



The Planning
Inspectorate

Report to Ashford Borough Council

by **Patrick T Whitehead DipTP(Nott) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 11th September 2012

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE ASHFORD URBAN SITES AND
INFRASTRUCTURE DPD**

LOCAL PLAN

Document submitted for examination on 24 February 2012

Examination hearings held between 15 and 17 May 2012

File Ref: PINS/E2205/429

Abbreviations Used in this Report

AA	Appropriate Assessment
ABC	Ashford Borough Council
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
BLP	Borough Local Plan
CS	Core Strategy
CSR	Core Strategy Review
DfT	Department for Transport
DU	Development Unit
ELR	Employment Land Review
FRA	Flood Risk Assessment
GADF	Greater Ashford Development Framework
KCC	Kent County Council
KWT	Kent Wildlife Trust
LDS	Local Development Scheme
LP	Local Plan
LPA	Local Planning Authority
LWS	Local Wildlife Site
MM	Main Modification
NE	Natural England
NPPF	National Planning Policy Framework
P&R	Park and Ride
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEERA	South East England Regional Assembly
SHLAA	Strategic Housing Land Availability Assessment
SPG	Supplementary Planning Guidance
SW	Southern Water
TCAAP	Town Centre Area Action Plan
USIDPD	Urban Sites and Infrastructure Development Plan Document

Non-Technical Summary

This report concludes that the Ashford Urban Sites and Infrastructure DPD Local Plan provides an appropriate basis for the planning of the Urban Area over the next 5 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

The modifications can be summarised as follows:

- Insertion of new Policy U0 – Presumption in Favour of Sustainable development, together with a supporting paragraph;
- Amended and new text to clarify the emerging situation regarding funding of the proposed Junction 10a;
- Insertion of new Policy U6B and supporting text;
- Amendment to the supporting text to Policy U16;
- Clarification of the requirements regarding flood risk to take account of the guidance in the NPPF;
- Revisions to the Monitoring and Review Chapter to provide an adequate basis for assessing progress towards achievement of the Plan's vision, including a revised table of indicators and targets and a housing trajectory;
- The Plan to be accompanied by an amended Policies Map.

Introduction

1. This report contains my assessment of the Ashford Urban Sites and Infrastructure Local Plan 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, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my Examination is the submitted draft plan, February 2012 which is the same as the document published for consultation in December 2010 together with the Proposed Changes contained in USI/CD/03. I have also indicated my acceptance that the Proposed Minor amendments to the submission version [USI/CD/01b] form part of the submitted draft plan.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound and thus incapable of being adopted. The need for various main modifications was identified during the examination process and the Council has been pro-active in providing draft textual changes as a basis for the modifications. The main modifications are set out in the Appendix.
4. The main modifications that go to soundness have been subject to public consultation and I have taken the consultation responses into account in writing this report.
5. References in square brackets [] are to documents forming the supporting information to the submitted draft plan.

Assessment of Duty to Co-operate

6. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
7. The Council initially produced a 'record of co-operation' [USI/CD/41]. Subsequently a supplementary statement (dated May 2012) was prepared to demonstrate the extent of co-operation, accompanied by an appendix giving details of consultations with Kent County Council, adjoining local authorities, the Environment and Highways Agencies and Natural England. I consider the information indicates compliance with the Duty to Co-operate.
8. In particular I have noted that, when contacted specifically about the Duty to Co-operate, the County Council and Swale and Shepway Borough Councils have indicated that they are content that the Duty has been met by the

consultation carried out by ABC. I have also noted the continuing dialogue with the Highways Agency and interested parties regarding the issue of infrastructure needed to serve new developments.

Assessment of Soundness

Preamble

9. The NPPF was published in March 2012. It provides a consolidated statement of national policy, replacing existing PPSs and PPGs. As a consequence parties were given the opportunity to consider the potential effect of the Framework on their representations in advance of the hearings sessions. In compiling this report I have taken account of those additional representations received.
10. The introduction to the NPPF indicates that LPAs preparing local plans should have regard to the policies in the Framework so far as relevant. So far as plan-making is concerned these are contained specifically within paragraphs 150 – 185. However other relevant policies are contained throughout the NPPF including, for example, those relating to delivering a wide choice of high quality homes (paras 47 - 55).
11. The Localism Act 2011, Section 109, provides for the abolition of the regional tier of planning, including regional strategies. Although an Environmental Report on the revocation of the South East Plan has been published, at the time of this Examination and compilation of my report the regional strategies - including the South East Plan - remain in force as part of the statutory development plan.
12. Statements of Common Ground (SoCG) have been provided between the Council and The Highways Agency and the Kent Wildlife Trust, along with a Joint Statement with Southern Water.
13. Pursuant to section 20(7C) of the Planning and Compulsory Purchase Act 2004, the Council has formally requested, by letter dated 17 May 2012, that I should recommend modifications to the Plan that would make it one that satisfies the requirements of section 20(5)(a) of the Act and sound.

Main Issues

14. Taking account of all the representations, written evidence and the discussions that took place at the Examination hearings I have identified 4 main issues upon which the soundness of the Plan depends.

Issue 1 – Is the Plan, taken as a whole, soundly based in respect of national policy, the development plan and the evidence base?

National Planning Policy Framework

15. The publication of the NPPF has raised a number of issues for the Examination. It introduces a core planning principle to pro-actively drive and support sustainable economic development. It also indicates that LPAs should boost significantly the supply of housing. The Council has proposed new text in the

Introduction to the Plan following paragraph 2.9 in order to set the new national context (**MM2**).

