



Report to Ashford Borough Council

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Date >29th September
2010

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE TENTERDEN AND RURAL SITES

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 22 February 2010

Examination hearings held between 22 June and 1 July 2010

File Ref: LDF000963

Abbreviations used in the report

ABC	Ashford Borough Council
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
BAP	Biodiversity Action Plan
CA	Conservation Area
CAA	Conservation Area Assessment
CS	Core Strategy
DPD	Development Plan Document
HEFCE	Higher Education Funding Council for England
ICL	Imperial College London
KCC	Kent County Council
KESR	Kent and East Sussex Railway
KHS	Kent Highway Services
KWT	Kent Wildlife Trust
LDF	Local Development Framework
LDS	Local Development Scheme
LP	Local Plan (Ashford Borough Local Plan June 2000)
LWS	Local Wildlife Site
PWC	PhoenixWyeCollege
RSL	Registered Social Landlord
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEEDA	South East England Development Agency
SHLAA	Strategic Housing Land Availability Assessment
SLA	Special Landscape Area
SM	Sustainability Matrix
SPD	Supplementary Planning Document
SUDS	Sustainable Urban Drainage Systems

Planning Policy Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning

Non-technical summary

This report concludes that the Tenterden and Rural Sites DPD provides an appropriate base for the planning of that part of the Borough of Ashford outside the Ashford Growth Area, over 15 years from 2006-2021. The Council has sufficient evidence to support the strategy and can show that the planned development is likely to be delivered.

A limited number of changes are needed in order to meet legal and statutory requirements, which are found in Appendix A of this report. They fall into 3 categories:

- (A) Factual changes to reflect the revocation of the RSS, and amendments to PPS3, PPS4 and PPS7.
- (B) Changes to clarify to which parts of the settlement hierarchy, and other rural villages, certain Topic Policies apply.
- (C) Changes necessary to make Policies CHAR1 and WYE3 sound.

The changes recommended in this report are based on suggestions put forward by the Council, in response to points raised in discussion during the examination. **They do not alter the thrust of the Council's overall strategy.**

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The DPD is contained within the Council's Local Development Scheme where it is shown as having a submission date of October 2009. The programme has slipped somewhat, mainly because of the introduction of significant Proposed Changes and subsequent public consultation in late 2009-early 2010. However I am satisfied that the preparation of the DPD has been generally in accordance with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The current SCI was adopted by the Council in December 2009, and most of the consultation stages of the DPD were carried out under an earlier version. It is evident from the documents submitted by the Council, including the Pre-submission Consultation Statement, that the Council has met the requirements as set out in the SCI in force at the time, and relevant regulations.
Sustainability Appraisal (SA)	SA has been carried out and an Addendum to the SA, in relation to those of the Proposed Changes to the Publication Version of the DPD which warranted further assessment, was published. Both were subject to public consultation and are adequate.
Appropriate Assessment (AA)	An AA has been undertaken and I am satisfied that that there would be no adverse effect on the integrity of Natura 2000 sites as a result of the policies and proposals within this DPD.
National Policy	The DPD complies with national policy except where indicated and changes are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The DPD complies with the Act and the Regulations.

1 Introduction

- 1.1 This report contains my assessment of the Tenterden and Rural Sites Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, together with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act. It considers whether the DPD is compliant in legal terms and whether it is sound. Paragraphs 4.51-4.52 of Planning Policy Statement 12 (PPS12) makes it clear that to be sound, a DPD should be justified, effective and consistent with national policy.
- 1.2 The starting point for the examination is the assumption that the Local Planning Authority has submitted what it considers to be a

sound plan. The basis for my examination is the Submitted DPD of February 2010 together with the Council's schedule of proposed minor amendments of the same date [CD1b], which I endorse.

- 1.3 I am satisfied that the DPD meets the legal requirements of the Act and Regulations, as shown in the table which precedes this section. My overall conclusion is that the DPD is sound, provided that it is changed in the ways specified. The changes which are recommended are found in Appendix A and are, in summary:
 - (A) Factual changes to reflect the revocation of the Regional Spatial Strategy, and amendments to PPS3, PPS4 and PPS7.
 - (B) Changes that clarify to which part of the settlement hierarchy, including the list of rural settlements, certain Topic Policies apply.
 - (C) Changes necessary to make Policies CHAR1 and WYE3 sound.
- 1.4 The changes are suggested by the Council, arising in response to points made in discussion during the examination. They are recommended only where there is a clear need to amend the document in the light of the soundness considerations in PPS12. Appendix B contains a minor editorial change required by the Council, which is not necessary to make the plan sound and is not therefore the subject of recommendation, but which I endorse. The changes are cross-referenced to the appendices in the text in bold, for example **PC6**.
- 1.5 Two cycles of public consultation took place after the examination hearings. The first sought comment on the effect on the DPD of changes in June 2010 to PPS3, and the revocation of Regional Spatial Strategies (RSS) (changes A). The second was a focussed consultation, with those most affected, concerning changes to allocated site policies CHAR1 and WYE3 (changes C). I have taken account of all the responses in my report. Changes B are of an editorial nature to remove conflict and add clarity, essential to make the plan effective and thus sound. They have not therefore been subject to further public consultation. All the changes have however been published on the Council's website.
- 1.6 None of these changes materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal or participatory processes already undertaken. I am content for the Council to make any additional minor changes to the plan to page, figure, paragraph numbering etc, or to correct spelling, prior to adoption.
- 1.7 The DPD sets out the site allocations, principally residential, which carry forward the housing strategy of the Ashford Core Strategy (CS). It also includes a number of Topic Policies of relevance to the rural area. The structure of my report follows similar lines. It deals first with broad housing strategy, followed by examination of the allocated sites and the omission sites (those which do not form part of the plan but have been put forward by others), then the Topic

Policies and consideration of Implementation and Monitoring. It is based on the Matters and Issues identified during the examination, which are set out as headings to various sections of the report. The report focuses on issues which affect soundness, and does not necessarily reflect every representation made to the Examination. In order to comply with legislation, my Overall Conclusion and Recommendation includes a formal recommendation on the changes in Appendix A.

- 1.8 References to documents in the Examination Library are shown thus [].

Consideration of Soundness

Vision and objectives

- **Is there a firm vision and aims for the rural area of the Borough which reflect its needs and distinctiveness, and carry forward those of the Core Strategy (CS), the Sustainable Community Strategy (SCS) and which are reflected in DPD policies?**
- **Is the vision or aims of the DPD accompanied by objectives against which the outcomes of the policies can be measured?**
- **Is the DPD truly Spatial – does it bring together policies for the development of land with other policies and programmes from the SCS, and a variety of other organisations, which influence how rural places function?**
- **Is the DPD's approach to sustainable development in rural areas limited by its concentration on housing issues? In particular, how does the vision of the DPD carry forward that of the SCS to ensure that new housing is accompanied by new jobs and all the necessary social and community infrastructure?**

Firm vision

- 2.1 Paragraph 4.1 of the DPD states that the Council's vision for the rural parts of the Borough is found in Chapter 6 of the CS. However, the beginning of that chapter expresses only the objective for the rural settlement strategy. The wider vision is found in paragraph 1.29 of the CS, which refers also to protecting and enhancing the natural and built environment of the rural areas. A minor amendment to correct these references would add clarity but I consider that its omission would not prejudice the soundness of the plan and I make no recommendation on that point.

Objectives

- 2.2 Much of Chapter 4 of the DPD, entitled "The Vision", is essentially descriptive, although the broad strategy of the plan is woven into the description. However, this makes it more difficult for the reader to unpick and identify the key elements of the DPD's vision. There is no clear audit trail in the DPD, apart from a partial one in

Appendix 2, of how each element of the vision for the rural area would be translated into strategic objectives which would carry forward the relevant aims of the Core Strategy (CS), and particularly the Key Themes and aims of the Sustainable Community Strategy (SCS), or how specific policies would translate those objectives into action. There are no indicators, in this part of the plan or within the policy chapters, which would show how successfully policies were delivering the vision and fulfilling the objectives over the plan period. I say more about this in the section on Monitoring.

Spatial plan, emphasis on housing

- 2.3 In particular, the lack of firm links to the Key Themes of the SCS dilutes the Spatial qualities of the DPD, which is predominantly a land-use and development management plan. Clearly the end result of the application of DPD policy is development on the ground, or its restriction. However, it does not appear that advice in paragraph 30 of PPS1, or section 2 of PPS12, has been fully taken on board. For instance, there is no indication of where the Council might develop effective partnerships with other agencies or organisations in order to deliver parts of the DPD, for example as suggested in Key Theme 7 of the SCS *Keeping Ashford Moving*, and how that would help to deliver the objectives of the CS and DPD to encourage the accessibility of the rural population to services and facilities.
- 2.4 The DPD is not wholly a housing site allocations plan, because it contains a raft of other topic policies, including those concerning employment. I recognise that, on a Borough-wide scale, the 2008 Employment Land Review concluded that no specific allocations of employment land would be required in the rural areas. The Local Planning Authority's approach in choosing to use a group of criteria-based policies to guide employment-related development is a valid one. I discuss Employment policy in a later section of this report.
- 2.5 The DPD does not cover all possible topics of relevance to the rural area because some Borough-wide policies are already adopted in the CS, and others are to be the subject of emerging DPDs such as that on Development Management.
- 2.6 Overall on this Matter I find nothing that would threaten the fundamental soundness of the DPD. My comments under this heading should however be taken into consideration by the Local Planning Authority in other LDF work.

Overall strategy – housing numbers

- **How does the housing provision of the plan relate to that of the Regional Spatial Strategy (RSS) the South East Plan?**
- **Is the evidence base for the housing targets robust? In particular, have housing completions and commitments since**

2006 been fully taken into account? How has the SHLAA (Nov. 2009) informed the DPD?

- **What assessment is there of changes in the number, distribution, prosperity and structure of the local population which might drive local housing needs?**

RSS – the South East Plan

- 2.7 All RSS were revoked in July 2010 after the end of the examination hearings, and the South East Plan is no longer part of the development plan for Ashford. I therefore allow it no weight. However, the overall housing figure for the rural area was derived not from the RSS but was handed down from the CS, the primacy of which is unchanged. I see no threat to soundness in this matter.
- 2.8 Changes to the plan should be carried out which are needed in order to reflect the recent revocation of RSS **(PC2)**. The changes are only of a factual and editorial nature but without them the plan would be unsound because it would not accord with national policy. The changes do not affect the strategy of the DPD.

Evidence base

- 2.9 The housing targets of the DPD are based on CS Policy CS6, which allocates 1000 dwellings in the rural areas over the plan period 2006-2021, in two Phases, in accordance with a settlement hierarchy. Time has passed since the adoption of the CS and the figures have been updated by subtracting completions between 2006 and 2008 to make a residual total for the rural areas of 865 dwellings (DPD Table 6.1). This is not reflected in the column headings of the Table, which still refer to 2006, but I consider that sufficient explanation is given in paragraph 5.6 of the plan.
- 2.10 I have no evidence that the estimate of completions during 2006-08 is inaccurate to the extent of making the plan unsound, or that there is any fundamental need to revisit the CS evidence base as a whole, which has been found to be robust. The Local Planning Authority is right to exclude sites with planning permission from the calculation of housing provision, in accordance with paragraph 58 of PPS3. No robust evidence has been put before me that they should do otherwise in terms of advice in that paragraph. Similarly, windfalls have been correctly omitted from the calculations of land supply for the first 10 years of the plan, from 2006-2016, in accordance with PPS3 paragraph 59, and have not been taken into account. The completions in 2006-08 referred to above include some dwellings from windfall sources. However, that is a different matter because on completion they become part of the housing stock at the new base date of 2008, rather than sites which may or may not be delivered at some time in the future.
- 2.11 I consider it unnecessary to include a contingency figure in the housing provision totals. Windfall residential development will no doubt continue in the rural areas in accordance with DPD policies, and would provide some degree of contingency supply should

housing on the allocated sites not be delivered in the numbers or at the times anticipated. I have no firm evidence that changes to PPS3 during the examination, to remove residential gardens from the definition of previously-developed land, will severely limit the supply of windfall dwellings. Whether or not a site is previously-developed land is one material consideration among many to be assessed in applications for residential development.

