
Report to Ashford Borough Council

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Inspectors appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Ashford Local Plan 2030

The Plan was submitted for examination on 21 December 2017

The examination hearings were held between 11 April and 13 June 2018

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Abbreviations used in this report

ALP	Ashford Local Plan 2030
AONB	Area of Outstanding Natural Beauty
CIL	Community Infrastructure Levy
DPD	Development Plan Document
FTTP	Fibre to the Premises
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
MWLP	Kent Minerals and Waste Local Plan
MM	Main Modification
NDSS	Nationally Described Space Standards
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PSA	Primary Shopping Area
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SPD	Supplementary Planning Document
SuD	Sustainable Drainage Systems
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Ashford Local Plan 2030 provides an appropriate basis for the planning of the Borough, provided that a number of main modifications [MMs] are made to it. The Council has specifically requested us to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council, and were subject to public consultation. We have recommended their inclusion in the Plan after considering all the representations made in response to that consultation. In some cases we have amended their detailed wording where necessary.

The Main Modifications can be summarised as follows:

- Increasing the housing requirement over the plan period to 16,872 dwellings and the residual requirement from 2018 to 13,118;
- Specifying that the shortfall from the start of the plan period should be made up over the next 7 years at a rate of 352 dwellings per annum;
- Amending policies to set targets for new employment land and retail needs and adjusting the policy for Ashford town centre to ensure it is effective;
- Revising one of the site allocations for a gypsy and traveller site to protect the Area of Outstanding Natural Beauty and ensuring that the specific policies reflect national policy;
- Deleting 7 unsuitable housing sites;
- Various changes to the site specific policies to ensure that they are justified and effective; and
- Alterations to the topic and other policies for housing, employment, retail, leisure and tourism, transport, the natural and built environment and community facilities so that they are justified and effective.

Introduction

1. This report contains our assessment of the Ashford Local Plan 2030 (ALP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (NPPF) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised NPPF was published in July 2018. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. The ALP has therefore been considered against national policy in the NPPF of 2012 and references in this report are to that document unless otherwise stated. Likewise where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement.
3. Following consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) in 2016, the Council undertook Main Changes to the Plan. These were made in response to the publication of the 2014 based population and household projections which increased the objectively assessed need for housing and were consulted on in July 2017 for 8 weeks. The Submission Local Plan 2030, submitted in December 2017, is the same as the Main Changes consultation document save for a number of minor amendments (SD01(a)). This Plan is the basis for the examination and the starting point is the assumption that the Council has submitted what it considers to be a sound plan.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council has requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. Our report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out a sustainability appraisal of them. The MM schedule was subject to public consultation between 13 September and 26 October 2018. We have taken account of the consultation responses in coming to the conclusions in this report. In light of these we have made some amendments to the detailed wording of the main modifications where these are necessary. None of them significantly alter the content of the main modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan.

When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises Sheet 1 and Sheet 2 accompanying the Submission Local Plan (SD01).

7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a few of the recommended MMs to the Plan's policies require further corresponding changes to be made to the policies map. Therefore in order to comply with the legislation and give effect to the Plan's policies the Council will also need to update the policies map when the ALP is adopted to include all the changes resulting from the MMs.

Consultation

8. The Statement of Community Involvement (SCI) was adopted in October 2013 (GBD14). Table 1 prescribes consultation techniques that will be used at formal stages of local plan preparation and review whilst Table 2 lists potential informal techniques.
9. The Annual Monitoring Report of 2013/14 referred to the publication of a draft local plan in 2015 but the Local Development Scheme (LDS) of July 2014 confirmed that this would be done under Regulation 19. It is the LDS which must specify under Section 15 of the 2004 Act which development plan documents are to be prepared and the timetable. That is not the function of the SCI and, in any event, it does not anywhere give rise to a legitimate expectation that a formal draft version will be published pursuant to Regulation 18. There is also no legal requirement to do so.
10. Nevertheless, consultation took place in the early stages of plan-making under the auspices of the Plan-It Ashford exercise which encompassed meetings, workshops and exhibitions. This process specifically drew attention to land put forward following the 'call for sites'. In Kennington a workshop was held in April 2014. It is evident from Part 1 of the Consultation Statement (SD05) that the Community Forum was engaged with the process and submitted comments to reflect the views of residents. Specifically, the Forum objected to sites KE2 and KE3 (now S2). Furthermore, 22 individual objections were made in respect of those sites and their content largely reflects subsequent representations made.
11. The formal consultation techniques were undertaken at Regulation 19 stage in accordance with Table 1 of the SCI. Moreover, informal consultation was done in line with Table 2. This elicited responses from those in the Kennington area and would have signalled to the Council that there were likely to be objections if the allocation of sites KE2 and KE3 were pursued. Overall there is nothing to indicate that the Council did not adhere to its SCI and we are satisfied that it was complied with as required by Section 19(3) of the 2004 Act.

Sustainability Appraisal

12. There is a requirement in Section 19(5) of the 2004 Act for local authorities to carry out Sustainability Appraisal (SA) as part of the preparation of a local plan. This is a systematic process to identify, describe and evaluate the likely

significant effects of the plan and reasonable alternatives in order to promote sustainable development. The NPPF says that SAs should be proportionate and the process is an iterative one.

13. The main SA Environmental Report was produced in May 2016 and there was a subsequent Addendum and a further Update prior to submission (SD02). The 13 SA objectives developed through the Scoping Report were used to test the strategic options for employment and housing growth. In turn, 4 alternatives for the distribution of the development were identified followed by 3 options for its location around the Ashford urban area. These were assessed against the sustainability objectives on a like-for-like basis so as to provide a meaningful comparative guide to the Council about the strategies that it should pursue. The SA was also used as a vehicle for site selection.
14. Regulation 13 of the Environmental Assessment of Plans and Programmes Regulations 2004 prescribe the consultation procedures which flow from the requirements in Article 6(2) of the Strategic Environmental Assessment Directive. This includes an "early and effective" opportunity to express opinions on the draft plan and accompanying environmental report before the adoption of the plan. That is exactly what has occurred as both the SA and the Addendum of July 2017 were available as part of the Regulation 19 and Main Changes consultations. There is no evidence that the procedures in Regulation 13 have not been followed.
15. There is criticism that insufficient consideration has been given to the role that the rural area should play. In particular that there is a wide gulf between the favoured option of locating the majority of growth at Ashford with proportionate growth outside it and the alternative of significant development outside of Ashford. However, the PPG on *Strategic Environmental Assessment and Sustainability Appraisal* indicates that alternatives should be sufficiently distinct to highlight the different sustainability implications between them. Moreover, whilst the descriptors used for the alternatives are not precise they provide sufficient detail to broadly understand what they entail and to assess them accordingly. There are no failings in the SA in these respects as it adequately considered a more rural-focussed growth option.
16. There have been regular complaints throughout the examination about the accuracy or consistency of the scoring undertaken for individual sites. Disputes about such findings are nevertheless to be expected. These are due to differences in planning opinion and do not undermine the SA process undertaken. Furthermore, the SA itself is at pains to point out that allocations have not been made solely on the basis of those with the highest score. Rather this has been done with regard to the ALP's general strategy whilst some restrictive criteria are given more weight than others. The SA allows a range of considerations affecting sites to be assessed in a coherent way but does not remove the need for the exercise of judgement by the Council.
17. The SA did not consider sites within 3 neighbourhood plan areas where plans were actively being prepared in order to avoid fettering that process. There is no legal requirement for sites to be considered through SA however they might have scored. In the circumstances these were not reasonable alternatives and the SA took a realistic and proportionate approach.

18. An Addendum SA was undertaken in September 2018 to consider the proposed main modifications (ABC/PS/21). This expressly indicates that the Addendum should be read in conjunction with previous reports. This link to earlier documents is clear and intelligible and does not require a 'paper chase' to be undertaken especially as the same format has been adopted.
19. The Addendum properly considers a fifth option to overall housing growth which is a higher figure than that previously considered. It concludes on that option without specifically dealing with the 'stepped' trajectory that is envisaged. In so doing the SA has adequately addressed the reasonable alternatives and compared it to others but is not required to individually appraise each facet of those alternatives.
20. Overall the SA has sufficiently evaluated the reasonable alternatives and is suitably comprehensive, satisfactory and legally compliant.

Assessment of Duty to Co-operate

21. The Council has a long record of co-operation and joint working that dates back to earlier development plans. Details of the arrangements established and discussions undertaken with the County Council, neighbouring authorities and other relevant bodies have been provided (SD07). The Council is also a member of the East Kent Regeneration Board and a party to the Memorandum of Understanding. Strategic matters affecting more than one planning area have not been considered in isolation but as part of the plan-making process.
22. The NPPF confirms that joint working should enable development requirements to be met that cannot wholly be met within a particular local planning authority area. In this regard there are no formal or informal requests from either Tunbridge Wells or Tonbridge and Malling to assist in meeting their housing needs. Furthermore, both those authorities are at an earlier stage in the plan-making process than Ashford.
23. The Rother Core Strategy adopted in 2014 contains a shortfall of 478 dwellings compared to the full objectively assessed need at the time. In 2016 Rother asked the Council to test a growth option to reflect that unmet need. Representations on the Main Changes queried whether regard had been paid to any further scope within Ashford to address Rother's unmet housing need. However, it is now agreed between the respective Councils that Rother is not asking Ashford to make any provision for its needs and that there has been no breach of the duty. There is also a commitment to future collaboration particularly in view of the planned improved rail links between Ashford and Rye, Hastings and Bexhill-on-Sea.
24. Given that the position at a neighbouring authority had been known during the plan preparation process the Council could have given greater cognisance to this. However, no express formal request to contribute towards the housing shortfall in Rother was made and that is not the case now. Furthermore, the boundary between the two authorities is short and the connections between them physically and functionally are quite limited. Therefore in relation to Rother, the approach of the Council was sufficient in the circumstances to comply with the duty.

25. Overall we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the ALP and that the duty to co-operate contained in Section 33A of the 2004 Act has therefore been met.

Assessment of Soundness

Background

26. The ALP will replace saved policies in the Ashford Borough Local Plan of 2000; the Core Strategy of 2008; the Ashford Town Centre Area Action Plan of 2010; the Tenterden and Rural Sites Development Plan Document (DPD) of 2010 and the Urban Sites and Infrastructure DPD of 2012. The Chilmington Green Area Action Plan will remain in force.
27. Ashford town was previously designated as a regional growth area and this was reflected in the Core Strategy. However, that is no longer the case and the ALP seeks to positively respond to the two key aims in the NPPF of deliverability and flexibility as well as to achieving good quality place-making. The plan period is between 2011 and 2030 which is greater than the 15 years referred to in the NPPF. This is also sufficiently forward-looking in order for strategic objectives to be set whilst also allowing for the proposals in the ALP to be put into effect.

Main Issues

28. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings we have identified eleven main issues upon which the soundness of the Plan depends. Under these headings our report deals with those main soundness matters and does not respond to every point raised by representors.

Issue 1 – Are the vision and strategic objectives for Ashford sound having regard to achieving sustainable development?

29. The vision for Ashford Borough in 2030 refers to meeting housing and employment needs; focussing development at the town of Ashford which is to be regenerated and expanded; the role of rural service centres and smaller settlements; environmental protection and green spaces and a positive approach to climate change. These aspirations have been translated into Policy SP1 in order to ensure delivery and to form the basis of the policy framework. Together the vision and strategic objectives reflect the economic, social and environmental dimensions of sustainable development set out in the NPPF. Therefore the ALP has the achievement of sustainable development at its heart and the vision and strategic objectives are accordingly sound.

Issue 2 – Are the strategic objectives and the strategic approach to the distribution and location of housing and economic development sound, having regard to the needs of the Borough and national policy? Has the Local Plan been positively prepared?

30. Because of its status as the principal settlement in the Borough, its road and rail transport links, employment opportunities and other facilities the strategy of emphasising Ashford town as the main location for growth is a sound one.

Planning for the majority of development to be here also perpetuates past policy approaches and reflects extant commitments. The SA highlights the clear advantages of this focus and also endorses the option of a dispersed pattern of distribution around the town.

