

TENTERDEN TOWN COUNCIL

**PLANNING COMMITTEE
AGENDA ITEM 7**

**21st May 2018
DECISIONS LIST NO. 566**

DECISIONS OF ASHFORD BOROUGH COUNCIL'S PLANNING COMMITTEE.

The following decisions have been made:

Planning Applications:

- 17/01301/AS** **Golan Croft, Cranbrook Road.**
Retention of mobile home.
WITHDRAWN BY APPLICANT.
- 18/00071/AS** **Rolvenden Station, Rolvenden Hill.**
Lawful Development Certificate - existing - Construction of an access road, a railway siding required in connection with the movement of traffic by rail, and a landscape bund.
EXISTING USE/DEVELOPMENT IS LAWFUL.
- 18/00174/AS** **Esperanto, Golden Square.**
Creation of new access
PERMIT.
- 18/00322/AS** **Mayfield, Ingleden Park Road.**
Erection of rear conservatory.
PERMIT.
- 18/00349/AS** **Eastwell Barn, East Cross.**
Addition of new conservation roof-light window to rear elevation; addition of new ground floor window and French doors to rear elevation; installation of garage doors to open double garage.
PERMIT.
- 18/00425/AS** **Honeymoon Restaurant, 3 East Cross.**
Change of use of ground floor only from A3 (restaurants/cafes) to A4 (drinking establishment).
PERMIT.
- 18/00446/AS** **Chapel House, Turners Avenue.**
First floor infill extension.
PERMIT.
- 18/00460/AS** **4 The Lindens, St Benets Way.**
Proposed loft conversion with rear dormer and cabrio rooflight, rooflights to front, two storey side extension incorporating garage conversion, and extension to decking (revision to planning permission granted under 15/01209/AS).
PERMIT.

Tree Applications.

18/00058/TC

Collina House Hotel, 5 East Hill.

TWO MATURE CHAMAECYPARIS ELLWOODII- Fell to ground level FURTHER INDIVIDUAL CYPRESS - Fell to ground level TWO MATURE LEYLANDI - Prune back all overhang to the boundary including those vertical stems which overhang the boundary SMALL GOLDEN CYPRESS.- Fell to ground level.

RAISE NO OBJECTION.

18/00059/TP

5 Kiln Field.

T1 Hornbeam , lifted root plate - Dismantle fell AMENDED SPEC - REDUCE CROWN as per agreed specification. T2 Oak - Reduce by approximately 15 percent with a proportional width reduction (1.5-2m) cutting back to appropriate branch axles to allow more light to the garden area T3 Ash, coppice on decayed stool - Re-coppice T4/T5 Ash, Out growing its situation - Reduce by approximately 20 percent (2-3metres) with a proportional width reduction cutting back to appropriate branch axles. Chip and remove all arisings leaving a clean and tidy site.

GRANT CONSENT.

18/00064/TP

14 Wells Close.

T1 Oak - Reduce by 4 metres and re shape T2 Oak - Reduce by 4 metres and re shape.

GRANT CONSENT.

18/00083/TP

Stockwood, Ox Lane.

Dead and Dangerous request - Large oak tree in garden covered by TPO 21 1988. Very large branch over hanging the road looks dead. A similar branch that was over hanging the garden has fallen. Request permission to take off dead and dying branches.

GRANT CONSENT.

18/00085/TC

Woolpack Hotel, 26 High Street.

Large Ash tree requiring removal of branch to previous break. Branch unstable from previous damage and signs of dead wood.

RAISE NO OBJECTION.

KENT ASSOCIATION OF LOCAL COUNCILS

PRESIDENT

John Rivers

Chairman

Cllr Sarah Barker

Chief Executive

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Planning Policy Consultation Team
Ministry of Housing, Communities and Local Government
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2 May 2018

Dear Sir

National Planning Policy Framework Consultation Proposals

The Kent Association of Local Councils (KALC) represents 96% of Parish and Town Councils and Parish Meetings in Kent, representing an electorate of over 650,000 across the range of suburban, rural and urban Kent.

We welcome the opportunity to respond to the MHCLG consultation. Our general comments, are set out below. Our responses to each of the consultation questions are set out in Appendix 1, which is attached:

General Comments

- We support Government's aim to reform housing and planning policy so that it is as effective as possible in improving the supply of homes; but this must be coupled with giving local communities greater control so that they can make informed decisions about exactly where much-needed new homes should be built.
- We support the Government's challenge for developers, local authorities, communities, councillors and professionals to work together to ensure that appropriate developments in line with the NPPF, Local Plans and Neighbourhood Plans are brought forward and delivered.
- However, the proposals suffer from two major problems. First, the local planning authorities are under-resourced for the job they are expected to do and find it hard to recruit and retain the staff they need to operate an efficient planning system. They also lack the resources to build large numbers of houses themselves. Secondly, housebuilding firms are private companies answerable to their shareholders. They are not "agents of the state" who can be forced to do things against their own commercial interest, or at unacceptable risk to them, their shareholders or financiers. This will limit the extent to which the Government can direct how they operate and make the Government's ambitions for consistent delivery of more than 300,000 new homes per year unrealistic without a major new public-sector programme to assemble land, provide

supporting infrastructure in step with development, and then build new homes. These homes could be provided either directly by the public sector, or by private companies on sites assembled and prepared for development by the public sector (making it less risky commercially). Such programmes existed in the UK until the early 1970s and still exist in many other European countries. There are no such proposals in the revised NPPF, although the Government is expanding the activities of Homes England, its regeneration and development agency.

Supporting Infrastructure

- The NPPF continues to make "warm noises" about the need to ensure that supporting infrastructure is delivered in step with development. However, we remain concerned that if push comes to shove in areas without a 5-year land supply or up-to-date plans, the balance (driven by the overriding need to deliver more housing) still generally favours development, even where supporting infrastructure is not provided. The proposals to improve handling of development viability in planning decisions, and the new national funding for infrastructure to unlock some larger sites, are both welcome, but national policy is still uncertain as Government consults on a package of new proposals to reform s.106 agreements and CIL. The proposed measures in the package will still leave a very complex system where the links between development and supporting infrastructure are often unclear or inadequate.

Affordable Housing

- These new paragraphs set the bar pretty low in that they indicate that affordable housing should only be sought on major sites (10 or more dwellings) other than in rural areas where a lower threshold is indicated, and that at least 10% should be available for "affordable home ownership".

Most local authorities' planning policies already seek a much higher percentage, much of it in the form of rented accommodation, as this is where need is greatest. The 10% minimum referred to in the new NPPF relates to "affordable home ownership" and rather muddies the position in terms of how much affordable housing overall can be sought and how this is split between renting and ownership. This needs to be clarified. Preferably, it is best left to justification at the local level.

Plan-led system

- The new paragraph 11 to underline the primacy of the development plan (local plan + neighbourhood plan) is welcome. However, there may still be cases where, if up-to-date plans are not in place, and housing delivery is impaired, they may be overridden, which causes great concern.

We welcome the Government's proposal that LPAs will need to prepare and maintain a statement of common ground, as evidence to the statutory duty to cooperate. There has been a distinct lack of engagement between LPAs on developments affecting more than one district and there has also been a lack of support from some LPAs to Parish and Town Councils developing a Neighbourhood Plan despite a "Duty" to do so.

The regular review of plans to keep them up-to-date is sensible, but it means little if local authorities are not resourced to do so. It will also put a burden on Neighbourhood Plans for regular review.

Housing Need

- It is essential that local planning authorities are given realistic housing numbers, otherwise they are being set up to fail and leave their Local Plan unsound. The requirement to meet "objectively assessed housing needs" is similar to the existing NPPF, but it is very important that Government gets the "objectively assessed" part right. We remain concerned that the planning legislation and guidance is still too heavily weighted towards developers and pressure is mostly on local authorities. We recognise that the new NPPF invites local authorities to consider whether planning conditions should require development to be started within 2 years from grant of the permission, rather than the default 3-year period. However, we continue to believe that in order to increase the build out rate, the Government must either have a major new public-sector programme or introduce a Housing Delivery Test on developers. The review being undertaken by Sir Oliver Letwin on ways of ensuring that planning permissions, when granted, are built out quickly is key to trying to solve this issue. The Government's twin desires to grant more planning permissions for housing and to see those quickly built out, needs to be even-handed between local authorities and the development industry, without impairing quality and design.

Food Security

- The inevitable effect of the Government's efforts to boost house building will be increased loss of productive farmland. Whilst we recognise that this will be offset to some extent by the priority given to brownfield sites and the policy preference for higher density development in urban areas, we remain concerned that land which was previously used for agriculture and employment will continue to be developed for housing, causing food security and employment concerns, which will become more significant with Brexit.

Enforcement

- We agree that effective enforcement is important to maintain public confidence in the planning system. Unfortunately, as enforcement action is discretionary, many local planning authorities have cut back in this area due to budget pressures. The lack of enforcement action has led to concerns from local communities about the effectiveness of the planning system and therefore LPAs need to be provided with more resource to tackle this and restore public confidence.

We hope you find these comments helpful.

