

## Response to Matter 8 - Wye

*This Response Paper also covers the Council's Response to the Inspector's questions for the LPA in her Note no.2 (28<sup>th</sup> May 2010)*

- **How should the RSS approach of allocating most growth in the Borough to the East Kent and Ashford Sub Region affect the housing strategy for Wye and other settlements in the eastern part of the Borough?**
  1. The Council considers that the level of growth allocated to the part of the Borough falling within the EKA Sub-Region has little or no relevance to the housing strategy for Wye and other rural settlements in the eastern part of the Borough, for a variety of reasons.
  2. The South East Plan's approach to housing distribution in relation to Ashford Borough, and related Diagram EKA1, is set out under Para's 2.1 - 2.3 of the Council's Housing and Employment Background Paper (CD12).
  3. It is clear from the policy approach in the SE Plan that the strategic focus of the sub-region relates to the town of Ashford, rather than the rural parts of Borough which fall within this area. The town of Ashford is identified as the 'growth area', a 'centre of significant change' and a 'regional hub' in Diagram EKA1. In addition, Ashford 'part' is only referred to in policy EKA3, whereas all other subsequent EKA policies refer to the town of Ashford only.
  4. The South-East Plan Panel, in their Report, (CD47) reinforce this viewpoint when they state that '*We note that there is no separate allowance for the rural areas beyond the Ashford urban area within the East Kent and Ashford sub-region. However as there are no sizeable settlements here and Ashford itself is clearly the growth focus.....*'.(ABC underlining) (Para 18.50)
  5. The housing targets attributed to the Ashford Growth Area were well established before the publication of the draft SE Plan in 2006 (CD48). The number was derived from a variety of sources and flowed from the 2003 Sustainable Communities Plan through to RPG9 Chapter 12 (as amended in 2004) which set down the regional planning guidance for the Ashford Growth Area for the period to 2016.
  6. Importantly, RPG9 did not look at the rural part of the Borough around Ashford, but clearly attributed the accelerated growth focus, and the subsequent housing targets to the town. The then RPG9 Chapter 12 policies were then replicated, in their entirety, in the draft SE Plan (pages 275-276 CD48) and the quantity and rate of growth was subsequently extrapolated and carried forward through into the adopted SE Plan.
  7. Given the above, it could be argued that the vast majority, if not all, of the 22,400 figure allocated to the part of the Borough within the sub-region, should solely relate to Ashford and its Growth Area focus. There is nothing in the SE Plan policies that implies that any significant element of this

development should be apportioned to the 'much of rural Ashford area' part of the sub-region.

8. It is in this context that the Council considers that a literal interpretation of Diagram EKA1 is not appropriate. Instead, Diagram EKA1 is merely a representation of the sub-regional spatial area. No rural settlement locations are shown and the division of the Borough bears no relationship to any strategic designations such as the AONB. It also fails to distinguish why the rural area outside the sub-region is any different in context to the rural area within the sub-region.
9. There is no evidence provided or any justification given within the SE Plan (or the Panel's report), which states why the line dividing the Borough was drawn where it was. As such, it should be considered to be arbitrary for local planning purposes.
10. The 'rest of Kent' figure in policy AOSR6 relates to housing provision between 2006-2026 and covers the remaining areas of Kent which do not fall within any Sub-Region. These areas are largely rural in nature and feature parts of 7 districts, including Ashford Borough.
11. It is important to note that the 300 dwelling figure for the 'rest of the Borough' in Policy AOSR6 is not based on any assessment of need, sustainability issues or the ability of any settlement in this area to accommodate growth. Instead, it is simply a residual number, derived from the overall 'rest of Kent' 28,800 residential figure (policy AOSR6).
12. The strategic approach to the numbers attributed to the 'rest of Kent' area must be placed into its correct context. The SE Plan Panel stated that, *'we do not consider that this area (rest of Kent) should be expected to accommodate significantly more (ABC underlining) than this because of the risk that it could divert investor interest from the two nearby growth areas of Kent Thames Gateway and Ashford. And from a regional perspective this is not amongst the areas forecast to have the greatest pressure on labour supply'. (Para 26.61 CD47)*
13. As this clearly demonstrates, there must be a degree of flexibility in relation to the 300 dwelling figure in AOSR6 and it should not be taken to be a ceiling. This position is reinforced by the Panel's report (CD47) when they examined the adequacy of policy guidance in relation to the rest of Kent areas. They stated that *'In general we consider that national planning policy supplemented by several of the core policies should provide adequate guidance for the preparation of the LDF's' (Para 26.3)* and that the approach in the SE Plan gives Local Authorities sufficient *'flexibility to be able to provide adequately for the needs of their rural communities' (Para 26.63)*.
14. Therefore, despite the lack of clear detail and guidance on this matter in the SE Plan, there are several clear messages from the Panel's Report that enable a sensible interpretation to be made:-

