



Wednesday 10th August 2016
543/A3/JJA

Planning Policy
Ashford Borough Council
Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

By Email Only

Dear Sirs

Re: Ashford Local Plan – Reg 19 version – June 2016

I write with reference to the above. I act for Wates Developments Limited who have an interest in land at Appledore Road/ Woodchurch Road Tenterden.

Having reviewed the Ashford Local Plan – Reg 19 version – June 2016 (The ALP), and associated supporting documents; in particular the Sustainability Appraisal (SA), Strategic Housing and Economic Land Availability Assessment (SHELAA), and Strategic Housing Market Assessment (SHMA); these representations seek to comment upon the proposed housing strategy being promoted in the ALP, in particular the level of housing growth proposed by policy SP2 given the housing needs and demands of the area, the level of housing supply referred to in table 1 and policy SP2 and the spatial strategy being promoted by policy SP2, especially in Tenterden.

- 1 The level of housing growth proposed in Policy SP2 of the ALP
 - 1.1 Policy SP2 of the ALP sets the overall housing requirement at 14,680 dwellings over the plan period (2011- 2030) - an average of 773 dwellings per annum.
 - 1.2 The SHMA explains that using the 2012 Sub National Population Projections and then applying the 2012-based headship rates the Objectively Assessed Housing Need (OAHN) is 718dpa. At para 1.15 the SHMA explains that an affordability adjustment requires the provision of an additional 9 dwellings per annum in Ashford hence the OAHN of 727 (718 + 9).
 - 1.3 The SHMA then goes on to explain that accommodating the effects of outward migration from London would add a further 55dpa to the baseline OAHN, taking the total to 782dpa (727+55); accommodating potential employment growth would add an extra 8dpa to the baseline OAHN, taking the total to 735dpa (727+8); and that providing for enhanced performance would require 837dpa.
 - 1.4 Para 3.6.31 of the SA explains that the preferred approach adopted in the ALP is a housing requirement of 14,680 dwellings over the plan period - 773 dpa. This is made up of 13,813 dwellings supporting an objectively assessed need of 727dpa, a 152 dwellings uplift to support employment growth (8dpa) and a 715 dwellings uplift to help accommodate the effects of outward migration from London (38dpa).
 - 1.5 It is not clear in the SA why the full effects of accommodating the additional needs of London have not been met, nor how the housing strategy looks to address any unmet need in adjacent boroughs – paras 2.5 and 3.28 of the Reg 19 LP refer to a Duty To Cooperate (DTC) Statement but nothing is available on the ABC web site at the moment to enable us to establish whether there is an unmet need in adjacent boroughs that does need to be addressed in Ashford.

- 1.6 In our opinion the effects of accommodating the additional needs of London as set out in the SHMA should be met in full, bringing the OAHN to at least 790dpa (727+8+55). In addition a contingency may need to be put in place to meet the unmet needs of adjacent boroughs.
- 1.7 In addition to the above there is in our opinion the issue of the potential imbalance between employment growth and housing growth that needs to be addressed in the ALP/ SA. The ALP is looking to accommodate a 'baseline' scenario of 12,600 new jobs over the plan period. Table 13 of the SHMA however only suggests a 12,360 growth in working population, so the plan either needs to provide for more housing to accommodate the shortfall in the working population (240 people over the plan period would generate a need for circa 17 additional dpa) or accept that there will be an increase in in-commuting to meet the economic aspirations of the area, in which case the implications of this strategy needs to be addressed in the SA.
- 1.8 In the context of the above, whilst we note that the baseline OAHN was increased by 9dpa, from 718dpa to 727dpa because of the need to address the affordability gap, we also note that para 1.12 of the 2015 SHMA states:
'The affordable housing need across the three authorities was assessed in the relevant SHMA Reports. The affordable need for 368 homes per annum in Ashford Borough represents 51% of the projected growth in households in our 2012-based Projections (of 718 dwellings pa).'
- 1.9 An increase of just 9dpa in the overall housing requirement to try and meet the affordability gap is in our opinion inappropriate, and we feel we have to question why a detailed assessment of the merits of higher rates of housing growth has not been tested to establish if a higher rate of housing growth could help bridge the gap – especially in the rural hinterland.
- 1.10 Having regard to the above we believe the level of housing growth proposed in Policy SP2 of the ALP has **not been justified** and the ALP is therefore **unsound**.
- 1.11 Given the issue of the affordability gap, the potential imbalance between employment growth and housing growth, the fact not all the effects of outward migration from London have been met, and the lack of any evidence on the DTC, we believe that in order to be seen to be **positively prepared, justified and effective** the ALP should be looking to promote an overall housing requirement of circa 15,675 to 16150 dwellings over the plan period (825dpa - 850dpa); 52dpa - 77dpa more than proposed in the ALP at present.
- 1.12 The SA looked at 4 options:
Alternative 2.1 - Meeting Objectively Assessed Need: 13,799 dwellings for the borough between 2011 and 30 (727dpa);
Alternative 2.2 - Meeting Objectively Assessed Need with some additional housing to help accommodate migration from London: 14,858 dwellings for the borough between 2011 and 30 (782dpa);
Alternative 2.3 - Meeting Objectively Assessed Need with an uplift to achieve planned job growth: 13,965 dwellings for the borough between 2011 and 30 (735dpa);
Alternative 2.4 - Meeting the housing need of the Enhanced Performance/ Productivity Employment Scenarios: 16,855 dwellings for the borough between 2011 and 30 (887dpa);
The ultimate option chosen to take forward was an amalgam of options 2.2 and 2.3. The merits of an option that addressed the needs of London in combination with the planned job growth (790dpa) or went further to try and bridge the affordability issues in the borough, or looked to address the unmet needs of adjacent boughs (if necessary) was not tested. In our opinion a reasonable alternative of 825dpa - 850dpa should have been tested. In this respect it is in our opinion unclear as to whether providing for anything over and above 773dpa is 'the

