

Issue 1

Have the relevant procedural and legal requirements been met, including the duty to co-operate?

- 1.1 With regard to the 'Gunning principles', R v. Brent London Borough Council, ex parte Gunning (1985), we have concerns about the adequacy of the consultation.
- 1.1.1 *'consultation must take place when the proposal is still at a formative stage'* On this point we have concerns that the major allocations within the urban area were identified at a very early stage before the site assessments were complete and that the council then began to produce evidence to support these allocations, particularly regarding access/transport issues. It does not appear the council carried out a similar exercise for other reasonable alternatives. SD02 page 57 para 4.3.1 says that *'the majority of site assessments were carried out between September 2014 and December 2014'* Page 16 of Appendix 1 of SD10 gives notes on a meeting between 1st December 2014 all 3 large new urban area allocations are identified (Court Lodge/Kingnorth, Kennington and Eureka) and work begins to produce evidence to support them. At this point, as made clear in the smaller sites note, below on the same page, an assessment has not been carried out for the other sites. The assessment of the other sites is not received from KCC Highways until 18.12.14, page 18 of Appendix 1 of SD10. The tables in Appendix 6 of SD10 shows the same sites were identified to Southern Gas for scenario testing earlier in 2014.
- 1.1.2 *'sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response'* On this point we have concerns that Highways England has consistently expressed concerns about the impact of allocations on the strategic network and made it clear that they do not consider the J10A modelling a suitable basis for analysing the local plan impacts. Even were the duty to cooperate have been met for Highways England we believe that the Gunning principles have not as ABC has not provided the transport evidence base to enable Highways England to comment intelligently on the proposals.
- 1.1.3 *'adequate time must be given for consideration and response'* We are satisfied on this point.
- 1.1.4 *'the product of consultation must be conscientiously taken into account'* We believe there is little in the way of material changes to the site assessments throughout the process although the issues raised in consultation would have suggested that amendments should be made. There are cases where the constraints faced by a development should clearly have been updated as being more significant than originally found in the site assessment, such as the Kingsnorth sites, and cases where negative assumptions made in a site assessment have been found to be untrue such as NW1. That the council appears to have been unwilling to amend would support a view that the plan was not at a formative stage, particularly for the larger sites within the Ashford urban area, when consultations occurred.

- 1.2 It is of concern to us that the council has not published all representations received and it is clear from the minutes of the Local Plan and Planning Policy Task Group that this was not accidental (page 2, para 3.4, bullet 5 and page 3, the resolution, of the LPPP/TG notes in the appendix). A duly made representation was received from Rother District Council requesting that the council consider assisting meeting unmet housing need, at the Main Changes consultation. The Council decided to publish all representations apart from this representation. The ABC website clearly read to anyone interested in the local plan that 'all comments are now available to view' when this was not the case as they withheld the Rother representation from publication.
- 1.3 As a consequence of the failure to register a duly made representation from Rother District Council to the Main Changes consultation we believe that ABC breached the following regulations of the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended and as a consequence section 20(3) of the *Planning and Compulsory Purchase Act 2004* was also breached.
 - 1.3.1 Regulation 22(1)(c) – Requirement to prepare a statement of representations and submit it to The Secretary of State: the failure being that the statement did not accurately set out the number of representations made or summarise all the main issues raised in those representations
 - 1.3.2 Regulation 22(1)(d) – Requirement to submit all representations to The Secretary of State
 - 1.3.3 Regulation 22(3)(iii) – Requirement to make all representations publicly available
 - 1.3.4 20(3) – Requirement to send the prescribed documents to the Secretary of State

Is the Sustainability Appraisal (SA) (L.1.D) undertaken suitably comprehensive and satisfactory and has it sufficiently evaluated reasonable alternatives?

- 1.4 We do not believe that a sequential test has been carried out as all flood risk has not been considered in the SFRA
- 1.5 Given that there is not an up to date transport evidence base we believe the balance of development within the urban area, given the constraints that exist, is incorrect.

Having regard to the evidence in its duty to co-operate statement (SD07) has the Council engaged constructively, actively and on an on-going basis with neighbouring authorities? In particular, has consideration been given to meeting unmet requirements from neighbouring authorities in both Kent and East Sussex?

