the responsibility of the developer concerned. Where off-site habitats are to be provided these must be purchased through BNG credits, which take account of the long-term cost (for at least 30 years). Whilst the Parish Council, as a landowner, may be involved in some proposals to provide BNG, the primary responsibility for assessing and agreeing proposals to secure BNG rests with the Council through the determination of relevant planning applications. Accordingly, I recommend some amendments to Clause C to reflect those points. The necessary amendments to the Policy text are set out in recommended modification **PM2**.

4.22 Policy AB2 (Managing the environmental impact of development) is in three parts. Clause A states that development proposals should seek to maintain and, where practicable, conserve, enhance and incorporate natural features typical of the neighbourhood area, for instance ponds, hedgerows, verges and trees. Clause B states that proposals for residential development or overnight accommodation will only be supported if it demonstrates nutrient neutrality regarding Stodmarsh Special Area of Conservation (SAC)/Special Protection Area (SPA), both in relation to phosphorus and nitrogen. Clause C states that, as appropriate to their scale and location, development proposals should demonstrate that they have addressed matters concerning trees and woodland, hedgerows and fauna, with detailed criteria to be considered for each of those matters. Subject to a focused amendment to the Policy text, I am satisfied that the Policy is justified and is in general conformity with the strategic policies of the adopted ALP. Recommended modification **PM3** addresses the focused amendments to the Policy text.

4.23 Policy AB3 (Local Green Space) proposes the designation of nine Local Green Spaces, which are defined on Figure 7 and described at Appendix A. The sites are as follows:

1. Reynolds Playing Field
2. Quarry Field and Wood
3. Green in Walnut Ridge
4. Roman Road verges
5. Calleywell field
6. Wheatfields green
7. Aldington Meadows play area
8. Aldington Meadows green
9. Forge Hill allotments.

I visited each of the proposed Local Green Spaces during the course of my site visit. Upon my initial assessment of the Plan and the accompanying representations, I noted the representations submitted by DHA Planning Ltd. on behalf of TG Designer Homes concerning the proposed designation of the site known as 'Calleywell Field' (Site No. 5) as a Local Green Space. I also noted from the Consultation Statement that representations had been submitted at the Regulation 14 consultation stage by Hobbs Parker Property Consultants LLP on behalf of the owners of this site, and that *"Calleywell Field and Wood is retained, but reduced to a 10m strip, which appear more appropriate in terms of its recreational use"* as the Steering Team's response to those Regulation 14 representations. I therefore requested, as Question No. 2 (see paragraph 2.7 above), that the Parish Council provide me with a copy of the representations concerning the 'Calleywell Field' site that were submitted at the Regulation 14 consultation stage, in order that I could consider the justification for the proposed Local Green Space, as now defined in the draft Plan, in greater detail. In its response dated 20 March 2024, the Parish Council provided me with the necessary information, which I have taken into account in my own assessment.

- 4.24 It is my assessment that Sites 1-4/6-9 meet the criteria that are set out in the NPPF at paragraph 106 for designation as Local Green Spaces and are capable of enduring beyond the end of the Plan period (paragraph 105). However, after very careful consideration, I do not consider that Site 5 (Calleywell field) meets the criteria for its designation as a Local Green Space. I take into account that, following the Regulation 14 consultation, this site was reduced in size to now comprise a 10-metre wide linear strip across Calleywell field, which follows the alignment of a path that is stated to be frequently used by walkers. However, the land is in private ownership, and there are significant objections to its designation as a Local Green Space. The Parish Council has aspirations that the path should be upgraded to be a Permissive Path, to link with public footpaths AE445 and AE446. However, that is not in my assessment, sufficient justification for its designation as a Local Green Space. Accordingly, I conclude that Site 5 should not be designated as a Local Green Space and be deleted from the Policy and from paragraph 4.38, Figure 7 and Appendix A. Whilst I am satisfied that Sites 1-4/6-9 should be designated as Local Green Spaces in accordance with the criteria set out in the NPPF, I observe that in the light of the 2020 Court of Appeal judgment in *R on the Application of Lochailort Investments Limited v Mendip District Council*¹³, the wording of the Policy should be amended to ensure that it has sufficient regard to the NPPF. The necessary amendments to the Policy and other parts of the Plan are addressed by recommended modification **PM4**.
- 4.25 Policy AB4 (Protection of locally significant views) is in two parts. Clause A states that the setting of the settlements within the neighbourhood area contributes greatly to their local character. Long-distance views from the ridgeline and the main approaches to the villages play key roles in their settings. Proposals with significant harmful impacts on the setting of the neighbourhood area will not be supported. Clause B identifies 13 locally significant views (and view clusters), which are shown on Figures 8-10 and listed at Table 4, with full descriptions at Appendix B. It goes on to state that development proposals within the shaded arcs of each of the views shown on Figures 8-10 should be designed in a way that demonstrates how the proposal has taken into consideration the importance of the locally significant view or views in the layout, design or masterplanning of the sites(s) and mitigates any adverse impact on those views.
- 4.26 I visited the areas covered by each of the proposed locally significant views during the course of my site visit. I am satisfied that they are each fully justified as being defined within the scope of the Policy. My focus was on determining the accuracy of the shaded arcs depicted on Figures 8-10, which in the case of a number of views, notably Nos. 1, 6, 8 and 10, intersect to cover significant areas of land. Overall, I am satisfied that the Policy and its supporting evidence, particularly at Appendix B, justifies the approach that has been taken to define the extent of each of the views.

