

# **A Neighbourhood Plan for Stone Parish 2020-2035**

## **Report by Independent Examiner to Dartford Borough Council**

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## Contents

	<b>Summary</b>	<b>3</b>
<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>2.0</b>	<b>The role of the independent examiner</b>	<b>4</b>
<b>3.0</b>	<b>The examination process</b>	<b>6</b>
<b>4.0</b>	<b>Neighbourhood plan preparation</b>	<b>7</b>
<b>5.0</b>	<b>Compliance with matters other than the basic conditions</b>	<b>9</b>
<b>6.0</b>	<b>The basic conditions</b>	<b>10</b>
	<i>National policy and advice</i>	10
	<i>Sustainable development</i>	11
	<i>The development plan</i>	12
	<i>Retained European Union (EU) obligations</i>	13
	<i>European Convention on Human Rights (ECHR)</i>	15
<b>7.0</b>	<b>Detailed comments on the Plan and its policies</b>	<b>15</b>
	Stone Parish Story	15
	Neighbourhood Planning	15
	Neighbourhood Area	15
	Engaging Stone's Community	15
	Our Vision	16
	Our Key Themes and Objectives	16
	Our Approach	16
	Policies	16
	- Green Space and Recreation (Policies GS1, GS2, GS3 and GS4)	17
	- Health and Wellbeing (Policies HW1, HW2 and HW3)	22
	- Housing (Policies H1 and H2)	24
	- Local Infrastructure (Policies LI1, LI2 and LI3)	27
	- Horns Cross Centre (Policy HC1)	29
	- Delivering the Plan (Policies D1 and D2)	30
	Annexes	31
<b>8.0</b>	<b>Conclusions and recommendations</b>	<b>32</b>
	<b>Appendix 1 List of key documents</b>	<b>33</b>

## Summary

I have been appointed as the independent examiner of the Stone Neighbourhood Development Plan.

Stone Parish is in northwest Kent around 17 or so miles from London. It is close to Dartford and is at the centre of major urban regeneration. To the north is the River Thames, the west is bordered by the M25 motorway and the Dartford Crossing. The regional shopping centre, Bluewater, falls within the Plan area. The population is around 10, 778 according to the Census 2011. Despite being at the heart of large scale growth, the eastern part of the Plan area falls within 10km of the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA), has a number of important heritage assets and many important open areas.

Whilst the Plan does not contain any site allocations, the Plan contains a number of policies covering a range of topics from Local Green Spaces to design, but also equally important has a number of site specific policies aimed at supporting what is a well developed vision and objectives for the Plan. Many of the policies seek to add local detail to local planning authority level policies or cover issues which are particularly pertinent to the Parish, but may not be included in a local plan.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Dartford Borough Council that the Stone Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
13 January 2022



## 1.0 Introduction

This is the report of the independent examiner into the Stone Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Dartford Borough Council (DBC) with the agreement of the Parish Council to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions<sup>1</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations<sup>2</sup>
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>2</sup> Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>3</sup> It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check<sup>4</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case DBC. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the Plan area.

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<sup>3</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>4</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

### 3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>6</sup>

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Often representations suggest amendments to policies or additional policies. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG<sup>8</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>9</sup>

After consideration of all the documentation, I decided that it was not necessary to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council did not make any comments.

The Government published a new National Planning Policy Framework (NPPF) in July 2021 about a month or so after the Regulation 16 stage had ended but before the examination had commenced. Given that the NPPF is a key document issued by the Secretary of State against which the Plan is examined, I suggested that a short period of consultation specifically on the newly published NPPF be held. This was to give all interested parties, DBC and the Parish Council an opportunity to consider whether the new NPPF had any implications for the Plan.

This stage of focused and additional consultation resulted in three representations. The Parish Council was also given an opportunity to comment on any representations received, but chose not to do so.

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<sup>6</sup> PPG para 055 ref id 41-055-20180222

<sup>7</sup> Ibid

<sup>8</sup> Ibid para 056 ref id 41-056-20180222

<sup>9</sup> Ibid

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Andrea Wright and Mark Aplin at DBC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 24 November 2021.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

#### 4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

A survey was carried out in Spring 2014 to assess local priorities and to see if a neighbourhood plan might be an appropriate vehicle to address the issues raised. A public meeting was held in November of the same year with the Parish Council resolving to produce a neighbourhood plan later that month.

A Steering Group was then set up consisting of both Parish Councillors and community representatives.

An exhibition was held in Summer 2015 at the annual Fete to raise further awareness and issues to come forward building on the earlier survey work. A further five events were held in October including one specifically targeted at under 18s.

Monthly meetings of the Steering group then took place and six themes developed culminating in a launch of theme objectives in July 2016 at the Fete. This consultation at the Fete and then online used specialized map survey software. This also enabled extensive consultation with the three primary schools and at teenage youth activities as the use of this interactive map proved popular. Hard copies of the survey were also available.

A Christmas wishes event was held. Specific engagement with groups such as the Stone Senior Citizens' tea morning and local doctors took place. Two workshops were held, led by a Community Land Trust and AECOM.

Further information was launched at the Fete in July 2017 and further online consultation took place. Two events were held on draft themes and objectives. Specific consultation was held on the Stone Recreation Ground Masterplan, the cycle and footpath networks, self-build housing and the Horns Cross Centre. Displays were available at the Fete in July 2018.

