



The Planning  
Inspectorate

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# **Report to Ashford Borough Council**

**by Martin Pike BA MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 20<sup>th</sup> May 2013**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON THE EXAMINATION INTO CHILMINGTON GREEN AREA ACTION LOCAL PLAN**

Document submitted for examination on 26 October 2012

Examination hearings held between 22 January and 23 January 2013

File Ref: PINS/E2205/429/11

## **Abbreviations Used in this Report**

AA	Appropriate Assessment
AAP	Area Action Plan
CGAAP	Chilmington Green Area Action Plan
CHP	Combined Heat and Power
CS	Ashford Borough Council Core Strategy
KCC	Kent County Council
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEP	South East Plan
WRMP	Water Resources Management Plan

## **Non-Technical Summary**

This report concludes that the Chilmington Green Area Action Local Plan provides an appropriate basis for the planning of the Area over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan.

The modifications can be summarised as follows:

- Add a model policy on the presumption in favour of sustainable development;
- Include a reference to the creation of a safe and accessible environment;
- Clarify the management arrangements for Discovery Park;
- Add requirements for a Transport Assessment and an over-arching Travel Plan;
- Clarify the process by which any shortfall in affordable housing might be clawed back;
- Amend the approach to possible provision of a district heating network;
- Clarify the transition between main phases of the development; and
- Clarify the approach to viability and deferred infrastructure provision.

## Introduction

1. This report contains my assessment of the Chilmington Green Area Action Local Plan in terms of section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Submission Version of the Chilmington Green Action Area Plan, October 2012 (CGAAP) [CS/CD/01]. This differs from the document published for consultation in April 2012, the Regulation 19 Publication Version [CS/CD/03a]: the Council made a number of minor (additional) modifications<sup>1</sup> prior to submitting the Plan in response to comments received as a result of the April 2012 consultation.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report. The additional modifications have also been subject to public consultation; I am satisfied that none of the additional modifications are necessary to make the Plan sound and I have therefore not considered them further in this report.
5. Towards the end of the examination concern was expressed that the Council may have committed misconduct in order to promote its development ambitions for Chilmington Green. I was asked to consider whether the Council has acted with proper impartiality and integrity and met its obligation to conduct fair consultations. The allegations relate to matters prior to and after Parish Council elections in May 2011, when a number of Parish Councillors opposed to the development were elected, and to the relationship between certain Council officers and persons promoting the development.
6. My task under section 20 the Planning and Compulsory Purchase Act 2004 is to consider whether the Council has fulfilled all the legal and procedural requirements of the Act and the associated Regulations. I find nothing in the submitted documents (including those released by the Council) to justify the allegations of unfair, improper or incomplete compliance with the consultation or other provisions of the 2004 Act or the Regulations.

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<sup>1</sup> Minor modifications are referred to as "additional modifications" in section 23 of the 2004 Act.

## Assessment of Duty to Co-operate

7. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation. The duty under section 33A relates to "strategic matters", defined as sustainable development (including infrastructure development) that would have a significant impact on at least two planning areas, or development that is a county matter.
8. The Council considers that the Plan does not, in itself, raise any significant strategic or cross-border issues. Nevertheless, full consultation with adjoining local authorities, public bodies and service providers has taken place, as set out in the Duty to Co-operate Statement [CG/CD/07]. No party has expressed concern about a lack of compliance with the duty to co-operate.
9. It is likely that the duty to co-operate does not apply to this detailed Plan for a relatively small area of the Borough. But even if it does, the evidence of extensive engagement with all the bodies to which the duty might potentially relate demonstrates that any requirement under section 33A has been fulfilled.

## Assessment of Soundness

### Preamble

10. The Plan was submitted at a time when the July 2010 decision of the Secretary of State for Communities and Local Government to revoke Regional Strategies had been overturned in the High Court.<sup>2</sup> Consequently throughout most of the examination the South East Plan (SEP) remained a part of the development plan, though its likely revocation was discussed at the hearing sessions in January 2013. Formal revocation of the SEP took place on 25 March 2013, a few weeks after the hearings closed. All participants were given the opportunity to make written representations on the implications of revocation for the CGAAP; these comments have been taken into account in the preparation of this report.

### Main Issues

11. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified seven main issues upon which the soundness of the Plan depends.

### Issue 1 – Is development at Chilmington Green acceptable in principle?

12. A large scale urban extension at Chilmington Green has featured in the Council's plans for many years and is a specific proposal (policy CS5) of the 2008 Ashford Borough Council Core Strategy. In light of the substantial public opposition to an urban extension at Chilmington Green it is appropriate to consider whether the development is consistent with current planning policy,

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<sup>2</sup> Cala Homes (South) Ltd, R (on the application of) v Secretary of State for Communities and Local Government & Anor [2011] EWCA Civ 639

and/or whether there have been any significant changes since adoption of the Core Strategy to warrant a different approach now.

13. Following revocation of the South East Plan, Core Strategy policy CS5 remains the part of the development plan which directly promotes the Chilmington Green urban extension. Other relevant policies of the Core Strategy mostly affect the detailed nature of the development and, where there is concern about compliance, are addressed later in this report. Nevertheless, the principle of the development proposed in the CGAAP is wholly consistent with current development plan policy.
14. As to changes since Core Strategy adoption, objectors submit that revocation of the SEP removes the externally generated growth status and housing targets for Ashford under which the Core Strategy was prepared. It is argued that a fresh approach to the growth of Ashford is warranted, which should be based on local needs, and that to continue with the Chilmington Green proposals would prejudice the review of the Core Strategy.
15. Core Strategy policies CS2 and CS5 state that one of the purposes of an early Core Strategy review is to establish the location of an *additional* urban extension to meet the longer term needs of the Borough, so there would need to be a substantial change of circumstance or strategy to call into question currently planned projects such as Chilmington Green. It is pertinent that recent evidence-gathering by the Council as part of its early work on the Core Strategy review does not suggest that the need for this urban extension has gone away. Whilst a revised housing target figure for the Borough is yet to be fixed, the Council believes that current household projections show a level of potential demand for new houses significantly above the likely supply from Chilmington Green, even under a scenario (zero net migration) which mainly addresses local needs. Objectors' concerns about inaccurate household projections were not supported by convincing evidence.
16. Objectors contend that the focus in Ashford should be on brownfield sites and other sites identified or allocated in adopted development plan documents. The Council argues that not only is the overall committed housing supply insufficient to meet the identified need, but some of that supply is not currently deliverable. For example, market/viability issues have meant that of about 3,500 dwellings permitted or allocated in Ashford town centre, none have yet been built. In addition, infrastructure constraints are limiting the amount of development at certain other locations, including the second of the urban extensions proposed in policy CS5 (Cheeseman's Green/Waterbrook). The Council's detailed evidence on housing land supply was not significantly challenged at the examination.
17. A key aim of the Core Strategy is that job creation in the Borough should broadly keep pace with house-building – the target is 21,850 new houses and 17,500 new jobs over the period 2001-2021. Given the severe economic downturn since adoption of the Core Strategy in 2008, many local objectors contend that the overall strategy has been so adversely affected by the recession as to call into question the Chilmington Green development. However, housing completions in Ashford have remained relatively stable since 2008, averaging just over 550 per annum with a gradual upward trend since 2009/10. The growth in employment shows a very similar trend, averaging at

