This consultation lists all the **Main Modifications** proposed to the Chilmington Green Area Action Plan.

Following the conclusion of the Examination in Public hearing sessions into the soundness of the Chilmington Green Area Action Plan on the 23rd January, the Council received an initial response from the Inspector, Mr Martin Pike BA MA MRTPI, which set out the areas which he considers 'main modifications' will be necessary in order for the AAP to be found sound.

Please note that there is also a consultation running alongside this one for 'Additional Modifications' to the Chilmington Green AAP.

We are inviting the public to comment on these modifications for a 6 week period.

The changes are in AAP order and page and paragraph references refer to the **Submission Version of the AAP**. Deletions are shown struck through and additions are underlined.

**Please note that only comments relating to these Modifications listed can be made during this consultation. Any comments relating to other issues will be invalid.**

All comments should be made via the website [www.ashford.gov.uk/consult](http://www.ashford.gov.uk/consult) or on an official representation form. Forms and guidance can be obtained by emailing planningpolicy@ashford.gov.uk or calling 01233 330229.
The Presumption in Favour of Sustainable Development

The NPPF indicates that the development plan is the starting point for decision–making but that there is a general presumption in favour of sustainable development. Accordingly, Policy CG0 sets out the proposed approach to the presumption in favour of sustainable development within the Chilmington Green Area Action Plan boundary.

POLICY CG0 – PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

When considering development proposals within the Chilmington Green AAP area, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to find solutions which mean that proposals can be approved where they would secure development that improves the economic, social and environmental conditions in the area, in line with the aspirations and policies of the AAP.

Planning applications that accord with the policies in the Core Strategy and this AAP (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted
MM2 - Amend Paragraph 3.1 (Vision and Objectives)

Amend Paragraph 3.1 and insert new paragraph after:

3.1 The Council’s vision for Chilmington Green is an ambitious one, and is expressed in the Core Strategy. Development at Chilmington Green should create a truly sustainable new community, one which delivers a healthy balance of homes, jobs and local services and supports a viable, high frequency public transport service. It will be designed in a way that delivers a high quality living environment and a place of real character with a high quality living environment – one which generates a safe and accessible environment where crime (and the fear of crime) do not undermine the quality of life or community cohesion (as expressed through paragraphs 58 and 69 of the NPPF). The Council will liaise with relevant stakeholders (including the police) to ensure that these issues are addressed.

Start new Paragraph with sentence beginning: The aim is to create a positive and lasting legacy for the town. This, balanced with ...

MM3 - Amend Policy CG1a) (Development Principles)

Amend Policy CG1 - CHILMINGTON GREEN DEVELOPMENT PRINCIPLES a):

a) A well designed, safe and accessible, high quality, sustainable development which supports a viable public transport network, walkable neighbourhoods and a vibrant District Centre and two local centres, alongside a development which generates community cohesion (see Policies CG2, CG3, CG4, CG10 and CG11 – CG22);

MM4 - Amend Policy CG3 (The District Centre Character Area)

Amend title, paragraph 1 and d) of Policy CG3:

Policy CG3 – THE DISTRICT CENTRE AND HIGH STREET CHARACTER AREA

The District Centre and High Street area will be delivered in the area shown on Strategic Diagram 1. A High Street (including a market square) will be a key functional and design component of the District Centre.

Move existing text paragraph 1 text to new paragraph 2: A supermarket (indicative capacity 1,650 sq m net convenience floorspace) and a range of shops and services will be provided together with a range of employment units and space for
community uses.

d) A market square will be delivered that will become a focal point for the High Street within the District Centre area. The built form around this market square should provide appropriate definition and enclosure and should be complemented by active uses at ground floor level;

NB: The other parts of this policy have no proposed amendments

MM5 - Amend Paragraphs 7.23 onwards (Phasing and Delivery of Discovery Park)

Amend paragraphs 7.23 up to new 7.28 as follows:

7.23 Given this, the Council and the developer consortium will need to agree flexible management arrangements as each part of the park is delivered which will allow it to evolve to meet the changing patterns of demand and the progressive extension to the park area. These management arrangements should be agreed through the Discovery Park Masterplan, as referenced above.