- 1.6 We note that co-operation should take place throughout the plan preparation period, PPG ID 9-012-20140306. We have included in the Appendix a letter from Rother District Council to Mr Alderton dated 19th July 2013 in which Rother requests that ABC consider meeting some of Rother's unmet need. In the letter dated 15th January 2016 from Rother to ABC we can see that Rother is still requesting that ABC consider meeting unmet need. In Rother's representation to the Main Changes consultation (2017) we can see that Rother is disappointed to note that the SHMA did not consider if some of the unmet need could be met and that having looked at the SHELAA Rother believes there is scope to at least consider this option. Given the conclusion at the bottom of page 21 of SD12 we would agree with Rother's position. We believe that it is clear ABC has not engaged constructively, actively and on an ongoing basis with Rother District Council for many years whilst this plan was being prepared and has not met the test given in PPG ID 9-012-20140306.

- 1.7 We do not believe that it is accurate to claim that the duty to cooperate has been met, as the statement of common ground claims. That ABC did not cooperate with Rother's requests is clear given that 231 weeks before submission for examination ABC received a letter from Rother enquiring about the potential for ABC to accommodate unmet need. Then 101 weeks from submission ABC received a letter from Rother requesting ABC consider meeting unmet need. Again 16 weeks before submission Rother commented on the Main Changes consultation and requested ABC consider meeting unmet need. That ABC arranged for a meeting with Rother District Council at such a late stage when the options for Rother were a) maintain their position that they would like ABC to look at accommodating unmet need and therefore that the duty had not been met and ABC's Local Plan would likely fail at examination or b) withdraw their comments and sign a statement of common ground, hoping to have better luck next time. This is not consistent with the duty to cooperate as Ashford has not met the duty throughout the preparation of the plan period. For at least 220 weeks of 231 this is clear and in the remaining 11 weeks RDC would have been under strong pressure to sign the statement of common ground or be seen as singularly responsible should ABC's local plan fail at examination due to not meeting the Duty to Cooperate.
- 1.8 We note from page 10 of the Housing Topic paper, paragraph 55, that 'around 2/3rds of the population growth is driven by net in migration to the borough' Then paragraph 56 states 'This strong demographic need is influenced by comparatively strong housing delivery in the borough, which has contributed to net in migration' It would therefore seem that Ashford Borough experiences high in migration and that the council accepts that if strong housing delivery occurs then it will contribute to net in migration. This would appear consistent with Rother District Council's view that the net in migration element of their demand could be accommodated elsewhere in the wider south east. ABC's views in the Housing topic paper are in conflict with the position (SD07 para 3.4.6) that there is not scope to consider accommodating some of Rother's unmet need.
- 1.9 SD08 , Paragraph 74, on page 14 of the Housing Topic paper is clearly incorrect.

Does the Habitats (Appropriate Assessment) Screening Report (SD11) comply with the Conservation of Habitats and Species Regulations 2017? Does it adequately address whether the Local Plan would have a likely significant effect on European conservation sites either alone or in combination with other plans or projects?

1.10 No comment

In preparing the Local Plan has the Council complied with its Statement of Community Involvement (GBD14)?

1.11 See earlier comments

Does the Local Plan set a clear policy framework for the preparation of Neighbourhood Plans and provide for an effective relationship between the two? Should all policies within the Local Plan be treated as strategic for this purpose as set out in paragraph 2.8?

1.12 No comment

In the light of Regulation 4 of the 2017 Regulations which requires a review to be completed every 5 years should the commitment in paragraph 2.26 and in Chapter 6 to adopting a further plan by 2025 be adjusted?

