

Wye Neighbourhood Plan

The Report by the Independent Examiner

Richard High BA MA MRTPI

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Summary

It is very clear that the unique setting and history of Wye make it a special place and there is a very obvious desire that future development should not be detrimental to the unique character of the village. At the same time the village has experienced major change as a result of the closure of Wye College which has undermined its economic base and the future use of the Wye College site presents both opportunities and challenges. The preparation of a neighbourhood plan which allows the community to help shape the future of the village is an opportunity to address these opportunities and challenges.

The preparation of a neighbourhood plan is a major undertaking for a small community and requires a huge commitment of time and energy from those who lead the process. It is very clear from the documentation which provides numerous background papers and full details of the consultation that has been carried out that there has been a great effort to ensure that the Plan satisfies the procedural requirements and to assemble an extensive evidence base to inform the development of policies. The Plan has been prepared in the absence of strategic policies which cover the whole of the Plan period. It has also had to address the uncertainty surrounding the future of the former college site and to help shape its future while leaving sufficient flexibility for a masterplan for the site. Both of these factors have added to the difficulty of preparing an effective plan, and I congratulate the Neighbourhood Plan Group on what it has achieved.

The Basic Conditions Statement sets clearly how the Plan has regard to the NPPF and the ACS and demonstrates very clearly how the principles of sustainable development underpin the WNP.

I have found it necessary to recommend some modifications to enable the Plan to meet the basic conditions and other legal requirements. In some cases, these have been because, notwithstanding the extensive background work, there has been insufficient justification for the proposals. The planning system is based on a presumption in favour of sustainable development and in this context policies which are not supported by evidence or are based on somewhat arbitrary standards are unlikely to be enforceable. In other cases proposed modifications reflect changes in circumstances since the Plan was submitted both within Wye and in terms of the law and guidance to which the Plan must have regard.

I anticipate that some of the modifications that I have suggested may give rise to some disappointment, but I am satisfied that they are necessary and do not undermine the essential aims of the Plan.

I have concluded that, if the modifications that I have recommended are made, the Wye Neighbourhood Plan:

- has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach and is compatible with European Union obligations and the European Convention on Human Rights.

I am therefore able to recommend that the Wye Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.

I am also required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Plan Area. The whole of the parish of Wye with Hinxhill is included and the policies of the Plan will not in my view have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.¹ I therefore conclude that there is no need to extend the referendum area.

¹ Reference ID: 41-059-20140306

Introduction

1. The Localism Act 2011 has provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. The Wye Neighbourhood Development Plan 2015-2030 (which I shall refer to as the WNP or the Plan) has been prepared by Wye with Hinxhill Parish Council. The Plan area covers the whole of the parish of Wye with Hinxhill. The village of Wye has a population of about 2,300 and lies about 4 miles north-east of the expanding town of Ashford. It occupies a very distinctive position in the valley of the River Stour, where it passes through a gap in the North Downs, and within the Kent Downs Area of Outstanding Natural Beauty (AONB). The A28 Ashford to Canterbury main road passes about 1 mile to the west of Wye and the village is served by the railway between Ashford and Canterbury. The main entrance to the village by car is by a manned level crossing at the western edge of the village and the delays caused by the frequent closure of this crossing are a major issue. These locational factors present a very distinct set of issues to be addressed by the WNP.
3. If, following a recommendation from this examination, the Plan proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. As such it will be an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

Appointment of the Independent Examiner

4. I have been appointed by Ashford Borough Council (ABC) and Wye with Hinxhill Parish Council (WHPC) to carry out the independent examination of the WNP. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).
5. I confirm that I am independent of both ABC and WHPC and have no interest in any land which is affected by the WNP.
6. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have

completed seven neighbourhood plan examinations and three health checks. I therefore have the appropriate qualifications and experience to carry out this examination.

The Scope of the Examination

7. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B to the Town and Country Planning Act 1990.
8. I must:
 - a) decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
 - b) decide whether the Neighbourhood Development Plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates to the contents of the Plan.
 - c) make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.
9. The Plan meets the basic conditions if:
 - a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the plan;
 - b) the making of the plan contributes to sustainable development;
 - c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - d) the making of the plan does not breach, and is otherwise compatible with, EU obligations.
10. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to

allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I came to the conclusion that a hearing was necessary in order to

- Explore in more detail the procedures that had been followed in carrying out the Strategic Environmental Assessment Screening Assessment and the preparation of the Strategic Environmental Assessment itself;
- Consider the issues relating to the concept of the walkable village and the 400m or 5 minute walking time threshold;
- Allow interested parties to comment on the correction to drawing to figure 5.1 in the submitted Plan.

11. The hearing was held on 8 December 2015 at the Julie Rose Stadium in Ashford.

12. The documents which I have referred to in the examination are listed below.

- Letter from Wye with Hinxhill Parish council dated 26 October 2012 seeking designation of the parish as a Neighbourhood Area and accompanying plan
- Wye Neighbourhood Development Plan 2015-2030
- Appendix A Glossary
- Appendix B Projects and developer contributions
- Appendix C Summary of Neighbourhood Development Plan Policies
- Appendix D Planning Guidance from the Village Design Statement
- Appendix E Planning Context Information
- Appendix F Designation of Local Green Space
- Appendix G Outline proposals for WYE3
- Background Document (BD) 1 Questionnaire and results
- BD2 Workshop output and community engagement
- BD3 The environment and the AONB
- BD4 Transport and traffic appraisal with attachments BDA4a, BDA4b and BDA4c
- BD5 Employment and Housing
- BD6 Local Housing Needs Survey – produced by Action with Communities in Rural Kent

- BD7 Rural Economic Assessment – produced by Nathaniel Lichfield and Partners
- BD8 Wye Village Design Statement – produced by Wye Village Design Group 2000
- BD9 Strategic Environmental Assessment
- BD9a Strategic Environmental Assessment Scoping Document
- BD10 Our Place: Wye Business Plan 2015-2018 produced jointly by Kent County Council, Ashford Clinical Commissioning Group and Wye with Hinxhill Parish Council
- BD11 Consultations with major landowners in the Parish
- BD12 Maps of brownfield sites on WYE3
- BD13 Site policies for WYE1, WYE2 and Naccolt Brickworks
- BD14 Basic Conditions Statement
- BD15 SEA/HRA Screening Report
- BD16 Consultation Statement
- Responses received to Regulation 16 Consultation
- E mail dated 25 September 2014 from ABC to WPC
- E mail dated 25 July from John Mansfield to Katy Wiseman (ABC)
- Ashford Borough Core Strategy adopted in 2008
- Tenterdon and Rural Sites Development Plan Document 2010
- Sustainability Appraisal: Tenterdon and Rural Sites Development Plan Document Regulation 27 Version
- Ashford Borough Council Housing Land Supply Paper April 2015
- Department of Communities and Local Government. The National Planning Policy Framework (NPPF)
- Department of Communities and Local Government. Online Planning Practice Guidance (PPG)
- The Neighbourhood Planning (General) Regulations 2012 amended in March 2015 (NPR)
- The Environmental Assessment of Plans and Programmes Regulations (EAPPR) 2004
- A Practical Guide to the Strategic Environmental Assessment Directive 2005

13. I made an unaccompanied visit to Wye to familiarise myself with the plan area and its surroundings on 6 October 2015. I spent most of a day walking round the village and its surroundings to view all the key locations referred to in the Plan.

The Preparation of the Plan

14. An application for the designation of the whole of the parish of Wye with Hinxhill as a Neighbourhood Area was sent to ABC on 26 October 2012. ABC published the application on its website and carried out consultation in accordance with the requirements of regulation 6 of the NPR from 9 November to 21 December 2012. The results of the consultation were reported to the Council's Cabinet on 10 January 2013 where the designation was formally approved.
15. As required under Section 38B (1) (a) of the Planning and Compulsory Purchase Act 2004 the Plan clearly states the period to which it relates, which is 2015-2030.
16. The Plan must not include any provision about development that is excluded development as defined in Section 61K, which is inserted into the 1990 Town and Country Planning Act. Excluded development includes "county matters" such as mineral extraction and waste disposal and major infrastructure projects. I am satisfied that the submitted plan contains no such provision.
17. I am also satisfied that the WNP does not relate to more than one neighbourhood area.
18. The Plan has been produced by the Wye Neighbourhood Plan Group, which is a working group of the Parish Council. It was set up in spring 2012 and consists of 8-12 parish councillors and residents.

Public Consultation

19. The preparation of the WNP has involved an extensive programme of public consultation and involvement, which has been successful in securing the views of a large proportion of the community.
20. Before the village was formally designated as a Neighbourhood Area, a questionnaire was distributed in July 2012. Just over 75% of all households responded to the questionnaire which in my experience is an exceptionally high level of involvement. The responses show a high degree of consensus around the main issues for the village.

