
HEARING STATEMENT

ISSUE 16 – NATURAL & BUILT
ENVIRONMENT

13 JUNE 2018 (AM Session)

ASHFORD BOROUGH LOCAL PLAN
EXAMINATION

EXAMINATION HEARING SESSIONS

Prepared By Barton Willmore
On Behalf of
Persimmon Homes &
Taylor Wimpey (Representor Id 793)

April 2018

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Project Ref:	27136
Status:	Draft
Issue/Rev:	01
Date:	24 April 2018
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Ref: 27136/A5/LW/djg/kf
Date: 24 April 2018

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Word Count: 406 words (excluding Inspector's Questions and title pages)

Issue 16 : Are the topic policies for the natural and built environment justified, deliverable and consistent with national policy? Will they be effective?

i) Is Policy ENV1 consistent with paragraphs 113, 117 and 118 of the NPPF? In particular, does it make an appropriate distinction between the hierarchy of designated sites so that protection is commensurate with their status and fully recognises the role of mitigation? Is it clear to which parts of the policy the sixth paragraph relates and does this lead to any contradiction and inconsistency with what comes before? Is it justifiable to ask for financial contributions 'in lieu' of mitigation or is the intention for this to refer to financial contributions in lieu of on-site mitigation?

1.1 No comment.

ii) Is the difference between the types of development considered in the second and third paragraphs of Policy ENV2 sufficiently clear to make the policy effective? Is it reasonable to expect all development on the edge of the Green Corridor to make a positive contribution to the factors listed?

1.2 The policy as currently worded requires all development adjoining the Green Corridor to make a positive contribution in respect of the Corridor's environment, biodiversity, visual amenity, movement networks or functioning and its setting. Development in the Green Corridor is also required to demonstrate the same attributes. There, therefore appears little difference as to how development next to and in the Corridor is to be treated, which cannot be considered reasonable as there should be a clear distinction between the two scenarios.

1.3 Development next to the Green Corridor should have regard to the qualities/attributes of this space but should not be required to emulate or add to them, otherwise this effectively acts as a further extension to the Corridor. In the third para, the second part of the sentence after providing suitable access/links to the Green Corridor should therefore be removed to make the policy Effective.

iii) In Policy ENV3b, is it justified to expect development within the AONB to 'conserve and enhance' the character of the landscape in the first bullet point? Is it justified to expect all development within an AONB to 'enhance' their special qualities? Is this consistent with the first paragraph of the policy?

1.4 No comment.

iv) *Is Policy ENV4 too prescriptive, particularly in terms of specifying such things as beam angles? Is this likely to provide sufficient flexibility to address individual circumstances? What is the justification for identifying the area as a 'dark sky zone' and would the policy be effective in delivering this aspiration?*

1.5 The policy is too prescriptive in its requirements and requires up front a level of information which would not be available until technical plans for a development are being prepared. Furthermore, the level of lighting required and ultimately its specification will be for the highway authority to determine where roads are to be adopted (which is in the majority of cases) to ensure they meet road safety requirements. The policy is too prescriptive as currently worded and should be amended accordingly so that it is Effective.

v) *To what extent are the features included Policy ENV5 protected by other policies in the plan? What is the justification for selecting these particular features and not others? Is the policy consistent with the NPPF, including paragraph 118, in terms assessing impact, mitigation and the benefits of development?*

1.6 No comment.

vi) *vi) Is Policy ENV6 consistent with paragraphs 100-105 in the NPPF and is it sufficiently clear to be effective? Is the preference for development in Flood Zone 1 relevant or appropriate to all types of development? What is the justification for a separate set of criteria for development which has failed the sequential and exception tests and do some of the criteria duplicate what is already required in these tests in any event?*

1.7 No comment.

vii) *vii) Is Policy ENV8 too prescriptive with regard to connection to the sewerage system for all developments, particularly for housing in rural areas? Would this policy restrict development that otherwise accords with other policies, including HOU5, EMP4 and EMP5? How would the reduction in quality and quantity of the water supply be assessed and is it justifiable for any reduction to lead to refusal?*