16. There has been criticism that the clear intention to increase housing delivery in the NPPF has not been given due weight during the Plan's preparation. However it is the case that the Plan is intended to ensure early delivery of developable sites, pending the review of the CS. A requirement for significant change would defeat the object by delaying adoption of the Plan. In this special circumstance it makes sense to consider the overall supply of housing land as part of the CSR, rather than make short-term piecemeal adjustments through the USIDPD. The matter is considered further under Issue 2.
17. The NPPF also advises (para 14) that a presumption in favour of sustainable development should be seen as a golden thread running through plan-making. It requires clear policies in local plans that will guide how the presumption will be applied locally. The Council has responded with a proposed modification introducing a new Policy UO – Presumption in Favour of Sustainable Development (**MM3**), supported by new text to be inserted after paragraph 2.9. The new policy is based on the model provided through the Planning Portal and provides an appropriate and necessary response to the NPPF objectives.
18. Issues have been raised as a consequence of the core planning principle in the NPPF requiring plans to set out a clear strategy for allocating sufficient land which is suitable for development "*..taking account of the needs of the residential and business community*" (para 17). In particular, para 47 indicates that the buffer of 5% on the five year supply of specific deliverable sites for housing should be increased to 20% where there has been a record of persistent under delivery of housing.
19. There is evidence of under delivery over a period at Ashford although this does not appear to result from an under supply of housing land allocations but as a consequence of the prevailing economic climate. The issue was addressed at the CS Examination where the Inspector reports [USI/CD/16] that the housing trajectory would require there to be a sharp increase in building overall, and that in the early part of the CS period a degree of caution over what can be achieved is called for (para 4.30). I have also noted the limitation imposed by the relatively small amount of brownfield sites within the USIDPD area (para 4.4), and the need to carefully control the release of greenfield locations on the edge of the town (para 4.5). Taking all of these factors into account, and recognising that there is capacity both outside of the specific allocations and through windfalls - which the NPPF allows for in the five year supply (para 48) - it appears to me that it can be shown that there is an adequate five year supply of housing land to meet the NPPF requirement.
20. A number of changes are required to the text to take account of the NPPF, particularly in respect of references to previous Government advice in PPGs and PPSs, and to the 'Proposals Map' rather than 'Policies Map'. A number of appropriate modifications have been proposed to deal with these matters and ensure consistency with national policy, and thus soundness (**MMs 1, 4, 5, 7, 8, 9, 18, 20, 23, 24, 25, 28, 29, 31, 36, 37, 42, 43 and 45**).

The Development Plan

21. Ashford was identified as a Growth Area in 2003 with a capacity to provide an additional 31,000 homes and 28,000 jobs over the period 2001 to 2031. The CS, adopted in 2008 [USI/CD/01a], provides the strategic vision for development in the borough whilst the USIDPD is the third in a series of plans brought forward in the context of the CS that together form the LDS – Third Review 2010 [USI/CD/34]. Geographically, it covers the urban area of Ashford outside the town centre but excludes the proposed urban extensions (Chilmington Green/Discovery Park and Cheeseman's Green/Waterbrook). Its role is to provide specific policies for sites where there are considered to be early development opportunities and for the early identification of sites required for major pieces of infrastructure. In this respect I consider the Plan has been positively prepared to meet objectively assessed development and infrastructure requirements consistent with achieving sustainable development.
22. The CS was drawn up within the then existing regional framework. The strategic body at that time, SEERA, declared the CS to be in general conformity with both the approved RS, and emerging South East Plan. An early review of the CS was envisaged (Policy CS2) and the Council aims to have a draft CS Review document by early 2013 with adoption anticipated by 2014 [USI/CD/35]. As a consequence the role of the USIDPD is to provide a bridge between the CS and CSR, covering the period to 2017. It is seen as a pragmatic plan which should concentrate on what could realistically be delivered within a five year timescale and not be prejudicial to future requirements. Although the timescale and purpose of the document has been questioned, this was clearly set down in the stated purpose of the document in the LDS and ties in closely to the original intention for an early review of the CS. In this respect the Plan's overall approach is sound and consistent with the adopted development plan.
23. Policy CS4 provides the basis for the USIDPD. Key considerations are:
- priority for identifying brownfield sites;
 - greenfield sites adjoining the urban area where they would help secure key infrastructure;
 - 3,500 additional dwellings for the period up to 2021 (in addition to 'windfall' sites) and a proportion of oversupply of at least 10% more dwellings than the policy target; and
 - 6,625 new jobs (plus a flexibility allowance of about 40%).
24. As reported above, the Plan does prioritise brownfield sites and, whilst it is clear these are in short supply in the urban area, overall they form some 60% of the allocations. The two major peripheral greenfield sites are directly related to infrastructure provision. These fulfil CS intentions firstly at Willesborough Lees, to provide new houses near the hospital for future growth of local affordable key worker homes and to provide a new point of access to the hospital, and secondly at Conningbrook with the aim of providing a regional sports facility [USI/CD/16, paras 4.13-14].

The evidence base

25. Questions regarding the evidence base include the age of some key documents – the SHLAA (2009), ELR (2008), SPG6 (2001, rev 2004), and the adequacy of, for example, the Sustainability Appraisal of Urban Sites. The NPPF clearly indicates that the Local Plan should be based on adequate, up-to-date and relevant evidence. It also refers to the use of a proportionate evidence base. In this instance the role of the site allocation DPD derives from the CS (Policy CS2) which, in line with a compact growth model, advocates the use of appropriate brownfield sites within the urban area, together with allocated greenfield sites on the edge of Ashford. CS4 advises that priority should be given to the brownfield sites in line with a 'mend before extend' approach to development endorsed by the GADF exercise [USI/CD/18]. The limited role of the Plan suggests that a wide range of alternative options is unlikely to be identified.
26. The evidence base shows a systematic approach to the selection of sites informed by the CS policies and objectives and a comprehensive evidence base. The individual documents, including the Sustainability Appraisal, should not be read in isolation. Rather, they form a linked series of studies aimed at identifying those sites which most closely meet the Plan's Themes and Vision. In this context I consider the evidence base provides a clear and transparent audit trail to the process. In arriving at this conclusion I have taken account of the addendum reports to the SA [USI/CD/4b and 4c], the revised housing background paper [USI/CD/13b], the revised employment development background paper [USI/CD/14b] and the revised paper on the release of development which would affect M20 Junction 10 [USI/CD/12b].
27. Overall, in respect of Issue 1, it is my conclusion that the Plan does meet the four tests of soundness subject to the Main Modifications identified above.

