

**CIL Compliance Statement of Ashford Borough Council in respect of:**

Sevington Inland Border Facility, Mersham, Ashford, TN25 6GE

**Crown Development Application by:**

Department for Transport DfT, Department for Environment Food and Rural Affairs Defra and His Majesty's Revenues and Customs HMRC

**For the following development:**

Buildings, Goods Vehicle parking spaces, entry lanes, refrigerated semi-trailers, staff car parking spaces, access, site infrastructure, utilities, hardstanding, landscaping and ancillary facilities and associated works; and ongoing use of the site for an Inland Border Facility and Border Control Post, operating 24 hours per day, seven days per week..

**PINS Application Reference:** CROWN/2025/0000002

**Ashford Borough Council Reference:** OTH/2025/1437

**08/12/2025**

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## Appendices

- Appendix 1 – not used in this Statement
- Appendix 2 – not used in this Statement
- Appendix 3 - Relevant Planning Policies
- Appendix 4 – Council Statement to the Inquiry 05/12/25

## 1.0 Introduction

1.1 This statement is submitted by Ashford Borough Council (the “Council”) to assist the Inspector with an assessment under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) in respect of the following Crown Development Application (the “CDA”) submitted to the Planning Inspectorate for determination;:-

*Buildings, Goods Vehicle parking spaces, entry lanes, refrigerated semi-trailers, staff car parking spaces, access, site infrastructure, utilities, hardstanding, landscaping and ancillary facilities and associated works; and ongoing use of the site for an Inland Border Facility and Border Control Post, operating 24 hours per day, seven days per week.*

1.2 The Council is the local planning authority and was consulted on the CDA by the Planning Inspectorate. The Council considered the proposal at a meeting of the Planning Committee 24<sup>th</sup> September 2025 and, in accordance with the extension of time granted by the Planning Inspectorate submitted its formal views on the CDA on the 25<sup>th</sup> September.

1.3 For ease of reference, and to avoid unnecessary repetition, the Council’s **‘Statement of Case and response to the Inspector’s Statement of Matters’** includes; -

- (a) a copy of the Committee Report (the **‘Officer Report’**),
- (b) a copy of the **Minutes** of the meeting , and
- (c) a copy of the **Council’s representation on the CDA** made to the Planning Inspectorate 25<sup>th</sup> September with appropriate cross-references to assist the Inspector .

1.4 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is; -

- (a) **necessary** to make the development acceptable in planning terms;
- (b) **directly related** to the development; and
- (c) **fairly and reasonably related in scale and kind** to the development.

1.5 Similarly, paragraph 58 of the National Planning Policy Framework (NPPF), December 2024, states that “*planning obligations must only be sought where they meet all of the following tests:*

- a) *Necessary to make the development acceptable in planning terms;*
- b) *Directly related to the development; and*
- c) *Fairly and reasonably related in scale and kind to the development.”*

1.6 Section 2 of the Planning Obligations: Good Practice Advice (February 2025), published by the Planning Inspectorate, advises the following:

*“The following evidence is likely to be needed to enable the Inspector to assess whether any financial contribution provided through a planning obligation (or the local planning authority’s requirement for one) meets the tests:*

- *the relevant development plan policy or policies, and the relevant sections of any supplementary planning document or supplementary planning guidance.*
- *quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development.*
- *details of existing facilities or infrastructure, and up-to-date, quantified evidence of the extent to which they are able or unable to meet those additional demands.*
- *the methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands.*
- *and details of the facilities or infrastructure on which any financial contribution will be spent.”*

1.7 The Council is not a “charging authority” for the Regulations and currently does not have CIL Charging Schedule.

1.8 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 inserted regulation 121A and Schedule 2. These require local authorities to publish annual infrastructure funding statements, setting out how much CIL is collected, how much is spent and what it is spent on. Similar provision is made in relation to planning obligations agreed under section 106 of the Town and Country Planning Act 1990.