21. Following the questionnaire there was a series of 6 workshops between October 2012 and November 2013 to engage the community in the development of the Plan. The first workshop looked at three possible scenarios for future development in terms of the scale and form of development, opportunities and constraints and was followed by an exhibition in the church for two weeks which presented these scenarios. The second workshop looked at a draft vision and developed a set of possible principles for future development. Again this was followed by an exhibition which resulted in a clear consensus on the preferred approach. The third fourth and fifth workshops helped to develop the vision into more specific proposals addressing different key issues in each workshop and the final workshop drew together these conclusions and considered the traffic impact of new development.
22. The first workshop was attended by 50 people but I have no information on how well attended the others were. However, they clearly provided the opportunity for genuine community engagement in the development of the Plan. In addition, there were no less than 15 public meetings, including annual parish meetings, between December 2011 and May 2015, at which progress on the Plan was reported and there were opportunities to comment. In all this amounted to an impressive commitment to community engagement.
23. The Consultation Statement (BD16) and the three appendices attached to it sets out in detail the process of consultation on the pre-submission plan, the responses that were received and the way in which these responses influenced the submitted version of the Plan.
24. Pre-submission consultation took place between 30 January 2015 and 13 March 2015. A summary of the plan was delivered to all households in the parish together with a simple response form. The form asked people to state whether they generally supported the plan and it gave them the opportunity to comment on it in more detail. The summary version of the Plan was quite extensive and it offered a link to the full plan and supporting documents which could be viewed online or in several public buildings in the village. 729 people out of an adult population of 1890 responded to the consultation draft and 88% were generally in support of the plan. In my experience this is again an exceptionally high level of response at this stage and demonstrates very effective engagement with the community. There were also several detailed responses both from statutory consultees and individuals and these are reported fully in the Consultation Statement.

25. While I found it somewhat difficult to find my way around the document, because the demarcation of the appendices is not very clear I am satisfied that the consultation process was entirely in accordance with regulation 14 of the NPG and the Consultation Statement complies with the requirements of regulation 15.
26. Publicity following the submission of the Plan was carried out by ABC between 15 June and 10 August 2015. The original period of 6 weeks required by the regulations was extended by two weeks following a change of ownership of an important site. All of the comments received at this stage have been sent to me in accordance with the regulations, and while I have not referred directly to all of them I have taken them into account.

The Development Plan

27. The statutory development plan is made up of:
- The Ashford Borough Core Strategy 2008 (ACS) – which provides strategic policies for the borough of Ashford between 2006 and 2021.
 - The Saved policies of the Ashford Borough Local Plan 2000 – this plan had a planning horizon of 2006 and is thus out of date, but some policies from it are saved and form part of the development plan. The list of saved policies was updated in 2014
 - The Tenterdon and Rural Sites Development Plan Document 2010 (TRSDPD) – which sets out site specific policies for the areas of Ashford which lie outside the growth area up to 2021.
 - Kent Waste Local Plan adopted in March 1998
 - Kent Minerals Plan 1997
28. The policies of the ACS and TRSDPD only relate to the period up to 2021 and they therefore do not provide an up to date strategic context for the whole of the plan period of the WNP up to 2030. The ACS and the TRSDPD will in due course be superseded by the Ashford Local Plan which will have a horizon of 2030. This Plan is at a relatively early stage of preparation and a draft for consultation is expected during 2016. The WNP must be in general conformity with the strategic policies of the ACS and the TRSDPD insofar as those policies can be regarded as up to date and are not

in conflict with the NPPF. In the absence of fully up to date development plan policies, the relationship between the WNP and the NPPF will be particularly important in my examination.

29. The policies of the Kent Minerals and Waste Plans are also out of date and these plans will be replaced by the Kent Minerals and Waste Plan which will also relate to the period up to 2030.

The Basic Conditions Test

30. I shall consider the compatibility of the Neighbourhood Plan with basic conditions a), b) and c) in relation to each of its policies but will first consider whether it meets European Union obligations.

European Union Obligations

31. A Strategic Environmental Assessment (SEA) Screening Report and a Habitats Regulations Assessment Screening Report were prepared by ABC on behalf of Wye Parish Council in September 2014. WHPC provided ABC with the objectives of the WNDP and an indication of the overall quantum of development, which suggested up to 175 new dwellings. The SEA Screening Report concluded that the proposals in the WNP could have significant environmental effects and that, in accordance with regulation 5 of the EAPPR, an SEA would be necessary.
32. This conclusion was communicated to WPC in an e mail dated 25 September 2014. This was referred to on P3 of BD15 as a formal screening opinion but not originally submitted to me. A copy has been sent to me on request and is attached as Appendix 1. I have difficulty in regarding this as a determination of the need for a SEA in accordance with regulation 9 of the EAPPR as this clearly states that before making such a determination the consultation bodies should be consulted. In fact the consultation bodies were consulted on it between 29 September 2014 and 3 November 2014, after ABC issued its screening opinion. However, the response of the consultation bodies reinforced the conclusions of the screening opinion and thus there has been no conflict with the aims of the EAPPR.
33. A scoping report for the SEA (BD9a) was prepared in November 2014 and the consultation bodies were consulted on it in accordance with regulation 12 (5) of the EAPPR. Comments were received from both the Environment Agency and Natural England and these were taken into account in the SEA that was prepared.

34. Regulation 12 and Schedule 2 of the EAPPR set out the requirements for the Environmental Report which must be included in the SEA. I have considered the SEA against these requirements taking account of the Practical Guide to the Strategic Environmental Assessment Directive 2005 and PPG.
35. The SEA sets out the objectives of the WNP and sets out the main environmental considerations to be addressed, having regard to the Scoping Report and the comments of the consultation bodies. It considers in some detail the characteristics of all the sites with environmental designations including Special Areas of Conservation, Special Protection Areas and Ramsar Sites within 20km of Wye, looking at the potential direct effects of the WNP on these areas and the potential for any cumulative impact. This assessment concludes that the Plan could have significant effects on the Wye and Crundale Downs SAC, Stodmarsh SAC and Stodmarsh SPA, but that as the proposals are in line with the existing development plan the cumulative effect is unlikely to be significant.
36. I have given extended consideration to whether the environmental report has properly described and evaluated the environmental effects of “reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme”². PPG suggests that where an SEA is necessary work should begin at an early stage so that the assessment can inform the choices being made in the Plan³. In the case of Wye, and many other neighbourhood plans, the need for a SEA was only identified at a relatively late stage in the plan preparation process. The screening assessment report was completed in late September 2014 and was followed by consultation with the statutory bodies.
37. The environmental report was prepared in November and December 2014 just before the start of regulation 14 consultation which took place between 29 January and 13 March 2015. At this stage the direction of the Plan had been determined and the main alternatives eliminated. It would have been helpful if the reasoning which had led to the rejection of these alternatives had been included in the SEA. For instance, the first phase of public engagement put forward three scenarios for future development based on: satellite settlements, linear growth and concentric growth. It is evident that the third option attracted the most favourable response but no other rationale for the rejection of the other options has been presented in the environmental report.

² EAPPR regulation 12 (2) (b)

³ PPG Reference ID 11-029-20150209

38. However, it is evident that a significant part of the evidence base for the Plan and the environmental report was the evaluation of all the possible sites for residential development that were considered in the TRSDPD. The SEA sets out the conclusions of this assessment in summary form and comments with regard to the WNP. All of these sites were considered in the SEA relating to the TRSDPD and there is therefore no need to repeat that assessment in full.
39. The only differences in the conclusions of this assessment relate to three small sites. Site WYE01 is a small site on the south-eastern edge of the village that the TRSDPD Sustainability Appraisal considered unsuitable for development, mainly because of its landscape impact and because of its position to the rear of existing development. The WNP considers the site suitable for development if the access is improved. I see no reason to suppose that the small scale of development that could be accommodated would be likely to have significant environmental effects or that its inclusion in the WNP would undermine the requirement for general conformity with the strategic policies of the development plan. Similarly, site WYE18 lies just to the south of WYE01 and to the east of the doctors' surgery. It was considered unsuitable for development in the TRSDPD Sustainability Appraisal but in the WNP is considered suitable for a possible extension to the surgery. Finally, site WYE06c is included in the WNP assessment but not in the TRSDPD. This small area lying adjacent to the school playing field and the sewage treatment works is considered unsuitable for development.
40. As a result of this appraisal the relatively small number of sites where development is proposed in the Plan are identified and the detailed assessment of the TRSDPD SA/SEA is presented for these sites, with a supplementary comment on the effects of the WNP. These sites are: WYE1, WYE2 and WYE3 of the WNP.
41. On sites WYE1 and WYE2, planning permission has already been granted. More detailed consideration is given to site WYE3, the former Wye College site which includes several component parts: the land on both sides of Olantigh Road and the Withersdane site. The detailed appraisal for all 3 sites from the TRSDPD is reproduced in the SEA with some amendments to reflect the indicative proposals in the Plan. The TRSDPD appraisal did not make specific assumptions on the scale or form of any future development. However, the WNP appraisal worked on the following assumptions regarding the scale of development: 50 new dwellings, the Free School with 600 pupils and 90 staff, 5,000sq m of business space in the Kempe Centre and other sites including Withersdane and 2,500 sq m of business and community use of

the Grade 1 listed buildings. The proposals are thus rather more specific than for the assessment in the TRSDPD and additional comments are attached to it to reflect this. The assessment is done on the assumption that the Free School is located on the west side of Olantigh Road, with housing and business space to the east, but the report acknowledges the possibility that these uses may be reversed and suggests that if the overall quantum of development is unchanged the environmental impact would be the same.

