

Attn. David Smith and Steven  
Lee  
Ashford Borough Council  
Civic Centre  
Tannery Lane  
Ashford  
Kent  
TN23 1PL

27 March 2018  
Ref: SS/Let/P1429ii

Dear Sirs,

**Ashford Borough Council Local Plan Examination 2017 – Issue 5.**

This letter has been prepared by ECE Planning on behalf of Millwood Designer Homes Ltd in support of the promotion of Land at Lenacre Hall Farm, Ashford for allocation within the Ashford Local Plan for a residential development.

It responds to the Inspector's Matters and Issues, relevant to our client's site, for Part 1 of the Public Examination of the Ashford Local Plan. ECE's response to the Issues for Part 2 of the Public Examination will be submitted separately.

Before addressing the Issues, we believe it would be useful to provide some context regarding the currently undetermined hybrid planning application at the site at Lenacre Hall Farm (reference: 17/01613/AS) for up to 89 new residential dwellings, with associated access, landscaping, open space and community orchard.

The application is currently 2 months over the Council's statutory timeframe for determination and the applicants believe it is in a position where it can be approved. All statutory consultee responses have been received and a meeting with the Council was held on 1<sup>st</sup> February 2018 where officers agreed the site was in a sustainable location.

All technical issues relating to transport, access, drainage and flood risk, ecology, heritage, and design have been explored and addressed with no significant objections on these technical matters remaining. There has been no objection with regards to the location of the site in sustainability terms and the Council's policy team has raised no comment on the application. The application currently remains in abeyance on the Council's presumption that the currently unexamined plan provides for an advanced 5 year housing land supply.

**Directors**

Chris Barker MATP MRTPI Managing Director  
Huw James MRTPI  
Adam King RIBA

ECE Planning Limited  
Registered in England  
No 7644833  
VAT No 122 2391 54  
Registered Office: Amelia House  
Crescent Road, Worthing BN11 1QR

It is the applicant's view that despite being in a less insensitive location than over recent proposed allocations and in a sustainable location on the fringe of Ashford, the site should be allocated in the emerging Local Plan and the application approved. It has not achieved this status yet as a result of the flawed Local Plan preparation and evidence base, therefore making the Local Plan unsound.

We are of the view that as currently drafted, the Local Plan is unsound for the following reasons:

- It has not planned for an adequate level of housing growth;
- The strategic aims of the Local Plan to direct development in and around Ashford have not been translated into appropriate site allocations;
- Certain sites, such as A20 corridor sites and Rural allocations are unsuitable and unsustainable. In this regard the plan cannot be considered to represent the most sustainable strategic approach to guiding development in the Borough to meet needs;
- The Boughton Aluph and Eastwell Neighbourhood Plan area has been excluded from consideration through the Local Plan process;
- The technical background evidence base, including the Sustainability Appraisal and Strategic Housing and Employment Land Availability Assessment is flawed and fails to consider suitable sites and reasonable alternatives;
- The housing trajectory is not realistic;
- The Council cannot demonstrate a valid five year housing land supply.

It is considered that the site at Lenacre Hall Farm should have been properly considered through the Local Plan process as a potential allocation to assist the Council in meeting their vision and objectives and reduce the need to allocate isolated, poorly located and therefore unsustainable sites for housing provision. On this basis an allocation of the site at Lenacre Hall Farm for appropriate new residential development would assist the Council in making the Local Plan sound.

Each issue is considered separately across 5 individual letters. We address Issue 5 below.

**Issue 5 - Will the Local Plan meet the housing requirement over the plan period? Will there be a 5 year supply of deliverable housing sites with an appropriate buffer?**

*i) Are the assumptions and analysis regarding site suitability, availability and achievability and development capacity in the Strategic Housing and Employment Land Availability Assessment (SD12) reasonable and realistic? Is this assessment sufficiently comprehensive and rigorous having regard to the PPG on Housing and economic land availability assessment (ID3)?*

The PPG on Housing and economic land availability assessment states:

*The assessment forms a key component of the evidence base to underpin policies in development plans for housing and economic development, including supporting the delivery of land to meet identified need for these uses.*