- it is clear that the regionally significant issue for the Borough relates to Ashford and its identified growth area role. It is the town of Ashford where most, if not all, of the 22,440 dwellings should be focused and this is reflected by the Panel and the policies in the SE Plan;
  - any level of growth in the rural areas should not be disproportionate so as to compete with any identified sub-regional role; and,
  - subject to the above, there should be flexibility when it comes to localised issues such as rural housing and its distribution.
15. At a local level, the Core Strategy has set out the most appropriate housing distribution strategy for the rural parts of the Borough and this is explained under the Council's response to Matter 3.
  16. The Core Strategy Inspector took into account the then draft SE Plan when examining the planning merits of Policy CS6. The draft SE Plan approach to housing numbers and distribution exactly mirrors the approach which is now adopted in the SE Plan.
  17. Pertinently, the South East Regional Planning Board (formerly SEERA) has confirmed that the Tenterden and Rural Sites DPD is in broad conformity with the adopted SE Plan (CD3) and GOSE have raised no objection in relation to overall housing distribution.
  18. In any event, the Secretary of State's letter to Local Planning Authorities dated 27th May 2010 (see appendix 1) where he sets out the Government's intention to "*rapidly abolish Regional Strategies and return decision making powers on housing and planning to local Councils. Consequently, decision on housing supply will rest with LPA's without the framework of regional numbers and plans*", is a now a material consideration that must significantly undermine any weight that might have been given to the housing target figures in the South East Plan.
  19. This statement and the likely removal of the SE Plan from the formal part of the Development Plan, clearly adds greater weight to reliance on a locally determined strategy for housing distribution in the Borough.
    - **Is delay in consideration of the future of the ICL sites WYE3 justified?**
  20. In answering this question, it is important to put the Wye campus site into a proper context. This is set out initially in para. 6.27 of the Core Strategy where the importance of the College's academic presence is highlighted not just in supporting the local community but also Ashford's wider academic and business offer. The importance of Further and Higher education opportunities to supporting the growth of Ashford itself is self-evident and is seen at present as one of the most important challenges for achieving local skilled employment opportunities in the future (section 6, Ashford strategic economic framework – CD26).