Yours faithfully



Terry Martin
Chief Executive

Specific Comments to the Consultation Questions

Question	Comments
1	<p>The introduction should include comment that the Government:</p> <ul style="list-style-type: none"> • recognises that stress in the housing market is a function of demand, as well as supply; • intends to address the demand side with an appropriate migration policy post-Brexit; and • wishes to spread economic development, and hence housing, throughout England.
2	<p>No.</p> <p>Paragraph 8a) should read: "an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity and to spread and support growth throughout England; and by identifying and coordinating the provision of infrastructure".</p>
3	No view
4	<p>We welcome Government's aim to provide greater certainty for Parish Councils that have planned for new homes through developing Neighbourhood Plans. However, if a Parish/Town Council has obtained a housing number and the Neighbourhood Plan is then agreed by referendum, that Neighbourhood Plan should not be undermined if the LPA then fails the Housing Delivery Test. Otherwise the Neighbourhood Plan will be totally undermined and the local community will have wasted a significant amount of taxpayers' money. The proposed thresholds for the Housing Delivery Test do not provide sufficient certainty to Parish and Town Councils, who have produced a Neighbourhood Plan.</p> <p><u>Footnote 9:</u> Given the elapsed time, effort and cost required to produce a Neighbourhood Plan, the two years or less time period is unreasonable and should be "five years or less".</p>
5	<p>We welcome the Government's proposal that LPAs will need to prepare and maintain a statement of common ground, as evidence to the statutory duty to cooperate. There has been a distinct lack of engagement between LPAs on developments affecting more than one district and there has also been a lack of support from some LPAs to Parish and Town Councils developing a Neighbourhood Plan despite a "Duty" to do so.</p> <p>When examining a draft plan, Inspectors should make a detailed check that, in the case of joint working between local authorities, it has been somewhat more substantial than a "tick-box" exercise and that there is clear evidence that interests across a wider economic, employment and infrastructure area have been considered and been the foundation to such plans.</p>

6	<p>Government must amend the National Planning Policy Framework to prevent developers from riding roughshod over Local Plans, planning policies and emerging and 'made' Neighbourhood Plans, which would be contrary to the wishes of local communities. The 5-year land supply requirement in the NPPF needs to be amended so that it does not have the strength it currently has to effectively remove democratic planning policies from local decision-making.</p> <p>With regards to the Government's new approach to viability, we support the Government's expectation that there needs to be more clarity about the contributions expected in association with development and that there is more transparency and more certainty about what will be expected at the decision-making stage. It is essential that there is direct benefit to local communities from development. If a planning application would become unviable if developer contributions were required, then that proposed development should not take place as it is essential that supporting infrastructure are put in place to support that development, unless the required infrastructure is then funded by Government, such as through the Housing Infrastructure Fund. Our more detailed comments on developer contributions are set out in our reply to the Reforming developer contributions consultation.</p> <p>Paragraph 16c should be modified as follows: "be shaped by early, proportionate, and meaningful engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and statutory consultees, <u>with all such engagement clearly documented in reasonable detail and publicly available in a timely manner</u>".</p> <p>Paragraph 20 should include "air quality" as a strategic policy area in terms of current issues, potential plan impact, mitigation measure and residual impact. Consideration should also be given to the inclusion of "noise" as a strategic issue.</p> <p>Paragraph 24 should be amended to read " for bringing sufficient land forward, and at, <u>as necessary, an accelerating sufficient rate that reflects recent delivery rates but is able</u> to address objectively assessed needs over the plan period".</p> <p>Paragraph 27 should include Parish Councils.</p>
7	<p>We agree that <u>all</u> viability assessments should be made publicly available to ensure that there is more transparency in the decision-making process.</p>
8	<p>We agree that such guidance should go further. We believe that all applications over various minimum thresholds should be accompanied by a viability assessment. Such thresholds may include site size, number of homes, area dedicated to commercial use.</p>
9	<p>The benefit would be to ensure that any exceptional increase in value would bring advantage to the community (through enhanced facilities / infrastructure) and not remain solely with the developer / landowner.</p> <p>It may also reduce the incentive deliberately to delay or stagger development to reap the benefit of a rising property market.</p>