*Paragraph: 002 Reference ID: 3-002-20140306*

*The assessment should identify all sites and broad locations regardless of the amount of development needed to provide an audit of available land.*

*Paragraph: 009 Reference ID: 3-009-20140306*

The Council's SHELAA states (p19) with regards to Neighbourhood Planning areas:

*Sites within these areas may have been identified through this SHELAA as suitable for further consideration, but may not be assessed further for Local Plan consideration in the Sustainability Process. The Neighbourhood Plan Groups will undertake their own site analysis for potential Neighbourhood plan inclusion.*

The BAE Neighbourhood Plan sites are specifically not assessed in terms of their suitability, achievability, deliverability and developability (such as site BAE1 Lenacre Hall Farm) and have been excluded from any form of assessment within the SHELAA on the basis that the Neighbourhood Plan would consider these matters separately. The purpose of the SHELAA is not to defer such decisions but to provide an objective assessment of each and every site as an audit of all available options for development for sound plan making.

By excluding sites the Council is unable to demonstrate that it has fully considered reasonable alternatives for development since sites not progressed through the SHELAA are not considered within the SA. The SHELAA is a vital element of the evidence base underpinning the Local Plan and by implication, the approach to spatial delivery of housing across the Borough cannot be considered sound. By not carrying out assessments in line with the NPPG the Council cannot demonstrate that it has fulfilled its duty under paragraphs 150 – 152 of the NPPF.

In this respect, the Local Plan has essentially excluded all sites within the Boughton Aluph and Eastwell Neighbourhood Plan area from consideration (except for the Eureka Park site which straddles Neighbourhood Plan / Parish areas and which was a previous allocation within the Core Strategy (2008) and Urban Sites and Infrastructure DPD (2012)).

As set out within the introduction to this letter, a planning application is currently being considered for the site at Lenacre Hall Farm by the Council ref 17/01613/AS. As set out in our submissions to the Council's call for sites exercise and as illustrated through the planning application process, the site is considered to be **suitable, available, achievable, and deliverable in the first five years** of the plan period. It does not rely on major infrastructure to be in place prior to its delivery.

Clearly the Council cannot demonstrate that it chose the most appropriate and sustainable sites to go forward through to be considered in the Sustainability Appraisal or indeed for Local Plan allocation as required by the NPPG and NPPF.

The Submission version of the Local Plan is therefore unsound since it is neither **justified** nor **consistent with national policy** since it fails to meet the requirements of paragraphs 150 – 152 of the NPPF and the Housing and economic land availability assessment of (ID3) of the NPPG. Furthermore, the Plan cannot be considered to be **positively prepared** – since it cannot demonstrate that it is consistent with the aims of achieving sustainable development.

In order to be made sound, the Lenacre Hall Farm site would need to be assessed within the SHELAA as deliverable within the first five years and progress through to assessment within the SA. The SA is the tool by which the site would be considered against the strategic aims and objectives of the plan and the aims of achieving sustainable development.

In terms of the approach taken with regards to other sites, the SHELAA is not considered to be a robust background evidence document.

The NPPG is clear that emerging local policy and national policy should guide decisions on whether the site is suitable. Consideration should also be given various matters (refer to Paragraph: 019 Reference ID: 3-019-20140306).

The assessment for sites either entirely excludes relevant considerations or takes a selective and inconsistent approach to such matters. This is particularly the case for contaminated land / pollution considerations; the appropriateness and likely market attractiveness for the type of development proposed; contribution to regeneration priority areas; and the environmental/amenity impacts experienced by would be occupiers and neighbouring areas.

The assessment also fails to take a consistent approach to assessment or discussion of the location of sites from a sustainability point of view with limited commentary on some sites and a complete absence on others. This is illustrated as follows:

**Site DW40 (Land north of Tutt Hill).** Appendix 10 of the SHELAA provides no assessment or analysis of whether the site is suitable in principle and fails to consider the potential residential amenity impacts of development on a site that is bounded by a six lane motorway, the A20 and a busy high speed railway line.

There is no discussion on the likely noise implications or air quality considerations of development in such a location and neither is there any commentary on how this site might meet the aims of the emerging Local Plan or the regeneration benefits the site might have.