1.8 There is a statutory obligation on water and sewage infrastructure providers to ensure that there is sufficient capacity in the network to serve planned development. The Council's Infrastructure Delivery Plan (IDP – ID10) clearly sets out that the Council has been in dialogue with Southern Water, as the statutory sewage undertaker in the Borough since 2014

with respect of the planned levels of growth. The now planned level of growth is significantly lower than that in the Adopted Core Strategy 2008, which should have already been allowed for in Southern Water's previous infrastructure review. The IDP therefore confirms that the Borough Council has not been made aware of any existing strategic capacity issues.

- 1.9 The first paragraph of the policy should therefore be deleted so it is Effective, since it is unnecessarily duplicates other statutory provisions and based on the IDP is Unjustified.

viii) Does criterion a) of Policy ENV9 duplicate the requirements of policies ENV6 and ENV8? If so, are the requirements consistent? Are criteria b) – j) likely to be applicable and achievable for all forms of development and SuDS? This policy is directed to all development as referred to in paragraph 5.360. Is this reasonable?

- 1.10 No comment.

ix) Does Policy ENV10 contain an appropriate balance between maximising renewable and low carbon energy development while ensuring adverse impacts are addressed satisfactorily? Is the policy based on robust and up-to-date assessment of what might be deliverable? What is the justification for the submission of a Sustainability Assessment and what bearing would it have on decision making, particularly where developments meet criteria a)-e)? For effectiveness, should the reference to the production of Landscape and Visual Impact Assessments be included in the policy?

- 1.11 No comment.

x) Has the effect on viability and delivery of Policy ENV11 been assessed? Should the policy refer to viability as well as practicability in relation to exceptions to meeting the standard?

- 1.12 No comment.

xi) Has the effect of Local Plan policies on air quality been fully assessed? Does Policy ENV12 provide an effective way to promote the shift toward low emission transport?

- 1.13 No comment.

xii) Do policies ENV13-ENV15 include a positive strategy for the conservation and enjoyment of the historic environment in accordance with paragraph 126 of the NPPF?

1.14 No comment.

xiii) Is Policy ENV13 consistent with statutory requirements for heritage assets and paragraphs 126-140 of the NPPF, particularly in relation to the consideration of substantial and less than substantial harm and public benefits? Is the policy sufficiently clear as to what heritage assets it seeks to address, particularly in light of policies ENV14 and ENV15?

1.15 No comment.

xiv) To be consistent with legal and national policy requirements, should all references in Policy ENV14 to 'character and appearance' be amended to 'character or appearance'? Should the policy also refer to the 'setting' of a conservation area? In criterion e) what is the meaning of an 'appropriate' use and how would it be assessed? Is the last paragraph expressed sufficiently clearly to be effective? What is meant by 'inappropriate' demolition, alteration or extension and how would it be assessed? For effectiveness, should the issue of views form part of the main assessment criteria?

1.16 No comment.

xv) To be consistent with legal and national policy requirements, should all references in Policy ENV14 to 'character and appearance' be amended to 'character or appearance'? Should the policy also refer to the 'setting' of a conservation area? In criterion e) what is the meaning of an 'appropriate' use and how would it be assessed? Is the last paragraph expressed sufficiently clearly to be effective? What is meant by 'inappropriate' demolition, alteration or extension and how would it be assessed? For effectiveness, should the issue of views form part of the main assessment criteria?

1.17 No comment.

xvi) xv) Is Policy ENV15 consistent with Policy ENV13 and paragraphs 131 – 134 of the NPPF in terms of its approach to the consideration of harm to designated heritage assets? Is the policy also consistent with the PPG (Reference ID: 18a-040-20140306) in terms of assessment? Should the process of initial assessment, followed by desk based survey and then a field evaluation only when necessary be more clearly set out?

1.18 No comment.