42. The assessment of the environmental effects covers short, medium and long term effects and positive and negative effects in accordance with paragraph 6 of Schedule 2 of the EAPPR. It also indicates the magnitude of the effects on a 6 point scale from ++ to --, although the range on the sites appraised only shows results between + and -. The report includes an executive summary which could be regarded as the non-technical summary suggested by paragraph 12 of Schedule 2 of the EAPPR. The SEA, along with other background documents was also the subject of consultation at the time of regulation 14 consultation on the Pre-submission plan in accordance with EAPPR regulation 13.
43. I shall return to the proposals for site WYE3 in more detail when I consider the policies of the WNP, but it could be argued that further alternatives could have been considered, in particular in relation to the scale of development on the parts of the WYE 3 site on either side of Olantigh Road and the potential uses of the former ADAS site. However, other such variations would fall within the scope of the TRSDPD Sustainability Appraisal as it simply defined the boundary of the sites and assessed the environmental effects of development without defining scale or form. Most importantly that appraisal concluded for all three sites that the potential for reuse or redevelopment of existing buildings or new development could only be assessed in the light of a comprehensive evaluation of the future of the campus.
44. Although the assumptions of the WNP SEA are more specific than the TRSDPD Sustainability Appraisal, the scoring of the environmental effects is the same. It is evident to me from both the submitted documentation and discussion at the hearing that there was the potential for a wider range of options to be considered, particularly with regard to the potential use of the ADAS site. However, because the sites that comprise WYE 3 in the WNP have been assessed in the TRSDPD I do not consider that this means that the Plan has failed to meet European Obligations. It will however be necessary for the environmental impact of the specific proposals for the sites that emerge from the proposed master plan to be assessed in detail.

45. The SEA also looks at the effects of the plan proposals on congestion by modelling traffic generation in a number of scenarios. These include a fallback position based on a fully active Wye College and various levels of housing development on Site WYE 3 ranging from 50 dwellings to 200 dwellings. There is therefore an inconsistency between the approach taken to the evaluation of alternatives for traffic and that taken for other environmental effects.
46. It is clear to me that the way the environmental report is presented having regard to the assessment of reasonable alternatives is not fully in accordance with the regulations or PPG. The latter indicates that “reasonable alternatives must be considered and assessed in the same level of detail as the preferred approach” and “the strategic environmental assessment should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred alternatives”.⁴ However, I have also taken into account the relationship of the Plan to the TRSDPD with regard to the generation of alternatives and the Plan reflects both the options and the conclusions of the SEA that was previously undertaken. Moreover, the guidance I have referred to was not published until February 2015, after the SEA had been prepared. I also accept that there is some difficulty in defining what would be reasonable alternatives. The constraints on development in and around Wye are substantial because of the significance of the AONB which includes the village and all the countryside immediately surrounding it. It is evident from the responses to the Plan and the SEA that higher levels of development than those considered are likely to attract concern from Natural England and may not therefore be reasonable alternatives.
47. In summary, for the most part, I am satisfied that the SEA has been prepared in accordance with the EAPPR having regard to the PPG which states that “It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.”⁵ In some respects the WNP has not followed the procedures set out in the EAPPR to the letter. I consider that the approach to the evaluation of reasonable alternatives could have been more thorough and would have been more useful if it had been started earlier in the plan process. The evaluation has followed the formulation of policies rather than helped to define them. However, the scope of the policies does not extend significantly beyond that of the policies of the TRSDPD which was subject to a full

⁴ PPG Reference ID: 11-038-20150209

⁵ PPG Paragraph 031 Reference ID: 11-031-20140306

sustainability appraisal. Moreover, it is not possible to fully assess the impact of the most significant proposals for new development until the comprehensive approach to the development of the former Wye College site has been developed. It is clear that, the scale of the development envisaged for the WYE3 site and its location within an AONB mean that any planning application should be subject to screening of the need for an Environmental Impact Assessment (EIA)⁶. I shall return to this in considering policies for the WYE 3 site.

48. I therefore conclude that while there are deficiencies in the approach to the SEA which I have outlined they do not constitute a clear breach of the European Obligations having regard to the scope of the Plan and the Sustainability Assessment previously carried out into the TRSDPD.
49. The Habitats Regulations Assessment concludes that the proposals of the WNP will not have an adverse effect on the integrity of internationally designated sites either on its own or in combination with other plans. However, should the content of the Plan change significantly the scoping report would need to be revisited.
50. I am also satisfied that nothing in the plan is in conflict with the European Convention on Human Rights.
51. I therefore conclude that the Plan is compatible with and does not breach European Union obligations.

Vision and Principles

52. The Plan sets out an overall vision for Wye, which is set out in 6 bullet points, and then defines a series of development principles which define in simple terms the sort of development that the Plan seeks to achieve. Neither the Vision nor the Principles are presented as policies and so they will not carry weight as part of the statutory development plan if the WNP is made. They are, however, clearly of fundamental importance in defining the direction of the Plan and I have therefore considered them in relation to the basic conditions.
53. The Vision is a clear statement of intention regarding the character of the village and I find it consistent with the basic conditions with one exception. In the first bullet point the meaning of the reference to “definite” boundaries is somewhat unclear. It could

⁶ PPG Reference ID 4-031-20140306

suggest completely inflexible boundaries or simply a clear distinction between the village and the surrounding countryside. The first interpretation would almost amount to a policy and would imply a degree of rigidity that would not be consistent with the presumption in favour of sustainable development. The second interpretation would be more appropriate for a vision and raise no such concerns.

Recommendation

Reword the first bullet point of the vision set out in paragraph 3.1 to read “Wye village should remain a distinct settlement with a clear division between the village and the surrounding countryside”.

54. The principles for development are set out in two groups, the first relating to the type and form of development that will be encouraged, and the second to design principles. For the most part the principles are expressed in sufficiently general terms to be clearly principles rather than policies. However, the second bullet point refers to residents being “able to walk to the centre within five minutes”. This is very specific and amounts to a policy. This principle is very important in the later policies in the Plan and I shall return to it in more detail when I consider them, but is inappropriately precise for a general principle.
55. The sixth bullet point relates to sustainability standards and the application of CO₂ neutral principles. Following the Housing Standards Review the Ministerial Statement of 25 March 2015 announced that energy efficiency standards should be controlled through building regulations and that development plans should not include policies on energy standards.⁷ The inclusion of a principle on an issue in which there is now no local discretion therefore serves no purpose and would be contrary to the basic conditions.

Recommendations

- **Reword the second bullet point of paragraph 3.2.1 to read “Development should be generally concentric around the historic centre so that residents can easily walk to facilities in the centre of the village.”**
 - **Delete the sixth bullet point in paragraph 3.2.1.**
56. The principles for the design of development are generally consistent with the approach taken in the NPPF and raise no concerns.

⁷ Planning Update 2015. Ministerial Statement, section headed Plan Making, “local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans or supplementary planning documents any additional technical standards or requirements relating to the construction, internal layout or performance of new buildings.

The Policies of the Plan

57. The policies of the Plan are arranged in three groups: core policies, general policies and site policies. The core policies each relate to a key objective. I shall consider each of the policies having regard to the basic conditions. I am only empowered to recommend modifications where they are necessary to enable the Plan to meet the basic conditions. Many of the changes and additions suggested by consultees relate to the supporting text and background documents and appendices. While these and some of the suggested modifications to policies may have merit I can only recommend those that are necessary to meet the basic conditions. For the most part these relate to the policies themselves rather than the supporting text. I am, however, able to correct errors and have recommended some modifications to correct information that was correct at the time the Plan was submitted but has now been superseded.
58. Planning Practice Guidance suggests that policies “should be drafted with sufficient clarity to allow a decision maker to apply it consistently and with confidence in determining planning applications.”⁸ In a number of cases the modifications I suggest are intended to achieve this clarity.

Core Policies

Policy WNP1a *Village Envelope*

59. This policy relates to an objective to “Protect and enhance the village of Wye’s sense of place within the parish and its surrounding countryside”. The policy is quite wide in its scope and aims to prevent development outside the village envelope except in exceptional circumstances or where it is necessary to meet utility infrastructure needs; the policy in effect defines the village envelope by cross referring to Fig 4.1. The policy also designates several Green Spaces within the village. These are two very different proposals and I shall deal with them separately.
60. Fig 4.1 draws the village envelope very tightly around the built up area of the village for the most part, but includes sites WYE1⁹ and WYE 2 which were recognised as suitable for development in the TRSDPD and on which planning permission has subsequently been granted. It also includes a small area at the south eastern corner of the village

⁸ Planning Practice Guidance Reference ID: 41-041-20140306

⁹ The numbering I have used relates to that used in the policies of the Wye Neighbourhood Plan and not that used in the evaluation of sites in the TRSDPD and shown on Fig 2.8.