There is no discussion regarding the site's location in sustainability terms such as accessibility to nearby services, facilities and sustainable transport options. In Appendix 5: Housing Sites Remain in Land Supply Assessment; the commentary for Site DW40 simply states: *Site allocated under policy S49.*

**Site DW39 (Land rear of Holiday Inn)** is considered within the Appendix 10 Addendum to the SHELAA. In the suitability assessment it notes:

*Built form on the development can be laid out to as to avoid the ancient woodland. Part of this site is allocated under policy S48, with total yeild of 150 split 50/50 between the two sites. This site is to be understood in conjunction with DW6*

There is no assessment or analysis of whether the site is suitable and it fails to consider the potential residential amenity impacts of development on a site that is bounded by a six lane motorway as per site DW40.

As with DW40, there is no discussion the residential amenity impacts, how the site might meet the aims of the emerging Local Plan; the regeneration benefits the site might have; or the site's location in sustainability terms (although it states: *The site is located close to the A20 and with good public access links to Ashford.*)

**DW36 (Kempton Manor Farm):** is considered within the Appendix 10 Addendum to the SHELAA. The suitability assessment states:

*Site is suitable, achievable and deliverable. This site forms part of wider site allocation S48 along with DW39. Total yield = 150 split 50/50 between the two sites.*

The same criticisms as site DW39 equally apply to this site. The discussion on site location is extremely limited, it states: *The site is on the main A20 route into Ashford and close to public transport links.* (Please note – the background text for the Local Plan suggests that the site S48 is 1.5 miles from Charing. This is factually incorrect – the site is (as the crow flies) 1.8 miles (or 2.9km) to Station Road in Charing).

With regards to **Lenacre Hall Farm (BAE1)**, the assessment provides no consideration of suitability of the site. Under location and access to key services, the assessment notes:

*The site is just on the outskirts of a large residential development, but access to services is only really achievable via commute, with most between 800m-1.6km away.*

This does not provide an accurate assessment of the site. Firstly, shops, a primary school (Goat Lees), services and facilities located at Eureka Park are located circa 600m walking distance from the southern section of Lenacre Hall site (or circa 430m as the crow flies) and circa 970m from the northern part of the site (or circa 770m as the crow flies). The nearest bus stops (on Faversham Rd) are located circa 220m from the northern part of the site or circa 550m from the southern part of the site (450m as the crow flies). The nearest Secondary School (Towers School & Sixth Form) is located circa 510m from the northern section of the site (circa 430m as the crow flies) and circa 850m from the southern section of the site (circa 560m as the crow flies).

The assessment fails to acknowledge these distances but regardless also fails to recognise that 800m is a reasonable walking distance to services and facilities and that there are public transport options in close proximity including bus services and cycle links which are within walking distance linking the site with Ashford. Planning Officers have acknowledged during consideration of the current planning application (ref: 17/01613/AS) that the site is in a sustainable location, immediately abutting the town of Ashford. Furthermore, no objections are made by Kent CC Highways in terms of location or accessibility.

It is unclear why specific distances to facilities are referred to within the Lenacre Hall Farm site and yet not for other sites (such as those identified above). As with the DW site assessments, there are no discussions about residential amenity aspects or regeneration benefits of the site (which in are view would rank the site more positively than the DW sites).

We do not therefore consider the assessment of sites to be robust. For these reasons we do not consider the SHELAA to be **consistent with national policy** since it fails to meet the requirements of the NPPG section on housing and economic land availability assessment of (ID3) and therefore renders the Local Plan to be unsound. A wholesale reassessment is required and the site at Lenacre Hall Farm included as a deliverable site.

*ii) Are the sites relied upon for the supply of housing deliverable and developable in accordance with paragraph 47 of the NPPF? Does the evidence provided in Appendices 1 and 2 of the Housing Topic Paper (SD08) give sufficient confidence that sites will be delivered as anticipated? Is there an over-reliance on large site allocations?*

As set out in our response to Issue 5 v), there are a number of sites included in the Council's housing trajectory which we consider to be neither deliverable nor developable. We also consider that the timescales of delivery for a number of sites within the trajectory are unrealistic and that the delivery of housing will come forward later in the plan period than anticipated by the Council.