10	<p>We welcome the additional text in paragraph 42 on the need for discussions about infrastructure and affordable housing at the pre-application stage to encourage early engagement on these issues. However, if government is really serious about this issue, then it should "require" early engagement, rather than "encourage" early engagement.</p> <p>However, there must be a concern that the Planning Officers who become engaged in very detailed and lengthy pre-application discussions will be unduly influenced by the applicant and then be incapable of taking an objective view on the eventual application; in fact, they may well try to "sell" it to elected Members. A mechanism is required to remove the impact of that potential effect when the application comes forward for decision by elected Members. Perhaps different Planning Officers, or perhaps Officers from a neighbouring Authority, should be required to produce briefing for Members on the merits of the application.</p> <p>Secondly, when an application is submitted for decision, it should be accompanied by a statement from Officers on whether and how there is potential impact on neighbouring Authorities, should include any comments from such neighbours and should outline whether any considerations arise from joint working with other Authorities under Duty to Cooperate.</p> <p>We agree that effective enforcement is important to maintain public confidence in the planning system. Unfortunately, as enforcement action is discretionary, many local planning authorities have cut back in this area due to budget pressures. The lack of enforcement action has led to concerns from local communities about the effectiveness of the planning system and therefore LPAs need to be provided with more resource to tackle this and restore public confidence.</p>
11	<p>Paragraph 69 is key.</p> <p>In 69a, rather than 20% of sites, perhaps it should be 20% of planned homes.</p> <p>Perhaps 69d should be strengthened to <u>require</u> that all developments over X hectare <u>are</u> sub-divided and sold to "small developers" at a cost pro rata to the developer's demonstrable costs of land acquisition and securing planning approval. With that small developer then being permitted to apply for a variation of planning permission to build to different design, density and quality criteria, when compared with the original developers plans.</p>
12	<p>No, that could lead to perverse outcomes in terms of adherence to strategic policies.</p> <p>Paragraph 77 requires earlier diagnosis and action plan. That action plan should be subject to review and monitoring at frequent intervals (six-monthly), with an Inspector appointed to review the situation, if that situation persists for, say, two years.</p>
13	<p>We strongly disagree, as that policy would be open to considerable abuse by developers. It would enable developers to pick off easier / cheaper sites outside established settlement areas and lead to "creeping development" and, over time, coalescence of currently separate settlements.</p>

14	<p><u>Affordable housing</u>. Whilst we welcome Government's intention to amend the NPPF to introduce a clear policy expectation that housing sites deliver a minimum of 10% of affordable home ownership units, it should be a requirement rather than an expectation.</p> <p>These new paragraphs set the bar pretty low in that they indicate that affordable housing should only be sought on major sites (10 or more dwellings) other than in rural areas where a lower threshold is indicated, and that at least 10% should be available for "affordable home ownership".</p> <p>Most local authorities' planning policies already seek a much higher percentage, much of it in the form of rented accommodation, as this where need is greatest. The 10% minimum referred to in the new NPPF relates to "affordable home ownership" and rather muddies the position in terms of how much affordable housing <u>overall</u> can be sought and how this is split between renting and ownership. This needs to be clarified. Preferably, it is best left to justification at the local level.</p> <p>As part of the planning process, local needs assessments must be carried out and taken into account before planning permission is granted, and consideration given to how this would impact on affordable housing on development.</p> <p>We believe the test of "sustainability" should be somewhat higher in terms of access to public transport and walking-distance facilities to assist future occupiers.</p> <p>Windfall sites. Paragraph 71 requires "compelling evidence", which is unrealistic, given the nature of windfalls. The criterion should instead be "reasonable historical evidence, taking into account any known factors that would add to, or reduce, the probability of windfalls coming forward". Whilst each local planning authority welcomes "windfall sites", accepting too many makes a nonsense of the public debates and decisions on allocated sites which should take precedence otherwise windfall sites will become the main driver.</p> <p>Paragraph 78. This is weak. Why are there not financial penalties for failure to deliver, proportionate to the scale of development?</p>
15	<p>No. Paragraph 82 should be amended to be consistent with paragraph 85, by referring to "community needs" i.e. on the 4th line amending to "local business and community needs".</p> <p>Although paragraph 85 adds some reassurance, particularly that "development is sensitive to its surroundings, does not have an unacceptable impact on local roads", paragraph 84 is problematic as it states "..... sustainable growth and expansion of all types of business in rural areas". Some businesses are just not appropriate for rural infrastructure, particularly roads. "Sustainable" cannot be relied on to preclude such instances. The wording should be amended to "..... sustainable growth and expansion of all types of business in rural areas, provided such use does not place unreasonable burden on existing infrastructure, particularly roads ...".</p>
16	No other comments.