- 1.9 This CIL Compliance Statement considers compliance with the above-referenced tests in respect of the obligations that the Borough Council considers appropriate to be secured through a Unilateral Undertaking (the “U/U”) which is the applicant’s decision in favour of a bi-lateral agreement under s.106. Where necessary, contributions need to be indexed in accordance with national price indices.
- 1.10 Kent County Council (KCC) has a number of responsibilities relating to the determination of the CDA. For the purposes of this Statement, key KCC responsibilities include public rights of way (“PRoW”); matters relating to local highways and matters relating to sustainable travel.
- 1.11 The Council has liaised with KCC in relation to **important issues** of concern to the Council.
- 1.12 The **first issue** is that of resolving known highway impacts at J10A where the A20 local highway network arms (westbound and eastbound) meet the J10A gyratory.
- 1.13 KCC Officers have been in active dialogue with both the applicant and National Highways in respect of a mitigation scheme involving both the A20 arms to J10A.
- 1.14 The Applicant’s U/U defines the scheme agreed between the parties – involving a combination of widening the A20 arms to the M20 J10A gyratory and the installation of further signals - as ‘**Supplementary Junction 10A Works**’ with an obligation to fund a contribution for the carrying out of those works being made in the U/U to KCC (the ‘Supplementary Junction 10A Works Contribution’).
- 1.15 KCC has been party to the U/U and will provide its own CIL compliance statement in respect of these obligations. For the avoidance of doubt, the Council supports the proposed highways impact mitigation.
- 1.16 The second issue relates to a proposed obligation in the U/U in respect of ‘**Resurfacing Works**’ to a stretch of PRoW that has deteriorated alongside the eastern side of Church Road as shown on an Plan forming part of the U/U together with installing surface water drainage to reduce the issue of water pooling and the deterioration this causes to the PRoW surface. The U/U provides for a ‘**Resurfacing Contribution**’ to KCC to implement a scheme that KCC prepares and proposes in order to resolve the water pooling issue. KCC has been party to the U/U and will provide its own CIL compliance statement in respect of these PROW Resurfacing obligations. For the

avoidance of doubt, the Council supports this proposed impact mitigation in relation to this part of the PRoW network.

- 1.17 The **third issue** relates to PRoW upgrades from the eastern side of Blind Lane to the Mersham corner. That location within the village of Mersham is the northern end of a combined footway/cycleway that connects other parts of the village further to the south in a route that is free from vehicular traffic and which passes the village's Millenium Green.
- 1.18 The Applicant's U/U proposes '**PRoW Improvement Works**' in the form of a scheme to be prepared and proposed by KCC for upgrades to footpath AE363 between Blind Lane and Mersham corner through the agreement of the landowners concerned, or, the exercise of KCC under the powers available under the Highways Act 1980 to carry out improvement works in the event that landowner agreement is not forthcoming. The location of the Works is shown on a plan forming part of the U/U. The applicant obligates to fund the cost of those upgrade / improvement works via a '**PRoW Improvements Contribution**' sum.
- 1.19 KCC has been party to the U/U and will provide its own CIL compliance statement in respect of these particular PRoW obligations. For the avoidance of doubt, the Council supports the proposed works given the connectivity benefits that will arise.
- 1.20 This Statement should be read alongside the Council's other submissions to the CDA Planning Inquiry.

## 2.0 Relevant Planning Policy

- 2.1 The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019); the Chilmington Green Area Action Plan (adopted July 2013) and the Kent Minerals and Waste Local Plan 2024-39 (2025) and Kent Minerals and Waste Sites Plan (2020), along with several other documents whose scope does not cover the appeal proposal (the Wye Neighbourhood Plan (2016), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022), the Charing Neighbourhood Plan (2023), the Pluckley Neighbourhood Plan Review (2024), the Aldington & Bonnington Neighbourhood Plan (2024) and the Tenterden Neighbourhood Plan (2024)).
- 2.2 The Ashford Local Plan 2030 was submitted for independent examination on the 21 December 2017. The Inspectors' report, issued on 2 January 2019, concluded that the Local Plan 2030 is sound and legally compliant subject to the Inspectors' main modifications pursuant to Section 23(3) of the Planning

and Compulsory Purchase Act 2004. The adopted version of the Local Plan incorporates all the main modifications required by the Inspectors.