- 1.13 We would support an adjustment so that a review is carried out and adopted within 5 years. In the case of Ashford we feel this is particularly important given that the plan period is only 12 years and infrastructure has proved a particular barrier to growth in the past. The cumulative effect of being at the intersection of multiple railway lines, the M20 motorway and the confluence of the Great Stour tributaries is that whilst Ashford is well connected regionally it is not often the case at a neighbourhood level and providing connections across these barriers requires long term planning. A longer horizon allows the borough to choose from a wider range of options than would be available with only 7 years left in the plan period. To have only a 5 year period remaining would materially reduce the subset of available options for the future plan and likely result in a sub-optimal plan. It would also mean that there would be very little scope for any new strategic allocation to contribute towards housing delivery in the revised plan.
- 1.14 Examples of where the plan period is already too short are Southern Water asking ABC officers to 'look beyond' the current draft plan in the notes of the strategic delivery board and that Highways England required guidance from officers beyond the draft local plan timescale to produce the J10A modelling. It is not appropriate for officers to be guiding the location of infrastructure like the above examples on a regular basis. These decisions should be plan led, the current approach risks reinforcing any existing biases which may exist for or against sites/spatial patterns within the planning policy department without the rigour of public examination. The guidance given beyond the plan period will to some extent be pre determining the outcome of future local plans and if the plan is not reviewed swiftly there will be many more such examples.

Appendix contents-

- Page 5 Appendix contents
- Page 6-7 – Letter from Rother and Hastings to ABC regarding unmet need. Document referenced in paragraph 1.6 and 1.7
- Page 8-9 – Letter from ABC to Rother as part of consultation.
- Page 10-11 - Letter from Rother to ABC regarding unmet need. Document referenced in paragraph 1.6 and 1.7
- Page 12-13 Representation from Rother in the Main Changes consultation regarding unmet need. Document referenced in paragraph 1.2, 1.3, 1.6 and 1.7
- Page 14-16 - Notes from the Local Plan and Planning Policy Task Group. Referenced in paragraph 1.2. Bottom of page 15 and second last paragraph at the bottom of page 16 of particular interest.
- Page 17 – Screenshot taken 8th November. Referenced in paragraph 1.2
- Page 18 – Minutes of the Strategic delivery board January 26th 2018. Referenced in paragraph 1.14

Appendix-

Date: 19 July 2013
Please ask for: Monica Adams-Acton
Telephone direct: 01424 451749
E-mail: Adams-acton@hastings.gov.uk
Web: www.hastings.gov.uk/regeneration



Regeneration and Community Services
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Mr Richard Alderton
Head of Planning & Development
Ashford Gateway Plus
Church Road
Ashford
TN23 1AS

Dear Mr Alderton,

Duty to Co-Operate - Housing Provision for Hastings Borough and Rother District

Both Hastings Borough Council and Rother District Council are currently at Examination in relation to their respective Local Plan Strategies. Following the partial revocation of the South East Plan, the Councils have undertaken further work in relation to the objectively assessed need for market and affordable housing, as required by the National Planning Policy Framework. The outcome of this work has been the assessment that both Districts' housing needs are in excess of the housing requirements contained in the former South East Plan.

Both Councils have further reviewed their potential to accommodate additional development. However, Hastings is physically constrained, having virtually built up to its administrative boundary and is therefore only able to accommodate some 3,400 additional dwellings, this being about half of its assessed need. Rother has increased its housing provisions by approximately 25% to be very close to its assessed housing need, but is heavily constrained by virtually all of the District outside of Bexhill and Rye being within the High Weald Area of Outstanding Natural Beauty. Significant growth is proposed at Bexhill, as much as market conditions are expected to allow. Rye is proposed to grow as much as possible consistent with its enveloping international nature conservation designations and significant flood risk issues. In summary, up to 3,463 additional dwellings cannot be accommodated in Hastings and up to 480 in Rother, making a combined under provision of 3943 additional dwellings over the period to 2028.

Therefore, our purpose in writing, on behalf of both Councils, is to ascertain the housing position of neighbouring local planning authorities and others for which Hastings and Rother have, in recent years, provided homes for out-migrants.

In order for us, and our Inspectors, to determine the respective implications of not providing more housing locally, I would be grateful if you could advise of the following:

- (i) Is your current housing target as set out in the most recent adopted Local Plan likely to deliver less than / same as / more than the annualised housing target of the South East Plan? Can you please confirm the relevant figures?
- (ii) Has there been an objective assessment of housing need subsequent to publication of the NPPF? (If so, please can you provide a link to your assessment)

Document3



(iii) Does your authority have a 5-year supply, including an appropriate buffer, of deliverable housing land within your District and what level of supply is this?

(iv) If there has not been a recent objective assessment of housing need, when is this expected to be undertaken and when do you expect a review of your current Local Plan housing targets? Please confirm when the assessment of housing need was last undertaken?