- 2.12 The removal of the former national indicative residential density target of 30 dwellings per hectare from PPS3 in June 2010 should not threaten the deliverability of the DPD strategy or justify either the enlargement of sites to accommodate lower density development or the introduction of contingency sites to make up for potential shortfalls. The Local Planning Authority is clear that the number of dwellings proposed for each allocated site is indicative, and that the determination of the final number of dwellings to be provided on each development will be design-led in accordance with paragraphs 4.10-4.13 of the plan. The removal of the national target does not compel local planning authorities to require the provision of lower density development, and PPS3 still emphasises the importance of delivery and the efficient and effective use of land.
- 2.13 The SHLAA of December 2009 did not fully inform the early stages of the preparation of the DPD, which was submitted in early 2010. However, I find that this has not given rise to a fatal gap in the evidence base because the sites examined in the SHLAA included all those in settlements in Tiers 1-3 of the DPD already investigated in the Sustainability Appraisal (SA) and its Addendum of November 2009 [CD2b]. All the DPD allocation sites were found in the SHLAA to be both suitable and available.

Top-down approach

- 2.14 I share the concern of the Inspector in the examination of the CS that the rural housing strategy has overwhelmingly a top-down approach, with little analysis of the demographic structure of the rural population and households, how this is changing over time and how it might change further over the plan period. Paragraph 2.7 of the CS states that demographic trends in the rural areas will be examined further in the DPD, but this does not appear to have occurred. The main emphasis in the DPD evidence base is on the assessment of the quantity and characteristics of housing land supply.
- 2.15 On the demand side there is no Strategic Housing Market Analysis and the Housing Needs Survey of 2005 [CD21] is somewhat elderly; its update is too late to inform the DPD. Without such evidence it is difficult to assess housing needs, including those of particular groups in the rural population such as the elderly and students, or the sort of housing mix which might be required and where. Instead local needs and local expressions of the scale and type of development desired for their settlement were identified

primarily through the Rural Community Workshops, together with reference to Parish Plans or Village Design Statements, where available. I consider that this is a valid approach and that the weakness of the evidence base in this regard is not so great as to threaten soundness.

Overall strategy – housing mix and densities

- **In general, are the numbers of dwellings allocated to each site realistic in terms of densities?**
- **Is there a clear indication of the housing mix expected for each Policy site, and how it relates to needs identified in the evidence base?**

Density

- 2.16 Since the DPD was submitted the national indicative minimum net housing density of 30 dwellings per hectare has been deleted from paragraph 47 of PPS3. Nevertheless the use of good design to ensure the efficient use of land is still a key theme of both PPS3 and PPS1.
- 2.17 There is a lack of clarity to some extent in the DPD in that neither densities nor site sizes are given for every site. However, I find that there is sufficient guidance for applicants where the provision of housing at different densities on different parts of the site would be important to the successful assimilation of the development into its context, such as at TENT1 or HAM1. I am satisfied that where densities seem rather low, for instance at BETH2 or WOOD1, there is good reason; the proposed provision of public open space in the first case and the character of the area in the second.

Housing mix

- 2.18 There is no guidance in the DPD in terms of the housing mix proposed for each Policy site, despite the specific direction in CS Policy CS13 and paragraph 10.19 that this will be set out in DPDs.
- 2.19 Applicants can fall back for guidance on the general requirement of Policy CS13 that a range of dwelling types and sizes should be provided, based on the Council's assessment of local housing needs. The Ashford Borough Housing Needs Survey of 2005, recently updated (HNS), gives some assistance but this is a Borough-wide assessment. The Council's suggestion that individual developers should undertake a local housing needs survey at the planning application stage would be unduly onerous and could delay delivery. I accept that one should avoid an over-prescriptive approach, which could be inflexible. However, the lack of locally-focussed guidance on housing mix would appear to be a missed opportunity, stemming from a gap in the evidence base, to give a distinctive emphasis to the DPD which would enable it to respond directly to rural needs. Nevertheless, I find that the shortcomings are not so severe as to prejudice the soundness of the DPD.

Overall strategy – housing distribution

- **Does the proposed distribution of new housing follow the CS strategy, and is it robust, sustainable and deliverable?**
- **Is the Sustainability Matrix soundly based, and flexible enough to take account of future change?**

CS strategy

- 2.20 CS Policy CS6 sets out the 3 tier rural settlement hierarchy and housing numbers to be provided, in 2 phases. The policy indicates that both the distribution of housing numbers between settlements, and the list of settlements to be included within Tier 3, are to be subject to more detailed assessment in the DPD. Tenterden stands at the top of the hierarchy as the largest town in the Borough after Ashford, with a wide range of shops and services. It is clearly the most sustainable location for development in the rural area. The second tier villages of Charing, Hamstreet and Wye are next in the hierarchy, followed by a third tier of smaller settlements.
- 2.21 The hierarchy in Table 6.1 of the DPD reflects the overall strategy of CS Policy CS6. The proportion of housing at Tenterden is slightly larger, and that at the Tier 2 villages slightly less, than in Policy CS6 but I do not find that this skews the strategy. There appears to be an increased emphasis on provision in Phase 1 of the plan, but this is due mainly to the change in the end date of Phase 1 from 2013 in the CS to 2016 in the DPD, to take account of the passage of time since the adoption of the CS, and does not represent an alteration in the overall approach. The indicative even distribution of housing between the Tier 2 settlements in the CS has been reassessed in the DPD to give a greater amount to Charing and less to Hamstreet and particularly to Wye. This is a fair result of the further assessment of the environmental and other constraints on the settlements and the sites available. Wye is a particular case and I say more about this later in the report.

Robustness

- 2.22 There were 3 strands to the process of the selection of sites and settlements: rural housing land supply, community engagement through the Rural Community Workshops, and the Sustainability Matrix (SM). An efficient assessment of land supply was made in the form of Rural Capacity Studies carried out in 2005 and 2006 [CD10] together with a trawl for sites in 2007 amongst landowners and stakeholders.
- 2.23 Rural Community Workshops were carried out in 2007 and 2008 in the settlements of CS Policy CS6 together with others, in order to gain an initial understanding from residents of which areas of the settlement could potentially be acceptable for future development, and the possible direction and scale of growth. The results were

published in the Issues and Options Report [CD13] which was subject to public consultation. The method of issuing invitations to the Workshops or publicising them was left to Town and Parish Councils as being best placed to identify a reasonable cross-section of their residents. The attendees may not have been fully representative of their communities in all cases, and some comments may have been put forward without full information or not entirely on good planning grounds. However, the Workshops form just one element of the evidence base, and I consider that they are a good example of attempts to fully engage the community in the plan making process.

- 2.24 The Sustainability Matrix (SM) was criticised by the Inspector in the examination into the CS, including because of doubts concerning its accuracy and robustness in the face of a history of closure of village shops, and because there was little information in relation to employment. However the SM was updated in 2009 for the DPD [CD12 Housing and Employment Background Document]. New scoring factors were added concerning banks, chemists and number of businesses and an element of double-counting concerning recreation facilities was removed. The SM is only a snapshot of the state of the villages at the time of survey, but is to be updated yearly as part of the Annual Monitoring Report. I consider that the SM forms a sufficiently robust and flexible portion of the evidence base.

Sustainability - general

- 2.25 The settlement hierarchy clearly forms a sustainable approach to the distribution of new housing, and one which has been tested already at the CS stage. In terms of individual sites, the Sustainability Appraisal of June 2009 [CD2a] was published for consultation at the same time as the Publication Version of the DPD [CD1c]. Whilst that was the date on which it was made public I have no reason to believe that it did not inform the preparation of the DPD in earlier months.

Sustainability - settlements omitted from Tier 3

- 2.26 Policy CS6 suggests a list of third tier villages, to be finalised in the DPD. Of those listed, Pluckley and Challock have been omitted from Tier 3 in the DPD. **Pluckley** was removed from the list of Tier 3 villages because the Sustainability Appraisal found no sites considered suitable for allocation, and because the Parish Council is opposed to further allocations for residential development in their parish. **Smarden** was also omitted as a Tier 3 village. It was not included in Policy CS6 of the CS. It scored just above Aldington in the 2009 SM [CD12], but the Parish Council showed no wish, at the formal consultation stages of the CS or of the DPD, to be included in Tier 3. The Local Planning Authority's response to local views in excluding these villages from the settlement hierarchy is a valid approach. I see no reason to add **Kingsnorth**, which was not listed in Policy CS6; its inclusion would conflict with the CS strategy.

- 2.27 In **Challock** however there was positive local interest, expressed at the Workshops, for limited growth near the centre of this rather diffuse village. However, in the SM it scored below the other settlements in the list of potential Tier 3 candidates, apart from Aldington where it scored the same. **High Halden** and **Hothfield**, also excluded, scored lower still. Challock was not included in the 2004 and 2006 Rural Capacity Studies [CD10] but sites were subject to SA [CD2a]. The Local Planning Authority consider that the SA found no sites suitable for development in Challock; those close to the village centre had other drawbacks.
- 2.28 I note the comment in the Taylor review of the rural economy and affordable housing (2008) on the "sustainability trap", that a low score for a settlement in a rural sustainability matrix can become a self-fulfilling prophecy as potential development is directed away to villages with higher scores. However, overall on the settlements omitted from Tier 3, I consider that even if suitable sites had been available, there is no direction in the CS policy that allocations should be found in all potential Tier 3 settlements. Sufficient provision has been found in those that are the most sustainable and that is a valid approach; there is no need to look further in this plan period. The settlements are among those that, instead, could accommodate minor development or infilling under Policy TRS1.

Sustainability - previously-developed land

- 2.29 Paragraph 36 of PPS3 requires that the priority for development should be previously-developed land. This is difficult to achieve in rural areas, where there is generally little land available for recycling, and few brownfield sites were identified in the search process. Of those, most were rejected because they represent existing employment sites, which it is important to retain. CHIL1 was an employment site but it has been vacant for some 10 years, even with the benefit of more recent planning permission for employment use. It is right that it should now be available as a housing allocation. I find that the selection of allocated sites represents the best attempt to seek for brownfield land in relation to local circumstances.

Delivery

- 2.30 I have no reason to believe that the strategy as a whole is unlikely to be delivered, either in terms of housing numbers or phasing over the plan period. I examine delivery further in the context of individual sites in the next section, particularly in regard to Tenterden, and in the section on infrastructure.

Conclusions on overall housing strategy

- 2.31 For the reasons given in the preceding sections I find that the overall housing strategy is consistent with the CS and with national policy, that sufficient development has been allocated and in the right place in accordance with the principles set out in the CS, that

it is deliverable and that the site selection process has been adequately robust, with a substantial contribution from local communities.

- 2.32 In the next section I examine the allocated sites, but only insofar as there are any remaining doubts concerning certain sites or settlements in relation to the questions in the previous paragraph, or any site-specific environmental or other issues. I deal in greater detail with CHAR1 and WYE3 where I make recommendations for changes. My comments have regard to the main points made in the representations made during the post-hearing focussed consultation on those changes. I also deal in greater detail with TENT1, being the largest and most complex allocation.

Allocated sites where change is recommended to make the plan sound

CHAR1

- **Does the site meet national policy in PPS9 concerning nature conservation?**

- 2.33 An area of ancient wet woodland and fen lies adjacent to the northeast of the site, the Alderbeds Local Wildlife Site (LWS), a Biodiversity Action Plan (BAP) priority habitat site rare in Kent. The wetland is fed by groundwater and the springs and streams which run through the LWS, and its wildlife value relies on it remaining wet and relatively undisturbed. I recognise that the springs and streams do not run through CHAR1, and the use of SUDS can ensure that existing greenfield surface runoff characteristics from the development are unchanged. Without a hydrological survey however, the effect of development on the groundwater which also feeds the wetland is unknown. There would be scope for some ecological mitigation to occur on site. Some mitigation might also be possible offsite on wet rough grassland adjacent to the east, south of Alder Wood, in the same ownership as CHAR1, although no firm commitment has been made in that regard.
- 2.34 I recognise that the LWS is well managed and that the Playing Fields would present an alternative attraction for dog walkers. However, the small size, fragility and proximity of the LWS convince me that further protection is necessary if the proposed allocation is to meet the requirements of PPS9. A change to the DPD is therefore essential in order to comply with national policy and to justify the allocation on sustainability grounds.
- 2.35 Development would need to comply with CS Policy CS11, Biodiversity and Geological Conservation, which sets a high test. It is not essential therefore to repeat those requirements in the wording of Policy CHAR1 itself. I agree with the Local Planning Authority's proposal that wording should be added to the reasoned

justification in paragraph 6.44 to the effect that hydrological and ecological surveys should be carried out, together with a scheme showing how any necessary mitigation measures will be carried out and maintained **(PC3)**.

