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# **Report on Boughton and Dunkirk Neighbourhood Plan to 2031**

**An Examination undertaken for Swale Borough Council with the support  
of Boughton-under-Blean and Dunkirk Parish Councils on the draft Plan  
submitted in May 2022**

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Date of Report: 21 October 2022

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## **Main Findings - Executive Summary**

From my examination of the Boughton and Dunkirk Neighbourhood Plan (the Plan/BDNP) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – the Boughton-under-Blean and Dunkirk Parish Councils (the Parish Councils);
- the Plan has been prepared for an area properly designated – the Boughton-under-Blean and Dunkirk Neighbourhood Area, as identified on the map at page 7 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2022 to 2031; 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**

### **Boughton and Dunkirk Neighbourhood Plan to 2031**

- 1.1 The Parishes of Boughton-under-Blean and Dunkirk in the Borough of Swale in Kent are situated between the town of Faversham and the city of Canterbury, and on the edge of the Kent Downs Area of Outstanding Natural Beauty. More generally known just as Boughton, Boughton-under-Blean is the smaller of the two Parishes by geographical size but has a larger population of 1,917 (2011 Census).
- 1.2 The Parish of Dunkirk lies to the east of Boughton-under-Blean and has a population of 1,187 (2011 Census). The village of Dunkirk was once part of the ancient forest of Blean, and the development of the village and the creation of the Parish occurred during the late 1830s, with the building of All Saints Church which was consecrated in 1841, and then the opening of Dunkirk School in 1846. Blean Woods, which forms the eastern boundary of the Parish, is a Site of Special Scientific Interest (SSSI) and is part of the former ancient forest of Blean.
- 1.3 The small hamlet of South Street within Boughton-under-Blean Parish lies to the south of both villages and contains the Grade I listed Parish church

of St. Peter and St. Paul. The Parish also contains many other listed buildings which reflect a wide range of architectural styles since the medieval period. The Grade II listed radar mast in Dunkirk Parish, which was part of the Chain Home radar network during the Second World War, dominates the skyline in that area.

- 1.4 Boughton is one of the larger villages within Swale Borough, and prior to the opening of the A2 Boughton by-pass in 1976, the village was on the main road between London and Canterbury. This was part of the Roman road known as Watling Street running from London to Dover. The construction of the M2 motorway and the A2 Boughton by-pass reduced the volumes of traffic within the village, but local congestion still occurs particularly along the historic main road (The Street) through the centre of the village. Many of the village's shops and community facilities are located along this road. The Boughton & Dunkirk Methodist Primary School serves both Parishes and is also located centrally within the village. Children of secondary school age travel outside the Parishes, with the nearest secondary school being at Faversham. The Parishes are served by a regular bus service between Faversham and Canterbury but are not served by a railway station, with the nearest stations being at Faversham and Selling.
- 1.5 Boughton has two public open spaces on the edge of the village, and there are areas of woodland with public access, particularly in Dunkirk Parish. A number of walks and trails through the Parishes are promoted as 'Walks for Heritage and Health', including a woodland walk through Bossenden Wood, the site of the Battle of Bossenden Wood in 1838 which was the last armed uprising on English soil.
- 1.6 The introduction to the Plan states that it has been prepared in the text of two particular uncertainties. Firstly, the nature of the works to be undertaken at Junction 7 of the M2 motorway, known as Brenley Corner and secondly, the proposals for a major new residential and commercial development on a site beside the A2 at Faversham, which includes land within Boughton-under-Blean Parish. The Plan seeks to address the implications arising from these proposals as they affect the Plan area.

### The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Swale Borough Council (SBC), with the agreement of the Parish Councils.
- 1.8 I am a chartered town planner, with over 45 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the local plan system and undertaken peer reviews on behalf of the Planning Advisory Service. I therefore have the appropriate qualifications and experience to carry out this independent examination.

1.9 I am independent of the Qualifying Body and SBC and do not have an interest in any of the land that may be affected by the Plan.

### The Scope of the Examination

1.10 As the independent examiner, I am required to produce this report and recommend either:

(a) that the neighbourhood plan is submitted to a referendum without changes; or

(b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.11 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development'; and
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.12 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### The Basic Conditions

1.13 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)<sup>1</sup>; and
- meet prescribed conditions and comply with prescribed matters.

1.14 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').<sup>2</sup>

## 2. Approach to the Examination

### Planning Policy Context

2.1 The Development Plan for this part of Swale Borough Council, not including documents relating to excluded minerals and waste development, consists of the adopted Swale Borough Local Plan – 'Bearing Fruits 2031' (SBLP) prepared by SBC and adopted on 26 July 2017. The SBLP covers the period from 2014 to 2031 and contains a suite of strategic and core planning policies for the Borough, together with development management policies and site allocations. The SBLP sets out the scale of housing and employment development required within the Borough and seeks to provide 13,192 new dwellings and 130,000 square metres of new employment floorspace over the Plan period. Within the

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<sup>1</sup> The existing body of environmental regulation is retained in UK law.

<sup>2</sup> 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.

settlement hierarchy (known as settlement tiers) of the SBLP, Boughton is categorised as a Rural Local Service Centre which is the fourth tier, and Dunkirk is categorised as an Other Village with Built-up Area Boundary, which is the fifth tier. Policy ST3 of the SBLP defines the built-up area boundaries for Boughton and Dunkirk and these are shown on the SBLP Policies Map and at Map 1 on page 7 in the draft Plan.

- 2.2 The adopted SBLP will be replaced in due course by the emerging Local Plan Review (LPR) currently being prepared by SBC. This is likely to cover the period up to 2040, and a Regulation 18 consultation on an Issues and Preferred Options document was undertaken from 29 October to 29 November 2021. Prior to this, a Regulation 19 Pre-Submission Plan had been published for consultation in February 2021 but, following that consultation, the Council resolved (in September 2021) to revert to publishing a Regulation 18 consultation document, before again proceeding to the Regulation 19 stage. The Council's latest Local Development Scheme was published in July 2022 but is now out of date. On 19 October 2022, the Policy & Resources Committee unanimously agreed that Regulation 19 consultation should be postponed until the Levelling Up and Regeneration Bill (LURB) gains Royal Assent. However, the Planning Practice Guidance (PPG)<sup>3</sup> advises that although a draft neighbourhood plan is not tested against the policies in an emerging local plan, the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the Basic Conditions against which a neighbourhood plan is tested. I am satisfied that the relationship between the policies in the submitted draft Plan, the SBLP and the emerging LPR have been given proper consideration by both the Qualifying Body and the Borough Council.
- 2.3 The Basic Conditions Statement (Document Ref. BD15) provides an overview assessment at pages 2-4 of the compliance of the Plan with the legal requirements. A more detailed assessment is provided at pages 4-12 of how the policies proposed in the Plan have regard to national policy and are in general conformity with the relevant strategic policies in the adopted Development Plan, which is the SBLP.
- 2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The PPG offers guidance on how this policy should be implemented. A revised NPPF was published on 20 July 2021. All references in this report are to the 2021 NPPF and its accompanying PPG.

### 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:

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<sup>3</sup> PPG Reference ID: 41-009-20190509.



- the draft Boughton and Dunkirk Neighbourhood Plan: Providing a Sustainable Future for Both Parishes to 2031 (Submission version, undated);
- the Basic Conditions Statement (undated);
- the Consultation Statement (undated);
- the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report (September 2021); and
- all the representations that have been made in accordance with the Regulation 16 consultation.<sup>4</sup>

The submission Plan and its accompanying documents are also supported by a series of Background Documents (Refs. BD1-BD17) which were prepared during the course of the Plan's preparation.<sup>5</sup> Where appropriate, I refer in this report to these Background Documents by their reference number, e.g. BD5. I have also taken into account a Statement of Common Ground dated 16 May 2022 between the Boughton and Dunkirk Neighbourhood Plan Team, both Parish Councils and SBC.

## Examiner Questions

2.6 Following my appointment as the independent examiner and my initial review of the draft Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to SBC and the Parish Councils on 23 August 2022 seeking further clarification and information on eight matters contained in the submission Plan, as follows:

- First, with regard to the Plan Period, I noted that, as drafted, neither the Plan nor the Basic Conditions Statement state the commencement date for the Plan period to be covered by the Plan. From my interpretation of the material in the Plan, and particularly as it takes account of the NPPF 2021 and Land Registry data from early-2022, I considered that the commencement date of the Plan period is 2022. The Plan period will need to be identified on the front cover of the Plan and in the Plan's introductory section. I therefore sought confirmation from the Qualifying Body that the commencement date for the Plan is 2022.
- Second, with regard to the LPR, I sought confirmation from SBC as to whether or not the commentary at paragraphs 5.4.2 and 5.5.1 (and Maps III and IV) in the draft Plan regarding proposed developments within the Plan area that are being considered as part of the LPR is accurate and up to date. Furthermore, I sought confirmation that the statement at paragraph 5.5.1 that "*There are currently proposals for 24,000 new houses **in our area***" (my emphasis) refers to either the whole of the Borough Council area or possibly a wider area than that. I was also unclear whether this refers to existing commitments (up to

<sup>4</sup> View at: <https://swale.gov.uk/planning-and-regeneration/local-plans/neighbourhood-planning/boughton-under-blean-and-dunkirk/regulation-16-consultation>

<sup>5</sup> View at: [Boughton and Dunkirk Neighbourhood Plan | May 2022 submitted Background Documents](#)

2031) or for proposals that will extend beyond 2031, or for both. Finally, I also requested that SBC provide me with the latest available timetable (of key milestones) for the preparation and examination of the LPR (the current position is now set out in paragraph 2.2 above).