Issue 2 – Will the scale, type and distribution of allocated sites contribute to the sustainable development of the borough and has there been a robust assessment of infrastructure requirements?

Housing land requirement

28. Taking, as a starting point, the figure of 3,500 additional dwellings to be provided in the urban area for the period up to 2021 required by Policy CS4, the Council has deducted completions for the period 2006-11 leaving a residual requirement of 2,971 [USI/CD/13b]. This gives an annual requirement of 297 for the period 2011-2021 and, pro rata, 1,782 for the period 2011-2017. Completions up to September 2011 reduce the figure to 1,747. The addition of 10% more dwellings as indicated in the supporting text for CS4 would bring the total requirement for the USIDPD to 1,921 dwellings.
29. Against that total requirement the allocated sites (including the K College site – see below) provide for a total of 1,459 dwellings. A further 225 dwellings by way of a windfall allowance on urban sites (including extant permissions and unidentified sites) may be added to this (USI/CD/13b and evidence provided to the Examination 17/05/2012). Completions in 2010-12 suggest this may be an under-estimation of the potential windfall contribution over the 5 year Plan period. Although CS4 indicates that the 3,500 additional dwellings would

be in addition to any contribution from windfall sites, this pre-dates publication of the NPPF which advises (para 48) that an allowance for windfall sites may be made.

30. A further addition to the total, outside the allocations, is provided from significant developments under construction which will contribute to the number of dwellings completed in the urban area over the next 5 years. These include Hunter Avenue, Repton Park, Singleton and Park Farm South and East which, together, are expected to deliver 853 dwellings in the Plan period (the latter three of these are sites included in the Local Plan 2000 [USI/CD/28]). The overall total of dwellings (allocations + windfalls + developments under construction) would be 2,537 as shown on the housing trajectory (see below, para 80). Taken at face value the total exceeds the CS4 requirement, including the 10% flexibility allowance referred to in the supporting text, and would exceed the NPPF requirement for a 20% buffer to take account of previous under-delivery.
31. Representations that there is not a sufficient supply for the Plan period are based on the premise that the whole of the supply should be provided for by way of allocations. The argument is neither convincing nor a sustainable approach to development in the urban area. CS4 and supporting text (paras 4.19-23) prioritise the development of brownfield sites. This is also an overarching theme of the USIDPD (para 2.8) in order to improve the local urban environment. Inevitably, brownfield sites are more challenging to develop and potentially more expensive than greenfield sites.
32. The USIDPD no longer seeks to impose a bespoke phasing approach, but it does seek to limit new greenfield allocations to those which would help to deliver key infrastructure projects. The developments under construction, together with the allocations contained in this DPD provide a significant amount of greenfield housing land. The allocation of further peripheral greenfield sites prior to the CSR, where these are not necessary to deliver infrastructure, would be likely to prejudice delivery of brownfield developments - not just within the urban area, but also those town centre brownfield sites allocated but not yet delivering dwellings. This would not form a sustainable approach to development and the strategy would be undermined by further allocations of peripheral greenfield sites.
33. As reported above, the allocated sites have been selected through systematic study of urban capacity, stakeholder engagement, public consultation and sustainability appraisal. Infrastructure requirements, flood risk, ecological interests and other relevant factors have been taken into account. Initial proposals have been amended as part of the consideration of options in the Plan preparation process. As a result there is ample justification for the selection of the allocated sites. Site-specific matters are considered in more detail below but the overall conclusion is that the housing allocations are sound.

Employment

34. There were no substantive representations regarding the overall provision for employment land. Based on conservative assumptions, the revised Employment Development Background Paper, October 2011 [USI/CD/14b]

concludes that the employment allocations will ensure that a level of choice and oversupply is provided in the market. The Council accepts that the available land for industrial purposes does not, on its own, achieve a 40% oversupply for flexibility to meet the aim of CS Policy CS4, but it does allow for the delivery of sufficient industrial jobs for the Plan period. In this respect I consider the Plan to be justified and effective. Some concerns were raised regarding individual allocations which are considered under Issue 3, and about the impact on delivery as a result of the ongoing situation with regard to junction 10A (J10A) on the M20. The latter is considered below.

Infrastructure requirements

35. The importance of J10A on the M20 motorway for development in Ashford generally, and specifically within the urban area covered by this Plan, was a significant point of focus for the Examination. A press statement by the DfT in May excludes Government funding for J10A within the next three years and does not include the scheme for the start of construction in future spending review periods. The existing J10 cannot serve all the planned development and is a significant constraint. Additional motorway junction capacity to the south and east of Ashford is fundamental to achieving the growth aspirations and full implementation of the CS.
36. It had been anticipated by the Council that the scheme would not be funded before 2015 and so it had taken steps to ensure that no development within the USIDPD would be dependent on delivery of J10A. This was to be achieved by a controversial apportionment of Development Units (DUs) - originally devised as a means of dividing the costs of the Transport Plan between the developers of the four main development sites at Cheeseman's Green, Waterbrook, Bushy Royds and Park Farm and described fully in SPG6 - *Providing for transport needs arising from the South of Ashford transport Study – 2004*. The DU is referred to in 'BD3 - Release of Development which would affect M20 Junction 10' [USI/CD/12a and 12b] as based on the rate of trip generation given as equal to 150 two-way trips in the two peak hours combined (derived from para 6.2 of SPG6).
37. The net result of calculations in BD3 is that the Council estimates that 5.03 DUs of capacity can potentially be utilised by other developments pre –J10A, although there are identified risks of oversubscription of J10 involved in the strategy. The allocated sites that could potentially benefit from the extra capacity are seen as U14 Willesborough Lees, U22 Conningbrook and U19 Sevington.
38. The HA has signed a SoCG with the Council but this also identifies areas of disagreement. Fundamentally, the HA disagrees with the appropriateness of the method used in BD3 to calculate the number of DUs currently being unused. However, the HA agrees that a total of 5.47 DUs have remained unused and are available for reallocation whilst it considers the quantum of development coming forward should not exceed a total of 32.8 DUs. The HA's concern regarding the use of DUs has some weight, but in the absence of an alternative process it appears to me that the Council has little option but to use a 'rule-of-thumb' approach to identify the consequences of developing in particular locations. This is particularly the case in the short term since a traffic survey to gauge the impact of improvements to J9 and Drovers

Roundabout on J10 has yet to be instigated. The results of such a survey may lead to a re-assessment of the capacity of the existing J10 but this is likely to feed into the CSR process and no changes are necessary to the USIDPD.