A variety of techniques have therefore been used to engage the local community. These include a dedicated Plan website, updates in weekly council e-newsletters, surveys, flyers delivered to every household and stands at local events and at local supermarkets. The production of a Community Engagement Strategy is welcomed.

Pre-submission (Regulation 14) consultation took place between 21 February – 5 April 2019. The draft plan was available online and on display at two locations within the area.

A second pre-submission (Regulation 14) consultation was held between 9 March – 27 April 2020 as the Steering Group felt the Plan significantly changed since the first formal consultation and DBC had raised concerns about the first consultation not fully meeting statutory requirements. A newsletter was delivered to every household and the draft Plan available online and at various location in the Parish.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 14 May – 25 June 2021.

Before the examination commenced, as explained earlier, the Government published a new NPPF. In order to give all interested parties, DBC and the Parish Council an opportunity to consider whether this had any implications for the Plan, a further two week period of consultation was carried out. This consultation ended on 16 September 2021.

A total of 13 representations were received. Whilst I make reference to some responses and not others, I have considered all of the representations and taken them into account in preparing my report.



## 5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

### Qualifying body

Stone Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### Plan area

The Plan area was approved by DBC on 14 October 2016 and covered the Parish area at that time. In 2019, some changes were made to the Parish boundary, but the Plan area remains as originally agreed by DBC. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 11 of the Plan.

### Plan period

The Plan period is 2020 – 2035. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. This requirement is therefore satisfactorily met.

### Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

### Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>10</sup> This requirement can therefore satisfactorily be met.

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<sup>10</sup> PPG para 004 ref id 41-004-20190509

## 6.0 The basic conditions

### Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 20 July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.<sup>11</sup>

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>12</sup> They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.<sup>13</sup>

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>14</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>15</sup>

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>16</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly

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<sup>11</sup> NPPF para 13

<sup>12</sup> Ibid para 28

<sup>13</sup> Ibid

<sup>14</sup> Ibid para 29

<sup>15</sup> Ibid para 31

<sup>16</sup> Ibid para 16

updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous<sup>17</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>18</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>19</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>20</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. A table<sup>21</sup> sets out how the Plan policies align with the (previous) NPPF.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>22</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>23</sup> The three overarching objectives are:<sup>24</sup>

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

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<sup>17</sup> PPG para 041 ref id 41-041-20140306

<sup>18</sup> Ibid

<sup>19</sup> Ibid para 040 ref id 41-040-20160211

<sup>20</sup> Ibid

<sup>21</sup> Basic Conditions Statement Table 1 on page 6

<sup>22</sup> NPPF para 7

<sup>23</sup> Ibid para 8

<sup>24</sup> Ibid

- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>25</sup>

Whilst this has formed part of my own assessment, the table in the Basic Conditions Statement cross-references how each Plan policy helps to achieve sustainable development as outlined in the (previous) NPPF.<sup>26</sup>

### **General conformity with the strategic policies in the development plan**

The development plan consists of the Dartford Core Strategy (CS) adopted in September 2011 and Development Policies Plan (DPP) adopted in July 2017.

In addition the Kent Minerals and Waste Local Plan forms part of the development plan for the area.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to relevant CS policies.<sup>27</sup> Where I have not specifically referred to a strategic policy, I have considered all strategic policies in my examination of the Plan.

### ***Emerging Plan***

DBC is currently producing a new Local Plan covering the period up to 2037 which will replace the existing CS and the DPP once adopted.

A consultation was carried out on the second pre-submission (publication) Local Plan from 15 September – 27 October 2021. DBC's website indicates that the Local Plan was republished as changes had to be made to take account of Natural England's notification of the Swanscombe Peninsula Site of Special Scientific Interest. The opportunity was also taken to make some other changes as a result of the responses received on the first pre-submission Local Plan, published in February 2021.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>28</sup> advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

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<sup>25</sup> NPPF para 9

<sup>26</sup> Basic Conditions Statement Table 2 on page 7

<sup>27</sup> Ibid Table 3 on page 8

<sup>28</sup> PPG para 009 ref id 41-009-20190509

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.<sup>29</sup>

### **Retained European Union Obligations**

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG<sup>30</sup> confirms that it is the responsibility of the local planning authorities, in this case DBC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is DBC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***Strategic Environmental Assessment and Habitats Regulations Assessment***

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site. It considers both the potential effects of the plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A SEA and HRA Screening Opinion dated April 2019 has been prepared by DBC. This concludes that the Plan is unlikely to have significant effects and a SEA is not required.

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<sup>29</sup> PPG para 009 ref id 41-009-20190509

<sup>30</sup> Ibid para 031 ref id 11-031-20150209

Consultation with the three statutory bodies was undertaken. Natural England (NE) and Historic England (HE) agreed with the conclusions. The Environment Agency (EA) responded indicating it does not normally comment on screening opinions.

The Screening Opinion therefore concludes that the Plan does not require a SEA.

I have treated the Screening Opinion to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.<sup>31</sup>

Taking account of the characteristics of the Plan, I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, the SEA and HRA Screening Opinion of April 2019 explains that the eastern part of the Plan area falls within 10km of the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA).

