

Council's Response to Inspector's Issues and Questions

Topic policies: General questions

25 April 2018

i) Does the Local Plan, when taken as a whole, include a strategy and policies designed to ensure that the development and use of land contribute to the mitigation of, and adaption to, climate change?

1. In accordance with paragraphs 94 and 97 of the NPPF the Local Plan includes proactive strategies to mitigate and adapt to climate change and to promote energy from renewable and low carbon sources. Such an approach is rooted in the Vision of the Plan (paragraph 3.13) and the Strategic Objectives (Policy SP1i).
2. The Local Plan includes specific policies designed to ensure development and use of land contribute to the mitigation of, and adaption to, climate change. Policy ENV6 requires new development to contribute to an overall flood risk reduction. Policy ENV7 requires all new residential development to meet water efficiency requirements. ENV10 supports proposals to generate energy from renewable and low carbon sources that reduce carbon emissions in the borough in order to minimise the impact of climate change. Policy ENV11 promotes the delivery of highly efficient buildings in terms of energy and water use in order to mitigate climate change impact through the reduction of carbon dioxide emissions.

ii) Policies TRA3a, ENV2, ENV3a, ENV3b, ENV4, ENV9, COM2 and COM3 and a number of individual site policies refer to various SPDs, other Council strategies or documents prepared by other organisations. As these are not part of the development plan and are subject to change without examination, is requiring compliance with them justified and consistent with legal and national policy requirements? If not, are there other ways of expressing the Council's intended approach within these policies?

3. Paragraph 153 of the NPPF sets out the role of Supplementary Planning Documents (SPDs) as being where they can assist applicants in making successful applications or aid infrastructure delivery without adding unnecessarily to financial burden on development.
4. The Council already has a suite of SPD in place which relates to existing adopted policies in the Core Strategy and its 'daughter' AAPs and DPDs. These include the Green Corridor Action Plan that is referred to in policy ENV2, the Landscape Character SPD (GBD17) that is referred to in ENV3a, the Dark Skies SPD (GBD12) that is referred to in policy ENV4, the SuDS SPD (GBD20) referred to in policy ENV9 and the Green Spaces and Water Environment SPD (GBD21) referred to in policies COM2 and COM3.
5. It is agreed that guidance in SPD should be there to clarify how the 'policy' requirement can be met in site specific cases, whether that is through an appropriate and proportionate developer contribution or by the delivery in whole or in part of a suitable piece of infrastructure. In all cases, it is expected that such requirements would be delivered through appropriate Section 106 Agreements and hence need to be compliant with the tests set out in Regulation 122 of the CIL Regulations.
6. Whilst it is accepted that the guidance in SPD may be amended without formal examination, SPD must be contained within the parameters of the 'parent' policy to which it relates and must be subject to formal consultation prior to adoption. The Council considers it would be self-defeating to introduce SPD that would serve to undermine the purpose of the 'parent' policy or be outside the scope of the policy including by introducing unnecessary financial burdens on development, given the difficulties this would present in defending such an approach if challenged. The same applies to any other 'strategies' prepared by the Council or other documents, such as the AONB Management Plans that are referred to in policy ENV3b.
7. The Council firmly believes that its approach of the Local Plan policy establishing the principle of 'need' with the detail as to how that 'need' may

best be satisfied on a site-by-site basis through SPD is reasonable and justified.

iii) Does the Local Plan, when taken as a whole, adequately promote the health and well-being of the community?

8. The Local Plan recognises that Health and Wellbeing are integral parts of national planning policy. Links between planning and health are evident throughout the whole of the National Planning Policy Framework (NPPF), and are therefore reflected throughout the Local Plan. Key areas of the NPPF relevant to health and wellbeing – beyond the requirements to promote healthy communities (chapter 8; paragraphs 69-77) - include transport (chapter 4), high quality homes (chapter 6), good design (chapter 7), climate change (chapter 10) and the natural environment (chapter 11). All of these have been addressed within the Ashford Local Plan to 2030. The Sustainability Appraisal (SD06) tests those policies within the Local Plan against thirteen key objectives – one of these (Objective 7) on Health and Wellbeing, and therefore the plan as a whole has been interrogated to determine its impacts on the health and wellbeing of the Borough’s population.
9. The ways in which the issue of Health and Wellbeing is addressed is distilled specifically in the Soundness Self-Assessment (SD06), explaining those policies most explicitly contributing to fulfilment of the above specific policy areas. The NPPF requires Local Plans to provide policies encouraging well-designed places which promote community interaction, including through mixed and mixed-use development, which are safe and accessible (NPPF chapter 6 and 7, and paragraph 69). Local Plan Policy SP6 requires that development proposals must be of high quality design and demonstrate a careful consideration of and a positive response to each of a number of design criteria. This includes the social aspects of design, and Building for Life standards which establish person-centred planning. Policies HOU12-15 build on this, specifically addressing the space and accessibility needs to enable people to have healthy homes.

10. Paragraph 70 NPPF states that policies should plan positively for the provision and use of shared space, community facilities and other local services, thereby promoting healthy communities. Again, this is made locally-relevant through the Local Plan's strategic policies (especially Policy SP6), but supported by Policies COM1-4 which promote opportunities for and delivery of community spaces, leisure, recreation, sport and play, allotments and cemeteries. These policies support the requirement of Paragraph 73 to identify, plan and provide for the specific qualitative or quantitative deficits or surpluses in open space, sports and recreation facilities as outlined in the Open Space Strategy (CBD04) and Playing Pitch Strategy (CBD02).

11. Natural environment and climate change issues and resilience are amplified particularly in the Local Plan's section D (Policies ENV1-15). A number of the policies contained therein – for example Policy ENV2 (Ashford Green Corridor) and Policy ENV4 (Light Pollution) seek to improve health and wellbeing indicators for local communities. Their supporting reports – the Green Corridor Action Plan (NBD02) and the Dark Skies SPD (GBD12) are important complementary documents in delivering these policies, which proactively seek to support a quality experience of the natural environment, getting people out and about while preserving and enhancing those natural features that constitute the environment. Complementing these policies, Section C (Policies TRA1-9) positively seek to provide for pedestrian and bicycle journeys promoting health and wellbeing, but balancing this with a recognition that private transport is widely used and is a component of modern living that requires a careful balanced yet flexible approach.

12. In terms of provision of primary, secondary and tertiary care provision, opportunities are taken in many site policies to promote improvement of existing community provision of health and other infrastructure. The Local Plan was produced through engagement in the Ashford Health and Wellbeing Board, with the Ashford Clinical Commissioning Group (CCG), and via engagement with local people as per PPG recommendations (Paragraph: 003 Reference ID: 53-003-20140306). This engagement is highlighted further in

the Council's Duty to Cooperated Statement (SD07) and Infrastructure Delivery Plan (SD10). On a site-specific basis, Policy S18 provides opportunity for improvement, expansion, reconfiguration and consolidation of medical facilities at the William Harvey Hospital, the borough's most strategic medical facility. As a whole, however, given the continually evolving strategic planning situation of the CCG and the NHS more generally, the Plan's policies provide flexibility to accommodate future requirements and to collect proportionate contributions towards their delivery.