

## Comments

### Ash Neighbourhood Plan, Regulation 16 consultation (30/11/20 to 15/01/21)

Comment by	Historic England ( Robert Lloyd-Sweet - 1259071)
Comment ID	15
Response Date	15/01/21 17:01
Consultation Point	Ash NDP submission Plan ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.4

#### Please add any comments you have for the Ash NDP submission Plan

To whom it may concern:

#### **Ash Neighbourhood Plan Submission consultation version**

Thank you for consulting Historic England on the Submission version of the Ash Neighbourhood Plan Revision. Historic England is the government's advisor on planning for the historic environment, including the conservation of heritage assets and champion good design in historic places. As such we review only those parts of the plan that fall within our areas of interest, silence on other areas should not be considered to represent agreement.

We will restrict our comments to those new policy areas of the revised plan where we feel our interest would be affected. I attach our comments submitted in response to the pre-submission version for reference.

At the pre-submission version we identified a number of issues where the neighbourhood plan's proposals had effects for heritage assets or where the effects were not sufficiently well understood to demonstrate that it promoted the delivery of sustainable development. Ash is notable as a focus of sites of archaeological interest that are recorded on the Kent Historic Environment Record. This point is well made in the plan. Sites of archaeological interest are considered to be fragile and non-renewable. Decisions that could affect them should be made with an understanding of the impacts of those proposals on the conservation of their significance. The Planning Practice Guidance states that "where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies into action at a neighbourhood scale."

Non-designated heritage assets based on sites of archaeological interest may vary considerably in their importance but in all cases there is a requirement to understand their significance, to seek to avoid or minimise conflict between their conservation and any aspect of a proposal within planning and otherwise to ensure that harm to their significance as a result of a proposed development is justified on the basis of public benefit that will be delivered. Where non-designated heritage assets of archaeological interest are of equivalent national importance to designated assets, such as scheduled monuments, their conservation should be given 'great weight' (see paragraph 193 and footnote 63).

However, it does not appear that the evidence of the HER has been accessed to assess whether any of the sites proposed for allocation could have direct effects on known sites of archaeological interest or whether evidence suggests that previously unidentified sites are likely to be present. Our

recommendation was that these should be considered individually through a desk based assessment to ensure that the allocations have been made with appropriate consideration for the conservation needs of each asset. Unfortunately this does not appear to have taken place and the requirement to consider the implications of development for any potential sites of archaeological interest has been pushed to the pre-application stage. Where this might result in a requirement to ensure the preservation of archaeological remains in situ it could have implications for the quantum of development that can be delivered and affect the delivery of the plan objectives. As such we must raise concern that land allocated through Policy 10 in particular (close to the site at Chequers Lane noted as having revealed remains of Bronze Age date now undergoing conservation) may require further investigation to demonstrate the principle that it is suitable for the development proposed. In any case we would expect a requirement in the allocation policy for a site of this scale to require that proposals are preceded by a programme of archaeological investigation that can inform a layout that will seek to preserve remains of importance in situ. We feel that the current policy has not achieved the recommendations to consider the evidence of archaeological potential set out in the Strategic Environmental Assessment Report.

#### Conclusion

At present we feel that the plan is inadequately informed by understanding of the potential impacts to the historic environment and the archaeological resource of the parish in particular and that it should not proceed to referendum until it can be demonstrated that this has been addressed and that the allocations provided include an appropriate strategy for their conservation.

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Yes

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<b>Comment by</b>	Kent County Council ( Francesca Potter - 1259030)
<b>Comment ID</b>	13
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#### **Please add any comments you have for the Ash NDP submission Plan**

The County Council has reviewed the draft Neighbourhood Plan and, for ease of reference, has provided comments structured under the chapter headings and policies in the Neighbourhood Plan.

#### **Section 5 Plan Policies**

##### Green and Open Spaces

##### *Paragraph 98*

The County Council requests that reference is made to the Definitive Map (the County Council can provide a copy if required) and reference should be made to the increasing importance of the Public Rights of Way (PRoW) network for sustainable connectivity and active travel across the parish and the wider area.

##### Key Views

*Map 6 Key views in and around the village of Ash*

The County Council requests that the key rural views from EE466, EE465 and EE123A are identified on the map.

Climate Change

*Paragraph 121*

The County Council recommends that this policy emphasises the importance of sustainable, active travel as a key element of achieving modal shift. The policy should reflect the extent to which the PRow network meets the likely future public need in contributing towards sustainable development.

Summary of evidence on environmental issues

*P1 Policy ANP1 – Development in the countryside*

The County Council is supportive of the use of the Department for Environment, Food and Rural Affairs (Defra) Biodiversity Metric to support measurable biodiversity net-gain. Ecological connectivity to the wider natural landscape - which is essential in maintaining biodiversity – should also be referenced.

Areas of Green and Open Space in and around the village

*Paragraph 134*

The County Council requests that this policy makes reference to the significance of the PRow network in providing connectivity to employment and education as well as providing leisure opportunities.

*Map 8 Green and Open Spaces*

The County Council requests that the PRow network is identified on this map, demonstrating connectivity between open spaces.

Biodiversity

*P4 Policy ANP4 – Biodiversity*

The County Council is generally supportive of this policy and would recommend throughout the policy that “should” is replaced with will - to strengthen the policy requirements.

It is also recommended that this policy should include reference predominately native species landscaping and habitat connectivity to the wider natural environment (it should be noted that invertebrate communities – the faunal basis of ecosystems – are not/rarely supported by non-native plant species).

Climate Change

*Paragraph 152*

The County Council is supportive of the target to ensure that all parish council buildings are low carbon by 2035 and also supports the intention to reduce greenhouse gas emissions.

It is recommended that reference is made to the Energy and Low Emissions Strategy (ELES). The ELES outlines Kent and Medway's ambition to reduce greenhouse gas emissions to net-zero emissions by 2050. Taking an evidence based approach, it identifies a pathway to reduce greenhouse gas emissions, eliminate poor air quality, reduce fuel poverty, and promote the development of an affordable, clean and secure energy supply for Kent.

#### *P5 Policy ANP5 Climate Change*

##### *Paragraph 5.1(i)*

The County Council, as Local Highway Authority, notes that the policy seeks to impose a requirement on new developments to provide electric vehicle car charging points, however it does not clarify or provide any details on what is required. Consideration should be given to how many electric vehicle charging points are required for each use class and what specification they need to meet. Whilst the aim of this policy is fully supported, it is recommended that it refers to emerging/future guidance from the County Council within the Kent Design Guide, so that the policy is always up to date and can respond to rapidly changing technology and standards. The same comments apply to the site-specific policy for the proposed development sites.