The HRA Screening Opinion concludes that the Plan will not have any likely significant effects either alone or in combination with other plans and projects and therefore screens the Plan out from requiring an appropriate assessment. NE was consulted and agreed with the conclusions.

The HRA Screening Determination therefore concludes the Plan does not require further assessment.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance, nature and characteristics of the nearest European site and the nature and contents of this Plan, I agree with the conclusion of the Screening Opinion that an appropriate assessment is not required and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

### ***Conclusion on retained EU obligations***

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>32</sup> In undertaking work on SEA and HRA, DBC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

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<sup>31</sup> PPG para 028 ref id 11-028-20150209

<sup>32</sup> Ibid para 031 ref id 11-031-20150209

## European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights.<sup>33</sup> Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

## 7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to an exceptionally high standard and contains 15 policies. The Plan starts with a helpful contents page and a foreword by the Chairman of Stone Parish Neighbourhood Plan Directors.

### Stone Parish Story

This section offers an interesting and useful insight into Stone Parish and sets out the context for the Plan.

### Neighbourhood Planning

This section contains an overview of neighbourhood planning.

### Neighbourhood Area

A map of the Plan area is shown in this section. The Plan area was approved by DBC on 14 October 2016 and covered the Parish area at that time. In 2019, some changes were made to the Parish boundary, but the Plan area remains as originally agreed by DBC.

### Engaging Stone's Community

This short section summarises the engagement undertaken.

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<sup>33</sup> Basic Conditions Statement page 9

## Our Vision

The Plan's vision is:

“Over the next 15 years, it will have become clear that our community is a sustainable, proud, enterprising, friendly, healthy, safe and caring place to live and a place where people can afford to put down roots, have their say locally and really thrive.

By 2035, this means we will have strengthened Stone's environment, public spaces, the affordability of its homes, community infrastructure provision & the economic and social opportunities it offers residents and businesses.”

The vision is articulated well.

## Our Key Themes and Objectives

The vision is underpinned by six key themes of green space and recreation, health and wellbeing, housing, local infrastructure, Horns Cross Centre and delivering the Plan. These six themes have a number of objectives. All the objectives are articulated well, relate to the development and use of land and will help to deliver the vision.

It is then welcome to see that the key themes and objectives are linked to the relevant policy.

## Our Approach

Figure 1 on page 16 of the Plan shows, in visual form, the locational policies of the Plan.

## Policies

Taking each key theme, this part of the Plan contains the planning policies. Each section begins with setting out the context for the policy, makes reference to relevant strategic policies at DBC level and sets out how the policies will support the delivery of the Plan's objectives.



## **Green Space and Recreation**

### **Policy GS1 Local Green Space**

Three areas of Local Green Space (LGS) are proposed. These are clearly shown on page 47 of the Plan.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>34</sup>

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.<sup>35</sup> It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.<sup>36</sup>

The NPPF sets out three criteria for green spaces.<sup>37</sup> These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

An assessment has been carried out.

I saw each of the proposed spaces at my site visit.

1. **Setting of St Luke's Chapel** has historic and amenity significance in that it provides the setting for the Chapel, one of a handful of listed buildings within the Plan area, but is also valued for the sense of identity created by this space and for its visual amenity. This area is also designated as a Borough Open Space in the DPP.
2. **Alamein Gardens** is an irregularly shaped area of mainly grass but with some woodland which is valued for its amenity, tranquility and wildlife as an informal recreational area and has a circular walking route. It is surrounded by residential development.
3. **Horns Cross Gardens** is an area that acts as a focal point for the community on a prominent corner site with grass and trees. It has a path across and some seating and contains the noticeboard and Parish sign. It is valued as a meeting place and for its informal recreation. This area is also designated as Borough Open Space in the DPP. The supporting information tells me that it was assessed as a potential LGS some time ago by DBC but fell just short of the numeric threshold for designation. I consider that sufficient evidence has been put forward to assess this space as a LGS.

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<sup>34</sup> NPPF para 101

<sup>35</sup> Ibid

<sup>36</sup> Ibid

<sup>37</sup> Ibid para 102

In my view, all three proposed LGSs meet the criteria in the NPPF satisfactorily.

All are demonstrably important to the local community, all are capable of enduring beyond the Plan period, all meet the criteria in paragraph 102 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given the housing figures for this local area and other policies in the development plan and this Plan.

In line with PPG advice,<sup>38</sup> I have also considered whether there would be any additional benefit in designating the setting of St Luke’s Chapel and the Horns Cross Gardens as LGSs even though, in the case of St Luke’s Chapel this is a listed building and both are also identified as Borough Open Spaces. I consider there is benefit because the LGS designation demonstrates the particular value these spaces have for the local community and offers a different type of protection.

Turning now to the wording of the policy, the NPPF indicates that policies for managing development within a LGS should be consistent with those for Green Belts.

Following a Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I consider it necessary to delete any wording that sets out how development proposals should be managed. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This will ensure that policies for managing development within a LGS are consistent with those for Green Belts. This approach helps to ensure that the policy meets the basic conditions and is lawful.

Subject to the above modifications, Policy GS1 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy thereby meeting the basic conditions.

- **Delete the words “...where inappropriate development should not be approved except in very special circumstances” from the policy**

## **Policy GS2 Stone Recreation Ground**

The Plan explains that the Recreation Ground is an important open space and recreational asset. It is also designated as Borough Open Space in the DPP.