'tipping point' in sustainability terms between acceptability and unacceptability when weighing up whether the positive impacts on the social and economic objectives of the plan outweigh any negative impacts on the environmental objectives of the plan; albeit ABC's capacity to accommodate 825 - 850dpa (+) is a different matter to its assessment of what is its OAHN. The SA should be identifying the need and then assessing whether the authority have the capacity to accommodate it given the findings of the SHLAA etc. not determining the OAHN based upon their alleged capacity to accommodate it.

- 1.13 In the context of the above we note that the SHELAA suggests that there are sites capable of accommodating some 24,158 dwellings, of which over 16,600 (15,074 Assessed Sites (not allocated or permitted) and 1,600 Windfall Assumption (Future)) are not currently in the planning process and are suitable available and deliverable. It is therefore clear that the Borough Council could, given the findings of the SHLAA, look to accommodate more of their objectively assessed need on sites that have been identified as suitable if they so choose. The fact is ABC have decided against this without any clear rationale as to why they have adopted the approach they have, leads us to conclude that the plan **has not been positively prepared, has not been justified** and as such will not be **consistent with National Policy**, and is thus **unsound**.
- 2 Has the level of housing supply referred to in policy SP2 of the ALP been accurately calculated having regard to the deliverability of existing commitments?
- 2.1 Table 1 of the ALP indicates that the overall housing requirement for the District comprises:-
- 2,481 Completions since 2011
 - 2572 Extant commitments (previously allocated sites)
 - 4453 Extant windfall commitments
 - 1,080 Town Centre policy area contribution
 - 2,500 Chilmington Green
 - 1000 Future windfalls without planning permission; and
 - 5010 Proposed allocations
- 2.2 Unfortunately none of the documentation produced in support of the ALP provides a detailed critique of the existing commitments – it is not in the SHELAA, the SA or the draft plan itself. It is thus unclear whether a detailed review of the commitments has been undertaken, and what appears in Table 1 and is referred to in policy SP2 and at appendix 5 of the ALP has been discounted to reflect what is truly deliverable. In this respect a 10% discount for the non-delivery of some of the large sites would not be unreasonable; and could amount to in excess of 250 dwellings.
- 2.3 In addition there is no evidence in the supporting documents to justify the delivery rates anticipated at Chilmington Green, and set out in the trajectory at appendix 5 of the ALP. Without a clear understanding of the number of developers involved in the delivery of this site it is impossible to say with certainty that this site will be delivering in excess of 200dpa year on year from 21/22 to 29/30. Without evidence to support the housing trajectory the ALP cannot be said to be **positively prepared, justified and effective** such that it will be **inconsistent with National Policy**, and thus **unsound**.

2.4 If, as we believe, delivery will take longer to achieve at Chilmington Green than suggested in the trajectory at appendix 5 of the ALP, and delivery rates will be less than has been suggested; and if, as we also believe, there needs to be a contingency built into the commitments to address the issue of non-delivery, the true level of commitments is in our opinion likely to be significantly less than suggested. As a result ABC need to identify additional strategic sites if they are to meet their housing requirement / provide for any flexibility as required by the NPPF. Failure to address this point will lead to a plan that **has not been positively prepared, has not been justified** and is **inconsistent with National Policy**, and thus **unsound**.