##### *Paragraph 5.1(j)*

The need to provide good quality pedestrian and cycle infrastructure is fully supported. It is necessary however, to identify where there may be circumstances where pedestrian and cycle infrastructure is not feasible or practical to implement within a rural setting. For example, windfall sites are often located in relatively remote parts where it would not be practical to provide full pedestrian links, due to the nature of the location or such development. Therefore, the weight/applicability of this policy will need to be applied on a case by case basis.

#### Design of new developments and conservation Policy

##### *ANP6 – Developments and Conservation*

The County Council recommends that this policy makes reference to the importance of sustainable connectivity between new developments and existing communities. The County Council draws attention to its commentary above in respect of electric charging points (regarding paragraph 5.1(j)).

## 5.2 Housing

### Current Housing Need

#### *Paragraph 188*

The County Council would recommend that homes for older persons should be constructed in accordance with Approved Document Part M4(2) and (3).

### Selected Sites

The County Council recognises that the Neighbourhood Plan is proposing three new development sites, which will deliver 123 homes in Ash.

The identified housing sites were considered by KCC as Local Highway Authority as part of consultation for the Housing and Economic Land Availability Assessment (HELAA) process for Dover District Council's emerging Local Plan. It is considered that all of the proposed sites are capable of being accessed either from the existing highway network or through adjacent development sites as specified within the document.

The site specific policy for the Agri/Cowans site makes reference to "KCC Guidance note 3". The correct definition of this guidance should be Kent Design Review: Interim Guidance Note 3 - Residential Parking, November 2008. This document is due to be superseded shortly and will be replaced by revised online based guidance. Therefore, it is recommended that the wording reflects this by providing scope to apply any subsequent guidance that is adopted after the implementation of the Neighbourhood Plan.

At this stage, there is limited evidence to consider the potential cumulative highway impact within the village from proposed development sites. However, given that the proposed development is distributed at different points of the village and as there are multiple points of access onto the A257, it is unlikely that the proposed development will give rise to a need for significant highway infrastructure improvements. As part of the forthcoming Dover Local Plan, it may be necessary to consider cumulative impact of development on the wider road network as part of overall growth forecasts within the district. It would be more appropriate to consider this through the Dover Local Plan Review, which is due to be published shortly.

### Housing Conclusion

#### *Paragraph 298*

New developments will need to contribute towards local infrastructure costs to ensure that adequate local services are available to support new communities. The County Council would welcome further engagement to identify the infrastructure required to support the new allocations within this Plan.

The County Council notes that there are four schools in the planning group for this area – these include Ash, Cartwright and Kelsey Church of England Primary School, Preston Primary School, Wingham Primary School and Goodnestone Church of England Primary School. These schools are all located on restricted sites, which will limit their potential for expansion.

At present, some 25% of the pupils in one primary school travel from other planning areas to access school places. Consideration should therefore be given to examine the potential for expanding primary provision outside the Ash and Wingham planning group. This would enable Ash pupils to enrol at Ash schools and pupils further away could attend schools more local them. The County Council would welcome further discussions on this matter.

With regards to secondary provision, around 70% of Ash and Wingham residents attend selective and non-selective schools in Dover District. Additional secondary provision in Dover is likely to be required to support growth in the district.

### 5.3 Leisure & Well-being, Health Care, Education

#### Leisure and Well-being

##### P12 Policy ANP8 – Retention of Community Facilities

Any improvements to community facilities must be supported by an appropriate assessment of parking need. Where an additional parking need is identified, appropriate levels of additional parking should be provided.

#### Working from home

##### *P16 Policy ANP 12 - Working from home*

The County Council would recommend reference to active travel opportunities.

#### 5.5 Local Infrastructure

##### Traffic Management and Off-street Parking

##### *P17 Policy ANP13 - Off-Street Parking*

The County Council considers that this policy may be overly restrictive and potentially conflicts with national planning policy. When considering development proposals, it is important to consider each proposal on its own merits. The loss of existing parking spaces would only be unacceptable from a highway perspective, if it led to further instances of parking in inappropriate locations that would result in unacceptable harm to highway safety. KCC is encouraged by the Parish Council's endorsement of Interim Guidance Note 3, however, would recommend that a generic reference to KCC parking guidance is made to ensure that the plan is kept up to date and to avoid referring to potentially superseded parking guidance.

#### Public Transport

##### *P19 Policy ANP15 – Transport*

##### *Paragraph 15.2*

The aims of the policy are fully supported by the County Council as Local Highway Authority. However, the provision of new bus infrastructure would need to be considered on a case by case basis, depending on the likely level of passenger demand or the location of the development proposal in relation to the existing bus network.

##### *Paragraph 15.3*

A decision regarding the appropriateness of extending out the 30mph limit would need to be made in the context of specific development proposals and in consultation with Kent Police and other stakeholders. Where it is appropriate, such measures could be explored on a case by case basis, rather than a blanket policy as suggested. The

County Council recommends that this policy emphasises the need to encourage modal shift to sustainable transport means.

KCC would welcome continued engagement on the matters raised in this letter as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Yes

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<b>Comment by</b>	Natural England ( Luke Hasler - 1259099)
<b>Comment ID</b>	18
<b>Response Date</b>	15/01/21 15:55
<b>Consultation Point</b>	Ash NDP submission Plan ( <a href="#">View</a> )
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<b>Version</b>	0.10

**Please add any comments you have for the Ash NDP submission Plan**

Thank you for your consultation on the above dated 01 December 2020 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Draft Neighbourhood Plan**

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft NDPs by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Please note that whilst Natural England is satisfied with the proposed wording outlined within the Ash NDP – and welcome the inclusion of policies relating to the impacts evaluated through an appropriate assessment – Natural England would advise that the following amendments are made:

Policy ANP1 – Development in the countryside:

*“1.13. The development can evidence it will not cause an adverse effect on the integrity of any European Site in the proximity of the parish.”*

Natural England would advise that the wording of the overarching policies – such as this one – are strengthened in order to better reflect any potential adverse effects upon the designated sites.

We would also recommend that it would be more appropriate for policy 1.13 to be amended so that it is reflective of the stronger wording found in Policy ANP7c) - HELAA 45 Land South of Mill Field *“the development will only be supported if it can achieve nutrient neutrality regarding the Stodmarsh SAC/SPA/Ramsar site”*.

Policy ANP4 – Biodiversity:

We would also recommend that policy 4.8 *“the development can evidence it will not cause an adverse effect on the integrity of any European Site within the proximity of the parish”* is strengthened in order

to reflect the potential adverse effects upon the Stodmarsh designated sites, and would advise that it is amended in line with the abovementioned guidance.