¹³ Case Number: C1/2020/0812.

The impact of any proposed developments upon those views will need to be assessed as part of the development management process, and I note that certain proposals may need to be assessed in the context of multiple views. I am satisfied that the Policy is in general conformity with the strategic policies of the adopted ALP and is appropriately drafted.

- 4.27 Policy AB5 (Dark skies) states that, notwithstanding permitted development, proposals for development will be supported where it is demonstrated that, if external lighting is required, it protects the night sky from light pollution. The Policy sets out six criteria for the assessment of proposals concerning the necessity for the lighting, the elimination or reduction of light spillage, the height of street lighting, the use of skylights, the impact on nearby residential properties, wildlife, local heritage assets and the wider landscape, and adherence to guidance published by the Institution of Lighting Professionals. Subject to certain focused amendments to the criteria set out within the Policy, I am satisfied that the Policy is justified and is in general conformity with the strategic policies of the adopted ALP. Recommended modification **PM5** addresses the focused amendments.
- 4.28 With recommended modifications PM2-PM5, I consider that the draft Plan's section on The Rural Environment and its accompanying policies (Policies AB1-AB5) is in general conformity with the strategic policies of the ALP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Housing

- 4.29 Section 5 of the Plan addresses the important theme of Housing within the Plan area and contains two policies (Policies AB6 and AB7).
- 4.30 Policy AB6 (Residential windfall development) is in five parts and covers the topic of windfall residential developments across the Plan area. Clause A concerns windfall developments within the built confines of Aldington village. Clause B concerns development proposals outside the built confines of Aldington village. Clause C addresses development sites that abut or sit within open countryside. Clause D states that the open character and long views of Aldington Ridge must be protected and enhanced and Clause E states that proposals should make the best use of suitable 'brownfield' land, where available, before greenfield land is released.
- 4.31 Upon my initial assessment of the Plan, I noted that the Council had raised some significant concerns with regard to the criteria set out within Clause B. I shared those concerns, and also sought clarification on the location of all the bus stops within Aldington village, in order to confirm the information shown on Figure 13 in the Plan. As Question No. 3 (see paragraph 2.7 above), I requested that the Parish Council confirm that Figure 13 correctly shows the location of all bus stops within the village of

Aldington and on the principal roads leading out of the village. Furthermore, I also requested that the Parish Council confirm whether the term “*small to medium-scale development*” (in Clause B) should be interpreted as being for sites no larger than 1.0 hectare, as assumed by the Council in its representations. In its response dated 20 March 2024, the Parish Council confirmed that there are six bus stops within the vicinity of Aldington village, although not all are within the main part of the village, and that “small to medium-scale development” should be interpreted as being sites no larger than 1.0 hectare in size.

