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Examination of Ashford Local Plan 2030- Issue 16

In Policy ENV3b, is it justified to expect development within the AONB to ‘conserve and enhance’ the character of the landscape in the first bullet point? Is it justified to expect all development within an AONB to ‘enhance’ their special qualities? Is this consistent with the first paragraph of the policy?

I would suggest the changes in red to address these points.

- The location, form, scale, materials and design would conserve and, **where appropriate**, enhance the character of the landscape.
- The development would **not adversely affect** the special qualities, distinctive character and tranquillity of the AONB.

xiii) Is Policy ENV13 consistent with statutory requirements for heritage assets and paragraphs 126-140 of the NPPF, particularly in relation to the consideration of substantial and less than substantial harm and public benefits? Is the policy sufficiently clear as to what heritage assets it seeks to address, particularly in light of policies ENV14 and ENV15?

I refer to my representation (Ref: ALP/842). I did not feel the Council’s response answered my concerns so I am grateful for the Inspector’s question.

I feel this policy is not sound as it does not address those applications where the harm to the heritage asset will be “less than substantial” which would apply to a large number of applications. This is contrary to national policy as provided in Paras 132 and 134 of the NPPF and also the requirements of statute as set out in the Planning (Listed Buildings and Conservation Area) Act 1990.

The duty of regard in Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 for example applies to all planning applications affecting listed buildings or their settings not just those that might result in substantial harm.

In any event, NPPF Para. 132 requires great weight to be applied in all cases and in the case of “less than substantial harm” Para. 134 requires the harm to be weighed against the public benefits but this must be done in line with Par. 132 which further requires that considerable weight needs to be given to the harm.

So if there is any harm there is a strong presumption against the grant of planning permission. This should be reflected in the policy.