



Courtley Planning Consultants Ltd
Tan Oast, Dairy Lane
Chainhurst, Tonbridge, Kent TN12 9SS
01622 820561
howard@courtleyplanning.co.uk

Issue 2 & 3. RN/204
Courtley Planning Consultants Ltd/
Pent Ltd

EXAMINATION OF ASHFORD BC LOCAL PLAN 2030

ISSUE 2

Are the spatial vision and objectives for Ashford sound having regard to achieving development and the trends and challenges in the Borough?

ISSUE 3

Are the strategic objectives and the strategic approach to housing delivery and economic development delivery in terms of distribution and location sound having regard to the needs and demands of the Borough, national policy and Government objectives and the evidence base and preparatory processes? Has the Local Plan been positively prepared?

Submitted by Courtley Planning Consultants Ltd on behalf of Pent Ltd
March 2018

1. Strategic objectives and the approach to housing distribution and delivery

1.1 The Council consider most development should be focused towards Ashford and its periphery supported by proportionate growth (my emphasis) in Tenterden, rural service centres and other villages. Although we support the principle that Ashford is the most sustainable settlement the role of the rural areas in helping the Council meets in long term and short term housing needs should be fully explored within the Council evidence base. We have at some length questioned the robustness of the Councils evidence under **Issue 1**.

1.2 The Local Plan once housing commitments are taken into account remains dependent upon the delivery of around 10,760 (i.e. 77% of all housing) of its housing trajectory in Ashford and its periphery over the plan period. A further 749 are extant windfalls and 950 or "Future Windfall" sites. The total number of windfall sites amount to 1699 (i.e.12% of all housing). The Rural areas (excluding Tenterden) amount to 1194 (i.e.8% of all housing)

1.3 The total amount of housing projected to be delivered in the Rural Areas including Tenterden over the plan period is only 1719 dwellings i.e. 12% of all housing. This appears neither proportionate nor reasonable given the number of rural site submissions made under the "Call for sites" and considered within the SHELAA.

1.4 It is odd that the Local Plan Table 1 – "The overall housing profile" should calculate a figure of 13,949 (i.e.1006 "Contingency buffer") in excess of its OAN. The plan justifies this in paragraphs 3.24.1 to 3.24.3. The Council recognise the high level of uncertainty surrounding the level of housing delivery around Ashford. However, having confirmed its intention to identify allocations to provide a figure of 7110 homes alongside a future windfall allocation of 950 homes this "Contingency buffer" should not be used as a figure on which to base any future 5 year housing land supply. Table 1 illustrates that the Council can meet over 1000 dwellings more than its OAN. One can reasonably assume therefore that alternative housing strategies are available namely a greater distribution of housing to rural areas if properly assessed and tested.

1.5 Instead of identifying suitable housing sites through the SHELAA the Council is proposing **Policy HOU5 "Residential windfall development in the Countryside"** as some sort of substitute. This policy supports proposals for residential development adjoining or close to existing built up confines of all rural settlements listed in **Policy HOU3a** which would be assessed against a set of criteria based tests. It also includes criteria for considering "**Isolated residential development**" in a similar fashion.

1.6 We would prefer to support a **Development on Brownfield Land policy** similar to the one adopted in the Maidstone Local Plan (i.e. Policy DM5- Development on brownfield land). A policy similar to DM5 would tackle the issue of brownfield sites located in the countryside. Policy HOU5 as drafted appears to relate to the re-use of redundant or disused buildings which would appear to be more related towards agricultural buildings.

1.7 The NPPF paragraph 110 states that *“Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this framework.”*

1.8 *“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.”*
(NPPF para 111)

Rural Housing

1.9 Any housing need identified within the Local Plan should be a minimum figure. It is generally accepted that windfall sites are unidentified sites. The Council should have a robust and proportionate evidence base capable of identifying suitable housing sites within the rural area (i.e. utilizing the SHELAA a Brownfield Land Register and other appropriate documents) without relying upon Policy HOU5.

1.10 The Plan acknowledges rural housing market is strong. Market evidence points strongly towards a healthy demand for new residential development in the rural parts of the Borough as supported by market viability evidence that underpins the plan. The 2008 housing delivery target for the rural area, as set in the Core Strategy, has been, in effect some 5 years early. The plan recognises the importance of the rural housing strategy by “frontloading a number of rural housing allocations” to help deliver its 5 year supply target. It also states that there are no significant infrastructure constraints to restrict new dwellings coming forward and none are of such a scale that individually –or cumulatively- would warrant a settlement specific phasing approach to mitigate their impact. The rural housing market as set out in para 3.36.1 to 3.36.3 of the plan clearly suggest additional housing capacity exists within the rural area. We suggest an additional range of housing options in the rural area is properly tested.