- 4.32 Taking the Parish Council’s response to Question No. 3 and also the Council’s representations into account, I consider that some amendments are required to the text of Clause B and to Figure 13 to ensure clarity in the Policy’s requirements and to provide necessary additional information. I am satisfied that the other parts of the Policy text are appropriately drafted, and I do not recommend any modifications to the text of Clauses A,C,D and E. Recommended modification **PM6** addresses the necessary modifications to the text of Clause B and to the information shown on Figure 13. It should be noted that I do not recommend any amendments to the content of Table 5.
- 4.33 Policy AB7 (Meeting local housing needs) is in three parts. Clause A addresses the appropriate mix of housing size, types, tenure and affordability in proposed housing developments within the Plan area, in order to assist in meeting the needs identified in the Aldington HNA. It includes the national policy requirement for the provision of First Homes. Clause B states that residential development that could reasonably be expected to meet the needs of older people (by virtue of its size and location) should demonstrate how it has reflected the ‘Housing our Ageing Population Panel for Innovation’ (HAPPI) principles. Clause C states that, subject to other policies in the Plan, proposals for self-build and custom-build housing will be supported.
- 4.34 The Council has made representations concerning the proposed tenure split of affordable housing that is set out in Clause A i), noting that it does not conform to the requirements set out in Policy HOU1 (Affordable Housing) in the ALP in a number of respects. The Council notes that the Plan is not accompanied by any viability evidence to support the proposed alternative approach to delivering affordable housing. I am clear that the Policy does need to be in general conformity with Policy HOU1, as the provision of affordable housing is a district-wide policy requirement, including this Plan area. Accordingly, some amendments are necessary to the text of Clause A i) to ensure that the Plan is in general conformity with the adopted Local Plan’s requirements. I am satisfied that the text of the other parts of this Policy are appropriately drafted and I do not recommend any further amendments. Recommended modification **PM7** addresses the necessary amendments to the text of Clause A i).
- 4.35 With recommended modifications PM6 and PM7, I consider that the draft Plan’s section on Housing and its accompanying policies (Policies AB6 and

AB7) is in general conformity with the strategic policies of the ALP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Character, Design and Heritage

- 4.36 Section 6 of the Plan addresses the theme of Character, Design and Heritage in the Plan area and contains four policies (Policies AB8-AB11).
- 4.37 Policy AB8 (Promoting local character through high-quality design) is a lengthy policy in three parts, with Clause C containing eight sub-clauses relating to the design and layout of development proposals. The principal evidence supporting this Policy is the Aldington & Bonnington Design Guidelines and Codes report, prepared by AECOM in August 2021, which forms Appendix C to the Plan.
- 4.38 Clause A of the Policy states that, where practicable, proposals for development in the Plan area should preserve or enhance the character of the Conservation Area or Character Area as shown on Figure 15 and described at Table 6, reflecting architectural variety found locally and using materials that are in keeping with those used in existing buildings in the immediate locality.
- 4.39 Clause B of the Policy states that special attention should be paid to boundary treatments, which should reflect rural characteristics, and it notes that hedges and low ragstone walls are key local characteristics and should be retained.
- 4.40 Clause C contains the detailed policy guidance on design matters. It addresses the following matters:
- being guided by the principles of 'Building for a Healthy Life' (2020)
 - taking account of the guidance contained in the National Design Guide, the Kent Design Guide, the Kent Downs Management Guidance, Conservation Area Appraisals and the Aldington & Bonnington Design Guidelines and Codes;
 - meeting the requirements of 'Secured by Design' (2023)
 - site context;
 - residential amenity;
 - landscaping, biodiversity and open space;
 - incorporating open space; and
 - providing suitably sized rooms and overall floorspace, as set out in the 'Nationally Described Space Standards' (2015).
- 4.41 The Council has made a number of detailed comments, noting that the Kent Downs Management Guidance covers a suite of documents. I recognise that the supporting justification at paragraphs 6.3-6.5 may be enhanced by some further information to assist users of the Plan, taking account of the Council's comments, as there are five important documents referenced in that section, and a further suite of documents under the title

of Kent Downs Management Guidance. In my view, this is ostensibly a suggestion for an improvement and therefore cannot be considered strictly necessary in order to meet the Basic Conditions. However, this additional factual/contextual information might potentially be added as a minor non-material amendment (see paragraphs 4.62-4.63 below).