21. Furthermore, para. 6.27 of the Core Strategy also places the onus on this DPD of establishing policy guidance on how the aim of retaining (ABC *underlining*) a high-quality, knowledge based presence can best be achieved. There are no references in the Core Strategy to this approach only applying to agricultural courses or the role of Imperial College here and so it is reasonable for all higher educational or research opportunities to be considered in any subsequent policy for the Wye campus.
22. Therefore, the Council considers that it is imperative that a thorough and robust process is undertaken before this site, either in whole or in part, should be considered for alternative uses. This is the strategy in the DPD and in policy WYE3 in particular and simply represents an extension of the Council's long-established policy of seeking robust marketing evidence to justify the loss of rural employment sites – but is all the more important in this instance because of the scale of the holding and its key relationship with the village.
23. The Council acknowledges that the agricultural courses previously run by ICL have come to an end and that there is not a current active academic use being carried out at Wye. However, on its own this should not be sufficient justification for a re-allocation of large parts of the existing campus to alternative uses, especially housing, at the current time.
24. There has been an academic presence at Wye since the 15<sup>th</sup> Century which has helped to shape the local community and economy of the village and has played a major role in village life. Any permanent and fundamental change involving the loss of this academic institution is bound to have major implications for the village, let alone any wider more strategic implications for the Ashford Growth area and the wider Borough. The future of the College has been, by some distance, the most important matter for the local community in recent times and this was clearly reflected in the local workshops held during the preparation of the DPD.
25. How the village evolves should an academic presence at Wye be lost will be of fundamental importance to the future of the village and the biggest single change it is likely to see in many decades and it is a process that should be as transparent and participatory as possible to enable the full range of stakeholder opinion to be sought.
26. In light of this context, it is worth assessing the position promoted by Savills in their representations on behalf of ICL.
27. Savills representations on the extent and range of any marketing of the ICL land is less than clear but it would appear that the only marketing exercise for educational uses carried out to date relates just to the 'Main campus North' area that lies west of Olantigh Road. Here they acknowledge that this marketing is incomplete and they do not seek any alternative use allocation in the DPD– hence, there would seem to be no substantive difference with the Council's policy in WYE3 with regards to that part of the policy area.

28. However, matters are even less clear when it comes to the rest of the ICL land within WYE3. Savills do not acknowledge that any specific marketing exercise for academic or related purposes has been carried out at all for these areas (certainly no details are offered as evidence) but merely the assertion that the future of these areas will not affect the likelihood of being able to find a viable academic interest for the Main campus North. This assertion appears to be based solely on an assumption that there is no call for agricultural courses in the UK and so the various buildings there will be redundant.
29. There is no suggestion whatsoever that this land may have been offered for anything other than agricultural-related courses and yet, there is no planning policy-related reason why such a narrow approach should be taken. It would certainly not seem to be consistent with the Core Strategy's guidance.
30. When it comes to the Withersdane site, which has been the location of the main halls of residence for students at Wye, it seems illogical to suggest that their loss to an alternative use would have no impact on the potential ability of an academic institution to take over and run courses at Wye, as the ability to accommodate students in close proximity to their main place of study will be an important element in attracting students in the first place.
31. Despite all of the above, the Council does recognise that it may not be feasible for all of the Wye campus to be retained for educational and related uses in the long-term. However, in the circumstances described above, a prudent and precautionary strategy is clearly the most appropriate and this is articulated in WYE3 and its supporting text.
32. Paragraph 6.95 of the DPD recognises that there may be opportunities in due course for re-use and redevelopment of parts of the campus and para. 6.97 acknowledges that decisions on the future long term use of the campus may give scope for suitable residential, employment or other allocations in Wye.
33. In their representations, Savills have claimed that policy WYE3 sterilises the site for at least 5 years. However, this is not the case and based on a misunderstanding of the policy approach. As para. 6.99 of the DPD establishes, it is possible for a process of full and proper marketing to be carried out at any time to determine the scope for continued academic use of the facilities which would help to determine the scope, if any, for the re-use of parts of the campus.
34. This process can then lead to a masterplanning exercise which, as para. 6.99 also makes clear, could result in a more significant redevelopment of the campus being brought forward in advance of the Core Strategy review. If this does not happen, or there is disagreement as to the outcome of any masterplanning process, then the Core Strategy review would be the appropriate forum at which such strategic matters should be debated.

However, the timescale for moving this process forward is dependent to a large degree on ICL themselves.