31. Since the adoption of the Core Strategy there have been major improvements at Junction 9 of the M20 and the associated Drivers roundabout. High speed rail links to central London commenced in 2009. Work on a new motorway junction at 10A has commenced and is due to be open to traffic in August 2019. This will relieve capacity issues at Junction 10 and remove a major and long-standing constraint to development around the town. This factor and the recession has held back growth in the past.
32. Consequently the ALP envisages a significant increase in development around the town compared to recent years. Because all the ingredients are now in place for the expectations in the ALP to be fulfilled there is no reason to suppose that the previous low rate of growth will be perpetuated. In support of this development is starting to come out of the ground now including at the major housing site at Chilmington Green. Indeed, with no fundamental constraints it is fair to say that development around Ashford town is already building up some momentum. As a result we are confident that the approach of concentrating growth here is justified.
33. In the ALP as a whole the proportion of housing development in rural areas is around 15%. However, for new allocations alone the figure rises to approximately 24% which partly reflects the increase in the number of rural sites arising from the Main Changes. These percentages accord with the general thrust of Policy SP1 and the preferred option in the SA. In determining the relative proportions of urban and rural growth the Council could have undertaken detailed capacity studies of each of its settlements in order to produce prescriptive targets. However, there is nothing in national policy to indicate that this is a pre-requisite.
34. Tenterden is the second largest settlement in the Borough but the population in Ashford town was about 15 times greater in 2016. Taking existing commitments and proposed allocations into account some 625 dwellings would be provided in Tenterden over the plan period. This equates to some 5% of the Borough's residual housing requirement in Table 1. This is not a precise 'fit' with the size of the town compared to the Borough as a whole but consideration has to be given to constraints such as the Area of Outstanding Natural Beauty (AONB) that surrounds much of Tenterden.
35. In general terms the population of Tenterden has not grown since 2002 compared to growth across the Borough of some 21%. This has led to ageing households. House prices are more expensive than the Borough average and also increasing more quickly in value. However, there is no evidence that the vitality and viability of shops and services have suffered as a result and the town appears to be thriving. Therefore it is not essential for the growth strategy to be changed to favour Tenterden in order to arrest potentially serious economic or social consequences. The distribution of development enshrined in the ALP should allow Tenterden to perform its role as a principal rural service centre as set out at paragraph 3.8 of the Vision.

36. In considering whether the plan has been positively prepared consideration should be given to potential impediments to delivery such as issues of viability and infrastructure. The Viability Study Update (SD09) tests the impact of affordable housing, self-build plots, accessibility and green space standards. The overall result is that with suitably adjusted affordable housing targets the scale of obligations and policy requirements set out in the ALP should not threaten overall delivery. There would also be some capacity to support additional contributions or costs which might arise under the Community Infrastructure Levy (CIL). Viability is weakest in Ashford town and strongest in the rural area outside the Ashford hinterland where values are highest. All in all, the ALP has taken sufficient account of the relevant standards within it in assessing viability in accordance with NPPF paragraph 173.
37. The ALP seeks to utilise existing or planned infrastructure to meet additional needs in a cost effective manner. Furthermore, an Infrastructure Delivery Plan (SD10) has been developed in conjunction with relevant providers to set out what is required to support the planned new development. There is no clear evidence that any of the items listed as critical or essential priorities in section 3 cannot be achieved because of a lack of finance or a suitable site. Overall the infrastructure required, its funding, provision and relationship to the rate and phasing of development over the first 5 years of the plan is clear and therefore in line with paragraph 018 of the PPG on *Local Plans*.
38. With the completion of Junction 10A the Highway Authority is satisfied that the cumulative impact of site allocations on the network around Ashford town as a whole will be less than severe (ED/05a). Any localised impacts on specific junctions can be addressed by suitable mitigation measures. Outside the urban area there are no issues of cumulative impact from a capacity perspective that are incapable of mitigation.
39. The ALP has been positively prepared in that it seeks to meet the need for development and infrastructure as opposed to prevent or severely restrict growth. Furthermore the location of development is justified being based on the principles of sustainability such that it represents the most appropriate strategy. Later in the report we recommend that 7 housing sites in the rural areas with an indicative capacity of over 400 units be deleted from the ALP. However, this would not fundamentally alter the distribution of development around the Borough but rather would be consistent with the primary concentration around Ashford town.

Issue 3 – Does the Local Plan set a clear policy framework for the preparation of Neighbourhood Plans and provide for an effective relationship between the two?

40. There are two made Neighbourhood Plans in the Borough for Wye with Hinxhill and for Pluckley. Neighbourhood areas have been designated quite recently at Hothfield, Charing and Egerton and because of the early stage of preparation the ALP allocates sites for development in those Parishes. The plans for Bethersden, Rolvenden and Boughton Aluph and Eastwell are more advanced and so the Council's approach has been to defer to them any site allocations within those areas.

41. In more detail, the Bethersden Neighbourhood Plan is at examination and makes provision for 34 housing units. The draft Rolvenden Neighbourhood Plan contains draft allocations on 3 sites equivalent to 24 houses whilst Boughton Aluph has yet to publish. The Bethersden and Rolvenden sites are properly included in the housing trajectory.
42. The NPPF and the PPG on *Neighbourhood Planning* advise against duplicating planning processes. In this regard the Council has struck a fair balance between providing direction and certainty in neighbourhood areas where plans are at an embryonic stage whilst allowing local communities to shape their areas in 3 others. At Boughton Aluph there is no certainty that any neighbourhood plan will deliver the proportionate rural growth that is the bedrock of the ALP's strategy. However, this would be likely to form a very small part of the overall provision of development and is therefore insignificant in the wider scheme of things. Consequently it is reasonable for the ALP to not prescribe the level of development that should be provided there.
43. In response to paragraph 184 of the NPPF, the ALP states that all its policies are considered strategic for the purposes of neighbourhood planning. However, that view took no account of paragraphs 075 and 076 of the PPG which give advice on how a strategic policy is determined and is therefore not justified. In response, following a review (ED/18), the Council now proposes that some be omitted given that they only apply to certain geographical areas and as some sites are small in scale they are not central to achieving the ALP's objectives. Those remaining can be treated as strategic in this context. This will be confirmed by a new Appendix 7 but the supporting text also allows for clarity to be provided for individual parishes or neighbourhood groups promoting Neighbourhood Plans.
44. Furthermore, the ALP does not acknowledge that in some instances suitably justified local variations to some Borough-wide policies could achieve general conformity. Given the expectation that the Council's role is a supportive one and to assist existing or future neighbourhood forums, this should be remedied. However, in other respects the text adequately reflects the intent to work closely with Parishes considering or working on neighbourhood plans.
45. The ALP has not properly considered whether its policies are strategic or indicated that adjustments to them at neighbourhood level are possible. To be consistent with national policy **MM1** is therefore recommended. Subject to this, the ALP establishes an effective relationship with any Neighbourhood Plans and sets a clear policy framework for their preparation.

Issue 4 - Is the housing requirement justified and has it been calculated in accordance with national policy and guidance?

46. The housing target for the entire plan period of the ALP is 16,120. The Housing Topic Paper produced in June 2018 (SD08) shows the position as of April 2018 including the 577 completions in 2017/18. This gives a residual requirement from 2018 to 2030 of 12,366.
47. The methodology undertaken to arrive at these figures follows that prescribed in the PPG on *Housing and Economic Development Needs Assessments*.

48. The housing market area has been suitably defined as the Borough itself. Based on the 2014 population and household projections and a vacancy allowance of 4.2% the figure of 786 dwellings per annum forms a justifiable demographic 'starting point' for assessing objectively assessed need. In arriving at overall objectively assessed need the Council has applied an upward adjustment of 5% to account for market signals. In addition, for future proofing and positive planning, it has included an allowance of 546 dwellings (ED/17) to allow for additional in-migration from London. However, these are insufficient and as a result the ALP under-estimates objectively assessed need.
49. Reference to the trend for positive net flows of households from London to Ashford reflects past events and also the high quality of the Borough's transport links to the capital. As a matter of principle it would therefore result in a change to the demographic projections because of local circumstances as referred to in paragraph 017 of the PPG. It should form part of the objectively assessed need and the figure of 546 provides a useful guide in this respect.
50. The indicators in the PPG to be used in determining how to respond to market signals present something of a mixed picture with lower than average land values and flat rental trends. However, the lower quartile affordability ratio has increased from 8.5 in 2013 to 9.6 in 2017. Any upward adjustment should be set at a level that is reasonable in relation to the relevant signals rather than to wider planning considerations such as the percentage growth in overall stock or the ability to deliver housing in a sustainable way.
51. The PPG observes that any allowance for market signals should increase planned supply by an amount that could be expected to improve affordability. However, there is no requirement for this to ensure that affordable housing needs are met in full. That said, any adjustment should make a meaningful difference in this respect. Based on our advice (ID/10) the Council propose a 13% uplift to encompass the varied picture portrayed by the relevant market signals and an additional allowance for London migration. In our judgement when combined both elements should assist in improving affordability and this percentage increase is justified for Ashford.
52. The Strategic Employment Options Report of 2012 (EBD04) selected a baseline economic growth scenario as the most likely assessment of economic performance. This envisages a 1% per annum growth in employment equivalent to 620 jobs. More recent forecasts from Cambridge Econometrics show lower employment growth across the region and the review of the East Kent Growth framework does not show that enhanced performance or productivity is likely to occur.
53. In any event, even based on the original housing target in the ALP, workforce growth is calculated to exceed 800 per annum from 2016 onwards and would therefore comfortably exceed predicted jobs. As there is unlikely to be a labour supply shortage there is therefore no need to consider whether further new housing should be provided to address this and the possible consequences set out at paragraph 018 of the PPG.
54. Applying a policy target of 30%, an uplift of 56% over and above the demographic need of 786 dwellings per annum would be required to meet

affordable housing needs in full. Increasing this figure to take account of market signals should assist in addressing these needs to some extent but would still fall short of the overall affordable housing need. However, aside from the likely environmental impacts, it is unlikely that the market would be able to deliver that amount of housing in its entirety. So, whilst having regard to the PPG (ID: 2a-029-20140306), a further increase is not warranted.

55. There is no reason why the objectively assessed need for housing should not be met in full. Therefore the housing requirement for the entire plan period should be 16,872 dwellings. As 3,754 have been delivered since 2011 the residual requirement from 2018 should be 13,118.
56. On this basis, and if main modifications are made to reflect these findings, the housing requirement will have been calculated in accordance with national policy and guidance and is justified.

Issue 5 - Will the Local Plan meet the housing requirement over the plan period? Will there be a 5 year supply of deliverable housing sites with an appropriate buffer?

57. Taking on board the revised housing requirement set out above there has been a shortfall in delivery from the start of the plan period of 2,462 dwellings. According to the PPG the aim is to deal with any undersupply within the first 5 years where possible. However, at Ashford the need to complete Junction 10A before major developments around the town can be occupied has had a dampening effect. This is no evidence that adjoining authorities are in a position to absorb further housing in the short-term and no requirement to allocate otherwise unsuitable sites to make it up more quickly. Therefore it is reasonable and realistic to expect the shortfall to be made up over the next 7 years at a rate of 352 dwellings per annum.
58. Policy SP2 refers to the housing target between 2017 and 2030. This needs to be updated to reflect the total housing requirement for the residual period of the ALP from 2018. In addition, it must confirm the need to make up the shortfall over the next 7 years. The expected annual delivery between 2018 and 2025 of 1,240 dwellings and between 2025 and 2030 of 888 should be made explicit so that future decision-makers are clear about the requirement over any given 5 year period. This will provide a firm basis for assessing whether an adequate supply of deliverable sites exists at that time.
59. At Ashford there has been a record of persistent under delivery of housing and so as of April 2018 a 20% buffer should be applied to the annual average requirement. For the 5 years to 2023 this increases the requirement from 6,200 to 7,440 in total.
60. To be deliverable, according to the NPPF, there should be a "realistic prospect" that this will occur within 5 years. The Council's calculation in the updated Housing Topic Paper is that deliverable supply equates to 8,594 dwellings. In general terms this evidence is compelling as, in many cases, it is based on the views of the respective developers or promoters of the individual sites. However, some sites are to be deleted from the Plan for reasons of soundness whilst the capacity of others should be reduced. Furthermore, on some of the

larger allocations the Council has over-stated the number of dwellings that are realistically likely to be completed within 5 years.