7.24 Although Discovery Park is safeguarded for its future delivery by its allocation within this AAP, the Park’s long term delivery is complicated, as the developer consortium will only be responsible for delivering those parts of Discovery Park which relate to either meeting the recreational requirements of the development, or where suitable management arrangements are needed such as the ecological mitigation area around Coleman’s Kitchen Wood (as referred to in paragraphs 7.11-20 above).

7.25 Therefore, the remaining areas of Discovery Park will need to be delivered by a third party, most likely to be the Council. Indicatively, these areas are shown as the ‘extent of Discovery Park to be delivered by ABC’ on figures 18 – 21, under Chapter 11 of the AAP. It is important that these remaining areas are not used in a way which would hinder or discourage the uses proposed or created on the rest of Discovery Park or in a way which would reduce users’ enjoyment of the park.

7.26 The funding for the acquisition of this remaining land is expected to come forward through a variety of sources, such as developer contributions through Section 106 Agreements or CIL receipts, New Homes Bonus or Council Tax. It is anticipated that these areas of land will be acquired from the relevant landowner secured by negotiation. between the Borough Council and the relevant landowners.
7.27 In light of the above, a separate management plan should be agreed between the Council and landowner for those areas of Discovery Park which will not be delivered by the Chilmington Green development. This management plan will need to ensure that whatever interim management arrangements are proposed in these areas, (up until such time they are acquired) they do not prejudice the ability to deliver the wider aspirations for Discovery Park. It is anticipated that the existing low intensive farming practices which currently take place in this area can continue up until such time the land is required for public open space purposes.

7.26 7.28 Flexibility also needs to be applied to the management and maintenance of public open space to be delivered at Chilmington Green (both within and adjoining the development and within Discovery Park). This issue is further explored under Chapter 11 of this AAP.

**MM6 - Amend Policy CG9 (Discovery Park)**

Amend Policy CG9 as follows:

POLICY CG9 – DISCOVERY PARK
As shown on the Policies Map that supports this AAP, land to the east of Chilmington Green is allocated for the creation of a strategic open space, sport and recreational area, currently referred to as Discovery Park.

Public open space provision, to meet the recreational needs of the development, will need to be delivered and concentrated in a suitable location within Discovery Park. This provision will include - 20 ha of sports pitch provision, 4.1 ha of parks and recreational space, a strategic play space area, informal green space, an indoor sports hall and associated car parking.

A detailed masterplan for the whole of Discovery Park, supported by a business plan, shall be prepared by the Council in partnership with the developer consortium and must be agreed before detailed planning permission is granted for any recreational or sporting uses within the Park.

This agreed masterplan will identify the range of uses (including those listed above) to be accommodated within the park, the location of these uses and their relationship and compatibility with each other, alongside establishing how Discovery Park will be phased, managed and delivered over time. No development that would prejudice the ability to bring forward Discovery Park or that would be contrary to the approved masterplan will be permitted.
A Management Plan for those areas of Discovery Park not required to be provided by developers in order to meet the recreational requirements of the Chilmington Green development shall be agreed with the Council prior to the occupation of new development within the AAP area. The Management plan shall include ways in which the upgrading of existing public rights of way across these areas may take place over time.

Management arrangements for Discovery Park will need to include ways in which the upgrading of existing public rights or way across Discovery Park may take place over time.

**MM7 - Amend Policy CG11 e) (Highways and Access)**

Insert new paragraph after Policy CG11 HIGHWAYS AND ACCESS point e):

> These matters will need to be considered as part of a Transport Assessment, submitted to support an outline planning application for the whole site.