39. Concerns were expressed by representors that reallocating DUs would constrain proposals for development elsewhere - most notably Waterbrook and Orbital Park (vacant plots in the 'central island' of the site) would no longer have a continued reservation of J10 capacity. The supporting text to Policy U16 Orbital Park does refer to the constraint (para 6.127) and this is dealt with under Issue 3 at para 71. No other references to constraints on development proposals are included in the USIDPD either in the form of policies or in supporting text. Nevertheless agents for the owners/developers of the Waterbrook site have sought to question the basis for the re-allocation of highway capacity as it would prevent the implementation of Policy CS5. I consider those questions should be properly addressed through negotiations in respect of individual development proposals and it is not appropriate, in my view, to include further text within this DPD. As a short term measure to ensure early development opportunities are progressed, it is my view that the Plan is sound without further adjustments to the text in this context – subject to my conclusions in the following paragraphs.
40. During the hearings agents for the owners of the Sevington employment site (U19) indicated that an alternative developer led scheme to provide additional capacity at J10 was subject of discussions with the HA. The scheme would form the first stage of the full scheme for J10A and would allow for the development of the whole of the Sevington site, along with most of the sites identified in the CS. General agreement had been reached on the scheme's delivery, with a start date in late 2013. Work is continuing with the HA and it is proposed that the scheme would be the subject of a planning application with full consultations at an appropriate time.
41. The non-delivery of J10A clearly has significant implications for the Council's aspirations for the Growth Area, particularly in terms of the proposed urban extensions. Whilst this is a matter for consideration through the CSR process, early delivery of a partial scheme to alleviate the problems with J10 is an important consideration which should be properly reflected in the USIDPD text. It is therefore appropriate for the USIDPD to make reference to the proposal and, in order to be sound, the necessary text has been agreed with the developers and HA for inclusion. The amendments affect paragraphs 5.24, 6.147, 9.28 and 9.29 (**MMs 6, 26 and 38**).
42. The A2070 Orbital Park junction links to J10 and would also connect to J10A in due course. It is currently operating close to capacity at peak hours which is a constraint on new development areas south of the A2070 - particularly relevant to development intentions at Waterbrook and Cheeseman's Green. An improvement scheme has been considered for the full upgrading of the junction, and an interim scheme would enable some of the permitted development at Cheeseman's Green and Waterbrook to be delivered. Both schemes would be developer funded. None of the proposed development within this DPD is dependent upon either scheme and the text within the Plan is sound without further amendment.

Issue 3 – Are the allocated sites appropriate and deliverable, having regard to the necessary infrastructure, site constraints and other considerations; is there a need for additional allocations to meet NPPF and CS requirements and are the omission sites appropriate and deliverable?

Allocated Housing sites

43. So far as the allocated housing sites are concerned these may be considered in three groups: the urban brownfield sites (U2, U4, U6A, U7, U10, U11, U12, U13); the park & ride cluster (U9 & U18); and the peripheral greenfield sites (U1, U5, U14 & U22).
44. Urban brownfield sites In general terms there are relatively few unresolved representations. The former railway works site in **Newtown Road (U2)**, proposed for a mixed-use neighbourhood incorporating some 700 dwelling units, is one such site where representations resulted in minor amendments prior to publication of the submission Plan. In the case of **Lower Queens Road (U4)** representations regarding the access to the site are not supported by the HA. No change to the Plan is necessary in this respect.
45. The former **Ashford South Primary School site (U6A)** was introduced as a change to the publication version of the Plan. There is an historical resolution to grant planning permission for residential development but doubts have been expressed that it will be deliverable within the timescales of the USIDPD. The Policy acknowledges that access will have to be through the adjacent Jemmett Road K College site. The latter has outline planning permission and forms an omission site proposal (site A). Clearly there would be benefits in the sites coming forward for development together, particularly in terms of access provision, and logic suggests the K College site should be formally proposed as a housing allocation since the College is pursuing a scheme for relocation. As a consequence and for soundness, I consider the K College site should be included as an allocation – a conclusion accepted by the Council (**MM15**). It is necessary to amend Appendix 1, the table of housing allocations, to reflect this change (**MM44**).
46. It has been suggested that the **Leacon Road site (U7)** is intrinsically unsuited to housing development because of its location in relation to employment uses. The site is currently vacant and in a sustainable location. Whilst the Council acknowledges its suitability for employment uses it is seen as a key brownfield site for housing purposes. The character of the site has changed as a result of its relationship to Victoria Way and there is no substantive evidence to show that a housing development would be inappropriate.
47. The former **Ashford Hospital site (U10)** is now vacant and forms a prime development site. It is located within a mature residential area and has been the subject of discussions regarding potential schemes in the past. There is no evidence to suggest that it cannot be delivered during the Plan period.
48. The **Bishop's Green site (U11)** is currently unused and is located in a residential area, adjoining school playing fields. It is in the ownership of KCC but not required for playing fields by the school. The Examination was informed there is an undetermined planning application on the site, awaiting

updated ecological surveys. Whilst there have been suggestions that it has value as an open space, the site is securely fenced and there is currently no public access. There is no suggestion that development could not be delivered within the Plan period.