- Third, with regard to Policy H7, I noted that I had some concerns about the content and proposed implementation of this draft Policy. Objective 3 (at paragraph 5.13.5 in the Plan) states that the implementation of the Policy will be secured by Section 106 agreements, although this is not made clear in the Policy itself. Clause ii) of the draft Policy requires a justification on health grounds, but there is no explanation or definition as to how this will be considered and assessed. I considered that such health grounds are not an appropriate matter for inclusion in a Section 106 agreement of this nature. Clause iii) of the Policy infers some degree of vetting by the Parish Councils of the merit and need of potential purchasers and occupants of new dwellings, which I presently interpret as meaning the establishment of “*a proven local connection*”. I considered that, as drafted and notwithstanding the content of background document BD5, this Policy exceeds the normal tests for providing new homes to meet local needs, by introducing criteria that could potentially be in conflict with both national policies and the strategic policies of SBC. I therefore invited both the Qualifying Body and SBC to provide me with their comments on how this Policy should be redrafted to align with other draft Policies in the Plan, notably Policies H1, H3 and H4, and/or whether the Policy is indeed necessary at all bearing in mind the content of Policies H1, H3 and H4.
- Fourth, with regard to Policies T1, T2, T3, T6, T7, T8 and T10, I considered that, as drafted, these are not land-use planning policies, but are instead statements of intent regarding existing or possible future highways conditions, or to promote improvements etc. which are the responsibility of the Highways Authorities (rather than the Local Planning Authority). However, I also considered that the Plan could address some of these issues in the form of land-use planning policies by including policies which seek to promote sustainable modes of transport (walking, cycling and public transport) in the Plan area, such as the establishment of “Walking for Health” routes, related to an objective that seeks to achieve sustainable development within the Plan area. Where appropriate, it may be possible to secure some of the desired improvements by planning obligations linked to planning permissions.

Alternatively, I suggested the content of Policies T1, T2, T3, T6, T7, T8 and T10 can remain in the Plan, not as policies but as supporting statements to the presently drafted objectives. I therefore invited the Qualifying Body to provide me with a note on how they wish me to proceed with regard to this matter. If appropriate, I noted that revised text for draft policies could be provided (utilising the existing text as far as is practicable) that addresses the land-use planning aspects of

the issues covered, including, if necessary, an objective that seeks to promote sustainable modes of transport, which I could consider as potential modifications to the Plan. However, I further noted that I cannot recommend wholly new, unrelated policies so this approach must be subject to some constraint.

- Fifth, with regard to Policy BE2, I noted that, as this Policy is presently drafted, I am unclear what constitutes in land use planning terms “*the treasured character of the Neighbourhood Plan environment*” as it may affect proposals for commercial development. I further noted that the Policy will be very difficult to implement in the absence of a clearer understanding, both within the Policy and within its supporting material, of the factors that should be taken into consideration by future users of the Plan and those considering new commercial developments, to ensure that they can comply with this Policy. I therefore invited the Qualifying Body to provide me with a clarificatory note indicating the sort of land-use planning criteria that might reflect the treasured character of the Plan area and which would impact specifically upon the consideration of proposals for commercial development, which I could then consider as possible development and design criteria for inclusion in the Policy to meet the Basic Conditions. I noted that this may need to include cross-references to policies in Section 10 of the Plan.
- Sixth, with regard to Policies EP1, EP2, EP3 and EP4, I noted that as presently drafted, each of these Policies is technically a statement rather than a valid land-use planning policy. Furthermore, Policy EP2 covers, in part, highways matters, e.g. traffic flow. I further noted that, in my assessment, the main issue being addressed by this section of the Plan is to ensure that the facilities at the Boughton and Dunkirk Primary School, either at its existing site or at an alternative site, are able to meet the needs of the children of existing and new residents. I considered that draft Policies which seek to address that issue, and linked to material presently within Policies EP1, EP2 and EP3, should be drafted, and linked if appropriate to planning contributions to be secured by Section 106 agreements attached to planning permissions for new developments in the Plan area. I therefore invited the Qualifying Body to provide me with a note, to set out the text of revised policies (utilising the existing text as far as is practicable) that seek to address/focus on the land-use planning aspects of the issues covered in this section of the Plan, that I could consider as potential modifications to the Plan. Again, as noted at my fourth question above, I noted that I cannot recommend wholly new, unrelated policies so the scope of the proposed approach is constrained.
- Seventh, with regard to Policy E8, I noted that this Policy stipulates that a minimum 20% net gain in biodiversity (BNG) for developments against baseline conditions is required. This exceeds the minimum level of at least 10% set out in national policy. I therefore sought confirmation from SBC that they are content for a minimum level of at

least 20% BNG to be required for developments within the Plan area, in the context of policies for the Borough as a whole.

- Finally, with regard to Map X (Landscape Character Areas) in the draft Plan, I observed that this map is crucial to the interpretation of Policies in Section 10 of the Plan. However, as presently produced it is difficult to interpret, being of a very small-scale. I therefore requested that the Qualifying Body or SBC provide me with a larger-scale map, potentially at A4 size, and if necessary, with further inset maps, that could be inserted into the Plan, as a potential modification.

2.7 In response to my letter of 23 August 2022, the Parish Councils and SBC provided me with responses to the questions listed above on 8 and 9 September 2022 respectively.<sup>6</sup> 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 paragraph 2.5 above. I have also taken account of a letter dated 23 September 2022 from Carter Jonas, on behalf of Shaptor Capital, specifically concerning my seventh question above.

#### Site Visit

2.8 I made an unaccompanied site visit to the Neighbourhood Plan Area on 10 September 2022 to familiarise myself with it and visit all relevant sites and areas referenced in the Plan, evidential documents and those referenced in representations to the Plan.

#### Written Representations with or without Public Hearing

2.9 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a public hearing as part of this examination. In all cases, the information provided has enabled me to reach a conclusion on the matters concerned.

#### Modifications

2.10 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix.

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<sup>6</sup> View at: <https://swale.gov.uk/planning-and-regeneration/local-plans/neighbourhood-planning/boughton-under-blean-and-dunkirk/examination>

### 3. Procedural Compliance and Human Rights

#### Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Boughton-under-Blean and Dunkirk Parish Councils. The two Parish Council areas were designated by SBC as a neighbourhood planning area on 20 February 2014.
- 3.2 The designated Neighbourhood Area comprises the whole of the Parishes of Boughton-under-Blean and Dunkirk. The designated area is shown on the map at page 7 in the submission Plan. The Boughton and Dunkirk Neighbourhood Plan is the only neighbourhood plan in the designated area.
- 3.3 Boughton-under-Blean and Dunkirk Parish Councils are jointly the Qualifying Body for the preparation of the Plan. The preparation of the Plan has been led by a Neighbourhood Plan Steering Group which was established in 2013, comprising Councillors from each of the Parish Councils and local residents from each community.

#### Plan Period

- 3.4 The draft Plan does not specify the full period to which it is to take effect. However, in response to my first question (see paragraph 2.6 above), the Qualifying Body has confirmed that the Plan period is 2022 to 2031. This Plan period encompasses the remaining part of the plan period for the adopted SBLP (up to 2031). SBC is now undertaking a review of the Local Plan to cover the period beyond 2031 up to 2038. The period for this Plan needs to be clearly stated on the front cover of the document and within the Plan itself, and I therefore recommend modification **PM1** to address this requirement. I also make a recommendation (see paragraph 4.85 below and proposed modification **PM22**) with regard to the future review of the Plan to take account of the LPR now being undertaken by SBC.

#### Neighbourhood Plan Preparation and Consultation

- 3.5 The Consultation Statement and its Appendices (Document Ref. BD17) sets out a comprehensive record of the Plan's preparation and its associated engagement and consultation activity between mid-2013 and Autumn 2021. The Consultation Statement refers to a number of other background documents which provide additional information regarding the community engagement and evidence base work that was undertaken during the initial stages of the Plan's preparation. Of particular importance concerning community engagement are also Background Documents 1 (Neighbourhood plan questionnaire and results), 2 (Workshops and Community Engagement) and 3 (Community Engagement and School Documentation) (Refs. BD1-BD3), which I have considered.

- 3.6 The decision to undertake the preparation of the Neighbourhood Plan was taken in June 2013, following three public meetings held in May 2013 in both Parishes and the distribution of an initial questionnaire to 1,200 households in the Parishes, accompanied by extensive local publicity. An initial workshop for Steering Group members was held in June 2013 and a number of Working Groups were set up with the aim of consulting with the community and collating data on various key aspects which were considered to be important, e.g. Transport and Access, Environment, Social and Community, Economy.
- 3.7 The preparation of the Plan and the associated community engagement and consultation has involved five main stages, as follows:
- Stage 1: Initial work and consultation (Summer/Autumn 2013).
  - Stage 2: Workshops, 'Community Surgeries', Public Exhibitions, evidence base work, data collection and consultation (throughout 2014 and 2015).
  - Stage 3: Additional survey work, preparation of Background Documents and preparation of the draft Plan for pre-submission consultation (2016-2020).
  - Stage 4: Pre-submission consultation on the draft Neighbourhood Plan (Regulation 14) (March-May 2021).
  - Stage 5: Submission to SBC, Regulation 16 consultation and examination (Spring 2022 to Autumn 2022).
- 3.8 Stage 1 comprised the initial workshops and public meeting held in May and June 2013, the questionnaire survey of all households in the two Parishes, the analysis of the results to that survey and the initial work of the Neighbourhood Plan Steering Group and its themed working groups.
- 3.9 Work during Stage 2, extending between late-2013 and 2015, focused on undertaking specific surveys on housing needs (as reference in Background Document BD6), local businesses (as referenced in Background Document BD7) and parking needs for residents living at The Street (as referenced in Background Document BD4). These surveys informed the development of the Plan's vision, objectives, priorities and housing strategy.
- 3.10 Stage 3 of the Plan's preparation extended from 2016 through to 2020 and involved the preparation of further evidence base material including a number of Background Documents, covering topics including Rural Landscape Area Assessments; Open Spaces and Community Wellbeing; the Parish Councils' 'Call for Sites' in 2016 and subsequent assessments of the 23 sites submitted; an assessment of sites within the two Parishes that were submitted to SBC's Strategic Housing Land Availability Assessment (SHLAA) process in 2020; and Traffic and Transport. The preparation of this evidence base material informed the drafting of the Plan and its Policies. I have considered all of the various Background Documents (Refs. BD1-BD17) and am satisfied that they provide a comprehensive evidence base for the draft Plan and that, where relevant, are appropriately referenced within the Plan itself.