35. WYE3 represents a reasonable and precautionary approach to a matter that will have a fundamental importance for Wye's future. Despite requests, ICL has presented no detailed or robust evidence of any marketing they have carried out to either the Council or the local community and there is no public evidence to support their claims about the future of the land east of Olantigh Road or at Withersdane. The proposed release of these sites in the DPD would be prejudicial to a proper process of marketing and assessment that should be the starting point for the determination of the campus's future.
36. In support of this approach, the Council is aware of efforts being made by the University of Buckingham, in association with a group of Wye alumni, to create an independent university college of liberal arts and agricultural sciences at the Wye College campus.
37. The vice-chancellor of the University has expressed his support for the Council's strategy in the DPD and his objection to the current application from Care Village UK to convert the Withersdane halls of residence into an elderly persons care home. His letter is Appendix 2 to this Paper and in it he states very clearly that "*all three sites (i.e. parts of WYE3), including the Withersdane Hall site, are integral to the development of a university college*".
38. Whether the Buckingham proposal proves to be a viable prospect or not, it confirms from an academic perspective the importance of considering the campus as a whole and that its sub-division and fragmentation as proposed by ICL would have a prejudicial effect on a future re-use by an academic institution.

#### **Is a masterplan for WYE3 the most appropriate approach ?**

39. The Council considers that the use of a masterplan for the WYE3 site is the most appropriate method by which its future can be properly and comprehensively planned.
40. As referred to above, the future of the WYE3 area given its scale and prominence and its inter-relationship in community and economic terms with the village will be fundamental to the future of the village, not just in respect of whether academia will continue or not but, if not, what should replace it and what the implications would be. Addressing these issues on a piecemeal, site by site basis, would mean it was much more difficult to assess these implications and make it much harder to plan for their consequences.
41. The varied nature of the particular sites that make up WYE3 also suggest that a masterplanned approach would be the most suitable here. The wider impact of any redevelopment proposals on the settlement structure needs exploring and a sensitive solution found in urban design terms to

avoid an adverse impact in a highly sensitive location. The historic and attractive buildings that constitute the heart of the campus west of Olantigh Road will clearly require a different approach to the land east of Olantigh Road where heritage issues might be of less importance but visual impact from the adjacent Downs will be greater. Similarly, the approach to Withersdane requires consideration within the wider village context.

42. A masterplan will enable a detailed assessment of options for a layout and mix of development that is premature now and beyond the reasonable scope of this DPD. The masterplan would be part of a process of design workshops – an approach well established in this Borough (see below).
43. Such an approach in policy documents is not uncommon where areas that may be subject to considerable change in important locations are proposed. In this DPD, the significant area of development in Tenterden (TENT1) is proposed to be subject to a masterplanning exercise, whilst in the Council's recently adopted Town Centre AAP, several areas are subject to policies requiring the approval of a masterplan before development can take place (e.g. Elwick Place, Commercial Quarter).
44. The Council has significant relevant experience in these issues having been involved in many similar exercises on large and complex sites in Ashford itself, including brownfield sites. Such exercises need to involve a full range of local stakeholders, including residents, especially where development would be happening within an existing community. They routinely add value to the process and ensure that it is carried out in a transparent and collaborative way. Stakeholder feedback – including from developers involved – has been very good. The Council's work in these activities led to it being awarded Beacon Council status in 2008 recognising this best practice.
45. Furthermore, a masterplanning process as described in the DPD may provide the basis for taking forward an earlier redevelopment of the area than might otherwise be the case, if the marketing evidence and the circumstances suggest that it appropriate.
  - **Would the DPD strategy achieve the best balance between the development of Greenfield sites and previously-developed land ?**
46. The points referred to above help to answer this question and do not require repetition here.
47. The DPD strategy for Wye is based around the need to properly plan and consider all the potential options for the Wye College site within a context of seeking to retain a viable educational / research presence. The strategy does not involve simply allocating more Greenfield land on the edge of the village as a way of meeting the provisional housing target number for Wye in policy CS6 and, in fact, consciously reduces the allocation in the DPD due to the lack of suitable sites. It is also a precautionary approach given

the need to establish the future of the College land in the forthcoming years.