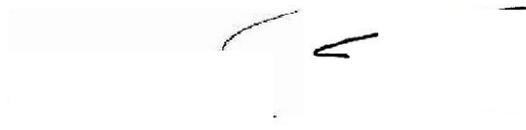
(v) If there has been a recent objective assessment of housing need, is this more or less than currently being planned for?

Finally and most importantly, in the light of paragraph 182 of the Framework, can you let me know to what extent your Authority's plans could assist in meeting our Councils' unmet housing requirements?

I would appreciate a response by 12 August.

If you wish to discuss the matter please contact David Marlow, Planning Strategy and Environment Manager, (David.Marlow@rother.gov.uk 01424 787635) or Tim Cookson, Strategic Planning Manager at Hastings Borough Council (tcookson@hastings.gov.uk 01424 783201).

Yours sincerely,



Monica Adams-Acton
Head of Regeneration and Planning Policy
Hastings Borough Council

Tim Hickling
Head of Planning
Rother District Council

Planning & Development

Ask For:
Email:

Direct Line: (01233) 330 213/638



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Mr David Marlow
Planning Policy Manager
Rother District Council
Town Hall
London Road
Bexhill-on-Sea
TN39 3JX



Wednesday 18 November 2015

Dear Mr Marlow,

Ashford Borough Council Local Plan to 2030 – Duty to Co-operate

Ashford Borough Council is currently preparing a draft Local Plan to 2030. Having regard to the Duty to Co-operate requirements, I am particularly keen to engage in discussions relating to any infrastructure and/or cross-boundary implications that may arise, as early in the process as possible.

I am, therefore, writing to each duty to co-operate body to ensure that we are aware of all relevant infrastructure and cross-boundary issues before preparing our Local Plan for publication, which is planned for early 2016.

We may have been in contact with you or liaising with you already on these issues, but for duty to co-operate recording, we would appreciate it if you could provide a written response to our questions below.

The main issue for our Local Plan are the overall number of new homes that we are planning for and, broadly, where these should go. We are currently finalising the exact number and exact locations. However we are in a position to share what is likely to be the approach that will form the Local Plan 2030 (see below). Please treat the contents of this letter confidentially at this stage.

In terms of total dwellings, the recently produced SHMA update (available here: <http://www.ashford.gov.uk/local-plan-2030-evidence-base>) sets out that we should be planning for around **14,325 dwellings** over the period of 2011 – 2030. Of these, around 10,325 dwellings are already in the 'planning pipeline' in that they have been completed, are



an existing allocated site, are being implemented or have planning permission. These should therefore already form part of your current service planning.

This leaves around 4,000 new dwellings to be allocated on new development sites within the Local Plan 2030, to come forward between 2016 and 2029.

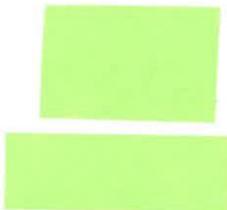
In terms of the broad distribution of this new development, it is likely to be focused principally around the edge of the Ashford urban area with some smaller scale allocations in the rural settlements.

Having regard to the above, I would welcome your comments in response to the following questions:-

- 1. Do you have any comments on the potential impacts for your district/service from the potential development numbers being proposed in Ashford?**
- 2. What evidence do you currently have or are planning to produce, which will deal with potential cross-boundary impacts on infrastructure and services? If this evidence is still to be produced, when do you expect it to be available?**
- 3. Is there existing capacity or deficit in demand for services/ infrastructure that would be impacted upon by this approach?**
- 4. Has your authority/service identified any particular governance procedures for dealing with the Duty to Co-operate that you wish us to follow?**
- 5. Do you wish to be involved in discussions on emerging individual site policies? If so, please inform us of how you wish this process to be undertaken (i.e. face to face meeting/ email correspondence?)**

Many thanks for your time and I look forward to hearing from you.