WYE3

- **Is delay in the consideration of the future of the ICL WYE3 sites justified?**
- **Is a masterplan for WYE3 the most appropriate approach?**
- **Would the DPD strategy achieve the best balance between the development of greenfield sites and previously-developed land?**

Educational future of WYE3

2.36 Wye College, part of Imperial College London (ICL), was one of the country's foremost agricultural colleges. It finally closed to teaching in 2009. The University of Kent took over ICL's Applied Business Management courses at Wye for a short time but attracted few new students and closed in 2009. By then Canterbury Christchurch University had also ceased to rent laboratory space for research at Wye. I understand that the School of Oriental and African Studies of London University still runs Distance Learning courses from ICL properties in the village.

2.37 Paragraph 6.27 of the CS sets out the aim of retaining a high-quality, knowledge-based presence in the area, which is important not only for Wye village but for the Ashford Growth Area and the Borough as a whole. Such a presence can improve local skills, create a skilled workforce for incoming investors and generate spin-off businesses arising from local research and development. It is clearly important that the possibilities of continuing the existence of knowledge-based uses at WYE3 are explored rigorously before other uses are considered for this large composite site. On the other hand, undue delay in carrying out this procedure might hamper development which could otherwise reasonably go ahead.

2.38 There is conflict between paragraph 6.98 of the DPD and Policy WYE3 which makes the DPD unclear and therefore unsound in terms of effectiveness. The supporting text states that the issue should be fully assessed as part of the next review of the CS, which is to be adopted before the end of 2014. A detailed site policy for the College land would then be established as part of the review of the DPD, to be adopted before the end of 2016. However, Policy WYE3 itself says that a marketing, viability and masterplanning exercise shall inform the review of the CS. The need to wait for a detailed site Policy in the DPD review is not mentioned. Furthermore paragraph 6.99 adds that, if that process produces robust and widely supported proposals before the CS review, then development could be brought forward earlier and Policy WYE3 would be reviewed accordingly.

- 2.39 I consider that the latter is the right approach and that waiting until 2016 to determine the future of WYE3 through DPD review, as in paragraph 6.98, would be unreasonably inflexible. I find also that it is not essential to wait for the review of the CS in 2014 before formal consideration of the detailed options for WYE3. Paragraphs 4.6 and 4.7 of PPS12 emphasise that only strategic sites, central to the achievement of the strategy, should be allocated in a CS, and then not in detail. The CS review would therefore add little to the process. The wording of the policy itself however says only that the more detailed planning of WYE3 shall *inform* the CS review (my italics). I consider that the Council's suggested change 5 to paragraph 6.98 would make the plan flexible and sound by removing reference to the DPD review, loosening the tie to the CS review and thus removing the conflict in wording between that paragraph, paragraph 6.99 and the policy.
- 2.40 Paragraph 6.99 proposes that if agreement is reached on robust and widely-supported proposals before the CS review, then Policy WYE3 could be reviewed formally instead. Although subject to examination, such a review could be short and focussed. The Council's suggested change 6 adds that, as an alternative, an agreed masterplan could be adopted as SPD under the existing policy. This is reflected in the policy as part of change 7. I consider that existing Policy WYE3, although intentional rather than specific, could form an appropriate foundation on which to base an SPD. Although SPD would not be subject to independent examination the masterplanning process would still go through a process of public consultation, and this is set out clearly in the proposed change to paragraph 6.99. I consider that this would be a proportionate response that would remove the inflexibility of the policy approach and which would meet the requirements of PPS12 section 6.

Marketing

- 2.41 ICL have carried out a campaign to identify an alternative educational or research user for land at Wye, but I consider that there are deficiencies which prevent it from becoming an acceptably rigorous exercise at present. In 2008 ICL contacted 9 government departments and other bodies including SEEDA, Kent County Council and English Partnerships. None expressed an interest. ICL also contacted the Higher Education Funding Council for England (HEFCE). No response was received, but on the other hand there is no evidence of whether HEFCE passed on the information about opportunities at Wye, and when, to which institutions and in what form.
- 2.42 An advertising campaign was carried out by Savills in 2008 in which large advertisements were placed in 4 national publications but for only one day in each of the outlets. I understand that the marketed College land is still featured on Savills' website, but it is not readily apparent to a prospective purchaser. Only 7 expressions of interest

were received. Five were from speculative developers, and 2 were related to education or training.

- 2.43 Of those, PhoenixWyeCollege (PWC) has proposals for a broadly agriculturally-based autonomous self-funded higher educational institution at WYE3. The scheme is at an early stage and while PWC has secured the agreement of the University of Buckingham to award its degrees, it does not yet have firm financial support including for set-up costs. The campaign resulted in only one other enquiry from an educational or training body, Silver Kettle, which was also considered unacceptable by ICL for similar reasons. I can therefore place only limited weight on these proposals for a continuing educational presence at Wye at present.
- 2.44 The marketing exercise was limited to the historic core of the College, together with the Library, car park and a sports field. The remainder of WYE3, the bulk of the land east of Olantigh Road and the Withersdane site which contains the main hall of residence, were not explicitly included in the marketing offer. I recognise that those interested in acquiring further land might ask the agents relevant questions, if indeed they were aware of the full extent of College land. However, the omission of the main horticultural grounds and glasshouses and the hall of residence and staff accommodation on the Withersdane site would in my view decrease the attraction and viability of the offer in the eyes of a prospective agriculturally or horticulturally-based educational or research institution.
- 2.45 I consider therefore that the case has not yet been robustly made that there is no reasonable possibility of one or more long term primarily educational or knowledge-based uses at WYE3. The Council's proposed changes 6 and 7 to the policy and to paragraphs 6.97 and 6.99 would clarify the parameters for a further short, focussed marketing exercise, over the whole of WYE3, would present a more flexible approach to bringing forward development and would remove inconsistencies between the policy and its supporting text.
- 2.46 The proposed minimum length of marketing campaign of 6 months is a reasonable period. I recognise that proposals for new educational establishments take a considerable time to prepare including securing funding. However, I also take into account the length of time that much of the site has been on the market and I consider that an additional marketing period of 2 years would be unjustified. The policy focus is on the WYE3 land and although there is no reason why the sports ground should not be part of the marketing campaign, as it has in the past, it is not essential.
- 2.47 The reference to marketing on 'reasonable terms' in the proposed change to paragraph 6.99 does not need further elaboration, in my view. I consider that the implication is clear that marketing should be at a price which reflects the use restriction being imposed, in

other words for education or similar use, an approach agreed by ICL. This would follow the well-established protocol, used for example in marketing a dwelling with an agricultural occupancy condition at a price which reflects that limitation before seeking the removal of the condition.

- 2.48 The final paragraph of Policy WYE3, as proposed to be changed, would ensure that no premature development could be considered before the conclusion of the marketing process. I do not find however that this implies that alternative uses would be permitted in advance of the adoption of an amended Policy WYE3 or SPD, and I see no conflict with the approach in paragraph 6.99.

Masterplanning

- 2.49 I consider that it is right that a masterplan for WYE3 should look at the site as a whole. It may well be that different parts of the land are found to be suitable for different uses, and could come forward for development at different times. I am aware that there is already serious interest in the Withersdane site for a retirement village. However WYE3 is of major scale in relation to the Borough as well as to the village, and its future should be assessed in a comprehensive way rather than in a piecemeal approach which might fail to make the best use of the opportunities. I see no reason why a masterplanning process would necessarily take longer than development briefs prepared for each of the individual sites. Engagement with the community is essential to the process, but this would not necessarily give rise to unreasonable wish-lists and unchanged parts of paragraph 6.99 emphasise that proposals should be commercially sound as well as generating local confidence in their nature and quality.

Previously-developed land

- 2.50 Much of WYE3 is previously-developed land but this would not justify a departure from the Council's policy approach to the site.
- 2.51 The proposed changes are **PC4-PC7**.

Allocated Sites – no change required

Tenterden

- **Is the degree of reliance of the DPD's housing strategy on one principal site (TENT1) sufficiently flexible?**
- **Have key stakeholders such as landowners and infrastructure providers been sufficiently involved and engaged so that delivery in the timescale proposed is reasonably likely? Is there a need for a contingency strategy should delivery be delayed?**
- **Is the housing allocation balanced by the provision of jobs and community and social infrastructure?**

- **Does the strategy for Tenterden support and promote public transport and the limitation of reliance on the private car?**
- **What are the impacts of TENT1 on wildlife, the historic character of the town?**

Flexibility

- 2.52 The DPD allocates 475 dwellings to TENT1, just over half the plan's proposed housing growth. The total reflects, rightly, the sustainability credentials of the town. The concentration on a southern urban extension is a valid approach which responds to the restriction of development to the north and west by the AONB, and the opportunity to develop in close proximity to the town centre while retaining the vibrant and historic character of the town and Conservation Area. A smaller allocation site TENT2, land north of Westwell Court, was deleted following consultation on the Publication Version of the plan. However, this would have yielded only 20 dwellings, and its retention would not have added significantly to flexibility.
- 2.53 There is a degree of flexibility inherent in the phasing of the development, so that delivery may be managed. There is also the opportunity for reassessment in the review of the CS, which is to be adopted by 2014, although little of TENT1 will have been completed by that early date.
- 2.54 Two strategic sites were put forward in the DPD process, TENT18 land north of Appledore Road which could accommodate some 200-300 houses, and TENT13 off Tilden Gill Road, which could yield up to 162 dwellings. Together they would approximate to TENT1. However, neither are as well related to the town centre and they have a number of other disadvantages which I have outlined in the section on Omission Sites. I find that doubts expressed about the flexibility of TENT1, including concerns about delivery discussed below, are not well-founded and do not justify the allocation of additional or alternative sites.

Delivery

- 2.55 Development would take place in 2 phases, with 300 dwellings to be delivered on Phase A up to 2016, and a further 175 on Phase B by 2021. Assuming that work could start on site in about 2012, this would require a challenging pace of delivery of about 70 dwellings per year for most of 2012-2016, with a slower pace in the later phase of development. Table 2 of the SHLAA shows that 30 net additional dwellings were completed in Tenterden in the 2 years 2006-2008, but these were predominantly windfalls. The Housing Trajectory tables in the AMR 2008-09 [CD19] show that 70 completions per year was achieved easily at a number of major urban sites in Ashford in recent years, although clearly under quite different circumstances. Nevertheless the SHLAA confirms that there is a strong housing market in Tenterden despite the recession, and I see no reason in principle why the required rate of delivery should not be achievable.

- 2.56 TENT1 is in a number of different ownerships. However, the majority of landowners of TENT1 Phase A signed a Collaboration Agreement before the end of the hearings to confirm their commitment to co-operation in delivering the development. A covenant has been drawn to my attention which could restrict building on a small portion of the land, but I see no reason in principle why this should prejudice the delivery of the allocation. The Morghew Park Estates, owners of land approximating to Phase B, have also confirmed in writing their wish to work with the other landowners to deliver the allocation. The remaining landowner, the Tenterden Town Council (TTC), holds a key site south of Recreation Ground Road astride the proposed eastern access to Phase A. They have confirmed that they support TENT1 in principle, subject to a number of conditions including a commitment that any TTC land would be replaced. In the light of these factors, I find that there are no substantial obstacles to delivery in terms of land ownership.
- 2.57 There would be 3 accesses to TENT1, 2 from Smallhythe Road to the west to serve Phase A and Phase B, and one from Recreation Ground Road to the north east. The Peter Brett Associates Transport Statement (TS), prepared on behalf of TENT1 landowners, examined the network effects of the development and the feasibility of the Phase A access to Smallhythe Road. This additional information was requested by Kent County Council Highway Services (KHS) and the scope of the exercise was agreed with them.
- 2.58 The TS carried out LINSIG¹ capacity analysis to the two key congestion points in the town centre, East Cross and West Cross at each end of the High Street. The analysis used 3 scenarios of the split between use of the Smallhythe Road and Recreation Ground Road accesses to TENT1. West Cross was found to operate well within capacity for all scenarios. East Cross was found to operate within capacity for all but at the morning peak in the worst case scenario, when the capacity would reduce to -1.8%, or -5% after sensitivity testing. I consider that the peak hour trip rates used are robust, and they have been agreed by KHS. There is some criticism that too much TENT1 traffic was assumed to travel south from the Smallhythe Road access rather than towards the town centre, but the assumption was based on observed traffic patterns and no firm evidence was submitted to challenge it.
- 2.59 The proposed Smallhythe Road access to Phase A was criticised in terms of visibility splays and whether a right turn bay would be required. Detailed evidence was submitted to indicate that a number of solutions might be possible. KHS have had some input and involvement in the TS and have raised no issue that TENT1 is not effective or deliverable in principle by reason of traffic

¹ A software tool for modelling the effect of traffic flows on junction capacities and queuing at traffic light-controlled junctions.

generation or access. Overall, I consider that the concerns about access and traffic generation, or any other matter, are not so great that they would provide an insuperable barrier to delivery. No contingency sites are therefore required.