least 560 new jobs per annum in Ashford over the 2008-2011 period.<sup>3</sup> This parity between house completions and jobs growth since 2008 demonstrates that the strategy has not been thrown significantly off course by the recession. The main effect of the economic downturn, unsurprisingly, is slower growth, meaning that major developments such as Chilmington Green will take longer to complete than originally envisaged.

18. The Council remains strongly committed to the principle of development at Chilmington Green and there is nothing in the above analysis which seriously calls into question the need for this large scale urban expansion. And though it is much too early to anticipate what level of growth will emerge from the Core Strategy review, the limited evidence which is available does not suggest that this need will recede in the longer term. Consequently the argument that endorsing the Chilmington Green development now would be prejudicial to the Core Strategy review has little merit. In any event, as the Council points out, the final decision on Chilmington Green rest with the planning application process – the main purpose of the CGAAP is to establish the detailed policy framework to guide the assessment of such applications.
19. It is also necessary to have regard to national guidance in the 2012 National Planning Policy Framework ("the Framework"). At the heart of the Framework is a presumption in favour of sustainable, plan-led development which meets the objectively assessed needs and priorities of an area. It identifies three dimensions to sustainable development - an economic role (contributing to a strong economy by ensuring that sufficient land is available in the right place to support growth and innovation), a social role (supporting strong communities by providing housing to meet the needs of future generations, together with accessible local services), and an environmental role (contributing to protecting and enhancing the natural, built and historic environment). The Framework indicates that these roles are mutually dependent and that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
20. Applying these three dimensions to the CGAAP, it is clear that it would promote the economic role of sustainable development by delivering housing and employment opportunities which engender growth and meet identified needs; this would be accompanied by provision of the infrastructure necessary to support the development. Promotion of the social role would be achieved by the supply of both affordable and market housing and provision of social, education, health and other facilities designed to create and sustain a new community. In respect of the environmental dimension, the position is more finely balanced. Development at Chilmington Green will inevitably change the character of a large tract of countryside and result in loss of open farmland; it will also have some adverse consequences for people living in the surrounding communities. However, the need to develop greenfield land to deliver growth in this part of Ashford is established in the Core Strategy, and the majority of the area is not covered by any specific policy that indicates that development should be restricted. Moreover, the CGAAP proposes a comprehensive

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<sup>3</sup> Housing figures are taken from Authority Monitoring Report 2011/12 [Document CG/CD/51]. Employment figures are taken from the Statement of Common Ground [Document 022]. The employment figure uses the higher ABI 2008 figure of 49,500; if the BRES figure of 49,000 is used, the average growth in jobs rises to 730 per annum over the 2008-11 period (though the 2011 figure may yet be subject to revision).

package of mitigatory and compensatory measures designed to minimise the environmental impacts of the scheme and, where possible, produce gains. In broad terms an acceptable balance is achieved between the three dimensions such that, overall, the development promoted in the CGAAP is sustainable. Consequently at a strategic level there is nothing in the Framework which suggests that the CGAAP is unsound in principle.

21. There is some local concern at the capacity of certain infrastructure to support a development of the scale proposed at Chilmington Green. In light of recent periods of drought and the associated restrictions on use of water through hosepipe bans, questions were raised about the provision of an adequate supply of potable water to serve not only the proposed development but also other major schemes in the wider Kent/Sussex area. However, South East Water claims to have taken into account in its 2010-2035 Water Resources Management Plan (WRMP) the scale of growth proposed in the South East Plan (which included major expansion at Ashford), as well as a wide range of other matters including the effects of climate change. The water company is confident that it has the strategic infrastructure in place to meet all predicted existing and future requirements up to 2035; it is also preparing to roll forward its WRMP to the 2015-2040 period to reflect the latest water demand and supply data.
22. Although South East Water operates in an area of 'serious water stress', demonstrating that water supply is a significant issue, that designation seems to apply to all water supply companies in the drier south and east of the country. And while the frequency of hosepipe bans may mean that the company has failed to meet its past service level commitments, this is not sufficient reason to prevent planned housing development in the future. It may be that the water supply in Resource Zone 8 will move from its current surplus to deficit earlier than had previously been predicted, but that is a matter which South East Water will reasonably be expected to take into account in its regular WRMP reviews. The "proactive strategies to mitigate and adapt to climate change, taking full account of.....water supply and demand considerations" sought by paragraph 94 of the Framework are largely addressed by the detailed design and other policies of the CGAAP. Overall there is no compelling evidence that South East Water will be unable to provide sufficient water to meet the needs of Chilmington Green and the wider area.
23. There appears to have been a substantial increase in public opposition to the Chilmington Green development since the Core Strategy was prepared. About 60% of the 541 representations submitted to the Publication Version consultation oppose the scheme in principle; these include a petition with over 8,000 signatures which was presented to the Prime Minister. In addition, a local resident organised a postal ballot which attracted 814 responses, 84% of which oppose the development. The argument that the numbers signing the petition only comprise between 15-30% of the numbers on the electoral role in the wards closest to Chilmington Green does not mask the strong opposition to the scheme from a very large number of local people.
24. These concerns are legitimate and understandable, for the inevitable harm caused by the loss of a broad swathe of countryside and the effect on the hamlet of Chilmington Green and surrounding communities are significant



adverse impacts of the scheme and should not be dismissed lightly. But as Government advice in *The Planning System: General Principles* makes clear, local opposition is not in itself a ground for rejecting a proposal unless it is founded on valid planning reasons. In this case the planning merits of the urban extension were thoroughly explored at Core Strategy stage and found, in principle, to outweigh the loss of countryside and the changes to the local area and its communities. Nothing which has happened since points to a different conclusion being reached.