Yours sincerely,



Planning Policy Manager



Your ref:
Our ref: 6.8.2/Ashford
Please ask for: David Marlow
Direct dial no: 01424 787635
Date: 15th January 2016



[REDACTED]
Planning Policy Manager
Ashford Borough Council
Civic centre
Tannery lane
Ashford
TN23 1PL

Dr Anthony Leonard
Executive Director of Business Operations

Town Hall
Bexhill-on-Sea
East Sussex TN39 3JX

Dear [REDACTED]

Ashford Borough Council Local Plan to 2030 – Duty to Co-operate

I refer to your letter dated 18th November, which I'm sorry that I have not been able to reply to earlier. However, I have now read your latest SHMA and discussed your five questions internally, so can now respond as follows:

1. Do you have any comments on the potential impacts for your district/service from the potential development numbers being proposed in Ashford?

The main point to note from the SHMA is that the OAHN of 727 homes pa is before any consideration is given to unmet need from adjacent authorities as required to be considered in accordance with the NPPF and as acknowledged within the SHMA at Figure 2.

Hence, the Borough Council is asked, as part of its testing of growth options, allowance for a higher rate of growth than that identified in the SHMA to reflect the unmet need in Rother District. This is regarded as a necessary part of the process to inform a decision as to the housing numbers "being proposed" in a draft Local Plan.

See also comments under 2 below.

2. What evidence do you currently have or are planning to produce, which will deal with potential cross-boundary impacts on infrastructure and services? If this evidence is still to be produced, when do you expect it to be available?

The Council, jointly with Shepway District Council, has undertaken survey work in respect of preparation of a 'sustainable access strategy' for the Dungeness complex of international sites. This has already been made available to your officers. The next stage, development of the strategy itself, is due to be commissioned shortly, when the timetable will become clearer. I note that the proposed RAMSAR site extends into Ashford and therefore falls under the Duty.



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As you will be aware, initial business case work has been undertaken on behalf of this Council, in partnership with Hastings Borough Council and East Sussex County Council, in relation to an extension of High Speed Rail from Ashford to Hastings and Bexhill. This is clearly a project that offers the prospect of greatly assisting economic regeneration and growth of the towns and I understand that there is support for this from Kent County Council. Clearly, we are looking to the Borough Council to similarly support it. The report setting out the business case is available on the ESCC website. (<https://new.eastsussex.gov.uk/roadsandtransport/roads/bexhill-hastings-high-speed-rail/>)

I would also draw your attention to the strategic policy to support improvements to the strategic road, as well as rail, routes including the A259, although I am not aware of any schemes currently under consideration.

Also on the transport front, airport capacity is of course of general interest, which covers not only the growth for London covered by the ongoing work by the Airport Commission but also the future of Lydd airport in Shepway.

3. Is there existing capacity or deficit in demand for services/infrastructure that would be impacted upon by this approach?

Aside from the above, there are also common interests in respect of the High Weald AONB and flood risk (as the southern part of Ashford drains into the river Rother).

4. Has your authority/service identified any particular governance procedures for dealing with the Duty to Co-operate that you wish us to follow?

No

5. Do you wish to be involved in discussions on emerging individual site policies? If so, please inform us of how you wish this process to be undertaken (i.e. face to face meeting/email correspondence?)

My Council only wishes to be involved in relation to site policies that bear upon the above interests. The form of dialogue will depend on the significance of proposals.

I am afraid that other commitments now prevent me from being able to attend the meeting with yourselves and the East Kent authorities next week. (I assume that this is on, although I don't seem to have received an agenda or copy of the MOU as previously requested?) However, I believe that the above responses cover the matters likely to be raised relevant to my Council and I would be happy to discuss any of the points raised.

Yours sincerely,

David Marlow
Planning Policy Manager
Rother District Council |



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Ashford Borough Council
Ashford Local Plan 2030
Regulation 19 – Main Changes



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For office use only
Reference No:
Date received:

Representation Form

The preferred and most efficient method for receiving comments is online via the consultation portal. You can register to access the consultation portal at: www.ashford.gov.uk/consult. If you are unable to use the online method of submitting comments you may still submit comments by using this form. Please use this form to set out your representation on the 'Main Changes' to the Ashford Local Plan to 2030: Publication Version. All representations received will be considered as part of a public examination by an independent Planning Inspector.

You must use a separate form for each 'Main Change' comment. If you have commented on the Local Plan previously, you need not make the same comments.

All comments submitted previously remain valid unless you advise us otherwise. Guidance Notes for submitting a representation can be found at the end of this form. Please read these notes **before** completing your response.

