

Bethersden Neighbourhood Plan

Summary of significant issues identified by the independent examiner, Richard High

1. The amount of housing

The determination of the amount of new housing to plan for is not easy, particularly where the development plan does not provide detailed guidance. The Plan has used a wide range of sources to consider the amount of housing that may be necessary, which is appropriate. However, I am concerned that the rationale leans very heavily on the provision of Local Needs housing which may well not be deliverable. The reasons for this are set out below under the point 4 "Affordable Housing / Local Needs Housing". The evidence presented in Appendix M of the Consultation Statement contains some errors and appears incomplete as it contains various notes to check information.

2. SEA

A screening opinion prepared by Ashford Borough Council in 2014 led to a determination that SEA was not required. However, the response of Historic England to the regulation 14 consultation suggested that the proposed allocations in the Plan could have significant environmental effects on heritage assets. This led to a further screening opinion and a determination that SEA was necessary. The scoping report was omitted from the submission documents that were posted on the Ashford BC website but has subsequently been sent to me. The only issues identified in the scoping report, as amended following consultation with Historic England were:

- Impact of development allocation sites on the historic settlement form
- Impact of development allocation sites on the form and setting of the Bethersden Conservation Area.
- Impact of development site B on views and setting of grade 1 listed St Margaret's Church, in particular on the approach north on Church Hill.

I am concerned that the SEA which has been prepared falls short of the requirements of Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004. It does not describe the potential effects of the Plan in any detail, simply relying on the table on page 21 to show the effect of the options on a 5 point scale. It does not identify what the actual effects might be. For instance, it does not identify the significance of the Conservation Area or the listed buildings that would be affected, and it does not consider whether any effects would be short, medium or long term, permanent or temporary, positive or negative or secondary, cumulative or synergistic. There is no way of understanding how the simple 5 point scale assessments on page 21 have been arrived. Indeed the screening assessment which concluded that SEA was necessary addressed these issues in more detail in pages 65-67. Because of this superficial assessment it does not consider any mitigation in any detail. Notwithstanding these inadequacies there is a conflict between the conclusions of the SEA which show negative effects against either or both of the sustainability objectives for all three allocated sites and the tick shown in the Site Evaluation Summary against "Low Impact Environment and Views" on page 27 of the Plan. There is also not a non-technical summary of the Environmental Report as required by part 10 of Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004.

3. Site selection process and in particular the treatment of heritage assets

I have several concerns about the site selection process:

- a) How much information was available on the site selection process at the time of the Regulation 14 Consultation?
- b) I appreciate that public consultation played a significant part in the selection of sites but how was the largely factual information in the detailed site evaluation sheets used to select sites?
- c) How was it determined what weight to attach to different factors and how is this reflected in the site evaluation summary on page 27 of the plan? For example, the site evaluation sheets indicate “yes” for listed building near site in relation to Site A and refer to some but not all the relevant buildings for sites B and C, but it is not clear how this has been considered or reflected in the Site Evaluation Summary. The summary simply shows a tick or a cross for each of five factors without saying exactly what this means or how it was arrived at. For instance a tick could mean that there are no constraints, or that any constraints could be overcome.
- d) Was the Site evaluation process revisited to consider the outcome of the SEA?

4. Affordable Housing / Local Needs Housing

The approach to new housing in the Plan is closely linked to the provision of Local Needs Housing. However, I am not satisfied that this is deliverable for two reasons.

- a) Policy H6 appears to equate “Local Needs” housing with social rented housing. The representations of Ashford Borough Council at the regulation 14 stage pointed out the difference and referred to Policy TSR4 of the Tenterden and Rural Sites Development Plan Document. This policy provides for the provision of “Local Needs” housing on exception sites where development would not otherwise be permitted and clearly states that such development would not include market housing. This is carried forward, with some amendments to the detailed wording, into Policy HOU2 of the emerging Local Plan. Policy CS12 of the Core Strategy provides for 35% of the houses on new developments of 15 or more dwellings or 0.5ha. to be affordable housing but makes no reference to Local Needs Criteria. This principle is carried forward in Policy HOU1 of the emerging plan, but the threshold for the size of developments is reduced to 10 dwellings or 0.5ha. and the overall percentage of affordable housing is 40%. Again, there is no reference to Local Needs criteria. Policy H6 of the Neighbourhood Plan attaches a “Local Needs” requirement to the social rented element of the allocations. However, these are allocations for market housing and not “exception sites” and therefore should be related to Policy CS12 and emerging policy HOU1 rather than to Policy TSR4 and emerging policy HOU2. The allocation of affordable housing is a responsibility of the Borough Council’s housing department and is done through its “Housing Lettings Policy” which does not give priority to “Local needs”.
- b) Two of the allocated sites provide for a maximum of 10 dwellings. However, Planning Practice Guidance now makes clear that affordable housing contributions “contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)”. It is therefore not clear that affordable housing can be provided from sites with just 10 dwellings.

It may be possible to recommend modifications to address some of these concerns, but they may undermine the overall intentions of the Plan.