- 3.11 The principal consultation event during Stage 4 was the publication of the Regulation 14 draft Plan for public consultation between 15 March and 14 May 2021. As the consultation took place during the coronavirus lockdown period, it was not possible to hold any public events. However, a leaflet was distributed to each household and business in the two Parishes. There was further local publicity within the Plan area and on local media. A total of 36 consultation responses were received, equating to a 3% response rate. Whilst low, this response rate is viewed by the Qualifying Body as an indication that the draft Plan was not considered to be controversial within the communities. Additionally, statutory consultees and SBC were notified individually of the consultation, as set out at pages 2 and 3 of the Consultation Statement. A total of eleven responses were received to this statutory consultation, including three responses from developers or their consultants. The Consultation Statement contains a comprehensive record (at Appendices 1-7) of the Regulation 14 consultation, the responses received, and the amendments made to the draft Plan following those responses.
- 3.12 Stage 5 of the Plan's preparation was the formal submission of the draft Plan by the Parish Councils to SBC on 18 May 2022 for examination under Regulation 15. Regulation 16 consultation was then held for a period of six weeks from 13 June to 25 July 2022.
- 3.13 I consider that the Consultation Statement and its accompanying background documents BD1-BD3 provide a full record of the consultation and engagement work that was undertaken during the preparation of the Plan. This includes the actions that were taken to amend or modify the draft Plan following consultation responses received at the Regulation 14 consultation stage in Spring 2021.
- 3.14 I have taken account of the 31 responses received at the Regulation 16 consultation stage and 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

- 3.15 The Plan, as proposed to be modified, sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. I have found that a significant number of the draft Plan's policies do not relate to the development of use of land and I have recommended modifications throughout my report to make these either legally compliant or to delete the policies.

## Excluded Development

- 3.16 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.<sup>7</sup>

## Human Rights

- 3.17 Neither SBC nor any other party has raised any issues concerning a breach of, or incompatibility with Convention rights (within the meaning of the Human Rights Act 1998). From my assessment of the Plan, its accompanying supporting documents and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. In this respect, I have taken particular account of the Equality Impact Assessment contained in the Basic Conditions Statement. 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 SBC issued a Strategic Environmental Assessment (SEA) Screening Report in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations') in September 2021. This Screening Report is submitted alongside the draft Plan and concluded (at paragraph 8.2) that, the assessment finds that, given the amount of development proposed, no likely effects will occur as a result of the BDNP and it is recommended that a full SEA does not need to be undertaken for the BDNP. The draft Screening Report was the subject of consultation with the Environment Agency, Natural England and Historic England during August/September 2021. A response was received only from Natural England, and the Council remained satisfied that environmental effects raised by Natural England would be mitigated satisfactorily as part of the planning process and that a full SEA would not be required for the BDNP. Both Historic England and the Environment Agency were given a further opportunity to respond, but again no responses were received from those bodies.
- 4.2 I have considered the SEA methodology set out in the Screening Report (at Section 6) and process by which the Plan was duly screened to determine whether the Plan is likely to have significant environmental effects, bearing in mind also that the policies in the adopted SBLP were subject to sustainability appraisal at the relevant stages. Overall, I am

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<sup>7</sup> The meaning of 'excluded development' is set out in s.61K of the 1990 Act.

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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.

- 4.3 The Plan was also screened by SBC in September 2021 in order to establish whether the Plan required Habitats Regulations Assessment (HRA), noting that both the SBLP and (withdrawn) February 2021 Regulation 19 Pre-Submission LPR were subject to HRA. There are two sites of European importance within 5 kilometres of the Plan area boundary, those being the Blean Complex Special Area of Conservation (SAC) site, which lies partly within the Church Woods SSSI and adjoins the Ellenden Woods SSSI, and the Swale Special Protection Area (SPA/Ramsar site). The HRA Screening Assessment, which is contained within the Screening Report at Section 7, states (at paragraph 7.15) that the draft Plan will have likely significant effects on the Swale SPA in respect of the potential for additional recreational disturbance arising from new residential development in the Plan area. The assessment goes on to state that such disturbance can be mitigated by a financial contribution linked to planning permissions for new residential development in the Plan area in accordance with the existing Strategic Access Management and Monitoring Strategy (SAMMS), which is in place to address this specific issue. Natural England, Historic England and the Environment Agency were consulted on the HRA Screening Assessment, and I note from Natural England's response (dated 8 September 2021) that the SAMMS approach is considered to be a sound solution to mitigate against potential recreational disturbance on the SPA. On this basis, the Council considers that the Plan will not adversely affect the integrity of any European site and that a full HRA Appropriate Assessment of the Neighbourhood Plan is not required (notwithstanding the consideration of the 'People Over Wind'<sup>8</sup> judgment as outlined in paragraph 2.7 of the Screening Report).
- 4.4 Given SBC already has well established measures in place to manage potential recreational disturbance impacts through an agreed strategic solution; the relatively recent and comprehensive HRA work in relation to the SBLP and withdrawn Regulation 19 Pre-Submission LPR; and Natural England's comments on this matter, I am on balance inclined to agree this is a proportionate and reasonable approach in these specific circumstances. Accordingly, I am satisfied that the Plan is compatible with EU obligations under retained EU law.

## Main Assessment

- 4.5 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*

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<sup>8</sup> *Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta ('People over Wind')*

*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.

- 4.6 Having considered above whether the Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.13 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.7 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's 55 policies, which address the following themes: Housing; Traffic and Transport; Business and Employment; Community Wellbeing and Health; Educational Provision; and Environment, Landscape Character and Design.
- 4.8 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.<sup>9</sup> I recommend some modifications as a result.

## Overview

- 4.9 The Plan is addressing the period from 2022 to 2031. It seeks to provide a clear planning framework for Boughton and Dunkirk, which delivers sustainable forms of development and achieves the goals identified through community engagement during the Plan's preparation. Sections 5-10 of the Plan contains specific policies in respect of each of the themes listed above.
- 4.10 Section 1 of the Plan sets out the aim, vision statement and key objectives for the Plan. The aim of the Plan, produced in consultation with both communities, is to guide and manage the challenges of future development within the Parishes. The vision statement is as follows: *"That in 2031, Boughton and Dunkirk will be safe communities, where those who work or grow up here can afford to live, where families can raise children, where the elderly can remain in the small rural communities of which they have long been part, and where every person has access to necessary education, health and leisure facilities".* There

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<sup>9</sup> PPG Reference ID: 41-041-20140306.

are six key objectives, covering each of the themes listed in paragraph 4.7 above.

- 4.11 Section 2 of the Plan is entitled 'About Us' and contains a brief history and description of each of the settlements of Boughton, Dunkirk and South Street, including details of some of the more important buildings within the two Parishes.
- 4.12 Section 3, entitled 'Neighbourhood Plan Development', provides a description of how the Plan has been prepared since 2013, and a summary of the five stages of community engagement and consultation listed at paragraph 3.7 above. It includes a map (Map I) of the designated area (on page 7). It also briefly describes the relevant strategic and national planning context for the Plan area, being the adopted SBLP and the NPPF.
- 4.13 Section 4, entitled 'Planning Policy Context' contains an analysis of the key planning policy parameters affecting both Parishes, including data on residential accommodation, employment and travel. It sets out the relevant extract from the adopted SBLP that addresses Boughton and Dunkirk and Boughton's status as a Rural Local Service Centre, together with the relevant Local Plan policy extracts affecting Dunkirk and its status as a Village with a Built-up Boundary.
- 4.14 The Basic Conditions Statement (at Section 1) 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. Section 2 of the Basic Conditions Statement sets out how the Plan's policies are in general conformity with the strategic policies (Policies ST1-ST4 and Policies CP1-CP8) in the adopted SBLP.
- 4.15 As noted at paragraph 2.6 above, upon my initial assessment of the Plan and with regard to the emerging LPR, I sought confirmation from SBC as to whether or not the commentary at paragraphs 5.4.2 and 5.5.1 (and Maps III and IV) in the draft Plan regarding proposed developments within the Plan area, that are being considered as part of the LPR, is accurate and up to date. Furthermore, I sought confirmation that the statement at paragraph 5.5.1 that "*There are currently proposals for 24,000 new houses **in our area***" (my emphasis) refers to either the whole of the Borough Council area or possibly a wider area than that. I was also unclear whether this refers to existing commitments (up to 2031) or for proposals that will extend beyond 2031, or for both. Finally, I also requested that SBC provide me with the latest available timetable (of key milestones) for the preparation and examination of the LPR.
- 4.16 In response to these matters, SBC confirmed that the commentary at paragraph 5.4.2 remains accurate and up to date, but that paragraph 5.5.1 should be amended to more clearly set out the quantum of development for the Borough over the Neighbourhood Plan period. The Qualifying Body duly suggested draft replacement text for paragraph

5.5.1, which I consider to be appropriate, subject to some very minor amendments, and I therefore recommend modification **PM2** accordingly.

4.17 Overall, subject to the further modifications I recommend to specific policies below, I am satisfied that individually and collectively the Plan's policies will contribute to the achievement of sustainable patterns of development. There are also a number of other 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 SBC. Accordingly, I recommend modifications in this report in order to address those matters.

### Specific Issues of Compliance

4.18 I turn now to consider each of the proposed policies which are contained in Section 5 of the Plan, and I take into account, where appropriate, the representations that have been made concerning the policies.