3 The spatial strategy being promoted by policy SP2

3.1 Policy SP2 identifies the need to allocate land to provide for 5010 new dwellings. The proposed allocations comprise 4,445 new dwellings in Ashford and 565 new dwellings in the Rest of the Borough of which 175 are to be in Tenterden.

3.2 The SA explains that the spatial strategy is based upon 'Alternative 4.2 – Focus a large majority of development in and on the periphery of Ashford urban area supported by proportionate growth in Tenterden; the rural service centres and other villages'.

3.3 As drafted policy SP2 of the ALP is in effect looking to locate 88.75% of the proposed allocations in/around Ashford and only 11.25% in the rest of the borough. Furthermore it is clear that as only 175 dwellings are being allocated in Tenterden, the town will, despite its position in the settlement hierarchy, attract just 3.5% of the proposed housing allocations. This does not in our opinion suggest proportionate growth.

3.4 Para 3.58 of the ALP states that: '*Although only about one-tenth the size of Ashford, Tenterden is the second largest settlement in the borough and its only other town. It plays a main rural service centre role for much of the south-western part of the borough. It is an attractive, historic town which is relatively well served by shops and services and is an important tourist destination which contributes greatly to the rural economy of the borough.*'

3.5 As Tenterden's population is a 10th of Ashford's one would expect, proportionate growth to mean that at least a 10th of the housing allocation proposed in Ashford should go to Tenterden. As such, and without prejudice to our comments on the overall scale of growth proposed in the ALP, if one assumes the overall scale of housing proposed in the ALP stays as currently proposed, we believe that the plan should, if growth is to be proportionate be looking to provide for:-

4200 dwellings in Ashford

420 dwellings in Tenterden - 175 allocated on Tent 2 and circa 200 on land at Appledore Road/ Woodchurch Road Tenterden.

390 dwellings in the other RSC's – as per the Reg 19 plan.

3.6 In looking to accommodate more housing in Tenterden the ALP would not only help secure the economic wellbeing of the area, but also help address the issue of affordability in the area – which in many ways is more acute than in Ashford – hence the sliding scale of affordable provision envisaged in policy HOU1. Such a strategy would in our opinion remain within the ambit of the preferred approach (alternative 4.2) advocated in the SA.

4 The proposed options for growth in Tenterden

4.1 The SHLAA demonstrates at appendix 1 that a number of sites have been promoted in and around Tenterden. Most however were filtered out at stage 1 as unavailable or too small to be suitable.

4.2 In considering the issue of alternative sites the SA critiqued 4 sites in Tenterden in appendix 3d and 4. These were:-

TSTRW1 - Phase B TENT1

Appendix 3d of the SA gives this site a score of '0' and concludes:

The site scores well on accessibility and access to services criteria, although scores fairly poorly in relation to its integration with the existing built form of the Town. However this is due to its assessment as a standalone site. This position needs to be placed in its correct context. This site is allocated in the Tenterden and Rural Sites DPD (2010) as part of a wider site allocation that included the TENT1 phase a land, located to the north. It was considered that in combination, these sites provided a good opportunity to deliver a sustainable extension to Tenterden without a significant impact on the quality of the surrounding landscape or the historic integrity of the Town. When future development of this site is considered within this context - and TENT1a is taken account of – this view remains valid. In this context, this site is suitable for development, provided TENT1a comes forward. However, as a standalone site, development here would be considered unacceptable in that it would effectively lead to isolated development in the countryside which would not be well related to the existing built form of the Town

TS7 - Land Adj to Belcot and Hopes Grove

Appendix 3d of the SA gives this site a score of '4' and concludes:

The current use of this field is for agriculture and development would change the character of the land significantly and would extend development beyond the built up area of Tenterden into its agricultural periphery. Despite the close proximity to the town centre and services, surrounding road infrastructure improvement would be necessary to enable site access. The site is not considered suitable for development.

TS2 - Land at Belgar Farm.