49. **Associate House, Queens Road (U12)** is a former adult education centre which has been sold by KCC to a local developer with a reported 'strong' performance in a neighbouring authority. A planning application is expected to be submitted during the year. There have been suggestions that development would have an impact on what is described as a wildlife haven. However, NE has offered no comment and the site is clearly deliverable.
50. **Mabledon Avenue (U13)** is currently in employment use. Evidence was provided by a letter from the current occupier to indicate an intention to seek new premises. Although there are clear implications for a proposal for residential use in the context of Policy U20 in the USIDPD, its location, within an established residential area and close to the town centre and other facilities, suggests a more appropriate use would be housing. Part of the site lies within Flood Zone 3 so a FRA will be necessary but there are no other reasons to suggest that development could not occur during the Plan period.
51. The park & ride (P&R) cluster There are local concerns that the housing allocation (U9) and the special care residential site (U18) are isolated from the main urban area and that development would impact on The Warren LWS. **The P&R site (U8)** is a commitment identified in the CS supporting the transport strategy and was previously included in the Local Plan 2000. It is in the ownership of KCC. No convincing reasons have been advanced to indicate that the site will not be developed in due course. Textual changes have been agreed with KWT through the SoCG to ensure the protection of the LWS (**MM16**).
52. **Site U9 Maidstone Road** was considered in the SHLAA (2009) when it was thought that development would create an unnatural boundary to the existing built development. However, it was reviewed in the SA (2010) and considered to be well related to the existing urban fabric of Ashford by reason of its location, opposite the developing Repton Park. Originally considered as enabling development for the P&R scheme the Council now believes each site should be considered on its merits. Whilst U9 appears isolated at present, the location is recognised as an important gateway to the town. Accordingly, and in the context of the P&R proposal, the allocation is appropriate.
53. **Site U18 Warren Lane** was previously proposed for B1 office development and special care residential uses, but the office use was deleted as part of the changes proposed prior to publication of the submission Plan. The change was generally welcomed. The site is seen as an opportunity to provide special or extra care housing – for which there is a proven need in Ashford – as an affordable housing element in relation to site U9.
54. Seen in the context of adjacent development proposals, including the John Lewis proposal, and with adequate safeguards for The Warren, the uses proposed are logical and appropriate and, in my view, deliverable within the Plan period.

55. Peripheral greenfield sites There are two major greenfield sites – U14, Willesborough Lees with an indicative capacity of 200 dwellings, and U22, Conningbrook Strategic Park for approximately 300 dwellings. Both, as noted above, are related to infrastructure provision. They have also generated representations objecting to their allocation. Two smaller greenfield allocations are included at Abbey Way (U1) and Blackwall Road (U5)
56. **Willesborough Lees (U14)** was indicated as a potential allocation in the CS. The location was acknowledged as a sensitive one regarding the impact of development on the setting of the Kent Downs AONB and Hinxhill village. Nevertheless, the Inspector concluded that "*..the benefits of such an access {to the hospital} may, in principle, be sufficient to justify developing a relatively sensitive area and on high quality agricultural land*", although he did add a caveat relating to "*..an unresolved dispute*" between the Council and the developer over the amount of development necessary to bear the cost of the road. The benefits became questionable in his mind, if the amount of necessary housing exceeded 250.
57. The proposal remains controversial and concerns regarding the potential impact on the area known as The Street were passionately expressed by local residents at the hearings. The Street is a Conservation Area which contains a number of listed buildings and properties have gardens bordering the allocation site. Additionally, concerns were expressed that development of the allocated site would impact on residents through an increase in local traffic. However, the suggestion that as a result of the proposal the USIDPD would not be sound in relation to the South East Plan is not supported by the evidence that the Plan is consistent with the CS.
58. The indicative capacity of the allocation in the Plan is 200 dwellings, below the point where the effects would outweigh the benefits according to the CS Inspector. Additionally, there would be little impact on the AONB and Hinxhill as a result of the limited amount of land involved and by avoiding development in the area east of Breeches Wood. A criterion has been included in Policy U14 (g) to ensure protection for the Conservation Area and listed buildings. Criterion (k) provides for potential amendments to the access arrangements for The Street which the Council advises could include closure of access to provide traffic benefits. Taking all of these matters into account I consider the allocation is appropriate and the Plan sound in this respect.
59. An inaccuracy in paragraph 6.106 regarding the likely peak hour trip generation from the site has been noted by the Council and, for soundness, an amended text is necessary showing the correct figure of 250 two-way movements. A modification has been provided (**MM19**).
60. Turning to **Conningbrook Strategic Park (U22)** the justification for including a housing allocation is to provide enabling development in order to achieve a financially viable scheme to deliver the strategic sporting and water-based recreation leisure park. The CS recognised that some housing development may be required to realise the facility (para 4.14). However, the CS indicated that the optimum amount necessary, together with the balance between this and other proposals was deferred for consideration in this Plan.
61. The publication version of the USIDPD advised that, taking account of the

location and flooding constraints together with the ability to contribute to delivery of the park and its facilities, the need for up to 200 dwellings had been established (para 8.16). The submission version (para 8.15) shows the requirement increased to around 300 dwellings. The Council has advised that this has arisen through the economic work undertaken to support the delivery of the park, given the quality of the facility to which it aspires, and the need to relocate existing industrial facilities on the site. This was a matter of discussion at the hearings. The Council advised that the scope of work necessary to establish the amount of housing had been refined over the past year and a scheme has been worked up towards submission of a planning application on adoption of the USIDPD. The Council reported that the scheme has been subject of an exhibition and workshop sessions with stakeholders.