17	<p>No; the policy appears confused.</p> <p>Although a mix of town centre homes and retail is welcome as a policy, paragraph 88 infers that the main consideration has been accessibility for those living in the town centre in terms of edge of centre and out of centre proposals.</p> <p>That is not a balanced policy.</p> <p>There should also be concern about access to town centre facilities for those living outside, perhaps several miles outside. The policy should be expanded to cover park-and-ride (and not as a commercial venture, but, rather, a subsidised social enterprise), and also to cover town centre parking, with charges that encourage, not penalise, economic activity by those driving into the town centre.</p> <p>It should also mandate realism in terms of "modal shift", which has been held up as the answer to traffic congestion that can strangle town centres. If realism is not adopted, modal shift is offered as an excuse not to do anything to ease the problem, including enhanced park-and-ride, phased working hours, phased school hours.</p>
18	<p>We support the statement that planning policies and decisions should aim to achieve healthy, inclusive and safe places. However, it would be helpful to include text to discourage Authorities from seeking to use the town centre as a milch cow through business rates, car parking charges and fines.</p>
19	<p>For "health", there is no reference to air quality and noise.</p> <p>For "safe", there is no reference to physical separation of pedestrians from cyclists and they, in turn, from vehicles.</p>
20	<p>No further comments.</p>
21	<p>Generally yes. However:</p> <p>Paragraph 105(b) – "neighbouring councils" should include District, Town and Parish Councils.</p> <p>Paragraph 105d could be very wasteful of public resources. It should be re-drafted: "<u>where there is compelling evidence of a probable actual demand, provide for high quality walking and cycling networks and supporting facilities such as cycle parking – drawing on Local Cycling and Walking Infrastructure Plans</u>".</p> <p>Paragraph 107 could reinforce an anti-car mentality that will not be compatible with the wish in a substantially rural / semi-rural Authority to encourage economic activity in the town centre. It should be re-drafted: "<u>Maximum parking standards for residential and non-residential development should only not be set, as that might damage economic activity within the wider area, especially if rural / semi-rural where there is a clear and compelling justification that they are necessary for managing the local road network.</u> In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, <u>and sufficient (including disabled parking), and should ensure that it is charged at a level that would not discourage economic, especially retail, activity.</u> In addition, local authorities with extensive rural /</p>

	<p><u>semi-rural components should provide park-and-ride facilities that are user-friendly in terms of cost, frequency and period of operation. That would be alongside measures to promote accessibility for pedestrians and cyclists, but in a manner that would not reduce the safety of pedestrians nor place unreasonable constraints on traffic flows.</u></p> <p>Paragraph 109 sets an unreasonable test. "Severe" is a very subjective term, with Highway Authorities and local authorities presumably tempted towards a liberal interpretation in pursuit of housing development. The test should be relative to the current situation as evidenced by current statistics and modelling of future impact. Therefore it should be re-drafted: "Development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be severe <u>or modelling demonstrates that key journey times would be increased by more than 10%".</u></p>
22	Yes
23	No
24	<p>Paragraph 115b should be re-drafted: "for an addition to an existing mast or base station, a statement that self-certifies that <u>the cumulative exposure, when operational, of the new facility together with any and all other masts and base stations (and their antennae) within the vicinity (that shall be a minimum of one kilometre from the new facility) will not exceed International Commission guidelines on non-ionising radiation protection within the relevant part of the spectrum;</u> or</p> <p>Paragraph 115 should have an additional sub-paragraph between the current b) and c):</p> <p><u>"for a new mast or base station, a statement that self-certifies that the cumulative exposure, when operational, of the new facility together with any and all other masts and base stations (and their antennae) within the vicinity (that shall be a minimum of one kilometre from the new facility) will not exceed International Commission guidelines on non-ionising radiation protection within the relevant part of the spectrum; and"</u></p>
25	Yes, but the proviso in paragraph 121a would require an Authority to stand firm when confronted by developer pressure.
26	Yes, but paragraph 123a should be re-drafted: "seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate, <u>such as compatibility with nearby existing developments</u> ".
27	<p>Paragraph 120 – It would be helpful if government could provide a definition of "no reasonable prospect" with regards to "no reasonable prospect of an application coming forward for the allocated use."</p> <p>Paragraph 123c would appear to conflict with the desire to promote healthy living. It should be re-drafted: "..... local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. <u>In this context, when considering</u></p>

	<p>applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site".</p> <p>Footnote is highly subjective and open to abuse.</p>
28	<p>Paragraph 127 should be re-drafted: "Early discussion between applicants, the local planning authority and local community <u>(via the Parish Council, if established)</u> about the design of emerging schemes is important".</p>
29	<p>Paragraph 131 should be re-drafted: "Advertisements should be subject to <u>pro-active</u> control only in the interests of amenity and public safety, taking account of cumulative impacts".</p>
30	Yes
31	No
32	<p>With regards to Flood Risk, both the Sequential and Exceptions Tests must be robustly applied to all applications where the Strategic Flood Risk Assessment has identified a site as falling within a high risk of flooding. This must encompass both major and minor site applications and also applications for change of use.</p>
33	<p>Re-draft: "can help to reduce greenhouse gas emissions through its location, orientation, and design <u>(including insulation and other materials) and landscaping scheme</u>. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.</p>
34	Yes
35	No
36	No
37	<p>Should there not be drafting to cover the possibility of <i>offshore</i> oil, gas and coal extraction from <i>onshore</i> facilities?</p> <p>Should fracking not be given explicit mention, rather than, we assume being included in "unconventional hydrocarbons"?</p>
38	<p>No – and there must be advantage in ensuring that minerals considerations are made fully visible, and included, in general planning regulations.</p>
39	<p>Sub-national guidelines are preferable to ensure that geographically separated Authorities have each to plan for future minerals within their areas, rather than lobbying for requirements to be met elsewhere if a national approach is adopted. A regional spread, minerals availability permitting, would also reduce transport burden.</p>
40	<p>Annex 1 (Implementation) should make clear that exercise of the Duty to Cooperate will immediately be examined far more rigorously and consistently than in the past. It is evident that, while some Authorities have been diligent in this regard, others have not.</p>
41	<p>We see no reason why this policy should not be incorporated within NPPF itself to promote inclusivity.</p>