25. The Government advice above also states that members of the local planning authority are elected to represent the interests of the whole community in planning matters. As the Council rightly acknowledges, difficult or unpopular decisions sometimes have to be taken if they are justified in a wider context.

## **Issue 2 – Are the vision and development principles in the CGAAP and the amount of development consistent with national and local policy, and is the development likely to be viable?**

### *Vision and development principles*

26. Paragraph 15 of the Framework indicates that all Local Plans should be based on and reflect the presumption in favour of sustainable development which lies at the heart of national policy. They should contain clear policies that will guide how the presumption is to be applied locally; a model policy suggests an appropriate way of meeting this expectation. The Council originally took the view that the model policy was not necessary in an Area Action Plan for a relatively small area, but it does not object to its addition if necessary to ensure the Plan is sound. As the approach to development proposals and decision making set out in the model policy does not appear elsewhere in the Plan, **MM1** is required.
27. The vision and development principles have evolved over many years as a result of extensive involvement with the local community and other stakeholders. In most aspects they fully accord with the guiding principles of the Core Strategy and the policies in the Framework. Given the significant amount of detail included in policy CG1, one notable omission is any reference to the creation of safe and accessible environments, as sought by paragraphs 58 and 69 of the Framework. **MM2** and **MM3** address this matter.

### *Amount of development*

28. Core Strategy policy CS5 states that Chilmington Green has “the potential for over 7,000 dwellings and about 1,000 jobs”. Policy CG2 of the CGAAP gives the amount of development as “up to 5,750 homes and at least 1,000 jobs”. The studies submitted with the Plan show a structured and evidence-based assessment of development capacity, based on the over-arching objective of creating high quality residential neighbourhoods with generous space standards set within a network of open spaces. Whilst the reduction on the potential dwelling capacity of policy CS5 is significant, there is nothing to suggest that the CGAAP does not comply with the Core Strategy objectives for Chilmington Green. In terms of employment, Table 1 of the AAP indicates that 1,184 jobs are likely to be created. Whether this comes within the ambit of “about 1,000 jobs” is perhaps arguable, but the figure relates solely to the

services and community provision within the development to meet the needs of residents. Thus again the Core Strategy objectives are met.

29. The Highways Agency is concerned at the open-ended nature of the employment provision ("at least 1,000 jobs") and whether this could result in such a significantly greater number than the underlying evidence base, especially traffic modelling, is no longer reliable. However, the traffic assessment used trip generation rates based on 7,000 dwellings and about 1,280 jobs, thereby building into its assumptions a significant margin of error. Because the areas to be developed for retail, business and other employment uses are specified in some detail in the CGAAP, the prospect of substantially exceeding the forecast 1,180 jobs is not high. Consequently the testing carried out in the preparation of the evidence base is robust and demonstrates that even if the jobs forecast were to be exceeded, the development is capable of being accommodated satisfactorily (see also Issue 4).
30. Core Strategy policy CS5 states that Chilmington Green should be planned to accommodate no fewer than 3,350 dwellings (and 600 jobs) by 2021, whereas the housing trajectory in the CGAAP predicts 1,690 house completions by this date. The main reason for the difference is a five year delay in the commencement of development at Chilmington Green resulting from the post-2008 downturn in the economy and the longer than anticipated time taken to prepare the CGAAP and Masterplan. Whilst it is regrettable that the housing need remains unfulfilled for an extended period, it is debatable whether there would have been demand for the numbers proposed in the Core Strategy between 2009 and the current estimated start in 2014.
31. There is substantial local disquiet at the impact of such a large scale development on neighbouring communities. The effect on local employment, schools and other services are a concern to residents of south Ashford and surrounding villages and hamlets including Bethersden, Great Chart and Shadoxhurst. The Plan seeks to ensure that the necessary local services and infrastructure are provided within and as part of the Chilmington Green development, so there should be little impact on the services within neighbouring settlements. And though there would be substantially more houses than jobs provided at Chilmington Green, the Core Strategy identifies areas closer to the M20 as the main focus for employment growth in Ashford, with the Borough-wide aim of a balance in supply. Consequently the impact on local employment opportunities should be limited. Impacts on transport and other infrastructure are addressed elsewhere in this report.

### *Viability*

32. Some representors question whether such a large scheme is viable in the current depressed market conditions. One positive indicator is that the scheme is actively being progressed by the developer group, as demonstrated by the submission of an outline planning application. The developers also indicate that viability assessments have been based on current costs and prices, though no details have been provided. The Council has built flexibility into the CGAAP by seeking to assess on a phase-by-phase basis the ability of the scheme to fund the necessary infrastructure. It recognises that if the amount of infrastructure due in any phase has to be scaled down as a result of poor market conditions, the intention is to recover this when the market

improves through a "deferred contributions" scheme (see also the 'affordable housing' section of Issue 5 and Issue 7). Overall there is a reasonable prospect of the development proceeding rather than becoming a stalled scheme.

### **Issue 3 – Are the policies for Character Areas and Discovery Park justified by evidence and consistent with the Core Strategy?**

33. The principle of dividing the development at Chilmington Green into a number of different character areas and proposing individual policies for them is not challenged and is consistent with Core Strategy policy CS5.

#### *District Centre Character Area*

34. There was some lack of clarity in the CGAAP about the role of the District Centre; the Council has addressed this through modifications which do not affect the soundness of the Plan. Based on the retail floorspace figures included in Table 1, the shops attracted to the District Centre are most likely to be those which meet day-to-day needs and should not lead to undue competition with Ashford town centre. The concerns expressed about matters such as the scale and location of parking at the District Centre and the distribution of employment and other uses are detailed issues to be addressed at the planning application stage. Policy CG3 and Figure 5 provide a level of guidance suitable to a plan of this nature.