62. At the hearing the Council reported the progress so far, including that the broad approach has the support of KWT and that a FRA has been completed. There is continuing support for the project locally and, from my visit to the site it appears that the allocation is capable of absorbing a significant amount of housing development. It has the potential to provide a high quality residential environment in addition to providing the financial viability for the scheme.
63. The Council has indicated that the figure given in paragraph 8.21 of 330 two-way vehicle movements at J10 is incorrect. The initial traffic impact assessment has shown this would be around 470 two-way movements, although this will need to be confirmed through a final Traffic Assessment supporting the proposals. As a consequence, for soundness, it is necessary to provide a modification to paragraph 8.21 and the Council has provided appropriate text (**MM32**).
64. The remaining greenfield allocations (U1, land off Abbey Way and U5, land at Blackwall Road) are small areas of open land adjacent to existing development. Whilst neither is related to key infrastructure provision, they would produce a small, but useful contribution to the housing target. It is argued by representors that there is no exceptional justification for their allocation.
65. **The land off Abbey Way (U1)** was assessed as suitable and deliverable in the SHLAA and considered suitable for limited development in the SA. Although the KWT has advised the site contains acid grassland which is extremely rare within Kent it has not provided substantive evidence of the impact the loss would incur and the SoCG makes no further reference to the matter. The Council indicated that a planning application is expected later in the year.
66. The SHLAA assessed the **land off Blackwall Road (U5)** in two parts reflecting two ownerships, finding both suitable for development although the SA considered the site to be in a relatively unsustainable location. The site does not appear to be in use at present and the SoCG with KWT indicates that the text in the submitted document has dealt with its earlier objection.
67. Although both of these sites are peripheral to the urban area and so located at some distance from the town centre there is a direct route under the M20 motorway by way of Silverhill Road. Additionally, they are near to existing services including, for example, the superstore at J10 and nearby sporting

facilities. It appears from the evidence that both of these small sites are deliverable and, in my view, form appropriate sites for small scale development within the Plan period.

Employment sites

68. Representations regarding the employment sites focus on (U3) Chart Industrial Estate, (U15) Henwood, (U16) Orbital Park and (U19) Sevington.
69. Policy **U3 Chart Industrial Estate** identifies the allocation as for B1, B2 and B8 uses. It also indicates that the site's location, relatively close to the town centre, makes it an important area for locating jobs. Further, it provides for a limited scale of retail warehousing, focussed on bulky homeware or DIY goods. Representations suggest this is not consistent with the NPPF (specifically para 23) and that the reference to 'bulky goods retail warehousing' should be deleted. However, the site is located in an area undergoing transformation with progress being made with Victoria Way linking this area to the Southern Expansion Quarter. The changes taking place suggest that it would be an appropriate location for certain types of retail use that cannot be accommodated in the town centre. This appears to me to relate to the advice in the NPPF, para 23, 7th bullet and in this respect I consider the Plan to be sound.
70. A proposal was put to the Examination that a parcel of land to the south of **Henwood (U15)** should be deleted from the employment site and re-allocated for housing purposes, although this was not included as a formal proposal for an omission site. It has been suggested that the site is 'landlocked', that access through the Henwood Industrial Estate is substandard, and that it has proved undeliverable for employment uses, having an outline planning permission in place since 1998. From my visit, the land appears visually separate from the main industrial estate with intervening open space, whilst there is residential development immediately to the south and a new housing development to the south-east. The USIDPD does not include a full 40% oversupply of employment land as required by CS4. Nevertheless the Council considers there is enough land identified to deliver the overall pro-rata floorspace and job targets (see para 34) and there is no contrary evidence before this Examination to suggest that the Plan is unsound in this respect. It appears that constraints on this site, such as access, separation from the main employment uses, and proximity to residential development, mean that development for employment purposes may not be an attractive proposition. However, there is insufficient information to indicate that residential development would be a feasible alternative, particularly in respect of access, and no modification to the Plan is necessary.
71. The concern raised with the **U16 Orbital Park** site is related to development on the 'island site' which is constrained by the need to deliver off-site highway improvements as well as requiring additional capacity at J10. Agreement was reached at the hearings that the supporting text to Policy U16 is too negative and therefore not sound. It should be worded to allow the site to come forward when possible. As a consequence the Council, in consultation with representors, has proposed an appropriate replacement text to be incorporated in paragraph 6.127 (**MM22**).

72. The employment site, **(U19) Sevington**, is a significant area providing a focus for employment development to the south-east of the town. The full release of the site for development is dependent on the proposed J10A scheme and a limit has been set in the supporting text to the Policy. This would limit the floorspace to a specific number of vehicle trips to avoid overloading the existing J10 and the text suggests the use of a 'Grampion' style condition to achieve this. However, as a consequence of representations and subsequent discussions, a proposal to amend the text at paragraph 6.148 has been submitted to include an indicative floorspace figure, a requirement for a Transport Assessment to accompany any masterplan or planning application for development on the site, and deletion of the intention to impose a 'Grampion' style condition. The paragraph was clearly in need of clarification in order to be sound and the proposed amendment is appropriate **(MM26)**. The consequential deletion of the third clause following criterion (c) of the Policy is also necessary **(MM27)**.

Omission sites

73. My conclusion on the appropriateness and deliverability of the allocated sites means that no additional allocations are necessary in order for the Plan to be found sound. Nine alternative or additional sites were put forward for allocation as a result of the consultation process (labelled A – I), seven of which were proposed for residential development (A – G). However site F – land at 198 Sandyhurst Lane, was withdrawn prior to the hearings. Site A – the former South Kent College site (also known as K-College, Jemmett Road), an urban brownfield site, has been proposed for inclusion as an allocation **(MM15** and Annex A) since it currently has outline planning permission – see paragraph 45, above. The remaining five residential omission sites each have significant disadvantages which may be summarised as follows:

B – Bybrook Builders yard, Kennington. The site was subject to Sustainability Appraisal (Addendum Report, October 2011) and considered unsuitable due to its location almost wholly within Flood Zones 2 and 3 and its contribution to the green corridor network. The site does not have the appearance of a builder's yard; rather it is an area of open grassland indistinguishable from the adjacent sports fields of Ashford Rugby Club. Indeed it is used by the Club in association with its own sports fields with the agreement of the owner. The site was shown within the Green Corridor in the Local Plan 2000 [USI/CD/28]. I have noted the comments by the HA, and the FRA prepared by Herrington Consulting. However, these relate to a proposal for two dwellings rather than development of the whole site. Nevertheless it is the characteristics of the site and its relationship to the adjacent sports field which indicate that it is properly considered as within the Green Corridor boundary.

