

Planning & Development

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Our Ref:
 Your Ref: LP2030/ID/10
 Date: 11th July 2018

Dear Sirs,

Response to Inspectors' post-hearings Advice Note (ID/10)

Thank you for your post-hearings Advice Note, issued on 29th June. In the Note, you mentioned that the Council may respond where it is felt further clarification is needed in order to progress the drafting of main Modifications to the Plan. We thank you for that opportunity and this letter sets out a few areas where we feel that additional clarification would be helpful.

Housing land supply

In paragraph 16 of the Advice Note, we note your conclusion that the Council can demonstrate a 5 year housing land supply of 7,730 dwellings (2018-23). For the purposes of adjusting the Local Plan housing trajectory (which we assume is a necessary consequence of your recommendations in the Advice Note), it would be helpful if the Council could be advised how that figure has been arrived at. Whilst some elements such as the deletion of site policies S47, S48, S49, S34 and S58 and the reduction in capacity of others are clear, reference is made in paragraph 16 to the Council's assessment of likely completions on some of the larger sites being over-stated and we presume that changes here make up the remaining balance of changes from the 8,594 figure that the Council was promoting.

On a related point, reference is made in paragraph 16 to the "realistic prospect" of housing being delivered and, later in the same paragraph, delivery being "realistically likely". Given some of the caselaw references made on this particular point during the examination in both written and oral evidence, it might be helpful for there to be some additional clarity on



this matter – for example, whether you have equated the housing trajectory figure with the 5 year housing land supply figure.

Residential windfall policies

The Advice Note makes a number of suggestions in respect of policies HOU3a and HOU5 in order for the policies to be regarded as sound. In the main, we understand the nature of the changes being sought but there are two points where some additional clarification would be welcomed.

In paragraph 26 of the Advice Note, reference is made to a potential ‘tiered’ approach to settlement identification and the development that would be supported within or adjoining settlements. However, I am not clear whether this is a function of the different criteria attached to the two policies or, more fundamentally, whether you consider there may be some smaller settlements where any development ‘outside the built-up confines’ would not be considered sustainable – in other words, only development meeting the HOU3a criteria would be compliant. We agree that there will be some settlements currently listed in policy HOU3a where it is neither, and we will be making Modifications proposing deletion of those from the policy but otherwise, some additional clarification would be of assistance.

Paragraph 27 of the Advice Note deals with cumulative effects. The existing supporting text to policy HOU5 at para. 5.59 of the Plan provides some guidance on this matter in relation to services and this can be expanded with some greater level of detail including examples to illustrate. However, I am less clear on the question of the size of the settlement as a potential criterion unless there is some wider ‘capacity’ threshold that would be set on a ‘settlement by settlement’ basis or a standard percentage increase that might be applied. The Advice Note indicates this might be an option but I would be grateful if you could clarify if you consider such a criterion is necessary for the policy to be sound, and if so, broadly where that percentage threshold may lie ?

Affordable Housing

The advice in paragraph 32 of the Note is acknowledged but can I clarify whether you are proposing that any remaining site allocations of 10 should be amended to refer to an indicative capacity of 11 units or whether the consequence of your findings on this point is that those allocations should be exempt from providing affordable housing ?

Allocated sites – General Issues

Reference to site S36 is made in paragraph 35 of the Advice Note. The point regarding non-deletion from the Plan is understood but should the policy be amended to refer to the capacity of the scheme actually under construction there (i.e.19 units, rather than 25)? This is the only example in the Plan of a new allocation being under construction and so the issue only applies here.

During the Examination hearings, we agreed the need for consistency in terminology across the Plan. Paragraph 34 of the Advice Note refers to the need to modify the terminology in respect of heritage assets but should it be ‘conserve or enhance’ in respect of biodiversity assets ?



Policy EMP2

We note the advice on this policy in paragraph 58 of the Note. Our reading of this is that you seek the removal of the reference to the demonstration of viability for any alternative employment uses over the plan period and it is the underlined aspect that should be removed rather than the reference to alternative employment uses. Is our understanding correct ?

Other Matters

a) Neighbourhood Plans

During the hearing session on Issue 1 Question v), you asked the Council to clarify its position as to what Local Plan policies should be considered strategic for the purposes of neighbourhood planning with specific reference to paragraphs 075 and 076 of the PPG on 'Neighbourhood Planning'. We provided a written response to this in document ED/18. In this response, the Council concluded that the Local Plan could be clearer in relation to this issue, and suggested a number of changes which could be made to the Plan if this was requested by yourselves. The Advice Note does not mention the issue, and therefore please could you confirm whether these suggested changes are required ?

b) Policy SP3

During the hearing session on this policy, there was some discussion around the overall quantity of employment land to be required in the Plan. Following the publication of ED/07 setting out where the employment land supply figures were derived from, our understanding is that you considered that the policy should be amended to refer to 63 hectares (from 66 hectares) as that was a more accurate reflection of the supply. It was also agreed that reference in the policy to 'new' employment land should be deleted. Is this a correct understanding and that no further changes to SP3 are considered necessary ?

Timescales

Further to paragraph 64 of the Advice Note, I am pleased to confirm that the Council has embarked on the process of preparing a schedule of Main Modifications. Subject to consultation with Members, I would hope to be in a position to provide a draft schedule of Modifications to you by early August but I shall keep you informed of progress via the Programme Officer.

Yours sincerely,



Simon Cole
Head of Planning Policy
Ashford Borough Council

