

Attn. David Smith and Steven
Lee
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

27 March 2018
Ref: SS/Let/P1429ii

Dear Sirs,

Ashford Borough Council Local Plan Examination 2017 – Issue 1.

This letter has been prepared by ECE Planning on behalf of Millwood Designer Homes Ltd in support of the promotion of Land at Lenacre Hall Farm, Ashford for allocation within the Ashford Local Plan for a residential development.

It responds to the Inspector's Matters and Issues, relevant to our client's site, for Part 1 of the Public Examination of the Ashford Local Plan. ECE's response to the Issues for Part 2 of the Public Examination will be submitted separately.

Before addressing the Issues, we believe it would be useful to provide some context regarding the currently undetermined hybrid planning application at the site at Lenacre Hall Farm (reference: 17/01613/AS) for up to 89 new residential dwellings, with associated access, landscaping, open space and community orchard.

The application is currently 2 months over the Council's statutory timeframe for determination and the applicants believe it is in a position where it can be approved. All statutory consultee responses have been received and a meeting with the Council was held on 1st February 2018 where officers agreed the site was in a sustainable location.

Directors

Chris Barker MATP MRTPI Managing Director
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All technical issues relating to transport, access, drainage and flood risk, ecology, heritage, and design have been explored and addressed with no significant objections on these technical matters remaining. There has been no objection with regards to the location of the site in sustainability terms and the Council's policy team has raised no comment on the application. The application currently remains in abeyance on the Council's presumption that the currently unexamined plan provides for an advanced 5 year housing land supply.

It is the applicant's view that despite being in a less insensitive location than over recent proposed allocations and in a sustainable location on the fringe of Ashford, the site should be allocated in the emerging Local Plan and the application approved. It has not achieved this status yet as a result of the flawed Local Plan preparation and evidence base, therefore making the Local Plan unsound.

We are of the view that as currently drafted, the Local Plan is unsound for the following reasons:

- It has not planned for an adequate level of housing growth;
- The strategic aims of the Local Plan to direct development in and around Ashford have not been translated into appropriate site allocations;
- Certain sites, such as A20 corridor sites and Rural allocations are unsuitable and unsustainable. In this regard the plan cannot be considered to represent the most sustainable strategic approach to guiding development in the Borough to meet needs;
- The Boughton Aluph and Eastwell Neighbourhood Plan area has been excluded from consideration through the Local Plan process;
- The technical background evidence base, including the Sustainability Appraisal and Strategic Housing and Employment Land Availability Assessment is flawed and fails to consider suitable sites and reasonable alternatives;
- The housing trajectory is not realistic;
- The Council cannot demonstrate a valid five year housing land supply.

It is considered that the site at Lenacre Hall Farm should have been properly considered through the Local Plan process as a potential allocation to assist the Council in meeting their vision and objectives and reduce the need to allocate isolated, poorly located and therefore unsustainable sites for housing provision. On this basis an allocation of the site at Lenacre Hall Farm for appropriate new residential development would assist the Council in making the Local Plan sound.

Each issue is considered separately across 5 individual letters. We address Issue 1 below.

Issue 1 - Have the relevant procedural and legal requirements been met, including the duty to co-operate?

i) Is the Sustainability Appraisal (SA) (SD02) undertaken suitably comprehensive and satisfactory and has it sufficiently evaluated reasonable alternatives?

The Sustainability Appraisal (SA) process undertaken to support the Ashford Local Plan (when taken in combination with the approach taken in the Strategic Housing and Employment Land Availability Assessment (SHELAA)) is considered to be fundamentally flawed. Both documents have not considered potential strategic development sites such as those sites located within the Boughton Aluph and Eastwell (BAE) Neighbourhood Plan area. The Local Plan and supporting evidence base also draws no distinction between strategic sites and other non-strategic sites and there seems little logic to some of the allocations such as A20 corridor sites from a sustainability point of view. This is especially the case when the strategic objectives of the Local Plan seek to direct new development to the periphery of Ashford in the first instance.

The SA fails to consider reasonable alternatives (i.e. both individual sites within the BAE Neighbourhood Plan area and more broadly, development within the BAE area) and therefore fails in its requirements under The Environmental Assessment of Plans and Programmes Regulations 2004.

The Council's Sustainability Appraisal (SA/SEA) Environmental Report May 2016 states the following under Footnote 4 with regards to site allocations and reasonable alternatives:

Some sites are located in Neighbourhood Planning Areas, and within these areas where The Neighbourhood Group have already started their own site analysis and processes for allocation within a Neighbourhood Plan, these sites are not considered for allocation. These sites are therefore also not considered as reasonable alternatives for the purposes of allocation in this Local Plan.

All other iterations of the SA / SEA have taken this approach. The BAE Neighbourhood Plan Group has commenced work on the background evidence base for their Neighbourhood Plan, but has not yet published any draft version of the document.

Paragraphs 150 – 152 of the NPPF are clear that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. In our view the Council is unable to demonstrate that it has fully carried out its duty to in this regard since **it has excluded sites from even being considered in the Local Plan process** – whether as allocations or as reasonable alternatives (or through the SHELAA process as considered under our representations on Issue 5).

Subsequently, the Council has essentially excluded consideration of sites within the BAE Neighbourhood Plan area from the plan making process. Such sites may contribute to a strategically more sustainable form of development across the Plan area than that being promoted within the Submission Local Plan. In our view, the site at Lenacre Hall Farm is such a site.

Appendix 1 of the Strategic Housing and Employment Land Availability Assessment (SHELAA) 2017/18 lists all those sites that have been excluded from the Sustainability Appraisal process simply because they fall within a Neighbourhood Plan area.