61. From 2005 to 2018 residential windfall dwellings have totalled 2,325 at an annual average of 179. For 2017/18 the figure was 203. Within the 5 year supply extant permissions for windfall dwellings amount to 996. Over 400 of these are on sites where development has started. As there is no evidence that the others will not be implemented within 5 years it is reasonable to include them all. A 'one-off' figure of 150 is included in the 5 year supply for unidentified windfalls. Having regard to paragraph 48 of the NPPF there is no reason to suppose that such sites will 'dry up' over that period and so this can be considered a reliable source. An entry for this category of development as part of the deliverable 5 year supply is therefore justified. An extra 60 dwellings will be delivered at the former Powergen site.
62. When all this is factored in, the 5 year supply amounts to 7,860 dwellings. Therefore as of April 2018 there is a 5 year supply of deliverable sites with an appropriate buffer. However, this amounts to 5.3 years which leaves little margin. Nevertheless this is a matter that will be monitored and having fulfilled the expectations of national policy there is no need to look to allocate further sites. Indeed, the revised trajectory indicates that there is a good prospect that there will be an up to date supply of sites sufficient to provide five years' worth of housing land on adoption of the ALP. Moreover, that this can be maintained in the years immediately to come.
63. Over the plan period as a whole, taking into account the above-mentioned changes, the total numbers of dwellings provided for by the ALP between 2018 and 2030 is 13,544. This allows for a contingency buffer over the residual requirement of 426 dwellings. As part of the revised trajectory the Council has applied a 25% discount for non-implementation of extant permissions that have not started. This reduces the sum from that source and so provides for a very minor amount of further leeway.
64. Given the historic data and the likelihood that the new policies for windfall development in the rural areas will bear fruit, it is justifiable to allow for 850 dwellings between 2023 and 2030 in the revised trajectory for future unidentified windfall. In total windfall sites account for about 13% of total supply across the plan period. This is a reasonable proportion which is much less than the 35% that occurred in 2017/2018 and does not warrant the allocation of further sites.
65. The NPPF refers to meeting the full objectively assessed need for housing but does not specifically require a contingency buffer. However, this can provide for flexibility to accommodate unexpected delays or permissions not being taken up. At Ashford the residual housing requirement would be exceeded by supply by some 3%. However, almost half of that total comprises existing commitments. As a result the revised housing trajectory shows the highest proportion of housing to be completed in the first part of the remaining plan period with some of the larger sites delivering in the latter stages. Any slippage in the period to 2024 would increase the pool of sites thereafter and so it is not essential for the contingency figure to be increased.

66. Overall the ALP, as modified by **MM3**, will meet the revised housing requirement over the plan period and so is consistent with national policy. Appendix 5 should also be updated by a new housing trajectory and **MM100** is recommended to that end.

Issue 6 - Is the overall target for affordable housing and the type of tenure justified? Does the Local Plan make adequate provision for specialist housing?

67. The net need for affordable housing of 368 dwellings per annum has been calculated in accordance with paragraphs 022 to 028 of the PPG on *Housing and Economic Needs Assessments*. This figure excludes housing provision in the development pipeline. In response to that need and to reflect viability considerations, Policy HOU1 sets different percentage requirements for affordable housing in Ashford Town (20%), Ashford Hinterlands (30%) and the rest of the Borough (40%). Moreover, flatted development in Ashford Town is exempt and the policy is flexible in that it contains various options should it be shown that the proportion of affordable units expected cannot be achieved. The split of tenure types is justified so the overall policy approach is sound.
68. The threshold of 10 dwellings or more for the provision of affordable housing tallies with paragraph 63 of the revised NPPF of 2018. Therefore, in order to ensure future consistency with this aspect of national policy, a departure from the Written Ministerial Statement of November 2014 is justified. There is nevertheless insufficient evidence to require the application of a lower threshold within AONBs. In general terms the ALP goes as far as it reasonably can in meeting the need for affordable housing in the Borough.
69. Paragraph 159 of the NPPF refers to meeting the needs of different groups in the community, including older people. Policy HOU2 makes allowance for local needs and specialist housing within or adjoining settlements and therefore provides considerable scope for schemes to come forward. Policy HOU18 also gives support to standalone housing for older persons in suitable locations.
70. Whilst the aged population is expected to increase over the plan period there is no evidence of a chronic lack of provision. Indeed, since 2011, 234 units within Class C2 have been completed. Given the wide range of specialist age related housing and the associated level of care it is understandable that the ALP does not seek to be overly prescriptive. Rather it provides a suitable framework to enable necessary development to come forward.
71. Whilst the role of the Parish Council is important, especially with regard to local needs housing, it is not justifiable to effectively give that body a veto over all proposals. Criterion b) of HOU2 should therefore be removed and replaced by explanatory text (**MM59**).
72. Other policies in the ALP refer to a mix of dwelling types and sizes, residential annexes, accessibility and self or custom build housing. In respect of the latter and allowing for the fact that this is a new area of plan-making, Policy HOU6 sets reasonable thresholds based on demand that has been exhibited. However, the policy needs to be clarified for effectiveness by referring to serviced plots (**MM62**). Subject to this and the other recommended change there would be adequate provision for specialist housing overall.

Issue 7 - Does the Local Plan make adequate provision for gypsy and traveller sites and is it consistent with national policy?

73. Based on the 2016 update of Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GBD16) there is a need for 54 pitches over the plan period for those who meet the definition of gypsy and traveller in the Planning Policy for Traveller Sites (PPTS). Since 2012 some 34 pitches have been permitted to offset that and any historic need so that at the very least a further 20 pitches are required.
74. However, the Council has had difficulty in identifying suitable sites due, in part, to the limited options being put forward. Furthermore, Section 124 of the Housing and Planning Act sets out a duty to consider the needs of those residing in and resorting to the Borough with respect to the provision of sites on which caravans can be stationed. As a result the Council has decided to largely de-couple the issue of gypsy and traveller provision to a separate DPD. Work on this has progressed by means of a further accommodation assessment, an issues and options consultation and a targeted call for sites. It is expected that this plan will be submitted for examination in 2019 following Regulation 19 consultation.
75. Nevertheless, the ALP is not entirely silent on this topic since Policy HOU16 contains criteria for considering proposals for traveller accommodation. The Council has given permission for 28 pitches since 2012 so that its application might be expected to allow some sites to come forward. Furthermore, the ALP seeks to allocate 7 pitches on two sites. However, the PPTS expects that there should be a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against a locally set target. If the conclusions of the 2016 Accommodation Assessment are accepted then that is not the case.
76. Before concluding on this matter we shall deal with the proposed sites and detailed policies in the ALP. Site S43 (Priory Wood, Biddenden) compares well with the criteria in the PPTS. However, the area identified has quite extensive mature tree cover and on the basis of the possible layout (ED/24) it is reasonable to limit the site capacity to 2 extra pitches. It is in private ownership but deliverable over the next 5 years.
77. Site S44 (Watery Lane, Westwell) is within the AONB. Although located between the M20 and a railway line an Inspector previously found that the proximity of these negative landscape elements places a greater emphasis on the need to protect remaining open areas (Ref: APP/E2205/A/13/2190874). It might be possible to limit the visual effects of the 4 pitches proposed at the rear of the site but these measures themselves would be likely to appear artificial. More fundamentally there is no justification for allocating pitches in an area which has the highest status of protection in relation to landscape and scenic beauty when other options might be possible through the emerging development plan. Indeed, a good number of the sites rejected through the SA for the ALP were not within the AONB.
78. However, there is an existing pitch along the site frontage which has temporary planning permission. This is very well screened so that the impact on the AONB is negligible. Subject to securing noise mitigation measures this site is suitable for a single gypsy and traveller pitch. Therefore whilst the

original allocation is not justified a lesser area can be allocated and **MM43** is recommended accordingly.

79. Policy HOU16 is deficient in that it does not make it clear that it relates to both new sites and extensions to existing ones. Furthermore, it excludes any reference to the provisions in the PPTS regarding the scale of sites, including any cumulative effects, in relation to the nearest settled community. Other criteria within the policy regarding the establishment of need, imposition of conditions, access to services and Landscape Character Areas are overly prescriptive. **MM69** is required to remedy these deficiencies.
80. Criterion d) sets an upper limit of 5 pitches per site. Based on the local experience of the likely impact of larger sites in rural locations this is justified and there is no evidence that it would unduly fetter new sites as these tend to be small. Subject to the changes identified the criteria are fair and will facilitate that traditional and nomadic life of travellers whilst respecting the interests of the settled community.
81. To safeguard existing traveller sites Policy HOU17 provides that they should be retained for that purpose. However, there is no immediate prospect of a surplus of accommodation and sites with personal permissions may be occupied by gypsies and travellers as defined by the PPTS. Both of these clauses dilute and weaken the intention and effect of the policy and should be deleted given the importance attached to maintaining an appropriate level of supply. This is achieved by **MM70**.
82. There have been a number of 'false dawns' in planning for gypsy and traveller sites in Ashford. It is understandable that there is scepticism about whether and when the proposed DPD will come forward. Deferring it in this way means that full provision for one section of the community would not be made. However, positive steps have been taken in preparing the traveller plan so that it is more than a 'pipe dream' and the timescales for its production are not lengthy. In the meantime the ALP does make a small number of allocations and provides a framework for determining any individual cases.
83. The alternative would be to insist that the issue of gypsy and traveller sites be resolved through the ALP. But this would lead to delay in its final adoption thereby thwarting its wider growth aspirations and creating uncertainty. In the circumstances the pragmatic approach taken by the Council is a reasonable and justifiable one that does not compromise the overall soundness of the ALP. Whilst not entirely consistent with national policy it makes adequate provision for gypsy and traveller sites as far as it can pending the completion of the separate DPD that is in progress.

Issue 8 - Are the quantum of new employment land and expectations for job creation; the delivery of retail and leisure needs and the policy for Ashford town centre justified, deliverable and consistent with national policy? Will relevant policies be effective?

84. The baseline economic growth scenario of a 1% increase in jobs is a realistic basis to plan for. Policy SP3 aims to deliver 11,100 jobs to 2030 requiring 66 hectares of new employment land. This is to be achieved at 4 key strategic sites – Commercial Quarter (Policy S1), Eureka Park (Policy S20), Sevington

and Waterbrook (Policy S16). Other site specific policies (S21, S22 and S23) relate to existing employment areas at Orbital Park and Chart and Henwood Industrial Estates. Some of these sites have existing permissions or are where intensification may be possible so based on the new allocations a figure of 63 hectares is a more accurate reflection of what the ALP intends.

85. In the rural area a combination of site allocations and a market-led approach are advocated in the Rural Economic Assessment (EBD01). These have been translated into the ALP by an allocation at Tenterden (S25) in addition to the former Wye College through the Neighbourhood Plan. The employment policies also provide scope for new uses including buildings and premises in the countryside.
86. Changes are also required to the detailed criteria of Policy SP3 for effectiveness in order to ensure that they cross-relate properly to other relevant policies in the Plan (**MM4**). Overall, though, this policy should ensure a sufficient and suitable supply of land to meet identified economic needs in accordance with paragraph 161 of the NPPF.
87. The Retail and Leisure Needs Assessment (EBD03) identifies a need for 15,764 sq m (net) of comparison retailing to 2030. This assessment is adequate but the expectations for Ashford and Tenterden town centres should be set out in Policy SP4 in order to make it clear what is meant by "need". Without tangible figures as recommended in **MM5** the policy would be ineffective. Since 2015 commitments have been made to over 9,000 sq m of floorspace. This quantum of development will meet identified needs to 2025 after which time this will be reassessed. Overall the ALP should deliver sufficient retail and leisure space to cater for foreseeable quantitative and qualitative needs of this type of economic activity.
88. The ALP describes Ashford town centre as a key motor for the Borough's growth in coming years. However, because of competition from elsewhere and other structural changes the Council wishes to reinvent its role. To bring this about, the vision is to encourage and promote a wider range of activities. Policy SP5 picks up the guiding themes and embodies a more flexible approach to new uses than previously. This positivity should promote a competitive town centre in accordance with paragraph 23 of the NPPF and, as far as possible, support its vitality. Whilst the provision of a multi-storey car park remains an aspiration, the absence of a definite proposal is not critical to the success of the policy in the short and medium term.
89. However, the policy does not confirm that proposals in the town centre should also have regard to other ALP policies or make explicit that residential development will be supported. These deficiencies are remedied by **MM6** which also includes other changes required for effectiveness.

Issue 9 - Are the site allocations justified and deliverable or developable within the plan period having regard to any constraints and consistent with national policy? Is there sufficient detail on form, scale, access and quantum?

Sites – General

90. The general process of site selection firstly involved 4 stages of screening through the Strategic Housing and Employment Land Availability Assessment (SD12). Following on from that the remaining sites were subject to a more detailed and in-depth site assessment as part of the SA. The entire process has been comprehensive and all sites, whether allocated or omitted, have been considered on a consistent basis. Indeed, the entire methodology provides a reasonable basis for the allocations.
91. The issue of flood risk was also assessed through the site analysis undertaken. The upshot is that with one exception (S11) residential development can be delivered on land within Flood Zone 1 consistent with the aim of steering new development to areas with the lowest probability of flooding in the NPPF. Some sites have land within Flood Zones 2 and 3 but it has been established that development need not intrude into these areas and that flooding issues can be dealt with on a site-by-site basis. The approach taken is therefore consistent with the sequential, risk-based approach in national policy and the Environment Agency raises no objections (ED/25).
92. Some of the site policies refer to the capacity being “up to” a particular number of dwellings. This would restrict a developer’s ability to provide more housing on a site even if it could be delivered in an acceptable way in terms of other policies. Modifications are therefore necessary to remove what amounts to an unjustified restriction on the supply of housing that is contrary to paragraph 47 of the NPPF. Such restrictions are nevertheless justified on sites S40, S41 and S42 where there are recognised constraints on scale and/or the Council is seeking to promote a particular type of housing.
93. Some site policies identify a need for developers to assess the impact on, and/or provide mitigation for, identified biodiversity assets within or near to the site. The terminology used is not always internally consistent with Policy ENV1 or paragraph 118 of the NPPF. This erodes the clarity of the Council’s approach. A number of main modifications to individual site policies are therefore needed to provide consistency with national policy and effectiveness.
94. At some sites development could impact on designated heritage assets. The relevant policies rightly make reference to the need to protect them. However, in some cases the wording used is inconsistent or does not properly reflect national policy. Modifications are therefore needed to include the correct terminology.
95. There is an inconsistent approach with regard to references to connections and the need to provide access to the sewerage system. In some cases, references are made in the supporting text to particular requirements that are not carried through to the policy. Modifications are therefore necessary to ensure it is clear when and where provision is needed for connection to the sewerage system and/or access for maintenance and upsizing purposes.
96. Specific requirements for public open space and community facilities are sometimes made explicit in the supporting text, but are not reflected in policy. Modifications are therefore necessary to ensure that the relevant site policies are effective in this regard.

