

ABC response to Inspectors question on what policies should be considered as 'strategic' in the context of Neighbourhood Plans

During the debate on Issue 1 Question v, the Inspector asked the Council to clarify its position as to what Local Plan policies should be considered strategic for the purposes of neighbourhood planning with specific reference to paragraphs 075 and 076 of the PPG on 'Neighbourhood Planning'.

The Council's response is set out below. In doing this assessment, the Council have applied the various 'useful considerations' listed in paragraph 076 of the PPG as the guide to determine if a policy should be considered strategic or not.

The Assessment

With regards to topic based policies, an overarching 'useful consideration' surrounds *'whether the Local Plan identifies the policy as being strategic'*. Based on this, Policies SP1-7 and TRA1-2 of the Local Plan are identified as 'strategic'. Therefore, the council considers that this is sufficient to suggest that these – as a starting point – are also 'strategic' in a Neighbourhood Plan context.

However, it should also be noted that policies SP5 'Ashford Town Centre', TRA1 'Strategic Transport Schemes' and TRA2 'Strategic Public Parking Facilities' only apply to certain areas within the borough and therefore would not be applicable to all future Neighbourhood Plans. For the sake of clarity, this position should be explained in the Local Plan to guide future plan makers, as inferred in paragraph 075 of the PPG.

A second overarching 'useful consideration' in the PPG is *'whether the policy sets a framework for decisions on how competing priorities should be balanced'*. The Council contend that this is difficult to judge on a policy-by-policy basis, as it will depend on the planning merits of the case being made at the time. For example, it could be inferred that there is a conflict (as a starting point) between the range of policies which promote development and those which promote the protection of the environment.

To some extent, the plan and the supporting Sustainability Appraisal have already addressed this balance and therefore the Council doesn't propose that this should have a significant bearing on whether any specific topic policy should be considered strategic or not. Also, government guidance makes it clear that policies within those must be in 'general conformity' with the local development plan to meet the basic conditions test.

The remaining four 'useful considerations' contained in paragraph 76 have been used in combination, to assist in determining whether the topic policies in the Local Plan, which were not already labelled as strategic (above), could be assessed as having a strategic function for NP purposes. The results of the assessment are shown in Appendix 1 and is referenced in the conclusion below.

With regards to site allocations, the Council's starting point is that they all contribute to the delivery of the overall housing target identified in Policy SP2 – 'The Strategic Approach to Housing Delivery'. In this context, they all must be relevant to achieving the vision and aspirations of the Local Plan (useful consideration 6 of the PPG) and in this context are 'strategic'.

However, the Council does accept that some allocated sites may not be 'central' to achieving the vision and aspirations of the Local Plan which is 'test' 5 in paragraph 076 of the PPG. Within this context, the Council considers that the following site allocations could be viewed as 'non-strategic' for the purpose of Neighbourhood Planning:

- S30 – Land on New Road, Egerton – 15 dwellings
- S32 (HAM2) – Land at Parker Farm, Hamstreet – 10 dwellings
- S35 – Land adjacent to Village Hall, Mersham – 10 dwellings
- S40 (WOOD1) – Land at Front Road, Woodchurch – 8 dwellings
- S41 – Mulberry Hill, Old Wives Lees – 2 dwellings
- S42 – Beechwood Farm, St Michaels – 3 dwellings
- S51 – Land north of Church View, Aldington – 10 dwellings
- S53 – Nat's Lane, Brook – 10 dwellings
- S54 – Land at Clockhouse, Challock – 15 dwellings
- S56 – Branch Road, Chilham – 10 dwellings
- S59 – Land at Old Rectory Close, Mersham – 15 dwellings

All of these site allocations are promoting housing development that is 'small' in scale, in the context of the wider borough. In addition, none (aside from policy S32) are located within or adjoining a higher tier settlement where there is an extensive range of services and facilities. On balance, these are sites that the Council consider could be replaced by alternative site allocations in any future Neighbourhood Plan, should that situation arise. Such a scenario would not undermine the overall strategy of the Local Plan as – at least - the same numbers of dwellings would still be delivered through the development plan.

