

ASHFORD LOCAL PLAN 2030

EXAMINATION LIBRARY

ED/02

Statement of Common Ground

As agreed between

Ashford Borough Council

And

Natural England

March 2018



Introduction

1. Natural England (NE) made representations to the Regulation 19 Draft Ashford Borough Local Plan 2030. Where the Council accepted the points raised, these were addressed by the Council in the Main Changes [SD05]. NE sent in further representations during the proposed Main Changes consultation which again the Council sought to address in the Submission Local Plan 2030. Resultant changes were also set out in the schedule of Minor Amendments [SD01a] for clarity. In addition, amendments were made to the Habitat Regulations Assessment [SD11] to address the request by NE (Representation MCLP/131) that consideration be given to the Wealden judgement with regard to the screening of air quality impacts on European Sites in the HRA.
2. A number of representations remain unresolved and the Council has therefore instigated discussions with NE, without prejudice, in an attempt to resolve differences and arrive at an agreed position.
3. This Statement of Common Ground relates to the outstanding objections made by NE to the Regulation 19 Draft in respect of

- **S2** (Land North East of Willesborough Road, Kennington)
- **S34** (Land East of Coach Drive, Hothfield)
- **ENV12** (Air Quality)

and those made in relation to the Main Changes consultation 2017 in respect of

- **S24** (Tenterden Southern Extension Phase B)
 - **S31** (land north of St Marys Close, Hamstreet)
 - **S32** (Land at Parker Farm, Hamstreet)
 - **S48** (land rear of Holiday Inn, A20)
 - **S49** (Land at Tutt Hill, A20)
 - **S53** (Nat's Lane, Brook)
 - **S55** (land adjacent to Poppyfields, Charing)
 - **S57** (land at Warehorne Road, Hamstreet)
 - **HOU16** (Traveller Accommodation)
 - **paragraph 5.313.5** (ENV3b Setting of the AONB)
 - **Appendix 6** Monitoring Indicators
4. As a result of discussions during and subsequent to a meeting on 15 March 2018 Natural England has withdrawn objections to the following policies **S24** (Tenterden Southern Extension Phase B), **S31** (land north of St Marys Close, Hamstreet), **S32** (Land at Parker Farm, Hamstreet), **S55** (land adjacent to Poppyfields, Charing) **paragraph 5.313.5** (ENV3b Setting of the AONB)

S2 Land North East of Willesborough Road, Kennington

5. In its representation to the Regulation 19 Draft (ALP/2369) NE expresses concern that 60% of this site is Grade 1 Best and Most Versatile (BMV). The Council takes the view that the Plan acknowledges that part of this site is Grade 1 agricultural land (paragraph 4.13). The use of agricultural land is one of many factors which need to be considered and balanced in deciding which are the most appropriate sites to allocate for development. Full assessment of all of the factors was carried out through the Sustainability Appraisal, and this site considered against the other reasonable alternatives. On balance whilst the development of this site will result in the use of Grade 1 agricultural land, it is considered that this site meets the exceptional circumstances test of paragraph 112 of the NPPF. Natural England consider that the Local Plan and accompanying Sustainability Appraisal is the appropriate mechanism to ensure that alternative proposals which may result in lesser impacts to BMV land are fully considered. The Council have undertaken such an assessment and providing the Inspector is satisfied that this is adequate, Natural England would not raise concerns regarding this allocation.

S34 Land East of Coach Drive, Hothfield

6. In its representation to the Regulation 19 Draft (ALP/2381) NE questioned the inclusion of this site in the Local Plan as an allocation given the threat to the SSSI, in the absence of further information e.g. survey work to determine the potential impacts. Following MC 38 which added further clarification with regard to the nature of mitigation requirements on the SSSI, particularly relating to increased recreation pressure, NE confirms that it agrees to withdraw its objection to S34.
7. Notwithstanding, one further amendment to bring the wording of this policy in line with S48 and S49 is proposed. If the Inspectors are supportive, the Council proposes an additional amendment to ensure consistency of approach across plan policies and as such the following text has been agreed, without prejudice, by both parties for this purpose:

Amend Policy S34 criterion f)

f) Ensure that any indirect impact on the Hothfield Common SSSI is suitably mitigated, including provision of on-site recreation space. Mitigation measures must reflect BOA guidelines and be addressed in consultation with Natural England and Kent Wildlife Trust;

Common Ground

8. In order to try to resolve outstanding objections the Council and NE held a meeting on 15 March 2018 and have had continued informal discussions and have reached the following Agreed Position. If the Inspectors are supportive of the view of NE on the following policies, the Council would accept additional amendments and as such

the following text has been agreed for a number of policies, without prejudice, by both parties for this purpose:

S48 Land rear of Holiday Inn, A20

9. NE recommends that development here provide a significant area of high quality, semi-natural greenspace with readily accessible circular walking routes for residents. It also requests that NE be consulted on measures in relation to the SSSI. The Council recognises the need to reduce pressure on Hothfield Common SSSI. A requirement for mitigation of any indirect impact on the SSSI, including through the provision of on-site recreational space was therefore included in this Policy (criterion g) Minor Amendment MA20). If the Inspectors are supportive, the Council would accept an additional amendment and as such the following text has been agreed by both parties for this purpose:

Amend Policy S48 criterion g)

g) Ensure that any indirect impact on the Hothfield Common SSSI is suitably mitigated, including provision of on-site recreation space. Mitigation measures must reflect BOA guidelines and be addressed in consultation with Natural England and Kent Wildlife Trust;