97. **MM15, MM17, MM23, MM26, MM27** and **MM36** are necessary to address the issues raised above. Others are contained within main modifications across several site specific policies where other changes are also necessary.

Sites – Specific

98. The soundness of individual sites is considered below. Where a site is not referred to specifically then, subject to any modifications identified in paragraph 97, it can be taken that in all other matters the site is suitable to be allocated for development and the supporting policy is justified and effective.

Ashford Urban Area

99. The land to the north-east of Willesborough Road, Kennington (S2) is proposed for residential development with an indicative capacity of 700 dwellings. The allocation also includes a two form entry primary school. A small parcel of the site is in separate ownership and the policy and supporting text should be adjusted to give flexibility for houses here to be brought forward more quickly than the rest of the site.
100. The boundary of the Kent Downs AONB is about 1km away. From Wye Downs development would be seen as part of a wide panorama including the Ashford urban area. Nevertheless the policy criteria relating to planting and design are not strong enough to safeguard the setting of this designated area. Further provisions regarding structural planting and materials are therefore required. With these in place the proposal should not harm the scenic qualities of the AONB so that it is not necessary to undertake a landscape and visual impact assessment at this stage.
101. About 60% of the site is Grade 1 agricultural land. The SA of May 2016 considered the consequences of the 3 alternatives for distributing new development around the edges of Ashford in relation to the quality of surrounding agricultural land. In so doing, the Council has considered use of poorer quality land but rejected that approach because of other sustainability impacts. Therefore this allocation is in line with national policy in paragraph 112 of the NPPF regarding best and most versatile agricultural land.
102. In general terms the Highway Authority is satisfied that this allocation along with others around Ashford town will not have severe capacity impacts. The policy expects primary access to be taken from Willesborough Road with improvements made to the local road network following a Transport Assessment. In this regard an impact assessment (TBD02) has identified issues at 4 signal junctions along the A28/A2042 corridor. However, provided any necessary mitigation is undertaken, there is no clear evidence that traffic arising from the development together with other allocations could not be accommodated or that the local roads could not cope.
103. There are no obvious impediments to delivery and the site will be designed and implemented in accordance with a masterplan. This should provide the necessary certainty about the quality of development, where open space and the school will be located and how cycle and pedestrian connections will be formed. As part of this it is reasonable to determine the feasibility of a footbridge over the railway. There is no evidence that necessary

infrastructure will not be provided and this can be secured through the masterplan and at the detailed application stage.

104. Part of the proposed site allocation is within a Mineral Safeguarding Area as identified in the Kent Minerals and Waste Local Plan (MWLP) because of the likely presence of Sandstone (Folkestone Formation). By 2027 a landbank of sand of at least 7 years will exist in Kent. Two further sites have been identified as options after then (ED/27). As there would remain an adequate and steady supply even if the potential reserve were lost there is no conflict with paragraph 146 of the NPPF. If extraction were feasible and viable it would significantly delay delivery. This is therefore an occasion where the need for development overrides the presumption for mineral safeguarding as allowed for by criterion 5) of MWLP Policy DM7.
105. The site adjoins the Great Stour local wildlife site and the Conningbrook country park but these are already close to housing so that the two can co-exist. However, greater detail is required about the need for surveys and the implementation, maintenance and monitoring of any mitigation or enhancement measures.
106. Subject to the changes that have been identified to achieve soundness and which are recommended as **MM7**, the allocation of S2 is justified.
107. Policies S3, S4 and S5 cover 3 sites to the south of Ashford at Court Lodge (S3), north of Steeds Lane and Magpie Hall Road (S4) and north of Pound Lane (S5). Together they are allocated for some 1,500 dwellings with the largest indicative capacity at Court Lodge (950). This site also includes a local centre, school, retail, employment space and a community building.
108. Policy S3 makes reference to the Pound Lane Link Road. However, based on capacity assessments, the latest position (ED/19) is that the Highway Authority believes that this is not required to take account of committed developments and these sites. A list of other potential improvements has been identified and, subject to those, all of the affected junctions along the Ashford Road corridor will operate within theoretical capacity. Therefore, references to the Link Road as an imperative should be removed but retained as a desirable option should future modelling show that it is required.
109. Whilst part of the Court Lodge site is within Flood Zone 3, the Environment Agency agrees that development is acceptable subject to flood modelling and the implementation of land re-profiling to ensure that flood risk does not increase. There are no known obstacles to delivery and a masterplan will be required for each site but there is no need for these to be formally linked. No overriding objections exist in terms of the natural environment and landscape character and the detailed policy provisions provide sufficient guidance about how the developments should be brought forward as detailed proposals.
110. Various changes are required to the policies to ensure that they are clear, effective and consistent with one another. These are recommended as **MM8**, **MM9** and **MM10**. Subject to them the proposed allocations at S3, S4 and S5 are justified.

111. The policies for the former Newtown Works (S6) and former Klondyke Works (S7) impose an unjustified restriction on development coming forward prior to additional capacity being provided at the A2070/Orbital Park junction. If a transport assessment demonstrates that a larger development would not result in harm, there is no reason why it should be delayed. In addition, Junction 10a has already been consented and so this part of both policies is superfluous and should be removed. **MM11** is therefore necessary to make S6 sound.
112. In addition, it is no longer anticipated that the Ashford Model Railway Centre will be located at S7. The policy allows for residential development as an alternative but it is not clear when or how the Council would release the site from its intended tourism use. There is also no indication of the scale of development that might be considered acceptable. Planning permission has recently been granted for 90 dwellings on this site. A modification to reflect the current context and address these deficiencies would provide necessary clarity and certainty. **MM12** is therefore recommended.
113. The site at Lower Queens Road (S8) is largely brownfield, is within the built up area of Ashford and has been carried forward from the previous Urban Sites DPD. Access arrangements into the site and at the junction of Lower Queens Road and Canterbury Road are acceptable. The site contains an area of unmanaged woodland, but there is no evidence to suggest that this may contain protected species. It also does not have such amenity value that it should be protected for its own sake. However, to ensure effectiveness the general measures described for the assessment of the nature conservation value of the site should be extended to ensure the woodland is given particular attention. It is not certain at this stage whether there is scope for a larger development involving adjoining land, but it is appropriate to highlight this possibility in the supporting text. For effectiveness, a modification to criterion a) is necessary to make it clear access would be taken from Mace Lane in the event that a larger development comes forward (**MM13**).
114. The site at Kennard Way (S9) was previously identified as an employment site in the Urban Sites DPD. It is currently an area of scrubland, located in the midst of an employment area and residential estate. There is a pond on the site and part of it is within Flood Zone 2. However, the policy seeks to ensure the area around the pond is protected and enhanced and the supporting text confirms that the west of the site should be kept free from development. The policy recognises the importance of any potential effects on groundwater. There is no reason in principle why the site should not be considered suitable for residential development. Nevertheless, a modification is necessary to remove the unjustified and unnecessary restriction on the location of the vehicular access (**MM14**).
115. The site at Leacon Road (S11) has also been carried forward from the Urban Sites DPD. The relationship with neighbouring employment uses is unchanged and there is no reason to find the allocation unsound on this basis. The policies for S11 and Former Bombardier Works (S11a) nevertheless recognise this proximity and expect development to take account of it so that an acceptable form of development can be achieved.

116. The site is within Flood Zone 3. In this case, the Council has concluded that the opportunity to progress a brownfield site in a sustainable location is an important consideration. The policy requires a flood risk assessment and consequently appropriate mitigation measures will be required. As the site is already allocated, there is nothing to suggest necessary mitigation measures could not be achieved. Having regard to all relevant matters, in particular the opportunity to bring forward a brownfield site within the urban area, the allocation is sound.
117. There is nothing unsound in the Council's approach of considering sites S11 and S11a sites separately especially as S11a is identified as having potential for rail related uses. The policies do not preclude landowners and developers coming together to deliver a comprehensive scheme, though it is recognised the Plan would limit the extent of residential and employment uses.
118. Requiring part of site S11a to be safeguarded for railway uses is consistent with the requirements of national policy, particularly in terms of infrastructure to support sustainable modes of travel. There is clear evidence that Network Rail has aspirations to make use of the site. However, there is also some uncertainty about the amount of land needed and timescale for delivery. Some flexibility within the policy is therefore required to ensure the site is not unduly stymied by this requirement. The Council has suggested modifications to ensure the policy will be effective in securing the land for railway uses for as long as there is a realistic chance that it can be delivered. It removes the geographical restriction on safeguarding, but limits the timescale to two years.
119. Some degree of balance and compromise between competing interests is required. Two years will provide all parties with a clear deadline for progress to be made. The safeguarding would be related to the need to secure planning permission, not ownership of the site. It is understood that work is progressing on proposals and thus two years provides a reasonable period of time to secure some form of permission. It would not be reasonable to extend this period until such time as the land is under the control of rail operators or to wait for the outcome of the re-franchising process.
120. The part of the suggested modification relating to franchising is therefore omitted from **MM16**, which is however otherwise necessary to ensure the effectiveness of the policy. Where not needed for rail, the site provides an obvious opportunity for redevelopment for other types of employment use. However, there is nothing to suggest any quantitative or qualitative need that would justify a retail allocation in this location.
121. Park Farm South East (S14) would result in a significant urban extension to Ashford of around 325 dwellings. Although the site is some distance from services and facilities, in the context of the overall housing strategy, it is located on the edge of the main settlement. Development may also help achieve a sufficient critical mass to encourage improvements in public transport provision both here and in the neighbouring Bridgefield estate.
122. The eastern part of the site is affected by Flood Zones 2 and 3. The supporting text makes reference to development avoiding this area and potentially utilising this land as part of an extended Green Corridor. This is a sensible and pragmatic approach. There are other recognised constraints

within the site, including existing trees and hedgerows, and the need to ensure an acceptable relationship between the sites and open countryside. The policy provides an acceptable framework for addressing these issues.

123. The policy for S14 indicates that proposals should investigate the potential for a primary vehicle access from the traffic light controlled junction at Finn Farm Road. There are on-going discussions over land ownership and other constraints with Network Rail. However, the Highway Authority is satisfied that without this access there would still be a suitable means of accessing the site via Cheeseman's Green Lane and Brockman's Lane. The reference in S14 and S45 to a station on the Ashford-Hastings railway makes it clear that contributions will only be sought "*if required*". Although the project is not currently being progressed, this provides the Council with some scope to consider the most up to date position as and when applications are submitted. This should not impede delivery. The policy therefore provides a suitable framework for delivery of housing and is sound.
124. Finberry North West (S15) was previously identified for large scale employment development. This is no longer feasible and thus the ALP allocates the site for a mixed use development of around 300 dwellings and 8,500 sq m of employment land. The site is well related to large scale residential development taking place on adjacent land, nearby employment and the strategic road network. Local service provision is coming forward through adjacent development and access will be provided through to site S16 which will further improve access to jobs.
125. The Employment Land Site Assessment (EBD/02) suggests some scope for commercial development on this site. 8,500 sq m is within the range suggested, but having regard to all other evidence this seems both optimistic and unjustifiably specific. Nonetheless, it would be premature to conclude there is no scope for employment land and there are clear sustainability benefits in delivering mixed-use development on sites of this scale. A smaller area of land, rather than floor space, should therefore be identified that can be brought forward flexibly in line with the agreed masterplan and prevailing economic conditions.
126. There is no clear evidence of any likely demand for the 10 live/work units required by the policy. While there is no harm in the supporting text making it clear that live/work units might be part of the land use mix, modifications are necessary to remove this unjustified requirement for delivery from the policy. Various other detailed changes are required to the policy to ensure that it is clear, effective and consistent with the approach of others in the Plan, including that related to Green Corridors and affordable housing (**MM18**).
127. Waterbrook (S16) is a large mixed use site which is allocated for around 350 dwellings, a minimum of 22 ha of commercial land and a 600 space lorry park. The site has a long history of being allocated for development and the site provides a good opportunity to deliver a mix of beneficial uses. The site will also link into S15, thus providing additional benefits in terms of access to employment and other facilities. The policy provides a robust framework for addressing issues relating to layout, drainage, biodiversity and highways. **MM19** is however necessary to address a lack of clarity with regard to the amount of employment land required over and above existing commitments

and the specifics of any highway contributions. There is nothing to suggest a need that would justify retail being identified in the mix of commercial uses, either in terms of providing services to the local community or larger scale facilities meeting a Borough-wide need.