#### Policies ANP7c, d, e:

Natural England welcomes the inclusion of the following wording within each of the allocation policies *“the development will only be supported if it can achieve nutrient neutrality regarding the Stodmarsh SAC/SPA/Ramsar site”*.

However, we would highlight that, despite falling within the zone of influence for Thanet Coast and Sandwich Bay SPA (as outlined within paragraph 5.10 of the HRA), policies ANP7c and ANP7e do not include policies which make reference to any potential mitigation measures that may be necessary. As such, we would advise that policies ANP7c and ANP7e are amended to reflect the potential adverse effects associated with them and that policies are adopted to ensure that there is no adverse effect on integrity arising from these developments.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

### **Annex A – Additional advice**

Natural England offers the following additional advice:

#### **Landscape**

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

#### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of ‘best and most versatile’ agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

## Protected Species

Natural England has produced standing advice **(1)** to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

## Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here **(2)**. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here. **(3)**

**(1)** <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

**(2)** <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

**(3)** <https://www.buglife.org.uk/resources/habitat-hub/brownfield-hub/>

## Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

## Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.

- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings. • Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

### **Biodiversity duty**

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan**

Did not state

**Comment by**

Natural England ( Luke Hasler - 1259099)

**Comment ID**

19

**Response Date**

15/01/21 15:55

<b>Consultation Point</b>	Ash NDP HRA ( <a href="#">View</a> )
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**Please add any comments you have for the Habitats Regulation Assessment (HRA)**

Thank you for your consultation on the above dated 01 December 2020 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Habitats Regulations Assessment**

Natural England previously advised that any potential impacts of the Ash Neighbourhood Development Plan (NDP) upon a designated site – covered by the Conservation of Habitats and Species Regulations 2017 (as amended) – should be assessed by way of an appropriate assessment, with particular focus on the following sites and impact pathways:

- Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, which regard to possible water quality and/or quantity implications.
- Thanet Coast and Sandwich Bay SPA, with regard to recreational disturbance.

The appropriate assessment of the Ash NDP concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured as part of any subsequent planning permission.

<b>Comment by</b>	Joe O'sullivan (1259020)
<b>Comment ID</b>	12
<b>Response Date</b>	15/01/21 11:12
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<b>Version</b>	0.3

**Please add any comments you have for the Ash NDP submission Plan**

The Ash Neighbourhood Plan is accompanied by Basic Conditions Statement, Consultation Statement, HRA Statement and SEA Statement.

Generally, with regard to Plan Making including Neighbourhood Plans the NPPF states at paragraph 18 that: *'Policies to address non-strategic matters should be included in local plans that contain both*

*strategic and nonstrategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.'*

Paragraph 28 of the National Planning Policy Framework (NPPF) states that: *'Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.'*

Paragraph 29 of the NPPF states that: *'Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.'* Footnote 16 clarifies with regard to this paragraph that *'Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.'*

Paragraph 37 of the NPPF 2019 states that: *'Neighbourhood plans must meet certain 'basic conditions' and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.'* Footnote 21 to this paragraph defines other legal requirements as those *'set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).'*

Paragraph 8 Schedule 4B to the Town and Country Planning Act 1990 (as amended) sub paragraph 2 provides for the Basic Conditions to which a Neighbourhood Plan are to be tested against which can be summarised as:

- . Is the Plan appropriate having 'regard to' national policies and advice contained in guidance issued by the Secretary of State?
- . Does the Plan contribute to the achievement of sustainable development?
- . Is the Plan in general conformity with the strategic policies contained in the development plan for the Dover District Council area?
- . The plan should not breach, and should otherwise be compatible with, EU obligations.

The Basic Conditions Statement submitted with the Ash Neighbourhood Plan details how Ash Parish Council consider they have met the above tests; however, we have the following comments to make to the contrary:

We consider that there are fundamentally issues with the overall housing strategy and site selection process. There are also a number of policies within the Neighbourhood Plan that simply do not comply with the principles of the sustainable development and run contrary to the NPPF to such an extent that as currently drafted the Neighbourhood Plan cannot meet the first two basic conditions.

## **Housing Strategy**

The submission Neighbourhood Plan provides for 437 dwellings between 2018 and 2037 with 223 dwellings proposed via the allocations policies P7 Policy ANP7a to P11 Policy ANP7e, which includes 76 dwellings in the housing numbers from HELAA 152 and windfall allowance of 38 dwellings.

There are a number of discrepancies between the emerging Local Plan and the submission Neighbourhood Plan:

- . Policy P7 ANP7a) allocates a former allocation (Agri/Cowans land) from the Site Allocations Plan for 95 dwellings, whereas the emerging Local Plan allocates the same site for 63 dwellings.
- . The Neighbourhood Plan includes Saunders Lane site (HELAA 152) in its housing numbers but does not allocate the site, whereas the emerging Local Plan allocates the site for 76 dwellings.
- . The emerging Local Plan allocates sites for 276 dwellings in Ash and the Neighbourhood Plan allocates sites for 223 dwellings.

It is difficult to comprehend how the Neighbourhood Plan can be brought forward without an up-to date set of Strategic Policies when the Council's review of the Local Plan is predicated upon policies DM1, DM2, CP2 and CP3 being out of date.

## **Allocations**

P7 Policy ANP7a to P11 Policy ANP7e cumulatively allocate housing sites for 223 dwellings between 2018 and 2037, which includes 76 dwellings in the housing numbers from HELAA 152 and windfall allowance of 38 dwellings.

We have the following comments to make on the proposed sites:

- . P7 Policy ANP7a) allocates a former allocation (Agri/Cowans land) from the Site Allocations Plan for 95 dwellings with no review of the site within the Site Selection Report. It is simply brought forward with no review. The emerging Local Plan allocates the same site for 63 dwellings. We do not consider that the yield for this site is realistic.
- . The Neighbourhood Plan includes Saunders Lane site in its housing numbers but does not allocate the site, whereas the emerging Local Plan allocates the site for 76 dwellings. We considered that this site should be allocated, not just included within the housing numbers for the Neighbourhood Plan.

It is difficult to comprehend why Saunders Lane has not been allocated when the submission Neighbourhood Plan accepts the need to include the housing yield from the site within the overall housing numbers of the Neighbourhood Plan. We also consider that allocation at Saunders Lane for housing the Council have assessed as being deliverable in years 0-5 should be part of the housing allocations at Ash within the Neighbourhood Plan. We have previously submitted the site under separate cover for the allocation that we repeat shows there is no reason not to allocate this site for residential development. After all the site is readily available, deliverable with excellent access to services within the Council's Local Centre tier of the settlement hierarchy.