Conclusion: Having undertaken an assessment based on paragraphs 075 and 076 of the PPG, the Council remain of the view that – as a starting point – all Local Plan policies should be considered 'strategic' for Neighbourhood Plan purposes.

With regards to the topic based policies, the assessment showed that all of them directly related to at least one of the strategic policies (SP1 – SP7). It therefore follows that they should be viewed as the tools to deliver the strategic objectives established by those policies. However, the Council does accept that the Local Plan should be clear in that some policies only apply in certain geographical locations within the borough. They should therefore not be considered 'strategic' for Neighbourhood Plans that fall outside of their scope. This applies to the following policies: -

- SP5 - Ashford Town Centre
- HOU7 - Replacement dwellings in the countryside
- EMP3 - Extensions to employment premises in the rural area
- EMP4 - Conversions of rural buildings to non-residential uses
- EMP5 - New employment premises in the countryside
- EMP7 - Primary & Secondary Shopping Frontages in Ashford Town Centre
- EMP8 - Primary Shopping Frontage in Tenterden Town Centre
- TRA1 - Strategic Transport Schemes
- TRA2 - Strategic Public Parking Facilities
- ENV2 - The Ashford Green Corridor
- ENV3b - Landscape Character and Design in the AONBs
- ENV5 - Protecting important rural features

In addition, the Local Plan could also make clear that some topic policies provide the scope for more detail to be provided in any future policies within a Neighbourhood Plan – as discussed during the hearing session on the 11th April 2018.

For example, Policy HOU18 ‘Providing a range and mix of dwelling types and sizes’ establishes the broad principles that a housing mix should be provided by proposals, however there remains scope through the NP process for a more specific policy to be proposed, should evidence be provided that supports the position. The Council do not believe there needs to be a list of policies provided where this could apply as it will be up to the various Neighbourhood Plans to make that judgement, but a steer could certainly be provided.

With regards to site allocations, the Council remain of the view that, in combination, the sites allocated in the Local Plan should be considered strategic. However it accepts that the sites listed above are not central to achieving the Local Plan’s vision and objectives. In this context, these sites could be referenced as ‘non-strategic’ in the Local Plan, provided there is sufficient provision in place to ensure that any future Neighbourhood Plan is required to, at least, replace the allocated sites with sites promoting equivalent housing numbers. In this context, the quantum of housing attributed to each of these sites should be viewed as ‘strategic’ for Neighbourhood Plan purposes even if the specific site is not.

The Council are content to draft a new section of the Local Plan which covers the points raised above, should this be requested.

Appendix 1 - Assessment of topic based policies

Topic Policy	Paragraph 76 'Useful Considerations'				
	whether the policy sets out an overarching direction or objective	whether the policy seeks to shape the broad characteristics of development	the scale at which the policy is intended to operate	whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan	Additional notes / Summary of assessment
HOUSING POLICIES					
HOU1 – Affordable Housing	Yes	Yes	Borough-wide	SP1 g)	This policy is key to achieving the overall vision of the LP.
HOU2 – Local Needs /Specialist Housing			Borough-wide	SP1 g)	
HOU3a – Residential windfall development within settlements	Yes	Yes	settlements	SP1 a) SP2 SP5 SP6	These 2 policies taken together apply a borough-wide objective of locating development in the most sustainable locations, as outlined in Policy SP1 and SP2.
HOU5 – Residential windfall development in the countryside	Yes	Yes	countryside	SP1 a SP2 SP6 SP7	
HOU6 – Self and custom build			Borough-wide	SP1 g)	
HOU7 – Replacement dwellings in the countryside		Yes	countryside	SP1 a)	Only relates to part of the borough.
HOU8 – Residential Extensions		Yes	Borough-wide	SP1 d)	

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HOU9 – Standalone annexes		Yes	Borough-wide	SP1 d, g	
HOU10 – Development of residential gardens		Yes	Borough-wide	SP1 d	
HOU11 – HMO's		Yes	Borough-wide	SP1 g	
HOU12 – Residential Space standards internal		Yes	Borough-wide	SP1 g	
HOU14 – Accessibility Standards			Borough-wide	SP1 g	
HOU15 – Private external open space			Borough-wide	SP1 d	
HOU16 – Traveller Accommodation			Borough-wide	SP1 g	
HOU17- Safeguarding existing traveller sites	Yes		Borough-wide	SP1 g	
HOU18 – Providing a range and mix of dwelling types and sizes	Yes	Yes	Borough-wide	SP1 g	This policy is key to achieving the overall vision outlined in SP1, but does require local evidence so could be adapted for NP to meet local needs.