#### *Southern Fringe Character Area*

35. The precise extent of the built footprint has evolved during the evolution of the Chilmington Green proposals in response to a range of matters including landscape impact and the walking catchments of local centres. Two of the more sensitive issues are the extent to which development (i) encroaches on the Great Chart Ridge and (ii) extends south and west of Chilmington Green Road. Compared with the initial Master Plan proposals, the boundary in the CGAAP has been drawn slightly away from the area of Medium-to-High/Medium landscape sensitivity close to the Great Chart Ridge; this results in the boundary moving further to the south-west within an area of Medium-to-Low landscape sensitivity.
36. There is no compelling evidence to support the argument that the south-west boundary does not properly reflect the results of the landscape studies. It is well within the area of Medium-to-Low landscape sensitivity in the Landscape and Visual Impact Assessment [CG/CD/16] and is part of the Chilmington Open Arable landscape character area. As was apparent on the extensive site visit this comprises flat, mainly arable farmland with relatively few identifying features. There is a perceptible change in character as one moves south of the built footprint into the North Shadoxhurst Bocage landscape character area, an area of Medium landscape sensitivity, for here the landscape has a slightly more enclosed feel as a result of a higher density of hedgerow trees. Whilst the change in character from north to south is gradual, the proposed development boundary is recognisably towards the southern limit of the more open landscape around the former World War II airfield to the north.

37. On the ground there is no obvious sign that the southern footprint boundary in the area crossed by a public footpath would follow the line of a lost hedgerow, though this boundary would gain some locus by aligning with a strong hedgerow field boundary to the west which would be retained. A line further to the north, as proposed by an objector, would retain the development on marginally higher ground but would not tie in with any noticeable landscape feature. The proposed boundary would be a reasonable distance (some 200m) north of the area of Medium landscape sensitivity and, in an area where strong boundary features are absent, there is no justification for the contention that a line further north would cause significantly less harm to the landscape. In these circumstances the Council's preference to reduce the incursion on land of higher landscape sensitivity close to the Great Chart Ridge is sound.
38. In reaching this conclusion it is pertinent that the CGAAP proposes a band of low density residential development in the Southern Fringe Character Area so as to achieve the "well designed and defined edge to development and a sensitive transition to... the wider countryside" sought by Core Strategy policy CS5. The stepped increase in residential densities moving north from the southern boundary is an important component in managing the transition between the new urban area and the countryside. The additional modifications proposed by the Council to Figures 3, 9 and Strategic Diagram 3 remove a potential inconsistency between the text and the illustrations, though they do not affect the soundness of the submitted Plan.

#### *Discovery Park Edge Character Area*

39. There is local concern at the proposal to extend the existing Brisley Farm estate where it abuts the proposed Discovery Park. The Council's intention is to replace the existing abrupt transition to the countryside with a carefully designed built edge to the Park. Objectors point to an appeal decision in 2005 in which the Inspector refused permission for residential development on this land because it was allocated as open space in the Borough Local Plan 2000. The open space designation in the 2000 Local Plan was designed to provide a landscaped transition between the newly developed built edge of South Ashford and the countryside beyond.
40. The allocation of Chilmington Green in the 2008 Core Strategy fundamentally changes the local planning framework for this locality, for the countryside south of Brisley Farm is identified as part of this major urban extension. The Core Strategy 'Ashford Growth Area Diagram' shows (albeit diagrammatically) a sizeable part of the Chilmington Green built development between the edge of the urban area at Brisley Farm and the proposed strategic park to the south. A much narrower strip is proposed in the CGAAP, the text stating that development will need to be well integrated with the existing estate. In the context of the existing ill-defined urban edge, characterised by the backs and sides of houses, there is merit in the proposal to provide a coherent and well designed built edge which positively addresses Discovery Park.

#### *Discovery Park*

41. Core Strategy policy CS18a proposes a new strategic recreational open space as part of the Chilmington Green urban extension which has links to a "green necklace" of open spaces that encircle much of Ashford. Policy CS18a leaves

the size and detailed boundary of the Discovery Park strategic open space to be determined in a subsequent plan in the context of an assessment of need and demand for open space, sports and recreational facilities. Whilst the current proposal may be smaller than originally conceived in the Greater Ashford Development Framework, there is no evidence that its size and the range of facilities proposed would not meet the identified recreational needs. The concept of an urban country park similar to that at Park Farm is not specified in the Core Strategy, which is the document that provides the current strategic policy framework.

42. Many local residents question the need for the link road to the Brisley Farm estate which would divide Discovery Park into two distinct areas. Two concerns predominate: the use of the road as a rat run, and the barrier to movement across the Park that the road would create. The CGAAP acknowledges that the link will function as an alternative route eastwards for residents of Chilmington Green, reducing the pressure on the rural roads to the south, so a significant increase in traffic along Coulter Road (a distributor road through the estate) is likely. But the road would also bring significant benefits to the residents of Brisley Farm, giving them access to Discovery Park and the facilities at the District Centre. In the absence of evidence that the link would cause undue problems on the highway network, the Plan is sound.
43. It appears that the link road would cross the Park at a narrow point which marks the division between the informal recreation area on the elevated northern section around Coleman's Kitchen Wood, and the mainly flat southern area where the main concentration of sports and other active uses would be located. The CGAAP text refers to the need for the link road to be designed so as not to create unnecessary severance or dominate the setting of the Park, and to the provision of suitable crossing points. Nothing further is required.
44. Because Discovery Park is intended as a strategic recreational resource for the wider South Ashford area, not all of its land and facilities will be directly provided as part of the Chilmington Green development. CGAAP policy CG9 sets out the overall types and amounts of recreation and sports facilities to be provided and requires a masterplan for Discovery Park to be prepared before planning permission is granted for uses within the Park. This part of the policy is sound.
45. Policy CG9 also requires a management plan to be agreed, prior to the occupation of any development, for the areas of Discovery Park *not* required to meet the needs of the Chilmington Green scheme. Because of the different delivery timescales and responsibilities, this provision is unduly onerous and might force the developers to acquire more land than is necessary to deliver the recreation needs of the development. The Council's response is to modify the CGAAP by diluting the obligations for the part of Discovery Park not being delivered by the developers and moving them from policy to text **(MM4)**. The management of Discovery Park is still addressed in policy CG9, but in a less specific manner **(MM5)**. These modifications would not preclude an early resolution to the delivery of all of Discovery Park if agreement between landowner and provider could be reached, but they better reflect the reality of the strategic nature of this part of the recreational resource. Consequently the modifications represent a more appropriate and workable approach to the delivery and management of Discovery Park.