This form must be returned by the end of Thursday 31st August 2017

Personal Details

Name of individual:	David Marlow.....
Organisation (where relevant):	Rother District Council.....
Address:	Town Hall, Bexhill-on-Sea
Postcode:	TN39 3JX.....
Email address:	david.marlow@rother.gov.uk.....
Daytime Tel. No:	01424 787635.....
If an agent has been appointed to act on your behalf please give the agent's details	
Name:
Address:
Postcode:
Email address:
Daytime Tel. No:

Question 1 – To which 'Main Change' number does this representation relate?

MC: 4

Question 2 - To be "Sound" a Plan should be Positively Prepared, Justified, Effective and Consistent with National Policy (see guidance)

Do you consider this 'Main Change' is sound (support/agree)?

Yes No

If you consider the 'Main Change' is unsound, on which grounds do you consider it so (see guidance)?

Not positively prepared Not justified
 Not effective Not consistent with National Policy

Question 3 – Please set out your representation here, relating to “soundness”. If applicable, what changes do you propose to make the document “sound”?

To help the independent Planning Inspector manage the examination, we ask that representations are concise and, where they are necessarily detailed, that you provide a concise summary setting out your main points.

Rother District Council (RDC) wishes to clarify for the Inspector the statements made in MC4 regarding Objectively Assessed (Housing) Need (OAN) which it does not regard as presenting a full picture in relation to unmet housing need from other councils, specifically from Rother District.

To set the context for this representation, at the time of the examination of its Core Strategy in June 2013, RDC (together with Hastings Borough Council) advised ABC that it was seeking help to assist in meeting its OAN. This is noted, with ABC's response, in section 3.3 of the ABC Duty to Cooperate Statement, July 2017. The actual ABC response was:
"Therefore, whilst I could not rule out the future prospect of Ashford borough making some provision to meet other districts' needs, it is far too premature in our current plan-making process to be able to provide any sort of commitment at this stage."

Further to this, in response to a letter from ABC dated 18 November 2015, RDC again asked for regard to be given to higher growth options that made allowance for the unmet housing need in its District (of some 480 dwellings over the period 2011-2028). Reference to this 'duty to co-operate' engagement cannot be seen in the Consultation Statements, so copies are attached for reference.

No representations were made to the submission plan, as it was assumed that ABC would have taken this into account in preparing its submission Local Plan.

However, it is now evident from the SHMA Update, January 2017 and the Duty to Co-operate Statement that, while consideration has been given to more recent demographic projections and to potential additional migration flow from London, there is no recognition of the still unmet need for our District.

Also, having seen the updated SHELAA, it is seen that there may be the potential for further sustainable sites, over and above the increased overall housing requirement for 16,120 dwellings.

Therefore, it is considered appropriate to again query whether it is genuinely the case that there is not further scope within the ABC area (most suitably at Ashford, to which there are existing good communications and proposals for further rail improvements) to address RDC's acknowledged unmet housing need. The wording on MC4, as presented, does not provide this reassurance. No specific changes to the Plan are proposed, this being dependent upon ABC's response.

Summary:
 Rother District Council (RDC) queries, having particular regard to the SHELAA 2017, whether regard has been given to any further scope within the ABC area (most suitably at Ashford) to address RDC's acknowledged unmet housing need, as previously advised to the Borough Council. The wording on MC4, as presented, does not provide this reassurance. No specific changes to the Plan are proposed, this being dependent upon ABC's response.

Attach additional sheets only if necessary)

Question 4 – Do you consider it necessary to participate at the oral part of the examination?

Yes No

Question 5 – Does your representation relate to a new or a previously-submitted omission site (see guidance)?

New Submitted Previously Not Applicable

If either of the first two options apply, you must supply details of the omission site, including a site location plan, contact details of the landowner, and a full case as to why it might be more suitable, on a separate sheet and return it with this completed form.

Signature: _____ Date: 31st August 2017
 Print name: David Marlow

Additional questions - To enable us to process your representation more effectively, we would be grateful if you could respond to the following optional questions as relevant. You may continue your response on a separate sheet if you wish. For more information on Legal Compliance, Guidance Note 2 is available for reference.