48. There is no over-riding quantitative requirement to allocate more residential development in Wye than is proposed in the DPD as sufficient suitable sites have been allocated elsewhere in settlements as, or more sustainable, than Wye.
49. Of course, it is worth noting that not all of the land proposed by ICL for redevelopment east of Olantigh Road should be classified as PDL. Indeed, significant parts of the site are entirely undeveloped whilst much of the remainder accommodate only greenhouses associated with the previous agricultural research activities and the existing businesses on the site. This only leaves the small area of existing employment uses on Occupation Road, the car park north of the new library building and the former ADAS building and its curtilage as those parts of the site that exhibit the most genuine PDL characteristics. The latter of these is easily the most substantial PDL part of the site but lies furthest from the village.
50. Government guidance in PPS3 is clear that not all PDL is suitable for housing and in the current circumstances, for the reasons in the sections above, WYE3 is not a suitable site for residential development at the current time. The DPD strategy takes a spatial and holistic view which delivers limited development to the village in the least damaging locations pending the more fundamental decision on the future use of the campus area.
  - **Is there sufficient consideration in the DPD to the possibility of replacing jobs lost in Wye following the closure of the College ?**
51. The replacement of lost jobs in Wye as a result of the closure of the courses at Wye is one of the key objectives of the DPD and one of the key reasons why the objective of the policy is to reinstate educational and related research jobs in the village through a thorough assessment of the potential for such uses there.
52. Policy WYE3 itself also seeks to protect those existing jobs that are carried out from the site by operators who are not functionally related to the College but who are their tenants. There are currently 6 businesses operating from the land either side of Occupation Road. It is understood that their leases are due to expire in 2011 and ICL has been unwilling to agree to any extensions. As a result, these existing jobs will be lost from the site.
53. Of course, should the marketing exercises required by policy WYE3 indicate that some or all of the campus could be released for other purposes, then the opportunity for new employment development should be explored as part of the masterplanning exercise. This would need to demonstrate a likely market for such space. It is noted that Savills are suggesting a development of 5 -7,000 sq.m. that could be accommodated on the site but no indication is provided to indicate what type of space this

might be, how it might be provided, who might be in the market to occupy it, what demand there might be for it or what sort of terms it might need to be let at to achieve occupancy. It is unclear that such space would be the most effective or efficient use as part of a potential WYE3 redevelopment especially as this is also without considering what the local implications of such new floorspace might be, for example, on the highway network, which is particularly constrained by the railway crossing at the western end of the village.

- **Do the housing sites WYE1 and WYE2 represent the best strategy when considered against reasonable alternatives ?**

54. The proposed housing allocations in the DPD for Wye represent the best options for new development in the village considering the situation and circumstances relating to the Imperial College sites referred to above and the lack of suitable alternatives.
55. Wye itself is a relatively constrained village by virtue of the AONB designation that encompasses the whole village and most of its surroundings, the presence of land within Flood Zone 3 on the western side of Wye where the river Stour passes through the village and the tight-knit form of much of the central part of Wye where the historic character of the settlement and the Conservation Area are important features.
56. These constraints have to be weighed against the relative sustainability of Wye with its railway station, proximity to Ashford, and good range of shops and services for a village of its size, which all contribute to its place in the settlement hierarchy.
57. The Sustainability Appraisal considered the merits of several potential sites around Wye. The clear conclusions are that, given the prevailing situation at Wye College, there are few potential sites that would be able to accommodate new residential development without a serious adverse effect on the character or setting of the village (para.5.21 of the DPD refers).

### **WYE1**

58. The Wye Court Farm site lies on the northern-western edge of Wye. It forms a gap between the existing residential areas of Churchfield Way and Abbots Walk to the east and the coach park site to the west. Development on this site would be seen against the back drop of this existing development and, as such, its visual impact on the character of this part of the village would be relatively limited. Similarly, despite a location within the AONB (inevitable in Wye), the impact of development here on the wider rural character of the AONB would also be limited. The open northern boundary of the site, where development would be most intrusive is proposed to be mitigated by strong planting and landscaping as required by clause (b) of the policy.

59. The site lies within easy walking distance of all of Wye's main services and is particularly close to the railway station, the primary school, the main village recreation ground and the main supermarket.