Housing balanced by employment, social and community infrastructure

2.60 Paragraph 6.43 says that the location within TENT1 of any community facilities or services, or any employment land, will be considered as part of a masterplan process. It would have been preferable for the DPD to set the framework for type, scale and approximate location of such facilities, as it has done for car parking. However I have no reason to believe that the characteristics of TENT1 are such that the allocation could not deliver a mixed and sustainable development in line with SCS and CS objectives.

Reliance on the private car

2.61 I have some concerns over the inclusion in TENT1 of a new public car park of up to 200 spaces to serve the town centre, which would appear to encourage unduly the use of the private car. However, the aim of the provision would be in part to replace spaces lost through the creation of access to TENT1 from Recreation Ground Road, and to limit and replace on-street parking in the High Street which can harm the character and appearance of the Conservation Area. The town serves a large rural hinterland in which a certain dependence on the car is unavoidable, and also has an important role as a tourist centre. I consider therefore that this element of the site Policy is well founded.

Impact on the historic character of the town and on wildlife

2.62 The revocation of the RSS removed a number of policies which safeguarded the character and distinctiveness of settlements, including of small rural towns like Tenterden, and which aimed to preserve assets of historic importance. However, there is sufficient protection under national policy in PPS3 and PPS5, and a raft of saved LP policies. Part of the strategy of TENT1 is to retain a compact urban form and relate development closely to the High Street without compromising the character and appearance of the Conservation Area. I consider that the allocation would not, in principle, harm the historic character of the town.

2.63 Ashenden Gill LWS would abut a corner of Phase B of TENT1 before running eastwards away from the site. It is Ancient Wet Woodland, a BAP Priority Habitat type, and some of the headwaters that feed it run along the edge of Phase A or across Phase B. The use of SUDS systems would ensure that runoff did not differ significantly from greenfield volumes before development. In terms of recreational pressure and trampling, I saw that a proportion of the LWS west of the track between Smallhythe Road and Belgar is a narrow, steep-sided wooded gorge-like valley, uninviting for walking. Phase B is a large site for the number of houses proposed, partly to allow for a substantial woodland and wetland belt along the southern boundary

to join the existing woodland of the LWS to the east, which would provide mitigation, a filter for runoff which might contain silt, salt or nutrients, as well as a landscape screen, habitat corridor and alternative walking attraction.

- 2.64 I distinguish therefore between the situation at Ashenden Gill LWS and that at CHAR1 for the above reasons and because of the small size and fragility of the Charing site, which is already subject to a significant degree of recreational use. Development at site TENT1 would have to comply with CS Policy CS11 and the masterplanning process would provide an opportunity to require ecological and hydrological surveys. I find therefore that, unlike in Policy CHAR1, it is not necessary to soundness to add to the supporting text to draw attention to the need for such surveys.

Charing

- 2.65 Ribbon development rarely justifies new building on the opposite site of the road. However in the case of **CHAR1** the site would not extend the built form of the village beyond the line established by existing residential development on the north side of the Arthur Baker Playing Field, and thus is acceptable in terms of settlement form. **CHAR2** is exposed to view from the AONB but does not go beyond a logical limit to development set by the A20 roundabout.

Hamstreet

- 2.66 **HAM1** and **HAM2** are well related to the form, landscape context, services and facilities of the village, and HAM1 is adjacent to the rail station, with footway access. Access to HAM2 would be by an existing farm road, the widening of which as necessary would not be harmful in principle. Both are natural extensions of sites identified in the LP, now developed. In both cases the LP Inspector identified in his report the land of what is now HAM1 and HAM2 as directions of growth for a future plan period. Whilst I am not bound by this, the allocations are well-founded, for the above reasons.
- 2.67 **HAM1** contains a number of veteran cherry trees, remnants of a former orchard. The Kent Wildlife Trust (KWT) believe that the site falls within the UK BAP definition of a Traditional Orchard in the protected habitat list, and contains BAP priority species. However, no survey was submitted, either of trees or other species. The minimum size of a Traditional Orchard in the relevant BAP Priority Habitat Description document is 5 trees with crown edges less than 20m apart, although the potential biological and genetic interest of sites with fewer trees is noted. An Ecological Scoping Report (ESR) presented by the Local Planning Authority found that the site does not now meet that definition, nor is it recorded in the Kent and Medway Biological Records Centre as Traditional Orchard BAP habitat or in Natural England's Traditional Orchard inventory.
- 2.68 I recognise the importance of the mosaic of habitat provided by traditional orchards, and that they are a diminishing resource of special importance in this part of Kent. However, for the above

reasons I consider that the site no longer represents a BAP Traditional Orchard. Development would still have to comply with Policy CS11 as well as PPS9, and the Local Planning Authority is aware from the ESR that further species surveys would be required before a planning application were submitted. Although it would add clarity, in the interests of avoiding duplication it is not essential that this requirement be a criterion of policy. The size of the site would, in principle, allow space for mitigation. I find no conflict with national policy in the allocation of HAM1.

Wye

- 2.69 **WYE1** is not within the 100 year flood zone, and the presence of archaeological remains could be investigated before development in line with PPS5 and saved policies in the LP. **WYE2** would provide the opportunity to improve the appearance of the existing boundary between the town and countryside in that area. Both sites are within easy walking distance of village shops and facilities and would make a modest contribution to growth while the future of WYE3 is under discussion. Attention has been drawn to the disruption to traffic caused by the level crossing, but I find that this would not militate against the allocation of these two small sites.
- 2.70 LP Site Policy 69 provided for residential development near Wye Station, together with a station car park. The housing development is under way, and the Site Policy has not therefore been carried forward into the DPD, but the car park has not been provided, I am told due to lack of demand from rail travellers. Parking at the station could encourage more park-and-ride trips, and thus less reliance on the car. However I have no firm evidence of demand or need, either for a station car park or for other public car parking in the village, which would justify a new policy in the DPD.

Aldington

- 2.71 Phase 1 of Site **ALD1** is at the north edge of the village at the top of a ridge, prominent in medium and longer views from the north. Perimeter planting west of Quarry Wood would help to assimilate the development into the landscape, and this is a criterion of the policy. While expansion in this direction is not ideal, the site was one of the 2 most favoured sites at the Community Workshop. Phase 2 would not be so visually prominent, as it would lie mostly to the south of Quarry Wood. The site as a whole is outside the Conservation Area and is within walking distance of the rather dispersed village facilities. Celak Close was a rural exception site of affordable housing, by definition outside the confines of the village at the time. However, it is now part of the built structure of the village and there is no objection in principle for an allocation site to be located adjacent to it.

Bethersden

- 2.72 Site **BETH1a** is at the edge of the village but within walking distance of the village centre, and is opposite the recreation ground. It was included in the first round of SA as BETH06 and was

appraised as part of the Addendum to the SA in 2009 which was subject to public consultation. The site was the one most favoured in the Community Workshops and is strongly supported by the Bethersden Consultative Committee. It would be large enough to provide affordable housing, a long-felt need in the village. Site **BETH2** is a small paddock of private land in the heart of the settlement and in the Conservation Area. A small development of 5 dwellings could enable the provision of public open space on the remainder, for the benefit of the village as a whole. The site slopes southwards and development could relate to the modern housing of Forgefield at the lower end of the paddock rather than the more visually prominent upper part of the site immediately behind historic buildings of The Street.

Biddenden

2.73 Site **BID1** for about 10 dwellings is small for the scale of the village, which is one of the larger settlements. However, the allocation recognises the amount of expansion that has taken place there in recent years. The site is well related to village form. There is a water treatment plant nearby but BID1 would be likely to be upwind, at most times, and there is other residential development between that and the treatment site. The grassland BAP habitat has become somewhat degraded and there are no ponds on the site. The intended developer has offered a package of mitigation measures. There is no reason in principle why development in accordance with CS Policy CS11 could not take place and KWT have no objection in that regard.

Chilham

2.74 **CHIL1**, the former Chilham Sawmills site, is vacant land outside the AONB, the CA and the floodplain. It would not affect the historic core of the village or its landscape setting, but would be well integrated with the cluster of residential and business uses near the junction of the A28 and A252 which form a semi-detached part of the village. It is near to the railway station and undoubtedly represents the best choice among available options for allocation in Chilham. Some tree felling has taken place but it is still well screened by vegetation and landform from the countryside south of the railway line. Policy CHIL1 states only that the potential for three storey development on part of the site will be explored. I am satisfied that the emphasis on design quality in this policy, and others in the development plan, would not encourage development of excessive height for its context.

2.75 It was argued that, in the light of the policy requirements for other facilities on the site, the housing target should be expressed as a range to add flexibility. However it is clear in this, and all allocation policies, that the target is indicative. I consider that this would provide sufficient flexibility.

2.76 The junction of the A28 and the A252 has had a record of accidents, although I have little information about the accident rate since

junction improvements were completed. There is no firm evidence that housing development at CHIL1 would generate such an increase in traffic over an employment use of the site that a need for further junction improvements would be directly related to the allocation, or that traffic lights would be the best solution to any identified hazard. However, criterion (c) of the policy requires only investigation of the situation, and further provision only if justified.

- 2.77 The policy states that the site will provide a car park to serve the railway station. The station forecourt and its access road provide a limited amount of parking but all spaces were taken at the time of my visits, which I understand is a common situation. No evidence was put before me of demand from passengers or rail operators for additional parking, although I recognise that further provision could encourage more people to use the train. Whilst the development itself would not give rise directly to a need for significantly more parking at the station, there is no other available land nearby and I consider that a car park on CHIL1 is a valid aspiration of policy.
- 2.78 There are fears that, without a car park, the streets of new development on CHIL1 might be used for overflow parking by rail users. Alternatively, if the new station car park were subject to charges, which would be likely in order to cover maintenance costs, rail passengers might prefer to park on those streets rather than pay a parking fee. However, that situation could be controlled by other measures to restrict daytime parking on CHIL1 to residents.
- 2.79 The policy itself is worded inflexibly, but paragraph 6.127 indicates that the number of spaces to be provided would be agreed with the relevant operators in due course. The number of spaces could indeed be zero if further investigation shows that there is no significant demand. I consider therefore that this would allow sufficient flexibility in the implementation of the policy.
- 2.80 The policy requires the on-site provision of equipped public open space including play facilities, in accordance with saved policies of the Local Plan. It was suggested that some of the facilities, for older children and adults, might be better provided off-site nearer to the core of the village. I consider that there is sufficient policy support in the LP and DPD for appropriate off-site provision through developer contributions, without requiring a change to Policy CHIL1.

Rolvenden

- 2.81 **ROLV1** would fill a gap in the built frontage between dwellings to the west and the detached cluster of development at Gatefield Cottages to the east. The relocation of the existing football ground on the site, which is not public open space, would be secured by a criterion of Policy ROLV1. This is deliverable because land in the same ownership is offered elsewhere in the village adjacent to the existing cricket pitch and tennis courts, a logical synergy. The KWT has no objection to the allocation in relation to existing ponds adjacent to and near the site, and in any event development must

comply with Policy CS11 concerning biodiversity. The substantial hedge at the road frontage to the site would be retained, secured by a criterion in the policy, as would the creation of a new footpath and cycleway link. There are listed buildings nearby but not so closely related to the site that the allocation would conflict in principle with Policy CS9 in terms of respect for its context.

- 2.82 The Community Workshop process was criticised, including in that neighbours adjacent to what is now ROLV1 were not adequately informed. However, the Parish Council advertised the event in notices on the various PC notice boards in the village, as well as spreading information by word of mouth. It is for residents to make themselves aware of local affairs through such public notices. Furthermore the Workshops were just one element of the process of the selection and testing of potential allocation sites. I have no reason to believe that ROLV1 would lead to the DPD being unsound by failing to represent the best reasonable choice of allocation.

