

**ASHFORD LOCAL PLAN 2030**

**EXAMINATION LIBRARY**

**ED/01**

# **Statement of Common Ground**

As agreed between

**Ashford Borough Council**

And

**The Kent Downs AONB Unit**

**March 2018**



## Introduction

1. The Kent Downs AONB Unit made representations to the Regulation 19 Draft Ashford Borough Local Plan 2030. Where the Council accepted the points raised, these were addressed by the Council in the Main Changes [SD05]. The Kent Downs AONB Unit sent in further representations during the proposed Main Changes consultation which again the Council sought to address in the Submission Local Plan 2030. Resultant changes were also set out in the schedule of Minor Amendments [SD01a].
2. A number of representations remain unresolved and the Council has therefore instigated discussions with the Kent Downs AONB Unit, without prejudice, in an attempt to resolve differences and arrive at an agreed position.
3. This Statement of Common Ground relates to the outstanding objections made by the Kent Downs AONB Unit to the Regulation 19 Draft in respect of
  - **HOU1** (Affordable Housing)
  - **S2** (Kennington)
  - **S28** (Northdown Service Station, Charing)
  - **S41** (Mulberry Hill, Old Wives, Lees)
  - **S44** (Watery Lane Westwell)
  - **Appendix 6** Monitoring Indicators.

And to the Main Changes Consultation July 2017 in respect of

- **SP2** (Strategic Approach to Housing Delivery)
  - **S2** (Kennington)
  - **S19** (Conningbrook Residential Phase 2)
  - **S44** (Watery Lane Westwell)
  - **S47** (Land East of Hothfield Mill)
  - **S49** (Land north of Tutt Hill, Westwell)
  - **S53** (Nat's Lane, Brook)
  - **S55** (land adjacent to Poppyfields, Charing)
  - **S56** (Branch Road, Chilham)
4. In addition the Council undertook in the responses to proposed main changes (SD05) to liaise with the Kent Downs AONB Unit on **S48** (Land rear of Holiday Inn Hotel) in response to representation MCLP/718. The Kent Downs AONB Unit did not make a representation on this allocation and as part of the preparation of this Statement of Common Ground has confirmed it has no objection to the allocation of this site.

## **S41 Mulberry Hill, Old Wives, Lees, S44 Watery Lane, Westwell and S53 Nats Lane, Brook**

5. ABC and Kent Downs AONB Unit continue to disagree on the allocation of these sites which lie in the AONB.

### **Policy HOU1**

6. The Kent Downs AONB Unit wish to see affordable housing threshold reduced to 5 units or more in the AONBs. The Council continues to take the view that reducing the threshold within the AONBs is not justified by viability evidence and would not necessarily deliver additional affordable housing in the AONBs. The Council and Kent Downs AONB Unit therefore continue to disagree on this policy.

### **SP2 Strategic Approach to Housing Delivery**

7. The Council maintains its view that the Plan should be read as a whole and that the concern raised by the Kent Downs AONB Unit with regard to the wording of paragraph 3.32.3 is adequately covered by amended Policy ENV3b. On this basis the Kent Downs AONB Unit agrees to withdraw its objection to SP2.

## **Common Ground**

8. In order to try to resolve outstanding objections the Council and the Kent Downs AONB Unit held a meeting on 26 February 2018 and have had continued informal discussions and have reached the following Agreed Position. If the Inspectors are supportive of the view of the Kent Downs AONB Unit on these matters, the Council would accept additional amendments and as such the following text has been agreed for a number of policies, without prejudice, by both parties for this purpose:

### **S2 Land North East of Willesborough Road, Kennington**

9. The Kent Downs AONB Unit accepts that there is some mitigation within the current wording of this policy and that this allocation cannot be screened in its entirety from impacting on views from the Kent Downs, and the scarp between Wye Crown and Brabourne in particular. However it is of the opinion that such measures do not go far enough to ensure appropriate mitigation of the impact of this large allocation on the Kent Downs AONB.
10. It is agreed between the Council and the Kent Downs AONB Unit that the aim of mitigation here is to filter any impact and that this could be delivered in part through structural planting within the development. To this end there is scope within the policy wording to make more explicit that mitigation should incorporate extensive planting along north east and south east boundary, a structural approach to planting including a series of tree belts running throughout the development and the use of individual

street trees. Given the scale of proposed development, the AONB Unit consider it appropriate to require such structural planting to be provided in advance of development commencing, or at least as a first phase of development and that such requirements should be set out in the policy wording.