(Site WYE01 and a small part of Site WYE18 in the TRSPD site evaluation), which was originally excluded, in response to representations at the regulation 14 consultation. The boundary is drawn through the former Wye College site, excluding a large part of the land to the east of Olantigh Road. I shall consider this section of the boundary in more detail later. The village envelope excludes some open spaces which have a strong relationship to the village, notably the Village Playing Field and the School Playing Field, but includes the Churchfield Allotments which are on the edge of the village.

61. The wording of the policy is very restrictive and somewhat ambiguous. In restricting development other than in exceptional circumstances, the policy is much more restrictive than the overall approach to development in the countryside which is set out in the NPPF. While Paragraph 115 of the NPPF aims to resist major developments in Areas of Outstanding Natural Beauty, not all development is precluded and there is encouragement elsewhere for development in rural areas, notably in paragraph 28, in relation to economic growth in rural areas, and in paragraph 54, in relation to affordable housing on exception sites. As the policy is worded it could preclude development that would be appropriate in the countryside and development at the Village Playing Field or School Playing Field which would be entirely consistent with the function of these spaces. It is unclear whether this wording is intended to preclude the provision of affordable housing to meet local needs on exception sites. This could be construed to be “exceptional circumstances”, but the reasoning in relation to Policy WNP5 suggests that such development is not envisaged. A policy to preclude rural exception sites would not be consistent with national guidance. I have suggested a modification which would align the policy with the guidance in the NPPF.
62. The reference in this paragraph to development which would be beyond a 5 minute walk (ca.400m) from the centre of the village (the Church Street/ Bridge junction) is also somewhat ambiguous. As it reads, development outside the village development area but within a 5 minute walk of the centre would not be subject to the restrictions of this policy. While there may be few locations where this would be the case, there are some, notably to the west of the Churchfield Allotments and part of the school playing field. It is not clear what policy would apply in these circumstances. It was agreed at the hearing that this wording is ambiguous and requires amendment.
63. On the basis of the submitted documents I was not satisfied that there was a clear justification for the use of the threshold of 400m in defining the village envelope. This

was also an issue raised in consultation by Telereal Trillium, the new owners of the Wye College Site. I decided that this issue should be explored further at the hearing.

64. It was explained to me that considerable thought had gone into this definition with reference to research on acceptable walking distances and the characteristics of the existing village. Acceptable walking distances are generally considered to be between 5 and 10 minutes and obviously vary for individuals. A 5 minute walking distance would mean a 10 minute walk for a return trip. Also, although many of the facilities in the village are in the centre, several are actually some distance from it, notably the primary school, village hall, railway station and doctors' surgery. The walking distance to these facilities from the other side of the village would be more than 5 minutes. I was also concerned that the use of the Church Street/ Bridge Street junction to define a 5 minute walking distance was unduly arbitrary and wondered if a 5 minute walking distance from the centre of the village as defined by the roughly square area enclosed by Church Street, High Street and Bridge Street would be more appropriate. It was explained that the facilities outside the centre are to the south and west of the village and the Church Street/ Bridge Street junction is at the south western corner of the area I have defined.
65. On this basis I am satisfied that there is a strong justification for the concept of the walkable village, and that there is sound reasoning to relate this to a walking distance of approximately 5 minutes from the centre of the village as defined in the plan. I also accept that it reflects the way in which Wye has grown and functions. In many ways it reflects the principles in the NPPF and Policy CS1 of the ACS regarding maximising the potential for the use of walking, cycling and public transport and the promotion of healthy life styles. However as regards the existing village, the reference to this distance in the policy only leads to the ambiguity I have described earlier in paragraph 56. Moreover, where the definition of the village envelope includes undeveloped land where the principle of development is accepted at site WYE1 and sites WYE 01 and WYE 18¹⁰ the land lies just outside the 5 minute radius from the centre. It is thus a concept that has, quite rightly been applied flexibly, and the use of the threshold in rigid terms in the wording of the policy cannot be justified, provides no useful policy guidance and is not consistent with the presumption in favour of sustainable development.

¹⁰ WYE 01 and WYE 18 relate to site numbers used in the TRSDPD whereas WYE 1 relates to numbering used in the WNP.

66. At the hearing I explored the approach to the definition of the village envelope where it passes through the former Wye College site to the East of Olantigh Road. Here it was explained that the line was determined to include the brownfield land on the WYE3 site, with the exception of the site of the former ADAS buildings, and in doing so some greenfield land is also included. The envelope is drawn at approximately 700m from the centre of the village as defined in the Plan. The Former ADAS site is about 850m from the centre. It is evident that the definition has applied the 5 minute threshold with some flexibility, but I have difficulty with the definition of a firm village envelope through an area which is to be the subject of a detailed masterplan to develop proposals for a mix of land uses. There is an inevitable element of arbitrariness in such a definition and it is likely that when the masterplan is prepared it would exclude areas where sustainable development would be appropriate or include areas where development is not proposed.
67. I do not accept the suggestion of Telereal Trillium that the village envelope should be defined to include the whole of the former Wye College site to the east of Olantigh Road. That would not be consistent with the concept of the walkable village and could imply a presumption in favour of development that could have a harmful effect on the AONB. I shall consider the approach to the former ADAS site in the context of policies WNP6 and WNP11. However, I am not satisfied that it is appropriate at this stage to define a firm village envelope through the WYE3 site to the east of Olantigh Road. I therefore recommend some modifications to address the concerns I have raised and to satisfy the basic conditions.

Recommendations

- **Reword the first sentence of policy WNP1a to read “Development outside the village envelope, as defined in Figure 4.1 will only be permitted in accordance with development plan and national policies for development in the countryside and the AONB. Between Olantigh Road and Scotton Street the village envelope will be defined by the masterplan referred to in policy WNP6.”**
- **Amend Figure 4.1 to replace the red line defining the village envelope between Olantigh road and the eastern end of the development on the north side of Scotton Street with a straight dotted red line and annotate this to say “this section of the village envelope to be defined through the masterplan referred to in Policy WNP6.”**

68. Although presented under the heading “Village envelope” the second part of Policy WNP1a relates to the designation of Local Green Spaces, which is a matter quite separate from the village envelope, though it is clearly related to the objective to “protect and enhance the village of Wye’s sense of place within the parish and its surrounding countryside.” I therefore suggest that it is presented as a separate policy.
69. The policy lists a number of areas to be allocated as Local Green Spaces, to be protected from development. The NPPF sets out specific criteria for the designation of Local Green Spaces in paragraphs 76 and 77. Importantly it makes it clear that “Local Green Space designation will not be appropriate for most green areas or open space and should only be used
- Where the green space is in reasonably close proximity to the community it serves;
 - Where the green area is demonstrably special to the local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or the richness of its wildlife; and
 - Where the green area concerned is local in character and is not an extensive tract of land.
70. It is clear that these criteria set the bar at a high level for Local Green Space designation. However, the WNP contains no evaluation of the spaces proposed for designation against these criteria and I have therefore carried out this exercise as part of my examination. Each of the spaces is considered in turn using the numbering on the map in Appendix F.
71. 1. Havillands Meadow This is an area of informal open space which appears to have been laid out relatively recently in association with the development of Havillands Place. It is evident that this is an important green lung for a fairly high density residential development. I am satisfied that it meets the criteria for designation as a Local Green Space.
72. 2. Riverside Access This is an area of meadow between the built up area of the village and the River Stour, which offers public access to the river. It is important to the visual setting of the village and to its relationship with the river, and this gives it a special character which justifies designation as a Local Green Space.
73. 3 Bridge Street Allotments This small area of allotments between Bridge Street and Churchfield Way enjoys protection from its status as allotments, but I am not

persuaded that it is demonstrably special other than this and does not in my view justify designation as a Local Green Space.

74. 4 Village Playing Field This fairly large area on the south-western edge of the village is evidently very important to the life of the community. It contains floodlit tennis courts and has potential for a very wide range of uses. It clearly meets the criteria for a Local Green Space.
75. 5 School Playing Field and Adjacent Land The school playing field adjoins the village playing field and it is unusual in that it is open to public access and is clearly used as an informal recreational area. It should be considered in association with the village playing field and I am satisfied with its designation as a Local Green Space. However, the small rectangular area at the southern edge between the sewage treatment works and the houses at the end of Little Chequers is physically separate from the playing field, heavily overgrown, apparently unused and cannot be described as demonstrably special. It should therefore be excluded from the designation.
76. 6 Long's Acre Green This is a small triangular area of amenity land with trees on its south-western boundary which lies at the north-eastern corner of site WYE2 which has been identified for residential development. It is a pleasing amenity space and its significance could increase as a result of the development of WYE 2. I am satisfied that it meets the requirements for Local Green Space designation.
77. 7 Little Chequers Green Little Chequers Green is a rectangular area of amenity space with mature rowan trees. It is an important design feature in the development of bungalows on both sides of Little Chequers Road lending character to an otherwise unremarkable development. It is thus clearly demonstrably special in its context and meets the criteria for designation as a Local Green Space.
78. 8 Churchfield Green This is a large area of public amenity space bordered on three sides by the Churchfield housing development, close to the heart of the village. It provides a sense of space that helps to define the character of the village and is clearly a very important community asset that meets the criteria for Local Green Spaces.
79. 9 Gregory Court Green This small amenity area adjacent to the Co-op supermarket and public conveniences is a tranquil grassed area with some mature trees in the centre of the village which also makes a significant contribution to its character. While

modest in scale I am satisfied that it is appropriate for designation as a Local Green Space.