A Masterplan has been developed as part of the work on the Plan with the local community. It aims to help deliver the improvements to the Recreation Ground referred to in CS Policy CS4.

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<sup>38</sup> PPG para 011 ref id 37-011-20140306

The policy seeks to protect and enhance the Recreation Ground and support delivery of the Masterplan. There is an accompanying document entitled “Stone Recreation Ground Outline Masterplan Proposals” prepared by RHJB Architects Ltd and dated November 2017. This provides a comprehensive assessment of the area including outlining proposals for enhanced routes, planting and new development. This document offers the blueprint endorsed by the Parish Council and supported through engagement with the local community.

The policy therefore supports the enhancement and development of the Recreation Ground in line with the Masterplan proposals.

The policy meets the basic conditions in that it has regard to the NPPF’s promotion of healthy and safe communities and that policies should plan positively for the provision and use of shared spaces and open spaces and support the delivery of local strategies to improve the health, social and cultural well-being of the community.<sup>39</sup> The NPPF also recognises that access to high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities as well as offering wider benefits for nature and helping to combat climate change.<sup>40</sup>

The policy will also help to achieve sustainable development and particularly the social objective in the NPPF which specifically refers to open spaces supporting health and social and cultural well-being.<sup>41</sup>

It is in general conformity with CS Policies CS4 and CS22.

This then is an example of a locally driven policy that will not only enhance the open space but also ensure that the local community has the benefit of a high quality open space. It meets the basic conditions and no modifications are put forward.

### **Policy GS3 Stone Pit 1**

The Plan explains that former Stone Pit 1 offers a significant opportunity to provide new and accessible open space. The pit is a former quarry and landfill site of some 41 hectares.

The policy itself is short and simply supports planning applications for development providing new and accessible green space.

I consider the policy meets the basic conditions in that national policy and guidance recognise the importance of planning positively for open space and support strategies to improve the health and well-being of communities as detailed in the previous policy. It generally conforms to CS Policy CS14. It will help to achieve sustainable development

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<sup>39</sup> NPPF para 93

<sup>40</sup> Ibid para 98

<sup>41</sup> Ibid para 8

and especially the social objective in the NPPF which specifically refers to open spaces supporting health and social and cultural well-being.<sup>42</sup> No modifications are therefore recommended.

### **Policy GS4 St Clements Way Buffer**

An area has been identified as an important green buffer and is shown on Figure 3 on page 24 of the Plan.

The policy seeks to ensure that any planning applications for development on or in the vicinity of the proposed buffer should protect or enhance its role as a green buffer. In principle the identification of a buffer is acceptable. The area is self-contained and clearly identifiable. I saw the area at my site visit. At present, the land consists of a car park to the Steele Avenue boundary of the area. The remainder of the area is largely laid to hardstanding, has some scrub and a large tree on it. It bounds the road and has a screen acoustic fence along this boundary. It is not predominately green.

Nevertheless, I saw at my visit that the area does perform an important buffer function. It provides a space and separation between the busy road and the housing along King Edward Road, Castle Street and Providence Street. The housing and the area are at a lower level than the road and this topography makes the openness created by the site all the more important.

I also saw that the other areas around the roundabout also have a sense of separation and openness. To the east, on the opposite side of the road, there is green planting and the housing is set in an elevated position creating a sense of separation and openness between the road and the roundabout. Diagonally opposite, there is greenery and openness around St Mary's Church. To the south, there is a newer Bellway Homes development with a significant greensward, buffer and landscaping along the dual carriage way.

Therefore I consider that the retention of the openness of the space is important and its maintenance would be consistent with other similar areas around the roundabout.

In addition, whilst the area in question is not particularly 'green' at the moment, I see the role of planning policies is to be aspirational and seek enhancement of local areas.

The policy has attracted strong objection from DBC, Kent County Council (also the landowner) and the NHS Kent and Medway Clinical Commissioning Group.

The area is not put forward either as a potential LGS or as an open space in the sense of a place that is a high quality space giving opportunities for sport or recreation of the kind referred to in the NPPF.<sup>43</sup> I have described its importance and function above.

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<sup>42</sup> NPPF para 8

<sup>43</sup> Ibid para 98

In relation to the achievement of sustainable development, I do not see that to identify this area as a buffer would restrict sustainable development. I understand from the Infrastructure Delivery Plan that a memorandum of understanding has been signed between relevant parties to progress the provision of a new primary care facility on the site. However, I note that an alternative site for a medical centre has been granted planning permission (ref 18/01611/FUL). Therefore I do not accept that this proposed designation would adversely affect the delivery of sustainable development or infrastructure or community facilities. I note that the emerging Local Plan identifies an area of search for primary care and both sites – this and the permissioned one – seem to me to fall within this broad area and this adds to my conclusion on this point.

However, there is potential for sustainable development on this area and this is recognised by the site's inclusion in DBC's Brownfield Land Register and in the Strategic Housing Land Availability Assessment (SHLAA) which describes the site's current use as car park, open land. The inclusion in the Brownfield Land Register and the SHLAA is, of itself, no guarantee of permission being granted for development. Nevertheless I recognise that realistically for there to be any enhancement of the area this is only likely to be achieved through development.