11. The Kent Downs AONB Unit also seeks a restriction on development of Site S2 to a height of two storeys and on external lighting. The Council continues to take the view that an overall restriction of height on this edge of town development, to include school buildings, is too restrictive and that, in any event, this issue is adequately addressed in criterion j of the Policy. With regard to the impact of external lighting, the Council maintains its view that the Plan should be read as a whole and that therefore there is no need to reiterate the requirements of Policy ENV4 here. The AONB Unit now accepts that there is no need to re-iterate the requirements of policy ENV4 regarding lighting and that building height is adequately dealt with in the current policy wording. In addition, notwithstanding the agreed amendment to paragraph 4.17.1 below, the AONB Unit considers that mitigation measures should be required to include the use of non-reflective and sensitively coloured materials and the appropriate positioning of solar panels in order to minimise an intrusively harmful impact on views from the Kent Downs escarpment, and that such measures should be enshrined in the wording of the Policy itself.
12. If the Inspectors are supportive of the AONB view on this matter, the Council would accept additional amendments and as such the following text has been agreed by both parties for this purpose:

*Amend Policy S2*

*Amend paragraph 4.17.1*

*The Kent Downs AONB lies approximately 1km to the north of the site. In order to minimise any impact on views from the AONB a Landscape and Visual Impact Assessment should be carried out to inform details of structural and internal landscaping and building heights within the proposed development. Such structural landscaping should take the form of linear tree belts and individual street trees to help filter views from the AONB. In this regard the use of non-reflective and sensitively coloured materials and appropriate positioning of solar panels will also be supported.*

*Amend Policy S2 criterion e)*

**e) Structural planting, including linear tree belts running through the length of the development, together with the use of individual street trees, shall be incorporated in the development with this structural planting to be provided as part of the first phase of development. The existing trees and hedgerows along the boundaries to Willesborough Road, the railway line and the northern countryside shall be retained and enhanced, except to provide suitable access;**

*Amend Policy S2 criterion j)*

**j) Be designed to limit its impact upon views from the Kent Downs AONB, informed by a landscape and visual impact assessment to determine appropriate structural and internal landscaping and building heights and materials.**

## **S19 Conningbrook Residential Phase 2**

13. This allocation is for the second phase of a two-phase residential development with an indicative capacity of 170 dwellings at a site on the northern edge of Ashford with a long history of mineral extraction in order to facilitate the delivery of a strategic park and water sports facility. The northern part of the site is overgrown, while the site as a whole is bordered by the Ashford to Canterbury railway line along its north western boundary. The Kent Downs AONB Unit wish to see a requirement for the retention of the row of mature trees on the western boundary included in the policy to assist in filtering views from the AONB of the development of both this and the adjacent Site Policy S2.

14. If the Inspectors support the Kent Downs AONB outstanding representation on this matter (MCLP/505), the Council would accept additional amendments to the supporting text and Policy and as such the following text has been agreed by both parties for this purpose.

*Amend paragraph 4.216*

*4.216 The woodland area in the northern section of the site will need to be cleared, ~~and options should be explored to retain the~~. A belt of mature trees along the north-western edge should be retained to provide for natural screening and a buffer between the development and the railway line. ~~If this buffer cannot be provided, other screening options should be explored and provided.~~*

*Amend Policy S19 criterion e)*

**e) Provide a substantial landscaped screening, incorporating the retention of a belt of mature trees, between the development and the railway line;**

## **S28 Northdown Service Station, Charing**

15. This largely brownfield site on the A20 adjacent to the rural settlement of Charing is allocated for residential development of up to 20 dwellings. Site 55, which was allocated as part of the Main Changes to the Regulation 19 Draft (MC98), borders this site to the South and East. The Kent Downs AONB Unit wishes to see appropriate mitigation built into the wording of S28. The Council accepts in part the representation from the AONB (ALP/1257). This would ensure that the wording of this Policy is consistent, in regard to its location within the setting of the AONB, with the wording of the adjacent allocation Policy S55. With regard to the impact of external lighting, the Council maintains its view that the Plan should be read as a whole and that therefore there is no need to reiterate the requirements of Policy ENV4 here. On this basis the AONB Unit agrees to withdraw its objection to S28.