	<p>In some paragraphs, it needs to be made clear that the cumulative impact of nearby sites needs to be considered, not each site in isolation. For example, paragraph 14 should be re-drafted: "When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites, <u>when considered both individually and cumulatively</u>, does not dominate the nearest settled community.</p> <p>Annex 1: Glossary, paragraph 2 should be re-drafted:</p> <p>In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:</p> <p>a) whether <u>there is clear evidence that</u> they previously led a nomadic habit of life</p> <p>b) the <u>credibility of</u> reasons for ceasing their nomadic habit of life</p> <p>c) whether there is an intention of living a nomadic habit of life <u>within a reasonable period</u> in the future, and if so, how soon and in what circumstances <u>and, if that intention does not materialise within the stated period, it shall be deemed that there is no such intention.</u></p>
42	<p>Current drafting is clear and comprehensive, and we see no reason why it should not be incorporated within NPPF itself.</p> <p>However, we would like to see "guidance" given to Authorities with respect to disposal of commercial waste, especially by those generating modest volumes.</p> <p>This is driven by the issue of fly-tipping, where the balance is between charging for lawful disposal and the cost of clearing fly-tipped waste. That cost is especially unfair when it falls upon private individuals if fly-tipping has occurred on their private land.</p> <p>Commercial charges vs fly-tipping appear to be out of kilter at the moment, with adverse impact on visual amenity and, perhaps, health.</p> <p>A creative solution is required, with a zero charge for "small" volumes being a starting point.</p>

KENT ASSOCIATION OF LOCAL COUNCILS

PRESIDENT

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2 May 2018

Dear Sir

Government Consultation: Supporting housing delivery through developer contributions – Reforming developer contributions to affordable housing and infrastructure

The Kent Association of Local Councils (KALC) represents 96% of Parish and Town Councils and Parish Meetings in Kent, representing an electorate of over 650,000 across the range of suburban, rural and urban Kent.

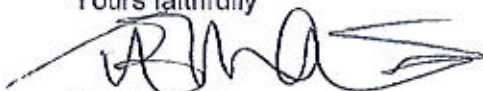
We welcome the opportunity to respond to the MHCLG consultation. Our main comments, are set out below:

- The NPPF continues to make "warm noises" about the need to ensure that supporting infrastructure is delivered in step with development. However, we remain concerned that if push comes to shove in areas without a 5-year land supply or up-to-date plans, the balance (driven by the overriding need to deliver more housing) still generally favours development, even where supporting infrastructure is not provided. The proposals to improve handling of development viability in planning decisions, and the new national funding for infrastructure to unlock some larger sites, are both welcome, but national policy is still uncertain. The proposed measures in the package will still leave a very complex system where the links between development and supporting infrastructure are often unclear or inadequate.
- There are many positive statements in the consultation such as:
 - Foreword - *"It is vital that developers who are building these homes know what contributions they are expected to make towards affordable housing and essential infrastructure and that local authorities can hold them to account."*
 - Foreword - *"explore options to create a clearer and more robust developer contribution system that really delivers for prospective homeowners and communities accommodating new development."*
 - Paragraph 6 that *"It is right that developers are required to mitigate the impacts of development and pay for the cumulative impacts of development on the infrastructure in their area."*

- Paragraph 44 that *"Communities need assurance that developers will make contributions towards new infrastructure required by development."*
- We support the need for better transparency and accountability, including the requirement to publish Infrastructure Funding Statements and that all viability assessments should be published.
- We also support the objective - "Allowing local authorities to **introduce a Strategic Infrastructure Tariff** to help fund or mitigate strategic infrastructure, ensuring existing and new communities can benefit."
- However, we remain unconvinced that the current policy proposals will actually deliver developer contributions towards new infrastructure required by the development. For instance, it is disappointing that there is not a key objective (see paragraph 39) around ensuring that developers do make a contribution towards new infrastructure required by development. Also, paragraph 69 still allows local authorities to set CIL at a low or zero rate. As the CIL review highlighted, CIL rates tend to be set at a "lowest common denominator" level to accommodate the least viable proposals. If there are no, or very little, developer contributions', then either that development should not go ahead or Government should provide the funding gap to provide that supporting infrastructure, either through the Housing Infrastructure Fund or another mechanism.
- The key objectives in paragraph 39 should therefore be amended to include:
 - Ensuring that developers will make contributions towards new infrastructure required by development.
 - All developer contributions should reflect the effects of that particular development and agreed prior to planning permission being granted.
- We believe that Government should make CIL compulsory rather than discretionary, which should help address the pooling restriction issue.
- Developer contributions are an essential element of the planning system to help enable the supporting infrastructure and affordable housing. It is therefore vital that Government ensures that local authorities have sufficient resources to be able to undertake their role as efficiently and effectively as possible.
- We would welcome clarification on paragraph 69. It currently refers to **"Allow charging schedules to be set based on the existing use of land."** We believe that this is wrongly worded and should be **"Allow charging schedules to be set based on the permitted use (once granted)."**

We hope you find these comments helpful.