Woodchurch

- 2.83 **WOOD1** forms a gap in the built frontage of the village, in the Conservation Area (CA). However it is not a gap through which one can obtain views out into the open countryside beyond because of the existence of a high hedge, noted in the Conservation Area Assessment (CAA). The CAA identifies the stretch of hedge as a feature which makes a contribution to the character of the CA, because it represents a welcome break in the frontage. However, another feature of the CA is the great variety of density, form and layout of frontage development in the village, and I consider that, in principle, WOOD1 would not harm that key characteristic.

Omission sites

- **Are the omission sites necessary to ensure the provision of a sustainable mix of allocations, consistent with the CS and DPD strategy?**
- **Do they represent a better choice than allocated sites in relation to settlement form, local needs, sustainability or deliverability?**

- 2.84 I have concluded earlier in this report that the settlement policy of the DPD meets the CS and DPD strategy, provides a mix of deliverable allocated sites in sustainable locations of appropriate size and phasing. The plan is sound in this regard and there is no need to look further for any additional sites in this plan period, including as a source of contingency supply.

- 2.85 The main issue is therefore whether any omission sites put forward by representors would perform better than those in the plan, and thus represent a better alternative than allocated sites. I conclude that none of the proposed sites meet this test. Some sites may represent future directions of growth for consideration in a later

plan period, but are not required now. A number of the sites may have other opportunities for development under Policy TRS1, or as exception sites under Policies TRS4 and TRS5. I have grouped sites sharing fundamental drawbacks under the following headings. On others there are more site-specific concerns and are dealt with individually.

Not consistent with DPD settlement strategy, no SA, deliverability doubtful

- 2.86 **Challock, Pluckley, Shadoxhurst and Smarden** are not villages identified in the settlement hierarchy of the DPD (Tiers 1-3) as being suitable for allocation sites, so are unacceptable in principle for the reasons set out in paragraphs 2.84 and 2.85. Site **CHAL06** is well related to the village centre but has no overriding advantages over other allocation sites in the DPD and is not needed as an allocation in this plan period. Sites **PLUC04, PLUC02/07** and **PLUC05** are poorly related to the village core and/or its landscape setting. I find that the following factors do not justify the allocation of these sites in conflict with the DPD strategy: the promoter's long family associations with the area in terms of Site **PLUC04**; the offer of a village hall and car park in relation to **PLUC02/07** or of the provision of a community woodland recreation area at Site **TPV298 Shadoxhurst**, without substantial evidence of local need; a location adjacent to the station and status as previously-developed land in the case of Site **PLUC05**. Site **TPV248 Smarden**, land off Chessenden Lane, is proposed for affordable housing but that could occur under Policy TRS4.
- 2.87 Most of Site **TENT07**, Site **TPV9** land at 14 Hurst Close and **TPV83** land west of Rogersmead are within or closely associated with former allocation site **TENT2**, deleted from the strategy before Submission. I discussed **TENT2** in the section on allocated sites.
- 2.88 Site **TPV298** Shadoxhurst, Site **TPV307** land by Viaduct Terrace, Hamstreet, and most of enlarged Site **BETH19** have not been subject to sustainability appraisal and so cannot be considered. The same applies to **TENT04** Leigh Green Tenterden and **PLUC05** Pluckley Station goods yard South and Site **TPV248 Smarden**.
- 2.89 There is substantial evidence, not contested by the promoter, that the proposed access to Site **WOOD12**, land off Rectory Close, Woodchurch, is in other ownership so there are serious doubts about delivery. **CHAR22**, the Morrison's Depot site, was not put forward by the landowners so there is no clear intent to deliver; furthermore it is in active employment use. The site was promoted predominantly to form an access to another site, **TPV42** land adjoining Burleigh Bungalow, for specialist housing. However this could be proposed under Policy TRS5. **BID25**, land off The Weavers, would use an existing access, owned by the Council, to an electricity sub station. I have no substantial evidence that shared use would be acceptable to EDF Energy. There are therefore doubts about delivery. In addition its location in the Conservation Area,

close to Listed Buildings and to a large pond would not make it the best choice in Biddenden.

Incursion into countryside, poor relationship to village form or setting

2.90 The following sites represent an unacceptable incursion into the countryside which would be out of scale with the settlement, and/or would relate poorly to the village form or its landscape setting; **WYE09** land next to the Surgery, **BETH14/17** land off Norton Lane and Wissenden Lane, **CHAR10**, **CHAR20**, **CHIL02a**, **CHIL02b**, **CHIL03a** and **CHIL03b**, **TENT09** land at Pope House Farm, Tenterden, and **TENT04** adjacent to Leigh Green Industrial Estate. The latter two sites are a significant distance from the built-up area of Tenterden, existing or proposed, as is **CHAR20** in relation to Charing. The Chilham sites would be closer to the centre of the village than allocation CHIL1, but would compromise the important open landscape setting which skirts the historic hilltop core of this settlement.

Other sites

- 2.91 I have no reason to believe that the removal of the national indicative density target in PPS3 or the need for extensive landscaping, particularly in relation to Phase 2 of CHAR2, would lead to a requirement to take in all or part of **CHAR10** as a contingency or supplementary site to CHAR2.
- 2.92 The location of **HAM01** beyond the railway line and towards the top of the hill where existing ribbon development peters out, makes it relate poorly to the urban form of Hamstreet. The heavy tree screening, though defending it from more distant views, emphasises the rural nature of the site and its physical separation from the village. The proposed masterplan options have been subject to commendable public consultation locally but I have no firm evidence that many of the benefits offered, including a car park, drop-off area or playing field for the Primary School opposite, are fully supported by the school or justified by proven local need. I recognise that the site is only a short walk from the station and while this may represent a possible future direction for development it does not represent a better choice now.
- 2.93 **BID03/17**, land west of North Street, north of Mansion House Close, would be in an area of open farmland behind sporadic low-density development along the A274, not well related to the structure of the village and with a remote access to the main road through other land. There is an existing footpath link to the village centre but it would be of significant length which would limit its attraction as an everyday route to shops and services. A Medical Centre, Village Hall, light commercial buildings and retirement as well as market housing is proposed but I have no substantial evidence of the need for those facilities which would make it a better choice than allocation sites.

- 2.94 **CHAR04** is well-related to the centre of Charing and particularly to the station, but is a pleasant open space of horse paddocks within the Conservation Area, appreciated from an adjoining public footpath. Its development would bring houses closer to the commercial site at Morrison's Depot. I have no firm evidence that the proposed access to the A20, and related visibility splays, would not have a detrimental effect on the existing avenue of trees on the main road which forms an impressive and distinctive entrance to the village. It is not a better alternative than the allocation sites in this plan period.
- 2.95 **ALD14/06** relates well to the centre of Aldington, but would involve the loss of an employment site, the planning use of which would otherwise remain though I understand that the abattoir is not currently operational. It is not a better candidate for development now than allocated sites.
- 2.96 **BETH19** is within the Conservation Area, in an area of relatively low density development and open paddocks, with 20th century cul-de-sac development outside the CA on the south side of the road. This forms a sharp contrast in character and urban grain with the historic core of the village over the brow of the hill to the east. The site is part of the rural setting of the village and of the CA, and offers no advantages over the allocated sites which would indicate its preference for development now.

Tenterden sites

- 2.97 The remaining omission sites around Tenterden form a distinct group which I consider together. The Rummey Design Tenterden Southern Urban Extension Study [CD15] examined alternatives for growth including those which would be within about 800m as the crow flies, or 10min. walk, of the town centre (Fig1.5). All or most of the area of the sites discussed below, apart from TENT20, would be outside this zone of accessibility, and would generally relate less well to the town centre and to the AONBs. This adds to my overall view that the sites are not required in addition to, or as alternatives to, the DPD allocations. The following points include further reasons why the sites should not be allocated now.
- 2.98 **TENT18**, land north of Appledore Road, is located behind frontage development on Woodchurch Road and Appledore Road. I recognise that the landform would preclude wider views of the site from the east. However, the site forms a wedge of countryside characteristic of the urban form of Tenterden as a small market town in a strongly rural setting, which would be eroded on development. Access to Appledore Road is possible via an existing opening but there is little firm evidence that in the creation of the access, a possible mini roundabout and visibility splays, roadside trees important to this distinctive approach to the town would not be harmed. A gateway feature could be created at the access, and the mini-roundabout would introduce an element of traffic calming, but I do not see these as justification for allocation.

- 2.99 The site which forms the northern part of **TENT20**, land off Hales Place, is a similar wedge of agricultural land which approaches the heart of the town. It forms a buffer between the Shrubcote Estate to the east and other development to the west, and is within the Conservation Area. Allocation of the site would affect not only the character and appearance of the CA but also the setting of Hales Place, a historic 16th century building with listed garden structures and a walled garden.
- 2.100 **TENT13**, land off Tilden Gill Road, would remove an attractive area of open land and orchard between existing development and the cluster of Listed and other historic buildings near Belgar Farm, with resulting effect on their rural setting. The very far eastern end of the site is in the AONB. An area partly within and partly adjacent to TENT13 was recommended by the LP Inspector and half, outside TENT13, has since been implemented as LP Site S47. However, that was only for 23 dwellings and his recommendation did not refer the wider area now proposed. The proposed allocation would be for up to 163 dwellings, which would have a considerably greater effect. TENT13 could be developed as one or more smaller units, but there is still no need for it now.
- 2.101 **TENT16**, Hopes Grove Nurseries, and **TENT17**, land at Belcot, would encroach into the countryside well beyond the southern extent of TENT1 Phase B, and together would abut the AONB to the south and west. I consider that this would be an unnecessary incursion into the countryside. There is no firm evidence that development at lower development densities in response to the amendment of PPS3, or any need for more land for landscaping, a doctors' surgery or other uses on TENT1, would require these adjacent sites as contingency land or for structural screening. Similarly, I have no substantial evidence of the need for a new link road between Smallhythe Road and Appledore Road which would justify the allocation of these sites. New development would use SUDS systems which would ensure that surface water runoff would not increase beyond the current greenfield volume, and there is no reason to believe that development would exacerbate current flooding problems in the area. TENT16 would involve the loss of an employment site. I sympathise with the owner of the Nurseries concerning incidents of vandalism and theft, but the closer presence of residential development could decrease the isolation of the site and increase natural surveillance.

Topic Policies

General

- **Do the topic policies reflect recent changes to national policy?**
- **Are policies TRS4-6 and TRS9 clear about which settlements they apply to?**

- **Do they contain repetitive criteria about universal planning considerations?**

National policy

2.102 The Council proposes factual changes to a number of the Topic Policies which reflect recent amendments to PPS3, PPS4 and PPS7. They are only editorial in nature but they affect soundness because, as written, the DPD would not conform to national policy. The changes are thus necessary to make the plan sound (**PC13, 15, 17, 19, 23 and 24**).

Clarity in application of policy to settlements

2.103 To the reader of Policies **TRS4-6** and **TRS9** who is unfamiliar with the plan, it is not immediately obvious that 'rural settlements' is not just a general term but has a particular definition, especially as the definition is at paragraph 2.5 of the DPD, widely separated from the relevant policies. Policy TRS1 also refers to 'rural settlements', but the list is not the same as that in paragraph 2.5 and could give rise to confusion. Policy TRS7 refers to 'rural service centres' which are a slightly different group of settlements again, also not defined in or near that policy. There are in effect four sets of policy definitions or lists of villages, most of which overlap; those in Tiers 1-3 of the settlement hierarchy, the Policy TRS1 settlements, the rural service centres and finally the rural settlements.

2.104 It is right there should be differences to allow for the targeted application of policy. However it should be crystal clear to any member of the public looking at the DPD for the first time, and who is perhaps unfamiliar with the planning system, to which settlements each policy applies. A specific link to the relevant definition is required, within the wording of each policy or close by in the supporting text, either by listing settlements or by giving a reference to a definition found elsewhere. Consequential amendments are required to paragraph 2.5 and to the Glossary. The lack of clarity, and the confusion in Policy TRS1, prejudices the effectiveness of the plan, and the changes suggested by the Council are required to make the DPD sound (**PC 1, 8-12, 14, 16, 18, 20, 21 and 25**).