- 4.42 Policy AB9 (Energy efficiency and design) is in three parts. Clause A states that development proposals that design in environmental performance measures and standards to reduce energy consumption and climate effects will be supported, subject to compliance with other policies in the Plan. Clause B sets out a series of sustainable design features that proposals should seek to incorporate, where possible and practicable, whilst Clause C states that sensitive measures to alter historic buildings should take account of Historic England's guidance note on 'Energy Efficiency and Historic Buildings'. The Policy text has been amended following a number of comments made by the Council at the Regulation 14 consultation stage. I am satisfied that the Policy is justified and that it is in general conformity with the strategic policies of the adopted ALP.
- 4.43 Policy AB10 (Renewable and community energy) is in two parts. Clause A states that proposals for commercial solar photovoltaic (PV) development will only be supported where they meet the requirements of Local Plan Policy ENV10 and they satisfy six detailed planning criteria concerning the location and impacts of the development. They include securing opportunities to provide a net gain in biodiversity. Clause B states that proposals for individual and community-scale energy from hydroelectricity, solar PV panels, local biomass facilities, anaerobic digestion and wood fuel products will be supported subject to the satisfactory siting and scale of the proposed development and suitable road access arrangements. I note that the Policy text was amended to take account of a number of concerns expressed by the Council at the Regulation 14 consultation stage, and that the Council has not raised any concerns to the amended text. I consider that the Policy is appropriately drafted and provides clear guidance for renewable and community energy projects in the Plan area.
- 4.44 Policy AB11 (Conserving heritage assets) is in five parts. Clause A identifies eight buildings and structures as non-designated heritage assets (NDHAs), as shown on Figure 18 and described in detail at Appendix D, including in the case of Kentish Ragstone Walling a listing of locations at Forge Hill and Roman Road. Clause B states that development proposals affecting the 61 designated heritage assets in the Plan area, as shown on Figure 17 and listed at Table 7 in Appendix D, either directly or indirectly, should preserve or enhance the significance of the asset. Proposals affecting NDHAs will be assessed having regard to the scale of any harm or loss against the significance of the heritage asset. Clause C states that development proposals should demonstrate that they have taken into account the potential impact on above-ground and below-ground archaeological deposits to ensure that evidence is not lost. Clause D states that a proactive stance will be taken to any heritage assets that

may be at risk, whilst Clause E states that particular care should be taken in the Conservation Areas to ensure that alterations and new buildings contribute to the enhancement of the historic environment.

- 4.45 I visited each of the proposed NDHAs during the course of my site visit, taking account of the information contained at Appendix D, and I am satisfied that their designation as NDHAs is justified. I consider that the Policy is appropriately drafted, has regard to national policy advice and guidance and is in general conformity with the strategic policies of the adopted ALP.
- 4.46 I consider that the draft Plan's section on Character, Design and Heritage and its accompanying policies (Policies AB8-AB11) is in general conformity with the strategic policies of the ALP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Transport and Movement

- 4.47 Section 7 of the Plan addresses the theme of Transport and Movement and contains two Policies (Policies AB12 and AB13).
- 4.48 Policy AB12 (Sustainable travel) is in five parts and states that all new development should ensure safe pedestrian, and where possible cycle, access to provide links to existing pavements, Public Rights of Way (as shown on Figure 19) and public transport nodes. It goes on to state, that the provision of new or the enhancement of existing cycle and pedestrian routes, as shown on Figure 20 (which should be referenced as Figure 19, as confirmed by the Parish Council in its response to Question No. 4.¹⁴), that are, where feasible, physically separated from vehicular traffic and from one another will be strongly supported. Clauses C-E of the Policy concern the design and layout of works related to the widening of footways or the provision of traffic-calming measures, the provision of new bridleways and the provision of undercover cycle storage spaces as part of residential development proposals. Subject to a number of focused textual amendments, which are addressed by recommended modification **PM8**, I am satisfied that this Policy is justified and is supported by appropriate evidence, is in general conformity with the strategic policies of the adopted ALP and is consistent with national policies promoting Active Travel.
- 4.49 Policy AB13 (Public car parking) is in three parts and states that development proposals that would result in the loss of existing publicly available off-street car parking spaces will not be supported. It also states that proposals to provide additional public parking for people visiting St Martin's Church and St Rumwold's Church, with indicative broad locations for the provision of such parking being shown on Figures 20 and 21