C – Ashford Hockey & Cricket Club & adjoining land; The case for development on the Hockey & Cricket Clubs' ground is that it would form part of a plan to provide a new international standard multi-sports facility to the east of the A28. From the evidence, development of the existing ground and enabling development on the east side of the A28, totalling some 600 dwellings, would be involved. Development of the clubs' site was judged as suitable by the SHLAA [USI/CD/25], subject to relocation of the existing facilities. However when considered in the SA, together

with the enabling greenfield development site east of the A28, the latter was considered to be not well related to the existing urban form and resulting in considerable landscape impact. I concur with that conclusion and accordingly consider the proposal does not offer a more suitable alternative to the allocated peripheral sites in the USIDPD. I have noted comments regarding the 'Jacobs' traffic management report, but this does not alter the overall conclusion.

D – Land to the South of Park Farm East; The site lies to the south of Park Farm East, where development is ongoing with – according to evidence – in the region of 200 dwellings in the pipeline. The Park Farm development has been described as suburban in character and typical of its time. In the context of the present built form of Ashford and notwithstanding the previously submitted Sustainability Appraisal for 230 dwellings, it is not a sustainable location. From my visit, the site proposed is separated from the development already underway by Cheeseman's Green Lane. It forms part of a much larger area of land rising to a ridgeline to the south. There are no visible landscape barriers to further development of the site – as was proposed at an earlier stage. A larger area was considered by the Inspector at the CS Examination and assessed in the SHLAA [USI/CD/25]. I am not convinced by the suggestion that the proposed smaller allocation is not strategic in scale. I acknowledge that it could deliver houses on the ground and support some infrastructure provision but at the present time it is not a sustainable location and could impede the development of urban brownfield locations in the short term. In arriving at this conclusion I accept this is a situation which may well change with the development proposed at Cheeseman's Green/Waterbrook but this is a matter more appropriately considered through the CSR process.

E – Former Sandpit, Sandyhurst Lane. The site was considered at the Local Plan Inquiry in 1998 but not allocated. It has been subject to Sustainability Appraisal (Addendum Report, October 2011) and considered unsuitable due to access constraints and isolated location. Although a suitable highway access has shown to be achievable in engineering terms, the approach is constrained by the nature of Sandyhurst Lane. The main concern, however, remains the relatively isolated location of the site in relation to the main urban area;

G – Land at 10a Blackwall Road, Willesborough Lees. The site was considered and rejected in both the SHLAA [USI/CD/25] and the SA [USI/CD/04a]. It has been argued that both assessments were flawed in respect of the site's capacity for development, and the description and flood risk. Nevertheless, the site lies in open countryside and whilst it may well be described as partly brownfield, the overall impression is of a largely greenfield open site which contributes to the countryside gap between the employment development west of the A2070 and residential development to the south. It is relatively isolated from facilities and, from my site visit, a satisfactory access from the A2070 may be difficult to achieve. There appear to be no benefits in developing this site over other greenfield allocations.

74. In respect of the residential allocations the plan is sound and no further allocations are necessary for soundness reasons. The overall conclusion regarding these individual sites is that none offer significant benefits.
75. Two omission sites were put forward for employment/industrial purposes: site H – land to the south of the M20 and north of the proposed J10A link road; and site I - the former McLaren Foods site on the Beaver Industrial Estate.

H – land to the south of the M20; It is suggested that the land in question is too small in area to be farmed commercially. In view of its location the proposal is for its use for distribution of goods and employment generating uses either with its own policy, or as an extension to the U19 Sevington allocation. As I have noted, above (para 34), there is enough land identified to deliver the overall pro-rata floorspace and job targets for the Plan period and no further allocations are necessary. In this respect the Plan is sound. It also appears to me that a further allocation in this location would be inappropriate in advance of the CSR since the situation regarding J10A remains to be resolved. Even though there is a developer-led proposal for an interim scheme for J10A under consideration, there is uncertainty over the timing and delivery of the proposal;

I – Former McLaren Foods site; The site is made up of a former warehouse (B1-B8 uses) which has been severely damaged by fire and is presently vacant. It is located on an existing industrial estate and adjacent to an out-of-town retail warehousing site. It has been put forward for bulky goods/retail warehousing uses in association with a representation regarding Policy U20 - Loss or Redevelopment of Employment sites (considered below paras 77/78). The Addendum to the SA [USI/CD/04c] concluded that it is a brownfield site suitable for employment uses and that more information on any potential retail requirement and locations may be provided by a new retail study in connection with the CSR. This appears to me to be an appropriate course of action and the USIDPD is sound in this respect so no further amendment is necessary.

Issue 4 – Are the topic policies justified and consistent with the NPPF and CS; is the monitoring and review process adequate to ensure development progresses in accordance with the Plan's objectives?

Policy U20 – Loss or Redevelopment of Employment Sites

76. Policy U20 is seen by the Council as an essential part of the economic strategy by providing a safeguard against the loss of existing employment sites (B1 – B8). Representors have suggested that the Policy does not provide sufficient flexibility for alternative job creating uses and does not proactively encourage or support the sustainable redevelopment of such sites for other economic development uses as defined in Annex 2 of the NPPF (these include public and community uses and main town centre uses but exclude housing development). The basis for the representations appears to be that alternative employment generating uses, such as retail developments, should be considered outside of the town centre, subject to sequential testing, to accord with paras 24 and 26 of the NPPF.