80. 10 Churchfield Allotments This large area of allotments lies on the edge of the village to the north of the churchyard and west of the former Wye College buildings. It enjoys protection as an allotment site but in my judgement does not have any demonstrably special quality to merit designation as a Local Green Space.
81. 11 St Gregory and St Martin Churchyard The churchyard and adjoining burial ground are clearly special in terms of the architectural heritage of the village and the distinctive character of its centre. While enjoying protection as the curtilage of a listed building they also merit Local Green Space status.
82. 12 The Green, 13 Ambrose Green and 14 Imperial College Gardens These three spaces have similar characteristics as small square or rectangular areas of green space occupying prominent corner sites in the centre of the village. Each is well planted with mature trees and provides an air of peace and tranquillity in the heart of the village. All three merit justify designation as Local Green Spaces.
83. 15 Beanfield Allotments This is another large area of allotments close to the centre of the village. As with the other allotment sites, while they merit protection as allotments the site is not demonstrably special in terms of its character and I do not consider that there is a clear justification for Local Green Space designation.
84. 16 Covenanted Horticultural Land This area of land to the east of the Beanfield allotments is described as “covenanted land (reserved by Parish Council for agricultural/ horticultural uses only in perpetuity)”. The nature of this covenant apparently provides protection from development, but the site did not seem to be easily accessible to the public. I have been sent an amended version of the map in Appendix F in relation to this site which includes part of the area of glass houses currently in horticultural business use as well as an area of grass/woodland. While this accurately reflects the area of covenanted land it does not comprise a coherent space of a distinctive character and I can see no particular characteristics relating to either definition of the area that make it demonstrably special. On the basis of the very limited evidence I have seen designation as a Local Green Space is not justified.
85. 17 Jarman’s Fields These three small areas of green space are amenity areas for a residential development served by a private road. It is evident to me that they are there to serve the residents of the adjoining dwellings and are not in any sense a

public amenity. They are not prominent in the village scene and are a private asset rather than a community one; they are not therefore appropriate for Local Green Space designation.

86. 18 Horton Meadow (cricket ground) This large ground surrounded by housing is clearly an important village facility. While not publicly accessible for much of the time, its position in the heart of the village with views of the surrounding downland makes it special and worthy of Local Green Space designation.
87. 19 College Playing Field The College Playing Field is a large rectangular area of grassland with a small pavilion outside the built up area on the eastern side of the village. There was one football pitch on the site when I visited but, while the site appears well maintained it appears to be only lightly used as the College is now closed. I understand that it is used by the village football team and that some use is apparently made by the Wye Free School, though it is unclear whether this will be long term as playing fields are envisaged within the site. It has no particular physical characteristics, is somewhat detached from the village outside the proposed village envelope. It enjoys protection by virtue of its countryside location and use as a sports field but from what I could see does not justify Local Green Space designation.
88. I appreciate that my conclusions on some of the Local Green Space designations may cause disappointment, but it is important to recognise the guidance in the NPPF that this designation will not be appropriate for most open spaces. Moreover, most of the sites which I have not accepted are already protected in some way. Even with the omission of these sites the number of spaces that are retained for designation is large for a village of this size. There are however some inconsistencies between the sites listed in the existing policy and the areas shown on the map in Appendix F.
89. As it stands the policy is worded too strongly to be compatible with the NPPF which suggests that policy for managing development in Local Green Spaces should be consistent with policy for Green Belts. Within Green Belts some categories of development are considered appropriate and, while not all of these may be suitable on Local Green Spaces as the latter are small and more closely related to the built up area, there may also be some small scale development that is appropriate in Local Green Spaces. I have noted the points raised by Southern Water regarding the possible need for essential utility infrastructure. I accept that this may fall under the general heading of “very special circumstances” but it is not necessary to specifically refer to one category of development under this heading when there may well be others.

90. To address the points concerns that I have raised on Local Green Spaces I have recommended a number of modifications in order to meet the basic conditions.

Recommendations:

- **Renumber Policy WNP1a from the second sentence onwards as policy WNP1b *Local Green Spaces*, and replace the existing wording with:
“The following areas shown on the map in Appendix F are allocated as Local Green Spaces:**
 - **Havillands Meadow**
 - **Meadow between Churchfield Lane and River Stour**
 - **Churchfield Green**
 - **Playing Fields: Village Playing Field, School Playing Field, Horton Meadow Cricket Ground**
 - **Churchyard and Burial Ground**
 - **Central Green Spaces: Gregory Court Green, The Green, Imperial College Gardens, Ambrose Green**
 - **Longs Acre Green, Little Chequers Green**

Within these areas new development will only be permitted in very special circumstances or where it is compatible with their character and function as Local Green Spaces.

The Bridge Street, Churchfield and Beanfield allotments will be retained as allotments.”

- **Amend the drawing at Appendix F to exclude the areas which are not accepted as Local Green Spaces and annotate the three allotment areas separately as allotments.**
- **The last two lines of the policy as submitted refer to Planning Practice Guidance and are effectively explanation rather than policy and should be moved to the italic text which follows the original policy.**

Policy WNP 1b *Views*

91. This policy should be renumbered to WNP1c as a result of the recommended changes to the previous policy.

92. The identification of key views and vistas to be protected is a good way of capturing local distinctiveness and is entirely appropriate in Wye where the views both into and out of the village are fundamental to its character. There is, however a danger that

any change will be viewed as harmful and new buildings can sometimes contribute positively to the setting of a town or village and become part of a treasured view. It is important therefore, to be consistent with the presumption in favour of sustainable development, that the policy does not read as a ban on any development that would affect a view or vista and I have therefore suggested minor modifications.

Recommendations

- **Renumber policy WNP 1b to policy WNP1c.**
- **Reword the first sentence to read “Developments that significantly detract from the following views into, out of and within the village (shown on Fig 2.3), by failing to respect their distinctive characteristics will not be supported.”**

Policy WNP 2 *High Quality Design*

93. The policy seeks to ensure that new development is well designed and respects the character of the village and the surrounding countryside. I am satisfied that it meets the basic conditions except for two small amendments. The reference in the first bullet point to renewable energy technologies is now not appropriate, following the ministerial statement to which I have already referred in paragraph 55. The requirement for an illustrated statement linking the development to the Village Design Statement could be regarded as unduly onerous for some very small scale development, though I recognise that, even in the case of small scale extensions, respect for local distinctiveness is important. I have suggested a minor amendment to clarify that this may not be an onerous requirement.

Recommendations

- **In policy the first bullet point of policy WNP2 delete “renewable energy technologies”.**
 - **In the final bullet point after “...include a” insert “proportionate”.**
94. The second bullet point which relates specifically to proposals for renewable energy generation, may sit more comfortably as a separate policy but this change is not essential to meet the basic conditions.

Policy WNP 3 *Traffic Impact*

95. Policy WNP3 aims to ensure that new development does not result in serious road congestion or harm to highway safety. This policy needs to be read in the context of

paragraph 32 of the NPPF which points out that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. However, BD4 “Transport and Traffic Appraisal” documents in some detail the traffic and transport issues affecting the village and in particular the degree to which the village is reliant on access over the manned level crossing. It is evident that the level crossing already causes serious traffic delays and that additional development would add to this. In this context I have noted the comments of Father Ambrose regarding the extent to which the ‘school run’ contributes to the level of traffic delays and the potential for this to be mitigated by reducing the need for cars to go over the crossing for this purpose at peak hours. I am satisfied that the policy is consistent with the basic conditions subject to one minor modification to achieve conformity with the NPPF.

Recommendation

In the second bullet point of Policy WNP3 delete “creation of highway safety issues” and insert “serious harm to highway safety”.

Policy WNP 4 Supporting business

96. This policy offers general support for new business development, to replace jobs lost through the closure of Wye College and refers specifically to the need to conform to Policy WNP3. There is no clear reason for picking out Policy WNP3 for particular consideration here. It clearly relates to all development proposals as do other policies in the Plan. However, in view of the strongly positive wording for the creation of new business it is appropriate to clarify that this does not override other policies in the Plan.

Recommendation

In Policy WNP4 amend the last line to read “...will be supported providing that they conform to other policies in this plan.”