If you have previously commented on the Local Plan, as a result of this 'Main Change' do you wish to withdraw, replace or add to any previous comments?

Withdraw in entirety Replace /Substitute
 Add to existing comment Not Applicable – this is a new representation

Do you consider that this 'Main Change' is Legally Compliant in accordance with the relevant regulations?

Yes No Don't know

Local Plan & Planning Policy Task Group

Notes of a Meeting of the Local Plan & Planning Policy Task Group held on the 13th September 2017.

Present:

Cllr. Clarkson (Chairman);
Cllr. Clokie (Vice-Chairman);

Cllrs. Mrs Blanford, Bradford, Mrs Dyer, Galpin, Heyes, Shorter

Apologies:

Cllr. Miss Martin, Smith.

Also Present:

Cllrs. Mrs Bell, Burgess, Dehnel, Hicks

Simon Cole – Head of Planning Policy, Ian Grundy (IG) – Principal Policy Planner; Daniel Carter (DC) – Principal Policy Planner, Carly Pettit (CP) – Policy Planner, Helen Garrett (HG) – Policy Planner, Jeremy Baker – Principal Solicitor Strategic Development, Keith Fearon – Member Services Manager

1 Declarations of Interest

- 1.1 Councillor Clarkson made a Voluntary Announcement as he was a Director for A Better Choice for Property Ltd and a member of the Weald of Kent Protection Society.

2 Notes of the Local Plan and Planning Policy Task Group Meeting – 11th August 2017

- 2.1 The notes of the Local Plan and Planning Policy Task Group meeting held on the 11th August 2017 were agreed as an accurate record subject to the inclusion of apologies from Councillor Smith.

3 “Main Changes” to Local Plan – Consultation Update

- 3.1 The report advised that the purpose of the item was to provide Members with a brief summary of the outcome of the Main Changes to the Local Plan Consultation and identify some of the main issues from the consultation. The Task Group received a presentation which set out in more detail the results of the consultation. The presentation covered the following issues:-

- Summary of representations
- Key issues – Strategic Development requirements and Policy SP2
- Key issues – Housing Topic Policies

- Key issues – Environment Topic Policies
 - New Topic Policies
 - Key issues – Site Policies
 - Summary of Representations – New Site Policies
 - Next Steps
- 3.2 In summary, the presentation advised that the total representations received was 1,172 from 608 respondents. 274 representations were supportive and 898 were objections to the proposals set out within the Plan.
- 3.3 The Policy Planner (CP) advised that the majority of objections were from agents and house builders and the Task Group suggested that when they formally considered the representations they be separated out into different categories ie public, Parish Councils, and developers and agents. The Policy Planner (CP) confirmed that the information could be presented in this way.
- 3.4 During discussion on the presentation the following points were raised:-
- The Chairman considered that there was a need to establish a position whereby, if a development was not commenced within three years of the granting of the planning permission, consideration be given to identifying ways in which the Borough Council could take forward development of the site to ensure that the housing delivery figures were met. During discussion on this point the Head of Planning Policy advised of a current court case regarding housing delivery and in particular whether the developer or Local Authority would be at fault if the site was not developed. He considered that the outcome of this court case could be very important. The Chairman asked that the Legal Service and Local Planning Team work together to identify ways by which the Council could ensure that sites with planning permission were developed.
 - It was confirmed that whilst planning permissions were extant the figures for those sites counted towards the Council's housing land supply.
 - The Head of Planning Policy confirmed that the Government was expected to publish new methodology for Objectively Assessed Housing Need and there was a risk that there would be a need to reconsider the figures in the draft Plan.
 - In respect of certain sites, Officers had reduced the anticipated delivery rate of dwellings.
 - The Head of Planning Policy gave details of a representation received from a Local Authority in the South East requesting the Borough Council consider meeting some of their unmet housing need. The Head of Planning Policy undertook to provide members of the Task Group with a copy of the representation from the Local Authority concerned, which was to be clarified. The Chairman also suggested that further consideration needed to be given to the question of how the

Borough may be able to address household growth in the capital that could not be accommodated within Greater London.

