

Tenterden and Rural Sites DPD - Post Hearing Consultation

Comments from CPRE Protect Kent

Revocation of Regional Spatial Strategies

CPRE Protect Kent considers that the implications of the revocation of the RSS (the South East Plan) should be considered under two headings – housing numbers and potential policy gaps.

Housing Numbers: As explained by the Borough Council at the EiP, there was no specific housing target in the South East Plan for that part of the Borough outside of the growth area (other than the 300 dwellings for the south western part of the Borough). Consequently, we remain content that the target set for the DPD in the Core Strategy remains a reasonable basis for the future planning of the rural area. We certainly do not consider that there is any case to increase it.

It will be the case that the Borough Council will have to review all of the housing targets for the respective parts of the Borough as part of the forthcoming review of the Core Strategy. This, as is clear from the reforms to the planning system that the Coalition Government intend to implement, will need to be determined with full engagement with local communities and interested parties as part of the new 'localism' agenda. In light of the review of the Core Strategy it may then be necessary to undertake a review the Rural Sites DPD as a priority. We consider that the potential need for such a review of the DPD should be a specific recommendation to the Borough Council.

As a consequence of the forthcoming review of the Core Strategy, and the possible early review of the DPD, we consider that the Inspector must take a cautious approach when considering the additional sites that developers and landowners have put forward. We say this partly because we believe that the existing allocated sites already comprise an over provision because no account is taken of extant planning permissions, but also because it is possible that in preparing the National Planning Framework the Coalition Government may allow windfall sites to be counted towards meeting housing requirements throughout the entire plan period. We would not wish to see a situation that sites are identified now for potential development when ultimately they may not be needed. Once they have been endorsed for development it is difficult (or local planning authorities see it as difficult) to de-allocate them.

Potential Policy Gaps: Policies in the South East Plan did not simply repeat national planning guidance but sought to:

- respond to and take forward matters raised in national planning policy; and/or
- apply and interpret national planning policy in the context of issues facing the south east; and/or
- provide policy and guidance to local planning authorities on matters not explicitly covered in national planning policy but of importance in the south east.

Similarly, it is not the purpose of the Ashford LDF to simply repeat policies in the South East Plan as these already formed the higher level part of the development plan.

Consequently, the revocation of the South East Plan now leaves a significant ‘policy gap’ because strategic planning policies hitherto taken as read and not repeated in the Ashford Core Strategy and/or the rural sites DPD have now gone, and the policy matters are not covered by national planning policy to the same degree of detail. In particular the revocation has removed detailed guidance to local planning authorities as to how specific matters should be dealt with in their local development documents and in considering planning applications.

We would highlight in particular the following policies in the South East Plan where we consider such policy gaps have been created in regard to the rural sites DPD, because the content of those policies either in whole or in part is not covered by policies in the Core Strategy to the same degree of detail as in the South East Plan, or are not adequately (if at all) covered specifically by the DPD:

SE Plan Policy No.	Subject	Policy and/or Guidance Gap
CC2	Climate Change	Whilst climate change issues are generally covered by national policy, the specific regional targets for reducing emissions are removed
CC5	Supporting an Aging Population	Removes the requirement for LPAs to have general regard to the needs of the elderly in making planning decisions
CC7	Infrastructure and Implementation	Removes the definition of what comprises ‘infrastructure’, on which LPAs have tended to rely
CC8	Green Infrastructure	Removes the requirement for LPAs to maintain and develop a network of green spaces as an underpinning requirement of development
T7	Rural Transport	Removes specific policy guidance to local authorities on how rural transport matters should be tackled
NRM7	Woodlands	Removes specific policy requirement as to how LPAs should protect and enhance woodlands
NRM9	Air Quality	Whilst aspects of the policy are covered by national policy, it removes detailed guidance and specific policy requirements and guidance
NRM15	Location of Renewable Energy Development	Removes detailed policy requirements designed to protect the natural environment
NRM16	Renewable Energy Development Criteria	Removes specific policy requirement and guidance for LPAs to address this issue
C3	Areas of Outstanding Natural Beauty	Generally covered by national policy, but removes the regard to be given to the setting of AONBs
C5	Managing the Rural-Urban Fringe	Removes specific policy requirements for LPAs to positively address rural-urban fringe issues
BE1	Management for an Urban Renaissance	Removes specific policy guidance to LPAs on how to proactively plan for significant improvements to the built environment
BE4	The Role of Small Rural Towns (‘Market’ Towns)	Removes specific policy requirements and guidance to LPAs on how to strengthen the viability of small rural towns

BE5	Village Management	Removes specific policy requirements and guidance to LPAs on how to meet the needs of the rural communities, including supporting local community-led assessments
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We would ask the Inspector to review the Core Strategy and the DPD to assess how these gaps should be addressed and/or whether the DPD is unsound because of them.

Exclusion of Residential Garden Land from the Definition of Previously Developed Land in PPS3 Annex B

Most development of residential garden land comes forward as windfall development. The DPD does not rely on windfall development to meet the housing target for the DPD area, as it only makes a modest allowance for windfalls in the latter part of the plan period (i.e. from 2016 to 2021) in accordance with PPS3.

Whilst the change in the definition may result in fewer dwellings coming forward from this source (though this cannot be assumed will be the case until monitoring information is available), it is only one potential source from which windfall dwellings arise. We have not undertaken a detailed analysis of this specific component of windfall development, but we suspect that in the rural communities such development has not taken place at the same intensive density, or indeed at the same rate, as it has in Ashford town.

The changes to PPS3 do not mean that development within garden land has been banned, and it is likely that planning applications will continue to come forward and the Council will continue to grant planning permissions where it is considered appropriate to do so. Consequently, this potential source of windfall development is unlikely to dry-up.

Consequently, it is our view that no change should be made to the windfall allowance in the DPD as a result of the change in definition. Indeed, to make such a change now could only be done on the basis of speculation rather than hard fact. However, we would agree that this is a matter that should be considered through the proposed review of the Core Strategy.

Deletion of the National Indicative Minimum Density of 30 Dwellings per Hectare from PPS3 para 47

We do not consider that this change will have a bearing on the ability of the sites allocated to meet the desired number of houses. As we stated at the EiP, we agree with Ashford Borough Council that the anticipated density of development of the proposed sites is not particularly high. We support an approach to development that is design led, but good sensitive design does not mean development must be low density. We are confident that a design led approach as advocated by Ashford Borough Council will deliver the quantity of development proposed for the allocated sites; especially as in our experience site capacities indicated in local plans invariably tend to be an underestimate of what is actually achieved on-site.