Repetitive criteria

2.105 Policies TRS4, TRS5, TRS6, TRS8, TRS9 and TRS10 each contain a criterion concerning impact on the amenities of neighbours. However this is a universal planning consideration which would be assessed as a matter of course in dealing with any application, and will be the subject of attention in a forthcoming Development Management DPD. A further example is criteria concerning traffic generation in Policies TRS8 to TRS11 and TRS14, matters which are already covered by CS Policy CS15. It is not necessary to add this or similar general criteria to the Topic Policies, which otherwise, rightly, concentrate on the key factors of determinative importance to that topic. For the same reason I do not recommend the addition of other clauses relating to noise or light pollution. Whilst

these matters do not make the DPD unsound, they decrease its effectiveness through unnecessary repetition.

Other housing policies

- **Do the policies reflect national policy concerning development in and adjacent to rural settlements and in the countryside?**
- **Is there conflict between PPS3 and supporting text to Policy TRS5 concerning exception sites for special needs housing?**
- **Will the rural exception sites Policy TRS4, on its own, be likely to bring forward an adequate amount of rural affordable housing to meet local needs?**

National Policy and Policies TRS1 and TRS2

2.106 The thrust of national policy for rural housing provision is expressed in PPS7 and PPS3. To promote more sustainable patterns of development and to make better use of previously-developed land, the focus for most additional housing in rural areas should be on existing towns and identified service centres. There should be strict control of new house building in the countryside away from established settlements. Policy TRS1 reflects that approach, stating that minor development or infilling will be acceptable within the built-up confines of settlements in Tiers 1-3 and certain other villages, all of which are listed within the Policy. Policy TRS2 prevents new housing outside the built confines of those listed settlements, apart from certain categories of development including agricultural dwellings. There is no need to add a criterion to Policy TRS1 concerning Conservation Areas, as they have their own saved LP Policy EN16.

2.107 It is not essential to have defined settlement boundaries in order to carry out the aims of national policy effectively. The concept of the built-up confines of a village is one that relates directly to the settlement's urban form, grain and context, and can draw on community work in Parish Plans or Village Design Statements. It ensures that each application is determined on its individual merits in relation to those factors, and has the flexibility to change over time which would be difficult to achieve with a fixed settlement boundary. There is no evidence that the built-up confines approach has unduly restricted the delivery of windfall dwellings in the past, under the LP, and the circumstances that have led other neighbouring local authorities to adopt defined village envelopes may not be those of Ashford.

2.108 The definition of built-up confines in paragraph 7.8 of the DPD excludes garden areas beyond the built footprint of buildings in a residential curtilage. I find no conflict with paragraph 9 of PPS7 or Policy EC6.2 of PPS4, which urge local planning authorities to locate development in or adjoining (PPS7) or on the edge of (PPS4) rural

settlements. Those are predominantly higher-level policies to guide local planning authorities in making allocations of land for residential development, and justify the rural exception site approach for affordable or other special housing for local needs. It does not encourage the granting of planning permission to residential development outside existing rural settlements as a matter of principle.

- 2.109 The change to PPS3 in June 2010 now excludes domestic gardens from the definition of previously-developed land. This would make little difference to the application of Policies TRS1 and TRS2 since the greenfield or brownfield status of land is just one of a number of matters to be assessed in considering a planning application. Even before the amendment, PPS3 emphasised that there is no presumption that the whole curtilage of a previously-developed site is necessarily suitable for housing development.

Policy TRS3 Replacement dwellings

- 2.110 I find that reference to a modest increase in size over the original dwelling in criterion (b), would achieve the right balance between certainty for the applicant and flexibility in the application of the policy. The aim to prevent the replacement of small rural properties with much larger ones is clearly set out in paragraph 7.13. It is not necessary to include reference to house extensions in Policy TRS3 because that matter is covered by saved LP Policy HG9, the subject of which is to form part of a forthcoming Development Management DPD.

Policies TRS4, TRS5 and TRS6 - Exception sites

- 2.111 In relation to Policy TRS4, I see no place for market housing within a rural exception site policy. The exception is specifically to allow for affordable housing to be built for local needs on small peripheral sites where new residential development would not be permitted under Policies TRS1 and TRS2(a)-(c). The inclusion of a market element would allow for cross-subsidy, but would be likely to increase the hope value of such sites thus reducing the willingness of landowners to sell at prices affordable to RSLs and restricting the supply of potential sites.
- 2.112 Policies TRS4, TRS5 and TRS9 refer to sites *within* or adjoining rural settlements (my italics). This appears at first to be anomalous for exception policies, which by definition deal with land outside but adjoining settlements. However, it is justified because there are villages in paragraph 2.5 which are not listed in Policy TRS1, ones in which minor development or infilling would not otherwise be allowed even within their built-up framework.

Rural affordable housing exception sites

- 2.113 Paragraph 10.12 of the CS draws attention to the acute need for affordable housing in the rural area. There is no Borough-wide target in the CS for affordable housing provision beyond 2011, still less one disaggregated for the DPD area, against which to judge

progress. Nevertheless in the last 7 years some 64 affordable units have been granted permission on rural exception sites, and I see no reason why the trend should not continue under Policy TRS4. This would be in addition to just under 270 units that could be delivered on relevant allocation sites in the DPD, under CS Policy CS12. The decision not to allocate sites solely for affordable housing is a valid approach and would not make the plan unsound.

Exception sites for special needs housing

2.114 I see no reason for the policy to list what sort of special needs might be included, or for a separate policy for particular needs.

Employment

- **Is there a clear and co-ordinated strategy to encourage rural employment and to ensure that the number of jobs is related to housing growth?**
- **How would the DPD meet the particular economic needs of rural communities?**
- **Are the employment policies of the DPD too restrictive of employment development in rural areas in relation to advice in PPS4?**

2.115 The balancing of housing and employment growth is a key aim of the SCS, expressed in CS paragraph 6.23. The Employment Land Review 2008 (ELR) [CD7] concluded in paragraph 8.62 that no specific employment land allocations were needed in the rural area, but instead criteria-based policies should be used to encourage suitable provision to come forward. The ELR showed in Table 8.9 that just over 5,700m² per year of employment floorspace was completed in the rural areas in 2004-2007. Most of this was on small windfall developments and conversions rather than sites allocated in the LP, most of which have now been taken up. The increase would equate to about 222 new jobs per year, after applying reasonable floorspace conversion ratios [CD25]. This would comfortably exceed planned housing growth if continued over the DPD plan period. The Ashford Strategic Economic Framework Baseline Report of 2009 [CD27] contains updated forecasts in paragraphs 4.76-4.82 which suggest that although there is some impact from the recession, the prospects for growth in the Borough are still relatively strong. I find that the criteria-based approach in the DPD is based on sufficiently robust evidence and is likely to be effective in balancing new houses with new jobs, and sufficiently flexible to deal with economic change.

2.116 Paragraphs 4.70-4.74 of the Baseline Report show that about half of all businesses and about a quarter of all jobs in the Borough are in the rural area, mostly in the form of small or small-to-medium sized firms, with employment in hotels and restaurants, business services and construction predominating. I consider that the raft of policies TRS7-TRS11 and TRS14 would support the retention and

growth of the relatively small-scale and dispersed rural employment opportunities identified in the studies which I have mentioned.

- 2.117 Policy **TRS7** seeks to retain existing employment sites and premises. Criterion (a) requires that the loss of an existing employment site will be acceptable if it is replaced with a site of the same or a larger size, within or adjoining the same settlement, or at the nearest rural service centre. I consider that this is somewhat restrictive as such sites may not be available, particularly if the firm is moving to achieve growth. However, the Local Planning Authority confirm that a clear evidence base could support and justify an application for an alternative location. I consider that this approach would enable the policy to be in line with PPS4 Policy EC12.1.
- 2.118 Reference in Policy **TRS9** concerning new employment premises in *or adjoining* (my italics) rural settlements would conform to policies in PPS4. To limit such development to sites within settlements would be too restrictive and would go against national policy.
- 2.119 Policy **TRS10** states that new employment development will not be permitted unless, among other things, it is *essential* (my italics) to be located in the countryside. PPS4 Policy EC6.2(a) sets out the overarching and long-established aim that local planning authorities should strictly control development in the open countryside away from existing settlements. However, what is essential should be assessed also in the light of PPS4 Policy EC12.1(b), which urges local planning authorities to support small scale economic development where it provides the most sustainable option, including in non-village locations remote from local service centres. In practice, both PPS4 and Policy TRS10 would be taken into account in Development Management and with this in mind I consider that Policy TRS10 would not conflict with national policy.
- 2.120 In coming to that conclusion I do not share the view that PPS4 Policy EC12.1 refers only to the re-use of buildings in the countryside, because of its overall title, the content of sentence 2 of the policy, and the fact that criteria (a) to (c) are clearly of general application and only (d) refers specifically to conversion and re-use.
- 2.121 Under Policy **TRS11**, concerning the conversion of rural buildings to non-residential uses, the assessment of whether a scheme represents the complete or substantial reconstruction of the building would be a matter of fact and degree. Criterion (d)(v) of PPS4 Policy EC12.1 would be a weighty consideration, and if properly taken into account then Policy TRS11 would not conflict with national policy.
- 2.122 I find that Policy **TRS14**, which relates to diversifying agricultural businesses, is sufficiently supportive, in line with national policy in paragraph 31 of PPS7 and PPS4 Policies EC6.2(f) and EC12.1.

Tourism

- **Do the policies of the DPD reflect to a sufficient extent the importance of tourism to the Borough, and do they need to do more to facilitate appropriate rural tourism development?**

- 2.123 Key Theme 2 of the SCS recognises the importance of promoting and enhancing the tourism industry in rural areas. Paragraph 13.4 of the CS states that the DPD will consider further the scope for sustainable tourist development in rural areas, with a view to identifying specific opportunities. However this site-specific approach was not in fact carried forward in the DPD. The Local Planning Authority consider that a criteria-based approach would be more flexible in the absence of any specific proposals for new large-scale tourist attractions in the Borough, and I agree.
- 2.124 The Kent and East Sussex Railway (KESR), one of the largest tourist attractions in the Borough, object to the fact that LP Policies Site 45 and Site 51 and 51a would be deleted on adoption of the DPD. The policies allocate sites at KESR's Tenterden and Rolvenden Stations for future development in connection with the railway, and would give some certainty to the organisation's plans, especially in relation to applications for grant aid.
- 2.125 The DPD relies instead on criteria-based policies **TRS11** and **TRS12** in relation to the conversion of existing buildings to tourism or other uses, and Policy **TRS8** in regard to extensions to employment premises in rural areas. These should be considered with CS Policy CS17, which states that the Council will encourage the sustainable growth of tourism, and the positive support for rural tourism growth expressed in Policy EC7 of PPS4. I find that the criteria of Policy TRS8 are not more onerous, in fact slightly less so, than equivalent clauses in the LP Site Policies which are favoured by KESR and which are to be superseded. I consider therefore that the DPD approach is effective.

Landscape

- **Is Policy TRS17 clear as to whether it is referring to landscape character in general or to designated areas?**
- **Is an additional layer of policy control in the AONBs necessary?**
- **Does Policy TRS18 merely repeat parts of Policy TRS17, and does it represent guidance rather than policy, which would be better located in the forthcoming SPD?**

- 2.126 The DPD will replace, outside the Ashford Growth Area, the Special Landscape Areas (SLA) defined under Policy EN27 of the Local Plan with a finely-grained analysis of the rural area as a whole. This will have implications in terms of changes to the Proposals Map, but that is a matter outside this DPD. It is not clear from the policy

wording that the landscape character areas are essentially descriptive or analytical tools rather than policy designations. It is also unclear that the character areas are those defined in the Jacobs Landscape Character Assessment of 2009 and, for some areas of the Ashford fringe outside the Growth Area, the Studio Engleback Study of 2005, and the Management Plans for the two AONBs. This should be addressed in the forthcoming Landscape Character SPD.