There are no major infrastructure or abnormal costs to affect the overall delivery of this site. The site has readily available access to all the necessary utilities and infrastructure with readymade access to the site from existing access points. The site will form an important allocation to deliver much needed housing in the area with the full complement of s106 and CIL contributions to ensure that the allocation constitutes sustainable development.

This is evidenced by the accompanying Supporting Statements for outline planning application reference 19/01462 and Dover District Council's Planning Committee resolution to grant Outline Planning Permission.

## **Site Assessments**

We have concerns over how the sites have been considered and the consistency within the overall assessment of the sites and those that have been discounted.

The Site Assessment document does not provide specific evidence from landowners to establish that the sites are available for development. We do not consider there is sufficient evidence on suitability, availability and deliverability of the sites at the scale they are proposed to be allocated for.

We do not consider the Neighbourhood Plan provides sufficient evidence to establish that the proposed allocations are:

- . available i.e. that the site owner is willing for their site to come forward at the proposed scale of development.
- . suitable i.e. that constraints information has been considered and tested, e.g. flooding, archaeology, and a detailed assessment of the infrastructure needed to support development and access it.
- . deliverable – i.e. that the site is viable for development.

We do not consider that the Neighbourhood Plan has consistently considered all the reasonable alternative sites or the appropriate considerations for development being deemed suitable. Site HELAA 152 land adjacent to Saunders Lane, for example, is considered a red site in the site selection process and discounted on the basis of *'Access to the site is significantly constrained down narrow single carriage laneways, with little potential to upgrade to two carriageway access with pedestrian footpaths'*; whereas site HELAA 163 (Land South of Gilton) considered a red site in the site selection process and has been allocated under P11 Policy ANP7e) on the basis that it was considered partly Brownfield, as was HELAA 152.

The Consultation Response from the Highway Authority for planning application reference 19/01462 Outline application for the erection of up to 76 no. dwellings (with all matters reserved except for access) at Land North of Orchard View and West of Saunders Lane Ash, does not raise any objections to the access of the site and there is therefore no reason not to allocate the site.

We therefore consider the overall site assessments have not been carried out in accordance with the requirements of the NPPF and the reasons expressed not to allocate the site in the Site Selection Assessment Report have not come to fruition through the consideration of the Outline Planning Application.

## **Policies**

Policy ANP1 Development in the Countryside provides for development outside of the village development boundary to only be permitted if the development provides for a local business or community need; this directly conflicts with paragraphs 77 and 78 of NPPF 2019 as well as the presumption itself. It also perpetuates the theme of protection of the open countryside for its own sake and its limitations are contrary to the balanced approach of the NPPF 2019. The NPPF has never, and still does not provide for a restrictive approach to development outside settlements in this manner. It does not protect the countryside for its own sake or prescribe the types of development that might be acceptable. The policy as worded opposes the balancing exercise and precludes otherwise sustainable development by default and thereby defeats the presumption in its favour.

## **Conclusion**

We consider that there are fundamental issues with the housing strategy and site allocation selection process. Policy ANP1 does not comply with the requirements of the NPPF or indeed the presumption in favour of sustainable development.

In the context of the above commentary we do not consider that Ash Neighbourhood Plan meets the basic conditions and we urge the Council and/or the Independent Examiner to reconsider the compliance with the NPPF and therefore the basic conditions test of the Ash Neighbourhood Plan.

If you need any further information or wish to discuss matters further, then please do not hesitate to contact me at this office.

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan**

Did not state

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<b>Comment by</b>	Mrs Klaire Lander (1252400)
<b>Comment ID</b>	25
<b>Response Date</b>	15/01/21 10:41
<b>Consultation Point</b>	Ash NDP submission Plan ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.3
<b>Files</b>	<a href="#">Representation with diagrams.pdf</a>

**Please add any comments you have for the Ash NDP submission Plan**

**REPRESENTATION ON THE ASH PARISH COUNCIL NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION**

I am writing on behalf of the land owners, Mr Tony Jones and Ms Hazel Lander to comment on the Ash Parish Council Neighbourhood Plan Regulation 16 consultation.

The general thrust of the Ash Neighbourhood Plan and its policies are supported. In particular, the proposed allocation HELAA 45 (Land South of Millfield) is supported, as shown on figure 1 below. **(see attached pdf)**

It is however requested that land to the west of the proposed allocation HELAA 45 is also included within the Neighbourhood Plan as a housing allocation. This land would form a logical extension of site HELAA 45, as shown on the aerial image at figure 2 **(see attached pdf)** and access could be taken through this site, or off of Moat Lane to the south-east.

It is however requested that land to the west of the proposed allocation HELAA 45 is also included within the Neighbourhood Plan as a housing allocation. This land would form a logical extension of site HELAA 45, as shown on the aerial image at figure 2 and access could be taken through this site, or off of Moat Lane to the south-east.

### *Promoted Site (Land to the south of New Street/north of Moat Lane)*

The site to the south of New Street/north of Moat Lane 'the promoted site' is 1.5 hectares and a previous SHLAA site submission to Dover District Council included the illustrative layout at figure 3 below (**see attached**). The layout provides for x19 houses within the northern part of the land ownership, with a landscaped buffer and SUDS pond within the southern part of the land ownership. The layout could clearly be revised to provide for access within the south-eastern part of the site to join with proposed land allocation HELAA 45, or for access to be off of Moat Lane. Any layout would take account of the footpath running along the eastern boundary of the site, as well as the footpath running diagonally through the site.

The Local Plan Proposals map extract at figure 4 illustrates that the promoted site adjacent to New Street/Moat Lane lies adjacent to the Local Plan's identified built up area confines (red line) and the site is not subject to other designations (is not within an Area or Outstanding Natural Beauty or Special Protection Area for example). No KCC minerals designations exist on the site. The development of the promoted site would therefore not compromise areas designated for special protection. The outline of proposed site allocation HELAA 45 has been overlaid onto the Local Plan Proposals map extract with a blue line, and the promoted site to the south of New Street/north of Moat Lane has been overlaid with a dashed red line.

Housing development exists to the north, east, south and west of the promoted site, as can be seen on figure 4 (**see attached pdf**). The development of the promoted site would therefore constitute a natural infill to the otherwise built up area and form a logical extension to the proposed land allocation HELAA 45, adjacent to the east.

The promoted site is gently sloping and has an existing access in its south-eastern corner which can be utilised. The land is without any infrastructure constraints. The agricultural land classification is understood to be 'good to moderate' (not 'very good' or 'excellent'). There are therefore no site constraints that would hinder the site coming forward for housing.

Given the separation distances from neighbouring properties, along with mature landscaping on the boundaries of the site, there would be no harm to residential amenities from a housing proposal on the promoted site.