**MM8 - Amend Policy CG12 (Public Transport)**

Amend paragraph 2 of Policy CG12 - PUBLIC TRANSPORT as follows:

Developers will be required to: fund the following:-

a) **Subsidise** a new fast, frequent bus service from the Chilmington Green District Centre to Ashford town centre and railway station running on at least a 10 minute frequency during weekday peak periods;

b) **Provide** Contributions towards bus priority measures, to be delivered by the county council, on the route between Chilmington Green and the town centre;

c) **Provide** Contributions towards the provision of bus-related infrastructure, at a specification to be agreed with the county council, on the route between Chilmington Green and the town centre and along bus routes within the development itself.
MM9 - New Policy CG13a - Travel Plan

Insert New Policy CG13a after Policy CG13:

**POLICY CG13a – TRAVEL PLAN**

In accordance with paragraph 36 of the NPPF, a Travel Plan shall be provided to bring together the different transportation elements necessary to support the proposed development. The Travel Plan shall include a monitoring regime for the different modes of transport covered in policies CG11-13 and shall be agreed with the Borough Council, in consultation with the County Council, prior to commencement of the development.

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MM10 - Amend Policy CG16 (Indoor Sports and Community Leisure Provision)

Amend Policy CG16 - INDOOR SPORTS AND COMMUNITY LEISURE PROVISION as follows:

**Policy CG16 - INDOOR SPORTS AND COMMUNITY LEISURE PROVISION**

**A) Indoor Sports Provision**

Proposals for development at Chilmington Green shall include for the provision of an indoor sports hall, capable of accommodating 4 badminton courts, changing facilities, 500 sqm of community space, a café and complementary active uses. The indoor sports hall shall be fully operational prior to the occupation of the 2,875th dwelling and shall be located within Discovery Park, near to the concentration of outdoor sports pitches proposed in this area.

The precise siting, layout, management and access arrangements and range of uses to be incorporated within the indoor sports hall should be explored and developed as part of the Discovery Park Masterplan (see policy CG9) to be agreed with the council.

The Council will also require developer contributions towards the provision or improvement of strategic off-site indoor leisure facilities, based on the Sports England Calculator model.

**B) Community Leisure Provision**

Development at Chilmington Green shall also make provision for community leisure provision which should be distributed around the development at the following locations and in the following ways:-
• A single multi purpose community leisure building of 1,000 sqm (GIA) at the District Centre (two badminton courts or equivalent)
• 500 sqm (GIA) of community leisure space at each Local Centre
• 250 sqm (GIA) of community leisure space at the pavilion proposed to serve the cricket pitch at Chilmington Green hamlet

In line with adopted Council policy, the multi-purpose community leisure building will need to be designed in a way that allows for a variety of uses, ranging from bespoke community space to accommodating a number of indoor sport and leisure based activities.

The precise design, management and specification of each area of community space will need to be agreed with the council, in consultation with the local community and parish council so it can incorporate a variety and range of community activities.

**MM11 - Amend Paragraphs 10.36 - 10.42 (Affordable Housing)**

Delete and replace Paragraph’s 10.36 – 10.42:

10.36 For example, the quantity of affordable housing proposed to be delivered early in the development may be lower than the 30% policy target figure or a different split between affordable rent and shared ownership properties proposed, if justified by a robust and independently verified viability assessment. In this case, the Council would expect subsequent phases of development to ‘claw back’ any deficit as far as is reasonable. The initial deferral of affordable housing provision within a phase may also be clawed back within the same phase if house values increase sufficiently.

10.37 These scenarios would need to be addressed prior to the commencement of each main phase when viability of the development is re-assessed and would only be acceptable in exceptional circumstances, where viability can be demonstrated to be an issue. This process would require the developer to submit an independent Development Appraisal which will be tested by a development valuer appointed and instructed by the Council, at the developer’s cost.