- 2.127 The uncertainty as to whether the character areas are policy designations or are just descriptive leads to an apparent conflict in the last sentence of Policy **TRS17**, which appears to make the AONBs subject to a further level of control in addition to their own much higher level of protection, including under PPS7. An additional layer of protection would be unnecessary and would conflict with national policy. However, this is clarified in paragraph 7.71. I understand that the Local Planning Authority intend the clause in the policy to mean that the AONBs are not covered by the 2005 and 2009 Assessments but have their own analyses of landscape character in their Management Plans, by which applicants should be guided under Policy TRS17. This should be made clearer in the forthcoming SPD.
- 2.128 I consider that it would not be necessary to include a clause in Policy TRS17 concerning BAP priority habitats, since they would come under the umbrella of criterion (ii) as well as CS Policy CS11.
- 2.129 Policy **TRS18** appears to duplicate parts of Policy TRS17, and public rights of way, criterion (d), have their own protection under other legislation. The Policy rightly emphasises valued elements of local distinctiveness which are found widely in the countryside of the Borough, however, and although a separate policy is not entirely necessary it is not unsound.

Retail and community facilities

- **Does the DPD do enough, perhaps in innovative ways, to encourage the retention and development of rural shops, services and facilities in order to foster successful and sustainable rural communities?**
 - **Would Policy TRS15 be sufficient to encourage a viable and vibrant town centre in Tenterden?**
- 2.130 Policy **TRS16** deals only with Class A retail uses. This would include premises such as banks or public houses which are important rural services, but not community anchors such as village halls. However, these community facilities would be protected under CS Policy CS18. DPD Policies **TRS6**, **TRS11** and **TRS19** between them allow for community facilities on rural exception sites, for conversions to such uses, and for provision related to new development. However there is little indication of an innovative attitude to support for rural facilities, for example shared use of

premises such as pubs and churches for rural shops and services. An illustration of a responsive approach to youth provision, for example, is given in CS paragraph 14.27. Nevertheless the flexible application of DPD policies would not necessarily prevent such initiatives, and Policy EC12.1 of PPS4 gives positive support to economic development in rural areas.

2.131 The 6 month marketing test referred to in DPD paragraph 7.69 for Class A uses is not applied specifically in Policy CS18 concerning the loss of community facilities. However, this is a well-established yardstick in development management and I consider that it is not necessary to introduce policy or supporting text in the DPD to cover that point.

2.132 Policy **TRS15** concerns Tenterden High Street, which is an attractive, historic and busy shopping area with a good range of comparison shops for a town of its size, and a high proportion of small, independent and specialist shops. It is important to preserve the town centre's special character to reinforce its tourism role as well as to provide a vibrant shopping area for its large rural catchment. I consider that the westward extension of the Primary Shopping Frontage on the south side of the High Street to Bridewell Lane reflects the retail importance of that area, and I have no evidence that other alterations proposed would be more effective or that they would include premises which are truly primary shopping frontage.

Transport

- **What contribution does the DPD make to supporting rural sustainable means of transport, to reducing the need to travel or to limiting reliance on the private car?**

2.133 The SCS, and CS paragraph 14.24, stress the importance of public transport in retaining and improving access to services and facilities for rural residents. Paragraph 11.9 of the CS states that issues related to public transport accessibility in rural areas will be considered further in the DPD, but there is little explicit evidence that this has been carried out. Bus operators have been consulted during the plan preparation period, but there is little evidence of attention in the DPD to the ways in which access to rural public transport could be facilitated, encouraged or improved, as part of a truly spatial plan which integrates land use policy with the policies and programmes of other organisations.

2.134 However, the DPD does demonstrate commitment to reducing the need to travel, especially by private car, in terms of the settlement hierarchy which would concentrate new dwellings in towns and villages which have the best sustainability credentials. These are identified through the Sustainability Matrix, in which settlements are ranked including by indicators concerning access to bus and rail transport and the frequency of bus services. The Sustainability

Appraisal also assessed suggested development sites in relation to access to public transport. In addition, most of the site-specific policies in the DPD include criteria which require the provision or improvement of specific footpath or cycle links between the site and the rest of the settlement.

Implementation of the plan

Infrastructure and delivery

- **Is the DPD clear on the mechanisms for delivery – who will implement the infrastructure required and when?**
- **Is there commitment to delivery from other organisations, landowners and service providers?**
- **Has the delivery of social infrastructure such as education and health services been assessed, including innovative ways of providing or retaining such services in the rural area in a sustainable manner?**
- **Does the reference to maintenance in Policy TRS19 and elsewhere in the plan meet the tests of paragraphs B18-B20 of Circular 05/2005 *Planning Obligations*?**

2.135 The DPD is rather weak in the area of defining mechanisms for delivery, in other words who will implement the infrastructure required and when. For example, the DPD includes additions to several of the Site Policies [CD1b] that upgrades to the local sewerage system will be required to accommodate the development. However, there is no indication that such upgrades would be feasible, when they might be carried out or the effect of those costs on the viability of development. This could represent a challenge to delivery in larger sites such as TENT1, particularly as most development is proposed for the early part of the plan period to 2016. The expectation is that such upgrades will be relatively small-scale, but there is little in the evidence base to show that that these matters have been explored thoroughly or that infrastructure providers have been fully engaged. However, providers have been consulted and have not suggested that these issues could, in principle, be a show-stopper on any of the allocated sites.

2.136 The question of landowner commitment to delivery at TENT1 is dealt with under that policy heading in this report. Other allocated sites are predominantly in single ownerships and such delivery problems are less likely to arise.

2.137 I understand that no major items of social infrastructure, including schools, are required including for TENT1. I am satisfied that the provision of social infrastructure is addressed adequately in the plan in the site Policies and also under Policy TRS6. Care will be needed to ensure that multiple requirements for developer contributions on some allocation sites will not prejudice viability and thus delivery, particularly in changing economic circumstances. However, I consider that the plan is not unduly inflexible in that regard.

2.138 Paragraph 7.94 of the DPD says that appropriate contributions towards the management and maintenance of new or enhanced facilities will be required for a period of at least 10 years. The Council confirm that this reflects current practice in the Borough and is an approach which has been in operation for some time. However, where facilities are provided for wider public use, not just those required predominantly for the benefit of the users of the proposed development, Circular 05/2005 states that the long-term maintenance costs should normally be borne by the body or authority in which the asset is to be vested. Payments should be time-limited and not required in perpetuity, the aim being to reflect the time-lag between the provision of the facility and its inclusion in public sector spending streams. Such maintenance contributions are a requirement of many of the Site policies.

2.139 I consider that the requirement for funding for *at least* 10 years in paragraph 7.94 of the DPD is inflexible and goes beyond the provisions of the Circular. However, Policy TRS19 itself says that provision for management and maintenance shall be made for an appropriate period, which I find would allow the DPD to conform to national policy in spite of the phrase in paragraph 7.94. These points should be addressed in the forthcoming Infrastructure Contributions SPD.

Monitoring

- **Are there clear objectives for each policy in the DPD, and an indication of how they will be achieved and when?**
- **Are they reflected in the targets set in the Annual Monitoring Report?**
- **Are triggers for remedial action identified, and a mechanism to start remedial action if objectives are not met?**

2.140 There are objectives which are implicit in the policies and reasoned justification of the DPD. However they are not set out explicitly, nor is there a clear audit trail for most policies which cascade from the aims and objectives of the SCS, to the CS and to the DPD with targets which are reflected in the Annual Monitoring Report (AMR). For example, although there is an indicator in the AMR for completions on rural local needs exception sites, there is no rural target. It is difficult therefore to gauge the success of relevant Policy TRS4, or indeed the progress of affordable housing provision on allocation sites, in the absence of an objective in the DPD about the proportion of the Borough's affordable housing target (CS paragraph 10.14, updated as necessary) which should be met in the rural areas, in accordance with identified local needs. Other topics of rural concern, including public transport, have no figures in the AMR disaggregated for the rural area.

2.141 On the other hand, the main issues for the DPD of ensuring the phased delivery of housing on the allocation sites, and supporting the sustainability of rural communities as expressed through annual

review of the Sustainability Matrix, have clear and measurable targets in the AMR. There are no identified triggers or mechanisms for remedial action in regard to any of the DPD policies, but the Local Planning Authority clearly intend to monitor and manage the phasing of development on the allocated sites. Furthermore the CS is to be reviewed by the end of 2014, followed by review of the DPD.

3 Overall Conclusion and Recommendation

- 3.1 I conclude that with the changes suggested by the Council set out in Appendix A the Tenterden and Rural Sites DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. I endorse the Council's proposed minor editorial change in Appendix B.

Stephanie Chivers
INSPECTOR

Appendix A – Recommended Proposed Changes (PC) which are necessary to make the DPD sound.

The changes are suggested by the Council, arising in response to points made in discussion during the examination.

Deletions within the paragraphs are struck through and additions are underlined. Replacements of whole paragraphs or sections are explained in the headings.

The changes fall into 3 types, noted in column 1:

- (A) Factual changes to reflect the revocation of the RSS, and amendments to PPS3, PPS4 and PPS7.
- (B) Changes which clarify to which part of the settlement hierarchy, including the list of rural settlements, various Topic Policies apply.
- (C) Changes necessary to make Policies CHAR1 and WYE3 sound.

Change number and type	Recommended change
1 (B)	<p>Introduction</p> <p>Delete three bullet points after paragraph 2.5 and replace with:</p> <ul style="list-style-type: none"> i. The rural settlements are defined as: Aldington, Appledore, Bethersden, Biddenden, Bilsington, Boughton Lees, Brabourne Lees, Brook, Challock, Charing, Chilham, Egerton, Great Chart, Hamstreet, Hastingleigh, High Halden, Hothfield, Kingsnorth, Little Chart, Mersham, Newenden, Old Wives Lees, Pluckley, Rolvenden, Rolvenden Layne, Ruckinge, Shadoxhurst, Smarden, Stone, Tenterden, Warehorne, Westwell, Wittersham, Woodchurch and Wye. ii. The countryside is defined as ‘all of the open areas that lie between the built-up confines of the rural settlements, including small villages and hamlets and / or other collections of individual dwellings or other buildings that do not constitute a rural settlement for the purposes of this DPD.’ iii. The rural areas are defined as ‘the full extent of the scope of this document, namely the Borough of Ashford outside the Ashford Growth Area.’
2 (A)	<p>Achieving the vision</p> <p>Amend the following Paragraphs:</p> <p>5.2 Since this policy was adopted in the Core Strategy, the</p>

Regional Spatial Strategy (South East Plan) was approved in May 2009. Policy AOSR6 of the South East Plan sets out the housing requirement for the part of Ashford Borough that lies outside the East Kent & Ashford sub-region for the period 2006-26. This requirement ~~is~~ was set at just 300 dwellings over this 20 year period and ~~relates~~d to a significant part of the rural south-western area of the Borough, including Tenterden.

5.3 As a recently adopted part of the development plan, the housing requirement in Policy AOSR6 of the South East Plan ~~should be~~ was taken into account in the Council's policy for the managed release of housing land in this DPD and, alongside the more detailed assessment of housing potential within the main rural settlements undertaken in the preparation of this DPD, ~~justifies~~ justified a prudent approach to the allocation of land for housing in this part of the Borough.

5.5 The overall rural housing allocation requirement of 1000 dwellings between 2006-21 in policy CS6 was derived principally from the residential target for the whole Borough set out in the Kent & Medway Structure Plan 2006. The superseding of the Structure Plan by the South East Plan ~~suggests~~ suggested that a lower overall figure for the rural areas in this Borough might be more appropriate, however, the Council considers that there is a need to provide suitable opportunities for growth in a number of rural communities to ensure that they evolve and remain healthy and vibrant. On the 6th July 2010, the Secretary of State announced the revocation of Regional Spatial Strategies with immediate effect. Consequently, the South East Plan no longer forms part of the development plan and its content is no longer a material consideration.

5.8 Paragraphs 6.21 and 6.22 of the adopted Core Strategy explain the justification for the phased release of residential development that is contained within policy CS6. Given the ~~subsequent adoption of the South East Plan figures and the parallel~~ requirement to formally review the Core Strategy ~~itself~~ before the end of 2014, there is ~~now~~ added weight to the need for a strict phased approach to allocating land for housing development in this DPD.

5.10 Rather than attempt to formally revisit the Core Strategy requirements now with the consequential delay in the adoption and release of sites through this DPD, the Council believes it would be sensible and logical for the first review of the Core Strategy to be the occasion to formally review the rural housing requirement for the Borough, ~~taking account of the South East Plan figure (and any subsequent emerging regional guidance), the state of the housing market and the level of housing delivery in the rural areas in the meantime.~~ The adoption of the first review of the Core Strategy would then trigger a formal review of this DPD to be programmed for adoption by the end of 2016.

