

## **Tenterden Neighbourhood Plan**

### **Decision Statement**

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

##### **1. Purpose**

The purpose of this Decision Statement is to set out Ashford Borough Council's (the Council's) decision in relation to the Tenterden Neighbourhood Plan (the Plan) 2013 – 2030. The Decision Statement outlines the Council's decision in respect of:

- The actions to be taken in response to recommendations made by the Examiner in the Examiner's Report
- What modifications are to be made to the Plan
- Whether the Plan meets the basic conditions, and would not breach or be incompatible with any EU obligation or Convention rights
- The area in which the referendum will take place

##### **2. Examination and Examiner's Report**

The Tenterden Neighbourhood Plan was submitted for Examination in December 2023. The Council appointed Derek Stebbing BA(Hons), DipEP, MRTPI to independently examine the Plan. The Examiner examined the Plan by written representation and undertook an unaccompanied site visit of the Neighbourhood Plan Area.

The Council received the Examiner's report on 25 April 2024. The Examiner's report recommended that the Tenterden Neighbourhood Plan 2013 – 2030 has been duly prepared in compliance with the procedural requirements and that the Plan, subject to a number of modifications, meets the Basic Conditions and should proceed to referendum.

##### **3. Decision and Reasons**

The Council must consider each of the recommendations made in the Examiner's report and decide what action to take in response. The Examiner's proposed modifications, and the Council's response and reasons to each of these are set out in **Appendix 1**.

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

#### **4. Referendum Area**

In recommending that the modified Plan go forward to referendum, the Examiner considered whether or not the referendum area should extend beyond the designated Neighbourhood Area. The Examiner recommended that there is no need to extend the referendum area.

The Council agrees with this recommendation and concludes that the referendum area will not be extended and will be applied only to the designated Neighbourhood Area.

#### **5. Conclusion**

The Tenterden Neighbourhood Plan can proceed to a Neighbourhood Planning Referendum. The referendum is due to be held on **Thursday 15 August 2024**. The Tenterden Town Neighbourhood Area shall define the extent of the referendum area.

Date of Decision Statement: **30 May 2024**

*This Decision Statement and the Examiner's Report will be made available on the [Tenterden Town Council website](#), at the Tenterden Gateway (2 Manor Row, Tenterden, TN30 6HP) and at the Council Offices (Civic Centre, Tannery Lane, Ashford, TN23 1PL).*

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

Proposed modification number (PM)	Page no./ other reference	Examiner’s Recommended Modification	Council’s Response	Council’s Reasons
PM1	Page 7 and throughout the document	<p><u>Section 1 – Introduction</u></p> <p>Amend all references in the Plan to the NPPF that was published in 2021 to that published in “<b>December 2023</b>”.</p> <p>In addition, specific references to NPPF numbered paragraphs should be checked to ensure that they refer to the December 2023 version.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendation.	To meet the basic conditions and to provide clarity.
PM2	Between Pages 24 and 75	<p><u>Section 5 – Policies</u></p> <p>Amend the text of Policies <b>TEN NP4, TEN NP5, TEN NP6, TEN NP9, TEN NP10, TEN NP11, TEN NP12, TEN NP13 and TEN NP17</b> as set out in the Town Council’s response dated 15 February 2024<sup>23</sup> to Question No. 4 (see paragraph 2.7), with any necessary consequential amendments to the supporting text.</p> <p>23 View at: <a href="https://www.ashford.gov.uk/media/fi5bprlm/response-to-examiner-s-questions-final-2.pdf">https://www.ashford.gov.uk/media/fi5bprlm/response-to-examiner-s-questions-final-2.pdf</a></p>	Agree to modify the text as indicated to comply with the examiner’s recommendation.	To meet the basic conditions and to provide clarity.
PM3	Between Pages 24 and 31	<p><u>Policy TEN NP1 - Protection of Landscape Character</u></p> <p>Amend the words “built up” in the first line of Policy text to read “<b>built-up</b>”.</p>	Agree to modify the text as indicated to comply with the examiner’s recommendation.	To meet the basic conditions and to provide clarity.

