

**Agenda Item No:** 11  
**Report To:** COUNCIL  
**Date of Meeting:** 21<sup>st</sup> February 2019



**Report Title:** **Ashford Borough Local Plan 2030 – Inspector’s Report and proposed adoption of the Plan**

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**Portfolio Holder:** Cllr. Paul Clokie

**Summary:** Following the examination of the Submission version of the draft Local Plan, the Inspectors’ Report has now been received which concludes that the Plan is sound subject to a series of recommended modifications.

This report proposes that the Council now formally adopt the new Local Plan to 2030 subject to agreeing the recommended modifications.

**Significantly Affected Wards:** All wards

**Recommendations:** **The Council is recommended to:-**  
**Endorse the Inspectors’ Report and the appended set of recommended Main Modifications to the Local Plan to 2030 and adopt the Local Plan to 2030 as part of the Development Plan for the borough.**

**Policy Overview:** The Local Plan is a key policy document that takes forward many aspects of the Council’s corporate plan – in terms of providing for new jobs and homes; creating a range of new facilities for the community, and protecting and enhancing the environment and quality of life in the Borough.

**Financial Implications:** None.

**Legal Implications:** This is the final stage in the preparation of the Local Plan. On adoption, the Local Plan to 2030 will form part of the Council’s ‘Development Plan’ for the borough alongside the Chilmington Green Area Action Plan (2013) and the two ‘made’ Neighbourhood Plan for Wye with Hinxhill and Pluckley parishes with all other current adopted Development Plan Documents being superseded. The implications and likelihood of a legal challenge to the adoption of the Plan are dealt with in the main body of the report.

**Equalities Impact  
Assessment:**

Attached to this report.

**Background  
Papers:**

The evidence base supporting the Plan can be found at  
<http://www.ashford.gov.uk/local-plan-2030-evidence-base>

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# Ashford Borough Local Plan 2030 – Inspectors’ Report and proposed adoption of the Plan

## Introduction

1. The existing adopted Core Strategy and its supporting development plan documents set the planning strategy for the Borough to 2021. The new Local Plan for the Borough will run to 2030, although it will need to be updated and reviewed in the interim. Provision needs to be made in the Plan for the extra homes and employment space needed over that timescale and update the policy base to align with current Government guidance.
2. A first draft of the new Local Plan was published and publically consulted on in summer 2016 followed by a series of proposed ‘main changes’ in summer 2017. The version of the Plan submitted for examination was finalised in December 2017 and it is this version that has been the focus of the public examination by two Inspectors from the Planning Inspectorate during the course of 2018.
3. Public hearing sessions were held between the 11th April and the 13th June 2018 to enable the Inspectors to consider the main issues and determine whether the Plan was sound or not. The list of issues considered and the participants in each hearing session can be viewed on the Council’s website.
4. On 28th June 2018, the Inspectors issued a post-hearing advice note which set out the main areas of the Plan where they considered further changes would be necessary in order for the Plan to be sound. This correspondence led to the publication of a further series of Proposed Main Modifications to the Plan in September 2018. A six-week public consultation period on those Modifications closed on the 26th October 2018.
5. Following this consultation, the Inspectors considered that no further main modifications were necessary and on 2nd January 2019, the Council received the Inspectors’ Report on the soundness of the new Local Plan with the confirmed set of recommended Modifications (appended to this report).

## Inspectors’ Conclusions

6. The Inspectors’ have concluded that the Local Plan to 2030 is sound for planning purposes subject to the inclusion of the proposed main Modifications set out in the Appendix to their report. The following paragraphs set out the principal areas of change from the Submission version of the Plan.

### Overall housing requirement to 2030

7. As highlighted in the post-hearing advice note in June 2018, the Inspectors consider that the housing requirement for the borough from 2011-30 should be increased from 16,120 to 16,872 dwellings. Taking account of housing

completions from 2011-18, this leaves a residual housing requirement of 13,118 dwellings from 2018-30.

8. The Inspectors concluded that a further allowance for additional housing should be made given the relatively high affordability ratio for housing in the borough and that the previous allowance in the draft Plan for additional in-migration from London was insufficient.

#### Rectifying the housing delivery shortfall over 7 years

9. This is a key recommendation that influences the Council's ability to demonstrate a deliverable 5 year housing land supply. The Inspectors have largely supported the Council's evidence put forward on housing land supply and have recognised that in recent years, the absence in particular of the M20 Junction 10a improvement had hindered the ability of housing development to come forward.
10. With the Junction 10a scheme now under construction, housing development at Chilmington Green now commenced and significant amounts of new housing coming forward in the town centre, the Inspectors consider it appropriate for the shortfall in housing delivery in the borough since 2011 to be rectified over a 7 year period from 2018, rather than the usual 5 years.
11. As a consequence, the Report confirms that the Council can currently demonstrate a 5.3 year housing land supply – a little above the 5 year supply required by the NPPF.