## **WYE2**

60. Land at Luckley Field is allocated as WYE2 in the DPD. The site borders the existing Little Chequers estate on the south-western edge of the village. At present, this southern edge to Wye presents a hard and disjointed boundary with the open fields and countryside to the south. The proposed allocation presents an opportunity to soften this urban edge and enable a smoother transition from urban to rural through the provision of a more formalised landscaped boundary to the south.
61. It is acknowledged that development here will create a visual intrusion into the countryside but from the south, development will be seen against the setting of the modern housing of the Little Chequers estate whilst the proposed landscaping will further ameliorate any impact.
62. The site lies on the periphery of the village but footpath links create good pedestrian links to the centre of Wye and in particular the station, the primary school and main recreation ground.
63. The location and vehicular access to the site mean that a larger development would not be appropriate here but a limited development of up to 20 dwellings would not have a serious impact on the character of the village, its setting or residential amenity.

## **Alternatives**

64. Other than the ICL land at WYE3, only one other site has been proposed through representations to the DPD – WYE09 from the SA. It is unclear from the brief representations what scale of development the promoter is seeking for this site but as it lies on the south-eastern edge of the village and extends significantly into open countryside, this site was assessed as having a major adverse impact on the character of the countryside and the AONB in the SA, far in excess of the two allocated sites in the DPD. As such, it should not be regarded as being a more suitable alternative for allocation in the DPD.
65. The Council's strategy towards WYE3 is dealt with earlier in this Response Paper but the part of the site promoted by ICL for redevelopment lies on the far north-eastern side of the village at the base of the Downs, within the AONB. Development in this highly sensitive location could have a significant effect on the setting of this part of the village and the views to and from the Downs. Indeed, in the Council's view, this location is more visually sensitive than WYE1 and at least as sensitive as WYE2.
66. In their representations, Savills have claimed that WYE3 is located closer to the main convenience shop (Co-op) than either of the two allocated

sites. Whilst in the case of WYE1, any difference is literally only a few metres, the difference with WYE2 appears to be more significant. However, such a comparison depends where such measurement has taken place from, and the full extent of the WYE3 area to the north extends some 400 metres beyond the Occupation Road location quoted. In any event, WYE3 is further away from the station, the primary school, the village hall and the recreation ground than either WYE1 or WYE2 and so, on balance, should not be considered preferable to either allocated site on accessibility criteria.

67. Some representations have commented that WYE2 lies within area shown as Site of Nature Conservation Interest (SNCI) on the Borough Local Plan Proposals Map. The SNCI is a local designation and this particular one relates to the whole of the Great Stour river corridor. The proposed allocation lies outside the extent of Flood Zone 3 and so any flora and fauna associated with the river corridor would not be expected to be present to any significant degree within the allocated area. In fact, the BLP Proposals Map shows that existing residential development at Long's Acre also falls within the SNCI boundary.
68. The reference to the KLIS database should properly be regarded as a precaution only and is not an impediment to development. Suitable mitigation measures could be incorporated into development schemes if necessary.

### **Conclusion**

69. There is an unusual set of circumstances in Wye which, in the Council's view, demands a bespoke approach to planning and development in the village. The future of a long standing academic institution that has been present in some form for several hundred years (long before ICL took it over in 2000) and its possible permanent loss will have a fundamental effect on the village and its role.
70. In considering the approach in the DPD, the key question to be asked is :-
- Is the right strategy to break up and sell off the ICL land holdings as soon as possible on the basis of a limited marketing exercise, of which there are few if any details in the public domain, and potentially prejudice any prospect of educational re-use (against the clearly stated wishes of local parish council and residents) or,
- Is the right strategy to establish clearly whether there can be any viable educational re-use (not just in the agricultural sector) before deciding what alternative uses might be suitable on some or all of the site and moving forward on a collaborative basis with the local community ?
71. This particular set of circumstances demand that a prudent and precautionary approach should be followed in Wye at this time as set out in the DPD. There is no overriding need to take any other, more risky

strategy and in any event, the plan is flexible and allows progress should the marketing test be adequately tackled.

72. In conclusion, based on all the issues discussed in this Paper, the allocation of sites WYE1 and WYE2, for limited housing development in phase 1 of the DPD period, represents the most sound and appropriate strategy for Wye.