77. It is the Council's position that the USIDPD makes no provision for any additional out-of-centre convenience goods floorspace (para 5.31) on the basis that this should be provided for in the town centre. It also indicates that there may be some flexibility for employment generating uses which fall outside the B1 – B8 categories, provided that they are consistent with the LDF and Government guidance (para 5.27). Policy U20 provides that flexibility by allowing for non B-class employment uses subject to at least one of the criteria (a-c) being met. Other uses which do not accord with this policy can be considered, subject to a sequential test as provided for by para 24 in the NPPF. Accordingly the Policy complies with the requirements of the NPPF and is sound without further modification.

Monitoring and Review process

78. Chapter 10 indicates that the Council's Annual Monitoring Report will continue to be the primary means of monitoring the targets set out within the LDF. It has been anticipated that, due to the short term nature of the USIDPD, issues highlighted through the monitoring process are likely to be dealt with through the CSR process. This is clearly the case to an extent. However, data will be collected on an annual basis for the AMR and it is important that delivery problems should be identified early in the process and appropriate action taken. In the absence of more detailed information, particularly regarding housing delivery, this is unlikely to be possible.
79. A table of indicators and targets is included in the Chapter but this includes only targets for the end date of the Plan period and no annual data. There is no housing trajectory specific to the USIDPD, as required by para 47 of the NPPF (fourth bullet). This is a concern raised in representations and acknowledged by the Council as a consequence of which it was agreed that a housing trajectory would be prepared for inclusion in the DPD. The resulting modifications comprise an amended Chapter 10 (**MM40**) and a housing trajectory (**MM41**). The former modification includes a revised table of indicators and targets with figures for annual additional dwellings; percentages of affordable housing completed; and progress towards infrastructure improvements.
80. Although the revised Chapter still indicates that issues raised are likely to be dealt with through the CSR process (revised para 10.3) the modifications proposed do address the issues raised in representations, including the absence of a housing trajectory. They are necessary for consistency with the NPPF and for soundness reasons. They form appropriate modifications.

Proposals/Policies Map

81. The Proposals Map accompanying the submission Plan does not cover the whole of the Plan area. Representations were submitted suggesting this fails to show the extent of the Green Corridor (Policy U21) or Omission Site D (South of Park Farm East). Whilst the proposal for including the Omission Site is not supported, Policy U21 cannot be found sound unless it is shown on the Map. The Council advised that curtailing the extent of the Map was simply an oversight and it has provided a revised Map which covers the whole of the Plan area and the full extent of Policy U21 (**MM45**). The title has been changed to Policies Map, along with all references to it in the document.

Other matters

Sewerage infrastructure

82. A number of site specific sewerage and infrastructure issues were identified through representations. Essentially, SW is concerned that unless the need for local sewerage infrastructure is recognised in relevant site policies there is a risk that the necessary infrastructure will not be delivered in phase with the development. A Joint Statement with SW has been submitted to the Examination which includes as Appendix 1 a table of proposed changes agreed with the Council.
83. In the past ABC has not included sewerage infrastructure requirements within policy wording, but has included references within the supporting text. It maintains this continues to be a valid approach. However, SW considers that the references should be contained within the site policies and supported by amended wording to Policy U24 regarding infrastructure provision.
84. The NPPF (para 157) makes it clear that local plans should plan positively for the infrastructure required in the area. In the context provided by this new guidance I agree with SW that the requirement to upgrade the existing sewerage infrastructure where necessary should be included within policy wording. The relevant and necessary modifications have been agreed by the Council (**MM10 – 15, 17, 21, 35 and 39**).

Wildlife considerations

85. The Park and Ride site (Policy U8) adjoins a locally important wooded site, The Warren, which is a LWS. Whilst the Policy includes a requirement for buffering and ecological habitat creation and management along the northern boundary (criterion b), there is no mention of the need for mitigation measures for the loss of foraging and other habitat. In this respect the Plan is not sound. The SoCG with the KWT includes a suggestion for appropriate wording to be included after para 6.69 of the supporting text. The Council has indicated it would accept such an amendment (**MM16**).
86. The Council's Proposed Minor Amendments have included additional wording to the first sentence of para 8.22 regarding the LWS at the middle ecological lake. However, this does not indicate that the site will form the basis for ecological activities at Conningbrook Park, nor does Policy U22 ensure that the design and layout of the scheme will have proper regard to the LWS. The SoCG with the KWT provides for a further amendment to para 8.22, appropriate wording to para 8.13 and an additional paragraph to be added to the end of Policy U22 (**MM30, 33 and 34**).
87. The parties to the SoCG consider the agreed position would result in no effect on soundness of the Plan. However, in the case of U8, the proposals for development are likely to impact on a LWS to the extent that mitigation measures are necessary, whilst in the case of U22 Conningbrook the LWS would be incorporated within the scheme for development. In these circumstances the policies and their supporting text should ensure appropriate actions are taken in order to be found sound and so I consider the proposed Main Modifications are necessary.

Assessment of Legal Compliance

88. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Urban Sites and Infrastructure DPD is identified within the approved LDS Third Review February 2011 which sets out an expected adoption date of December 2011. This timing has been subject to review in the 2010/2011 Annual Monitoring Report. Adoption is now expected by December 2012. As a consequence of the review, the Urban Sites and Infrastructure DPD content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2008 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	An Appropriate Assessment as required by The Habitats Regulations was carried out in 2009. It concludes that no significant negative effects on the Natura 2000 sites would result from the Urban Sites and Infrastructure DPD.
National Policy	The Urban Sites and Infrastructure DPD complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The Urban Sites and Infrastructure DPD is in general conformity with the RS and consistent with the Ashford Core Strategy.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Urban Sites and Infrastructure DPD complies with the Act and the Regulations.

Overall Conclusion and Recommendation

89. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Urban Sites and Infrastructure DPD local plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Patrick T Whitehead

Inspector

This report is accompanied by the Appendix containing the Main Modifications together with Annexes A – C.