16. If the Inspectors are supportive of the AONB view on this matter, the Council would accept additional amendments and as such the following text has been agreed by both parties for this purpose:

17. Amend Policy S28 criteria a) and d)

a) ***Be designed and laid out in such a way as to protect the character and setting of the Kent Downs AONB and surrounding countryside. Particular attention needs to be given to the topography of the site, impact upon the adjoining AONB and advice in the Charing Parish Design Statement. The development should be comprised of a mix of dwelling types a maximum of two storeys in height;***

d) ***Retain and enhance the hedge and tree boundaries around and within the site, particularly where there is adjoining countryside, and provide additional structural planting along the western boundary;***

#### **S47 Land East of Hothfield Mill, Hothfield**

18. This site was allocated for residential development with an indicative capacity of 75 dwellings as part of the Main Changes to the Regulation 19 Draft (MC90). The Kent Downs AONB Unit notes that the site lies immediately adjacent to the boundary of the AONB and is prominent in views from the escarpment of the Kent Downs. It agrees that the northern part of the site should be excluded from development and a low density development of a maximum of two storeys in height is appropriate. The Policy was amended in the Submission Plan (MA20) to include a requirement for additional woodland planting to the northern boundary.

19. Given the sites prominence in views from the escarpment of the Kent Downs the Kent Downs AONB Unit considers it imperative that the woodland belt on the western side of the site is extended, as referenced in the supporting text. The Council is of the view that the tree belt which runs along the western boundary, and which includes Ancient Woodland at its north eastern end, is already covered in its entirety by an TPO and that furthermore as this tree belt lies outside the site boundary it is not appropriate to specifically require its extension as part of the policy itself which, under current wording of criterion d) provides sufficient instruction on boundary landscaping which will encompass the western boundary of the site. The Council and the Kent Downs AONB therefore disagree on this point.

#### **S49 Land north of Tutt Hill, Westwell**

20. This site, proposed for a residential allocation with an indicative capacity of 75 dwellings, is located immediately adjacent to the Kent Downs AONB and is therefore within the setting of the AONB. The Council is in agreement that the omission of this fact from both the supporting text and the policy wording should be corrected. If the Inspectors are supportive of the AONB view on this matter, the Council would

therefore accept additional amendments and as such the following text has been agreed by both parties for this purpose.

*Amend paragraph 4.451*

*4.451 The site is located off the A20 at Tutt Hill. The site is bounded by the A20 to the west and the M20 to the north, ~~and~~ The High Speed 1 railway line forms the north eastern boundary of the site. The Kent Downs AONB is located adjacent to the site, to the north of the railway line.*

*Amend Policy S49 criterion a)*

- a) *Be designed and laid out to take account of the residential amenity of neighbouring occupiers and the impact on the adjacent Kent Downs AONB. Particular attention needs to be given to the topography of the site. The development should be no more than 2-3 storeys in height;***

### **S53 Nat's Lane, Brook**

21. This site is proposed for a residential development of up to 10 dwellings. Kent Downs AONB Unit object to the allocation of the rear part of the site as unreflective of the well-established linear settlement pattern of this village, which lies entirely within the AONB. The Council considers that the sensitivity of the site is made clear in the Policy and in the supporting text.
22. Following discussions, and without prejudice to their objection to anything other than a frontage development on this site, the Kent Downs AONB Unit suggest that development on the rear part of the site should take the form of a farmstead in layout and design in order to limit the impact on the AONB. If the Inspectors are supportive of the AONB view on this matter, the Council would accept additional amendments and as such the following text has been agreed by both parties for this purpose.

*Amend Policy S53*

*Amend paragraph 4.481*

*Adjacent to the west of the site is a detached listed building. Particular care should be taken to preserve the setting of the adjacent listed building and to respect the openness of this edge of village site. The scale and density of any development on this site must reflect its surroundings. In this regard, proposals should incorporate development fronting onto the road, while to the rear development could take the form of a farmstead in layout and design.*

*Amend criterion a)*

- a) *Be designed and laid out in such a way as to preserve the character and appearance of the Area of Outstanding Natural Beauty. Proposals should pay particular attention to landscaping of the edges of the site as well as internally;***