¹⁴ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

respectively, will be supported, and also that additional parking provision to serve Aldington village will be supported. Finally, it states that, within and alongside any new car parking facilities, the provision of dedicated bicycle parking facilities and electric vehicle charging points will be strongly supported. Although I consider that the Policy is appropriately drafted, the notation of "broad location" on Figures 20 and 21 for additional parking at St. Martin's Church and at St. Rumwold's Church is, in my assessment, inappropriate. In the case of Figure 20, two clearly site-specific locations (notated with a red diamond symbol) are identified, and in the case of Figure 21 one clearly site-specific location is similarly notated. I have seen no evidence that these locations have the support of the landowners concerned or indeed that they have been consulted on these specific proposals. I also note that paragraph 7.23 states that "*In all cases, the Parish Council will need to liaise with landowners*". I therefore conclude that Figures 20 and 21 should be deleted from the Plan, as they are not identifying broad locations, and that the reference to Figures 20 and 21 within the Policy text should be deleted. These necessary amendments are addressed by recommended modification **PM9**.

- 4.50 With recommended modifications PM8 and PM9, I consider that the draft Plan's section on Transport and Movement and its accompanying Policies (Policies AB12 and AB13) is in general conformity with the strategic policies of the ALP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Vibrant Communities

- 4.51 Section 8 of the Plan addresses the theme of Vibrant Communities and contains four policies (Policies AB14-AB17) covering the topics of community facilities, camping and caravanning sites, community assets and support for flexible workspaces including homeworking.
- 4.52 Policy AB14 (Community facilities) is in two parts and states that proposals for new community, recreational, cultural and leisure facilities, or the improvement of existing facilities, will be supported where the proposal would not have harmful or adverse effects upon the amenity of local residents and the local environment, upon the local road network and on the heritage aspects, including the setting, of the facility. It further states that the provision of new and upgraded play areas to serve the needs of children of all ages will be supported and that, where possible, these should include areas for 'natural play' (play provision with natural environments). I consider that this Policy is justified and that it is in general conformity with the strategic policies of the adopted ALP.
- 4.53 Policy AB15 (Camping and caravans) states that proposals for camping and caravanning sites to provide tourist accommodation will be supported where they meet four criteria. These concern location, access by road and to the Public Rights of Way network, the avoidance of impacts upon the

amenities of nearby residential properties and of harm to designated heritage and other environmental assets, and do not involve the construction of new permanent structures for ancillary uses such as toilets. It notes that the conversion of existing buildings for such ancillary uses will be considered on their merits, having regard to other policies in the Plan. I am satisfied that this Policy is appropriately drafted and that it is in general conformity with the strategic policies of the adopted ALP.

- 4.54 Policy AB16 (Community assets – maintaining shops and public house) states that proposals that would result in the loss of community facilities, notably the Post Office and the Walnut Tree Inn, will not be supported unless that it can be demonstrated that it is suitable and/or comparable alternative provision is available within the locality and that the facility has been the subject of appropriate marketing for a period of at least 18 months. Again, I am satisfied that this Policy is justified and that it is in general conformity with the strategic policies of the adopted ALP.
- 4.55 Policy AB17 (Supporting flexible workspaces and working from home) is in two parts and states that proposals to improve digital connectivity that supports enterprise will be encouraged, and also that proposals that provide working spaces that encourage homeworking, co-working and creative industries will be supported where they conform with other policies in the Local Plan. I consider that a focused amendment is necessary to also refer to other relevant policies in this Plan, and this is addressed by recommended modification **PM10**.
- 4.56 With recommended modification PM10, I consider that the draft Plan’s section on Vibrant Communities and its accompanying Policies (Policies AB14-AB17) is in general conformity with the strategic policies of the ALP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions

Implementation and Plan Review

- 4.57 Section 9 of the Plan sets out details of how the Parish Council intend to implement and review the Plan in the future. It lists a series of actions to ensure that the Plan’s policies are being interpreted and used in the way intended. It notes, at paragraph 9.4, that whilst it is not a legislative requirement to review a neighbourhood plan, it is good practice to do so periodically. I am satisfied that this section addresses the issues of implementation and review adequately, but I recommend that it should also make a specific reference to the emerging review of the ALP, and this is addressed by recommended modification **PM11**.