Policy WNP5 Integrated housing

97. This policy recognises that there is a need to make provision for affordable housing including housing for local needs. It is based on the conclusion that it has not been possible to identify any suitable rural exception sites and seeks to provide Local Needs Housing within the affordable housing component of new developments within the village envelope.
98. The policy as worded expresses a sustainable intention and the choice based lettings policy of ABC provides for priority to be given to those with genuine local connections.

However, I am not sure that it is possible to conclude that there cannot be any rural exception sites. The policy implies this rather than states it, but I am not satisfied that the assessment of the sites in figure 2.8 is sufficiently robust to reach this conclusion. This assessment considered some quite large tracts of land and, while there are undoubtedly substantial constraints and it would not be easy to identify such suitable sites, I am not satisfied that it is possible to conclude that it is not possible to identify any smaller sites. The Basic Conditions Statement refers to Policy TRS4 of the TRSDPD, which provides for rural exception sites, but does not state how the WNP relates to it. In my view there is a conflict between Policy TRS4 and the WNP in relation to the possibility of exception sites. The amendment I have suggested to Policy WNP1a would provide for the possibility of affordable housing on local exception sites if suitable sites are identified and I recommend further minor amendment to Policy WNP5 and the supporting text to reflect this.

Recommendations

- **Amend the last two lines of the supporting text of WNP5 to read: “ The analysis of available sites(2.4) suggests that it will not be easy to identify suitable exception sites for local needs housing. While this possibility cannot be excluded, the integration of affordable and local needs housing in developments within the village is the approach supported by the Parish Council.**
- **In Policy WNP5 insert “mainly” between “should” and “be”.**

Policy WNP6 *Mixed development*

99. This policy seeks the redevelopment of the WYE3 site for a mix of uses and requires it to be delivered in a phased manner and in accordance with an agreed masterplan and the concept of a walkable, concentric village. While I have expressed some concern about the rigidity of a 5 minute walking distance or 400m the concept of a walkable village is entirely appropriate for a neighbourhood plan. The concept of a masterplan rather than piecemeal approach to the development of the Wye College site also clearly makes sense because of the complexity of the site, the range of uses that it may accommodate and the need to consider the impact of the development of the site as a whole on the character of the village and the AONB. As phrased it is not clear what the phrase “...an agreed and adopted masterplan for the site as a whole” means in terms of who it is agreed and adopted by. I have therefore suggested a modification to clarify that it would be a Supplementary Planning Document to be adopted by ABC and this would no doubt involve consultation with the Parish Council.

100. I referred at the end of my consideration of the SEA in paragraph 47 to the need for any proposed development as part of an agreed masterplan to be subject to screening on the need for an EIA. I have therefore recommended an addition to the policy to clarify this requirement.
101. In considering this policy, Policy WNP11 and other policies which relate to the former Imperial College site I have taken careful account of the representations and suggested changes requested by Telereal Trillium. In a number of cases I have accepted suggested changes to correct inaccuracies which have arisen as a result of changed circumstances since the submission of the WNP. In other cases, I have recommended modifications which differ from those suggested but cover the point being addressed.

Recommendation

Reword the last three lines of Policy WNP6 to read "...a phased manner in accordance with a masterplan that has been adopted as a Supplementary Planning Document¹¹ by Ashford Borough Council.

Prior to any planning application pursuant to the agreed masterplan an application for a screening determination regarding the need for an Environmental Impact Assessment shall be made to Ashford Borough Council. Subject to that opinion any application should be accompanied with an appropriate Environmental Impact Assessment."

General policies

Policy WNP7 Community support

102. The policy identifies priorities for the improvement of community facilities where funding is available from the Community Infrastructure Levy. (CIL) or Section 106 agreements. While it may be some time before any funding is available through the CIL in Ashford, as it is being progressed in parallel with the Ashford Local Plan, it is helpful for the policy to have clear priorities for its use. Appendix B addresses the issue of developer contributions in more detail and acknowledges that Section 106 agreements will only be applicable where they meet the legal requirements set out in paragraphs 203 and 204 of the NPPF. However, it is misleading to conclude, in the way that Appendix B does that certain types of contribution do meet these criteria without knowing what the proposed development is. In order to make it clear that each

¹¹ As defined in Annex 2 Glossary to Planning Practice Guidance

case must be considered against the legal requirements the following modification is necessary.

Recommendation

In Policy WNP7 delete “and where appropriate Section 106” and insert in its place “and Section 106 agreements where the legal requirements in paragraphs 203 and 204 of the National Planning Policy Framework are met having regard to the development proposed.

Policy WNP8 *Countryside and environment*

103. This policy sets out proposals to ensure that new development does not have a harmful impact on the countryside in general and the areas with national or European environmental designations in particular. I shall deal with its provisions in turn.
104. The first point requires planning application documentation to specifically address the impact of new development on the Wye and Crundale Downs SAC, NNR and SSSI. While reference is made in the supporting text to the importance of the Kent Downs AONB and document BD3 addresses the relationship between the WNP and the AONB, the policies of the WNP make no direct reference to the AONB. While there is no need to repeat the guidance in the NPPF which stresses the weight to be attached to conserving the landscape and scenic beauty of AONBs, the absence of any reference in Policy WNP 8 is an omission that would mean that the WNP is not fully aligned with the NPPF. In this context I note the comment of the Kent Downs AONB unit that in Figure 2.1 it is not clear that the AONB includes the built up area of Wye and it should therefore be amended for clarity.

Recommendation

In Policy WNP8 insert a new point a) to read

- **“All new development will respect the qualities of the Kent Downs AONB and development that is harmful to these qualities will only be permitted in exceptional circumstances”**
renumber the existing point a) as b) insert after “...and SSSI” “and on the Kent Downs AONB having regard to the Kent Downs Management Plan”.
 - **In Figure 2.1 amend the overlay defining the built up area to make it clearer that the AONB includes the built up area.**
105. The original part b) of Policy WNP8 largely reiterates the intentions of Policy WNP1b (as re-numbered) subject to the modifications I have proposed, and no purpose is

served by retaining it.

Recommendation

Delete Policy WNP8b).

106. WNP 8c) sets out detailed requirements for a landscaping strategy to be submitted with planning applications for more than 5 houses. The requirements are appropriate given the sensitive landscape around the village and I am satisfied that they meet the basic conditions for full applications. It would, however, be unduly onerous to require this level of detail for an outline application and the modification I have suggested makes provision for this.

Recommendation

Amend WNP 8c) to read “Details of landscaping for developments of more than five houses should include a landscape strategy which will incorporate the following details:...”

107. WNP 8d) relates to the need to address potential ecological impacts. I am satisfied that it meets the basic conditions.

Housing Policies

The scale of development

108. Section 5.3 of the Plan relates to policies for new housing. Table 5.1 gives indicative numbers of dwellings up to 2030. The table is not presented as a policy or referred to directly in any policy, but it does provide the clear context for policies WP9, WNP10 and WNP11. The amount of development envisaged is very specific at 152 dwellings and the supporting text frequently refers to the development “proposed”. It is made up of: the development already permitted on sites WYE1 and WYE2, amounting to 52 dwellings, provision for development on site WYE3, the former Imperial College site, and an allowance for new dwellings from the change of use of existing buildings and windfall developments. It is clear to me that it is the intention of this section to define the scale of development that is envisaged and if this is the case it should be expressed as a policy.
109. Determining an appropriate scale of development for Wye, and of new housing in particular, is clearly a sensitive issue. The Ashford Core Strategy only provides a strategic context up to 2021 and the emerging Ashford Local Plan is at a relatively early stage of preparation. The Core Strategy identifies Wye as one of the larger villages with a good range of services capable of accommodating “modest” development and makes provision for 110 dwellings between 2006 and 2021. It is

possible that the Local Plan will include a requirement for additional housing in Wye as it is one of the larger villages in the District. However, the constraints imposed by the AONB and by the difficulties of vehicular access to the village are real and suggest that large scale development is likely to be unsustainable. The concern of residents about the future scale of development is therefore understandable.

110. At the same time, the closure of Wye College resulted in a sharp decline in economic activity in the village and a slight reduction in the population of the village. It is clear that the redevelopment and reuse of the Wye College site represents the major development opportunity in the village. There is evidently an aspiration for the site to accommodate a mix of uses, to meet a range of objectives entirely consistent with sustainable development and at this stage it is not possible to be clear about what this mix might be. Many variables will influence this, not least the viability and deliverability of the package as a whole. In terms of overall capacity and sustainability it may be that less of one use will mean more of another.
111. In order to satisfy the basic conditions on this issue the Plan “should not provide for less development than is set out in the Local Plan or undermine its strategic policies”¹². I have taken account of the representations by DHA Planning and Development Consultants on behalf of Harville Farms to the effect that the neighbourhood plan should not be based on the policies of the out of date Ashford Core Strategy. However, there is no requirement for the Plan to anticipate any additional requirements that may be identified by the emerging Local Plan and to make provision for substantial additional growth could well run counter to strategic and national policies to protect the AONB. I do not accept that aligning the WNP with the existing development plan documents is in conflict with the basic conditions. Where existing local plans are out of date it is particularly important to have regard to the policies of the NPPF and to national planning guidance, but there is nothing to suggest, and legal judgements have confirmed, that the absence of an up to date local plan does not preclude the preparation of a neighbourhood plan.¹³ It may, however, mean that the neighbourhood plan will become out of date when a new local plan emerges. That is the nature of planning.