1.11 The plan acknowledge in paragraph 3.37 the need to rectify the housing shortfall accumulated since 2011 of 1770 dwellings but does not include this figure in Table 1. The plan raises the option of delivering more homes within the rural areas but rules this option out claiming the evidence in the SA would make it unsustainable. I can find no Alternative option that tests this in the SA. It refers in Alternative 4.3 to “Focus significant development outside urban area” but doesn’t quantify what that means. An alternative option should be tested to see whether the whole or a proportion of the housing shortfall (1770) could be met in the rural areas.

1.12 It is clear in reading the Local Plan the Council envisage a potential housing shortfall as stated under paragraphs 3.38 “Dealing with any future shortfall”. However, it also states that in dealing with such an event the respective priorities set out in Policy SP2 should be used as a guide by the developer and decision maker as a way in which the Local Plan approach should be applied; ***“namely that there should not be significant substitutions of housing numbers away from Ashford and its periphery to the rural parts of the borough”***. This would be at odds with the Councils assessment of the rural housing market statement in

paragraphs 3.36. It is also inconsistent with the last sentence of paragraph 3.38.4 which states “...*the variances in policy emphasis between the two planning areas will need to be weighed accordingly, alongside the need to improve housing supply and meet housing needs*”.

1.13 The use of the phrase “*significant housing shortfall*” and “*significant non-delivery within Ashford and its periphery*” in paragraphs 3.38.5 and 3.38.4 respectively appears to give the Council the ability to select a housing shortfall figure that they may consider insignificant which could in turn slow down the review of the Local Plan and the Boroughs housing supply.

1.14 **Policy SP2** should include (as should Table1) the acknowledged housing shortfall figure of 1770 from 2011. It should acknowledge the important role the rural housing market can make towards meeting the Boroughs housing needs and make adequate provision for the rural area to meet some, if not all the recognised housing shortfall.

1.15 The 950 dwellings identified as Future Windfall in Table 1 and referred to in Policy SP2 should be properly identified through the SHELAA and Brownfield Land Register. The Council following a call for sites in 2014 acknowledge over 700 sites were assessed. The Council state in paragraph 3.25.3 and 3.25.4 that it is reasonable to assume a 100 dwellings pa between 2021 and 2030 based upon past historical figures (i.e. 167pa over past 10years). These numbers were delivered without a windfall policy. We therefore struggle to understand the purpose of Policy HOU5. Given the above historical windfall figures Policy HOU5 appears to suggest that more housing could be achievable in the rural areas. We agree, the Local Plan or appropriate Neighbourhood Plans should identify suitable rural sites based upon an proportionate evidence base which remove the need for Policy HOU5 which should be replaced by a new policy on Brownfield land in the Countryside.

Setting the Strategic objectives and the approach of delivery having regard to Areas of Outstanding Natural Beauty (AONB)

1.16 There is no statutory duty to conserve and enhance the AONB. The statutory requirement as set out in the Countryside And Rights of Way Act 2000 may be summarised as for public bodies to have regard to the purpose of conserving and enhancing the natural beauty of an AONB and for local planning authorities to take such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of an AONB. National policy allows for the weighing of these considerations with other matters. (Edited extract from Inspectors Report in July 2017 on the Maidstone Local Plan)

1.17 Local authorities are required to take into account the setting of an AONB but also other considerations that might be relevant in National policy such as other economic and social dimensions of sustainability. **Policy ENV3a and ENV3b** should adapt a landscape character & design policy more consistent with Policy SP17 “The Countryside” of the adopted Maidstone BC (see attached Appendix 1: Policy SP17 extract). This policy recognises that development proposals in the countryside could

accord with other policies in the plan, in this case **Policy HOU5** which may not result in harm to the character and appearance of the area e.g. Policy SP17 states: **“Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area”**.

1.18 Policy ENV3b is not positively prepared, they are unjustified given other policies proposed within the plan and they are not consistent with national policy as these policies could preclude the delivery of identified sustainable development in accordance with the policies in the NPPF.

Appendix 1: Extract from Maidstone BC adopted Local Plan October 2017

“Policy SP 17

The Countryside

The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map.

1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
2. Agricultural proposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the appearance and character of the landscape can be appropriately mitigated.
3. Great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty.
4. Proposals should not have a significant adverse impact on the settings of the Kent Downs Area of Outstanding Natural Beauty or the High Weald Area of Outstanding Natural Beauty.
5. The Metropolitan Green Belt is shown on the policies map and development there will be managed in accordance with national policy for the Green Belt.
6. The distinctive landscape character of the Greensand Ridge, the Medway Valley, the Len Valley, the Loose Valley, and the Low Weald, as defined on the policies map, will be conserved and enhanced as landscapes of local value.
7. Development in the countryside will retain the separation of individual settlements. Account should be taken of the Kent Downs Area of Outstanding Natural Beauty Management Plan and the Maidstone Borough Landscape Character Guidelines Supplementary Planning Document.”