### *Visual Amenities of the Countryside*

As housing development exists on all sides of the site, the development of the site would constitute a natural extension and squaring off of the defined built confines of Ash. The boundaries of the site are already screened by mature landscaping, although there may be scope for this to be enhanced. The visual amenities of the countryside would therefore be protected by the proposal. The footpath that runs adjacent to the eastern boundary of the site and the footpath that runs through the site could be screened by additional landscaping.

The scale and appearance of any new dwellings would be carefully designed to respect the character and appearance of the area and to ensure it is in keeping with the character of the village. Therefore, the inclusion of the site as an allocation within the Ash Neighbourhood Plan could come forward without harm to the visual amenities of the countryside.

### *Sustainability*

The site is sustainably located, within close proximity of services including: primary schools (one state and one private); a Church; x2 public houses; restaurant; Juliet's farm shop and café, doctor; hairdresser/beautician; two supermarkets; chemist; take-away; physiotherapy and sports injury clinic

art shop, library, heritage centre, a village hall, bed and breakfasts and playing fields (home to rugby, football, tennis and cricket) with playground and outdoor exercise equipment. The site is within a two minute walk of a bus stop with services operating frequently throughout the day to Sandwich where connections continue to Deal and also to Canterbury, where extensive retail and leisure amenities, services, employment and two mainline railway stations are available.

The location of the site is therefore highly sustainable, with excellent access to public transport, shops and services. The site is accordingly ideally located for new housing development. Water, waste and electricity can easily be connected to the site.

#### *Deliverability*

The site is available immediately, is deliverable (it is in sole ownership) and achievable. The site could come forward quickly in order to help deliver the housing necessary to meet the District Council's needs.

#### *Conclusion*

It is therefore requested that the site adjacent to New Street/Moat Lane is included as an allocated site within the Ash Neighbourhood Plan. The site has no Development Plan or on-site constraints, is available and deliverable and is highly sustainably located. The site could come forward for housing without harm to the amenities of the countryside, with built development already existing on all sides of the site. The promoted site would constitute a natural infill to the otherwise built up area and form a logical extension to the proposed land allocation HELAA 45 to the east.

I trust that the above submissions will be taken into and I look forward to acknowledgement of this submission. Should you require any additional information please do not hesitate to contact me.

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Yes

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<b>Comment by</b>	Barretts ( Luke Cooper - 1252423)
<b>Comment ID</b>	23
<b>Response Date</b>	11/01/21 17:00
<b>Consultation Point</b>	Ash NDP submission Plan ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.5
<b>Files</b>	<a href="#">Savills response Site Plan.pdf</a>

**Please add any comments you have for the Ash NDP submission Plan**

#### **1. Introduction**

1.1. Savills has been instructed by Barratt Developments PLC (Barratt) to submit representations to the Regulation 16 Pre-Submission Draft Ash Parish Neighbourhood Plan (ANP).

1.2. This representation focusses on the Land off Sandwich Road, Ash (DDC Ref: HELAA132; ANP Ref ASH006) (hereafter referred to as 'the Site'), and outlines why the site is suitable for residential development.

1.3. Barratt is working with the landowners to promote the Site in line with the Government agenda to deliver much needed new homes quickly and efficiently and the National Planning Policy Frameworks aim to significantly boost homes.

## **About Barratt**

1.4. Barratt are a nationwide PLC housing developer who have a track record in delivering high quality new homes across the country. Locally they have delivered a vibrant new community set within Aylesham, Dover. The Aylesham site delivered 1,210 new homes, of which 242 are affordable, and helped to co-fund the Council's new War Memorial and Remembrance Garden. This illustrates the exemplary type of development that Barratt can provide in Ash.

1.5. This representation has been prepared in response to the Regulation 16 Pre-Submission ANP consultation and provides comments to ensure that the Basic Conditions are met, in accordance with Paragraph 37 of the National Planning Policy Framework (NPPF) which states that "*Neighbourhood plans must meet certain 'basic conditions' and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.*"

1.6. The Basic Conditions are contained in the Planning Practice Guidance (PPG), the Localism Act (2011) and paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). These are:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*
- b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*
- c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,*
- d) the making of the order contributes to the achievement of sustainable development, e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*
- f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and*
- g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.”;*

1.7. The NPPF also makes clear the importance of the hierarchy of Plans, which means that the ANP must be in general conformity with the Dover District Development Plan, which comprises the Core Strategy and Land Allocations Local Plan.

1.8. It is also relevant that Dover District Council (DDC) is in the process of preparing the Local Plan Review and the Local Plan Review Regulation 19 Consultation is scheduled to take place in early 2021. It is important to ensure that the ANP appropriately reflects the aims and objectives of the Local

Plan Review. Barratt consider that the ANP may become quickly outdated due to the emerging Dover Local Plan.

1.9. It should also be noted that a significant regional issue regarding nutrient neutrality has recently become a constraint for many developments in the area and affects Ash. Whilst this has been reference in the emerging ANP, further investigation will be required to demonstrate the deliverability of the housing allocations within the ANP.

1.10. Consequently, the progress of the ANP should be paused to enable Ash Parish Council (APC) to develop their evidence base and better understand the implications of their Plan on the surrounding opportunities and constraints.

## **2. The Site**

2.1. These representation relate directly to the Land at Sandwich Road, in Ash. The Site was assessed within the AECOM Site Assessments Report (SAR) with Reference HELAA 132 for mixed-use development.

2.2. The site is located on the north eastern edge of Ash and comprises approximately 5.73 Ha of greenfield land.. It is bounded by Sandwich Road to the south and east, Hills Court Road to the West and Ash Bypass (A257) to the north. A site location plan accompanies these representations.

2.3. The site is adjacent to the settlement boundary with residential development to the south. It is well contained and has a sense of enclosure due to the existing hedgerows to the north. This limits views into and out of the site. The site is predominantly flat. Suitable access can be achieved via Sandwich Road. It is entirely location within Flood Zone 1. There is one listed building within proximity to the site which will be treated sensitively in any design.

2.4. It is important to note that the site is situated outside of the identified catchment area of the Stour Valley Catchment Area. This is unique to the Site, as the Nitrate/Phosphate zone comprises a significant proportion of Ash. As many of the allocations within the ANP fall within this area, it is likely that there will be some delays to housing delivery in this area, and may even result in the developments not coming forward. The new need to demonstrate Nutrient Neutrality leaves the smaller development sites more vulnerable as they do not have the requisite quantum of development to provide the requisite mitigation to achieve Nutrient Neutrality.

2.5. This is a significant change since the allocations of the development Sites in the ANP and should be a key consideration in the examination of the ANP.

### Planning History

2.6. The site has been subject to a previous planning application and appeal. The application (Ref: was submitted in July 2016 for 104 dwellings and subsequently refused in February 2017.