¹² NPPF paragraph 184

¹³ R (Gladman Developments Ltd) v Aylesbury Vale District Council (CO/3104/2014) 22 July 2014 and BDW Trading Ltd v Chester West and Chester Borough Council (2014)

112. Looking at the components of the proposed housing development, the assumption of 35 dwellings arising from change of use is backed up by evidence of buildings where proposals are being considered but there is very little evidence to justify the figure of 50 dwellings for the WYE3 site. Reference is made to the need to accommodate employment. Other elements of the rationale given for the actual number chosen are: that taken with the other development envisaged it would result in a rate of development of about 50 new dwellings every 5 years, which is close to the long term average for the village, and the need to prevent traffic generation that would be substantially greater than that from the original college use. This is not a rigorous basis for defining a specific figure, particularly when this figure, when linked to the term up to 152 units in the supporting text, becomes the basis for subsequent policies. While there are clear constraints on the amount of development that can be accommodated sustainably, there is insufficient evidence to define what that level should be with any precision. I have no basis for selecting a higher or a lower figure but it is clear to me that it would not be consistent with positive planning and the presumption in favour of sustainable development to set a precise upper limit on the amount of development at this stage.
113. For these reasons I suggest modifications which make it clear that Table 5.1 is a policy and to recognise the need for more flexibility on the scale of development overall.

Recommendations

- **Insert a new policy WNP9 *The scale of housing development***
“The Neighbourhood Plan proposes the development of approximately 150 dwellings over the period up to 2030 as set out in Table 5.1.”
- **In Table 5.1 insert a footnote against WYE3 “subject to masterplan” and after the numbers proposed for WYE3, Change of use and Windfall insert “approximately” in each case. Against total replace “152” with “150 approximately”.**
- **Change the first line of the paragraph after Table 5.1 to read “The construction of approximately 150 new dwellings in total...”**

Policy WNP9 *Phasing*

114. This policy aims to ensure that the new development proposed is spread over the Plan period so that its impact can be gradually absorbed without detriment to the character of the village. While I understand the thinking behind this, there is no evidence of any particular threshold in terms of traffic impact or other infrastructure which would clearly

justify withholding consent for otherwise sustainable development¹⁴. The main concern identified as a reason for the proposed phasing is concern that the impact of new development traffic congestion in the form of tail backs from the level crossing are monitored. However this is addressed specifically in Policy WNP 3 and it may be that during the Plan period there are changes to the traffic situation. Clearly development of the WYE3 site will not take place until a masterplan has been agreed and subsequent planning permissions approved. It therefore seems likely that as a result new development could well be 2-3 years away. However, the presumption in favour of sustainable development may mean that there is no demonstrable justification for delaying the release of land, particularly if there is not a 5 year supply of housing land.

Recommendation

Delete Policy WNP9. Either delete the supporting text or modify it to refer to the table as an indication of anticipated phasing, rather than a policy.

115. The last sentence under the heading *Tenure and housing type*, relating to access to super-fast broadband is phrased as a policy but not presented as one. While clearly desirable, it is not clear that it is deliverable. It would be unduly restrictive to prevent development because it did not have access to super-fast broadband.

Recommendation

Amend the last sentence of section 5.3.2 to read: “Wherever possible it is desirable that new development should be accessible to the super-fast broadband network.”

Policy WNP10 *Density and Layout*

116. This policy aims to ensure that new development reflects the character of the village in terms of density and layout. It is consistent with the basic conditions except for the last part of the first bullet point relating to density. No evidence is given to justify the upper limit of 20 dwellings per hectare (dph) for developments on the edge of the village, but a minor amendment to indicate that densities of below 20 dph would be acceptable at the edge of the village would provide some flexibility.

Recommendation

Reword the last sentence of the first bullet point to read “Densities of below 20 dwellings per hectare will be acceptable in developments on the edge of the village.”

¹⁴ Paragraph 32 of the NPPF states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Site Policies

117. The introduction to the site policies refers to planning permissions for residential development granted during the preparation of the WNP on sites WYE1, WYE2 and the Naccolt Brickworks and makes a reference to Background Document BD13 which contains detailed policies for these sites. These policies have been overtaken by the planning permissions that have been granted and it has been clarified to me that they are now not intended to form part of the Plan. It is important that there is no confusion in the documentation as the status was not clear to me until I sought clarification. Several respondents to the regulation 16 consultation have expressed the same concerns.

Recommendation

Either delete Background Document BD13 or modify it to make it clear that it provides background information only. This would require the following changes to be applied throughout the document:

- **Change the title to read “Sites WYE1, WYE2 and Naccolt Brickworks”**
- **In the sub-headings in red delete the Policy number leaving only the descriptive heading**
- **Delete the policies themselves**
- **Delete the section headed outline plan for the WYE1 site.**

Policy WNP11 *The Imperial College London Campus at Wye*

118. The future use of the former Wye College buildings is clearly of great importance to the future of the village and therefore a particularly significant component of the WNP. The positive use of the site and in particular the complex of listed buildings, some going back to the fifteenth century, is important to the life and character of the village. It is very clear that a great deal of thought and evaluation has gone into the possible uses and their distribution.

119. The extent of this site is shown in Fig 5.1 on page 42 of the Plan, excluding the Withersdane site which lies outside the main village. During the examination an error on this drawing was pointed out to me. At the northern end of the site the red line includes a strip of land to the north of the ADAS buildings which was not part of the former Imperial College London campus. It is also evident that the drawing should

have been numbered 6.1 as the second paragraph of section 6.1 refers to the drawing and subsequent drawings in this section are numbered 6.2 and 6.3.

120. I am satisfied that this is an error and does not amount to a fundamental change to the WNP which would require the Regulation 16 publicity to be repeated, as the intentions of the drawing are explained in the text. However, to ensure that the correction was publicised and that interested parties could have an opportunity to comment, I requested that the change should be publicised for the three weeks in advance of the hearing and that interested parties should have the opportunity to comment on the correction at the hearing. No comments were received resisting this correction.
121. Much of the detail set out in the outline proposals in Appendix G is based on the permanent location of the Secondary School being on the west side of Olantigh Road and making use of part of the listed building complex. However, the representations of Telereal Trillium indicate clearly that a decision has been made to locate the school to the east of Olantigh Road using the Kempe Centre and erecting new buildings. It was confirmed by all the parties at the hearing that this position is accepted and that while this is subject to planning permission there is no objection to it in policy terms. This being the case, Figure 6.4 of the WNP and the detailed drawings of potential development in Appendix G are no longer applicable.
122. I have already expressed my concerns regarding the village envelope and in particular its definition as it passes through the WYE3 site in relation to Policy WNP 1a). The redevelopment and re-use of the WYE3 site is to be determined by a comprehensive masterplan and I have already suggested a modification to leave the extent of the village envelope undefined through the WYE 3 site and to be determined by the proposed masterplan.
123. Policy WNP11 does not make specific reference to the site of the former ADAS buildings, but paragraph 6.1.3 refers to the conclusion of the evaluation of potential development sites which concluded that because the site lies outside the 5 minute walking distance from the centre of the village it would be unsuitable for intensive business or residential use. I am not satisfied that this conclusion has sufficient regard to the core planning principle in the NPPF or Policy CS1 of the ACS to encourage the effective use of land by reusing land that has been previously developed (brownfield land), providing it is not of high environmental value. In this context permission has recently been granted for the development of 8 new dwellings on the site of the former Naccolt brickworks which lies within the Plan area. The approach in paragraph 6.1.3 also does not take into account the established office use or the provisions in the

General Permitted Development Order 2015 that the change of use of buildings and land within their curtilage from office to residential should be permitted development subject to prior approval by the local planning authority¹⁵. The only matters to which the local planning authority should have regard in this process are: transportation and highways impacts, contamination risks and flood risks.