Therefore I conclude that the area in question does serve a useful and important purpose as a buffer. For the area to be enhanced through the removal of the hardstanding for instance and greened particularly towards and near the roundabout in line with the other areas around the roundabout serving this busy road, it is important that any development on the site must respect the function of the buffer and enhance the sense of openness.

The policy therefore has regard to the NPPF in that planning policies should ensure that development functions well, adds to the overall quality of the area, is visually attractive, is sympathetic to local character including surrounding built environment and landscape setting, optimising the potential of the site to have an appropriate amount and mix of development including green space and creating places which are safe, inclusive and accessible.<sup>44</sup> This will also promote green infrastructure and help mitigate the impact of this busy road; part of the site falls within an Air Quality Management Area.

The policy is in general conformity with CS Policies CS10, CS11 and CS21; it does not prevent the achievement of sustainable development or necessary infrastructure. Rather the policy will help to achieve sustainable development.

However, I consider the current wording of the policy needs some amendment to help with clarity. With this modification, as explained above, I consider the policy will meet the basic conditions.

- **Amend the wording of the policy to read: “A buffer is identified at St Clements Way and is shown on Figure 3. Any development on this site should respect**

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<sup>44</sup> NPPF para 130

*the function of the buffer in creating a sense of openness and enhance the verdant appearance of the site, especially near the roundabout.”*

## **Health & Wellbeing**

### **Policy HW1 Trees, Shrubs and Air Quality**

The supporting text refers to the previous NPPF and with the passage of time, these references should be updated to the new NPPF and those references changed in order to make sense where appropriate.

- **Update the references to paragraphs 103 and 181 of the NPPF on page 25 of the Plan to “105” and “186” respectively**
- **Update the reference to paragraph 181 of the NPPF on page 26 to “186” and add the words “should be” after “...mitigate impacts...” in the quote from [the now] paragraph 186**

The Plan explains that AECOM undertook an air quality survey in 2017. There is concern about air quality. The AECOM report showed that large sections of London Road which runs east - west through the Plan area consistently exceed World Health Organisation guidelines for nitrogen dioxide. In addition, DBC have identified London Road as an Air Quality Management Area (AQMA).

LHLA was commissioned to consider the best way of mitigating pollution from traffic through investment in green infrastructure. This report, “Proposed Green Corridor, London Road Air Quality Management Area”, 2018 has informed this policy and contains detailed action plans for the proposed green corridor.

Policy HW1 therefore seeks to designate a green corridor along the part of London Road which falls within the Plan area and is shown clearly on Figure 5 on page 29 of the Plan. The context behind the green corridor is to help alleviate some of the pollution via planting and green infrastructure.

The wording of the policy should designate as well as refer to the green corridor in the interests of clarity. In addition, a small, but important word change is made, again in the interests of clarity.

Finally, a great deal of work has been carried out in the LHLA report that contains detailed action plans; I consider this supporting document should be cross-referenced in the policy to ensure it is taken account of.

With these modifications, the policy will meet the basic conditions. It will have regard to the NPPF which offers support for the improvement of local environmental

conditions including air quality<sup>45</sup> and is a policy that seeks to take the opportunity to improve air quality including through green infrastructure provision and enhancement.<sup>46</sup> In so doing it will help to achieve sustainable development, particularly the environmental objective. It will be in general conformity with CS Policy CS14 and DPP Policy DP25 in particular.

- **Add a new sentence at the start of the policy that reads: “A green corridor is designated along London Road as shown in Figure 5.”**
- **Change the words “...where appropriate...” in the policy to “...as appropriate...”**
- **Add a new sentence at the end of the policy that reads: “All development proposals are expected to take account of the detailed action plans contained in LHLA’s Proposed Green Corridor, London Road Air Quality Management Area, December 2018.”**

## Policy HW2 Travel Plans

An update to the reference to the NPPF in the supporting text should be made in the interests of being up to date.

Policy HW2 supports the use of travel plans in line with the NPPF which states that all developments generating significant amounts of movement should be required to provide a travel plan.<sup>47</sup> The policy goes further by supporting low emission vehicles. It then covers monitoring. There is little explanation in the Plan as to why the ten year period for monitoring might be appropriate. I note that Kent County Council in their representation indicate a preference for this to be decided on a case by case basis, but in general the requirement tends to be for a minimum of five years. I note that PPG indicates monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the travel plan.<sup>48</sup>

I consider the policy to be in general conformity with CS Policy CS4 which specifically refers to the need for proposals at Stone to demonstrate adequate traffic management measures through a travel plan.

I consider the policy meets the basic conditions by having regard to national policy and guidance, being in general conformity with CS Policy CS4 and helping to achieve sustainable development given the local circumstances of this Plan area.

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<sup>45</sup> NPPF para 174

<sup>46</sup> Ibid para 186

<sup>47</sup> Ibid para 113

<sup>48</sup> PPG para 012 ref id 42-012-20140306

- **Update reference to paragraph 111 of the NPPF on page 31 of the Plan to “113”**

### **Policy HW3 Walking and Cycling Neighbourhood**

Policy HW3 seeks to ensure that every available opportunity is taken to protect or improve pedestrian and cycleway paths and routes and develop new routes within developments that connect to the existing network.

