

**INDEPENDENT EXAMINATION OF THE EGERTON  
NEIGHBOURHOOD DEVELOPMENT PLAN 2021-2040**

EXAMINER: DEREK STEBBING B.A. (Hons), Dip. E.P., MRTPI

Jane Carr  
Chair, Egerton Neighbourhood Plan Steering Group

Cc: Claire Marchant  
Ashford Borough Council

Examination Ref: 02/DAS/ENP

15 September 2021

Dear Ms Carr

EGERTON NEIGHBOURHOOD PLAN EXAMINATION

I have received an e-mail dated 9 September 2021 from Mr. Jeremy Eustace via the Borough Council. It relates to my Preliminary Question No. 7, but as he does not appear to have passed a copy to yourselves, I attach a separate file containing the message. I have accepted the e-mail, but I would be grateful for any comments that you might wish to make on its contents.

As I do not yet have your response to that Question, I invite you to add any supplementary remarks that you wish to make regarding the e-mail to your response.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter and Mr Eustace's email is placed on the Parish Council and Borough Council's websites.

Thank you in advance for your assistance.

Your sincerely

*Derek Stebbing*

Examiner

Dear Ms Marchant,

Further to the letter recently published from the Examiner for the Egerton Neighbourhood Plan, I would be grateful if you could please pass on the following information in relation to the question he has raised in the appendix on a vehicular access – Question 7:

On behalf of the landowners and in response to question 7 of the Examiner, I can advise that although the landowners and Parish Council have had confidential commercial discussions regarding the provision of an access through the allocated site (New Road Policy S30) to the Orchard Nurseries site, there has been no agreement, and never has been.

Consequently, the owners are unable to commit to the provision of an access to serve the Orchard Nurseries site.

Furthermore, the Examiner will be aware that Local Plan Policy S30 has no requirement for such an access.

I would also draw the Examiner's attention to a note from the ABC Planning Case Officer, made to our planning consultants during the application process in relation to the New Road site (s30), where in his email of 16th March 2021 states:

*"Also, as set out in my pre-app and email dated 08/02, the density of the development is still marked by the density around the affordable units and those further to the south east as you transition out of the village. To make the argument to support the larger site area, this needs to be backed up by a consistency in approach to the density. A transition towards the south east of the site through reduced density would be acceptable but at the moment it remains too marked. If this is at the expense of the access to Orchard Nursery site, then I would suggest omitting this as it is not a policy requirement and whilst admirable not essential for the scheme to be considered acceptable."*

I look forward to hearing from you and remain open to answer any questions in this specific matter that might prove useful to the Examiner if required.

Yours sincerely,

Jeremy

Jeremy Eustace

# A NEIGHBOURHOOD PLAN FOR EGERTON

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## STEERING GROUP

17<sup>TH</sup> September 2021

Mr Derek Stebbing  
Examiner  
Intelligent Plans and Examinations (IPE) Ltd

Dear Mr Stebbing,

### **EGERTON NEIGHBOURHOOD PLAN EXAMINATION**

**Ref: 02/DAS/ENP**

Thank you for your letter dated 15 September 2021 and for the copy of Mr Eustace's email to you sent via the Borough Council.

In addition to the comments already provided in my letter, also dated 15<sup>th</sup> September, I would add the following on the issue of access to the Orchard Nurseries site:

- I can confirm that a working group of Egerton Parish Council (EPC), the Older People's Housing Working Group (the Working Group), was in negotiation with Mr Eustace, as representative of the site owners – the Harmer family, over an extensive period in 2020-21 with the aim of achieving access to Orchard Nurseries through the New Road (s.30) site.
- The detail of the negotiations, at the request of the site owners, is confidential by mutual agreement between the parties, but I can confirm that negotiations reached the point, through solicitors, at which a substantial financial offer was made by the Working Group on behalf of EPC. This was accepted by Mr Eustace on 8 February 2021 on behalf of the site owners subject to six further conditions. After consideration and further exchange of correspondence, EPC confirmed that these conditions were accepted.
- On 14 May 2021 Mr Eustace on behalf of the site owners withdrew from negotiations, citing issues connected to the Stodmarsh SSSI as the reason. Before that time the Borough Council and Natural England had confirmed the NP Steering Group's findings that the Stodmarsh issue was not relevant to the Egerton waste water treatment works.
- More recently the promoter/developer of the New Road site suggested, at an EPC meeting on 3 August, that the site owners could revisit the provision of access to Orchard Nurseries on the terms discussed earlier if the EPC withdrew its objections to an application for development of another site owned by the same family as the New Road site which was not included in the draft Neighbourhood Plan or the 2030 Local Plan. The EPC was not willing to consider this on ethical grounds. Mr Eustace has subsequently stated his willingness to re-open negotiations but only subject to 'widening the remit' beyond the terms discussed earlier in the year. An explanation of the wider remit has not been provided to date.

#### Brief background

- The history of EPC's efforts to secure access to the Orchard Nurseries site is complex but you may wish to note that the Working Group had first proposed to the Borough Council that the site should be included in the Local Plan

2030. The advice from the Borough Council was that this would not be necessary as the site would be considered as an exception site.

- The Working Group was also advised by the Borough Council that access could be achieved through the New Road site, advice which was subsequently withdrawn
- The Working Group first discussed access via the New Road site with the promoter of the site appointed by the site owners in January 2020. He was encouraging but made clear that agreement was not within his gift.
- Negotiations with the New Road site owners began in earnest in September 2020.

I hope this adds clarification, but am happy to provide further information if not specifically covered by the confidentiality agreement.

With kind regards,

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Jane Carr', written in a cursive style.

Jane Carr  
Chair, Egerton Neighbourhood Plan Steering Group

cc Claire Marchant, Ashford Borough Council  
Steve Carnaby, Intelligent Plan & Examination (IPE) Ltd