### Housing

4.19 Section 5 of the Plan addresses the theme of Housing in the Plan area and contains ten policies (Policies H1-H10). The draft policies are linked to four objectives, which are:

- 1. To provide existing and future residents with the opportunity to live in a quality home whilst ensuring minimal impact on the traffic-sensitive areas exposed by the questionnaire.*
- 2. To ensure that new development is of high-quality design, built to high sustainability standards (i.e. energy efficient and with vehicle electrical charging points), reinforces local distinctiveness, and minimises impact on the landscape. New and improved utility infrastructure including wastewater and water supply, will be encouraged and supported in order to meet the identified needs of the community subject to other policies in the plan.*
- 3. Preferential access to new homes will be given to people with a proven local connection. Where a local need has been established, this will apply to those sites already allocated in the Swale Local Plan and to those allocated by this Plan; they must be placed in sustainable locations and support the environmental aims of the NP. This will be achieved with Section 106 agreements, monitored by Swale Borough Council.*
- 4. Traffic issues and parking are of the highest concern. Development will be expected to fully address the impacts on traffic and parking issues in the area.*

4.20 Policies H1-H4 address Objective 1. Policy 1 states that in order to provide new housing to meet local needs, including a range of affordable housing for Boughton and Dunkirk, housing sites must be in sustainable locations and minimise additional traffic particularly on Boughton Hill or through The Street. To ensure that future housing meets the needs of the

whole community including the disabled and the elderly, all dwellings will be required to be Building Regulations Part M compliant.

- 4.21 Policy H2 proposes the allocation of land at the rear of 89 The Street in Boughton (Colonels Lane), which adjoins (to the east) two sites allocated in the SBLP for residential development, for the development of up to 12 dwellings. The site is defined on Map V.
- 4.22 Policy H3 seeks to provide a mix of housing types including smaller homes for elderly villagers wishing to downsize and for young singles, couples or families needing their first home. The Policy also states that a site with five more houses must provide 40% affordable homes.
- 4.23 Policy H4 is a First Homes policy and states that First Homes will be available to people with a local connection only. If a property remains unsold after a six-month period, it should be extended for a further three months to include those with a local connection to an adjoining Parish area. If it continues to remain unsold, it will then be eligible for open market sale.
- 4.24 Policies H5 and H6 address Objective 2. Policy H5 is in three parts (H5a, H5b and H5c). Part a) states that new developments will be of good design and locally distinctive style, respecting the Kent Design Guide principles and include green spaces and play areas. Part b) states that new developments will be sympathetic to the street scene and their settings as set out in the agreed design code. Part c) states that new developments will be carbon neutral and contribute to energy reduction.
- 4.25 Policy H6 is in two parts (H6a and H6b). Part a) states that all areas identified in the Plan for new developments, including those already in the Local Plan, should be the subject of agreed design codes or briefs prepared by the applicant and/or developer in consultation with the public to ensure new developments will be of good quality and locally distinctive style. Part b) states that the new site at Colonels Lane falls within the SAMMS area and new residential development will be required to make a contribution towards mitigation measures in respect of the designated SPAs.
- 4.26 Policy H7 addresses Objective 3. It states that new developments will require that purchasers and occupiers of homes within the areas identified for new development, should be individuals or families with a proven local connection, people whose health dictates a move within the Parishes or people who have satisfied either Parish Council of their merit and need, to be applied in accordance with the standards set out in BD5.
- 4.27 Policies H8-H10 address Objective 4. Policy H8 states that all development will have sufficient off-road parking to ensure that no on-street parking is attributable to the development (except during construction).

- 4.28 Policy H9 states that there will be at least one parking space per bedroom, and will include garages, car ports and off-road parking in accordance with the Parking Standards set out in BD4.
- 4.29 Policy H10 states that development proposals that involve the conversion of existing garage space to living accommodation will only be supported in principle if adequate off-street parking is available to support the completed development.
- 4.30 I have given very careful consideration to each of these policies, and have also considered the representations, a number of which are extensive, concerning various policies in this section of the Plan. My assessment of each of the policies is set out in paragraphs 4.31-4.39 below. I have also taken into consideration the relevant Background Documents concerning this section of the Plan, the most important of which are BD5, BD6, BD13 and BD14.
- 4.31 As drafted, Policy H1 is a broad policy which seeks to provide support for the development of new housing to meet local needs at sustainable locations within the Plan area, subject to such housing being compliant with Part M of the Building Regulations. I consider that the Policy should provide greater clarity on the development strategy of the Plan as it relates to new residential development within the Plan area, for the benefit of Plan users. Therefore, I consider that some amendments to the text of the Policy are necessary, and these are set out at recommended modification **PM3**.
- 4.32 Policy H2 proposes the allocation of land at the rear of 89 The Street, Boughton for the development of up to 12 new dwellings. This proposal is the subject of a number of representations, for example including the fact that it will require vehicular access to be secured from land to the east in Colonels Lane, although that land is already allocated for residential development in the SBLP. Other representations state that the allocation of this single site in the Plan is insufficient to address the identified housing need in the Plan area. I consider the various additional sites put forward for potential residential development as part of certain representations in more detail at paragraphs 4.40-4.41 below.
- 4.33 From everything that I have read, and seen during my site visit, I am satisfied that the allocation of the land covered by Policy H2 for the development of up to 12 new dwellings is justified, and can be achieved during the Plan period in accordance with other policies in this Plan and the adopted SBLP. However, as drafted, the Policy does lack sufficient detail to enable users of the Plan to consider the planning context for the future development of the site. Accordingly, I recommend modification **PM4** to address this deficiency.
- 4.34 Policy H3 is a housing mix policy, but also includes a requirement for developments of five or more dwellings to include 40% affordable homes. I have considered those representations objecting to the level of the



affordable housing requirement. Policy DM8 of the adopted SBLP seeks 40% affordable housing provision in the Plan area “*for development proposals of eleven or more dwellings, and where a need to provide affordable housing has been determined as appropriate (including within a rural area as determined by a Parish Housing Needs Assessment) ...*”. In the case of this Plan, BD6 (Housing Needs Survey) clearly demonstrates a significant local need for additional affordable housing (of all tenures) within the Plan area. However, such a need is not unusual for many parts of the country. In my assessment, it is not sufficient justification to depart from the Borough Council’s threshold of eleven or more dwellings to a lower threshold of five or more dwellings. Policy DM8 covers all parts of Swale Borough, and the lower threshold in this Plan area could threaten the viability of relatively small-scale residential developments, including the proposal contained at Policy H2. Accordingly, I consider that some amendments to the Policy text are required, and these are addressed by recommended modification **PM5**.

- 4.35 Policy H4 is a First Homes policy, reflecting the Government’s policy initiative that was introduced in 2021. The Policy text requires some amendments to more closely align with the national policy requirements, whilst retaining reference to local eligibility criteria. These amendments are addressed by recommended modification **PM6**.
- 4.36 Policy H5, as drafted, is in three parts and could be interpreted by some users of the Plan as being three separate and unrelated policies. In my assessment, all three parts of the Policy are related to the good design of new residential developments, and I therefore consider that this Policy should be consolidated into a single set of design and planning requirements that are applicable to all residential development proposals, for better clarification to users of the Plan. Recommended modification **PM7** addresses the proposed amendments to the text of the Policy.
- 4.37 Policy H6, as drafted, is in two parts and I again consider that both parts of the Policy are applicable to all residential development proposals within the Plan area. I therefore recommend some amendments in order to consolidate the Policy’s requirements as a single policy, and these are addressed by recommended modification **PM8**.
- 4.38 Policy H7 has been drafted to reflect the objective to give preferential access to new homes to people with a proven local connection. However, as drafted, the Policy would apply to any new home within the Plan area that is offered for sale on the housing market. Furthermore, it includes a health criterion and an indication that prospective purchasers of new homes will need to satisfy the Parish Councils ‘*of their merit and need*’. Whilst such eligibility criteria may be relevant to the allocation of Affordable Housing units (including First Homes), there is no national or strategic planning policy guidance that would support such criteria being applied to the sale of market housing to prospective purchasers by private developers, unless it is on a purely voluntary basis. Equally, there is no justification for such purchasers to be, in some way, vetted by the

Parish Councils and this could be interpreted as being potentially discriminatory. This Policy and its accompanying objective therefore require significant amendment, if the Plan is to meet the Basic Conditions. In my assessment, the principles underlying this Policy can only apply, to some extent, to the allocation of new Affordable Housing units that are built within the Plan area, and my recommended modification **PM9** reflects that assessment, in order that the Policy and the Plan itself meets the Basic Conditions.

- 4.39 Policies H8-H10 are all addressing the provision of adequate off-road parking for new residential developments and, as drafted, there is some duplication between elements of the three policies. In my assessment, the requirements of the three policies can be satisfactorily consolidated into a single policy which will meet the aims of Objective 4. On that basis, I therefore recommend modification **PM10** which addresses a single new Policy to be numbered H8 and the deletion of Policies H9 and H10.
- 4.40 Representors to the Plan have proposed either the formal allocation or identification of other sites within the Plan area for residential development. These sites comprise Land North of The Street, Boughton (with capacity for c. 75 dwellings – Redrow Homes); Land at Forester’s Lodge Farm which extends to the north and south of the A2 road south of Dunkirk village (to be known as ‘Winterbourne Fields’ with capacity for c. 1,400 dwellings and other types of development – Shaptor Capital); Land to the rear of the White Horse public house and the Queens Head public house, The Street, Boughton (with a combined capacity for c. 5 dwellings – Shepherd Neame Ltd.); and that part of the proposed South East Faversham development which falls within Boughton-under-Blean Parish (with a potential capacity for the whole development site of c. 2,500 dwellings - Duchy of Cornwall). With the exception of the two sites controlled by Shepherd Neame Ltd., I consider that the sites being promoted by Redrow Homes, Shaptor Capital and the Duchy of Cornwall are of a size and scale that should, quite properly, be considered as part of the emerging LPR process. Although the previous (February 2021) Regulation 19 Pre-Submission consultation on the LPR included the South East Faversham site as a proposed strategic allocation for development to the east of Faversham, and it is identified in the more recent Regulation 18 consultation document as a preferred option, it is the case that it does not form part of the approved Development Plan, against which this Plan must be tested and examined. Similarly, neither of the sites being promoted by Redrow Homes and Shaptor Capital form part of the approved Development Plan, and it is a matter for SBC whether the sites will form part of its forthcoming Regulation 19 Pre-Submission consultation on the LPR to be followed by formal submission to the Secretary of State and examination. This will not occur until February/March 2023, as indicated in SBC’s Local Development Scheme (dated July 2022). In the event that the LPR contains strategic proposals for further residential development in the Plan area up to 2031, it will be for the Parish Councils to consider whether the Plan should be reviewed, and I refer to that point at paragraph 4.85 of this report.