App 4 of the SA gives this site a score of '0' and concludes:

'This site, wrapping around a larger existing housing development, has few physical constraints to development, but any proposals should be mindful of the setting and views from the two listed buildings in close proximity and impact upon the wider landscape. The site, while joined to existing development, would be on the outer periphery of the town beyond the existing built up part of the settlement and would be a significant intrusion into open countryside. It is not exactly clear where access could be achieved into the site. The site is not considered suitable for development'

This has since obtained planning permission on appeal for the erection of up to 100 dwellings - APP/E2205/W/15/3032575 refers

TS3 - Land at Appledore Road/ Woodchurch Road

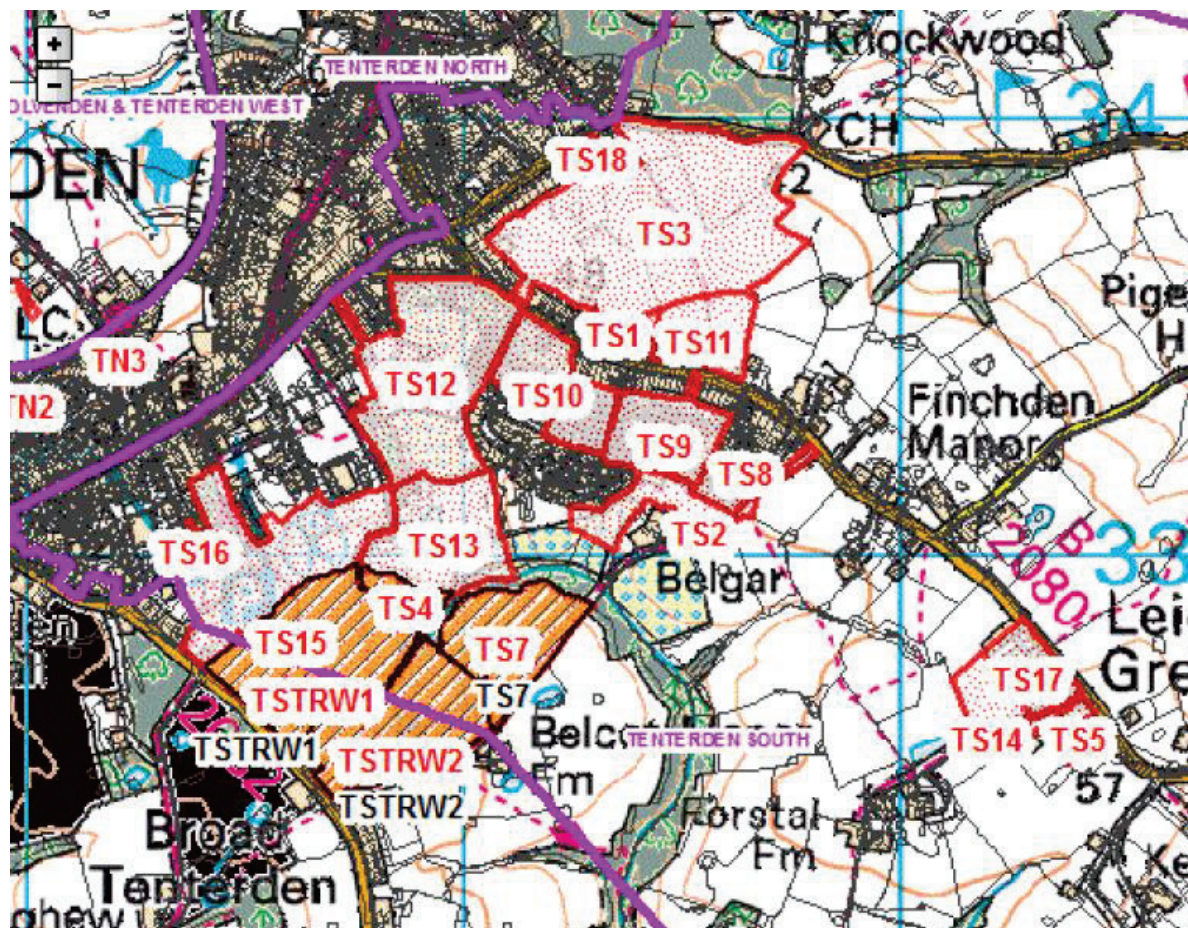
App 4 of the SA gives this site a score of '3' and concludes:

'This is a substantial site, and its development would inevitably have a significant impact on the local community, landscape and character of the settlement. The site has various character areas, and while access to and from the site would be possible along Woodchurch Road, the pressure to place an access at the interface of Appledore Road – the link closest to the town centre – would necessitate the removal of dense sets of mature trees, while affecting existing resident amenity substantially. As the site adjoins the AONB to the east, views from the AONB will be compromised. The site is not considered suitable for development'