2.7. The main reasons for refusal are:

- . The site lies outside of the settlement boundaries and would be contrary to the Development Plan;
- . The impact of the proposal on character and appearance of the natural and built environment;
- . The loss of Best and Most Versatile Agricultural Land;

. Impact on the relationship of the village of Ash and the countryside.

2.8. Following refusal, an appeal was submitted to the Planning Inspectorate and then dismissed. The Inspector acknowledged that the scheme would deliver important benefits, including 104 new homes, of which 30% would be affordable, in addition to new commercial and leisure floorspace. They also considered that the proposal would lead to harm to the character and appearance area.

2.9. Barratt will deliver a landscape-led development that seeks to create better integration of the site with the existing Village. Through sensitive masterplanning and further consideration into the sites opportunities and constraints, Barratt are committed to the sympathetic and resilient development of the site. Seeking to ensure that the proposal is fully compatible with and supportive to the wider Village.

2.10. Due to the Greenfield nature of the site, it is considered suitable, available and achievable for residential development within the first five years of the Plan Period.

### **3. Representations**

3.1. This section provides Representations on the draft ANP, and includes observations regarding the supporting evidence base including the Basic Conditions Statement (BCS), Habitats Regulations Assessment (HRA) and the Strategic Environmental Assessment (SEA).

#### **Observation on the ANP conformity with NPPF and the Local Development Plan**

##### General Conformity with the NPPF and the DDC Development Plan - Object

3.2. In order to meet the Basic Conditions a Neighbourhood Plan must not constrain the delivery of the NPPF objectives. Achieving sustainable development is the fundamental objective of the NPPF and so it is integral that the ANP supports this.

3.3. NPPF paragraph 13 sets out the that a Neighbourhood Plan should support the delivery of strategic policies set out within the Local Development Plan. Furthermore, Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies as set out in NPPF paragraph 29.

3.4. This is supported by Paragraph 009 Reference ID: 41-009-20190509 of the Planning Practice Guidance which states that in order to meet the basic conditions, a Draft neighbourhood Plan must generally conform with the strategic policies of the adopted Development Plan.

3.5. Significantly, at paragraph 6 of the BCS, the APC outline that they have prepared the ANP with input from DDC, to ensure that it is in line with their emerging policies and general strategic direction of travel. Whilst this states that the Plan should be found legally compliant on this basis, because the New Dover District Local Plan is yet to go through its Regulation 18 Public Consultation.

**3.6. Object: APC remove their assertion that the APN has been developed in accordance with the emerging Policies set out within the emerging Local Plan as these have not yet been tested by public consultation process.**

#### **Specific Comments on the ANP**

## Housing Figures and Site allocations – Object

3.11. In relation to Neighbourhood Plans, Paragraph: 040 (Reference ID: 41-040-20160211) of the PPG explains that “where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.” The ANP is informed by the AECOM Housing Needs Assessment (2019) which considered the latest housing need evidence in Ash. The outcome of this assessment resulted in ANP planning for 437 dwellings over the plan period. However, only there is only an allowance for 38 windfall sites. It is considered that this could be more flexible.

**Recommendation: Allow for greater flexibility for housing numbers in the ANP.**

## Allocated Sites - Object

3.12. The ANP relies on existing allocations within the DDC Site allocations document. These have not be reassessed. It is acknowledged that Land west of Chequer Lane LA20 has Reserved Matter permission. However, the deliverability of the remaining sites (Land south of Sandwich Road and Former Council Yard) is unclear. The status and constraints of these sites may have altered since the assessment for the evidence base of the Development Plan which pre dates 2015. Thus, further consideration into the allocations in the ANP should be considered.

**Recommendation: The existing allocations are assessed to provide up to date evidence that the sites are available, deliverable and suitable for development.**

## Outdated Policy References – Object

3.13. In order to meet the Basic Conditions a Neighbourhood Plan must not constrain the delivery of the NPPF objectives. Achieving sustainable development is the fundamental objective of the NPPF and so it is integral that the ANP supports this. Several of the DDC Core Strategy Policies are now considered to be at tension with the NPPF as they were adopted beforehand. These include policies DM1 and DM11 both of which are referenced throughout the ANP, in particular at Paragraph 217. The NPPF is more flexible in its approach and places emphasis on locating development in sustainable locations. By referencing out dated policies there is a risk that the ANP does not promote sustainable locations for development.

**Recommendation: The ANP is checked to ensure that it is promoting sustainable development in accordance with the NPPF.**

## **4. Conclusion**

4.1. These representations are written on behalf of Barratt in relation to the land off Sandwich Road in Ash. This Site is available, developable and deliverable. This Site is an entirely sustainable residential extension to the urban area of Ash and will make a valuable contribution to the village in the long term.

4.2. Several recommendations have been made throughout this representation. Barratt do not consider that the ANP meets Basic Conditions and consider that the ANP should be reassessed before it is submitted for examination.

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Did not state

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**Comment by** Barretts ( Luke Cooper - 1252423)  
**Comment ID** 22  
**Response Date** 11/01/21 17:00  
**Consultation Point** Ash NDP SEA ([View](#))  
**Status** Processed  
**Submission Type** Email  
**Version** 0.3

**Please add any comments you have for the Strategic Environment Assessment (SEA)**

**Specific Comments on the SEA**

3.9. The SEA references the Site's allocation in the DDC's Housing and Economic Land Availability Assessment (DDC Ref: HELAA132), Land off Sandwich Road, Ash (ANP Ref: ASH006). Within this, the HRA outlines that the Site was allocated an RAG Rating of Red. However, no further information is provided to support this calculation.

**3.10. Recommendation: For the interests of transparency, it is requested that APC publish all of their evidence for consultees to review.**

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**Comment by** Barretts ( Luke Cooper - 1252423)  
**Comment ID** 21  
**Response Date** 11/01/21 17:00  
**Consultation Point** Ash NDP HRA ([View](#))  
**Status** Processed  
**Submission Type** Email  
**Version** 0.6

**Please add any comments you have for the Habitats Regulation Assessment (HRA)**

**Specific Comments on the HRA**

**Water Quality - Object**

3.7. Paragraph 3.10 and 3.11 references Natural England's methodology to assess and mitigate nutrient inputs into the Stodmarsh European sites with the Advice on Nutrient Neutrality for New Development in the Stour Valley Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities, December 2019 Report. This has since been superseded by the updated information set out within '*Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites - For Local Planning Authorities' dated November 2020.*

**3.8. Object: The HRA is revisited and/or updated on the basis of the latest November 2020 NE Advice Note. This is not considered to be legally compliant as it is not based on the most up-to-date available data.**

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<b>Comment by</b>	National Grid ( Chris Johnson - 1259728)
<b>Comment ID</b>	28
<b>Response Date</b>	11/01/21 13:57
<b>Consultation Point</b>	Ash NDP submission Plan ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.2

**Please add any comments you have for the Ash NDP submission Plan**

**Ash Neighbourhood Plan Regulation 16 Consultation**

**December 2020 – January 2021**

**Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

#### **About National Grid**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

#### **Proposed development sites crossed or in close proximity to National Grid assets:**

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that it has no record of such assets within the Neighbourhood Plan area.

