

Home Builders Federation

Representor Number 412

Hearing Session: Issue 1

ASHFORD LOCAL PLAN EXAMINATION

Issue 1: Have the relevant procedural and legal requirements been met, including the duty to co-operate?

i) Is the Sustainability Appraisal (SA) (L.1.D) undertaken suitably comprehensive and satisfactory and has it sufficiently evaluated reasonable alternatives?

No comment

ii) Having regard to the evidence in its duty to co-operate statement (SD07) has the Council engaged constructively, actively and on an on-going basis with neighbouring authorities? In particular, has consideration been given to meeting unmet requirements from neighbouring authorities in both Kent and East Sussex?

It would appear that the Council has fulfilled its legal duties with regard to the duty to co-operate. There has clearly been consultation and discussion regarding key strategic and cross boundary issues, such as housing delivery as part of the preparation of the Local Plan. However, we still have concerns regarding some areas of co-operation and the outcomes of the discussions that have taken place.

Our first concern is that no mention is made of any interactions with Tonbridge and Malling Borough Council (TMBC). Whilst TMBC is not a neighbouring authority a significant proportion of this Borough falls within the Maidstone Housing Market Area. As such it is necessary for the Council to not only consider whether Maidstone Borough Council are able to meet their own needs but also whether there is likely to be any unmet needs arising from TMBC. At present TMBC have not moved beyond their 2016 regulation 18 consultation but given the level of constraints in this area, and the fact that they are likely to face a housing need well in excess of the 696 dwellings per annum should the standard methodology be introduced, it is surprising that no discussions have taken place with TMBC.

Secondly, the Council have noted that Tunbridge Wells Borough Council (TWBC) may seek help from Ashford in addressing housing needs. Like TMBC they are also constrained and face the task of meeting a much higher level of housing need under the standard methodology. However, the Council have suggested (para 3.4.5 of SD07) that given the boundary between the two Boroughs is designated AONB development would be restricted in this area. Whilst we agree this designation would limit development at this

location it would not limit the Council's ability to deliver homes elsewhere in the Borough to support unmet needs arising in TWBC.

Finally, as the Council have acknowledged¹ and we noted in our original submission, there are unmet needs within Rother and Hastings to consider. The Council contend that the agreement set out in a Statement of Common Ground (SoCG) that Rother BC will not be asking Ashford to meet any of this unmet need within this Local Plan is a sufficient outcome to fulfil their duty to co-operate. However, the same SoCG also recognises the need for co-operation on this matter when both plans are reviewed which suggests that Ashford will need to help meet some of these needs but that both Councils are content to delay this to future Local Plans reviews. Given the importance attached in the NPPF to meeting housing needs and co-operation this raises the question as to whether more should have been done to address some of Rother and Hasting's unmet needs in this plan. In meeting the policy requirements of the duty to co-operate it is important that the outcomes deliver the homes required. This is clarified in the NPPF which states in paragraph 179:

“Joint working should enable local planning authorities to work together to meet development requirements which cannot be wholly met within their own areas – for instance because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework”

The outcome of any joint working should be that development needs are met. When considering unmet needs arising within other authorities across this part of the South East it is important to remember that Ashford has seen significant improvements to its infrastructure in recent years – most importantly the high speed rail link between Ashford and London which opened in 2009. Such improvements place Ashford in a strong position to meet the needs arising elsewhere and they should be considering how it can meet housing needs arising in a much wider area than may be the case for other authorities, especially those facing greater geographical and planning constraints. So whilst consideration has been given to addressing the unmet housing requirements from neighbouring authorities we would suggest that this should have been extended to all authorities in neighbouring HMAs. We also consider it important that the Council sets out in the Local Plan how they will support those authorities who are unable to meet needs due to the physical and policy constraints they face.

iii) Does the Habitats (Appropriate Assessment) Screening Report (SD11) comply with the Conservation of Habitats and Species Regulations 2017? Does it adequately address whether the Local Plan would have a likely significant effect on European conservation sites either alone or in combination with other plans or projects?

No comment

iv) In preparing the Local Plan has the Council complied with its Statement of Community Involvement (GBD14)?

¹ Paragraph 4.4.6 to 3.4.8 of the Duty to Co-operate Statement

No comment

v) Does the Local Plan set a clear policy framework for the preparation of Neighbourhood Plans and provide for an effective relationship between the two? Should all policies within the Local Plan be treated as strategic for this purpose as set out in paragraph 2.8?

No comment

vi) In the light of Regulation 4 of the 2017 Regulations which requires a review to be completed every 5 years should the commitment in paragraph 2.26 and in Chapter 6 to adopting a further plan by 2025 be adjusted?

Yes. The above regulation requires a review of the local plan to be completed by 2023, assuming the plan is found sound and adopted in 2018. We would expect that any amendments required to the plan could be achieved by a partial update and as such adoption of a new plan by 2025 should be revised. We would also suggest that a further clause be added stating that the Council will review their plan at an earlier date should there be any unmet need arising within a neighbouring borough or HMA.

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