Infrastructure Improvements and Provision

- 4.58 Section 10 of the Plan comprises a short section on the potential funding sources and mechanisms for the provision and improvement of infrastructure in the Plan area. These principally comprise developer contributions arising from Section 106 agreements, Section 278

agreements under the Highways Act 1980 and Community Infrastructure Levy (CIL) payments, although it should be noted that the Borough Council has not yet implemented the CIL. Paragraph 10.3 of this section requires a minor factual update as the Levelling-up and Regeneration Bill received Royal assent on 26 October 2023 and is now enacted as the Levelling-up and Regeneration Act 2023 (see paragraphs 4.62-4.63 below).

Policies Maps

4.59 Section 11 of the Plan contains the Policies Map defining the policy notations and other important designations that are referenced within the Plan. The Policies Map comprises a map of the neighbourhood area with an inset map for Aldington village, together with a key to the various policy notations. There is at present no direct reference link in the Plan between the Policy sections (Sections 4-8) and the Policies Maps. For the benefit of future users of the Plan, a note should be added to Section 1 of the Plan, beneath Figure 3 on Page 9, explaining that a number of the policies in the Plan have specific policy-related notations on the Policies Maps and that the policies should therefore be read alongside the Policies Maps. I recommend accordingly in **PM12**.

Glossary

4.60 Section 12 of the Plan is a glossary of terms and terminology, and abbreviations, that are used in the Plan. A minor factual amendment may be made to reflect that the Use Classes Order was most recently revised in 2023 (see paragraphs 4.62-4.63 below).

List of Evidence Documents

4.61 Section 13 of the Plan comprises an extensive listing of evidence base documents, including Government legislation and guidance, Council planning documents, strategies and technical studies that have informed the preparation of the Plan. An amendment is necessary to the reference to the NPPF, a revised version of which was published in December 2023 (see paragraph 4.64 below where I deal with this matter in relation to NPPF references throughout the Plan).

Other Matters

4.62 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. For example, I note the following:

- In Policy AB8, Clause C i), the word "*alterative*" should read "*alternative*" in the first line of text; and
- In paragraph 8.13 of the Plan, preceding Policy AB16, the words "*viability pubs*" in the third line of text should read "*viability of pubs*".

I further observe that all references in the Plan to the Kent Downs AONB should now be the Kent Downs National Landscape (although for legal purposes it remains as an Area of Outstanding Natural Beauty). It is administered by the Kent Downs National Landscape Team (previously the Kent Downs AONB Unit). The Environment Agency have commented that the section of the Plan (at paragraphs 4.11-4.18) on Biodiversity opportunity areas in Aldington & Bonnington could include reference to the 'Making Space for Nature (MS4N)' initiative, which will deliver a programme of enhancing and conserving biodiversity in Kent. Finally, I note that there was not a page numbered 36 in the copy of the Plan that I received for this examination, nor in the copy on the Council's website.

- 4.63 Minor non-material changes or updates such as these and to the text and numbering of the Plan (sections, paragraphs, contents page, etc) can be made, including those consequential to the recommended modifications, in agreement between the Parish Council and the Council.¹⁵

NPPF Update

- 4.64 As noted in paragraph 2.4 above, a revised version of the NPPF was published in December 2023. Although changes to the NPPF (as they relate to the Plan) were minimal, it is nevertheless important that the Plan reflects the contents of the most recent edition, including updated references to the NPPF's revised paragraph numbers. For example, the reference to NPPF paragraph 66 in paragraph 1.13 of the Plan should be to NPPF paragraph 67 in the December 2023 NPPF. Similarly, the "Conformity reference" to Policy AB1 should refer to NPPF paragraphs 180-183, 185 and 186 (instead of 174-177, 179 and 180). I therefore recommend in **PM13** that all references to the NPPF in the Plan relate to the latest December 2023 version.

Concluding Remarks

- 4.65 I conclude that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Aldington & Bonnington Neighbourhood Development Plan 2022-2030 meets the Basic Conditions for neighbourhood plans.

¹⁵ PPG Reference ID: 41-106-20190509.