This policy is supported by work carried out by AECOM in its report “Walking and Cycling Study” and by LHLA in her study “Proposed Pedestrian and Cycle Network”. This detailed study is cross-referenced in the policy and the details shown on Figure 6 on page 33 of the Plan and in Annex 2.

The NPPF is keen to ensure that transport issues are considered from the earliest stages of plan-making so that, amongst other things, opportunities to promote walking, cycling and public transport use are taken.<sup>49</sup> It continues that planning policies should provide for attractive and well-designed walking and cycling networks.<sup>50</sup> Pedestrian and cycle routes and connections will also promote social interaction and help to encourage healthy lifestyles thereby helping to achieve sustainable development.

With a modification to make the policy more robust given at the moment it has an “and/or” clause which I consider to be too open, the policy will meet the basic conditions. It will have regard to the NPPF and will help to achieve sustainable development as explained above, and be in general conformity with CS Policy CS15 in particular which, amongst other things, promotes integrated walking and cycling networks including through the green grid as well as DPP Policy DP4. The modification will also address a typo in the policy.

- **Amend the wording of the policy to read: “Planning applications for development should protect or improve the network of walking and cycling routes, *including public rights of way and take every available opportunity to make provision for new walking and cycling routes within new development that connect with the network identified in Figure 6 and Annex 2.*”**

### ***Housing***

#### **Policy H1 Range of Housing Provision**

An update to the reference to the NPPF in the supporting text should be made in the interests of being up to date.

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<sup>49</sup> NPPF para 104

<sup>50</sup> Ibid para 106



The NPPF is clear that the Government’s objective of significantly boosting the supply of housing should be supported and that the needs of groups with specific housing requirements are addressed.<sup>51</sup> Within this context, the size, type and tenure of housing needed for different groups in the community should be addressed and reflected in planning policies.<sup>52</sup> This includes the provision of affordable housing, housing suitable for families or older people and those wishing to build their own homes.<sup>53</sup>

The Plan area will accommodate significant growth over the Plan period, largely as a result of former quarries and landfill sites being earmarked for development. The local community is concerned about a lack of suitable provision for local people and affordable homes. In addition, the Plan seeks to secure what is termed “whole-lifetime parish residency”; the principle that there should be suitable and sufficient choices in housing to enable residents to continue living in the Parish when their housing needs change.

Policy H1 therefore supports new dwellings or alterations to existing dwellings which increase the supply of one or more of four criteria in the policy. The criteria are affordable homes including starter homes, later life homes, accessible homes and developments for those in need of care.

In relation to starter homes, a Written Ministerial Statement (WMS) of 24 May 2021 introduced First Homes, a new scheme to provide homes for first time buyers at a minimum discount of 30% and which replaces entry-level exception sites. I note that there is a transition period for plan-making in relation to First Homes. Neighbourhood plans submitted for examination before 28 June 2021 are not required to reflect the First Homes policy requirements.<sup>54</sup> This applies in this case. However, it may be useful to consider an early update to the Plan in respect of First Homes.

The policy also refers to the Building Regulations Part M4 standards. The Government introduced national technical standards for housing in 2015. A WMS<sup>55</sup> explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings; instead these must be contained in local plans. However, I do not read the Plan as seeking to set any standards, but simply to refer to the types of housing sought. In this particular scenario then, these elements of the policy are acceptable. Furthermore I note DPP Policy DP8 sets out accessible and adaptable accommodation requirements.

I therefore consider the policy meets the basic conditions; it has regard to the NPPF in particular by seeking to boost the supply of housing needed for different groups in the community, it will help to achieve sustainable development and especially its social objective of ensuring a sufficient number and range of homes are provided to meet the

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<sup>51</sup> NPPF para 60

<sup>52</sup> Ibid para 62

<sup>53</sup> Ibid

<sup>54</sup> Written Ministerial Statement 24 May 2021 and PPG para 018 ref id 70-018-20210524

<sup>55</sup> Written Ministerial Statement 25 March 2015

needs of present and future generations and be in general conformity with CS Policy CS18 in particular.

- **Update reference to paragraph 61 of the NPPF on page 35 of the Plan to “62”**

## Policy H2 Local Housing

This policy seeks to ensure that affordable rented homes are made available to those in line with the local connection requirements of DBC’s Housing Allocations Policy.

DBC has requested a change to the policy and its supporting text. A modification is made to reflect their comments on the supporting text. However, to change the policy in the way suggested would remove the specific reference to the local connection element.

I am guided by Locality’s publication “Local Connection Policies in Neighbourhood Plans” which considers local connection policies can be properly included in neighbourhood plans. However, mindful of DBC’s concern on this matter and national policy’s objective of creating mixed and balanced communities and the need to identify a range of housing that reflects local demand, I recommend a modification that will prioritise affordable housing for people with a local connection as defined in this policy, but ensures that any affordable housing provided in the Parish can also contribute to the wider strategic needs across the wider Borough area.

With these modifications, the policy will meet the basic conditions by having regard to national policy which seeks to ensure the provision of housing for different groups in the community,<sup>56</sup> being in general conformity with CS Policy CS19 as well as DPP Policy DP9 and helping to achieve sustainable development.