- 2.3 The planning policies and guidance relevant to the planning obligations sought in this appeal are referenced as '**Appendix 3**' to this Statement, including reference to the policy evidence base where applicable (for the avoidance of doubt, there are no other Appendices).
- 2.4 The justification for each of the planning obligations sought by the Council is set out in the following Sections of this Statement.

### **3.0 Strategic Highways**

- 3.1 Contributions towards improvements already made to M20 J10a are **necessary** to mitigate the highway impacts of the Development in accordance with Local Plan Policies SP1, EMP1, TRA1, TRA7, TRA8, COM1 and IMP1. Guidance in the NPPF is also relevant.
- 3.2 The cost of improvements already made to M20 J10A was forward funded by central government funds which are the subject of an Agreement between the Council and Homes England (previously the Homes and Communities Agency) to be refunded through developer contributions as relevant schemes reliant on the strategic highways capacity delivered by the improvement come forward. Without this forward funding, the M20 J10A would not now be available to service the development, and this would have been a constraint to the development of the Site in the first instance. As such, the Council is required by the Agreement with Homes England to use reasonable endeavours to maximise contributions from development to repay the forward-funding, and to pass monies received to Homes England accordingly.
- 3.3 The contribution that the Council is requesting from the Development is effectively a proportionate share to reimburse Homes England for its forward-funding having unlocked the potential of this development. The capacity of the M20 motorway junction 10 was inadequate to cater for all planned growth to the south and east of Ashford (of which the CDA Site forms part). Therefore, a highway improvement scheme to upgrade the junction was required and designed to alleviate these constraints. This included the construction of a new motorway junction (Junction 10a) and the J10A link road which passes along the northern frontage of the Site and from which Primary and Secondary (Emergency) Access is provided. This scheme was opened to traffic in August 2019. The total forward funding for this improvement scheme is £16 million.
- 3.4 Through the s.106 agreement negotiated in relation to outline planning permission 14/00906/AS, a contribution towards the works was therefore

negotiated. Having purchased the Site, the Applicant transferred the required contribution to the Council in Spring 2023 on the understanding that the Council would not do anything with the funds until the s.106 agreement was concluded.

- 3.5 The Council note that the parties remain in agreement that the approach is appropriate and complies with the CIL Regulations. The matter is now covered by the Applicant's U/U. For the avoidance of doubt, indexation of this sum is not required through the unilateral undertaking.
- 3.6 In a recent appeal (APP/E2205/W/25/3358518) the Council's position in respect of J10A was published as per the table below. The Council has received (08/12/25) the decision allowing the appeal and thus the contribution of £205,763 towards J10A is now secured in addition to the sums below. Nevertheless, as the table below already demonstrates, the required £16m total has not yet been reached.

Collected	£6,526,901.24
Secured by S106/S278 but payment not yet triggered.	£5,280,882.21
Resolution to grant but decision not yet issued	£ 97,939.36
Total:	£11,905,722.80

Contributions towards J10A have been accepted by the Inspectorate as being CIL compliant in relation to a number of appeals.

- 3.7 The test of **necessity** is covered further above. Without the forward funded J10A works the strategic highway network would be severely harmed by the proposed development. Mitigation of that impact on the strategic highway network has been achieved through the works carried out to the M20.
- 3.8 The obligation is **directly related** to the Development because it would not have been possible to bring the Development forward without the M20 Junction 10A improvements.
- 3.9 The obligation is **fairly and reasonably related in scale and kind** because the contribution is proportionate to the number of trips generated from the Development that will travel via J10/J10A over the combined peak periods.
- 3.10 The Council supports the Applicant's approach in the U/U in respect of the timing of payments and release of payments already made in relation to these strategic highway works.