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**Issue 4 – Do the proposals for transport and travel meet the demand generated by the development and do they adequately promote opportunities for sustainable transport ?**

46. It is inevitable that such a large scale development will have some impact on transport and travel in the surrounding locality. Local concerns about increased traffic on Ashford's roads are well founded, for the development will undoubtedly cause additional congestion and delay on parts of the surrounding road network. The approach of the CGAAP is twofold: to mitigate the worst effects through a substantial package of off-site highway improvements and other measures, and to minimise the increase in traffic generation by actively promoting public and non-car modes of travel.
47. The main traffic impact will be felt along the A28 corridor. Extensive modelling has demonstrated that developer-funded improvements, including dualling the currently congested section between the Matalan and Tank roundabouts and upgrading these two junctions, should result in no overall increase in congestion as a result of the development. Despite local scepticism about the efficacy of such modelling (based on assurances given in the past which are alleged not to have materialised), there is no compelling evidence that an improved A28 corridor would be unable to cope with the anticipated growth in traffic. It is implicit from policy CG11 and the associated text that the developers of Chilmington Green are required to provide the funding sought for the A28 improvements.
48. Other off-site measures include traffic calming and new footways to discourage through-traffic along minor routes in the surrounding area, notably along Ashford Road/Chart Road through Great Chart village and Magpie Hall Road. As the Plan acknowledges, monitoring will be necessary to ensure that such measures are successful, particularly on the east-west routes such as Magpie Hall Road. Concern about the increased use and change in character of the minor rural roads within the Plan area has been addressed by requiring a new network of distributor roads to be built as part of the development, thereby enabling most of these rural roads to retain (as far as possible) their existing roles. Although the delivery an east west link road between M20 J10a and the A28 (referred to as Orchard Way in the Core Strategy) now seems to be in doubt, the new distributor roads in the southern part of the Plan area would provide part of such a route should it be reinstated in the future.
49. Given the importance of ensuring that detailed proposals for Chilmington Green (including the timing of off-site highway works) are based on up-to-date evidence, it is surprising that policy CG11 makes no reference to the need for a Transport Assessment to inform the delivery of the necessary highway measures. **MM6** addresses this matter and ensures that full compliance with paragraph 32 of the Framework is secured.
50. The transport modelling undertaken thus far [as summarised in CG/CD/23] places significant emphasis on sustainable transport and achieving a high proportion of movements by non-car modes. For example, even with the provision of a frequent (every 10 minute) bus service to the town centre and rail station, the 20% mode share target for bus use proposed in policy CG12 is highly ambitious, as the Council acknowledged. It is appropriate that the policy leaves to the planning application stage the precise scale and timing of

developer contributions for public transport provision, though the text rightly stresses the importance of the early introduction of the new bus service to the town centre. The indication in the Plan that at least 80% of dwellings would be within 400m of the bus route loop is a reasonable balance between proximity to the route and the length/time of the bus journey.

51. Whilst policy CG12 seeks a Public Transport Plan to determine the detail of bus service provision and promote its use, there is no requirement for an overall Travel Plan which would coordinate all sustainable transport provision and incentivise other non-car modes of travel. Paragraph 36 of the Framework seeks a Travel Plan for all developments which generate significant amounts of movement; **MM7** proposes a new policy which overcomes this omission.

### **Issue 5 – Do the proposals for community facilities and affordable housing appropriately address the needs of the community?**

#### *Community facilities*

52. For the most part details of the nature, extent and timing of community, health, education and recreation facilities to be provided as part of the Chilmington Green development are fully set out in the CGAAP. In terms of education, the key provision of policy CG15 is the transfer of land for school sites to the relevant education authority. The precise terms on which that transfer takes place, including the matter of cost, are properly the subject of negotiation between the parties at the planning application stage. As to the size of the primary health care accommodation, the policy CG17 requirement for "at least a 6 GP practice" is a minimum and the policy makes provision for additional GP services in the longer term should the need be demonstrated.
53. The arrangements for community governance in such a major development are an important step in the process of establishing a strong and sustainable community. Policy CG10 favours a community led management arrangement though, because the matter is yet to be fully explored, there is flexibility as to its precise nature and constitution. If such a model is pursued, it is appropriate that policy CG10 identifies the need for a developer contribution in the early years of the development until the chosen body is operationally effective and has a firm financial footing.

#### *Affordable housing*

54. The requirement for 30% affordable housing comes from Core Strategy policy CS12. There are questions (though no direct evidence) about the deliverability of this amount in the current depressed market conditions. However, development at Chilmington Green will occur over a period likely to span more than one economic cycle, so retaining the Core Strategy target is appropriate. Policy CG18 acknowledges that a lesser amount might be accepted in a particular phase if a viability case is proven, but sets out parameters for clawing back this shortfall if economic conditions allow.
55. There is a lack of clarity in policy CG18 about the operation of the claw back process and whether it is intended to apply within a main phase as well as between phases. It is also unclear whether the approach to deferred contributions is intended to apply only to affordable housing, or whether it also

applies potentially to other infrastructure for which full provision had not been achieved in any phase. Once the Council stated that deferment could apply to all infrastructure not provided in full within a phase, it seemed more sensible to include the mechanism and the detailed explanation about its operation in the Implementation chapter and policy CG22. The deferred contributions modifications are therefore specified under Issue 7 below. However, this does allow policy CG18 to be simplified: the affordable housing text changes are detailed at **MM8** and those to policy CG18 at **MM9**.

56. The deferred contributions policy has not been subject to public consultation or tested at appeal. Nevertheless, it appears to be the sort of flexible approach to current viability problems that the Government is encouraging Councils to adopt. Moreover, by relating a deferred contribution to the increase in sales price of a market dwelling above a specified minimum price, the worst-case position is known at the outset and there is reasonable certainty about the amount of claw-back required if market conditions improve.
57. It is acknowledged that the deferred contributions policy is complex, especially with a scheme which involves multiple developers, but it seems to be sufficiently well-defined to be capable of factoring into a land sale contract, developers' agreement or bid for institutional funding. Indeed, the indication that developers are working with the Council to prepare a Chilmington Green-specific version of the deferred contributions policy suggests that, in principle, a practical solution is likely to be found (though it is not necessary for the Plan to refer to a site-specific version). In the absence of compelling evidence that such an approach would threaten housing delivery, it is consistent with paragraph 50 of the Framework which seeks flexible affordable housing policies which take account of changing market conditions over time.
58. Paragraph 50 of the Framework also stresses the importance of creating sustainable, inclusive and mixed communities. If a viability case results in provision below 30% affordable housing under policy CG18, then 10% is a reasonable lower limit which would make a limited yet meaningful contribution towards this objective. As to the concern about a 40% upper limit being too high if claw-back comes into play, this figure is not uncommon in some parts of the country and there is no evidence that it would lead to unbalanced communities.
59. Because each main phase will take many years to complete, it is appropriate that initially the aim should be to claw back any affordable housing shortfall within that phase. To enable this to happen, the CGAAP is right to seek flexibility in the design/layout and tenure of phases 1 and 2. The examples given in the text are illustrations of ways in which this might be achieved, and it is reasonable that these should be "explored". There is no suggestion that these are the only ways this particular objective could be met.