- 4.41 In the case of the two sites controlled by Shepherd Neame Ltd., I consider that proposals for the small-scale residential developments envisaged could be brought forward through the normal development management process and be tested against the policies in both this Plan and the adopted SBLP. In that respect, I note that both sites fall outside, but directly adjoin, the designated Boughton Street Conservation Area.
- 4.42 With recommended modifications PM3-PM10, I consider that the Plan's section on Housing and its accompanying policies (to be numbered Policies H1-H8) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### Traffic and Transport

- 4.43 Section 6 of the Plan addresses the theme of traffic and transport in the Plan area and contains eleven policies (Policies T1-T11). The draft policies address four objectives, which are:
1. *High priority in the policies and implementation of the Neighbourhood Plan must be given to dealing with the transport and environmental changes to the A2/M2 corridor and to development at Faversham and Canterbury*
  2. *All development will be expected to include proposals to mitigate congestion problems in the area, and the intrusive effects of traffic. The villages of Boughton and Dunkirk, and the surrounding countryside, are to be protected from the impacts of threatened increase in traffic. The NP requires all developments to provide off-road parking in accordance with the Parking Standards set out in BD4.*
  3. *Development proposals will require measures to allow safe walking, cycling and use of public transport.*
  4. *Any development must not add to parking problems in the area, and existing parking issues need to be addressed and should include measures to ensure adequate parking provision is included to serve the needs of the development*
- 4.44 Policies T1-T3 are linked to Objective 1. Policy T1 states that the Parish Councils will continue to seek improvements to traffic flow along the A2 and at the Brenley Corner junction, while restricting access to some roads in Boughton by HGVs and other through traffic. Policy T2 states that measures to improve the junction at Brenley Corner should recognise and respect its rural setting. Policy T3 states that the Parish Councils will play an active role in the preparation and implementation of a design and development brief for the Duchy Land in respect of traffic and pedestrian routes.
- 4.45 Policies T4 and T5 are linked to Objective 2. Policy T4 states that, to reduce the adverse effects of traffic on the villages, all developments and surrounding villages will be limited by the capacity and nature of the road network necessary to accommodate them. Policy T5 states that further

development in the countryside is resisted beyond that which is allowed by the NPPF and SBLP Policy ST3, in order to avoid any increased negative impact on the current road system and the Public Rights of Way (PRoW) network.

- 4.46 Policies T6-T8 are linked to Objective 3. Policy T6 states that the Parish Councils will work with the Highway Authority and the bus companies to improve facilities and information at the bus stops. Policy T7 states that the Parish Councils will work with Kent County Council to improve cycle and pedestrian routes. Policy T8 states that the Parish Councils will work with the Highway Authority and landowners to promote the "Walking for Health" routes shown on Maps VI and VII.
- 4.47 Policies T9-T11 are linked to Objective 4. Policy T9 states that future residential and non-residential buildings shall have sufficient dedicated on-site parking spaces in accordance with the Parking Standards contained in BD4. Policy T10 states that all proposals for new lorry parking in the Brenley Lane/Homestall Lane area will be resisted. Policy T11 states that proposals for a surfaced and managed car parking area, for example at Brenley Lane, will be supported to promote car sharing.
- 4.48 Upon my initial assessment of the Plan, I was concerned that a number of the draft policies under this theme are not land-use planning policies, but are instead statements of intent to address highways-related issues, such as traffic flow on the road network. This led to my fourth question as set out at paragraph 2.6 above, in which I noted that Policies T1, T2, T3, T6, T7, T8 and T10, as drafted, are not land-use planning policies, but are instead statements of intent regarding existing or possible future highways conditions, or to promote improvements etc. which are the responsibility of the Highways Authorities (rather than the Local Planning Authority). However, I also considered that the Plan could address some of these issues in the form of land-use planning policies by including policies which seek to promote sustainable modes of transport (walking, cycling and public transport) in the Plan area, such as the establishment of "Walking for Health" routes, related to an objective that seeks to achieve sustainable development within the Plan area. Where appropriate, it may be possible to secure some of the desired improvements by planning obligations linked to planning permissions. Alternatively, I noted that the content of Policies T1, T2, T3, T6, T7, T8 and T10 can remain in the Plan, not as policies but as supporting statements to the presently drafted objectives. I therefore invited the Qualifying Body to provide me with a note on how they wished me to proceed with regard to this matter.
- 4.49 The Qualifying Body responded by suggesting revisions to both the objectives and the draft policies under this theme. I have given very careful consideration to the suggested draft revisions. In my assessment they do address my principal concerns and, subject to some further minor amendments, I recommend those revisions to the text of the objectives and policies in Section 6.6 as part of consolidated modification **PM11**. I

do not recommend any modifications to the text of Policies T4, T5, T9 and T11, but they will be re-numbered as Policies T1, T2 T3 and T4 respectively.

- 4.50 With recommended modification PM11, I consider that the Plan's section on Traffic and Transport and its accompanying policies (to be numbered Policies T1-T4) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### Business and Employment

- 4.51 Section 7 of the Plan addresses the theme of business and employment in the Plan area and contains three policies (Policies BE1-BE3). The draft policies address three objectives, which are:

1. *To ensure the continuing vibrancy of the villages, the Neighbourhood Plan seeks to maintain and encourage proportionate expansion of local enterprises and retail outlets to encourage community use as well as to provide opportunity for employment and training for local people. This includes prioritising development on brownfield sites.*
2. *To support sustainable and economic growth which respects the character of the area, reflecting the results of our community consultation.*
3. *To maintain the essentially rural nature and character of the two parishes, any commercial development should be measured, proportionate in size and type, and sustainable in the context of traffic and other infrastructural consideration.*

- 4.52 Policy BE1 is linked to Objective 1 and states that proposals for the expansion of present enterprises either on existing sites or alternative sites must reflect the overall development strategy of the Plan, including the redevelopment of brownfield sites. Such expansion must provide opportunities for increased local employment and training.

- 4.53 Policy BE2 is linked to objective 2 and states that proposals for commercial development must be in keeping with the treasured character of the Neighbourhood Plan environment.

- 4.54 Policy BE3, linked to objective 3, states that any new or expanded commercial enterprise is required to provide its own dedicated parking and include a Goods Movement Plan to minimise the use of HGVs in the delivery and movement of goods.

- 4.55 In my assessment, the text of Policy BE1 requires some amendment, as it presently only refers to existing enterprises within the Plan area and fails to encourage and promote the development of new businesses, in all employment sectors. This has insufficient regard to national policy and

guidance, and I therefore recommend modification **PM12** in order to address that matter.

- 4.56 With regard to Policy BE2, as part of my initial assessment of the Plan, I noted that, as this Policy is presently drafted, I was unclear what constitutes in land use planning terms “*the treasured character of the Neighbourhood Plan environment*” as that may affect proposals for commercial development. I further noted that the Policy will be very difficult to implement in the absence of a clearer understanding, both within the Policy and within its supporting material, of the factors that should be taken into consideration by future users of the Plan and those considering new commercial developments, to ensure that they can comply with the Policy. As my fifth question (see paragraph 2.6 above), I invited the Qualifying Body to provide me with a clarificatory note indicating the sort of land-use planning criteria that might reflect the treasured character of the Plan area and which would impact specifically upon the consideration of proposals for commercial development, which I could consider as possible development and design criteria for inclusion in the Policy to meet the Basic Conditions. I also noted that this may need to include cross-references to policies in Section 10 of the Plan. The Qualifying Body responded to me on this matter by suggesting some amendments to both the text of the Policy and to its relevant objective. I have given careful consideration to those suggested amendments, but I do not consider they provide sufficient clarity for users of the Plan in order to be able to assess the full implications of the Policy. I therefore recommend some further amendments to the Policy text, but not to the objective, in order to secure the necessary clarity for users of the Plan, and this is addressed by recommended modification **PM13**.
- 4.57 I have also given careful consideration to the text of Policy BE3, as it includes a requirement for a Goods Movement Plan to be submitted for any new or expanded commercial enterprise. This will be an excessive and unnecessary requirement for some proposed developments, such as relatively minor extensions to business premises, and the Policy text therefore needs to be qualified to indicate that a Goods Movement Plan may be required for certain proposals. Recommended modification **PM14** addresses this point.
- 4.58 With recommended modifications PM12-PM14, I consider that the Plan’s section on Business and Employment and its accompanying policies (Policies BE1-BE3) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### [Community Wellbeing and Health](#)

- 4.59 Section 8 addresses the theme of community wellbeing and health in the Plan area and contains four policies (Policies CWB1-CWB4). The draft policies address two objectives, which are:

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1. *To enhance the use of all present recreational spaces and facilities, and to promote the health of the whole community by encouraging physical exercise.*
  2. *To broaden recreational opportunities and highlight the benefits of the outdoor environment for community members of all ages, not least for young adults, as well as for visitors to the parishes.*
- 4.60 Policies CWB1-CWB3 are linked to Objective 1. Policy CWB1 states that the promotion and use of the green environment through new and existing designated trails which link throughout the Parishes will be supported. Policy CWB2 states that the provision of suitable recreational facilities upon new or existing sites will be supported. Policy CWB3 states that development proposals will be supported that will enhance the network of public bridleways and footpaths throughout the Parishes.
- 4.61 Policy CWB4 is linked to Objective 2, and states that development proposals will be supported that will enhance sports facilities within Boughton and Dunkirk villages.
- 4.62 I consider that Policies CWB1, CWB3 and CWB 4 are appropriately drafted to reflect their respective policy objectives.
- 4.63 Policy CWB2 does not fully reflect its policy objective, in that it does not make reference to recreational open spaces, and I therefore recommend some amendments to the text of the Policy to rectify that matter. This is addressed by recommended modification **PM15**.
- 4.64 With recommended modification PM15, I consider that the Plan's section on Community Wellbeing and Health and its accompanying policies (Policies CWB1-CWB4) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### Educational Provision