128. Willesborough Lees (S17) is an existing allocation that has been carried forward from the Urban Sites DPD. Two planning permissions have already been granted for a total of 220 dwellings. The principle of development has therefore been established and the policy provides an appropriate mechanism for considering any future applications or changes to the current schemes. However, there is no justification in this context to limit the indicative capacity to 200 dwellings. **MM20** is therefore recommended to reflect the current context and provide certainty.
129. The policy requires the closure of Hinxhill Lane south of the hospital to stop a 'rat run' from the M20 through Willesborough Lees to Wye which would result in benefits for local residents. This requirement formed part of the previous policy for the site. The Highway Authority's position has not changed and it does not therefore render the policy unsound for highway-related or delivery reasons. The policy includes a robust approach for dealing with parking issues relating to the nearby hospital.
130. Conningbrook Residential Phase 2 (S19) is allocated for around 170 dwellings. The site is well related to other allocations and development already under construction. The policy recognises a range of constraints, including the proximity of the railway lines, the need to take account of existing residential development and the neighbouring country park in any design and to ensure alternative proposals are in place to replace any overspill parking for the Julie Rose Stadium. Whilst the location of this is uncertain at this stage there seems no reason in principle why a solution cannot be found. **MM21** is recommended to provide effective protection for mature trees on the site, which form part of its existing character and which would help to mitigate the visual impact of development and provide additional protection for biodiversity assets. It also provides some clarity in the supporting text in relation to expectations over pedestrian crossings over the adjacent railway line.
131. Eureka Park (S20) is a large mixed use allocation that would provide around 20 ha of B1 employment land and around approximately 375 dwellings. The allocation includes areas where a low density business park and associated facilities have already been built as part of an existing allocation. The policy establishes a broad vision for a low density development in a 'parkland' setting. The allocation is consistent with the spatial strategy and offers some clear advantages in terms of its proximity to employment opportunities, the strategic road network and the Ashford urban area. The expectations for housing and employment are also indicative, which provides some scope for flexibility. The site has a number of constraints and a detailed masterplan will be produced which will determine the precise layout and delivery of development. Considering the scale and nature of the site, this is an acceptable approach.
132. There will be an inevitable urbanisation and change in character of what are currently mainly open fields. There will also be an increase in traffic and demands on local infrastructure. The policy provides a detailed and robust

approach to addressing potential impacts on landscape character, watercourses, biodiversity assets, traffic, local infrastructure and the amenity of residents on Sandyhurst Lane. There is a reasonable likelihood that development of the scale and nature envisaged can take place without unacceptable harm to any of these factors.

133. The evidence suggests there are localised capacity issues in the area and congestion on Trinity Road. However, neither the Highway Authority nor Highways England has objected to the proposed access to the site or the cumulative impact on the transport network. The policy includes a range of transport related measures, including requirements to contribute to road, public transport and other transport improvements. There will be potential for a negative impact on the local road network. Nonetheless, there is nothing to suggest that the cumulative impact of development would be severe. **MM22** is required for the sake of consistency and effectiveness on matters of biodiversity, but otherwise the allocation is justified and consistent with national policy.
134. The allocation for the Chart Industrial Estate (S22) is sound in principle, but the policy makes reference to the acceptability of bulky goods retail warehousing on the site. There is insufficient evidence to justify what in effect would be an allocation for out-of-centre retailing in this location. To be consistent with national policy this reference should be removed (**MM24**).
135. Land south of Brockman's Lane, Bridgefield (S45) is allocated for around 100 dwellings. The site would act as a logical extension to Site S14 and to the Ashford urban area. The policy provides necessary safeguards to ensure the impact of development on the character of the urban edge is minimised. The policy stipulates that development cannot take place until S14 is complete. However, if the necessary infrastructure serving S14 and linking into S45 is in place then there is no reason why development on S45 should be delayed. This unjustified restriction should therefore be removed. The policy also requires developers to contribute to improvements at Finn Farm Road. No such contribution is likely to be necessary and thus for the sake of clarity this reference should be removed.
136. The site is in an area of identified for minerals safeguarding by the MWLP. To ensure consistency with that Plan, it will be necessary to submit an assessment demonstrating that the minerals safeguarding policy can be set aside. Modifications are therefore necessary to ensure effectiveness and consistency with other parts of the ALP. (**MM44**).

A20 Corridor Sites

137. Land east of Hothfield Mill (S47), land to the rear of the Holiday Inn (S48) and land at Tutt Hill (S49) all sit in the A20 corridor. None are within or close to settlements identified in Policy HOU3a and thus they would not normally be considered suitable for residential development when judged against Policy HOU5. They have relatively poor direct access to services and facilities capable of meeting everyday needs. While there would be some scope for accessing such services by public transport, there would be little opportunity or expectation of walking or cycling, particularly from sites S48 and S49.

Future occupants would therefore be heavily reliant on the car for most journeys.

138. The sites are therefore inconsistent with criterion a) of Policy SP1 in terms of focussing development in accessible and sustainable locations and with the provisions about development in the rural area in the fourth paragraph of Policy SP2. In light of the housing requirement and supply, there is no justification for the delivery of housing in unsuitable and unsustainable locations. Accordingly, to achieve soundness these allocations should be removed and consequential changes made to reflect this, including the adjusted housing numbers (**MM45, MM46, MM47**).

Tenterden

139. The Tenterden Southern Extension Phase B (S24) proposes 225 dwellings, along with scope for community and employment uses, to be determined through the preparation of a detailed masterplan. The site lies on the edge of Tenterden and is closely related to 'Phase A', which is a large residential development currently under construction. The site is well related to the facilities in the town and is in a sustainable location. There is no clear evidence that the town would be unable to cope with the growth or that it would result in severe traffic problems. The principle of development is sound and consistent with the overall spatial strategy.

140. The policy provides effective guidance on how development would be expected to address sensitive elements, including the setting of the AONB and views of St Mildred's Church. The policy also sets out necessary measures for the protection and enhancement of biodiversity assets, including the provision of new woodland and wetland features. However, reference to a substantial area of woodland is imprecise and should be modified to provide more certainty over the Council's expectations. The policy states that Phase B cannot be occupied until Phase A is complete. However, if the routes linking the two sites and the town centre are provided then there would be no justification to delay construction and occupation of Phase B. The trigger point should therefore be amended to allow earlier delivery of the site. **MM25** therefore amends the phasing requirements and establishes a buffer distance in the interests of effectiveness.

Aldington

141. Aldington contains a number of local services and facilities and is a suitable location for a small degree of growth. The village has been subject to recent developments of a larger scale than proposed in the ALP, but there is no substantive evidence that the village could not cope with further development. The two sites on Goldwell Lane (S51 and S52) sit within the extensive setting of the Grade I Listed Aldington Church, which can be clearly seen across open fields. The policies refer to retaining gaps to maintain important views, but if these are simply between dwellings or through gardens, as at neighbouring Church View, then it may not be possible to achieve this. The policies should therefore be amended to be clear that views of the church will be required to form part of the layout and that they should be retained as wide and distinct areas of open space (**MM48, MM49**). These modifications have the effect of reducing the indicative capacities of the sites.

Biddenden

142. Planning permission has recently been granted on North Street, Biddenden (S27) for 45 dwellings and a B1 unit. The principle of development has therefore been established and the allocation is sound in principle. **MM28** is however needed to reflect current uncertainties over the need for a village community building and to be consistent with what has been permitted.

Brook

143. Brook is a village with a distinct linear form within the Kent Downs AONB. The site at Nats Lane (S53) would introduce depth to the settlement pattern that would be significantly at odds with this local character. The Council's suggestion of a 'farmstead' design and layout for buildings to the rear of the frontage would not alter the likely harmful impact of any such development. This would conflict with the principles of good design set out in national policy and development is unlikely to be able to respond positively to local character. Limiting development to the frontage only would reduce the potential capacity to a very small number of dwellings and there is no guarantee an acceptable form of development could be achieved in terms of the living conditions of nearby residents. Owing to these uncertainties, the site should be removed from the Plan and consequential changes made to housing numbers (**MM50**).

Challock

144. The allocation of Land at Clockhouse (S54) is acceptable in principle. The village is small, but growth of the scale envisaged would be proportionate. The development relates well to existing housing and would not constitute major development within the AONB. The allocation is therefore justified but **MM51** is needed to ensure a consistency of approach to development in the AONB.

Charing

145. There are three allocations in Charing, with an indicative capacity of around 235 additional dwellings. The village is one of the larger in the Borough and contains a number of facilities, including some local shops, a school and railway station. While the village has been subject to some recent growth, this does not mean that additional allocations in this Plan are unsound. There is no substantive evidence to suggest that the village has reached any particular limit in terms of infrastructure provision, local services or transport.

146. Northdown Service Station (S28) and Land Adjacent to Poppyfields (S55) lie next to each other on the edge of Charing. The sites are in an area of relatively high landscape sensitivity on the edge of the village and would be visible to an extent from the AONB opposite the A20. Development would not however appear disconnected or isolated from the existing built form of Charing. The buildings to the front of the sites and the relationship with the Poppyfields estate means that, while there would be visible encroachment into the countryside, this need not be unduly harmful to the landscape character of the area or the setting of the AONB. The policies for both sites include measures to minimise impact, though modifications are necessary to provide

clarity over building heights on S28 and expectations over the retention and provision of landscaping features in both policies.

147. The distances involved in reaching facilities in the village on foot are not necessarily prohibitive, but there is a need to improve the quality of pedestrian linkages from S55. Provision should therefore be made in the policy for the provision of new pavements. There is also some uncertainty as to whether a pedestrian link through to Poppyfields is achievable. However, this is not an essential pre-requisite for the development of the site and so this requirement should be downgraded to an aspiration. The A20 is a busy road and the development would clearly add to existing levels of traffic. However, the Highway Authority has raised no concerns over either the individual or cumulative impact of development in this location. The policies make adequate provision for new access points, though a modification is needed to make the provision of a right turn lane and emergency access explicit. **MM29** and **MM52** deal with the above matters and so ensure the policies are effective.
148. Considering the physical relationship between sites S28 and S55, a single point of vehicular would be logical. However, there is no clear evidence that two access points would be inherently unsafe. Any implications of this approach can be adequately addressed at the planning application stage and there is no justification to modify either policy on this basis.
149. Part of site S55 is within a Mineral Safeguarding Area as identified in the MWLP because of the likely presence of sub-alluvial river terrace deposits. Given the relatively small scale of the potential mineral deposit and its location adjacent to existing residential properties, there is justification to set aside the presumption to safeguard in line with MWLP Policy DM7.
150. Land South of the Arthur Baker Playing Field (S29) has an extant planning permission for 51 age related units. As the permitted scheme is for a particular type of housing, it is not necessary to seek to increase the indicative capacity figure. Criteria e) and f) require contributions for play equipment and the upgrading of the pavilion on the adjacent playing field. However, these improvements have already taken place and thus specific contributions are neither necessary nor justified. **MM30** removes these criteria and reverts to the more generic requirements for planning obligations under Policy COM2.

Chilham

151. The site on Branch Road (S56) constitutes the large garden of a detached dwelling known as Harvest House. The site is within the Kent Downs AONB and Chilham Conservation Area. This would not constitute major development in the context of the AONB and there is no reason in principle why a sensitively designed scheme should have an unacceptably harmful impact on heritage assets or the character of the AONB. However, to be effective the policy should reflect paragraph 4.50 by limiting development to two storeys. For the same reason, changes are needed to make specific reference to conserve or enhance the setting of listed buildings.
152. Branch Road is a narrow lane with limited passing places. Localised issues relating to 'rat running' are likely to remain, but traffic generated by the

allocation is unlikely to cause or exacerbate road safety issues. There is no opportunity to create a footway from the site into the village. However, the development is unlikely to generate large numbers of pedestrian movements and there is good visibility along Branch Road, particularly for drivers entering the village from the south. The speed of vehicles using the road will not be high and it is not far from the proposed access to the main part of the village. Nevertheless, modifications are required to ensure the policy reflects the most up to date advice from the Highway Authority and is effective in mitigating impacts on traffic and pedestrian safety.

153. The development would provide some additional benefits associated with the provision of parking spaces for the doctor's surgery. To be effective, additional explanation is required in the supporting text to make it clear that more than 5 spaces may be required if evidence suggests they are necessary (**MM53**).