4.3 As TSTRW1 - Phase B TENT1 has been taken forward as the formal allocation, and as TS2 - Land at Belgar Farm now has planning permission, the only 2 options assessed in the SA that could potential accommodate the additional requirements we have identified in Tenterden are TS7 - Land Adj to Belcot and Hopes Grove and TS3 - Land at Appledore Road/ Woodchurch Road. The former is, according to appendix 5 of the SHLAA circa 6ha in area

and able to yield 120 dwellings. As is clear from the plans at appendix 9 of the SHELAA (reproduced below) the site is quite removed from the town centre and situated beyond the development proposed on TSTRW1. To this end we note that appendix 5 of the SHLAA in assessing this site states:

'Potentially major impact on the rural character of the area including the AONB but remains in for further assessment'



- 4.4 TS3 - Land at Appledore Road/ Woodchurch Road is said to be 11ha and has been promoted on the basis that it can yield circa 250 dwellings. We note that the reason the Appledore Road site was screened out at stage 2 of the SHELAA is, as set out on pages 38 and 39 of app 3 of the SHELAA:

'The site is relatively peripheral to the town centre. Development here could have a significant impact on the existing rural character of this part of Tenterden and the AONB. Access to the site is limited with potentially a major impact on the character of Appledore Road. However, a full assessment is required of these issues.'

- 4.5 Having undertaken a comparison of the manner in which the 4 sites in Tenterden that were considered in the SA were assessed, it appears to us that there were some inconsistencies in the assessment process, and that the scoring awarded to TS3 on matters 1.3, 1.4, 2.3 and 7.2 was unnecessarily harsh when considered against that awarded to the other sites. Taking each point in turn:

1.3 *Would development of the site result in the loss of key components in the habitat network, such as woodland, trees/hedgerows, wetland, ponds, streams and ditches or other features supporting protected species or biodiversity?*

The SA assessment of TS3 states:

Yes. Site dotted with mature trees. TPOs along southern boundary and one in centre

The site is therefore awarded a score of -2.

Site TS2 which also encompasses TPO trees only scores -1 though, and no consideration has been given as to how, through the design process the development of TS3 could look to protect and make a feature of these TPO trees.

In our opinion the score for TS3 should be amended to -1.

1.4 Would development of the site enable the creation of new habitat and/or components in the habitat network?

The SA assessment of TS3 states: 'No'.

The site is therefore awarded a score of 0.

Site TSTRW1 however scores 1 on the basis it is large enough to have the potential to design and create habitat networks as part of any proposals; and that such networks could offer an enhancement to the biodiversity in the area.

As TS3 is also a large site and thus capable of encompassing new/ enhanced habitat networks and thus enhancing the biodiversity of the area, it should in our opinion also score 1.

2.3 Would there be an identifiable and cumulative visual impact from the development?

The SA assessment of TS3 states:

'The site, despite its size, is largely hidden from view by dint of built form at the west of the site. However there would be a substantial sprawl of development to the east, with views inevitable from Woodchurch Road in particular and from PROWS'.

The site is therefore awarded a score of -2.

Site TSTRW1 however scores -1 despite the fact that it too would have a visual impact, as the assessor considers there to be opportunities through the design process to enhance a number of key features of the town, such as views of the church. The same could be said of the development of the TS3 site such that it should in our opinion also score -1.

7.2 Is the site located within close proximity of an equipped play area?

The SA assessment of TS3 states:

'Yes – Tenterden recreation ground around 600m'

The site is therefore awarded a score of 0.

All the other sites are however awarded a score of 1. There is no justification provided as to why the TS3 site has been awarded a different score. It should in our opinion score the same as the other sites.

- 4.6 Cumulatively these changes would result in TS3 scoring 7 rather than 3 and thus being by far the best scoring site in Tenterden, and thus in our opinion the most suitable housing allocation in Tenterden. As a result, having regard to our comments above we believe that in providing for a more proportionate level of housing growth in Tenterden the Borough Council should be looking to allocate both TSTRW1 and TS3. The former for 175 dwellings and the latter for circa 200 dwellings with associated facilities.
- 4.7 Attached is a constraints plan and an associated opportunities plan. These show the main constraints on the TS3 site, and how the site could be master planned to address these and provide for circa 200 dwellings with associated facilities, including a community facility, new areas of both formal and informal play space, that would create a permanent buffer to the edge of the town and keep any development away from the more steeply sloping parts of the site. It also shows how the TPO trees could be retained and integrated into the development, how areas of ecological enhancement could be provided and how an appropriate SuDs strategy could evolve.
- 4.8 Having regard to the above not only do we believe the Land at Appledore Road/ Woodchurch Road (TS3), is the best placed site to meet the additional needs of Tenterden, and should be allocated accordingly, but that the fact the ALP does not allocate this site suggests the plan

has not been **positively prepared**, that the spatial strategy is **not justified**, and that the plan **will not be effective**, such that it will be **inconsistent with National Policy**, and thus **un-sound**.