- 4.65 Section 9 addresses the educational provision in the Plan area and contains four policies (Policies EP1-EP4). The draft policies address three objectives, which are:
1. *To ensure that any proposed new developments within or close to the boundaries of the two parishes must respect the constraints on the present primary school facilities.*
  2. *To promote an ethos of Education for All by encouraging the use of local facilities to offer opportunities for study, personal development and expansion of vocational skills.*
  3. *To meet the needs of a world ever more reliant upon 'new technology', the Plan will focus on providing or encouraging opportunities for training in Information Technology (IT) for all members of the community by adapting or improving current facilities.*

- 4.66 Policies EP1-EP3 are linked to Objective 1. Policy EP1 seeks to ensure that any future residential development takes account of the likely impact upon school provision, and that housing will make a contribution through a Section 106 agreement. Policy EP2 seeks to improve parking provision and traffic flow at the beginning and end of the school day, as well as ensuring safe crossing places in The Street, and to also support the provision of a shuttle bus within the two Parishes to serve the school to reduce the number of private vehicles travelling to and from the school. Policy EP3 states that consideration could be given to the possible re-siting of the present school should adjacent land become available, in consultation with Kent County Council, and that any such project should balance the needs of future expansion with the ethos and character of a rural school.
- 4.67 Policy EP4 is linked to Objectives 2 and 3, and states that proposals for the enhancement of facilities for continuing study will be supported, including the development of vocational and information technology skills and the improvement of broadband access and speed.
- 4.68 Upon my initial assessment of the Plan, I considered that, as presently drafted, each of Policies EP1-EP4 is technically a statement rather than a valid land-use planning policy. Furthermore, Policy EP2 covers, in part, highways matters, e.g. traffic flow. I further considered that the main issue being addressed by this section of the Plan is to ensure that the facilities at the Boughton and Dunkirk Primary School, either at its existing site or at an alternative site, are able to meet the needs of the children of existing and new residents. I considered that draft policies which seek to address that issue, and linked to material presently within Policies EP1, EP2 and EP3, should be drafted, and linked if appropriate to planning contributions to be secured by Section 106 agreements attached to planning permissions for new developments in the Plan area. As my sixth question (see paragraph 2.6 above), I therefore invited the Qualifying Body to provide me with a note to set out the text of revised policies (utilising the existing text as far as is practicable) that seeks to address/focus on the land-use planning aspects of the issues covered in this section of the Plan, that I could consider as potential modifications to the Plan. Again, as with my fourth question, I noted that I cannot recommend wholly new, unrelated policies so the scope of the proposed approach is constrained.
- 4.69 The Qualifying Body responded by suggesting revisions to both the objectives and the draft policies under this theme. I have given careful consideration to the suggested draft revisions. In my assessment they do address my principal concerns and I recommend those revisions, without further amendment, to the text of the objectives and policies in Section 9 of the Plan as part of consolidated modification **PM16**. I do not recommend any modifications to the text of Policy EP4 but it should be re-numbered as Policy EP2.
- 4.70 With recommended modification PM16, I consider that the Plan's section on Educational Provision and its accompanying policies (to be numbered



Policies EP1 and EP2) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### Environment, Landscape Character and Design

4.71 Section 10 addresses the theme of Environment, Landscape Character and Design in the Plan area and contains ten policies (Policies E1-E10), together with thirteen area-specific policies (Policies AS1-AS13). The draft policies address four objectives, whilst the Area-specific policies each address an objective for the area concerned. The objectives relating to Policies E1-E10 are as follows:

1. *To safeguard and enhance the distinctive identity and rural character of both Boughton and Dunkirk parishes and to maintain their separate identities and physical separation from the nearby communities of Faversham and Canterbury. To protect from development the countryside gaps between them, the open landscape between the A2 and the Boughton Street Conservation Area, and other heritage assets, and the significant views to and from The Blean and to the coast.*
2. *To continue to protect and enhance the Blean Woods area that surrounds Dunkirk, the fruit belt areas north and south of Boughton, as well as the settings of the Conservation Areas of the parishes. To give special protection to sites in or near to designated landscape areas, as included in the Swale Local Plan, and to designated wildlife sites, and to encourage their enhancement and proper management.*
3. *To minimise the environmental impact of new development, including surface water drainage, water supply and quality; to ensure that all new development is sympathetic to its setting and that it enhances the high-quality landscape and improves local biodiversity; to ensure that any development is compatible with its built and natural context and to locate new development within easy walking distance of existing village facilities. It will encourage access to bus stops, thus minimising traffic congestion, the related emissions and pedestrian safety concerns.*
4. *All proposals for development must contain sufficient detail to demonstrate that the proposal is of high-quality design appropriate to its surroundings, with suitable layout and access arrangements. Proposals for development within or visible from the Conservation Areas must have regard to the principles set out in the Boughton Conservation Area Appraisals (BD8) and Landscape Character Areas (BD10). The traditional pattern of growth which characterises the parishes of Boughton and Dunkirk is one of small scale and gradual change. This must be reflected in the scale of any development permitted in the Neighbourhood Plan area during the plan period. Any external lighting proposed must not cause visual intrusion or light pollution.*

4.72 Policies E1-E3 are linked to Objective 1. Policy E1 states that proposals for development which respect and enhance the tranquillity, local landscape,

character, environmental quality and amenity value of Boughton and Dunkirk Parishes will be supported in principle. Policy E2 states that proposals for developments which actively seek opportunities for landscape, heritage, recreational and ecological gain will similarly be supported in principle, as will the protection and enhancement of heritage assets and the management of the countryside. Policy E3 states that green spaces within the Parishes will continue to be protected from development.

- 4.73 Policies E4 and E5 are linked to Objective 2. Policy E4 states that any development that conflicts with the protection of the natural landscape and sensitive sites and wildlife in 'The Blean' and the surrounding fruit belt will not be supported. Policy E5 states that all proposals for new or extended development having a landscape impact must demonstrate that they have had regard to and reflect the Landscape Character Area in which the application site falls.
- 4.74 Policies E6-E8 are linked to Objective 3. Policy E6 states that proposals which harm the tranquillity, character or amenity value of the landscape and village environment, including an increase in in the generation of traffic, will not be supported. Policy E7 states that development within the village envelope will be supported in principle providing it promotes the re-use, recovery and restoration of previously developed sites. Policy E8 states that a minimum 20% net gain in biodiversity for developments against baseline conditions is required.
- 4.75 Policies E9 and E10 are linked to Objective 4. Policy E9 states that variety in density, layout, building orientation and sizes will be sought to reflect the local context, and that building styles and materials must also respect and positively contribute to local distinctiveness. Policy E10 states that schemes must produce a cohesive and high-quality design approach for car parking, charging points, boundary treatments, bin stores, utility storage boxes, lighting and street furniture, and that all landscaping and boundary planting should be of native species.
- 4.76 I consider that Policies E1-E5 are appropriately drafted and fully reflect their policy objectives. As drafted, Policy E6 simply presents the opposite position to Policy E1, i.e. proposals which harm, as opposed to respect and enhance, the tranquillity, character or amenity of the landscape and village environment will not be supported. In my assessment, it is not necessary to state an opposite position in the form of a separate policy, as it is an implicit outcome of the application of Policy E1 that proposals which do not respect and enhance the tranquillity, local landscape, etc. of the two Parishes will not be supported. Furthermore, as drafted, Policy E6 does not adequately reflect Objective 3 in this section of the Plan. I consider that Policy E6 should be redrafted to more closely reflect its policy objective, and I therefore recommend modification **PM17** accordingly.



- 4.77 Policy E7 reflects its policy objective and also national policy by seeking to promote the development of previously developed land within the built-up areas.
- 4.78 With regard to Policy E8, I noted as part of my initial assessment of the Plan that this Policy stipulates that a minimum 20% BNG for developments against baseline conditions is required. This exceeds the minimum level of at least 10% set out in national policy. I sought confirmation from SBC in my eighth question whether they are content for a minimum level of at least 20% BNG to be required for developments within the Plan area, in the context of policies for the Borough as a whole. SBC responded to me on 9 September 2022 by stating that *"The Council's own direction of travel is to support a minimum 20% net gain in biodiversity (BNG) in the emerging Local Plan Review. Therefore, the Council can confirm that it is content for a minimum level of at least 20% to be required for development in the Plan area, in the context of policies for the Borough as a whole"*. Whilst I acknowledge the Council's position on this matter, I do note that it is a 'direction of travel' in the emerging LPR, and not yet the subject of an adopted Local Plan policy that has been tested at examination (and justified by proportionate evidence). Furthermore, it exceeds current national policy. I have also taken into account the representations that have been submitted regarding this Policy, including the letter from Carter Jonas dated 23 September 2022 in response to my question. As a result of my assessment, I recommend an amendment to Policy E8 in order to reflect national policy, and this is addressed by recommended modification **PM18**.
- 4.79 I consider that Policies E9 and E10 are appropriately drafted to reflect their policy objective.
- 4.80 Sections 10.5-10.13 of the Plan contain the policies (Policies AS1-AS13) relating to specific areas within the Plan area, which are referenced on Map X at page 38 in the Plan. Each of the policies provide more detailed guidance, additional to other policies in the Plan, for the areas concerned. As part of my initial assessment of the Plan, I noted that Map X (Landscape Character Areas) is crucial to the interpretation of policies in Section 10 of the Plan. However, as presently produced it is difficult to interpret, being of a very small-scale. I therefore requested, as part of my questions (see paragraph 2.6 above) that the Qualifying Body or SBC provide me with a larger-scale map, potentially at A4 size, and if necessary, with further inset maps, that could be inserted into the Plan, as a potential modification. As part of its response to my questions, the Qualifying Body supplied me with a full set of higher definition maps for Maps I-XII in the Plan, at A4 size. It is the Qualifying Body's intention to reproduce all of these maps at high-resolution A3 size at page 70 onwards in the Plan, with a suitable cross-reference to them at the appropriate points in the Plan. I agree with this approach, and recommended modification **PM19** addresses the matter.
- 4.81 Policies AS1-AS13 and their respective objectives are as follows:

#### Policy AS1 – Boughton Fruit Belt North

Objective – To conserve the area and its characteristic agricultural activity, retaining its open nature and emphasising its role in the countryside gap that exists between Faversham and the villages including key views.