#### 4.0 Local Highways Impacts (Willesborough)

- 4.1 The obligation relates to the funding of off-site improvements in the residential area to the west of the Site in Willesborough area of sub-urban Ashford which will improve connectivity for pedestrians and cyclists seeking to access the Site by means of active travel.
- 4.2 The Council note that the acceptability of this contribution is accepted by the Applicant in respect of its response to the Inspectors' question 89.
- 4.3 As of Spring 2023, the Council is already in receipt of the financial sum for this mitigation. The total funding comprising £38,327.40 (inclusive of indexation) is held by the Council on the same caveat as identified at paragraph 3.4 above i.e. it cannot be used in the manner negotiated until the agreement under s.106 is complete. The applicant now proposes to deal with the matter by s.106 unilateral undertaking rather than a bilateral agreement.
- 4.4 The obligation is **necessary** in order to assist a modal shift in travel patterns and maximise active travel opportunities to the place of employment by overcoming a known poor onward pedestrian and cycle connection to the west of the application site that in its current form would dissuade the adoption of sustainable movement choice to and from the site by staff. Improving this poor connection is necessary pursuant to policies SP1, SP6, EMP1, TRA5, TRA6, COM1 and IMP1 of the Ashford Local Plan 2030 as well as guidance in the NPPF.
- 4.5 The obligation is **directly related** to the proposed permanent development as employees from the surrounding local area will travel to the site and how they will travel is appropriate to plan for including resolution of any connection problems that currently exist and which, left unresolved, would be likely to impact on meeting Travel Plan objectives and encouragement of active travel.
- 4.6 The obligation is **fairly and reasonably related in scale and kind** to the development taking into account the scale of the development and the need to ensure that appropriate enhancements are put in place to minimise the environmental impact of travel to and from the development.
- 4.7 The Council supports the Applicant's approach in the U/U in respect of the timing of payments and release of payments already made in relation to these local highway works in Willesborough.

## 5.0 Local Highways Impacts Blind Lane to Mersham corner PRoW upgrades

- 5.1 The matter of '**PRoW Improvement Works**' and associated 'Contribution' are dealt with further above in paragraphs 1.18 – 1.20 of this Statement.
- 5.2 The **necessity** for obligations to upgrade / improve existing PRoW between Blind Lane and Mersham corner is dealt with comprehensively in the Council's Statement of Case.
- 5.3 The obligations sit comfortably with a Travel Plan for the site and would help achieving modal shift by providing for upgrades / improvements to PRoW connecting to the site which will encourage active travel in a way that the existing PRoW network do not thereby reducing movement choice to and from the site from the nearby local community of Mersham.
- 5.4 The Council considers that the obligations are necessary pursuant to policies SP1, SP6, EMP1, TRA5, TRA6, COM1 and IMP1 of the Ashford Local Plan 2030 as well as guidance in the NPPF. The Council notes that case for upgrades to improve connectivity of people with the workplace are accepted by the Applicant in respect of Willesborough to the west of the site and therefore, in the Council's opinion, the approach applies equally in respect of improving connectivity to the east of the site with the village of Mersham.
- 5.6 Obligations would be **directly related** as employees will be able to travel to the site using PRoW upgrades / improvements and how they will travel is appropriate to plan for and resolve any matters that currently dissuade active travel and, left unresolved, will be likely to impact on meeting Travel Plan objectives.
- 5.7 Obligations would be **fairly and reasonably related in scale and kind** taking into account the significant nationally important scale and nature of the development and the need to ensure that appropriate enhancements are put in place to minimise the environmental impact of travel to and from the development as well seize opportunities to enhance active travel that connects people and places.