Proposed modification number (PM)	Page no./ other reference	Examiner's Recommended Modification	Council's Response	Council's Reasons
		<p>Delete the word "retain" in criterion b) and replace with "maintain".</p> <p>Delete the word "retain" in criterion c) and replace with "maintain".</p> <p>Amend the Policy text and its supporting justification as set out in the Town Council's response dated 15 February 2024 to Question No. 1 (see paragraph 2.7), to take account of the above amendments.</p> <p>Replace all references to the "High Weald Area of Outstanding Natural Beauty" with "<b>High Weald National Landscape</b>".</p>		
PM4	Pages 32 and 33	<p><u>Policy TEN NP2 – Protection of Local Green Spaces and Map 7 (Location of Local Green Spaces)</u></p> <p>Delete Site B – Land between Appledore Road and Woodchurch Road, east of Footpath AB12 – from the schedule of sites on page 32 and from Map 7 and amend the supporting text to refer to nine Local Green Spaces.</p> <p>Insert Inset Maps, as provided with the Town Council's response of 15 February 2024, for the nine sites (referenced A, C, D, E, F, G, H, I and J) in the Plan to follow Map 7 in that sequence.</p> <p>It is recommended that sites C-J be amended to be referenced as <b>B-I</b> inclusive.</p>	Agree to modify the text and maps as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.

Proposed modification number (PM)	Page no./ other reference	Examiner's Recommended Modification	Council's Response	Council's Reasons
		<p>Delete Policy text in full and replace with:</p> <p><b>“Development proposals in the nine designated Local Green Spaces listed above and defined on Map 7 and the accompanying Inset Maps will be managed in accordance with national policy for Green Belts.”</b></p>		
PM5	Page 37	<p><u>Policy TEN NP3 - Conserve and Enhance Biodiversity</u></p> <p>Criterion b) of the Policy text – insert the word <b>“connective”</b> before the word “corridors” in the penultimate line of text and delete the words “and stepping stones” in the same line of text.</p> <p>Criterion d) of the Policy text – delete existing text in full and replace with:</p> <p><b>“Submit a Biodiversity Net Gain metric with all applications demonstrating a minimum increase in value of 10% in accordance with the Environment Act 2021 and accompanying guidance.”</b></p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.
PM6	Page 41	<p><u>Policy TEN NP4 - Design of New Development and Conservation</u></p> <p>Criterion c) of the Policy text – replace the words “Protects and enhances” with the words <b>“Preserves or enhances”</b>.</p> <p>See also <b>PM2</b> above.</p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.

Proposed modification number (PM)	Page no./ other reference	Examiner's Recommended Modification	Council's Response	Council's Reasons
PM7	Page 43	<p><u>Policy TEN NP5 - Tenterden, St Michaels, Smallhythe and Reading Street Conservation Areas</u></p> <p>Criterion a) of the Policy text – replace the word “and” in the second line of text with the word “<b>or</b>”.</p> <p>See also <b>PM2</b> above.</p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.
PM8	Page 45	<p><u>Policy TEN NP6 – Shop Fronts and Advertisements within Tenterden Conservation Area and its setting</u></p> <p>Final paragraph of Policy text - replace the word “and” in the third line of text with the word “<b>or</b>”.</p> <p>See also <b>PM2</b> above.</p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.
PM9	Pages 46 and 82-87	<p><u>Policy TEN NP7 – Non-designated Heritage Assets - and Appendix 2 – Local Rural Heritage Statement and Local Heritage List</u></p> <p>Amend the Policy text to read as follows:</p> <p><b>“Proposals should take into account the effect on the significance of a non-designated heritage asset identified on the map and listing at Appendix 2, and subsequently and wherever possible seek to preserve or enhance the asset.”</b></p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.

Proposed modification number (PM)	Page no./ other reference	Examiner's Recommended Modification	Council's Response	Council's Reasons
		<p><u>Appendix 2</u></p> <p>Add the map contained at Appendix 2 to the Town Council's response dated 15 February 2024 to Question No. 3 to the content of Appendix 2 in the Plan.</p> <p>Entry no. 47 (and accompanying reference on page 46) – delete the words “Signal Box” and replace with “<b>Crossing Keeper's Hut</b>”.</p>		
PM10	Page 50	<p><u>Policy TEN NP8 – Tenterden Southern Extension Phase B</u></p> <p>Add new second sentence of text to the first paragraph of Policy text to read as follows:</p> <p><b>“The Tenterden Design Code which contains design principles and guidance for edge of town developments is at Appendix 1 to this Plan.”</b></p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.
PM11	Page 55	<p><u>Policy TEN NP9 – Tenterden Town Centre</u></p> <p>Amend the opening sentence of Policy text to read as follows:  <b>“1. Within Tenterden Town Centre as defined on Map 16 and in accordance with Policy EMP8 of the adopted Ashford Local Plan 2030:”</b></p> <p>Criterion c) of the Policy text – delete existing text in full and replace with:</p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.