124. The site lies in the AONB, and is therefore sensitive, but it is also well screened and the implications of Policy WNP1a and the conclusions in paragraph 6.1.3 for the site are not consistent with the guidance of the NPPF or Policy CS1 of the ACS regarding the presumption in favour of sustainable development and the reuse of brownfield land. Moreover the evaluation of the WYE3 site in the SEA included the ADAS buildings and, although it was based on specific land use assumptions which did not include development of the ADAS site there was no differentiation from the evaluation in the TRSDPD. It therefore does not provide any support for the conclusions reached in paragraph 6.1.3. There is definitely a difficult balance to strike on the future of the site of the ADAS buildings. The arguments in favour of the walkable village are sound and coherent, but there is a tension between them and national policies and guidance relating both to the reuse of brownfield land and the definitions of permitted development. To overcome these concerns a positively worded addition to Policy WNP11 is necessary to guide the form of any re-use or redevelopment of the ADAS site.
124. The wording of Policy WNP11 sets out in some detail principles for the development of WYE3 but at the same time retains considerable flexibility to enable the Masterplan to consider a fairly wide range of possibilities. For the most part I am satisfied that the policy satisfies the basic conditions, but I have suggested some modifications based mainly on the decision on the permanent location of the secondary school and to provide an appropriate policy context for the ADAS site. I have also taken note of the need to manage recreational pressures as well as the landscape impact on the AONB as a result of new development, taking account of the comments of the Kent Downs AONB Unit. The proposals are quite specific about the quantum of development relating to different uses but as I suggested in relation to Policy WNP6 there is scope for flexibility so that, in terms of environmental capacity more of one use may be acceptable if there is less of another. At the same time, an appropriate balance between residential, business and community uses is a key element of the Plan.

¹⁵ Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class O

125. Sections h), i) and j) do not follow the same grammatical structure as the other points as they do not properly follow from the introduction to the policy that “development proposals shall...”. I have therefore suggested minor amendments to correct this.

Recommendations

- **In the third paragraph of the introduction to section 6 Site Policies insert after “...the major landholdings of Imperial College London at Wye” “have been acquired by Telereal Trillium” for accuracy.**
- **Amend the heading of section 6.1 to read “The former Imperial College London campus at Wye, the WYE 3 site” for accuracy.**
- **In paragraph 6.1.3 delete “laboratory” and insert “office” for accuracy. In the bullet point following paragraph 6.1.3, delete the last sentence as it is effectively a policy, but not presented as such.**
- **In the second paragraph of section 6.3.1 delete all the text after “...for 3 years” and replace with “The EFA, United Learning and Telereal Trillium have agreed that, subject to planning permission, the Wye School will be permanently located in the former Kempe Centre building with additional buildings to be constructed, together with new playing fields, to support its expansion” to accurately reflect the up to date position.**
- **Delete the first paragraph of section 6.3.2. to reflect the up to date position.**
- **Delete the last sentence of the first paragraph of section 6.3.3 to reflect the up to date position.**
- **Reword the heading to the policy to “The former Imperial College London campus at Wye”.**
- **Delete Figures 6.3 and 6.4 as they relate to options for the site no longer being considered and would therefore be misleading.**
- **At first end of the first paragraph of Policy WNP11 insert after “...shall:” “...,subject to viability:”**
- **In Policy WNP11 b) delete the bullet point which follows the first line; Reword the first part of e) to read “Achieve the positive re-use of the Grade 1 listed and other unused Edwardian buildings of the former Wye College by a mix of community, residential and business uses. In the first bullet point of e) delete the reference to Fig 6.3 and in the second bullet point replace “live work” with “live/work;**

- in g) insert “approximately” before “50”. Delete the rest of g) after the first line.
- After g) insert a new section h) to read “achieve appropriate reuse of the site of the former ADAS buildings having regard to the concept of the walkable village” and renumber sections h), i) and j) as i), j) and k).
Reword the beginning of the existing section h) to read “Pay particular attention to the potential for innovation in materials and form in the design of new buildings and should where possible...”.
- Reword the existing section i) to read “Ensure that all additional landscaping provided across the site is of high quality given its setting within the AONB, is comprised of species native to this area of the Kent Downs and is of a design, scale and format appropriate to its setting close to the SAC. Applications should demonstrate how proposed landscaping has been designed to enhance views from the AONB”.
- Reword the beginning of the existing section j) to read “Where appropriate having regard to the statutory requirements, be subject to Section 106 agreements to support traffic calming on Olantigh Road....”.

Other Modifications

126. The modifications that I have recommended will result in some inconsistency between the Plan and the appendices and background papers. Some discretion is available in the way in which these are dealt with as these documents will not form part of the statutory development plan. However, it would be appropriate to ensure that Appendix C is consistent with any changes that are made to the policies as it is clearly intended to provide a summary. In the case of Appendix G, it may be appropriate to either omit it or to indicate that it has been superseded in some respects by the decision on the intended location of the Wye Free School. Changes to background papers are not essential as they are part of the evidence base.
127. I also note the typographical errors in paragraphs to which my attention has been drawn in an e mail from John Mansfield to Katy Wiseman dated 25 July 2015. These relate to:
- Section 1.6 paragraph 2 which should refer to the “Consultation Statement” rather than the “Consultation Document,
- Accepted**

- Policy WNP8(b)
This correction is not necessary as I have recommended the deletion of Policy WNP8(b)
- Site Policies line 1 which should refer to Figure 2.8
Accepted
- BD11, under the heading Ed Cyster (WYE2 and 2a) where in paragraph 2 line 2 the reference should be to Figure 2.8 (not 2.2)
Accepted

Summary and Referendum

128. It is very clear that the unique setting and history of Wye make it a special place and there is a very obvious desire that future development should not be detrimental to the unique character of the village. At the same time the village has experienced major change as a result of the closure of Wye College which has undermined its economic base and the future use of the Wye College site presents both opportunities and challenges. The preparation of a neighbourhood plan which allows the community to help shape the future of the village is an opportunity to address these opportunities and challenges.
129. However, the preparation of a neighbourhood plan is a major undertaking for a small community and requires a huge commitment of time and energy from those who lead the process. It is very clear from the documentation which provides numerous background papers and full details of the consultation that has been carried out that there has been a great effort to ensure that the Plan satisfies the procedural requirements and to assemble an extensive evidence base to inform the development of policies. The Plan has been prepared in the absence of strategic policies which cover the whole of the Plan period. It has also had to address the uncertainty surrounding the future of the former college site and to help shape its future while leaving sufficient flexibility for a masterplan for the site. Both of these factors have added to the difficulty of preparing an effective plan, and I congratulate the Neighbourhood Plan Group on what it has achieved.
130. The Basic Conditions Statement sets clearly how the Plan has regard to the NPPF and the ACS and demonstrates very clearly how the principles of sustainable development underpin the WNP.

131. I have found it necessary to recommend some modifications to enable the Plan to meet the basic conditions and other legal requirements. In some cases, these have been because, notwithstanding the extensive background work, there has been insufficient justification for the proposals. The planning system is based on a presumption in favour of sustainable development and in this context policies which are not supported by evidence or are based on somewhat arbitrary standards are unlikely to be enforceable. I anticipate that some of the modifications that I have suggested may give rise to some disappointment, but I am satisfied that they are necessary and do not undermine the essential aims of the Plan.
132. Other changes reflect changes in circumstances since the Plan was submitted both within Wye and in terms of the law and guidance to which the Plan must have regard
133. I have concluded that, if the modifications that I have recommended are made, the Wye Neighbourhood Plan:
- has been prepared in accordance with Sections 38A and 38B of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012;
 - has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies of the development plan for the area;
 - does not breach and is compatible with European Union obligations and the European Convention on Human Rights.
134. **I am therefore able to recommend that the Wye Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**
135. I am also required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Plan Area. The whole of the parish of Wye with Hinxhill is included and the policies of the Plan will not in my view have “a substantial, direct and

demonstrable impact beyond the neighbourhood area".¹⁶ I therefore conclude that there is no need to extend the referendum area.

Richard High January 2016

¹⁶ Reference ID: 41-059-20140306

Appendix 1

E mail from Ashford Borough Council dated 25 September 2014

Dear Tony, John,

I have undertaken the Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) screening report which the LPA are required to do for Neighbourhood Plans once the level of detail is sufficiently known.

It concludes that an SEA will be required for the Wye NP, this requirement is triggered through the allocation of sites, the neighbourhood area also contains sensitive natural or heritage assets. Although there is no statutory requirement for the NP to undertake a Sustainability Appraisal (it's not a Local Plan) the NPPF requires that its preparation is made in accordance with the principles of sustainable development and an SA is the ideal tool to demonstrate this. Whilst the SEA and SA are distinct, they can both be satisfied in one single appraisal process, importantly this should be appropriate to the content and level of detail in the NP.

The screening for the HRA tests whether the NP contents is likely to have any significant adverse impact on the integrity of any European sites, the screening process concludes that the requirement for a full Appropriate Assessment (AA) will not be required.

I'd be grateful if you could agree the content and let me know (**ASAP**) to enable consultation with the three statutory environmental bodies, (EA, English Heritage, Natural England) they are required to respond to consultation within 5 weeks which take us to 31st October. With now 1000's of NP's in production we have to assume that they may not have the resources to response and so work should be progressed on the SEA/SA during this time.

As part of the SEA you will be required to consult the statutory environmental bodies (5 weeks) on the 'scope' so this may have implications for your now very tight timescale.

I have not had a chance to look at your composite draft NP in detail yet, as I needed to focus on this screening, but I hope to spend some time early next week going through it so will forward my comments asap.

Regards,

Katy Wiseman
Policy Planner

Planning and Development
Ashford Borough Council