#### Site Allocations - Ashford

12. The Inspectors' report supports the principle of development on all of the proposed sites in and around Ashford identified in the Submission version of the Local Plan. Some modifications are recommended to improve the effectiveness of those policies and to make them more consistent. This includes the largest allocations in the new Plan at Court Lodge (policy S3 - 950 dwellings) and north-east of Willesborough Road, Kennington (policy S2 – 700 dwellings).

#### Site Allocations – A20 Corridor

13. The Submission version of the Local Plan included three sites along the A20 corridor between Ashford and Charing proposed for an aggregate of 300 units between them (Policies S47, S48 and S49). Along with other sites in the rural areas, these were added to the Plan at the 'Main Changes' stage in 2017 in response to the requirement for housing in the borough increasing.
14. However, the Inspectors have concluded that the allocation of these three sites would not be consistent with the broader strategy of the Local Plan and would have relatively poor access to services and facilities catering to everyday needs alongside limited public transport accessibility. As a consequence, they have been recommended for deletion from the Plan.

## Site Allocations – Rest of the borough

15. In the majority of cases, the Inspectors have supported the principle and scale of Council's proposed allocations in the rest of the borough, including at Tenterden and the main rural service centres of Charing and Hamstreet.
16. Elsewhere, a small number of proposed sites are recommended to be deleted from the Plan. These are at Hothfield (Policy S34), where the Inspectors consider that the site is too isolated from the rest of the village to create the integration that the policy is based on; at Wittersham (Policy S61) where the Inspectors have raised doubts about the ability to access the site without harm to ecological interests and its potential impact on the character of the AONB; at Brook (Policy S53) where the Inspectors considered that development behind the site frontage would not be in character; and at the Stevenson Brothers site on the A28 between High Halden and Bethersden (Policy S58) where the Inspectors considered that the location was unsustainable and inconsistent with the broader strategy of the Plan.
17. For the allocations in Aldington (Policies S51 & S52) and Mersham (Policy S59), the Inspectors recommended that their indicative residential site capacities should be reduced in order to provide a more acceptable form of development on those sites.

## Housing windfall policies

18. At the examination, the Inspectors asked for further information to justify the Council's list of settlements that had been included in the Plan's policies governing residential windfall schemes (policies HOU3a and HOU5). Following the discussion at the examination and further consideration, the Inspectors have concluded that 6 small settlements should be removed from the list of settlements capable to accommodating windfall housing schemes. These are Bilsington, Eastwell, Crundale, Godmersham, Molash and Shottenden.
19. In addition, the Inspectors have recommended that a distinction is made between those larger settlements capable of accommodating, in principle, some development close to and adjoining their settlement boundaries and those capable only of accommodating development within their boundaries. Therefore, a definitive list of settlements for each policy is now recommended by the Inspectors.

## Gypsy & Travellers Accommodation

20. The Inspectors have acknowledged that the Council is proposing to bring forward a separate Development Plan Document to deal with the specific issue of Gypsy & Travellers Accommodation later in 2019 but have also considered the two sites for such purpose proposed in the Submission Local Plan.
21. One of these at Watery Lane, Westwell (Policy S44) was allocated for an additional 4 pitches but the Inspectors have recommended that this is reduced to 1 additional pitch over their concerns about the impact of the additional development at the site which lies within the AONB.

## **Other conclusions from the Inspectors' Report**

22. The Inspectors' Report provides firm support for the main planning strategy for the borough contained in the new Local Plan. The split between development in and around Ashford and elsewhere in the borough has been supported in the face of representations from developers seeking a greater proportion of housing in Tenterden and the villages. The Inspectors have specifically supported the use of existing or already-planned infrastructure to support new development in a cost effective manner and have concluded that the Plan's approach represents the "most appropriate strategy" despite the recommended site deletions referenced above.
23. Settlement separation: there is support from the Inspectors for policy SP7 on the separation of settlements and its objective of retaining individual settlement character and identity. In doing so, they agreed that it would be next to impossible to devise prescriptive criteria given the different context of individual proposals.
24. Residential Space Standards: in this section, the Inspectors note the successful application of the local minimum space standards since 2011 as a demonstration that the market is able to deliver this quantum of space on a viable basis. Importantly, they also recognise that where the Council has not been able to apply standards (e.g. office to residential PD conversions), the scale of development has been well below the nationally described standards thus indicating that the market would not be inclined to deliver housing of a suitable scale without the policy in place. As such, the policy (HOU12) is required to provide a good standard of amenity for future residents.
25. Fibre to the Premises: the Inspectors have reiterated their support for the Modified version of the policy (EMP6) which they agree is consistent with the NPPF and will require developers to ensure that FTTP will be enabled where possible. For a nationally ground-breaking Local Plan policy, this endorsement is warmly welcomed.
26. Landscape and biodiversity policies: the Inspectors have made a number of detailed points across the range of landscape protection and biodiversity policies in the Plan. Moreover, they have concluded that the modified versions of those policies will provide a sound framework for assessing impacts on local landscape and biodiversity assets and there is no need for a single policy relating to the protection of local landscape character. They also consider that the Plan does address the issue of cumulative impacts where it can reasonably justify doing so in an effective manner.