- **Change the policy to read: “Affordable rented homes provided in accordance with development plan policy should *first* be made available to those who satisfy the “local connection” requirements *on the Council’s housing register.*”**
- **Change the second paragraph of supporting text on page 36 of the Plan to read: “Dartford Borough Council’s current Housing Allocations Policy includes “local connection *eligibility criteria*” for applicants applying to Kent Homechoice and bidding for council housing and affordable rented housing provided on new developments under Dartford Core Strategy policy CS19 and Development Policies Plan policy DP9.”**

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<sup>56</sup> NPPF para 62

## **Local Infrastructure**

### **Policy LI1 Stone Crossing Station**

The Plan seeks to ensure that any development at the station or in its vicinity makes provision to improve the station's facilities, encourages better use of public transport and/or improves pedestrian and cycle connections to the Plan area.

The Plan explains that the station is poorly located with access from the south limited to a narrow road and poor pedestrian and cycling connections. It has benefited from a foot bridge.

There is little doubt that the station is an important public transport connection in the Plan area. Its location means that there are some limitations for movement. In order to promote the use of public transport and this hub as well as its pedestrian and cycling connections, the policy seeks to ensure new development contributes to the enhancement of the station and its facilities and its connections to the wider Plan area.

The premise of this policy is to ensure that transport issues are considered early and as part of planning application proposals and that opportunities to promote walking, cycling and the use of public transport are taken.<sup>57</sup> The improvement of facilities at the station will help to encourage public transport use. The enhancement of walking and cycling links to the station will also help to encourage public transport use.

This then will help to achieve sustainable development in relation to its economic objective by coordinating the provision of infrastructure, by supporting the social objective through the provision of accessible services and through supporting the environmental objective by promoting public transport use.

It is in general conformity with CS Policy CS15 in particular which, amongst other things, seeks to improve stations and station interchanges.

A modification is however made to ensure the policy flows better. With this modification, the policy will meet the basic conditions for the reasons given above.

- **Delete the words "...shall be supported." from the policy**

### **Policy LI2 Stone Castle**

Stone Castle is a Grade II listed building currently in office use. Community engagement demonstrated pride in the building but also a desire for more links with the community.

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<sup>57</sup> NPPF para 104

This policy therefore indicates that any future planning applications should strengthen the building's community role and respect its historic interest.

The intention of the policy seems to me to be a non-strategic policy that seeks to set out the community's vision for this building whilst seeking to conserve or enhance its historic importance.<sup>58</sup> This also has the potential to promote community cohesion and to provide services and facilities that the community needs.<sup>59</sup>

The phrase "community role" and what this means is set out in the supporting text.

In relation to the significance of this designated heritage asset, I consider the policy seeks to set out a positive strategy for any future use of the building whilst ensuring it is consistent with the building's conservation.<sup>60</sup> However, I consider the wording of the policy should be more robust in relation to this issue.

With this modification, the policy will have regard to the NPPF, help to achieve sustainable development and be in general conformity with CS Policy CS4 in particular which refers to the local community facilities and an enhanced meeting place and improved facilities at Stone as well as built development reflecting the varied heritage of the area in order to create a sense of place as well as DPP Policies DP12 and DP13.

- **Change the wording of the policy to read: "Planning applications for development at Stone Castle should strengthen its community role *and ensure that the significance of this designated heritage asset is conserved and, where possible, enhanced.*"**

### Policy LI3 Digital Infrastructure

The NPPF indicates that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.<sup>61</sup> This policy expects new residential, retail and office development as well as social infrastructure to be gigabit capable.

A House of Commons Library Briefing Paper<sup>62</sup> explains that the Government's target is for at least 85% of UK premises to have access to gigabit broadband by 2025. This type of broadband capability means faster download speeds. It can be delivered through a range of technologies. Given the pandemic and increase in working from home, the desire and need for more widely available and reliable digital connectivity is high. The Briefing Paper explains that the Government is seeking to ensure that new homes are

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<sup>58</sup> NPPF paras 28 and 29

<sup>59</sup> Ibid paras 92 and 93

<sup>60</sup> Ibid paras 189 and 190

<sup>61</sup> Ibid para 114

<sup>62</sup> Briefing Paper Number CBP 8392, 30 April 2021 Gigabit-broadband in the UK: Government targets and policy

built with gigabit-broadband installed. It is recognised that the delivery of broadband policy could be achieved through the planning process amongst other things.

Policy LI3 therefore sets out an expectation but with this there is some flexibility. I consider the policy has regard to national policy and guidance and will help to achieve sustainable development by supporting the economy and strong communities. The policy therefore meets the basic conditions and no modifications are recommended.

### **Horns Cross Centre**

#### **Policy HC1 Horns Cross Neighbourhood Centre**

The Plan explains there is a lack of a central focus in the Plan area to provide local community facilities. This policy therefore seeks to strengthen the role of Horns Cross in providing local facilities and services as well as green space and a meeting and focal point for the local community.

Horns Cross is identified as a neighbourhood centre in the DPP.

Policy HC1 seeks to support this designation and strengthen it. The wording of the policy supports development that firstly contributes to the vitality and viability of the centre, secondly is well related to it in terms of size, layout and function and thirdly, does not create a car dependent destination. The last part of the policy supports a new health centre in this location.