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EMP1 – New Employment Uses			Borough-wide	SP1 a, h	
EMP2 – Loss or redevelopment of employment sites and premises			Borough-wide	SP1 a, h	
EMP3 – Extensions to employment premises in the rural area			Rural area	SP1 a, b, h	Only relates to part of the borough.
EMP4 – Conversions of rural buildings to non-residential uses			Rural Area	SP1 a, h	Only relates to part of the borough.
EMP5 – New employment premises in the countryside			Countryside	SP1 a, b, h	Only relates to part of the borough.
EMP6 – Promotion of Fibre to the Premises	Yes		Borough-wide	SP1 e	
EMP7 – Primary and secondary shopping frontages in Ashford Town Centre			Ashford TC	SP1 h, SP5,	Only relates to part of the borough.
EMP8 – Primary shopping frontage in Tenterden Town Centre			Tenterden TC	SP1 e, h	Only relates to part of the borough.
EMP9 – Sequential			Borough-wide	SP5	

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Assessment and Impact Test					
EMP10 – Local and Village centres			Borough-wide	SP1 e, h	
EMP11 – Tourism			Borough-wide	SP1 h	
TRA3 (a&b)– Parking Standards		Yes	Borough-wide	SP1 f	
TRA4 – Promoting the Local Bus Network		Yes	Borough-wide	SP1 f	
TRA5 – Planning for pedestrians		Yes	Borough-wide	SP1 f	
TRA6 – Provision for cycling		Yes	Borough-wide	SP1 f	
TRA7 – The Road Network and development		Yes	Borough-wide	SP1 f	
TRA8 – Travel plans, assessments and statements			Borough-wide	SP1 f	
TRA9 – Planning for HGV movements			Borough-wide	SP1 f	
ENV1 – Biodiversity	Yes		Borough-wide	SP1 b	
ENV2 – The Ashford Green Corridor	Yes		GC designation Ashford Town, Urban	SP1 b	Only relates to part of the borough.

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			and Urban edge		
ENV3a – Landscape Character and Design			Borough-wide	SP1 b	
ENV3b – Landscape character and design in AONBs	Yes		AONB only	SP1 b	Only relates to part of the borough.
ENV4 – Light pollution and promoting dark skies	Yes		Borough-wide	SP1 i	
ENV5 – Protecting important rural features			Rural area	SP1 b	Only relates to part of the borough.
ENV6 – Flood Risk			Borough-wide	SP1 b and i	
ENV7 – Water Efficiency			Borough-wide	SP1 i	
ENV8 – Water Quality Supply and Treatment			Borough-wide	SP1 i	
ENV9 – Sustainable Drainage			Borough-wide	SP1 i	
ENV10 – Renewable and Low Carbon energy			Borough-wide	SP1 i	
ENV11 – Sustainable Design and construction – Non-residential			Borough-wide	SP1 i	
ENV12 – Air Quality			Borough-wide	SP1 i	

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ENV13 – Conservation and enhancement of Heritage Assets			Borough-wide	SP1 c	
ENV14 – Conservation Areas			Borough-wide	SP1 c	
ENV15 – Archaeology			Borough-wide	SP1 c	
COM1 – Meeting the Community's needs			Borough-wide	SP1 e	
COM2 – Recreation, Sport, Play and Open Spaces			Borough-wide	SP1 e	
COM3 - Allotments			Borough-wide	SP1 e	
COM4 – Cemetery Provision			Borough-wide	SP1 e	
IMP1 – Infrastructure Provision			Borough-wide	SP1 e	
IMP2 – Deferred Contributions			Borough-wide	SP1 e	
IMP3 – Planning Enforcement			Borough-wide	SP1	
IMP4 – Governance of Public community space and facilities			Borough-wide	SP1 e	