Egerton

154. Egerton is one of the smaller and more remote villages in the Borough. However, the delivery of around 15 dwellings on New Road (S30) would round off this end of the village, bringing the edge of the built form in line with the recently built Harmers Way development opposite. To protect sensitive views of the village church, the requirement for buildings to be no more than two storeys in the supporting text should be set out in policy (**MM31**).

Hamstreet

155. There are three allocated sites within Hamstreet that would provide around 140 additional dwellings. The village has a number of sustainability credentials, not least the fact that it contains a primary school and railway station. There are also a small number of local shops and services. Development here is therefore consistent with the Council's strategy.
156. There will inevitably be an increase in traffic through the village. However, the Highway Authority has not raised any objections to the scale of growth and there is no evidence that the cumulative impact would be severe. There is also no clear evidence that demonstrates services in the village could not cope with the increase in population. Neither the Local Education Authority nor the village school has raised any objection in terms of the capacity. Directing a proportionate level of growth to this village is therefore a sound approach.
157. Land north of St Mary's Close (S31) sits on the edge of the village opposite the Academy. It is an open field which slopes gently from the existing edge of the built form up to an area of woodland. Development would clearly have an urbanising impact on the site which would result in some detriment to the character of the area. However, the site is not within a designated landscape area and, while attractive, it is not a valued landscape as defined by paragraph 109 of the NPPF. The policy recognises the environmental quality of the site and includes measures to minimise impact and protect the value of the woodland. The likely harm to the character of the village or local landscape does not render the site unsuitable for development.
158. Main modifications are however necessary to provide additional clarity over the scale of development and its impact. These relate to the extent and

nature of the "generous buffer" with the woodland and the potential effects arising from the non-residential elements of the allocation, such as significant earthworks and other paraphernalia. In addition, clarity is needed on the location of the car park and outdoor classroom and how these uses will be expected to be integrated into the site. **MM32** is therefore necessary for the policy to be effective.

159. Land at Parker Farm (S32) is allocated for around 10 dwellings. It has been carried forward from the Tenterden and Rural Sites DPD. Updated evidence suggests that earlier concerns over flooding are not as severe as first thought. As such, there is no longer any justification for requiring public open space to be delivered within flood zones (**MM33**).

160. Land at Warehorne Road (S57) is a reasonable walking distance from the core of the settlement and while the railway bridge creates something of a physical and visual barrier to the main part of the village, housing here would not be so isolated or disconnected so as to be unacceptable. Any development is likely to have some detrimental impact on the existing open and undeveloped character of the site. The policy recognises this and seeks to ensure development has proper regard to the character of the wider area but the precise wording should reflect this. Equally, it may not be possible to provide necessary sightlines without some removal of existing hedgerows.

161. The Council's suggested modification proposed two additional criteria to be added to the policy to be consistent with other parts of the Plan. This would however seem to repeat the provisions of criterion j). To be effective, **MM54** recommends the replacement of criterion j) with two new criteria. The suggested reference to the Biodiversity Opportunity Area guidelines is also removed as being unnecessarily specific. The specific nature of any mitigation can be addressed at the time of any planning application.

High Halden

162. Land at Hope House (S33) is allocated for around 35 dwellings. The site is in a suitable location and there is a reasonable likelihood that development can take place without undue harm to identified heritage and biodiversity assets. The policy requires traffic calming measures to be implemented to slow traffic to 30 mph past the site along the A28. There is no reason to assume drivers will not adhere to these restrictions. There is also no reason why needing to cross the road here to reach the pavement opposite should be seen as inherently unsafe. Nonetheless, modifications are necessary to properly reflect the Highway Authority's most up to date advice on mitigation measures to ensure effectiveness (**MM34**).

163. The Stevensons Brothers, A28 site (S58) is located between High Halden and Bethersden and is not well related to either. The addition of bus stops would provide increased scope for use of public transport, but this is unlikely to make a significant difference to the likely reliance on the car by future residents. A small number of commercial buildings front the site and the area to the rear is open fields. There are a few dwellings either side of the site, and a small estate known as 'The Martins' is located a short distance away. This group of buildings does not amount to a coherent settlement and all development here would achieve is an increase in sporadically located dwellings between villages

for which there is no provision within the NPPF. Any benefits to the vitality of nearby settlements would be minor. The allocation would not therefore be consistent with paragraph 55 of the NPPF.

164. The site would also conflict with criterion a) of Policy SP1 in terms of focussing development in accessible and sustainable locations and with the provisions about development in the rural area in the fourth paragraph of Policy SP2. In light of the housing requirement and supply, there is no justification for the delivery of housing in unsuitable and unsustainable locations such as this. The site should therefore be deleted from the Plan and consequential amendments made to housing supply numbers (**MM55**).

Hothfield

165. Land east of Coach Drive (S34) is separated from the main built form of Hothfield by a bank of protected trees. Formation of the access and the need to provide adequate sightlines would lead to the inevitable loss of a significant number of these trees. Any development here would appear visually isolated from the main part of the village and not respond to local character.
166. The likely form of any development would not address long standing social cohesion issues said to exist in Hothfield and any attempts to improve connectivity between the site and village would be likely to exacerbate harm to the protected trees. Alternative locations suggested for the main access outside the tree belt would be further from the village and only increase the sense of disconnection. A satisfactory form of development is therefore unlikely to be achieved on this site and the scale of development envisaged does not justify the harm that would be caused. The site is not therefore suitable for development and should be deleted from the Plan and consequential amendments made to housing supply numbers (**MM35**).

Mersham

167. Site S59 is an attractive site adjacent to a small residential estate. It sits within the Mersham Conservation Area and contains a number of features of note, including two prominent oak trees of high amenity value, an area of woodland and a pond. Because of this a satisfactory form of development with an indicative capacity of 15 dwellings could not obviously be achieved without resulting in harm to these assets. To be sound, expectations should be reduced in order to provide more scope for a suitable form of development. The Council's suggested modification reduces the indicative capacity to 8 units and it is not clear that a higher number could be supported. A cautious approach to capacity is therefore justified in this instance although this would not rule out higher numbers should the policy tests be met.
168. The Council's suggested modification also makes amendments relating to the provision of a footpath across the recreation ground ostensibly in lieu of open space contributions. This has not been justified and, as it would involve land outside the allocation, it is not clear whether it could be delivered. This modification is not necessary to make the Plan sound and is omitted. Otherwise, **MM56** is necessary for the allocation to be sound.

Shadoxhurst

169. Land to the Rear of Kings Head Public House (S36) is under construction for 19 dwellings. This will take up the whole of the allocated site and thus it is unlikely that any further development will be possible. **MM37** is needed to bring the indicative capacity into line with the most up to date context.

Smarden

170. Land adjacent to the Village Hall (S37) has two planning permissions. One for 25 dwellings is largely consistent with the allocation. A second outline permission for 50 dwellings was granted on appeal. This is for a larger area of land than shown in the Plan. As the principle of development has been established on the larger site, there is no justification for restricting development to the smaller site. To be sound, the policy should be amended to reflect the most up to date context (**MM38**).

Smeeth

171. Land south of Church Road (S38) would be accessed via a gap in the existing linear form of development. This is not wholly uncharacteristic of existing development within Smeeth. There would be some effect on the mature hedgerow that fronts the site but this is already broken in places for other accesses. There is a sense of transition between the open countryside and built form at this point. Impacts on local character are unlikely to be significant. The site is also reasonably well related to village facilities.

172. Visibility would be good in both directions and there is no reason in principle why an access should not be taken from Church Road. The increase in traffic from this development is unlikely to be of a scale that would materially exacerbate any existing highway safety issues at the junction of Church Road and the A20. The allocation is therefore justified. **MM39** is however necessary to remove unnecessary prescription in criterion a).

St Michaels

173. Land at Pope House Farm (S60) lies on the edge of St Michaels, which ostensibly forms part of Tenterden. This is a sustainable location with good access to services and facilities. The encroachment into the countryside would alter the appearance of the urban fringe, but could be accommodated without unacceptable harm to local character or landscape value. To ensure an effective approach to infrastructure provision, **MM57** is required to clarify how any contributions are likely to be spent. The modification is also necessary to give certainty over the expectation to provide a right turn lane into the site.

Wittersham

174. Land between Lloyds Green and Jubilee Fields (S61) is located within the High Weald AONB and abuts an area of ancient woodland. It forms part of an attractive area of open land which allows the countryside to penetrate the built form of the village. The site is therefore important in broad landscape terms and the overall character of the village. Even with the proposed buffer in place, the allocation represents an incursion into the countryside that would

materially detract from the landscape quality of the AONB, contrary to national policy. The allocation is therefore unsound on this basis.

175. The proposed access from Lloyds Green would have to cross a pond, which has the potential to contain Great Crested Newts. To fully understand the implications of this, further survey work is required. In allocating a site there should be reasonable certainty over potential impacts on protected species and that suitable mitigation is deliverable. This level of comfort does not exist and serious doubts remain over whether that development would be possible without conflict with paragraph 118 of the NPPF.
176. The provision of an access from Jubilee Fields also raises significant concerns over impact on character, open space and other nearby biodiversity assets that have not been fully addressed. The allocation of this site is therefore unsound and it should be removed from the Plan along with consequential changes made to housing numbers (**MM58**).

Woodchurch

177. Land on Front Road (S40) was previously allocated for 10 dwellings in the Tenterden and Rural Sites DPD. The only changes in context since then is that the site is now located outside the Conservation Area and there have been two appeal decisions where the scale of development has been found to be unacceptable. The principle of development here is, however, sound.
178. The gap the site creates allows some views of the countryside beyond the village. However, the existing allocation suggests such views are not critical to the character of the local area or setting of the Conservation Area. There is no overriding reason why development should not be able to integrate into the existing built form of the village or have an acceptable impact on the setting of the Conservation Area. The policy provides guidance on how this might best be achieved in terms of building height and layout. A modification is however necessary to ensure the requirement for the provision of views is effective and consistent with the requirement to provide soft landscaping (**MM40**).

Exclusive Homes

179. Mulberry Hill (S41) and Beechwood Farm (S42) seek to promote a small number of high quality 'exclusive' homes. Such housing could legitimately come forward as windfalls, including development of exceptional or innovative quality in the open countryside. However, the Council wish to be proactive in identifying sites where such development would be actively encouraged.
180. Site 41 is located outside Old Wives Lees, and is within the Kent Downs AONB. Although not isolated in the context of paragraph 55 of the NPPF, it would nevertheless not be in a location normally considered suitable for housing in terms of Policy HOU5 (as modified). However, the small scale of development proposed and the specific purpose of the allocation to provide a particular type of housing justifies a minor exception to the strategy. The site is located on a lane with other dwellings and thus development would not appear conspicuous. The policy uses the same wording for design as Policy HOU5 and paragraph 55 of the NPPF but this relates to development that is isolated. Using this wording would also fail to reflect any site specific issues or

characteristics of the site. **MM41** is therefore necessary to provide a more bespoke, effective and justified approach to design.

181. Site 42 sits on the edge of St Michaels and is therefore in a sustainable location within walking distance of a number of facilities. The policy uses the wording contained in paragraph 55 of the NPPF and Policy HOU5 in terms of design. This sets a far higher bar for development than would normally be expected for development in this location and is thus not justified. However, there is no reason why in promoting a particular type of development on this site the Council should not be seeking a particularly high quality of design. The policy should be amended to reflect this. The inset map should also identify the likely point of access in order for the policy to be effective (**MM42**).

Issue 10 - Are the topic and other policies for housing; employment; retail, leisure and tourism; transport; the natural and built environment and community facilities justified, deliverable and consistent with national policy? Will they be effective?

Housing

182. In promoting high quality design, Policy SP6 would make adequate provision for inclusive design and accessible environments in accordance with the NPPF. Other policies in the ALP also address this matter in relation to internal space standards, appropriate storage areas and useable private outdoor spaces.
183. Policy SP7 is concerned with the separation of settlements. It is specifically intended to protect the character and identity of individual settlements as Ashford town grows outwards. In so doing it will contribute to the environmental dimension of sustainable development. Assessments of whether coalescence, merging or the erosion of a significant gap would occur could be done on a case-by-case basis. Devising more prescriptive criteria would be next to impossible given the range of circumstances likely to be encountered in individual proposals. Like many policies, judgement will be required to determine whether the wording of the policy has been breached but there is no reason to suppose that its aims will not be achieved.
184. Policies HOU3a and HOU5 deal with residential windfall development within, adjoining or close to listed settlements in the Borough. They respond to paragraph 55 of the NPPF which seeks to enhance or maintain the vitality of rural communities and notes that development in one village may support services in a village nearby. Moreover the ALP anticipates that 1,000 dwellings in total will come forward through unidentified projected future windfalls and the policies will ensure that past trends are continued into the future.
185. Twenty-two settlements have been added to those in the existing development plan but the basis for this is not clear. Moreover, it is not obvious that the expectations of both policies could be met for all the settlements listed. In particular, some places are small and dispersed. Therefore opportunities for residential development or infilling do not exist within their built-up confines as required by Policy HOU3a. Furthermore, some of these settlements as well as others are without any significant services or

transport facilities. Consequently the criteria for development adjoining or close to them in Policy HOU5 are unlikely to be able to be complied with.