10.38 In general, affordable housing should not be too clustered and should be well integrated across the development taking account of the nature of the stock, mix of tenures in any one area and the prevailing character of different areas as set out in Chapter 5.
10.39 Care will be taken when applying any flexibility in the phasing of affordable housing in order not to undermine these key principles. In practice, this means that lower and upper percentages of affordable housing should be set for any of the main phases of development at Chilmington Green to avoid under provision or over-concentration in any one location. It is considered that a lower limit of 10% and an upper limit of 40% provides a reasonable balance between the need for flexibility and sound planning.

10.40 In ‘very exceptional circumstances’ (i.e. where there would be a justified deficiency of affordable housing provision in the early phases of the development which would result in more than 40% provision being needed for the latter phases to meet the overall target), then developer contributions towards the provision of a limited amount of off-site affordable housing could be required, in order to assist in making up any overall shortfall of provision at Chilmington Green.

10.41 To aid flexibility, the layout and housing stock proposed in phases 1 and 2 should be designed and managed in such a way that allows them to fulfil an additional affordable housing role later in the build out period, if required. Arrangements such as developer owned private rented properties that can then change its tenure and be made available for affordable housing, as well as leaving undeveloped land parcels within phases 1 and 2 (which are unlikely to be fully built out until the end of the build out period) should be explored.

10.42 An appropriate mix of sizes and tenures of affordable units will be provided at Chilmington Green. The precise mix proposed for each main phase of Chilmington Green should be based on the most up to date assessment of housing need available at the time and agreed with the Borough Council prior to details being submitted for approval within that phase.

10.36 For example, the quantity of affordable housing proposed to be delivered early in the development may be lower than the 30% policy target figure or a different split between affordable rent and shared ownership properties proposed, if justified by a robust and independently verified viability assessment. In this case, the Council would expect this deficit to be subsequently ‘clawed back’ as far as is reasonable. The initial deferral of affordable housing provision within a phase may also be clawed back within the same phase if house values increase sufficiently.
10.37 In these circumstances, the council would initially utilise its ‘deferred contributions’ policy so that, if sales values increase sufficiently, then this would help to subsidise additional affordable housing provision within that main phase of the development, subject to the consideration of alternative priorities for the use of deferred contributions where other infrastructure requirements have also been deferred on viability grounds. Where this is the case, the Council will agree with any relevant service providers (e.g. KCC) which deferred infrastructure should be the provided first during the course of that main phase of the development.

10.38 To aid flexibility, the layout and housing stock proposed in phases 1 and 2 should be designed and managed in such a way that allows them to fulfil an additional affordable housing role later in the build out period, if required. Arrangements such as developer owned private rented properties that can then change tenure and be made available for affordable housing, as well as leaving undeveloped land parcels within phases 1 and 2 (which are unlikely to be fully built out until the end of the build out period) should be explored.

10.39 Should it not be viable, practical or desirable to ‘claw-back’ a deficit of affordable housing provision within a main phase of the development, then the council would seek this ‘claw-back’ over subsequent main phases of the development.

10.40 If, at the start of the next main phase of development, the developer considers that the provision of additional ‘clawed-back’ affordable housing would not be financially viable, then any such case will need to be tested by a development valuer appointed and instructed by the Council, at the developer’s cost, taking account of costs and revenues incurred to date and the anticipated infrastructure requirements (including any other requirements deferred from previous phases) and revenues for the next main phase. Where it is agreed that both anticipated and ‘clawed-back’ requirements cannot be met, the council will re-employ its deferred contributions policy.

10.41 In general, affordable housing should not be too clustered and should be well integrated across the development taking account of the nature of the stock, mix of tenures in any one area and the prevailing character of different areas as set out in Chapter 5. Care will be taken when applying any flexibility in the phasing of affordable housing in order not to undermine these key principles. In practice, this means that lower and upper percentages of affordable housing should be set for any of the main phases of development at Chilmington Green to avoid under provision or over-concentration in any one location. It is considered that a lower limit of 10% and an upper limit of 40% provides a reasonable balance between the need for flexibility and sound planning.
In accordance with Core Strategy policy, the affordable housing should be provided on-site. The council will only consider off-site provision as an alternative in very exceptional circumstances and where there is a clear and available opportunity to utilise such provision.