#### Policy AS2 – Boughton Street Conservation Area

Objective – To preserve and enhance the area’s special interest and its setting, including the open and wooded landscape between the rear of properties and the A2.

#### Policy AS3 – 1960s/70s/80s Boughton and Dunkirk

Objective – To protect and enhance incidental open spaces.

#### Policy AS4 – “Top of the Hill” Dunkirk

Objective – To conserve the relationship of “top of the hill Dunkirk” with the wider Blean Woods (SSSI).

#### Policy AS5 – Blean Woods West

Objective – To conserve the distinct and tranquil landscape character of the ancient and semi-ancient woodland.

#### Policies AS6, AS7 and AS8 – Boughton A2 Fringe

Objectives – To restrict development south of the built-up area to the two areas on Colonels Lane already allocated for residential use and an additional area immediately to the west, detailed in Policy AS7, and to consider development on the area of relatively level land next to the larger site, and adjoining the built-up area.

#### Policy AS9 – South Street and Boughton Church Conservation Areas

Objective – To ensure both Conservation Areas are protected and enhanced. The management and safeguarding of the churchyard, the memorial garden and burial ground is of key importance to the heritage assets and biodiversity.

#### Policies AS10 and AS11 – Boughton North Fringe

Objective – To maintain the rural character of the Bull Lane area and improve the Village Hall and school surroundings.

## Policies AS12 and AS13 – Boughton Fruit Belt South

Objective – To maintain the open character of the area and in particular its role of the countryside gap between Faversham and the villages.

- 4.82 The specific areas covered by Policies AS1-AS13 are defined on Map X, and I visited all of the areas during the course of my site visit. I have also given careful consideration to the text of each of the policies, as drafted. I consider that Policies AS1-AS6 and Policies AS9-AS13 are all appropriately drafted to reflect their specific objectives, as listed above, and I do not recommend any modifications to those policies. However, with regard to Policies AS7 and AS8, I consider that Policy AS7 requires a suitable cross-reference to other relevant material elsewhere in the Plan, particularly to Map V, and that Policy AS8 requires amendment to reflect the fact that the draft Plan does not seek to propose the formal designation of any Local Green Spaces. Both of these matters are addressed by recommended modification **PM20**.
- 4.83 Additionally, I also consider that this part of Section 10 requires further explanatory text in its introduction to indicate, for the benefit of future users of the Plan, that the area-specific Policies AS1-AS13 should be considered alongside other relevant policies in the Plan and the adopted SBLP that may cover the areas concerned. I therefore recommend modification **PM21** to address this point.
- 4.84 With recommended modifications PM17-PM21, I consider that the Plan's section on Environment, Landscape and Design and its accompanying policies (Policies E1-E10 and Policies AS1-AS13) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

### Other Matters

- 4.85 There is the likelihood that there will be a need for formal review of the Plan during the Plan period, particularly following the adoption of the emerging LPR and any relevant changes in national policy. The Plan does not at present include a section on implementation and monitoring and the need for review. I consider this to be an omission, and I recommend that a new paragraph be added to Section 3 to state that the Plan will be subject to review at regular intervals up to 2031 to ensure that its policies remain suitably aligned to national and local policy, are responsive to climate and other environmental changes and are meeting the overall strategic vision for the future of the two Parishes. I therefore recommend modification **PM22** to address that matter.
- 4.86 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. that may be necessary. These can be undertaken as minor,

non-material changes.<sup>10</sup>

## Concluding Remarks

4.87 I conclude that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Boughton and Dunkirk Neighbourhood Plan meets the Basic Conditions for neighbourhood plans.

## 5. Conclusions

### Summary

- 5.1 The Boughton and Dunkirk Neighbourhood Plan 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 Councils' and SBC'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 Boughton and Dunkirk Neighbourhood Plan, 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. Therefore, I 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 Boughton and Dunkirk Neighbourhood Plan is the product of much hard work undertaken since 2013 by the Parish Councils, its Neighbourhood Plan Steering Group and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. In my assessment, the Plan reflects the land use aspirations and objectives of the Boughton-under-Blean and Dunkirk communities for

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<sup>10</sup> PPG Reference ID: 41-106-20190509.

the future planning of their Parishes up to 2031. 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 Swale Borough Council.

*Derek Stebbing*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front Cover and Page 1	<p><u>Plan period 2022-2031</u></p> <p>Add <b>"2022-2031"</b> to the Front Cover.</p> <p>Add new paragraph 1.1.1 to Page 1, to read as follows:</p> <p><b>"1.1.1 The Plan covers the period from 2022 to 2031."</b></p>
PM2	Page 17	<p><u>Paragraph 5.5.1</u></p> <p>Delete existing text in full and replace with:</p> <p><b>"The adopted Local Plan 'Bearing Fruits 2031' (adopted July 2017) allocates enough land to deliver 14,124 dwellings. From 2022, the housing requirement increases from 776 per annum to 1,078 per annum. This means that the Borough Council is expected to allocate sites over the period covered by the current Local Plan and the Local Plan Review (2022-2038) for over 26,650 dwellings in the Borough. None of this is included in this Neighbourhood Plan. If approved, the anticipated increase in population would only exacerbate strains on our public services such as education and health provision and would increase the risk that Boughton and Dunkirk will become a suburb of Faversham."</b></p>
PM3	Page 21	<p><u>Policy H1</u></p> <p>Delete existing Policy text in full, and replace with:</p> <p><b>"The provision of new housing within the Plan area, particularly to meet local needs and including the provision of affordable housing, will be supported, where such proposals comply with all other relevant policies in this Plan and those in the adopted Swale Borough Local Plan.</b></p> <p><b>Proposals for new residential development</b></p>

		<p><b>will need to demonstrate that all aspects of the development comply with the objective of securing sustainable patterns of development within the Plan area, particularly in respect of seeking to minimise environmental impacts, such as traffic generation. All new dwellings should be designed and built to comply with Part M of the Building Regulations (see BD5)."</b></p>
PM4	Page 21	<p><u>Policy H2</u></p> <p>Delete existing Policy text in full, and replace with:</p> <p><b>"Land to the rear of 89 The Street, Boughton, as shown on Map V, is allocated for the development of up to 12 new dwellings. Proposals for the development of the site will be required to:</b></p> <ol style="list-style-type: none"> <li><b>1. include the appropriate proportion of Affordable Housing</b></li> <li><b>2. secure satisfactory vehicular and pedestrian access, including access for emergency and refuse collection vehicles, from land to the east of the site which is also allocated for residential development in the adopted Swale Borough Local Plan</b></li> <li><b>3. maintain the existing Public Right of Way along the south-eastern boundary of the site</b></li> <li><b>4. provide suitable access within the site to serve existing wastewater infrastructure in the area</b></li> <li><b>5. secure appropriate utility infrastructure connections in conjunction with the development of land to the east of the site</b></li> <li><b>6. be implemented in accordance with a Development Brief to be agreed with the Borough Council and the Parish Council, following public consultation."</b></li> </ol>
PM5	Page 21	<p><u>Policy H3</u></p> <p>Amend Policy text to read as follows:</p>

		<p><b>“Proposals for new residential development in the Plan area should include a mix of housing types, including smaller homes for people seeking their first home or for older people seeking to downsize from larger properties. Developments of 11 or more new dwellings must provide 40% affordable housing, in accordance with the Borough Council’s policies and Housing Strategy.”</b></p>
PM6	Page 21	<p><u>Policy H4</u></p> <p>Delete existing Policy text in full, and replace with:</p> <p><b>“At least 25% of all Affordable Housing units secured through developer contributions in the Plan area shall be offered for discounted sale as First Homes for a period of at least six months, in accordance with the national and local eligibility criteria. See BD5 for full details.”</b></p>
PM7	Page 22	<p><u>Policies H5a, H5b and H5c</u></p> <p>Delete existing Policy text in full, and replace with:</p> <p><b>“Proposals for new residential development in the Plan area will be supported where they:</b></p> <ol style="list-style-type: none"> <li><b>1. demonstrate that they are of good design and locally distinctive style, respecting the principles of the current Kent Design Guide, and including suitable green spaces and children’s play areas. (See also Policies E1, E2 and E3); and</b></li> <li><b>2. demonstrate that they will be sympathetic to the street scene and their settings as set out in an agreed Design Code for the development and/or for the wider area; and</b></li> <li><b>3. include building design features to seek to achieve carbon neutrality and reductions in energy usage.</b></li> </ol>



		All references in the Plan should now refer to this Policy as Policy H5.
PM8	Page 22	<p><u>Policies H6a and H6b</u></p> <p>Delete existing Policy text in full, and replace with:</p> <p><b>“The sites within the Plan area allocated for new residential development, including the three sites allocated in the adopted Swale Borough Local Plan and the site included at Policy H2 in this Plan, shall:</b></p> <ol style="list-style-type: none"> <li><b>1. be developed in accordance with an agreed Development Brief and/or a Design Code to be prepared by the applicant or developer, that is subject to local public consultation prior to agreement by the Parish Council and the Borough Council;</b></li> <li><b>2. be required to make the appropriate contribution towards the mitigation of recreational pressures on the designated Special Protection Areas (SPAs) in accordance with the Borough Council’s adopted Strategic Access Management and Monitoring Strategy (SAMMS).</b></li> </ol> <p>All references in the Plan should now refer to this Policy as Policy H6.</p>
PM9	Page 22	<p><u>Objective 3 and Policy H7</u></p> <p><u>Objective 3</u></p> <p>Insert the word <b>“affordable”</b> between the words “new” and “homes” in the first line of text.</p> <p>Insert the words <b>“for affordable housing”</b> between the words “need” and “has” in the second line of text.</p> <p><u>Policy H7</u></p> <p>Delete existing Policy text in full, and replace with:</p> <p><b>“Within new residential developments approved within the Plan area, preferential access to Affordable Homes</b></p>