## 6.0 The Church Works Contribution and Additional Contribution

- 6.1 Similar to other contributions within the Applicant's unilateral undertaking, the contribution seeks to honour a previous s.106 obligation which was assessed as being CIL compliant at the time of granting outline planning permission 14/00906/AS.
- 6.2 The DfT transferred the Church Works Contribution to the Council in Spring 2023 but on the strict proviso that the Council could not pass monies onwards to facilitate the Works to St. Mary's Church until the bilateral s.106 agreement had been concluded. As indicated further above in this Statement, that agreement was, unfortunately, not then able to be concluded. The Applicant now proposes to honour the same previous s.106 obligation by providing the mechanism that will finally enable payment/release of the sum already held by the Council. The Council is content with that approach.
- 6.3 The Additional Contribution within the Applicant's unilateral undertaking deals with late payment interest and related indexation that, again, was previously discussed with the DfT but was not part of the monies that were transferred to the Council in Spring 2023. The Council welcomes the Applicant's approach given the delay.
- 6.4 The **necessity** for the obligations that the Applicant proposes to honour relate to the harm of the proposed permanent development to the significance of St. Mary's Church, a Grade 1 listed building pursuant to Policies SP1, SP6, ENV13, COM1 and IMP1 of the Ashford Local Plan 2030.
- 6.5 The obligations would be **directly related** as St.Mary's has suffered harm through the development of the Site now proposed to be granted a permanent planning permission and coupled with the layout of the development refraining from providing buildings in the 'viewing corridor' the funding of the Church Works will help secure its future serving the local community (which necessarily includes those employed at the Site).
- 6.6 The obligations would be **fairly and reasonably related in scale and kind** taking into account the comprehensive nature of the proposed permanent development in the national interest, the retention of the 'no-build' viewing corridor Site layout helping ensure that the historic rural setting enjoyed by the of the Church is partly retained through commitment to place-making and the importance of the provision of funding in relation to the agreed Works that will help secure the future of the Church serving the local community and which recognise its contribution to local distinctiveness and sense of place.

6.7 The Council supports the Applicant's approach in the U/U in respect of the timing of additional payments and the release of payments already made in relation to these matters.

## 7.0 Off-site habitat enhancement works

7.1 The applicant intends to carry out the identified works within a defined time period and to thereafter maintain the Off-Site BNG Land for a subsequent period of 30 years.

7.2 The Council supports the applicant's proposal. The works are **necessary** to deal with the biodiversity impacts of the proposal pursuant to Policies SP1, SP6 of the Ashford Local Plan 2030. The obligation would be **directly related** as the hard surfaced nature of the majority of the development site means that opportunities for further enhancement of habitat needs to be via off-site measures. Furthermore, the location of the off-site works accords with the objectives of Policy SP7 of the Ashford Local Plan 2030 which deals with the importance of avoiding coalescence. The obligations would be **fairly and reasonably related in scale and kind** taking into account the comprehensive nature of the proposed permanent development in the national interest.

## 8.0 Conclusion

8.1 It is the Council's case that the contributions described above comply with Paragraph 58 of the National Planning Policy Framework (NPPF) and regulation 122 of the Community Infrastructure Levy Regulations 2010 and are necessary to mitigate the impacts of the Development. Failure to make adequate provision for necessary community infrastructure would be contrary to government policy and the development plan policies that the Council has cited.

8.2 In respect of a matter within the Council's Statement of Case concerning future PRoW reinstatement through the application site, this matter was considered during the Inquiry leading to the Council withdrawing its objection to the U/U because of its omission. Attached as Appendix 4 is the Council's oral statement to the Inquiry 05/12/25 in this respect.

## **Appendix 1 – not used**

## **Appendix 2 – not used**

## **Appendix 3 – Planning Policies**

2.5 In order to deliver the vision, a number of strategic objectives have been developed, as set out in Policy SP1 below.

### **Policy SP1 - Strategic Objectives**

**To deliver the ‘Vision’, a number of strategic objectives have been identified. They form the basis of this Local Plan’s policy framework, as well as providing the core principles that planning applications are expected to adhere to.**