The next section on ‘Special Needs Accommodation’ remains unchanged.

**MM12 - Amend Policy CG18 (Provision of Affordable Housing)**

Replace Policy CG18 as follows:

**POLICY CG18 - PROVISION OF AFFORDABLE HOUSING**

Development at Chilmington Green will aim to provide a total of 30% affordable housing (1,725 units), with a tenure split of 60% affordable rent and 40% other forms. Each main phase of the development is expected to meet these requirements unless a robust and transparent viability case proving this is not possible is accepted by the Council. In these exceptional circumstances, the policy may be applied with a degree of flexibility but where previous phases have provided less than 30% affordable housing (or at a proportion less than 60% affordable rented), subsequent phases of the development (or later within the same phase) shall be expected to ‘claw back’ this reduced provision in accordance with the following parameters:

a) no less than 10% of housing in any main phase of the development shall be ‘affordable’;

b) no more than 40% of housing in any main phase of the development shall be ‘affordable’.

c) no less than 30% of affordable housing in any main phase shall be within the affordable rented section.

In very exceptional circumstances, where the application of the above criteria would still not achieve the overall quantity of affordable housing required at Chilmington Green, developers will make appropriate contributions for the delivery of off-site affordable housing to a scale and timing to be agreed with the council at the relevant time.

There shall be a mix of affordable housing dwelling types, sizes and tenures at Chilmington Green. The precise mix shall be determined in accordance with the most up-to-date housing needs information available and in consultation with the Borough Council prior to the submission of detailed schemes for approval in each main phase.

Supported housing schemes of a size to be agreed with the Council shall be located at the District Centre or Local Centres. Proposals for affordable housing will be expected to accord with the Council’s Affordable Housing SPD, as well as other adopted policies and supplementary guidance.
POLICY CG18 - PROVISION OF AFFORDABLE HOUSING

Development at Chilmington Green will aim to provide a total of 30% affordable housing (1,725 units) with a tenure split of 60% affordable rent and 40% other forms.

In all main phases, there shall be a mix of affordable dwelling types, sizes and tenures at Chilmington Green. The precise mix shall be determined in accordance with the most up-to-date housing needs information available and in consultation with the Borough Council prior to the submission of detailed schemes for approval in each main phase of the development.

Each main phase of the development is expected to meet these ‘normal’ requirements unless a robust and transparent viability case proving this is not possible is accepted by the Council, in which case the policy may be applied with a degree of flexibility in line with the Council’s deferred contributions policy (see policy CG22) to a minimum level where at least 10% affordable housing is delivered in any main phase and no less than 30% of affordable housing in any main phase is within the affordable rented section.

If the application of the deferred contributions policy does not subsequently result in a main phase of the development meeting the ‘normal’ requirements, subsequent main phases of the development shall be expected to ‘claw back’ any reduced provision up to a maximum of 40% of housing in any main phase of the development being ‘affordable’.

Supported housing schemes of a size to be agreed with the Council shall be located at the District Centre or Local Centre. Proposals for affordable housing will be expected to accord with the Council’s Affordable Housing SPD, as well as other policies and supplementary guidance.

MM13 - Amend Policy CG19 and Supporting Text Paragraph

10.55 (Sustainable Design and Construction)

Delete paragraph 10.55:

If, through a detailed and independently assessed financial viability assessment, adopting a district heating network is demonstrated not to be viable in it’s own right, based on reasonable market assumptions the Council will require that appropriate and alternative local and zero carbon technology can be delivered instead and that these solutions generate equal or better carbon savings for the development as a whole.
A district heating network, supported by a Combined Heat and Power system at the District Centre, is the Council’s preferred solution as part of the first phase of the development. Should an independently verified financial assessment prove that such a network is not financially viable, then the Council will require alternative solutions which can deliver the same or greater carbon savings overall.