Site BAE1 – Lenacre Hall Farm, 393 Sandyhurst Lane is included within this list. Five other sites within this part of Ashford have also been excluded from any form of assessment within the SA / SEA on the basis that any decision would be made by the Neighbourhood Plan through allocation within their Neighbourhood Plan (including BAE2, BAE 4, BAE5, BAE13, BAE14).

Whilst the site at Lenacre Hall Farm has been excluded from the SA / SEA process, other sites which in our view are less sustainable or suitable (such as rural site allocations / A20 corridor sites / reasonable alternative sites) have been considered through the SA / SEA process.

The NPPG is clear that the SA:

is an opportunity to consider ways by which the plan can contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. By doing so, it can help make sure that the proposals in the plan are the most appropriate given the reasonable alternatives. It can be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met. Sustainability appraisal should be applied as an iterative process informing the development of the Local Plan.

The approach to exclude potential development sites within the BAE Neighbourhood Plan area from the SA / SEA and therefore the Local Plan process is at odds with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 which requires Local Planning Authorities to fully consider all reasonable alternatives. Subsequently the Submission version of the Local Plan is unsound since it is neither **justified** since it effectively excludes potential development areas nor is it **consistent with national policy** since it fails to meet the requirements of paragraphs 150 – 152 of the NPPF. Furthermore, the Plan cannot be considered to be **positively prepared** – since it is not consistent with the aims of achieving sustainable development.

In our view, the SA / SEA must be reconsidered and include all sites considered deliverable / developable from the SHELAA.

In order to be made sound, the Lenacre Hall Farm site would need to be assessed within the SHELAA as deliverable within the first five years and progress through to assessment within the SA. The SA is the tool by which the site would be considered against the strategic aims and objectives of the plan and the aims of achieving sustainable development.

v) Does the Local Plan set a clear policy framework for the preparation of Neighbourhood Plans and provide for an effective relationship between the two? Should all policies within the Local Plan be treated as strategic for this purpose as set out in paragraph 2.8?

There is currently considered to be no policy approach to emerging Neighbourhood Plans set out within the Ashford Local Plan.

As considered under Issue 1 part i) sites within emerging Neighbourhood Plan areas (such as BAE) have been excluded from consideration through the Local Plan process.

The Ashford Local Plan does not allocate housing / other development for the BAE Neighbourhood Plan area nor does it provide for any form of target housing number. The implication for the BAE Neighbourhood Plan area is that no further development within the Neighbourhood Plan area is required (despite the Local Plan allocating sites within other Neighbourhood Plan areas). Since neither the SHELAA nor the SA / SEA have assessed sites within the BAE Neighbourhood Plan area it has effectively been excluded from any form of strategic scrutiny for development potential and therefore strategic policy (with the exception of Eureka Park site which falls predominantly within other parishes). This omission is entirely at odds with the strategic aims of the Local Plan to focus development in sustainable locations and around Ashford, such as at the site at Lenacre Hall Farm.

With regards to the relationship between Neighbourhood Planning and Local Plans, Paragraph 184 of the NPPF is also pertinent. It states:

Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.

Whilst strategic policies are included within the Local Plan, there are no policy hooks or requirements within these policies for emerging Neighbourhood Plans (such as BAE) to provide for future development.

The approach taken for such areas is for strategic level decisions such as housing allocations to be deferred to Neighbourhood Planning groups. This is contrary to the duty placed on the Local Planning Authority to consider the spatial distribution of development across the entire Local Authority area with the aim of achieving sustainable development.

There is a clear contradiction with how the Local Plan, at a strategic level, seeks to allocate development and how this translates to specific policies with regards to site allocations and development within neighbourhood planning areas. In this respect, the Ashford Local Plan sets out, within Policy SP2 – The Strategic Approach to Housing Delivery, that:

The majority of new housing development will be at Ashford and its periphery, as the most sustainable location within the Borough based on its range of services and facilities, access to places of employment, access to public transport hubs and the variety of social and community infrastructure available.

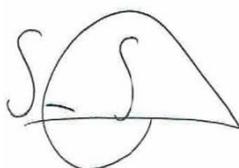
Clearly much of the remaining part of BAE Neighbourhood Plan Area is not appropriate for development, however, the south western segment, being located at the Ashford periphery, is clearly a location that the Council consider to be ranked amongst the most sustainable locations for future development yet no new sites or housing numbers are allocated for the area (this is clear from the Housing Topic Paper at Appendix 1 which shows no allocation for emerging Neighbourhood Plan areas such as Boughton Aluph and Eastwell). The site at Lenacre Hall Farm in this context is very much suburban in character being contained on the southern and eastern edges by the urban area of Ashford with a future Sports Hub located to the west.

In meeting the requirements of paragraphs 150 – 152 of the NPPF, Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. As currently drafted, the Council has taken the approach to effectively exclude consideration of Neighbourhood Plan areas through the plan preparation process with no policy requirement for such areas.

The Submission version of the Local Plan is therefore unsound. It is neither **justified** since it effectively excludes potential development areas from consideration through the process nor **consistent with national policy** since it fails to meet the requirements of paragraphs 150 – 152 and policy 184 of the NPPF. Furthermore, the Plan cannot be considered to be **positively prepared** – since it cannot demonstrate that it is consistent with the aims of achieving sustainable development.

If you have any further queries or require further information please contact me on 01903 248777.

Yours sincerely
ECE Planning



Sam Sykes MRTPI
Associate Planner