- a. To focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities;**
- b. To conserve and enhance the Borough’s natural environment including designated and undesignated landscapes and biodiversity and promote a connected green infrastructure network that plays a role in managing flood risk, delivers net gains in biodiversity and improves access to nature;**
- c. To conserve and enhance designated and non-designated heritage assets and the relationship between them and their settings in a way that promotes distinctive places, proportionate to their significance. Place-based heritage will be a key principle underpinning design and spatial form of development;**
- d. To create the highest quality design which is sustainable, accessible, safe and promotes a positive sense of place through the design of the built form, the relationship of buildings with each other and the spaces around them, and which responds to the prevailing character of the area;**
- e. To ensure development is supported by the necessary social, community, physical and e-technology infrastructure, facilities and services with any necessary improvements brought forward in a co-ordinated and timely manner;**
- f. To promote access to a wide choice of easy to use forms of sustainable transport modes including bus, train, cycling and walking to encourage as much non-car based travel as possible and to promote healthier lifestyles;**
- g. To provide a mix of housing types and sizes to meet the changing housing needs of the Borough’s population including affordable homes, self build and custom build properties, specialist housing for older and disabled people, accommodation to meet the needs of the Traveller community, spacious, quality family housing and for newly forming and downsizing households;**
- h. To provide a range of employment opportunities to respond to the needs of business, support the growing population and attract inward investment; and,**
- i. To ensure new development is resilient to, and mitigates against the effects of climate change by reducing vulnerability to flooding, promoting development that minimises natural resource and energy use, reduces pollution and incorporates sustainable construction practices, including water efficiency measures.**

#### **Policy SP6 - Promoting High Quality Design**

**Development proposals must be of high quality design and demonstrate a careful consideration of and a positive response to each of the following design criteria:**

- a) Character, distinctiveness and sense of place
- b) Ease of movement
- c) Legibility
- d) Mixed use and diversity
- e) Public safety and crime
- f) Quality of public spaces and their future management
- g) Flexibility and liveability
- h) Richness in detail
- i) Efficient use of natural resources

**Development proposals should show how they have responded positively to the design policy and guidance, including national and local design guidance, relevant Neighbourhood Plans, Village Design Statements and site specific development briefs.**

**Developers are strongly encouraged to participate in the Council's 'Quality Monitoring Initiative' which works to make sure that the approach agreed to design quality when planning permission is given is delivered on site.**

#### **Policy SP7 - Separation of Settlements**

**Proposals for built development on non-allocated sites outside the built up confines of settlements shall be permitted only where its impact, individually or cumulatively, would not result in the coalescence or merging of two (or more) separate settlements, or the significant erosion of a gap between settlements resulting in the loss of individual identity or character.**

**Proposals for outdoor sports and recreational uses will be permitted subject to there being no overriding conflict with other policies and the wider objectives of the Plan. Any related built development should be kept to the minimum necessary to enable the functioning of the associated use, be sensitively located and of a high quality design.**

#### **Policy EMP1 – New Employment Uses**

**Provision of new employment premises, and the redevelopment, enhancement and reconfiguration of existing employment premises will be permitted within the built-up confines of Ashford, Tenterden and the rural settlements listed in policy HOU3a, or adjoining settlements listed in policy HOU5, provided that:**

- a) The character and appearance of the settlement or surrounding landscape is not damaged significantly by the form of development proposed by virtue of its layout, building design and scale, the level or type of activity it generates, and the functional and visual relationship it has with adjoining uses;
- b) There would be no significant impact on the amenities of any neighbouring residential occupiers;
- c) Appropriate provision can be made for parking and access; and,
- d) The impact upon the local road network as assessed in terms of policy TRA7, can be mitigated. In the rural settlements, it must be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.

#### **Policy TRA1 - Strategic Transport Schemes**

**The Council will seek the implementation of highway and other strategic schemes that will remove serious impediments to growth and/or secure important environmental benefits. These include a new motorway junction (Junction 10a), the Pound Lane link road, the A28 dualling and Chart Road improvements and measures to improve the former Ring Road junctions.**

**Where development of a site includes part of an identified strategic scheme, land will be reserved for the route of facility as part of the design of the proposal. Proposals which undermine the delivery of a strategic transport scheme will not be supported**

#### **Policy TRA5 - Planning for Pedestrians**

**Development proposals shall demonstrate how safe and accessible pedestrian access and movement routes will be delivered and how they will connect to the wider movement network. Opportunities should be proactively taken to connect with and enhance Public Rights of Way whenever possible, encouraging journeys on foot.**