- In terms of New Affordable Housing Policy HOU1 it was noted that the objections had stated that PPG required this to be amended to “11 or more” homes as opposed to “10 or more”. The Task Group were content to accept “11 or more”.
- In terms of new windfall housing policies, the Task Group considered there was a need to keep an open mind and consider sites on their own individual merits.
- With reference to ENV9 – Sustainable Drainage, the Chairman asked that the Borough Council’s SUDS policy be reviewed to ensure they were able to deal with the groundwater arising from new development.
- In terms of withdrawal of the Caldecott site (50 homes) it was noted that it was anticipated there would be no need to identify a replacement site as the dwelling numbers should be made up as windfall sites came forward.
- In terms of the Bombardier works (S11A) site, the Principal Policy Planner (IG) undertook to send details direct to Councillor Heyes.
- In terms of the Wittersham site (S61), the Ward Member said it would be difficult to take forward the development of this site.

3.5 The Policy Planner (CP) then explained the next steps in the process which included ensuring that Ward Members were made aware of the new omission sites.

3.6 The Task Group discussed the issue of publishing representations for public view and the Principal Solicitor (Strategic Development) advised that there was an obligation to publish all representations received during the consultation exercise but there was no requirement for this to be done by a set date. The Task Group did not wish to delay publishing representations, and

Resolved unanimously:

That all representations be now published for public view, with the exception of the representation received from a Local Authority in the South East which was subject to further clarification.

4 Gypsy and Traveller Issues and Options Discussion

4.1 The report advised that the Task Group on the 11th August 2017 had resolved that the Council should update the evidence base for the upcoming Development Plan Document and agreed that the Council should prepare an “Issues and Options” report for consultation. As part of the process the Council would be presenting the issues and options for debate at the Parish

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New Local Plan to 2030

Local Plan 2030 'Main Changes' public consultation

This consultation has now closed and we can no longer accept comments.

Viewing comments made

The representations received during the 'Main Changes' consultation are currently being assessed and will be formally responded to by the council. A decision will then be taken by Ashford Borough Council on whether any further changes need to be made to the draft plan.

All comments are now available to view. However, comments cannot be made on these representations as there is no open consultation and these cannot be recorded.

For help on locating and viewing comments, [download guidance notes for locating and viewing representations \[pdf\] 350KB.](#)

What is the 'Main Changes' consultation?

Ashford Borough Council are preparing a new Local Plan to 2030. It is being prepared with the aim of ensuring that future development within Ashford is well planned and managed effectively whilst having a positive impact on local communities, the economy and the environment. The new Local Plan will provide a consistent approach to planning into the future across the whole of the borough. Once adopted, the Local Plan 2030 will form the statutory development plan. A draft of the Plan was formally published and made available for consultation during the summer of 2016.

Screenshot taken 8th November 2017

Item	Notes	Action
1.	<p>Welcome</p> <p>The Chairman welcomed all those present.</p>	
2.	<p>Provision of Water Infrastructure – Planning for Ashford Borough’s Housing Growth</p> <p>Paul Kent, of Southern Water gave a presentation on the work being undertaken by Southern Water to plan for the growth in housing on the various development sites located in the Borough. He advised that they had invested £55m to accommodate growth and had also made improvements to the Ashford Wastewater Treatment Works to help deal with odour control. He also explained the various options under consideration to provide waste water connections to the Chilmington Green development. Paul Kent also advised that Southern Water also wished to work with ABC to look beyond the current draft local plan housing targets. Southern Water would be submitting their Business Plan covering the period 2020 to 2025 to Ofwat in September 2018.</p> <p>The Chairman thanked Southern Water for the presentation and emphasised the importance of the provision of infrastructure to cater for the anticipated growth in Ashford and said that he intended to establish the Ashford Infrastructure Delivery Group which would include representatives from ABC, HCA, KCC and Southern Water to take this forward.</p>	ABC
3.	<p>Commercial Quarter</p> <p>Stewart Smith advised that Phase1 was on target for completion in April 2018 and the development was currently 75% pre-let. There had also been an impressive response to the architectural design competition.</p>	
4.	<p>Elwick Place</p> <p>Stewart Smith advised that the development was progressing in accordance with the programme and was also on budget. It was anticipated that the topping out would take place in March 2018.</p>	
5.	<p>Newtown Works</p> <p>Stewart Smith advised that last year a bid of £10m had been made for Housing Infrastructure funding and a decision on</p>	