5 The implications of previous levels of undersupply

5.1 We note that the ALP and associated documents make no mention of how the Borough Council have sought to address the issue of the shortfall in housing supply against the SEP for the period 2006 - 2013. It appears that whilst the SEP requirement of 1,135 dpa would have generated the need to deliver 7,945 dwellings during the 7 year period 2006/7-2012/13, only 3,434 dwellings were completed – a shortfall of 4,511 dwellings

Year	Housing Requirement	Re-Completions	Shortfall	Cumulative Shortfall
2006/7	1,135	359	-776	-776
2007/8	1,135	566	-569	-1345
2008/9	1,135	536	-599	-1944
2009/10	1,135	501	-634	-2578
2010/11	1,135	555	-580	-3158
2011/12	1,135	633	-502	-3660
2012/13	1,135*	284	-851	-4511
2013/14	773	137	-636	-5147
2014/15	773	405	-368	-5515
2015/16	773	1022	+249	-5266
Total	10,264	4998		-5266

* Until 2013/14 the housing requirement was established by the South East Plan. Following its revocation in 2013, and in advance of the adoption of a sound housing requirement through a new Local Plan, the NPPF requires (as confirmed by the Hunston Court of Appeal decision) that housing delivery should be assessed against the objectively assessed need (OAN) for housing. The OAN figures identified in the above table are those advanced in the 2015 SHMA and Reg 19 ALP

5.2 As ABC have, with the exception of 2015/16 failed to achieve its annual housing requirement in every year since 2006 we believe it is appropriate to apply the 20% buffer to the 5 year HLS having regard to the provisions of paragraph 47 of the Framework. We also believe, given the advice in the Planning Practice Guidance (PPG) that any shortfall should be dealt with in the first 5 years of the plan period (the 'Sedgefield' method). On the basis of the above the 5 year HLS situation is we believe thus:-

ALP Housing Requirement 2011 - 2030 (19 years)	14,680 (773/annum)
Completions April 2011 - March 2016 (5 years)	2,481 (496/annum)
Shortfall 2011-2016	-1384
Five Year Requirement 2016-2020	3865 (773/annum)
Plus 20% buffer required by NPPF	773
Plus shortfall 2006-2015	5,266
Total Five Year Requirement 2016/7-2020/21	9,904 (1,980/annum)
Commitments at 1 April 2015 ¹	4,547
Surplus/ shortfall	-5,357
No. Years supply	2.29 Years

¹ This figure is taken from appendix 5 of the LP. Normally one would expect a 10% discount for non-delivery – taking this figure to 4,092 and the exacerbating the deficit still further.

5.3 Despite what is said at paras 3.75 – 3.80 of the ALP we do not believe any sound reason has been provided to justify a delay in the councils response to the acute housing needs of the borough. Para 47 of the NPPF is clear in the need to boost significantly the supply of housing, and the PPG is also clear that any shortfall should be dealt with in the first 5 years of the plan period. The lack of a 5 year housing land supply is in our opinion a justifiable reason to look to allocate some additional small Greenfield sites (up to circa 250 dwellings each). These type of sites have shorter lead in times and could, if allocated, help address the 5 year HLS situation. In addition said allocations will also help provide a contingency for any potential under delivery/ flexibility that would allow the BC to react to any change in circumstances. The ALP's failure to try and address this issue and instead look to address the shortfall over the long term suggests to us a plan that has not been **positively prepared**. The SHLAA has demonstrated that other sites are available, suitable and deliverable to meet a higher housing requirement, and we have demonstrates above that of the sites assessed through the SA of the ALP, the Land at Appledore Road/ Woodchurch Road (TS3), is the best placed site to meet the additional needs of Tenterden. As indicated above, the fact the ALP does not allocate this site suggests the plan has not been **positively prepared**, that the spatial strategy is **not justified**, and that the plan **will not be effective**, such that it will be **inconsistent with National Policy**, and is thus **unsound**.