#### **Policy TRA6 - Provision for Cycling**

**The Council will seek to improve conditions for cyclists through the following measures:-**

- Promoting and developing a Borough-wide network of cycle routes;**
- Developments should, where opportunities arise, include safe, convenient and attractively designed cycle routes, including, where possible, connection to the Borough-wide cycle network.**
- Promoting and providing cycle parking facilities in town centres, at railway stations and at major public buildings, and requiring new development to provide cycle parking facilities in agreement with the Council;**
- Taking opportunities to consider active travel when designing new routes and establishing connections with existing routes, encouraging journeys by bicycle.**

**Cycle Parking shall be provided at a minimum as per the following:**

<b>A1</b>	< 1000m <sup>2</sup> – 1 space per 200m <sup>2</sup> < 5000m <sup>2</sup> – 1 space per 400m <sup>2</sup> > 5000m <sup>2</sup> – min 12.
<b>A2/B1/B2/B8</b>	Short/Medium Term (collection/delivery/shopping) – 1 space per 1000m <sup>2</sup> Medium to Long Term (meetings/workplace) – 1 space per 200m <sup>2</sup>
<b>A3/A4/A5</b>	1 space per 10 seats (min 2 provided)
<b>C1/C2</b>	1 space per 10 beds/units/pitches or 1 space per 5 students
<b>C3</b>	1 space per unit (flats/maisonettes) (it is expected that sufficient accommodation will be provided in any case for houses)
<b>D1</b>	Schools – as per current KCC requirement Medical centres/surgeries – 1 space per 2 consulting/treatment rooms Others – 1 space per 50 seats or 100m <sup>2</sup>
<b>D2</b>	Leisure & entertainment – 1 space per 300 seats Sports facilities & venues – 1 space per 10 participants/members/staff
<b><i>Sui generis</i></b>	Case-by-case basis

#### **Policy TRA7 - The Road Network and Development**

**Developments that would generate significant traffic movements must be well related to the primary and secondary road network. New accesses and intensified use of existing accesses onto the road network will not be permitted if a clear risk of road traffic accidents or significant traffic delays would be likely to result.**

**Proposals which would generate levels and types of traffic movements, including heavy goods vehicle traffic, beyond that which local roads could reasonably accommodate in terms of capacity and road safety will not be permitted.**

**Applicants must demonstrate that traffic movements to and from the development can be accommodated, resolved, or mitigated to avoid severe cumulative residual impacts. In some cases, this may require exploring the delivery of mitigation measures prior to the occupation of a development. Consideration of mitigation and impact will be assessed through the fulfilment of the requirements of Policy TRA8.**

#### **Policy TRA8 - Travel Plans, Assessments and Statements**

**Planning applications will be supported by either a Transport Statement, or a Transport Assessment depending on the nature and scale of the proposal and the level of significant transport movements generated. Where appropriate, the Council will liaise with the relevant authority in relation to what sort of evidence is required. The recommendations of these studies, including Travel Plans, will be required to be delivered prior to or as part of the development and will be secured through condition or S106 agreement.**

#### **Policy ENV13 - Conservation and Enhancement of Heritage Assets**

**Proposals which preserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.**

**Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.**

**Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.**

**All applications with potential to affect a heritage asset or its setting should be supported by a description of the asset's historic, architectural or archaeological significance with an appropriate level of detail relating to the asset and the likely impact of the proposals on its significance.**

#### **Policy COM1 - Meeting the Community's Needs**

**Infrastructure and facilities required to meet the needs generated by new development, including sports, arts, community (including youth) and voluntary sector space, education and health provision, open space and play areas shall be provided as the community is established.**

**Infrastructure or facilities designed to meet localised needs should normally be provided on-site. Other needs will be delivered in liaison with the relevant stakeholders and service providers to ensure that the provision is supplied in a way that meets their requirements and supports sustainability.**

**Provision shall be secured through S106 and/or CIL as set out in policies IMP1 and IMP2, and have regard to any relevant supplementary planning documents.**

**If a site comes forward as two or more separate schemes, of which one or more falls below any appropriate threshold, the Council will seek an appropriate level of contribution on each part to match in total the provision that would have been required on the site as a whole.**