		<b>provided as part of those developments, should be given to people with a proven local connection and subject to meeting the eligibility criteria of the Borough Council’s Housing Allocation Policy.”</b>
PM10	Page 23	<p><u>Policies H8, H9 and H10</u></p> <p><u>Policy H8</u></p> <p>Delete existing Policy text, and replace with:</p> <p><b>“Proposals for new residential development in the Plan area shall ensure that adequate on-site car parking provision is made in accordance with the Borough Council’s approved Parking Standards SPD (adopted June 2020).</b></p> <p><b>Development proposals which involve the loss or conversion of existing on-site car parking spaces, for example the conversion of a garage to living accommodation, will only be supported where adequate on-site parking provision, in accordance with the Parking Standards, remains available to support the completed development.”</b></p> <p><u>Policy H9</u></p> <p>Delete this Policy.</p> <p><u>Policy H10</u></p> <p>Delete this Policy.</p> <p>Delete all references to Policies H9 and H10 within the Plan, for example on the Contents Page, and on Pages 56 and 62.</p>
PM11	Pages 25-27	<p><u>Section 6.6 – Traffic and Transport</u></p> <p>Paragraph 6.6.1 – add the following additional text to Objective 1:</p> <p><b>“Boughton and Dunkirk Parish Councils will continue their pressure on Swale Borough Council, Kent County Council, National Highways and their Borough Councillors, County Councillors and MP to improve the traffic flow along the A2 and the junction at Brenley Corner, while</b></p>

		<p><b>restricting access to some of our lanes and Boughton Street by HGVs and other through traffic. The Parish Councils will play an active role in the preparation and implementation of a design and development brief for the Duchy Land in respect of traffic and pedestrian routes.”</b></p> <p>Delete Policies T1, T2 and T3 in full.</p> <p>Re-number paragraph 6.6.3 as <b>6.6.2</b></p> <p>Re-number paragraph 6.6.4 as <b>6.6.3</b> and re-title as <b>“Policies from Objectives 1 and 2”</b></p> <p>Re-number Policies T4 and T5 as <b>T1</b> and <b>T2</b> respectively.</p> <p>Re-number paragraph 6.6.5 as <b>6.6.4</b> and add the following additional text to Objective 3:</p> <p><b>“The Neighbourhood Plan team and the Parish Councils will work with the Highway Authority and the bus companies to improve facilities and information at the bus stops.”</b></p> <p>Add new paragraphs 6.6.5 and 6.6.6 to read as follows:</p> <p><b>“6.6.5 Objective 4 The Neighbourhood Plan team and the Parish Councils will work with:</b></p> <ul style="list-style-type: none"> <li><b>i. Kent County Council as the Highway Authority to improve cycle and pedestrian routes</b></li> <li><b>ii. The Highway Authority and landowners to promote the “Walking for Health” routes identified (see Maps VI, VII page 31, and BD11)</b></li> </ul> <p><b>6.6.6 Objective 5 Any development must not add to parking problems in the area and should include measures to ensure adequate parking provision is included to serve the needs of the development.”</b></p> <p>Delete Policies T6, T7 and T8 in full.</p>
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		<p>Re-number existing paragraph 6.6.6. as <b>6.6.7</b> and re-title as <b>"Policies from Objectives 3, 4 and 5"</b>.</p> <p>Delete existing paragraphs 6.6.7 and 6.6.8 in full.</p> <p>Delete Policy T10 in full.</p> <p>Re-number Policies T9 and T11 as <b>T3</b> and <b>T4</b> respectively.</p> <p>Delete all references to Policies T5, T6, T7, T8, T9, T10 and T11 within the Plan, for example on the Contents Page and on pages 56, 57, 63 and 64.</p>
PM12	Page 29	<p><u>Policy BE1</u></p> <p>Delete existing Policy text in full, and replace with:</p> <p><b>"Proposals for new or expanded businesses (falling with Use Class E), either on existing or other sites will be supported, where they reflect the overall development strategy of this Plan and conform with the relevant policies concerning location, building design and environmental impacts. In particular, support will be given for proposals for the redevelopment of previously developed sites and also for those that provide opportunities for local employment and training."</b></p>
PM13	Page 29	<p><u>Objective 2 and Policy BE2</u></p> <p>Paragraph 7.5.3 – amend the text to Objective 2, as follows:</p> <p><b>"To support sustainable and economic growth which respects the character of the area and conserves its heritage while understanding the important elements of the local landscape. See Section 2, About Us.</b></p> <p><b>See also BD10 and Policies from Section 10: E1, E3 (10.4.2); E9 (10.4.8); AS12, AS13 (10.13.2)."</b></p>

		<p><u>Policy BE2</u></p> <p>Delete existing Policy text in full, and replace with:</p> <p><b>“Proposals for new commercial development within the Plan area must be in keeping with the important landscape and heritage character of the area and take account of the relevant policies in Section 10 of this Plan.”</b></p>
PM14	Page 29	<p><u>Policy BE3</u></p> <p>Delete Policy text in full, and replace with:</p> <p><b>“Proposals for new or expanded commercial development in the Plan area should include adequate on-site vehicle parking spaces in accordance with the adopted Parking Standards and, where necessary, submit a Goods Movement Plan to minimise the use of HGVs. (See also BD4, Parking Standards).”</b></p>
PM15	Page 32	<p><u>Policy CWB2</u></p> <p>Delete existing Policy text in full, and replace with:</p> <p><b>“The provision of new and/or enhanced recreational open spaces and facilities at suitable and accessible sites within the Plan area, will be supported.”</b></p>
PM16	Pages 33 and 34	<p><u>Section 9.0 – Educational Provision</u></p> <p>Paragraph 9.3.1 – add the following additional text to Objective 1:</p> <p><b>“To improve parking provision and traffic flow at the beginning and end of the school day, as well as ensuring safe crossing places in The Street, following expressions of concern by pupils and parents. To support the suggestion produced by the questionnaire of a shuttle bus within the two Parishes in order to reduce the journeys of private vehicles travelling to and from the school.”</b></p> <p>Delete Policies EP1, EP2 and EP3 in full.</p>

		<p>Amend paragraph to read <b>“Policy from Objective 1”</b>.</p> <p>Insert new Policy EP1, to read as follows:</p> <p><b>“EP1 Development proposals must make the appropriate educational provision including safe walking routes to and from the school. This is to ensure traffic problems are not exacerbated and air quality standards are not compromised.”</b></p> <p>Paragraph 9.3.2 – add the following additional text to Objective 2:</p> <p><b>“To meet the needs of a world ever more reliant on ‘new technology’, the Plan will focus on providing or encouraging opportunities for training in Information Technology (IT) for all members of the community by adapting or improving current facilities.”</b></p> <p>Re-number Policy EP4 as <b>EP2</b>.</p> <p>Delete all references to Policies EP3 and EP4 within the Plan, for example on the Contents Page and Pages 57, 58 and 65, or re-number as required.</p>
PM17	Page 37	<p><u>Policy E6</u></p> <p>Delete existing Policy text in full, and replace with:</p> <p><b>“Development proposals within the Plan area which minimise the adverse environmental impacts of new development, for example in respect of surface water drainage, ecology and biodiversity, air quality and water quality, and which promote sustainable forms of development will be supported in principle.”</b></p>
PM18	Page 38	<p><u>Policy E8</u></p> <p>Delete existing text in full, and replace with:</p> <p><b>“A minimum level of at least 10% Biodiversity Net Gain is required for proposed new developments in the Plan</b></p>

		<b>area against baseline conditions for the development sites concerned.”</b>
PM19	Contents Page Maps I-XII Page 70 et seq	Add new footnote to Contents Page – Maps to read as follows:  <b>“A full set of the Maps at A3 size is contained in the Plan, following page 70.”</b>  Add new footnote beneath each Map in the Plan (at pages 7, 11, 17, 20, 31, 36, 37, 38, 39 and 42), to read as follows:  <b>“This map is also printed at A3 size in the compendium of Maps that follow page 70.”</b>
PM20	Page 41	<u>Policy AS7</u>  Delete existing text in full, and replace with:  <b>“Residential development is proposed on the area west of the two sites already allocated in the adopted Swale Borough Local Plan, as shown on Map V on page 20 and defined at Policy H2 on page 21, provided that a development brief taking account of the policies in this Plan and the views of the local community is prepared by the developer and approved by the Borough Council. The development brief should address the matters set out at paragraph 5.12.2 on page 20.”</b>  <u>Policy AS8</u>  Replace the words <b>“Local Green Space”</b> with <b>“green space”</b> .
PM21	Page 39`	<u>Paragraph 10.5</u>  Delete existing text in full, and replace with:  <b>“The policies that follow provide detailed guidance for the specific areas defined on Map X on page 38. These policies should be considered alongside all other relevant policies and guidance in this Plan and the adopted Swale Borough Local Plan that may also apply to proposals affecting these areas.”</b>
PM22	Page 10	<u>Section 3 – Neighbourhood Plan Development</u>



		<p>Add new paragraph <b>3.10</b> with the title <b>“Future Review”</b> to read as follows:</p> <p><b>“3.10 The Plan will be monitored and reviewed at regular intervals during the period up to 2031 to ensure that it continues to be consistent with national policy and the strategic policies of the Swale Borough Local Plan. If necessary, the Plan will be formally reviewed and subject to statutory consultation and examination in accordance with the legislative requirements.”</b></p>
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