6 Could the shortfall we have identified be addressed through further strategic allocations?

6.1 We believe the ALP and associated SA needs to review the merits of the SHLAA sites, especially those that abut Ashford and Tenterden, with a view to making further site specific allocations in the Local Plan. Sites such as Land at Appledore Road/ Woodchurch Road (TS3) could provide circa 200 dwellings with associated facilities and should be given further consideration having regard to the points raised in these representations. We believe the issues raised in respect of TS3 in the SHLAA and SA are capable of being addressed, and that if it were assessed on a consistent basis with the other sites being promoted in and around Tenterden TS3 would be the most suitable site for further residential development. To this end please find attached a detailed report on the merits of the land at Appledore Road/ Woodchurch Road.

6.9 Having regard to the above we consider the fact the ALP fails to allocate any additional site to that proposed on TENT 1 in Tenterden means it does not provide for any flexibility, and is not a sound document as it is not **positively prepared, is not justified, is not effective, and is not consistent with national policy**.

7 The merits of Policy S24 – The Tenterden Southern Extension Phase B

7.1 Policy S24 indicates that the proposed allocation to the south of TENT 1A shall '*not be occupied until the TENT1A development has been completed.*' Appendix 5 of the ALP suggests that TENT1A will not be completed until 2021/22, thus TENT1B will not be able to commence delivery until 2021/22 at the earliest. Having discussed this with Taylor Wimpey we understand that whilst they will be starting enabling works imminently, they have 76 Planning Conditions to discharge, so building works are still some time off. Indeed, given Brexit no one is yet willing to commit funds to a build commencement date and "they are waiting & watching" so the assumptions as to the completion of Tent 1 in appendix 5 of the ALP could be overly optimistic.

7.2 Given the scale of past undersupply, and the BC's inability to meet its current 5 year HLS, it is in our opinion foolhardy to look to deliver the only allocation in the second largest settlement in the latter part of the plan period. Whilst Tent 1A and the land at Belgar Farm may be delivering, (if the accessing issues identified at the Belgar Farm appeal can be overcome),

the fact remains that Tenterden as the second main settlement in the borough has the capability to accommodate more and to do so in accordance with the ALP's aspirations for proportionate growth. As such we believe there to be sound reasons why an additional site – that at Appledore Road/ Woodchurch Road should be allocated to help address the HLS shortfall and provide additional dwellings in tandem with those on TENT1A, and in advance of TENT1B.

8 Other material considerations

- 8.1 We are concerned about the implications of the proposed introduction of policy HOU6 - Self and Custom Built Development and the requirement that 5% of dwellings on sites of 20 (+) dwellings in the rural areas encompass plots for sale to self or custom builders. Whilst the responsibility for keeping a self-build and custom housebuilding register falls to “relevant authorities” as set out in section 1 of the Self-build and Custom Housebuilding Act 2015, there is nothing in the act that requires LPA's to place a requirement through the plan making process on sites over a certain size to provide for self or custom built units. The SHMA has not identified a specific need in this area. Indeed para 5.71 makes it clear that ‘The establishment of a Right to Build Register and evidence gained from future SHELAAs and SHMAs will help inform the level of need for Self Build.’ Likewise ABC have not published a list of those wishing to be placed on the self-build and custom housebuilding register so as to demonstrate the demand in the area/ identified what may be delivered via this policy. There can as a result be **no justification** for the requirement that 5% of dwellings on sites of 20 (+) dwellings in the rural areas encompass plots for sale to self or custom builders.

9 Summary and Conclusions

- 9.1 We do not believe the level of housing growth proposed in Policy SP2 of the ALP necessarily reflects the true OAHN of the area as it does not fully take into account all the effects of outward migration from London, does not explain how the unmet needs of adjacent borough have been met – if this is necessary, does not address the issue of the affordability gap, and does not address the potential imbalance between employment growth and housing. As a result the aims and objectives of policy SP2 have not been **justified** and the plan does not appear to have been **positively prepared** in accordance with the requirements of Para 182 of the NPPF.
- 9.2 We do not believe the level of existing commitments identified in table 1 and referred to in policy SP2 are all deliverable – this needs to be tested and the results shared with consultees or a contingency of 10% provided for non-delivery.
- 9.3 Similarly, we do not believe the delivery rates being suggested for the main strategic allocation at Chilmington Green in appendix 5 of the ALP to be realistic or justified. The housing trajectory set out in appendix 5 of the ALP needs to be tested and the results shared with consultees or a contingency provided for within the plan to take account of the possibility of slower rates of delivery at Chilmington Green.
- 9.4 Given 9.2 and 9.3 above additional sites need to be identified to meet the potential shortfall in the housing supply if the plan is to be **positively prepared**.
- 9.5 We do not believe the spatial strategy advocated in policy SP2 reflects the strategy chosen in the SA. It is too Ashford centric and the level of development directed to Tenterden is not proportionate to its size and status in the settlement hierarchy. The level of development propose din Tenterden has not been **justified** and suggests a plan that has not been **positively prepared**. Additional growth should be provided for in Tenterden if the plan is to be **positively prepared**.