## **Issue 6 – Is the approach to sustainable design/construction and ecology realistic, achievable and effective?**

### *Sustainable design and construction*

60. Core Strategy paragraph 9.46 indicates that major developments should consider how the integration of Combined Heat and Power (CHP) could be



used in meeting the policy CS10 objective of zero carbon development. The Framework (paragraph 97) states that local planning authorities should identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems, and for co-locating potential heat customers and suppliers. The potential for CHP is investigated in greater detail in the Chilmington Green Revised Concept Energy Statement [CG/CD/19], which concludes that CHP at the District Centre has the greatest benefit across the whole development in terms of carbon dioxide reduction, but also the greatest build cost for each dwelling connected to the associated district heating network.

61. Given the policy framework and the objective analysis of the energy benefit, it is appropriate for the Plan to express in policy CG19 a preference for CHP at the District Centre. It is important, however, that the policy does not impose unnecessary burdens on the development which might threaten its viability, as paragraph 173 of the Framework states. In establishing whether proper consideration has been given to CHP, it is reasonable for the CGAAP to seek some indication that the technology has been investigated and found unviable (or inappropriate for some other reason) if it is not adopted. However, the requirement for "an independently verified financial assessment" is unduly burdensome – it should be sufficient to 'demonstrate' why CHP is not feasible.
62. If a viability/feasibility case is made, the requirement for 'alternative solutions which can deliver equivalent or greater carbon savings overall' seems to be imposing a greater level of carbon dioxide reduction on development in an undefined hinterland of the District Centre than would arise from the normal application of policy CS10, which seeks carbon neutrality over the whole development. As these 'alternative solutions' would only apply where CHP is demonstrated not to be viable, there must be a significant risk that higher carbon dioxide savings on this part of the development might also prove unviable. If CHP is demonstrably not feasible, there is no rational basis for requiring anything other than the normal application of policy CS10 to this part of the development. **MM10** addresses these matters.
63. It is right that the issue of sustainable design and construction goes beyond carbon neutrality. Matters such as the detailed design of buildings, the choice and treatment of construction materials and the ease of future maintenance are all important aspects of sustainability and, as demonstrated by evidence from other locations in Ashford, have not always been delivered to a high quality. However, the requirement for a "well designed, high quality, sustainable development" is included within the over-arching development principles in policy CG1 and does not need to be repeated.

### *Ecology*

64. The Plan area does not contain any sites statutorily designated for wildlife protection, though a number of protected species have been identified. The CGAAP seeks, where possible, to protect important habitats and ecological areas, to provide enhancement, mitigation and compensation for habitats that will be lost, and to establish effective management arrangements to support the habitats and species that remain. This approach is justified, effective and consistent with national policy in the Framework.

65. Is not accepted that policy CG21 should include a requirement for expert ecological advice to be provided if community groups or tenant farmers assume responsibility for implementing and managing the ecological enhancement and mitigation strategy. The policy specifies in detail what the strategy must do and requires it to be approved by the Council. Should there be any concern at the intended management practices or the expertise available to implement or monitor them, the Council could withhold its approval until satisfactory arrangements were in place.
66. As to the specific concern about management of Coleman's Kitchen Wood, the Plan recognises its ecological importance and sensitivity, while policy CG21 requires the ecological enhancement and mitigation strategy to be in place prior to the grant of planning permission. Consequently there is no reason why appropriate management of Coleman's Kitchen Wood should not be established at the earliest opportunity.
67. Another detailed concern is the proximity of residential development to Willow Wood, a small ancient woodland that lies south of the Southern Fringe Character Area. Although the CGAAP acknowledges the need to avoid direct impact on this (and other) woodland, the limit of the built footprint would be close (about 24m) to the edge of the wood. It is argued that there would be a serious adverse impact on the ecological value of the wood as a result of cat predation and other potential disturbance to bats, nesting birds and dormice.
68. The ecological survey information [CG/CD/17] suggests that, notwithstanding its classification as ancient woodland, Willow Wood is of relatively limited ecological value, having low potential for bats and not being identified as significant for breeding birds, invertebrates or reptiles. Given its small size and its former use as a munitions dump, much of its importance derives from being part of a wildlife corridor extending south from the built footprint to the larger Boyce and Roughet ancient woodlands. Natural England advises that there should be a minimum buffer zone of 15m around ancient woodland and does not object to the proximity of development to Willow Wood (nor does Kent Wildlife Trust). Natural England also advises that development should be kept as far as possible from ancient woodland; there is no compelling evidence that the 24m buffer in this case would lead to undue harm to Willow Wood or to other sites of ecological value.

### **Issue 7 – Is the approach to phasing, implementation and monitoring robust and deliverable?**

69. As befits a detailed plan aimed at securing the delivery of a major development project, the CGAAP sets out a comprehensive framework to guide the phasing and implementation of the Chilmington Green urban expansion and a strategy for the monitoring of targets against key indicators. A balance has to be found between a logical, controlled approach to the coordinated delivery of the housing and employment and its associated infrastructure, and the need to build-in flexibility to allow for unforeseen changes over time. This is recognised in the CGAAP and, for the most part, the right balance is achieved.
70. One area in which there is a lack of guidance concerns the point at which it is appropriate to move from one main phase to the next. The Council's view at

the examination was that one phase should be substantially completed before the next phase can commence, with that precise point being determined in the relevant Masterplan for each main phase. This seems a reasonable approach; it is not necessary to explain further in the text the reason for flexibility between phases. **MM11** addresses this matter.

71. The other change required to this part of the Plan is the insertion of the provision for deferred infrastructure provision that originally appeared in the affordable housing section and which is discussed under Issue 5 above. As I state there, because the deferred contributions policy is intended to apply to all infrastructure, it is more appropriate as part of the implementation policy. **MM12** specifies the additional text. The associated amendment to policy CG22 (**MM13**) also includes the addition of a sentence dealing with the phasing provision mentioned above.