The policy meets the basic conditions in that it promotes the neighbourhood centre, sets out clearly the type of development sought and sets out a stall for a new health centre. This has regard to the NPPF which encourages neighbourhood plans to set out the community's shared vision for the area<sup>63</sup> and is a policy that aims to achieve a healthy, inclusive and safe place that promotes social interaction, is a strong neighbourhood centre providing accessible local services and facilities and encourages walking and cycling and non-car based transport.<sup>64</sup> It will help to achieve all three objectives of sustainable development. It is in general conformity with CS Policy CS4 in particular which refers to local community facilities and an enhanced meeting place and improved facilities at Stone.

As it meets the basic conditions, no modifications are recommended to this policy. However, a modification is made to the supporting text in the interests of accuracy and clarity.

- **Revise the third paragraph on page 42 of the Plan to read: “NHS Kent and Medway Clinical Commissioning Group are supportive of plans for the provision of a new medical centre elsewhere in the Plan area which will enable**

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<sup>63</sup> NPPF paras 28 and 29

<sup>64</sup> Ibid para 92

***the relocation of three existing General Practice buildings in Greenhithe and Stone. The provision of dentistry services would also be welcomed. Both proposals will help to address the acknowledged shortfall in provision. It would be appropriate to locate these facilities within the extended neighbourhood centre.”***

### ***Delivering the Plan***

#### **Policy D1 Planning Application and Consultation Requirements**

This policy seeks to encourage early discussion with the local community about future development. This has regard to the NPPF which indicates that applications which demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.<sup>65</sup> It goes on to require a Statement of Community Consultation for major development and sets out what such a Statement should include.

The Government’s policy on local information requirements is contained in the NPPF. This states that “Local planning authorities should publish a list of their information requirements for applications for planning permission. It continues that these requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”<sup>66</sup>

PPG mirrors this indicating that local planning authorities should take a proportionate approach to the information requested in support of planning applications.<sup>67</sup>

Therefore I consider that the introduction of requirements of this nature falls within the realm of local planning authorities rather than in neighbourhood plans. This is not to say that this is a valid and welcome stance to take, but in my view would be a matter for DBC.

Given that the NPPF and PPG is clear, the policy does not meet the basic conditions in that it does not have regard to national policy and guidance. I therefore have little option but to recommend deletion of this policy, but it may be possible to include it as a community aspiration as a signal to those submitting planning applications as well as discussing with DBC the possibility of including it on a future local list. I also note that given the policy takes some of its wording from the NPPF, the stance on early engagement remains within that document.

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<sup>65</sup> NPPF para 132

<sup>66</sup> Ibid para 44

<sup>67</sup> PPG para 038 ref id 14-038-20140306

If this is to be retained as a clearly identifiable separate community aspiration, an update to the reference to the NPPF should be made in the interests of being up to date.

- **Delete Policy D1 and its supporting text**

## Policy D2 Design and Development Information

Policy D2 sets out requirements for information that should accompany planning applications for major development.

Based on my assessment of Policy D1, the same considerations apply to this policy. Regrettably I consider that the policy does not have regard to the NPPF or PPG and for that reason does not meet the basic conditions. It should therefore be deleted.

- **Delete Policy D2 and its supporting text**

I note this section contains a statement on the Parish Council's commitment to working with landowners, applicants and DBC. I welcome this commitment.

Whilst monitoring of neighbourhood plans is not currently a requirement, I also welcome the commitment to monitoring the implementation of the Plan and regard this as good practice.

## Annexes

Two annexes then follow. Both are referred to in the respective policies and presented well. However, KCC refers to a number of factual corrections. These are the subject of modifications below.

- **Amend Figure 9 on page 50 of the Plan to show the new route for DR9 deleting any proposals not advanced**
- **Amend Figure 10 on page 51 to correct the path shown as 4C is not a PRoW and to show PRoW DR13 which goes from the lower end of 4C in a south west direction to meet Hedge Place Road**

## 8.0 Conclusions and recommendations

I am satisfied that the Stone Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Dartford Borough Council that, subject to the modifications proposed in this report, the Stone Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Stone Neighbourhood Development Plan should proceed to a referendum based on the Stone Neighbourhood Plan area as approved by Dartford Borough Council on 14 October 2016.

*Ann Skippers* MRTPI

Ann Skippers Planning

13 January 2022



## Appendix 1 List of key documents specific to this examination

A Neighbourhood Plan for Stone Parish 2020 – 2035 Submission Draft October 2020

Basic Conditions Statement October 2020

Consultation Statement October 2020

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Opinion April 2019 (DBC)

Local Green Space Supporting Information

Stone Recreation Ground Outline Masterplan Proposals, November 2017 (RHJB Architects Ltd)

Proposed Green Corridor, London Road Air Quality Management Area, December 2018 (Louise Hooper Landscape Architect)

Proposed Pedestrian and Cycle Network, Preferred Projects for Stage One, January 2019 (Louise Hooper Landscape Architect)

Dartford Core Strategy (adopted September 2011)

Development Policies Plan adopted July 2017

Dartford Local Plan to 2037 Pre-submission (Publication) Document September 2021

Infrastructure Delivery Plan Update December 2020

Strategic Housing Land Availability Assessment (SHLAA) Findings September 2021 and SHLAA Sites Summary Compendium

DBC Brownfield Land Register December 2021