186. It follows that these policies are not justified and will not be effective. This is because they are permissive but in some cases the relevant criteria and provisions would be impossible or highly unlikely to be achieved.
187. In response to our post hearings advice (ID/10) the Council has undertaken an assessment of settlements (ABC/PS/23). As part of this consideration has been given to the existing range of services, the proximity to larger settlements, any national landscape constraints and the potential for infilling and/or edge of settlement sites. Some of the findings about the suitability of certain places including Aldington, Brook, Hamstreet, Hastingleigh, Pluckley Station, Rolvenden, Ruckinge, Shadoxhurst and Wittersham are questioned. This is not an exact science so that some discrepancies may be apparent although the Council appears to give great weight to closeness to the urban area of Ashford. Exercising its judgement in this way is reasonable and there is nothing fundamentally flawed about the analysis.
188. The upshot is that 6 small settlements have been removed from the list under Policy HOU3a which allows for residential development and infilling within settlements. In addition, 24 settlements are now listed under Policy HOU5 where development adjoining or close to the existing built up confines will also generally be acceptable. What is meant by "close to" or the scale of development is not defined but this will vary and the policy framework will allow decision makers to determine what should and should not be permitted.
189. However, the detailed provisions of Policy HOU5 also need to be strengthened in order to give greater detail about what is meant by "proportionate" and "commensurate" development thereby ensuring that cumulative effects are taken into account. To do this the policy should refer to the size of the settlement, the type and quality of day-to-day services available and the input of service providers. Other detailed changes are required to make both policies effective.
190. In considering development within and on the periphery of villages neighbourhood plans may still have a role in setting detailed boundaries and defining the policy terminology in a local context. Policy HOU5 would also apply to Ashford which might imply that quite large scale developments will be accepted but other policies in the ALP including Policy SP7 will address any adverse spatial implications of outward expansion. In any event the criteria within Policy HOU5 are quite demanding so that it does not provide 'carte blanche' for every proposal close to a listed settlement. This means that some schemes will fail it but exception sites are only required to comply with the lesser tests in Policy HOU2. Therefore the policy approach should not prevent all local needs schemes from coming forward.
191. The policies are not sound and **MM60** and **MM61** are recommended to address the deficiencies identified
192. Policies HOU7, HOU8, HOU9 and HOU10 all use different language when referring to the effect of development on the character and appearance of an area and neighbouring uses. This inconsistency could lead some to assume

that the Council's approach differs for the different types of development involved. This is not the case and thus the policies should be modified in the interests of effectiveness. The recommended main modifications that achieve this are identified for each individual policy below.

193. Policy HOU7 sets out the Council's approach to replacement dwellings in the countryside. The policy implies that planning obligations will be used in all cases. However, this would conflict with national policy and so modifications are needed to clarify the role and scope of the use of planning obligations and conditions (**MM63**).
194. Policy HOU8 deals with residential extensions. There are specific issues set out in paragraphs 5.79 relating to the effect on AONBs, conservation areas and how the existing standard of accommodation will be considered in any planning application. For the Plan to be effective, these provisions should be reflected in the policy (**MM64**).
195. Although only expressed in the supporting text, the requirement for standalone residential annexes to demonstrate need in Policy HOU9 is not justified. If a development is able to meet the relevant criteria then need would not be a relevant factor. Should there be conflict with these criteria then other material considerations, including the personal circumstances of an applicant, will be taken into account in the normal way. This requirement is not therefore justified and should be deleted. Furthermore, for the policy to be effective the requirements relating to heritage assets in paragraph 5.83 should be included in policy (**MM65**).
196. Paragraph 53 of the NPPF provides scope for local authorities to set out policies which resist inappropriate development of domestic gardens. It is clear that gardens contribute positively to the character of some settlements and thus a specific policy is justified. Policy HOU10 sets out the Council's approach to this issue. There is a significant degree of overlap between this policy and HOU3a and HOU5, particularly with regard to impacts on local character and amenity. **MM66** is therefore necessary to rationalise this duplication and insert an appropriate cross-reference for clarity and effectiveness. This will result in a policy with a much clearer focus on matters specific to gardens. The Plan should be read as a whole, and other policies will continue to consider issues of residential amenity. Setting benchmarks for what is considered significant harm would not be realistic and the language used in the policy is generally understood.
197. Policy HOU12 sets out the Council's intention to adopt the Government's optional Nationally Described Space Standards (NDSS). The PPG (ID: 56-020-20150237) states that where LPAs seek to require such standards, they should justify them in terms of need and viability. The Council has applied minimum space standards since 2011 with a high degree of success. This demonstrates the market is able to deliver housing of the scale required. The Council's viability assessment also factored in that dwellings would be built to the NDSS standards. There is nothing to suggest that the policy would impede delivery. In terms of need, there is evidence which shows that where the Council has not been able to apply standards, the scale of development coming forward has been well below the NDSS. Therefore it appears that the market would not necessarily provide housing of suitable scale without the policy in place.

As such, the policy is required to provide a good standard of amenity for future occupants. Policy HOU12 is therefore justified and effective.

198. Policy HOU14 signals the Council's intent to adopt optional standards M4(2) and M4(3) of part M of the Building Regulations. There is clear evidence of an ageing population in the Borough and an increase in those with long term health problems or disabilities. However, this does not justify a policy requiring the optional standard for all dwellings. A generalised assertion that the policy would future proof the housing stock is also not sufficient to demonstrate a need as required by the PPG. Furthermore, the Viability Study (SD09) only considered the effect of 20% of housing meeting the optional standard. While this did not suggest the requirement was unviable, no test of the 100% requirement was undertaken. The policy is not therefore justified by the evidence and is unsound. **MM67** is necessary to reduce the requirement to 20% of new homes, which better reflects the demographic and viability evidence produced.
199. With regard to M4(3) there is evidence of a general need for wheelchair adaptable dwellings. The policy limits any requirement to a cap of 7.5% within the affordable element of any development. This is a sensible, pragmatic approach. The viability of this has been tested satisfactorily. The approach is therefore justified and sound.
200. Policy HOU15 is too prescriptive and inflexible in its approach to private external open space provision. It would not be effective in achieving the Council's objectives of ensuring a good standard of design, layout and living environment. The supporting text alludes to the 10 metre minimum distance being a "starting point" or "rule of thumb", but this is not reflected in the policy. To be effective, this should clearly set out all of the factors that will be taken into account in assessing whether sufficient private external space is being provided and the status of any standards that are included. It should also be made clear that the policy would apply to any proposals which result in the loss of private garden space. This will ensure consistency with Policy HOU10 and **MM68** is recommended to achieve all of this.
201. Policy HOU18 seeks to ensure a variety of house types and sizes are delivered. The policy expects the mix to be decided on a case by case basis having regard to a range of factors as identified in the supporting text. This provides a flexible approach which can take proper account of local context and the most up to date evidence. Needs are likely to differ across the Borough and though the Strategic Housing Market Assessment (SD13) is a useful starting point, relying on this for all development would be too prescriptive. This approach is therefore justified and consistent with the requirements of national policy. **MM71** is however necessary to provide clarity on the operation of the policy, particularly in terms of any exceptional circumstances that might apply.

Employment

202. Policy EMP1 sets out the broad principles for considering windfall employment development in main towns and all rural settlements. What constitutes a rural settlement is not defined and thus could refer to any size of settlement within the Borough, including very small and dispersed locations, many of which are without significant services or transport facilities. This approach could lead to

an unsustainable pattern of development. A modification is therefore needed to narrow the scope of the policy to the larger and more sustainable locations listed in policies HOU3a and HOU5 (**MM72**).

203. Policy EMP2 sets out the criteria against which the Council will consider the loss of existing employment land and premises. Where redevelopment is proposed, the policy expects applicants to demonstrate that any appropriate type of alternative employment use is not viable during the plan period. This is an unduly onerous requirement that would be difficult to achieve in many circumstances and should be removed. However, there is no reason why sites should not be marketed for alternative commercial uses to help demonstrate there is no reasonable prospect of the site or premises remaining in some form of employment use. Modifications are also necessary to remove the unjustified inconsistency between urban and rural areas in terms of the length of time that would constitute a "substantial" period for marketing. A period of 6 months for both areas is justified. There is also no reason why the first bullet point relating to the Ashford urban area should also not apply to Tenterden and the HOU3a villages (**MM73**).
204. Policy EMP2 does not apply to ALP allocations or areas outside defined villages. The requirements are for indicative land areas within mixed use development and thus are not prescriptive over employment floorspace provision. It is not unreasonable for the Council to expect development to be consistent with allocations in the short to medium term. The Plan must be reviewed within 5 years and if allocations are unlikely to deliver the requisite employment land then action can be taken at that point. Should material considerations indicate an earlier need to divert from the allocation, then the Council would also be able to assess this at the time of any application. There is no need to provide a mechanism for the release of sites allocated for new employment. Policy EMP2 is not contrary to paragraph 22 of the NPPF on this basis.
205. Similarly, there is no requirement in national policy for the Council to protect employment uses outside defined villages. While these locations make up a significant proportion of employment land in the Borough, they are often in unsustainable locations. Policy EMP2 is therefore sound.
206. Policy EMP6 requires all development to enable fibre to the premises (FTTP). The principle of supporting advanced and high quality communications infrastructure is consistent with paragraph 42 of the NPPF. There is also no evidence to suggest that such a requirement would harm viability. However, the policy is unclear as to what the policy means in practice and how developers will be expected to meet its requirements. Moreover, the reference to reasonably sized employment proposals is too vague. The lack of clarity renders the policy unclear and ineffective. The policy is therefore unsound.
207. **MM74** is recommended to replace the policy and revise the supporting text which clarifies its intent and expectations for developers. In particular this explains that it is not expected that developers will implement FTTP themselves, but rather ensure that development facilitates FTTP where possible. It also sets out the thresholds on employment uses more explicitly while providing scope for flexibility. The revised supporting text also commits the Council to the preparation of a Supplementary Planning Document (SPD) on this issue which will be beneficial in the longer term.

Retail

208. Policies EMP7 and EMP8 deal with development within the defined shopping areas of Ashford and Tenterden. Both policies have an unduly flexible approach whereby any use within the 'A' Use Class would be permitted in primary frontages of Ashford, and any town centre use would be acceptable in the primary frontage of Tenterden and secondary frontage of Ashford. The challenges facing high streets are well known. However, the policies provide no effective mechanism to consider the individual or cumulative effects of different uses. Such an approach could lead to unintended consequences for the vitality and viability of both centres, contrary to paragraph 23 of the NPPF. Modifications are therefore required to identify the range of factors that will be considered when assessing the impact of non-retail development within each centre. Such changes need not reduce flexibility.
209. The primary shopping area (PSA) plan for Ashford includes an area described as an extension to primary shopping area, but this is not referred to in policies EMP7 or EMP9. Given its function this area should be included to produce a logical boundary and so the PSA should be amended to include it. Overall the recommended main modifications to these policies will therefore ensure consistency with national policy and effectiveness (**MM75, MM76**).
210. A secondary shopping frontage has not been identified for Tenterden, but this is justified by the tightly defined nature of the shopping area and lack of a clear distinction between different parts of the centre.
211. Policy EMP9 sets out the Council's approach to considering development outside centres. The PSAs in Ashford and Tenterden are the preferred locations for retail development. For other main town centre uses, the town centres are the preferred location. There is a clear distinction between what is considered edge of centre for retail and other main town centre uses in the NPPF and the Council's broad approach is consistent with this. The terminology used in relation to the sequential test is however vague and/or does not accord with paragraphs 24 and 26 of the NPPF. Modifications are therefore necessary to provide consistency with national policy.
212. Policy EMP9 also requires an impact assessment for any retail development over 500 sq m. This is significantly lower than the default of 2,500 sq m in the NPPF, but is more reflective of the scale of retail proposals that have been submitted to the Council in recent years and the changing nature of the retail market. As stores of this size are more likely to be of the scale of shops in Ashford and Tenterden they also have the potential to cause harm to the vitality of these centres. The threshold for retail is therefore proportionate and justified. The same 500 sq m threshold is used for office and leisure uses. No specific evidence has been provided for this and thus there is no justification for departing from the default threshold. **MM77** removes this unjustified requirement from the policy and addresses the terminology issues identified above.

Transport

213. Strategic transport schemes including Junction 10A and the Pound Lane Link Road, if required, are supported by Policy TRA1. The evidence is that these

will be delivered in timely fashion so as to facilitate growth and environmental benefits.