Yours faithfully



Terry Martin
Chief Executive



Mr P Burgess
Clerk to Tenterden Town Council
Town Hall
Tenterden
Ashford
Kent
TN30 6AN

PROW & Access

Invicta House
County Hall
Maidstone
Kent, ME14 1XX

Phone: 03000 413480
Ask for: Laura Wilkins
Email: laura.wilkins@kent.gov.uk

25th April 2018

Ref: PROW/AB31-AB32/1563

Dear Mr Burgess,

**Highways Act 1980 – Section 119
Kent County Council
Proposed diversion of Public Footpaths AB31 (part) & AB32 (part) at
Tenterden**

I enclose an extract from the Definitive Map of Public Rights of Way (Network Copy) showing Public Footpaths AB31 and AB32 and a larger scale map (1:2500) showing the proposed diversion.

The application has been made by the landowners, Dandara, as the site is being developed and whilst the Footpaths are not being built over they are affected by the proposed new road layout (which has received Technical approval under a Section 38 Highways Act Agreement). It was initially thought that AB31 could remain on its current alignment adjacent to the new road, however to construct the road to an adoptable standard the current footpath will be required to form part of the retaining structure for the new road resulting in the path being on a gradient. The applicant is therefore proposing to divert part of AB31 onto the new shared access way. This situation already exists over most of the length of AB31. To prevent through traffic, bollards will be installed adjacent to Townland.

Similarly, with AB32, due to root protection requirements which have been highlighted by the Tree Officer, there is insufficient room for the footpath. It is therefore proposed to reroute part of AB32 onto the shared access way and then onto the new footway as shown on the attached plan.

The length of paths to be diverted are shown on the attached plan by solid black lines between points A & B and C & D and the proposed new routes are shown between the same points by green dashes. Please note part of AB32 has already been diverted and this is shown by the yellow dashed line. This Order has been made and confirmed and is awaiting certification once the path has been created on the ground. It will be necessary to divert a very

small section of the northern end of the yellow route so that the paths connect on the new access road.

The paths will have a width of 2.0 metres except for a short length of AB32 which will have a width of 1.8 metres and will run along the surfaced roads/footway.

Should you wish to view the proposal please be aware that there is currently a Traffic Regulation Order on Public Footpath AB32 and therefore please contact me to arrange access.

I should be pleased to receive your views on this proposal – using the form provided – before 25th May 2018.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Laura Wilkins', written in a cursive style.

Mrs Laura Wilkins
Definitive Map Team Leader
Public Rights of Way & Access Service

**KENTCOUNTY COUNCIL – PROW AND ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Mr P Burgess
Clerk to Tenterden Town Council
Town Hall
Tenterden
Ashford
Kent, TN30 6AN

Proposal to divert part of Public Footpath AB31 & AB32 at Tenterden (our ref: PROW/AB31-32/1563)

This consultation expires on Friday 25th May 2018

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

☐ I agree the proposed diversion is in the landowner's interest

☐ I do not agree because

.....
.....
.....

☐ I agree the proposed diversion is not substantially less convenient to the public

☐ I do not agree because

.....
.....
.....

☐ I agree that the proposed diversion would not negatively impact upon public enjoyment of the route

☐ I do not agree because

.....
.....
.....

☐ I agree that the new point of termination will not be substantially less convenient to the public

☐ I do not agree because

.....
.....
.....

PLEASE RETURN TO:
Mrs Laura Wilkins
PROW and Access Service
Kent County Council
Invicta House
County Hall
Maidstone
Kent ME14 1XX

TENTERDEN



- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic
- Point path number or status changes
- Boundary of area covered by 1:2500 scale Network Map
- ▨ Area covered by 1:2500 scale Network Map

EXTRACT OF THE WORKING COPY OF THE DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY FOR THE COUNTY OF KENT

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Produced by the KCC Public Rights of Way and Access Service

Created by:

LJW

Checked by:

Issue Date:

April 2018

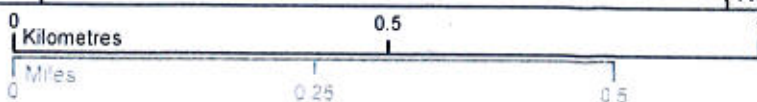
Reference:

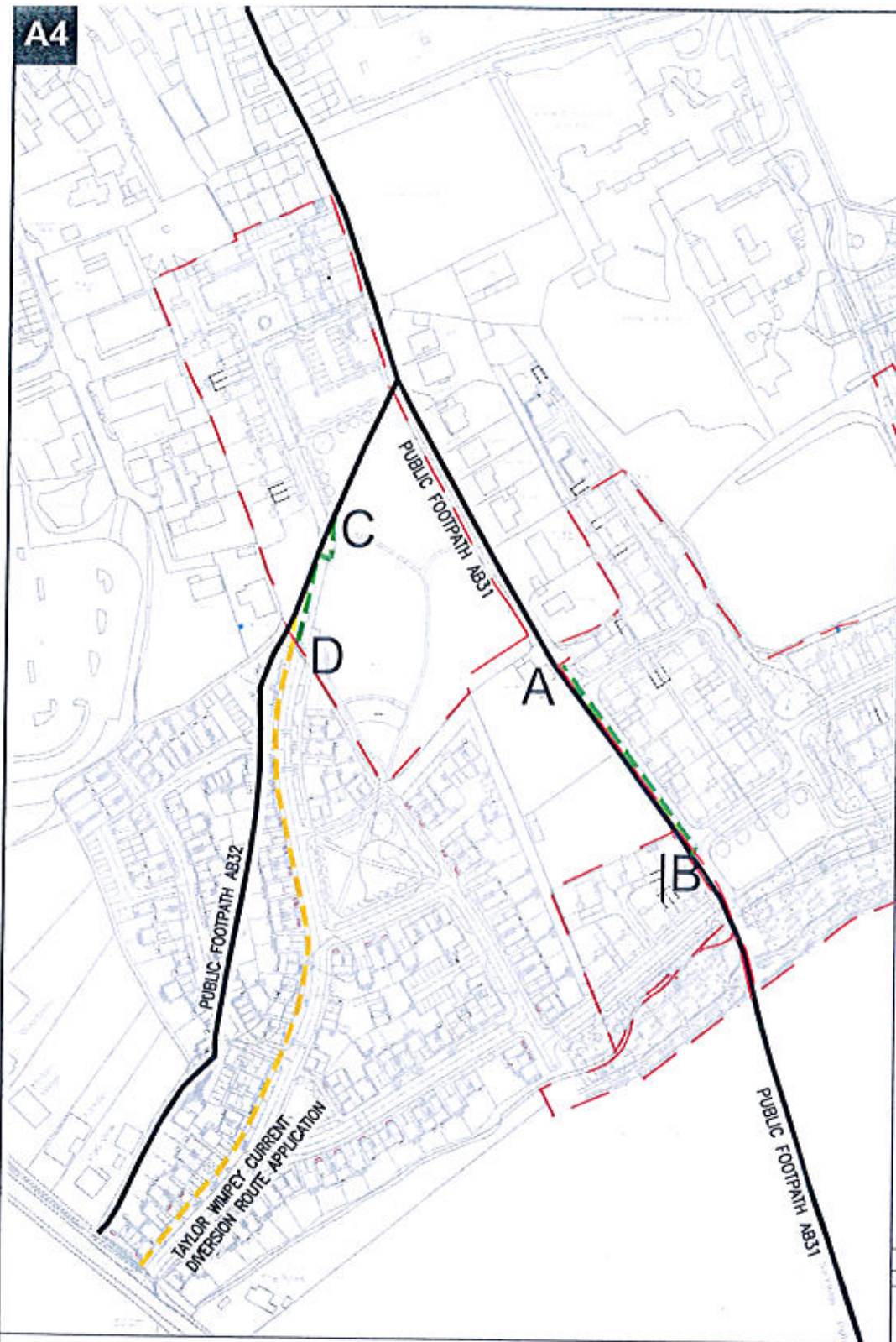
PROW/AB31-32/1563

N



1:10,000





	EXISTING PUBLIC RIGHT OF WAY
	PROPOSED ROUTE CHANGE
	OWNERSHIP BOUNDARY

dandara
award winning property
Dandara Tunbridge Wells, Eridge House
1 Linden Close, Eridge Road
Tunbridge Wells, Kent
TN4 8HH
Tel: 01892 888811 Email: info@dandara.co.uk Website: www.dandara.co.uk

CLIENT
DANDARA

PROJECT
CHURCH VIEW, TENTERDEN

DRAWING
SIX FIELDS (AB31) & THREE FIELDS (AB32) PATHS
PUBLIC RIGHT OF WAY DIVERSION
FINAL DEVELOPMENT LAYOUT

STATUS
INFORMATION

SCALE 1:2500	DATE APRIL 2018
JOB NO. LN33	NAME LJG

DRAWING NO.
PROW/02

Rev
A