## **Proof reading and updating**

27. Following the receipt of the Inspectors' Report, officers have proof read the document to ensure that all the required modifications to the Local Plan are incorporated into the final adopted version, as well as providing an opportunity to correct any spelling or grammatical errors from the Submission version and factually update any passages of supporting text where events have moved on since the original text was drafted (e.g. commencement of construction of M20 Junction 10a).

## **Equalities Impact Assessment**

28. An Equalities Impact Assessment has been completed and is attached to this report. The Assessment indicates that the adoption of the Plan would have no adverse effects for any residents of the borough with protected characteristics.

## **Legal Implications**

29. Any legal challenge to the adoption of a Local Plan (including any alleged act or omission of the Local Plan Inspectors) must be formally launched within 6 weeks from when the statutory notice of adoption is posted on the Council's website. Such challenges are rare, and any challenger must obtain permission from the High Court to proceed with a challenge, which is intended to filter out unmeritorious claims. While some parties may regard the outcome as unsatisfactory for them, this does not mean that legal grounds for a challenge would exist.

30. A minute number of participants in the Examination attended with legal advisers, and officers have received indication from only one party since the Examination closed that they may seek to legally challenge the Plan if it is adopted. This relates to the policy for the former Bombardier site at Leacon Road, Ashford (Site S11a) and alleges that evidence from Network Rail was withheld from the examination that would have resulted in a different outcome had it been available. This relates to the ownership of the site and whether Network Rail would have continued to pursue the stabling of rolling stock there (for which the Local Plan policy now temporarily safeguards the site) had an initial outline South Eastern Railways feasibility study from 2015 not incorrectly indicated that the site was owned by Network Rail. However, Network Rail has consistently pursued the use of the site for stabling since then through the Local Plan process and have recently submitted a planning application and Transport & Works Act Order to that end, and so there would seem little to justify the allegation that Network Rail should have preferred alternative locations for the use and hence the premise of the policy is flawed.

31. Therefore, although the risk of a challenge, and the delay and costs it would cause, cannot be entirely discounted, it is felt that the likelihood of a successful challenge is minimal given the thorough way that the two Inspectors pursued their task and their clearly-reasoned Report and Recommended Modifications to the Plan. Should any challenge arise it would not directly impact upon the material weight afforded to the Plan unless the challenge was successful in the Courts.

## **Portfolio Holder's Views (Cllr Clokie)**

32. This is the most important planning statement for the Council and will be in place until 2030 unless replaced by the council at a future meeting. The Council will now, as a result of a sound land supply, be able to determine where development should be, rather than being at the mercy of Appeal inspectors.

33. I want to take this opportunity of thanking Simon Cole and his team for the hard work they have put into achieving this sound Borough Plan. I couple with that my thanks for the patience and effort of elected colleagues without whose input and understanding this plan would and could not have been produced.

## **Conclusions**

34. With the Inspectors having now reported that the Local Plan to 2030 is sound, subject to the inclusion of the recommended Main Modifications attached to their report, it is open for the Council to now adopt the Local Plan. In doing so, it will formally supersede the adopted Core Strategy 2008, Town Centre Area Action Plan (2010), Tenterden & Rural Sites Development Plan Document (2010), Urban Sites & Infrastructure Development Plan Document (2012) and any remaining 'saved' policies from the Borough Local Plan (2000).
35. On adoption, the Local Plan to 2030 will thus form part of the Council's 'Development Plan' for the borough alongside the Chilmington Green Area Action Plan (2013) and the two 'made' Neighbourhood Plans for Wye with Hinxhill and Pluckley parishes.
36. The overall conclusions of the Inspectors in their report is very positive and are a broad endorsement of the Council's planning strategy and the policies it has been promoting through the new Local Plan. Given this is the first borough wide Local Plan produced since the introduction of the NPPF and the need to establish and plan for delivering a borough housing target without a higher level plan (such as the South East Plan or Kent Structure Plan) in place, this should be regarded as a significant achievement.
37. The new Local Plan will now set the benchmark for the scale and quality of new development in the borough in the years ahead.

## **Recommendation**

**The Council endorses the Inspectors' Report and the appended set of recommended Main Modifications to the Local Plan to 2030 and adopts the Local Plan to 2030 as part of the Development Plan for the borough.**

## **Contact and Email**

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