214. Policy TRA2 is not clear about how the Council will prioritise the delivery of car parks, how developers will be expected to contribute to their delivery or how a proposal would be seen to prejudice provision to the extent that permission would be refused. As a result, the policy is ineffective and unsound. **MM78** is necessary to clarify the Council's intent and the operation of the policy and to remedy the above defects.
215. Policies TRA3a and TRA3b set out minimum parking standards for residential and some forms of non-residential development. Paragraph 5.260 states that the Residential Parking and Design Guidance SPD will be superseded for all standards other than visitor parking provision. There seems no logical reason to leave this single element of the SPD in place and thus to be effective the entire SPD should be transferred into the policy. The policy is also unclear in its approach to considering departures from the minimum standards. It implies that it is only the Council who might instigate a reduction in parking which would clearly not always be the case. Criterion a) is not relevant to the ALP and, as standards are minima, there should be no general concern over proposals for higher levels of parking. **MM79** is recommended to address these issues in the interests of clarity and effectiveness.
216. Whilst promoting use of public transport is consistent with the NPPF, Policy TRA4 does not provide the decision maker with any indication of how they should react to a development proposal. **MM80** is therefore necessary to make the policy relevant to development and consistent with both national policy and Policy TRA8.
217. Policy TRA7 addresses traffic impacts. The scope and intent of the policy is broadly consistent with paragraph 32 of the NPPF. However, its application to only the primary and secondary road network would implicitly accept risks elsewhere. In the interests of effectiveness this reference should therefore be removed so all parts of the network are covered equally. The policy is also unclear about its relationship with Policy TRA8 and this omission should be rectified by reinforcing the need to assess and mitigate impacts from all trips. The supporting text fails to fully explain the concerns over impacts on rural roads. To be effective, further explanation should be provided (**MM81**).

Natural Environment

218. Policy ENV1 is broadly consistent with national policy and provides an effective framework for addressing biodiversity issues. However, the policy implies that financial contributions may be acceptable in lieu of mitigation. This is contrary to national policy on the use of planning obligations. A modification is necessary to make it clear that financial contributions will be accepted only where mitigation is achievable (**MM82**).
219. The concept, purpose and identification of Green Corridors within the Ashford area is sound. However, Policy ENV2 does not provide a clear approach to development within or adjoining them. In particular, it is not always clear what land uses are being referred to and there is an inconsistent and unjustified approach to the consideration of harm. Modifications are therefore necessary to ensure the operation of the policy is clear and effective (**MM83**).

220. There is no requirement in national policy for Green Corridors to be identified and thus the Council's approach of not extending them beyond the Ashford area to the villages is sound. Moreover, there are other policies in the Plan, including Policy SP7, which seek to ensure settlements do not coalesce and which serve to protect the character of the rural settlements and the intrinsic beauty of the countryside.
221. Policy ENV3a addresses general landscape protection issues. The purpose and intent of the policy is sound. Criterion i) does not sit well in the list of factors to which the Council will have regard. To be effective, this should stand alone as a general requirement of the policy (**MM84**).
222. Policy ENV3b is broadly consistent with paragraphs 115 and 116 of the NPPF. The first paragraph does not, however, properly reflect the Council's duty with regard to AONB. The policy also implies that major development would not be subject to the four criteria in the second paragraph. This would not provide an effective mechanism for dealing with development in the AONB or its setting. In considering individual applications, it may not always be feasible to enhance the AONB and so requiring this in all instances is not justified. Relevant AONB management plans also do not form part of the development plan and thus it is not justified to expect development to conform to them. Modifications are therefore necessary to remove unjustifiable elements and provide consistency with national policy (**MM85**).
223. Parts of Ashford have been identified as having the darkest skies in the region. Policy ENV4 seeks to help achieve the Council's objective of ensuring that development does not lead to excessive light pollution. This is consistent with paragraph 125 of the NPPF. The policy requires compliance with the Dark Skies SPD (2014). In the light of the 2012 Regulations concerning the content of SPD, key elements of it should be brought into the policy and supporting text (**MM86**). This is necessary for the policy to be effective.
224. Policy ENV5 sets out the Council's approach to important rural features not covered by other policies. The list is not exhaustive and there may be others that are considered important locally that are deserving of similar protection. The narrow scope of the policy is nevertheless not justified and would limit its effectiveness. A modification is necessary to enable other features to be considered on a case-by-case basis. This would better reflect the character of the Borough (**MM87**).
225. Policy ENV6 sets out the approach to flood risk. The intent of the policy is consistent with the NPPF. However, the relationship between the list of criteria in a) to f) and the operation of the sequential and exception tests is unclear. Criterion a) also duplicates the provision of the sequential test and is unnecessary and confusing. Modifications are therefore necessary to ensure the operation of the policy is clear, effective and consistent with the requirements of the NPPF (**MM88**).
226. The Written Ministerial Statement (WMS) of 25 March 2015 establishes that optional water efficiency standards should only be required if they address a clearly evidenced need and where their impact on viability has been considered. There is substantial evidence within the Water Cycle Study (NBD/05) to support a case for there being a need for the optional standards.

Ashford is within an area of serious water stress. Policy ENV7 therefore contributes to a wider strategy to reduce demand for water use. The Viability Assessment (SD09) includes a cost of £9 per dwelling to achieve this standard. There is nothing to suggest that this is not a reasonable or robust figure and thus there is no reason to assume the policy would have an unacceptable impact on viability. The policy is therefore sound.

227. Policy ENV8 seeks to ensure there is sufficient water capacity to serve new development and that it does not have an unacceptable impact on water quantity or quality. The policy only acts as a mechanism to ensure major development does not proceed in advance of any necessary infrastructure being in place. This adds no particular burden on the developer, but ensures development is phased appropriately and it is therefore justified.
228. There are a number of allocated sites which sit within groundwater protection zones. The ALP does not provide adequate guidance to decision makers or applicants as to the implications of this. To this end, main modifications to the policy are necessary to ensure the Plan is effective. It may not always be possible or desirable for development to provide a connection to the main sewerage system at the nearest point of adequate capacity. As a result, the policy may unjustifiably restrict otherwise acceptable development in rural areas. Modifications are needed to remove this restriction (**MM89**).
229. Policy ENV9 relates to sustainable drainage systems (SuDs). Paragraph 5.358 contains detailed requirements that should be set out within policy for it to be effective. A modification is also necessary to remove reference to being compliant with the adopted Sustainable Drainage SPD. There is no justification for requiring contributions for strategic forms of SuDs and it should be made clear that SPD is something to have regard to only (**MM90**).
230. Policy ENV10 supports proposals for renewable energy where they do not have significant adverse impacts. Paragraph 97 of the NPPF suggests that Councils should give consideration to identifying suitable areas for renewable and low carbon energy sources. Owing to the sensitive landscape nature of large parts of the Borough, the Council has chosen not to do this. This is a justifiable approach. However, the supporting text does not properly reflect current national guidance on windfarms and this should be brought up to date in the interests of clarity.
231. There should be no need to demonstrate the sustainability benefits of any proposal if the policy's criteria are met and so a further assessment is not justified. Modifications to remove this requirement are necessary (**MM91**).
232. Policy ENV13 does not properly reflect national policy in distinguishing between substantial harm and less than substantial harm to designated heritage assets. Changes should be made to include this differentiation. However, it is not necessary to repeat the NPPF in full. **MM92** will ensure consistency with national policy and is therefore recommended. There is nothing in the policy which suggests the Council considers designated and non-designated assets to have the same status. In the planning balance, it is legitimate for the Council to consider any public benefits of proposals affecting both designated and non-designated assets.

233. Policy ENV14 addresses how development affecting Conservation Areas and their setting will be considered. The intent of the policy is sound. There are however elements which are unclear, or use vague and imprecise terminology. To be effective, modifications are required to remedy this (**MM93**).
234. Policy ENV15 suggests that any development which would adversely affect Scheduled Monuments and other important archaeological sites will not be permitted. However, this is inconsistent with the approach set out in the NPPF for considering harm to heritage assets and the specific requirements of Policy ENV13 to which this policy is intrinsically linked. **MM94** is necessary to ensure a consistent approach within the ALP and with national policy.
235. The modified policies of the ALP will provide a sound framework for addressing impacts on local landscape and biodiversity assets. There is no single policy relating to the protection of landscape character. However, the Plan must be read as a whole and it is not unsound to have different policies addressing different aspects of development. The ALP addresses the issue of cumulative impacts where it can reasonably justify doing so in an effective manner. There is no justification to recommend a new policy which simply repeats others.

Community Facilities

236. Policy COM1 establishes how the Council will use planning obligations and CIL to secure infrastructure and facilities. A modification to the third paragraph is necessary to reflect that there is currently no CIL and cross-reference Policies IMP1 and IMP2. This will ensure factual accuracy and internal consistency. The intent of the final paragraph is to ensure developers do not avoid making contributions by splitting larger sites into smaller plots. Whilst this is a justifiable approach, the way it is expressed is confusing. **MM95** is therefore necessary to provide a clear and effective policy.
237. The purpose and intent of Policy COM2 is justified and consistent with national policy. There are elements however which undermine its effectiveness including being clear over the scope of the policy, how it refers to SPD and other extraneous documents, its relationship with other policies and how it relates to the Council's own objectives over the scale and distribution of open space. As such, **MM96** is necessary to deliver an effective policy and approach to open space provision.

Issue 11 - Does the Local Plan have clear and effective mechanisms for implementation, delivery, monitoring and future review?

238. Policy IMP1 implies that all development will be subject to planning obligations. This is not justified or consistent with paragraph 204 of the NPPF. Similarly, it makes no reference to situations where viability might stall development. **MM97** is required to provide consistency with national policy.
239. Policy IMP2 expands on Policy IMP1 by explaining how the Council will have regard to the potential for deferred payments on planning obligations in situations where viability is in doubt. The risk with this approach is that mitigation required may not be provided at all. However, it is a justified and appropriate way of ensuring that necessary development takes place. **MM98** is necessary to ensure consistency with Policy IMP1 and to provide clarity on the implementation of the policy.

240. Policy IMP3 on planning enforcement does not provide any indication as to how a decision maker should react to a development proposal and thus is inconsistent with paragraph 154 of the NPPF. To achieve soundness, this policy should be removed (**MM99**).
241. Appendix 6 sets out the monitoring framework for the ALP that will be kept under review to ensure that it remains effective. **MM101** is required to fill a gap in the framework relating to AONB and to address the lack of specified targets in relation to sustainable transport. With these changes in place, the ALP will provide sufficient clarity over the arrangements for managing and monitoring its implementation.
242. Paragraph 2.26 commits the Council to adopting a review by 2025. However, Regulation 10A now requires that this should be undertaken within 5 years of the adoption of the ALP. This should be clarified and reference also made to the intended progress of a revised plan (**MM2**). On adoption the remaining plan period would be less than the 15 years referred to in paragraph 157 of the NPPF. However, this is not a requirement and there is no clear evidence that circumstances will change to the extent that the ALP should be reviewed any sooner.

Public Sector Equality Duty

243. In undertaking the examination we have had due regard to the equality impacts of the ALP in accordance with the Public Sector Equality Duty, contained in section 149 of the Equality Act 2010. This, amongst other things, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not.
244. There are policies in the ALP that concern specialist housing (which would include the elderly), gypsies and travellers and accessible environments that should directly benefit those with protected characteristics. In this way the disadvantages that they suffer would be minimised and their needs met in so far as they are different to those without a relevant protected characteristic. There is also no compelling evidence that the ALP as a whole would bear disproportionately or negatively on them or others in this category.

Assessment of Legal Compliance

245. Our examination of the legal compliance of the Plan is summarised below.
246. The ALP has been prepared in accordance with the Council's LDS of May 2017 (GBD16) which was updated in March 2018 (GBD23). As indicated previously, consultation on the ALP and the MMs was carried out in compliance with the Council's SCI. Furthermore, as explained at paragraphs 12-20, SA has been carried out and is adequate.
247. The Habitats Regulations Assessment (HRA) of December 2017 (SD11) concludes that the Local Plan would not lead to a likely significant effect on European sites on the basis that its policies contain suitable protective measures. Natural England (ED/09) concurs with the findings of the HRA in relation to the Wye and Crundale Downs Special Area of Conservation and the

Dungeness, Romney March and Rye Bay Ramsar site. As separate mitigation is not required to achieve this then an appropriate assessment is not required.

248. The ALP includes policies designed to secure that the development and use of land in the Council's area contribute to the mitigation of, and adaptation to, climate change. These relate to, amongst other things, biodiversity, water efficiency, sustainable drainage, renewable and low carbon energy and sustainable design and construction.

249. The ALP complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

250. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

251. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that, with the recommended main modifications set out in the Appendix, the Ashford Local Plan 2030 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

David Smith

Steven Lee

INSPECTORS

This report is accompanied by an Appendix containing the Main Modifications.