- 9.6 We do not believe a consistent approach was adopted towards the assessment of the sites promoted through the SHELAA in Tenterden. Having regard to our comments in section 4 above we believe that the land Appledore Road/ Woodchurch Road (TS3) should have achieved a higher score and is a prime contender if additional land is to be allocated in Tenterden.
- 9.7 We are concerned that the plan does not take account of under performance against the former SEP (-4,511 dwellings between 2006/7 – 2012/13). This undersupply should be addressed in the housing strategy. If it is not the ALP will not in our opinion be **positively prepared**.
- 9.8 We are concerned that the plan provides no flexibility – some flexibility needs to be incorporated into the plan to ensure it is **effective** and accords with the aims and objectives of **national** government guidance; and to ensure delivery.
- 9.10 Given our position on the housing requirement and existing levels of supply/ the need to address past rates of undersupply, we believe additional land needs to be identified to meet this need – such as that under Wates control on land Appledore Road/ Woodchurch Road (TS3).
- 9.11 We believe the requirements of Policy HOU6 - Self and Custom Built Development have not been **justified** and that said policy is inconsistent with national policy.
- 9.12 The ALP Reg 19 document is thus **unsound** and should not proceed to examination.
- 10 What changes are necessary to make the ABLP legally compliant/ sound?
- 10.1 We suggest, having regard to the above that:-
- a) Policy SP2 needs to identify a higher housing requirement of circa 15,675 to 16150 dwellings over the plan period (825dpa - 850dpa); and provide for additional strategic developments to those identified, including additional sites in Tenterden – such as the land Appledore Road/ Woodchurch Road (TS3). The potential wording of such a policy is set out below
 - b) The SA needs to be revisited in the light of our comments above.
 - c) Policy HOU6 should be deleted

We would be happy to meet with officer to discuss any of the above further if this would be of assistance.

Yours sincerely

Judith Ashton

JUDITH ASHTON
Judith Ashton Associates

cc Emma Gruenbaum - Wates Developments Limited

Enclosures:-
Site Promotional Document
Local Accessibility Plans
Comparison Table

Proposed wording for new Policy S24a - Land Appledore Road/ Woodchurch Road Tenterden

Land to the north of Appledore Road/ south of Woodchurch Road is proposed for residential development. It is suitable for the provision of circa 200 dwellings with associated facilities, including a community facility, a Country Park and new areas of both formal and informal play space.

Development of this site shall be in accordance with a masterplan / development brief that has been submitted to and approved by the Borough Council. The masterplan / development brief shall identify the timing of the provision of a substantial landscape /open space buffer to the north of the built development area within this site and define the extent, location and phasing of community infrastructure to be delivered both on and off- site.

Vehicular access to the site shall be from Appledore Road with additional pedestrian and cycle links provided both to Appledore Road and through the site to Woodchurch Road.

Acceptable forms of development on this site shall also achieve the following:

- a) The retention and enhancement of existing hedges, field boundary features and significant ponds on the site as far as is practically possible and the provision of biodiversity benefits where possible;
- b) The retention of trees with high landscape, amenity or biodiversity value, in particular where these are covered by a TPO;
- c) The enhancement of existing public rights of way both on and off-site and creation of additional rights of way to enhance connectivity between the site and surrounding area;
- d) A layout that enables the retention of views towards St Mildred's Church tower, and views towards the AONB from the eastern part of the site;
- e) Provision of off-site highway improvements identified as being necessary through the master-planning process;
- f) The creation of public open space comprising both formal and informal play space, playing fields and allotments/ a community orchard within this site's boundary, including, to the east of the existing ridgeline that runs north south through the site a new Country Park to protect and enhance the landscape setting of the town; and
- g) The creation of new links to the existing adjacent playing fields on Appledore Road together with new facilities to serve these playing fields and thus enhance their usability