## Assessment of Legal Compliance

72. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The CGAAP is identified within the approved LDS 2010 which sets out an expected adoption date of May 2012. Apart from slippage in the date of the Plan's submission (as identified in the 2011/12 Authority Monitoring Report), the CGAAP's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in December 2009 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes ( <b>MM</b> ).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (2012) sets out why AA is not necessary.
National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Core Strategy complies with the Act and the Regulations.

## **Overall Conclusion and Recommendation**

73. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.
74. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Chilmington Green Area Action Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Martin Pike*

Inspector

This report is accompanied by the Appendix containing the Main Modifications

## Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	12	New Policy	<p><i>Insert after paragraph 2.7:</i></p> <p><b><u>The Presumption in Favour of Sustainable Development</u></b></p> <p><u>The NPPF indicates that the development plan is the starting point for decision-making but that there is a general presumption in favour of sustainable development. Accordingly, Policy CG0 sets out the proposed approach to the presumption in favour of sustainable development within the Chilmington Green Area Action Plan boundary.</u></p> <p><b><u>POLICY CG0 – Presumption in Favour of Sustainable Development</u></b></p> <p><b><u>When considering development proposals within the Chilmington Green AAP area, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to find solutions which mean that proposals can be approved where they would secure development that improves the economic, social and environmental conditions in the area, in line with the aspirations and policies of the AAP.</u></b></p> <p><b><u>Planning applications that accord with the policies in the Core Strategy and this AAP (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</u></b></p> <p><b><u>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</u></b></li> <li>• <b><u>Specific policies in that Framework indicate that development should be restricted.</u></b></li> </ul>

Ref	Page	Policy/ Paragraph	Main Modification
MM2	17	3.1	<p><i>Amend Paragraph 3.1 and insert new paragraph after:</i></p> <p>3.1 The Council's vision for Chilmington Green is an ambitious one, and is expressed in the Core Strategy. Development at Chilmington Green should create a truly sustainable new community, one which delivers a healthy balance of homes, jobs and local services and supports a viable, high frequency public transport service. <del>and is</del> <u>It will be designed in a way that delivers a high quality living environment and a place of real character with a high quality living environment – one which generates a safe and accessible environment where crime (and the fear of crime) do not undermine the quality of life or community cohesion (as expressed through paragraphs 58 and 69 of the NPPF). The Council will liaise with relevant stakeholders (including the police) to ensure that these issues are addressed.</u></p> <p><i>Start new Paragraph with existing sentence beginning:</i> The aim is to create a positive and lasting legacy for the town. This, balanced with ...</p>
MM3	20	CG1	<p><i>Amend the first line of Part (a) of Policy CG1:</i></p> <p><b>a) A well designed, <u>safe and accessible</u>, high quality, sustainable development which supports.....</b></p>
MM4	64	New Paragraph	<p><i>Insert new paragraph:</i></p> <p><u>7.27 In light of the above, a separate management plan should be agreed between the Council and landowner for those areas of Discovery Park which will not be delivered by the Chilmington Green development. This management plan will need to ensure that whatever interim management arrangements are proposed in these areas, (up until such time they are acquired) they do not prejudice the ability to deliver the wider aspirations for Discovery Park. It is anticipated that the existing low intensive farming practices which currently take place in this area can continue up until such time the land is required for public open space purposes</u></p>
MM5	65	CG9	<p><i>Amend the third and fourth paragraphs of Policy CG9 as follows:</i></p> <p><b>A detailed masterplan for <u>the whole of Discovery Park</u>, supported by a business plan, shall be prepared by the Council in partnership with the developer consortium and must be agreed before detailed planning permission is granted for <u>any recreational or sporting uses within the Park</u>.</b></p> <p><b>This agreed masterplan will identify the range of uses (including those listed above) to be accommodated within the park, the location of these uses and their relationship and compatibility with each other, alongside establishing how Discovery Park will be phased, managed and delivered over time. <u>No development that would prejudice the ability to bring forward Discovery Park or that would</u></b></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><b><u>be contrary to the approved masterplan will be permitted.</u></b></p> <p><del><b>A Management Plan for those areas of Discovery Park not required to be provided by developers in order to meet the recreational requirements of the Chilmington Green development shall be agreed with the Council prior to the occupation of new development within the AAP area. The Management plan shall include ways in which the upgrading of existing public rights of way across these areas may take place over time.</b></del></p> <p><b><u>Management arrangements for Discovery Park will need to include ways in which the upgrading of existing public rights of way across Discovery Park may take place over time.</u></b></p>
MM6	77	CG11	<p><i>Insert new paragraph after Policy CG11 point (e):</i></p> <p><b><u>These matters will need to be considered as part of a Transport Assessment, submitted to support an outline planning application for the whole site.</u></b></p>
MM7	83	New Policy	<p><i>Insert new Policy CG13a after Policy CG13:</i></p> <p><b><u>POLICY CG13a – TRAVEL PLAN</u></b></p> <p><b><u>In accordance with paragraph 36 of the NPPF, a Travel Plan shall be provided to bring together the different transportation elements necessary to support the proposed development. The Travel Plan shall include a monitoring regime for the different modes of transport covered in policies CG11-13 and shall be agreed with the Borough Council, in consultation with the County Council, prior to commencement of the development.</u></b></p>
MM8	93-94	10.36-42	<p><i>Delete paragraphs 10.36-42 and replace with new text:</i></p> <p><u>10.36 For example, the quantity of affordable housing proposed to be delivered early in the development may be lower than the 30% policy target figure or a different split between affordable rent and shared ownership properties proposed, if justified by a robust and independently verified viability assessment (see paragraphs 1.19 – 24 of this AAP and Policy CG22). In this case, the Council would expect this deficit to be subsequently 'clawed back' as far as is reasonable. The initial deferral of affordable housing provision within a phase may also be clawed back within the same phase if house values increase sufficiently.</u></p> <p><u>10.37 In these circumstances, the Council would initially utilise its 'deferred contributions' policy so that, if sales values increase sufficiently, then this would help to subsidise additional affordable housing provision within that main phase of the development, subject to the consideration of alternative priorities</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>for the use of deferred contributions where other infrastructure requirements have also been deferred on viability grounds.</u></p> <p><u>10.38 To aid flexibility, the layout and housing stock proposed in phases 1 and 2 should be designed and managed in such a way that allows them to fulfil an additional affordable housing role later in the build out period, if required. Arrangements such as developer owned private rented properties that can then change tenure and be made available for affordable housing, as well as leaving undeveloped land parcels within phases 1 and 2 (which are unlikely to be fully built out until the end of the build out period) should be explored.</u></p> <p><u>10.39 Should it not be viable, practical or desirable to 'claw-back' a deficit of affordable housing provision within a main phase of the development, then the Council would seek this 'claw-back' over subsequent main phases of the development.</u></p> <p><u>10.40 If, at the start of the next main phase of development, the developer considers that the provision of additional 'clawed-back' affordable housing would not be financially viable, then any such case will need to be tested by a development valuer appointed and instructed by the Council, at the developer's cost, taking account of costs and revenues incurred to date and the anticipated infrastructure requirements (including any other requirements deferred from previous phases) and revenues for the next main phase. Where it is agreed that both anticipated and 'clawed-back' requirements cannot be met, the Council will re-employ its deferred contributions policy.</u></p> <p><u>10.41 In general, affordable housing should not be too clustered and should be well integrated across the development taking account of the nature of the stock, mix of tenures in any one area and the prevailing character of different areas as set out in Chapter 5. Care will be taken when applying any flexibility in the phasing of affordable housing in order not to undermine these key principles. In practice, this means that lower and upper percentages of affordable housing should be set for any of the main phases of development at Chilmington Green to avoid under provision or over-concentration in any one location. It is considered that a lower limit of 10% and an upper limit of 40% provides a reasonable balance between the need for flexibility and sound planning.</u></p> <p><u>10.42 In accordance with Core Strategy policy, the affordable housing should be provided on-site. The Council will only consider off-site provision as an alternative in very exceptional circumstances and where there is a clear and available opportunity to utilise such provision.</u></p>
MM9	95	CG18	<p><i>Delete all but the first and last paragraphs of policy CG18 and replace as follows:</i></p> <p><b><u>In all main phases, there shall be a mix of affordable dwelling types, sizes and tenures at Chilmington Green.</u></b></p>