Having regard to para 47 and footnote 11 of the NPPF, we consider the following sites are not deliverable:

**Waterbrook** (Policy S16) - the part of this site considered suitable for residential use is presently in active use as a truck stop that will need to be relocated elsewhere within the site. We understand that there is no housebuilder currently involved in the scheme and therefore consider it is highly debatable as to whether this site can be considered available now and is currently unlikely to be deliverable.

**Land rear of Holiday Inn** (Policy S48) and land north of Tutt Hill (Policy S49) – both these sites are in active use as a landscape gardening/plant nursery. The supporting text to Policy S48 (Land rear of Holiday Inn) sets a requirement to relocate the current commercial buildings on the site to a suitable alternative location. There appears to be no alternative sites identified. We therefore consider that the two sites cannot be considered as available now in accordance with para 47 and footnote 11 of the NPPF and are therefore not currently deliverable.

Appendix 1 of the Housing Topic Paper provides little justification to support the unrealistic delivery timescales in the housing trajectory. Notwithstanding this point, no planning application has been submitted and as we understand it, no housebuilder involved in the site.

With regard to **Land North East of Willesborough Road, Kennington**, Appendix 1 states that the need for the capacity created by M20 junction 10A is reflected in the expected timing of the development. However, we do not consider this to be the case as the housing trajectory indicates that 25 dwellings would be delivered on site in the monitoring year of 2019/2020 which is before the Junction 10A works will be completed.

The timing of Junction 10A has also not been adequately reflected in the housing trajectory in relation to **Park Farm South East, Waterbrook, Land South of Pound Lane, Kingsnorth** and **Eureka Park** as each of these sites is shown to deliver housing in 2019/2020, in advance of the completion of the Junction 10A works. Both the housing trajectory and appendix 1 need amending accordingly.

*iv) How is any shortfall in delivery since the start of the plan period to be dealt with? Should this undersupply be dealt with within the first 5 years or over a longer period? Should the shortfall be calculated against the Strategic Housing Market Assessment (SD13) figure of 825 dwellings per annum or the annual housing target in Table 1 of 848 dwellings per annum? Is the application of a 20% buffer in addition to the annualised housing target and the shortfall since 2011 justified?*

As set out in our comments to Issue 4, it is considered that the Council's OAN figure has not been calculated correctly and the more accurate figure of 989 – 1061 is more appropriate.

Notwithstanding this point, we provide comments below on the approach that Ashford Borough Council has taken with regards to the 848 figure as stated within the Local Plan. On this basis, the Council can only demonstrate a 4.6 year housing land supply as set out in the Housing Topic Paper (2017).

As set out in our response to Issue 5 v) below, we consider that the Council's housing trajectory is unrealistic and many sites will start to deliver housing far later than predicted by the Council. We therefore consider the Council's housing supply to be considerably lower than 4.6 years.

In accordance with the NPPG, the Sedgefield Method should be applied and undersupply therefore dealt with in the first five years. We agree with the Council's approach on this. In order to address this undersupply, additional available and developable sites need to be allocated and brought forward. One such site is land at Lenacre Hall Farm which, as demonstrated above, is deliverable in the first five years of the plan period.

In accordance with paragraph 47 of the NPPF, a 20% buffer should be applied when calculating housing land supply given Ashford's persistent under delivery of housing. We welcome the fact that Ashford have applied this buffer when calculating their five year housing land supply in recognition of their under delivery.

*v) Is the housing trajectory at Appendix 5 realistic and does it form an appropriate basis for assessing whether sites are deliverable in line with footnote 11 of the NPPF?*

It is considered that the Council has taken an unrealistic and overly optimistic approach to the delivery of sites over the next 5 years. Below is a list of sites that we consider will not be delivered to the timescales set out in the Council's housing trajectory.

### Willesborough Lees

Land at Willesborough Lees is identified as an emerging allocation under Policy S17 of the Local Plan, with capacity for 220 dwellings. The site has a protracted history of applications, appeals and pending decisions with the first stretching back to 2015 (ref: 14/00255/AS –dismissed on appeal).