Proposed modification number (PM)	Page no./ other reference	Examiner's Recommended Modification	Council's Response	Council's Reasons
		<p><b>“Change of use to residential on the ground floor of any unit outside the Primary Shopping Frontage will only be supported where it is clear that there is no realistic prospect of continued retail use or other appropriate town centre uses for the premises.”</b></p> <p>Part 2 of the Policy text – delete the words “or expected to become available within a reasonable period.”</p> <p>See also <b>PM2</b> above.</p>		
PM12	Page 56	<p><u>Policy TEN NP10 – St Michaels Local Centre</u></p> <p>Criterion a) of the Policy text – amend to read as follows:  <b>“a) Alternative provision for a similar use already exists within the Local Centre or will be provided through other proposals, or”</b></p> <p>See also <b>PM2</b> above.</p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.
PM13	Page 60	<p><u>Policy TEN NP11 – Intensification, regeneration and expansion of existing business sites</u></p> <p>Criterion d) of the Policy text – delete the words “Development should not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it” and replace with <b>“The proposals include a Transport Assessment providing details of the projected traffic generation for the proposed development. Proposals relating to the Station Road Business Centre should take</b></p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.



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		<p><b>account of the necessity to ensure the safe operation of the level crossing at Station Road at all times."</b></p> <p>See also <b>PM2</b> above.</p>		
PM14	Page 62	<p><u>Policy TEN NP12 – New business premises outside the built-up confines</u></p> <p>Amend the words "built up" in the Policy title and the Policy text to "<b>built-up</b>".</p> <p>Criterion d) of the Policy text – delete the words "Development should not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it" and replace with "<b>The proposals include a Transport Assessment providing details of the projected traffic generation for the proposed development;</b>".</p> <p>See also <b>PM2</b> above.</p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.
PM15	Page 63	<p><u>Policy TEN NP13 – Tourist Accommodation and Attractions</u></p> <p>Amend the words "built confines" in Parts 1 and 2 of the Policy text to read "<b>built-up confines</b>".</p> <p>Clause 2 (ii) – delete existing text in full and replace with:</p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.

Proposed modification number (PM)	Page no./ other reference	Examiner's Recommended Modification	Council's Response	Council's Reasons
		<p><b>“The retention and sustainable development of existing and new tourism facilities which respect the character of the countryside in the Plan area will be supported where such proposals comply with the relevant policies in this Plan and in the adopted Ashford Local Plan 2030.”</b></p> <p>Criterion d) – delete existing text in full and replace with:</p> <p><b>“The proposals include a Transport Assessment providing details of the projected traffic generation for the proposed development; and”.</b></p> <p>See also <b>PM2</b> above.</p>		
PM16	Page 70	<p><u>Policy TEN NP15 – Historic Routeways</u></p> <p>Add the words <b>“as shown on Map 21”</b> after the words “historic routeways” in the first paragraph of Policy text.</p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.
PM17	Page 71	<p><u>Map 21 – Historic Routeways</u></p> <p>Amend Map 21 to depict the full extent and categorisation (as Roads and Public Rights of Way) of the Historic Routeways as depicted on the High Weald AONB Landscape Character Map of Historic Routeways (supplied as part of the Town Council's response dated 15 February 2024).</p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.

Proposed modification number (PM)	Page no./ other reference	Examiner's Recommended Modification	Council's Response	Council's Reasons
PM18	Page 74	<p><u>Policy TEN NP16 – Public Rights of Way</u></p> <p>Add new third paragraph of Policy text to read as follows:</p> <p><b>“Where appropriate, developer contributions will be sought linked to planning permissions granted for new developments in the Plan area in order to secure off-site improvements to the Public Rights of Way network in the vicinity of new developments.”</b></p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.
PM19	Page 75	<p><u>Policy TEN NP17 – Securing Infrastructure</u></p> <p>Delete the words “subject to an appropriate assessment of viability” in the first paragraph of Policy text.</p> <p>Add the words <b>“including the Public Rights of Way network”</b> after the words “walking and cycling” in the first bullet point text.</p> <p>Add new third bullet point text to read as follows:</p> <ul style="list-style-type: none"> <li>• <b>“Any other necessary identified infrastructure, including infrastructure of a cross-boundary nature.”</b></li> </ul> <p>See also <b>PM2</b> above.</p>	Agree to modify the text as indicated to comply with the examiner's recommendation.	To meet the basic conditions and to provide clarity.
PM20	Page 78	<p><u>Section 6 – Monitoring and Review</u></p> <p>Delete 4th paragraph of text and replace with:</p>	Agree to modify the text as indicated to comply	To meet the basic conditions and to provide clarity.

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		<p><b>"The Plan will be formally reviewed should the emerging review of the adopted Ashford Local Plan 2030 contain policies and proposals that necessitate such a review, in order that the Plan remains in conformity with the relevant strategic policies of the Local Plan. Similarly, the Plan will be reviewed should any changes in national policies necessitate revisions to the Plan's policies."</b></p>	<p>with the examiner's recommendation.</p>	