National Grid provides information in relation to its assets at the website below.

. <http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/>  
Please also see attached information outlining guidance on development close to National Grid infrastructure.

### **Distribution Networks**

Information regarding the electricity distribution network is available at the website below:  
[www.energynetworks.org.uk](http://www.energynetworks.org.uk) Information regarding the gas distribution network is available by contacting:  
[plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)

Further Advice Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets.

### **Guidance on development near National Grid assets**

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

#### Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's 'Guidelines for Development near pylons and high voltage overhead power lines' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their 'Guidelines when working near National Grid Electricity Transmission assets', which can be downloaded here: [www.nationalgridet.com/network-and-assets/working-near-our-assets](http://www.nationalgridet.com/network-and-assets/working-near-our-assets)

#### Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's 'Guidelines when working near National Grid Gas assets' can be downloaded here: [www.nationalgridgas.com/land-and-assets/working-near-our-assets](http://www.nationalgridgas.com/land-and-assets/working-near-our-assets)

#### How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:

• National Grid's Plant Protection team: [plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com)

Cadent Plant Protection Team Block 1 Brick Kiln Street Hinckley LE10 0NA 0800 688 588

or visit the website: <https://www.beforeyoudig.cadentgas.com/login.aspx>

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Did not state

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<b>Comment by</b>	Bidwells ( Steven Butler - 1259090)
<b>Comment ID</b>	17
<b>Response Date</b>	11/01/21 08:11
<b>Consultation Point</b>	Ash NDP submission Plan ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.5

#### **Please add any comments you have for the Ash NDP submission Plan**

##### **ASH NEIGHBOURHOOD PLAN REGULATION 16 SUBMISSION CONSULTATION 2020: REPRESENTATION IN SUPPORT OF P10 POLICY ANP7D) – HELAA 95 LAND NORTH OF MOLLAND LANE.**

On behalf of my client Emmanuel College, Cambridge, please find a representation enclosed in respect of the above.

We **support** the proposed allocation of Land north of Molland Lane under policy P10 Policy ANP7d). In doing so we confirm that Emmanuel College has the capability, means and track record to ensure that residential development will be delivered on the site within the Plan period. Dover District Council and Ash Parish Council will be aware that the forthcoming development by Bovis Homes on the adjacent site is on land previously owned by the College. This is a clear demonstration of the deliverability of the adjacent Policy ANP7d) site.

We seek to assist the Council in ensuring the soundness of the Plan by offering a minor comment in respect of the Policy's transport criterion. Part 7d.4 of the Policy states that "The main vehicle access could be obtained from Chequer Lane development and / or in the vicinity of Molland Lane". We support this criterion. The plan at Map 15 of the Reg16 consultation document currently shows an extract from a previous submission we made on behalf of Emmanuel College, which only identifies Molland Lane as the proposed access location. Since this time the Council will be aware of further work that has been prepared to demonstrate the feasibility of access into the site. Therefore, to ensure consistency

between the wording of this policy criterion and Map 15, we enclose an updated version of the site location plan with the arrow (indicating that the proposed access would be gained from Molland Lane only) now removed.

Taking account of the above, we are satisfied that the Neighbourhood Plan is sound insofar as it relates to the proposed allocation of the Policy ANP7d) site.

We trust these comments will be taken into account ahead of the Neighbourhood Plan's Examination.

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Did not state

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**Comment by** Bidwells ( Steven Butler - 1259090)  
**Comment ID** 16  
**Response Date** 10/01/21 17:38  
**Consultation Point** Ash NDP submission Plan ([View](#))  
**Status** Processed  
**Submission Type** Email  
**Version** 0.5

**Please add any comments you have for the Ash NDP submission Plan**

On behalf of my client Emmanuel College, Cambridge, please find a representation enclosed in respect of the above.

We note that Site HELAA 96 Land at Molland Lane is not considered suitable for inclusion within the Neighbourhood Plan. Notwithstanding this, we wish to confirm that the site remains available for consideration as a potential development site in the future.

We trust these comments will be considered ahead of the Neighbourhood Plan's Examination.

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Did not state

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**Comment by** Mr Robert Hudson (1257721)  
**Comment ID** 8  
**Response Date** 10/01/21 17:33  
**Consultation Point** Ash NDP submission Plan ([View](#))  
**Status** Processed  
**Submission Type** Web

Version

0.3

**Please add any comments you have for the Ash NDP submission Plan**

I'd like to congratulate all those involved in steering and drafting Ash's NDP. A huge task, deeply researched and well presented. I sincerely hope that DDC's own plan will mimic the principles and policies developed by Ash, for Ash.

I would, however, like Chapter 6 on monitoring to be stiffened up so that Ash Parish Council has more say in the approval, or non-approval, of sites for development.

As it stands it seems that the Parish Council's "monitoring" and reporting back role is simply an after-the-event review of DDC's actions viz a viz the policies in the NDP. DDC's decision to grant approval for the development of the land to the West of Saunders Lane (Clauses 210 and 253) which was directly against the "wishes" of the NDP is a prime example. There seems little point in having a well thought through NDP if it is overruled on Day 1.

Thank you.

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Yes

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**Comment by** Lynne Godden (1259010)  
**Comment ID** 10  
**Response Date** 10/01/21 15:45  
**Consultation Point** Ash NDP submission Plan ([View](#))  
**Status** Processed  
**Submission Type** Email  
**Version** 0.3

**Please add any comments you have for the Ash NDP submission Plan**

I would like to register an objection to the quantity of houses that are planned to be built in Ash. The local facilities and roads will not cope with such a large increase in housing. It will result in the loss of farmland, footpaths and the rural nature of Ash as a village.

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Did not state

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**Comment by** Dr Alison Charles (1259005)  
**Comment ID** 9  
**Response Date** 10/01/21 09:15  
**Consultation Point** Ash NDP submission Plan ([View](#))  
**Status** Processed  
**Submission Type** Email

**Version** 0.5

**Please add any comments you have for the Ash NDP submission Plan**

Please can you kindly register the fact that I support the implementation of the draft Ash Neighbourhood Development Plan.

I do not have any comments to make regarding particular policies or sections.