S49 Land at Tutt Hill

10. NE recommends that development here provide a significant area of high quality, semi-natural greenspace with readily accessible circular walking routes for residents. It also requests that NE be consulted on measures in relation to the SSSI. The Council recognises the need to reduce pressure on Hothfield Common SSSI. A requirement for the mitigation of any indirect impact on the SSSI, including through the provision of on-site recreational space was therefore included in this Policy (criterion g) MC92) If the Inspectors are supportive, the Council would accept additional amendment and as such the following text has been agreed by both parties for this purpose:

Amend Policy S49 criterion g)

g) Ensure that any indirect impact on the Hothfield Common SSSI is suitably mitigated, including provision of on-site recreation space. Mitigation measures must reflect BOA guidelines and be addressed in consultation with Natural England and Kent Wildlife Trust;

S53 Nats Lane, Brook

11. NE recommends that the policy wording criterion a) be strengthened to conserve and enhance the AONB. If the Inspectors are supportive of the NE view, the Council would accept additional amendment in order to correct the text, making it consistent

with the policy wording elsewhere in the Plan and as such the following text has been agreed by both parties for this purpose:

Amend S53 criterion a)

a) Be designed and laid out in such a way as to ~~preserve~~ conserve and enhance the Area of Outstanding Natural Beauty. [...]

12. With regard to the wording changes to criterion f) also requested by NE these have been accepted and implemented as MA25.

S57 Land at Warehorne Road, Hamstreet

13. NE consider that, given the proximity of this site to both the Dungeness, Romney Marsh and Rye Bay SSSI and Hamstreet Woods SSSI, consideration of any direct and indirect impacts on both designated sites should be required and that NE should be consulted on mitigation measures proposed in planning applications. The Council accepts these points and proposes the adoption of the same approach is taken here as the Plan currently adopts with regard to the Hothfield Common SSSI. If the Inspectors are supportive, the Council would accept an additional amendment to meet the views of NE and in order to make the text consistent with the policy wording elsewhere in the Plan. As such the following text has been agreed by both parties for this purpose:

Add criterion l) to Policy S57

l) Ensure that any indirect impact on the Dungeness, Romney Marsh and Rye Bay and the Hamstreet Woods SSSIs is suitably mitigated. Mitigation measures must reflect BOA guidelines and be addressed in consultation with Natural England and Kent Wildlife Trust:

Paragraph 5.121 (HOU16)

14. NE requests that in order to prevent confusion and aid clarity, it would be sensible to clarify in paragraph 5.121 what is meant by 'designated area'. The Council accepts this point and if the Inspectors are supportive of the NE view, the Council would accept an additional amendment and as such the following text has been agreed by both parties for this purpose:

Amend paragraph 5.121

- 5.121 A specific, clearly worded windfall policy enables the Council to deal with planning applications for traveller sites on a site by site basis and would allow suitable sites to continue to be permitted provided they meet criteria set out in the policy. To this end, suitable sites, which are well-related to existing and proposed services and facilities and which would not adversely impact on a protected landscape, including internationally protected sites, AONBs or their settings, National Nature Reserves,***

SSSIs, Ancient Woodland, local wildlife sites and nature reserves or designated area, that may previously not have been identified have the opportunity to come forward in the plan period. In addition, development should not adversely impact on the key characteristics of Landscape Character Areas.

ENV12 Air Quality

15. In its representation to the Regulation 19 Draft (ALP/2381) NE states that Policy ENV12 and associated text should recognise that poor air quality arising from development can damage protected and important habitats because Critical Loads or Levels of various pollutants are much lower for many habitat types than for human health. The Council considers that this point is currently made in paragraph 5.389, however it accepts it could be made more explicit. If the Inspectors are supportive of the NE view on this matter, the Council has proposed the following amendment to paragraph 5.389 and the following text has been agreed by both parties for this purpose.
16. Turning to Policy ENV12, this sets out the criteria against which development proposals will be determined with regard to impact on air quality. The Council does not consider that the nature of that impact needs to be reiterated here.

Amend paragraph 5.389

5.389 *The National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment. It should prevent both new and existing development from contributing to or being put at unacceptable risk of pollution, including air pollution. Consideration must be given to the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual development proposals sites in on protected and important habitats and local areas.*

Appendix 6 Monitoring Indicators

17. NE request a monitoring indicator be included in relation to the conservation and enhancement of the AONBs within the Borough. This has also been requested by the AONB Units and the wording proposed below is supported by these bodies also.
18. If the Inspectors are supportive of the NE view on this matter, the Council has proposed the following amendments and the following text has been agreed by both parties for this purpose.

Add to Appendix 6 Natural and Built Environment Indicators

<u>AONBs</u>	<u>ENV3b Landscape Character and Design in the AONBs</u>	<u>% of major planning applications in the AONBs approved contrary to Policy ENV3b</u>	<u>0%</u>	<u>ABC, AONB Units</u>
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Conclusion

19. Both parties to this Statement of Common Ground consider these proposed amendments would not affect the soundness of the Ashford Local Plan 2030.

Signed

on behalf of

Date

[Redacted Signature]

Natural England

21st March 2018

Marian Ashdown
Senior Adviser

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[Redacted Signature]

Simon Cole
Head of Planning Policy

Ashford Borough Council

22nd March 2018