### **S55 Land adjacent to Poppyfields, Charing**

23. This site allocation lies on the A20, adjoining the Kent Downs AONB, a major transport route into Ashford, and is a relatively short distance from Charing village centre which has a good range of local services and a railway station. The site is allocated for residential development with an indicative capacity of 180 dwellings. In addition to the mitigation measures already incorporated within the policy wording, the Kent Downs AONB Unit wishes to see a requirement for the retention of the trees at the northern end and the hedges in the centre of the site added to the policy wording, given their potential to filter views of the proposed development from the AONB. (Following discussions the Unit withdraws that part of its representation that requests that the policy be amended to restrict dwelling height to two storeys here acknowledging that such a requirement is already in the Policy wording).
24. The Council considers that the majority of the trees at the northern end of the site fall within the boundary of the Swan Hotel and outside the site itself, and those that do not form part of the western boundary, which is already covered by criterion b). Furthermore, access to the site onto the A20 will be required on the northern boundary which will inevitably reduce opportunities for tree belt planting given the short extent of this road frontage. However, the Council accepts that unfiltered views would be unacceptable and therefore that additional tree planting to the rear of the Swan Hotel will help to mitigate the impact of development on the adjacent AONB.
25. If the Inspectors are supportive of the AONB view on this matter, the Council would accept additional amendments and as such the following text has been agreed by both parties for this purpose.

*Amend Policy S55 criteria b) and c)*

- b) Create an appropriate soft landscaped tree belt along the western edge to the development and along the northern boundary to the rear of The Swan Hotel*;**
- c) Retain and enhance the current mature hedgerows that run through the centre of the site and the tree boundaries between the site and the Poppyfields development*;**

### **S56 Branch Road, Chilham**

26. This site is located on the south western edge of the village of Chilham adjacent to the village's GP surgery and sports and recreation facilities. It is allocated for up to 10 dwellings and lies within the Kent Downs AONB. The Kent Downs AONB Unit considers that the site relates well to the existing village and as such would represent a natural extension to the village. However it believes that to ensure compliance with the NPPF additional mitigation measures are necessary within the Policy wording. In this regard it requests a restriction in height to two storeys is added to the policy



wording together with a requirement that highways improvements are carried out in manner appropriate to the sites setting within the AONB and conservation area. In particular it does not wish to see the introduction of footpaths which it considers would be out of character and would have an urbanising effect on this rural lane. In discussions with Kent Highways on this matter, the Highways Authority also objects to the installation of a footpath due to the limited width of the lane.

27. If the Inspectors are supportive of the AONB view on this matter, the Council has proposed the following amendments and the following text has been agreed by both parties for this purpose.

*Amend final sentence of paragraph 4.502*

*4.502 [...] Enhancements to the pedestrian access around the area through the creation of traffic management measures along Branch Road should also be explored in consultation with Kent Highways and Transportation.*

*Amend policy S56 criteria b) and d)*

- b) Be designed and laid out in such a way as to protect and conserve the character and setting of the village Conservation Area and listed buildings, the residential amenity of neighbouring dwellings, ~~particularly listed buildings~~, ~~whilst also taking into account the guidance in the Chilham Village Design Statement and~~ be a maximum of two storeys in height;**
- d) Include the provision ~~footpaths and/or~~ of traffic management measures in Branch Road appropriate to its location within the Kent Downs AONB and the Chilham Conservation Area in accordance with the recommendations of Kent Highways and Transportation.**

## Appendix 6 Monitoring Indicators


28. In their representation to the Regulation 19 Draft (ALP/1306) the Kent Downs AONB Unit requested a monitoring indicator be included that relates to the condition of the AONB as a means of monitoring the effectiveness of Policy ENV3. The Council proposes that such monitoring be undertaken through the monitoring of the use of Policy ENV3b in Council planning decisions.
29. If the Inspectors are supportive of the AONB view on this matter, the Council has proposed the following amendments and the following text has been agreed by both parties for this purpose.

*Add to Appendix 6 Natural and Built Environment Indicators*

<u>AONBs</u>	<u>ENV3b Landscape Character and Design in the AONBs</u>	<u>% of major planning applications in the AONBs approved contrary to Policy ENV3b</u>	<u>0%</u>	<u>ABC, AONB Units</u>
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## Conclusion

1. Both parties to this Statement of Common Ground consider these proposed amendments would not affect the soundness of the Ashford Local Plan 2030.

Signed	on behalf of	Date
Katie Miller	Kent Downs AONB Unit	21/03/18
	Ashford Borough Council	21/03/18