A district heating network, supported by a Combined Heat and Power system at the District Centre, is the Council’s preferred solution as part of the first phase of the development unless it is demonstrated that such a network is not financially viable.

MM14 - Amend paragraph 11.23 and Insert new Paragraphs (Flexibility within the approach)

Amend paragraph 11.23 and insert new paragraphs before 11.24 as follows:

11.23 Although this section of the AAP clearly indicates a preferred approach to phasing, it is important to ensure that the approach is sufficiently flexible – particularly as the development will take so long to fully build out. The need for plans to be flexible enough to adapt to rapid change is emphasised in the NPPF as well.

New Paragraph: In light of this, it is important to not treat the areas shown under figures 18 – 21 too rigidly. Although they provide a useful guide as to the areas which could come forward and constitute each ‘main’ phase of the development, the exact spatial area will be determined through the detailed planning stage (see section B below).

New Paragraph: In addition, a degree of overlap between one main phase and another may be acceptable, to allow continuity in the development. Providing the current ‘main’ phase of the development has been ‘substantially completed’ – in that the relevant infrastructure has been delivered (as referenced through Appendix 3 of the AAP), or is shortly to be delivered, and most of the development envisaged for that phase has been completed – then the subsequent ‘main’ phase of the development could commence.

New Paragraph: The precise point at which a ‘main’ phase would be considered as having been ‘substantially completed’ should be agreed through the relevant detailed masterplan, for each ‘main’ phase (see section B below).
In addition, there may be exceptional circumstances where the developer wishes to bring forward development located within a later phase to an earlier phase; this will need to be considered against the availability of relevant infrastructure and whether the area in question can be adequately serviced without causing unacceptable impact on the amenities of the existing residents at the time.

**MM15 - Amend Policy CG22 (Phasing, Delivery and Implementation) and Supporting Text**

**Supporting text to CG22 – add two new paragraphs to follow paragraph 11.31**

11.32 The Council’s approach to dealing with variations in the viability of the development and its ability to fully deliver all infrastructure requirements at the right time is set out paragraphs 1.19 – 24 of this Plan. It is acknowledged that a flexible approach may be necessary and, where it can be justified by independent assessment, the deferral of some infrastructure requirements may be considered.

11.33 Where this occurs, the application of the Council’s deferred contributions policy shall seek the subsequent provision of any deferred infrastructure provision, including affordable housing, within the same main phase. If this is not subsequently achieved, then the deferred infrastructure provision shall be provided in the next ‘main’ phase in addition to the ‘normal’ requirements of that phase. If viability concerns remain, a new viability assessment (taking account of previous and future costs and revenues, the ‘normal’ infrastructure requirements of the next main phase and any outstanding deferred infrastructure requirements) shall be agreed with the Council prior to the approval of the first reserved matters for the next main phase of the development and the Council’s deferred contributions policy re-employed if necessary.

**Amend Policy CG22 as follows:**

The development of the Chilmington Green area shall be implemented in accordance with the four main phases identified on Figures 18-21 and the Infrastructure Delivery Plan at Appendix 3, unless it can be demonstrated that relevant infrastructure is readily available and the development can be adequately serviced.

Should a deficit in the infrastructure provision necessary to serve any main phase of the development be accepted following an independently assessed viability exercise, then the Council will employ its deferred contributions policy in order to claw back any deficit should market conditions improve sufficiently.

A degree of overlap between one main phase and another may be acceptable, providing it can be demonstrated that the previous phase of the development has been ‘substantially completed’.

Move existing text to new paragraph:
Proposals which would deliver unsustainable and isolated development that would require extensive and isolated infrastructure to serve them will not be acceptable.

**NB:** There are no further changes proposed to the remainder of Policy CG22