5. Conclusions

Summary

- 5.1 The Aldington & Bonnington Neighbourhood Development Plan 2022-2030 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 and Council's responses to my 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. I conclude that the Aldington & Bonnington Neighbourhood Development Plan 2022-2030, as modified, has no policy or proposal which I consider to be significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond that boundary. I therefore recommend that the boundary for the purposes of any future referendum on the Plan, should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 It is clear that the Aldington & Bonnington Neighbourhood Development Plan 2022-2030 is the product of much hard work undertaken since 2019 by the Parish Council, its Neighbourhood Plan Steering Team and the 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 Aldington and Bonnington communities for the future planning of their parishes up to 2030. The output is a Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by Ashford Borough Council.

Derek Stebbing

Examiner

Appendix: Modifications

| Proposed modification number (PM) | Page no./ other reference | Modification |
|-----------------------------------|---------------------------|--|
| PM1 | Page 15 | <p><u>Section 2 – About Aldington & Bonnington</u></p> <p>Paragraph 2.7 – delete existing text in full, and replace with the following text:</p> <p>“2.7 Important routes run through Aldington, north-west to Ashford and west-east along the hills flanking the north of Romney Marsh, giving the area a very long history that development over the years has variously exposed. A collection of Mesolithic flints (c. 10,000 – 4,000 BC) including scrapers, blades and points is known from Knoll Farm. Prehistoric pits and a hearth were also found at HMP Aldington in 2000. Several examples of Bronze Age and Iron Age metalwork have been found and it is almost certain that other prehistoric sites lie undiscovered in the area. There have been numerous Roman discoveries in the area as Aldington lies close Portus Lemanis, the Roman fort and port at Lympne, and was on the main route connecting the area with the iron producing areas of the Weald but also the Roman road connecting Portus Lemanis with north Kent. The original Roman road itself may have been detected in excavation in 2005 during cabling works close to Cobb’s Hall. The most important Roman site is perhaps the probable Roman burial barrow at Aldington Knoll. This Scheduled Monument consisted of an earthen barrow that contained at least one burial. A probable mixed inhumation/cremation Roman cemetery was found at Postling Green in 1914 and Roman flue tiles and bricks were found in April 1935 and 1936 during construction of a tennis court at New Haytors. Fragments of brick, Romano-British in date, were found at Marwood Farm in the 1960s. Finally, cropmarks of possible Roman walled cemetery have been seen from Forge Hill, Aldington. Taken together, these sites show the importance of the area in the Roman period and the considerable potential for further</p> |

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| | | <p>discoveries. For more recent periods, there is of course much more information. The area contains almost 30 historic buildings dating to the medieval period including Grade I listed buildings at St Martin's and St Rumwold's churches. Other buildings include farms and barns, high status buildings and cottages. Archaeological sites include the former site of St Leonard's church, the church at Hurst, ruined apparently by fire since 1530. The most imposing monument from the post medieval period is the Royal Military Canal, constructed between 1804 and 1809, a scheduled monument and still a highly visible marker in the landscape."</p> |
| PM2 | Page 21 | <p><u>Policy AB1 – Green and Blue Infrastructure and Delivering Biodiversity Net Gain</u></p> <p>Delete Clauses A and B in full, and replace with:</p> <p>"A. Proposals should be designed to create, conserve, enhance and manage green and blue spaces. They should connect chains of green and blue infrastructure, as identified on the Policies Maps, with the aim of delivering a measurable biodiversity net gain of 20%, where possible, but at a minimum, a net gain of at least 10%. The measurable Biodiversity Net Gain must be demonstrated by utilising the current Defra biodiversity metric. Where this is not demonstrated, permission for planning or for change should be refused unless other material planning considerations demonstrate the need for development."</p> <p>Clause C – delete the first sentence of text and replace with:</p> <p>"B. Measures to secure Biodiversity Net Gain will be approved by the Borough Council, in consultation with the Parish Council and other consultees, and will include arrangements for the monitoring of post-development habitat management for a minimum of 30 years, in accordance with the Environment Act 2021."</p> <p>Clause C – replace the word "biodiversity" in the last line of text with "Biodiversity Net Gain".</p> <p>Clause D to become Clause C.</p> |