**In the Borough as a whole, the loss of existing community infrastructure will be resisted unless sufficient evidence has been submitted to demonstrate that they are no longer required or are obsolete and that suitable replacement provision is being provided or is located nearby.**

#### **Policy IMP1 - Infrastructure Provision**

**The Council will continue to work with relevant service providers to identify and deliver the infrastructure that is needed to support the development set out in this Plan.**

**Development shall make provision to meet the additional requirements for infrastructure arising from the development, where it is justified to do so in line with the NPPF and CIL regulations. The infrastructure should be provided at a time that is required to support the needs generated by the development.**

**Provision should be made either by delivery of the infrastructure or by financial contributions towards the cost of the delivery. This shall normally be secured through section 106 agreements, section 278 Agreements, and/or Community Infrastructure Levy contributions.**

**The Council will take a flexible approach where it is justified to do so for reasons of development viability.**

The link below provides full access to the Ashford Local Plan 2030 and the preamble to the policies extracted and copied above.

[www.ashford.gov.uk/media/jw3nbvq1/adopted-ashford-local-plan-2030.pdf](http://www.ashford.gov.uk/media/jw3nbvq1/adopted-ashford-local-plan-2030.pdf)

## Appendix 4

“On the opening day of the Inquiry, Counsel for the Applicant made comments in respect of the Council’s request for the reinstatement of a PRoW through the so-called ‘viewing corridor’.

The Council accepts that the PRoW no longer exists as a result of its incompatibility with the current need for operational security covering that part of the site.

The Applicant made its position very clear to the Inquiry: the UU contains no obligations in respect of the Council’s request for the funding of reinstatement should future circumstances change the need for security of that part of the site (or the whole of the site for that matter) permit because:-

- (i) the PRoW no longer exists (as a matter of fact),
- (ii) it would be unprecedented to seek to provide for reprocision of something that does not exist through either planning condition or obligation pursuant to s.106 to cover the situation as to ‘what happens next’ where a proposed permanent use of land ceases at some point in the future, and
- (iii) consequentially, the Council’s proposal fails to meet the CIL Regulations in terms of its ‘necessity’ to make the development applied for acceptable in planning terms.

Counsel for the Appellant asked the Council to consider further and provide precedents of such an approach and the Council agreed to do so.

The Inquiry heard powerful evidence from representatives from the local community as to the importance it placed on that former PRoW as part of the experiential qualities of direct movement between the churches in neighbouring parishes.

In granting outline planning permission, the layout was deliberately designed to avoid development in order to mitigate impacts on the setting of St. Mary’s Church, a Grade 1 heritage asset with planned upgraded surfacing of the PRoW to match that which is now in place from Highfield Lane to Blind Lane further to the east.

The development of the IBF followed that layout approach which is obviously welcome. The Council’s SoC contains Historic England’s comments which reference the

importance of this layout and ways that it can be enhanced.

The circuitous indirect route around the PRoW is one which offers different experiential qualities to PRoW users.

The loss of the direct route is felt keenly by the local community, hence why the Council has pressed the case for reinstatement if future circumstances permit.

It is noteworthy that the DfT appeared content with reinstatement provisions (including funding) for this PRoW in the draft s.106 agreement that was set to be concluded in Spring 2023 but, subsequently, could not be taken forwards.

However, the Council has not been able to find a precedent that would assist its case in terms of CIL Compliance, and so, with some reluctance, the Council's objection to the UU not containing PRoW reinstatement provisions is withdrawn.

Clearly, the case for reinstatement of the direct route will need to be wrapped up in the consideration of any future planning applications for the site that may come forward to the Council.

It would be very helpful if the Inspector could make reference to this issue in the decision notice so that it is appropriately 'flagged', both for the local community to understand why the U/U does not contain reinstatement provisions AND for the benefit of any prospective future applicants for planning permission involving different 'non-national interest' uses so that they are clear on the community and Council's aspirations from the outset in relation to any purchase negotiations with the landowner."