<p>3 (C)</p>	<p>Policy CHAR1 supporting text</p> <p>Amend paragraph 6.44 to read as follows:-</p> <p>The site is located at the eastern entrance to the village along the A20. The site adjoins existing built development at The Moat but adjoins open countryside to the southeast which includes Alder Woods the 'Alderbeds', an area with local biodiversity value. <u>The woodland and meadow which comprise the adjoining Alderbeds Local Wildlife Site are dependent upon the site remaining characteristically wet and relatively undisturbed. It is therefore important that development of the CHAR 1 site is carried out in compliance with Core Strategy policy CS11 (Biodiversity and Geological Conservation). Compliance with CS11 is likely to require both hydrological and ecological surveys to be carried out as well as the submission of a scheme showing how any necessary mitigation measures will be carried out and maintained.</u> The extensive Arthur Baker playing field is located to the north. A ribbon of residential properties lies opposite on the southern side of the A20.</p>
<p>4 (C)</p>	<p>Policy WYE3 supporting text</p> <p>Amend first sentence of Paragraph 6.97 as follows:</p> <p>Whilst it is understood that some initial marketing <u>of the part of the campus west of Olantigh Road</u> has been carried out by Imperial College, the options for the College's future use remains uncertain.</p>
<p>5 (C)</p>	<p>Policy WYE 3 supporting text</p> <p>Delete paragraph 6.98 and replace with the following:-</p> <p>Given the strategic issues involved and the level of uncertainty that exists a precautionary approach is justified. It is therefore proposed that the issue should be fully reviewed and reassessed and should inform the first review of the Core Strategy which must be adopted before the end of 2014. By this time it should be clear whether a long term primarily educational use will be viable or not.</p>
<p>6 (C)</p>	<p>Policy WYE3 supporting text</p> <p>Amend Paragraph 6.99 to read as follows:</p> <p>In the interim, the opportunity should be taken by Imperial College to fully explore the opportunities that might arise for this attractive and historic campus with a view to retaining a high quality primarily educational facility if possible. An innovative approach to exploring options is needed, working with the Borough Council and the local community. <u>This process should commence through a</u></p>

	<p><u>comprehensive and active marketing exercise of the whole area contained within policy WYE3 focused on the re-use of any or all of this area for educational and / or related research and business uses and student / delegate accommodation. Such an exercise shall include direct approaches to a wide range of educational and research institutions, including private sector businesses, and be undertaken on reasonable terms for a continuous period of at least 6 months. If following a full marketing campaign targeting educational and related uses, alternative uses are justified in whole or in part, then a masterplan / development brief should be prepared to look comprehensively at the constraints and opportunities, including the heritage importance of the Wye College site. The aim should be to generate a suitable long term land use and development strategy that helps to generate confidence locally about the quality and nature of the proposals whilst being commercially sound. This should be based around establishing a mix of appropriate uses within the WYE3 area and identifying the scale, design and location of particular buildings and uses. Masterplanning of this area should be carried out inclusively with the full input of the local community and relevant stakeholders through a process to be agreed by the Borough and Parish Councils. It may be that this process produces robust proposals that are widely supported in the local community before the adoption of the Core Strategy review in 2014, thus enabling more significant development or re-development of the campus to be brought forward earlier. In these circumstances, the Council shall review policy WYE3 accordingly formally review policy WYE3 to reflect these changed circumstances or seek to adopt the agreed masterplan as SPD to the existing policy following full public consultation, whichever is more appropriate.</u></p>
<p>7 (C)</p>	<p>Policy WYE3</p> <p>Delete Policy WYE3 and replace with the following revised Policy WYE3 :-</p> <p>The long term future of the buildings, facilities and land at Imperial College campus in Wye (as shown on the Proposals Map as WYE3) shall be the subject of an active and comprehensive marketing campaign for educational and related research and business uses for a minimum continuous period of 6 months with the aim of securing a future for such uses on all or part of the campus.</p> <p>If the marketing campaign demonstrates that such uses are not possible on all or part of the WYE3 area, then a masterplanning exercise encompassing all of the WYE3 area shall be undertaken in order to establish the nature, scale, location and mix of any alternative uses to deliver a high quality, mixed use development. This exercise should inform the first review of the Core Strategy to be adopted prior to the end of 2014 or, alternatively, a formal review of this policy or the adoption of a SPD based on the agreed masterplan.</p>

	<p>In the meantime, the main educational uses of the campus shall be retained and any development functionally related to the continuation of those uses or the associated agricultural, horticultural or employment uses taking place on the land either side of Occupation Road will be acceptable in principle subject to:-</p> <ul style="list-style-type: none"> a) the scale, design and use being compatible with the character of the area and not being visually intrusive within the AONB; and, b) the development not generating an unacceptable level, or type, of traffic; c) the development not generating an unacceptable level, or type of noise or disturbance, or loss of residential amenity. <p>Development proposals that would prejudice the potential future use of the campus for educational uses and related research and business uses prior to the conclusion of comprehensive and active marketing campaign referred to above will not be acceptable.</p>
<p>8 (B)</p>	<p>Policy TRS1</p> <p>Delete first two paragraphs of Policy TRS1 and replace with the following:</p> <p>Minor development or infilling will be acceptable within the built-up confines of Tenterden and the following villages:</p> <p>Aldington, Appledore, Bethersden, Biddenden, Boughton Lees, Brabourne Lees, Challock, Charing, Chilham, Egerton, Great Chart, Hamstreet, High Halden, Hothfield, Kingsnorth, Mersham, Pluckley, Rolvenden, Shadoxhurst, Smarden, Wittersham, Woodchurch and Wye.</p>
<p>9 (B)</p>	<p>Policy TRS2</p> <p>Delete the first paragraph of the policy (including footnote) and replace with the following:</p> <p>New residential development outside the built-up confines of Tenterden or the villages listed in Policy TRS1 will not be permitted unless it constitutes one of the following:-</p>
<p>10 (B)</p>	<p>Paragraph 7.18</p> <p>Amend first sentence in Paragraph 7.18 to read as follows:</p> <p>Local needs housing policy <u>and community facilities exception policies</u> apply in the Borough's rural settlements as defined in the introduction to this DPD on page 5 in paragraph 2.5 (i).</p>

<p>11 (B)</p>	<p>Policy TRS4</p> <p>Amend first paragraph of Policy TRS4 to read as follows:</p> <p>Planning permission will be granted for proposals for local needs housing within or adjoining rural settlements <u>listed in paragraph 2.5 (i)</u> as 'exceptions' to policies restraining housing development provided that all the following criteria are met: -</p>
<p>12 (B)</p>	<p>Policy TRS5</p> <p>Amend first paragraph of Policy TRS5 to read as follows:</p> <p>Planning permission will be granted for specialist housing schemes within or adjoining rural settlements <u>listed in paragraph 2.5 (i)</u> as 'exceptions' to policies restraining general housing development provided that all the following criteria are met: -</p>
<p>13 (A)</p>	<p>Policy TRS6</p> <p>Amend Para 7.34 as follows:</p> <p>7.34 Community facilities such as the local school or village hall are often a focal point in village life. Government guidance in <u>PPS7 PPS1</u> states that one of their objectives is to raise the quality of life in rural areas <u>for everyone</u>. The Council believes that community facilities play an important role in keeping villages thriving, inclusive and sustainable communities.</p>
<p>14 (B)</p>	<p>Policy TRS6</p> <p>Amend first paragraph of Policy TRS6 to read as follows:</p> <p>Planning permission will be granted for proposals specifically designed for local community facilities adjoining rural settlements <u>listed in paragraph 2.5 (i)</u> as 'exceptions' to policies restraining development provided that:</p>
<p>15 (A)</p>	<p>Rural Employment</p> <p>Amend Para 7.38 as follows:</p> <p>7.38 Improving and retaining the rural economy is essential through finding the right balance between allowing appropriate employment development that will benefit the rural economy with the need to protect the countryside. Government planning guidance in <u>PPS7 PPS4</u> on this issue supports, in principle, a positive approach to economic development in rural areas subject to the <u>location</u>, scale and impact of such development.</p>

<p>16 (B)</p>	<p>Policy TRS7</p> <p>Amend Policy TRS7 to read as follows:</p> <p>Proposals which would lead to the loss of existing employment sites or premises in Tenterden or the rural settlements <u>villages</u> listed in Policy TRS1 will not be permitted unless: -</p> <p>a) they are replaced with the same-sized or larger sites or premises within or adjoining the same rural settlement, or at the nearest rural service centre <u>(as defined in the Core Strategy 2008 Figure 1, page 105)</u>,</p> <p>OR</p> <p>b) it can be shown that the unit is no longer viable for the existing or an alternative employment use and that it has remained unsold or unlet for a substantial period of time, despite genuine and sustained attempts to sell or let it on reasonable terms.</p>
<p>17 (A)</p>	<p>Policy TRS9</p> <p>Amend Para 7.46 to read as follows:</p> <p>7.46 Government guidance (PPS7, paragraphs 3 and 4) states encourages that, away from urban areas, the focus for new employment development (B1 to B8 uses) should be located within or next to existing rural service centres (identified by the Core Strategy, Figure 1, page 105), with the potential to allow some limited development in or next to rural settlements that are not designated service centres. This is to ensure that any new development can benefit from the existing facilities offered in the settlement, specifically transport facilities such as railway stations and bus stops, but also community facilities and local shops. This is also reflected in paragraph 6.25 of the Core Strategy.</p>
<p>18 (B)</p>	<p>Policy TRS9</p> <p>Amend first paragraph of Policy TRS9 to read as follows:</p> <p>Proposals for the development of new employment premises and uses will be permitted on sites within or adjoining the built up confines of the rural settlements <u>defined in paragraph 2.5 (i)</u> provided that: -</p>
<p>19 (A)</p>	<p>Policy TRS11</p> <p>Amend Para 7.52 to read as follows:</p> <p>7.52 Government guidance in PPS7 <u>PPS4 (Para EC6.2 (c))</u> supports the conversion of appropriately located and constructed rural buildings where this meets sustainable development objectives. The Council supports this approach in principle as this stock of</p>

	buildings can provide a useful and viable means of enabling the local rural economy to evolve and diversify without requiring new buildings to be developed in sensitive rural locations.
20 (B)	<p>Policy TRS12</p> <p>Amend Policy TRS12 to read as follows:</p> <p>Proposals to convert rural buildings to tourist-related residential uses will be acceptable where they meet criteria (a) – (e) of policy TRS11 and where permitted outside the built-up confines of a rural settlement <u>Tenterden or a village</u> listed in policy TRS1, they shall normally be subject to a condition or planning obligation that restricts the occupancy of the unit to holiday-makers or tourists.</p>
21 (B)	<p>Policy TRS13</p> <p>Amend first paragraph of Policy TRS13 to read as follows:</p> <p>Proposals to convert rural buildings to general residential use will not be permitted unless the building lies within the built-up confines of a settlement <u>Tenterden or a village</u> listed in Policy TRS1 and satisfies the criteria in Policy TRS11.</p>
22	For Change 22 see Appendix B
23 (A)	Delete Paragraph 7.88
24 (A)	<p>Glossary</p> <p>Replace 'Previously-developed Land' definition with the following:</p> <p>Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes land that is or has been occupied by agricultural or forestry buildings and land in built-up areas such as private residential gardens, parks, recreation grounds and allotments. A full definition can be found in PPS3.</p>
25 (B)	<p>Glossary</p> <p>Replace 'Rural areas' definition with the following:</p> <p>The full extent of the scope of this document, namely the Borough of Ashford outside the Ashford Growth Area.</p> <p>Replace 'Rural settlements' definition with the following:</p> <p>Aldington, Appledore, Bethersden, Biddenden, Bilsington, Boughton Lees, Brabourne Lees, Brook, Challock, Charing, Chilham, Egerton,</p>

	Great Chart, Hamstreet, Hastingleigh, High Halden, Hothfield, Kingsnorth, Little Chart, Mersham, Newenden, Old Wives Lees, Pluckley, Rolvenden, Rolvenden Layne, Ruckinge, Shadoxhurst, Smarden, Stone, Tenterden, Warehorne, Westwell, Wittersham, Woodchurch and Wye.
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Appendix B – change suggested by the Council but which does not affect soundness

Change number	Endorsed change
22	Change roman numerals attributed to criteria under Policy TRS17 (i-viii) to letters a – h