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| PM3 | Page 30 | <p><u>Policy AB2 – Managing the Environmental Impact of Development</u></p> <p>Clause B – amend the words “regarding Stodmarsh Special Area Conservation/ Special Protection Area” to read “regarding the Stodmarsh Special Area of Conservation (SAC)/Special Protection Area (SPA)”.</p> |
| PM4 | Pages 34, 35, 37, 108, 118, 119 and 125. | <p><u>Policy AB3 – Local Green Space</u></p> <p>Amend Policy title to read “Local Green Spaces”.</p> <p>Amend Policy text to read “eight green spaces” in the first line of text.</p> <p>Delete the Site 5 – Calleywell Field from the list of sites within the Policy text, from paragraph 4.38 (at Page 35), from Figure 7 (at Page 37) and from Appendix A (at Pages 108, 118 and 119).</p> <p>Delete the second paragraph of Policy text in full and replace with:</p> <p>“Development proposals in the eight designated Local Green Spaces listed above and defined on Figure 7 will be managed in accordance with national policy for Green Belts.”</p> <p>Delete the Location map at the foot of Page 125 in Appendix A.</p> |
| PM5 | Page 44 | <p><u>Policy AB5 – Dark Skies</u></p> <p>Criterion i) – delete the word “absolutely”.</p> <p>Criterion v) – replace the word “or” in the first line of text with “and”.</p> |
| PM6 | Pages 50 and 54 | <p><u>Policy AB6 – Residential Windfall Development</u></p> <p>Clause B i) – delete the existing text in full and replace with “it is a site no larger than 1.0 hectare in size, in accordance with NPPF paragraph 70;”.</p> <p>Clause B ii)- delete the existing text in full and replace with “it is located within easy walking distance of services and facilities within Aldington village, including local bus stops, as shown on Figure 13; and”.</p> |

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| | | <p>Clause B iv) – delete the words “in physical and/or visual coalescence and loss of” and replace with “the loss of character and”.</p> <p><u>Figure 13</u></p> <ol style="list-style-type: none"> 1. Delete 800 metre “dotted circle”, and reference to it within the notation panel. 2. Add location of all bus stops within Aldington village and on the roads leading to/from the village served by bus service 125, as shown in the Parish Council’s response dated 20 March 2024. |
| PM7 | Page 56 | <p><u>Policy AB7 – Meeting Local Housing Needs</u></p> <p>Clause A i) – Delete the third and fourth sentences of text and replace with “The provision, mix and tenures of affordable housing to be provided within the Plan area should reflect the requirements set out in Policy HOU1 in the adopted Ashford Local Plan 2030, including the provision of First Homes in accordance with national policy;”</p> |
| PM8 | Page 79 | <p><u>Policy AB12 – Sustainable Travel</u></p> <ol style="list-style-type: none"> 1. Amend the reference to Figure 20 in Clause B of the Policy text to read “Figure 19”. 2. Clause C – replace the word “or” in the first line of text with “and/or”. 3. Clause E – amend the word “bike” to read “bicycle” in the first line of text. |
| PM9 | Pages 83-86 | <p><u>Policy AB13 – Public Car Parking</u></p> <p>Clause B – delete the words “, as shown in Figures 20 and 21,”</p> <p>Page 84 – delete paragraphs 7.22 and 7.23.</p> <p>Pages 85 and 86 – delete Figures 20 and 21 and amend the listing on Page 5 accordingly.</p> |
| PM10 | Page 93 | <p><u>Policy AB17 – Supporting Flexible Workspaces and Working from Home</u></p> <p>Clause B – 3rd line of text - amend the words “where in conformity with other policies within the Local Plan.” to read “where such proposals conform with other relevant policies in this Plan and in</p> |

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| | | the adopted Ashford Local Plan 2030, or its successor Plan.” |
| PM11 | Page 95 | <p><u>Section 9 – Implementation and Plan Review</u></p> <p>Paragraph 9.4 - add new fourth sentence of text to read as follows:</p> <p>“The emerging review of the Ashford Local Plan will cover the period from 2030 up to 2041, and any future review of this Plan will need to take into account the policies and proposals within the new Local Plan, which is expected to be adopted in 2026.”</p> <p>Existing fourth sentence of text will become the fifth sentence of text.</p> |
| PM12 | Page 9 | <p><u>Introduction</u></p> <p>Add beneath Figure 3 a note as follows:</p> <p>“A number of the Policies in the Plan have specific policy-related notations on the Policies Maps which indicates that the policies should be read alongside the Policies Maps.”</p> |
| PM13 | Throughout the document | Refer to the December 2023 version of the NPPF and update paragraph references where they have changed. |