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Did not state

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<b>Comment by</b>	Southern Water ( Tamzyn Janes - 1252511)
<b>Comment ID</b>	26
<b>Response Date</b>	04/01/21 12:42
<b>Consultation Point</b>	Ash NDP submission Plan ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.3

**Please add any comments you have for the Ash NDP submission Plan**

Ash Submission Neighbourhood Plan

Thank you for consulting Southern Water on the Submission version of the Ash Neighbourhood Plan.

Southern Water is the statutory wastewater undertaker for the area covered by Ash Parish Council. As such, please find following our comments in respect of specific policies in the Neighbourhood Plan.

We hope that you find our response useful and look forward to being kept informed of progress.

**Policy ANP7a Agri/Cowants Land (South of Sandwich Road, Ash)**

Southern Water is the statutory wastewater undertaker for Ash. As such, we have undertaken a preliminary assessment of the capacity of our existing infrastructure and its ability to meet the forecast demand for this proposal. The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure.

Proposals for 95 dwellings at this site will generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development. This reinforcement will be provided through the New Infrastructure charge to developers, and Southern Water will need to work with site promoters to understand the development program and to review whether the delivery of network reinforcement aligns with the occupation of the development. Connection of new development at this

site ahead of new infrastructure delivery could lead to an increased risk of flooding unless the requisite works are implemented in advance of occupation.

From 1 April 2018, a new set of rules covering the charging for new connections and requisitions for companies wholly or mainly in England come into force. These new rules include requirements for water and sewerage companies to provide upfront charges for most connections services and make the charges for offsite reinforcement works more transparent and cost reflective, rather than requiring the developer to connect to the point of nearest adequate capacity. Network reinforcement, required as a result of new development, is funded through the new infrastructure charge, details can be found on our website <https://www.southernwater.co.uk/developingbuilding/connection-charging-arrangements>. NB charges are reviewed annually.

Southern Water has limited powers to prevent connections to the sewerage network, even when capacity is limited. Planning policies and conditions, therefore, play an important role in ensuring that development is coordinated with the provision of necessary infrastructure, and does not contribute to pollution of the environment, in line with paragraph 170(e) of the revised National Planning Policy Framework (NPPF) (2019).

In addition, our assessment has revealed that Southern Water's underground infrastructure crosses this site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. Easements should be clear of all proposed buildings and substantial tree planting.

Having regard to the issues set out above, Southern Water propose the following removal of text (text removed using ~~strike through~~) to **Policy ANP7a**

*7a.9 Development should ensure occupation is phased to align with the delivery of sewage infrastructure, provide a connection to ~~sewage and water~~ and gas at the nearest point of adequate capacities, and ensure future access to existing water supply and / or wastewater infrastructure for maintenance and up sizing purposes; and*

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Yes

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<b>Comment by</b>	Environment Agency ( Sara Gomes - 1259153)
<b>Comment ID</b>	20
<b>Response Date</b>	15/12/20 17:46
<b>Consultation Point</b>	Ash NDP SEA ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.6
<b>Files</b>	<a href="#">New Neighbourhood Plan Guidance - External.pdf</a>

**Please add any comments you have for the Strategic Environment Assessment (SEA)  
Ash NDP Regulation 14 Consultation**

Thank you for consulting us on the Neighbourhood Plan.

We always recommend an objective is included to protect and enhance the environment. Indicators should relate to the environmental constraints in your local area. This may include flood risk, water quality, biodiversity.

Together with Natural England, English Heritage and Forestry Commission we have published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans. (copy attached). There is a useful check list in this document.

New Neighbourhood Plan Guidance - External.pdf (see attached)

We also recommend your SEA takes account of relevant Dover Borough Council's policies, plans and strategies including DBC's Strategic Flood Risk Assessment, flood risk strategies (<https://www.gov.uk/government/collections/flood-riskmanagement-current-schemes-and-strategies>), and the South East River Basin Management Plan (<https://www.gov.uk/government/publications/south-east-riverbasin-management-plan>)

We hope this information is useful. Please don't hesitate to contact us if you need any further information.

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<b>Comment by</b>	Deal, Walmer, Sandwich & District Scout Council (Mr Alan Noake - 1253710)
<b>Comment ID</b>	7
<b>Response Date</b>	02/12/20 07:47
<b>Consultation Point</b>	Ash NDP consultation statement ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Web
<b>Version</b>	0.3

**Please add any comments you have for the Consultation Statement**

Fully support this statement on page 26: **“Essential to consider where scouts are relocated and to co-ordinate discussions with the village groups.”** However can this be amended to say precisely who would be responsible for any such replacement or relocation? Assume it would be the responsibility of the Council who own and choose to develop the site?

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<b>Comment by</b>	Deal, Walmer, Sandwich & District Scout Council (Mr Alan Noake - 1253710)
<b>Comment ID</b>	6
<b>Response Date</b>	02/12/20 07:46
<b>Consultation Point</b>	Ash NDP submission Plan ( <a href="#">View</a> )
<b>Status</b>	Processed

**Submission Type** Web  
**Version** 0.2

**Please add any comments you have for the Ash NDP submission Plan**

Fully support this statement on page 51: **“The site is the location of the Local Scout Hut that would have to be replaced either on site or relocated as part of the development.”** However can this be amended to say precisely who would be responsible for any such replacement or relocation? Assume it would be the responsibility of the Council who own and choose to develop the site?

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan** Yes

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**Comment by** Sport England ( Planning Administration Team - 1259724)  
**Comment ID** 27  
**Response Date** 01/12/20 15:57  
**Consultation Point** Ash NDP submission Plan ([View](#))  
**Status** Processed  
**Submission Type** Email  
**Version** 0.3

**Please add any comments you have for the Ash NDP submission Plan**

Thank you for consulting Sport England on the above neighbourhood plan.

Government planning policy, within the **National Planning Policy Framework (NPPF)**, identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 96 and 97. It is also important to be aware of Sport England’s statutory consultee role in **protecting playing fields** and the presumption against the loss of playing field land. Sport England’s playing fields policy is set out in our Playing Fields Policy and Guidance document.

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

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Sport England provides guidance on **developing planning policy** for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning\\_applications](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications)

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Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 97 of the NPPF, this takes the form of **assessments of need and strategies for indoor and outdoor sports facilities**. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.

<http://www.sportengland.org/planningtoolsandguidance>

If **new or improved sports facilities** are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

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Any **new housing** developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.

Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.

NPPF Section 8:

<https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

*(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)*

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If you need any further advice, please do not hesitate to contact Sport England using the contact details below.

**Please indicate if you wish to be notified of the Councils decision on whether to make the Neighbourhood Plan**

Did not state