Ref	Page	Policy/ Paragraph	Main Modification
			<p><b><u>The precise mix shall be determined in accordance with the most up-to-date housing needs information available and in consultation with the Borough Council prior to the submission of detailed schemes for approval in each main phase of the development.</u></b></p> <p><b><u>Each main phase of the development is expected to meet these 'normal' requirements unless a robust and transparent viability case proving this is not possible is accepted by the Council, in which case the policy may be applied with a degree of flexibility in line with the Council's deferred contributions policy (see policy CG22) to a minimum level where at least 10% affordable housing is delivered in any main phase and no less than 30% of affordable housing in any main phase is within the affordable rented sector.</u></b></p> <p><b><u>If the application of the deferred contributions policy does not subsequently result in a main phase of the development meeting the 'normal' requirements, subsequent main phases of the development shall be expected to 'claw back' any reduced provision up to a maximum of 40% of housing in any main phase of the development being 'affordable'.</u></b></p>
MM10	97	10.55 and CG19	<p><i>Delete paragraph 10.55.</i></p> <p><i>Amend the last paragraph of Policy CG19:</i></p> <p><b>A district heating network, supported by a Combined Heat and Power system at the District Centre, is the Council's preferred solution as part of the first phase of the development. <del>Should an independently verified financial assessment prove that such a network is not financially viable, then the Council will require alternative solutions which can deliver the same or greater carbon savings overall, unless it is demonstrated that such a network is not feasible.</del></b></p>
MM11	110	11.23	<p><i>Insert new paragraphs after paragraph 11.23:</i></p> <p><u>In light of this, it is important to not treat the areas shown under figures 18 – 21 too rigidly. Although they provide a useful guide as to the areas which could come forward and constitute each 'main' phase of the development, the exact spatial area will be determined through the detailed planning stage (see section B below).</u></p> <p><u>In addition, a degree of overlap between one main phase and another may be acceptable, to allow continuity in the development. Providing the current 'main' phase of the development has been 'substantially completed' – in that the relevant infrastructure has been delivered (as referenced through Appendix 3 of the AAP), or is shortly to be delivered, and most of the development envisaged for that phase has been completed –</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>then the subsequent 'main' phase of the development could commence.</u></p> <p><u>The precise point at which a 'main' phase would be considered as having been 'substantially completed' should be agreed through the relevant detailed Masterplan for each 'main' phase (see section B below).</u></p>
<b>MM12</b>	111	11.31	<p><i>Insert new paragraphs after paragraph 11.31:</i></p> <p><u>11.32 The Council's approach to dealing with variations in the viability of the development and its ability to fully deliver all infrastructure requirements at the right time is set out paragraphs 1.19 – 24 of this Plan. It is acknowledged that a flexible approach may be necessary and, where it can be justified by independent assessment, the deferral of some infrastructure requirements may be considered.</u></p> <p><u>11.33 Where this occurs, the application of the Council's deferred contributions policy shall seek the subsequent provision of any deferred infrastructure provision, including affordable housing, within the same main phase. If this is not subsequently achieved, then the deferred infrastructure provision shall be provided in the next 'main' phase in addition to the 'normal' requirements of that phase. If viability concerns remain, a new viability assessment (taking account of previous and future costs and revenues, the 'normal' infrastructure requirements of the next main phase and any outstanding deferred infrastructure requirements) shall be agreed with the Council prior to the approval of the first reserved matters for the next main phase of the development and the Council's deferred contributions policy re-employed if necessary.</u></p> <p><u>11.34 Where this is the case, the Council will agree with any relevant service providers (e.g. KCC) which deferred infrastructure should be provided first during that main phase of the development, should any deferred contributions be triggered.</u></p>
<b>MM13</b>	120	CG22	<p><i>Amend the first paragraph of policy CG22:</i></p> <p><b>The development of the Chilmington Green area shall be implemented in accordance with the four main phases identified on Figures 18-21 and the Infrastructure Delivery Plan at Appendix 3, unless it can be demonstrated that relevant infrastructure is <u>readily</u> available and the development can be adequately serviced.</b></p> <p><b><u>Should a deficit in the infrastructure provision necessary to serve any main phase of the development be accepted following an independently assessed viability exercise, then the Council will employ its deferred contributions policy in order to claw back any deficit should market conditions improve sufficiently.</u></b></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><b><u>A degree of overlap between one main phase and another may be acceptable, providing it can be demonstrated that the previous phase of the development has been 'substantially completed'.</u></b></p> <p><b>Proposals which would deliver unsustainable and isolated development that would require extensive and isolated infrastructure to serve them will not be acceptable.</b></p>