The smaller parcel of land in separate ownership is the only part of the site currently benefitting from any permission, with outline permission having been granted for 28 dwellings on 2nd February 2018.

Despite the convoluted planning history, the Council's Submission Local Plan housing trajectory indicates that 40 dwellings will come forward in 2018/19.

This is not realistic. The recently approved outline application for 28 dwellings will be subject to further lead in times for both the marketing and disposal of the site, further reserved matters submissions and lead in times through to first completions. The application for 197 dwellings is still undetermined and even if it is approved imminently, there will be further lead in times to first completions.

### Land North East of Willesborough Road, Kennington

Land north east of Willesborough Road, Kennington is proposed as an emerging allocation within the Submission Local Plan (Policy S2), with an indicative capacity of 700 dwellings. The draft allocation is heavily dependent on the timings for bringing forward the junction 10a improvements. This is reflected in supporting text to policy S2 of the Submission Local Plan which states:

*'No occupation of the residential element of the development shall take place until the proposed M20 Junction 10a is complete, in accordance with Policy TRA1.'*

The Junction 10a works are a significant piece of key infrastructure within Ashford, with estimated costs totalling over £100m. According to the latest updates from Highways England via their website, the Junction 10a works commenced January 2018 and are programmed to complete by May 2020.

In light of the above, it seems highly unlikely that 25 dwellings will be delivered in 2019/20 as this would be in advance of Junction 10a and would conflict with the Local Plan policy S2.

### Land north of Steeds Lane and Magpie Hall / Land south of Pound Lane

Land to the north of Steeds Lane / south of Pound Lane are included as two separate allocations within the Submission Plan, under policies S4 (400 dwellings) and S5 (150 dwellings) respectively. Notwithstanding this, an outline application for the comprehensive master planning of the two applications has been submitted to the Council under reference 15/0856/AS. The application was registered with the Council on 3rd September 2015 and remains undetermined.

The housing trajectory considers that 50 dwellings will be delivered at land South of Pound Lane in 2019/2020. Again this is overly-optimistic given that the outline application has not yet been determined. This does not leave sufficient time for a S106 agreement to be signed, detailed applications to be prepared and submitted, pre-commencement conditions to be discharged and on-site infrastructure to be prepared. In addition to this, the current application still has an unresolved objection from Highways England.

### Park Farm South East

Park Farm South East is another major strategic allocation identified within the emerging Plan with capacity for 325 dwellings.

To date, no planning application has been submitted for the site. We therefore consider that it is highly unlikely that a development of this scale will be delivering 50 dwellings in 2019/2020 as set out in the Council's Submission Local Plan Housing Trajectory. Additionally, the development is reliant on Junction 10A being delivered which is programmed for completion in May 2020. Therefore it is highly unlikely that development will be delivered on site prior to the Junction 10A completion date.

### Waterbrook

Land at Waterbrook has been allocated since 2000 as a mixed use development site and again in the Core Strategy in 2008 as part of the wider Cheeseman's Green area. The site is a continued commitment toward a mixed use scheme under Policy S16 of the Submission Plan, with an identified capacity for 350 dwellings.

A hybrid planning application was submitted on 17 January 2018 including up to 400 dwellings. Given the application is unlikely to be determined imminently and there will be a need for further reserved matters applications should outline permission be approved, it is highly unlikely that 20 dwellings will be delivered on the site in 2019/2020. This is further compounded by the fact that Policy S16 relating to the site confirms that no residential development can be occupied until completion of the M20 Junction 10a works. The timetable for completion of these works is May 2020 which is after the 2019/20120 monitoring year.

As a final point, it should be noted that the part of the site considered suitable for residential use is presently in active use as a truck stop that will need to be relocated elsewhere within the site. Therefore, it is debatable as to whether this site can be considered available now in accordance with Para 47 and specifically footnote 11 of the NPPF.

### Eureka Park

Eureka Park site is a mixed-use allocation within the Submission Version of the 2030 Local Plan being allocated for 375 dwellings and 20 hectares of commercial development. The December 2017 Housing Trajectory envisages that the site would deliver 210 dwellings in the 5- year period ending in March 2022 with completions commencing in 2019/20.

However, no planning applications have been submitted in relation to the Eureka Park site and it has also been subject to a significant number of comments and objections as part of the consultation on the Regulation 19 Version of the Draft Local Plan 2030. Amongst the concerns raised have been technical objections from the Kent Wildlife Trust due to impacts on wildlife and local nature reserves along with objections from the local Parish Councils.

In addition, concerns have also been raised by Highways England due to the potential impacts of the development on the M20 Junctions 9 and 10 and in advance of the determination and implementation of the proposed M20 Junction 10a improvements and associated A2070 link road for which a Development Consent Order was made by the Secretary of State for Transport on 1st December 2017. Works are due to start in early 2018 with completion planned for May 2020.

Given the scale of the site, the likely timescale for determination of such an application, the need for further reserved matters applications and the discharge of conditions, it is highly unlikely that the site would start delivering in 2019/20 as set out in the Council's housing trajectory.

Appendix 2 of the Housing Topic Paper on this site gives little assurances that the site will be developed as set out in the trajectory. There appears to be little evidence that the site promoters are working to any deadlines for submission of a planning application and therefore the assurances around timeframes seem vague and noncommittal.

### A20 Corridor Sites

There are three A20 Corridor sites allocated in the Submission Local Plan. These are land east of Hothfield Mill (S47), land rear of Holiday Inn (S48), and land north of Tutt Hill (Policy S49). As stated in our responses above we consider these sites to be unsuitable and should therefore not be included within the Local Plan and housing trajectory.

Notwithstanding this point, no planning applications have yet been submitted for any of these sites. On this basis, we consider it highly unlikely that 25 dwellings will be delivered at land east of Hothfield Mill in 2019/2020 as set out in the Council's housing trajectory, given the general timescales for the determination of such an application, the contentious nature of these sites and the amount of local opposition.

With regard to land rear of the Holiday Inn, this is currently in active use as a landscape gardening/plant nursery with associated commercial buildings. The supporting text to Policy S48 sets a requirement to relocate the current commercial buildings on the site to a suitable alternative location. We therefore consider that the site cannot be considered as available now in accordance with para 47 and footnote 11 of the NPPF and should not be included in the five year supply assessment.

The same principle applies to Land rear of Tutt Hill which is also in use as a landscape gardening / plant nursey.

Conclusion

In light of the above concerns with the housing trajectory, specifically the first five years, which we consider to be unrealistic, it is our view that Ashford Borough Council's housing land supply is notably less than 4.6 years. As the table below demonstrates, on the basis of the delivery dates of those sites referred to above being shifted back by a year (and removal of the A20 corridor sites) the Council would only be able to demonstrate a 4.2 years supply of housing. Including the A20 corridor sites, the Council can demonstrate just 4.3 years supply of deliverable sites.

5 year Local Plan requirement	4,295 (5 x 859 dpa)
Delivery shortfall since 2011 (to 2017)	1,773
Subtotal	6,068
(+ 20% buffer)	1,214
<b>TOTAL</b>	7,282
Expected supply (Housing Trajectory)	6,134
Expected supply / Total	4.2

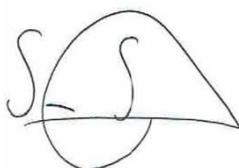
When factoring in the higher housing need figure of 989 homes per annum, the five year housing land supply situation is significantly worse with only a 3.3 year supply of deliverable sites.

5 year Local Plan requirement	4,945 (5 x 989 dpa)
Delivery shortfall since 2011 (to 2017)	2,757
Subtotal	7,702
(+ 20% buffer)	1,540
<b>TOTAL</b>	9,242
Expected supply (Housing Trajectory)	6,134
Expected supply / Total	3.3

Under any of the above scenarios, it is clear that in order to meet this shortfall, the Council would need to find additional deliverable sites. Clearly the site at Lenacre Hall Farm provides a deliverable site which would aid the Council in meeting its five year housing land supply and also help to address the strategic aims of the plan by locating development in and around Ashford.

If you have any further queries or require further information please contact me on 01903 248777.

Yours sincerely  
ECE Planning



Sam Sykes MRTPI  
**Associate Planner**