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## Appeal Decision

Inquiry opened on 29 July 2025

Unaccompanied site visit made prior to the Inquiry, on 28 July 2025

by **G Rollings BA(Hons) MAUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8<sup>th</sup> December 2025

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**Appeal Ref: APP/E2205/W/25/3358518**

**Court Lodge Farm, Ashford, Kent, TN23 3QW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Hallam Land Management Limited against Ashford Borough Council.
  - The application Ref is 18/01822/AS.
  - The development proposed is an outline planning application with all matters reserved for future consideration (aside from new means of vehicular accesses onto Pound Lane (2.no.), Long Length and Magpie Hall Road which are for approval now) for the construction of up to 1000 new homes, a local centre comprising retail uses (up to 450 sqm) and a primary school (2.4ha); flexible office space (up to 400 sqm) and a combined community hall and site management suite (up to 650 sqm); new pedestrian and cycle routes, laying out of green infrastructure, including allotment gardens and areas of ecological habitats; drainage infrastructure, earthworks and ancillary infrastructure.
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### Decision

1. The appeal is allowed and planning permission is granted for an outline planning application with all matters reserved for future consideration (aside from new means of vehicular accesses onto Pound Lane (2.no.), Long Length and Magpie Hall Road which are for approval now) for the construction of up to 1000 new homes, a local centre comprising retail uses (up to 450 sqm) and a primary school (2.4ha); flexible office space (up to 400 sqm) and a combined community hall and site management suite (up to 650 sqm); new pedestrian and cycle routes, laying out of green infrastructure, including allotment gardens and areas of ecological habitats; drainage infrastructure, earthworks and ancillary infrastructure at Court Lodge Farm, Ashford, Kent, TN23 3QW in accordance with the terms of the application, Ref 18/01822/AS, subject to the conditions attached at Annex A.

### Preliminary Matters

2. The Inquiry opened on 29 July 2025 at Ashford Borough Council civic centre, sitting on that day only. A further online session was held on 6 August 2025. The Inquiry remained open to allow for further negotiations between Ashford Borough Council ('the Council') and the appellant (both hereafter referred to as 'the main parties'), and on 14 and 22 August 2025 I issued notes to the main parties summarising required actions and dates for submission of further evidence.<sup>1</sup> I received closing submissions from the main parties in writing on 27 August 2025,<sup>2</sup> and on the same day I wrote to the main parties confirming that the Inquiry was closed.<sup>3</sup> It was agreed

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<sup>1</sup> ID 19 and ID 20

<sup>2</sup> ID 21 and ID 22

<sup>3</sup> ID 23

during the Inquiry that a completed section 106 agreement would be submitted as a post-Inquiry document. This was submitted on 3 September.<sup>4</sup>

3. The appellant submitted an unsolicited post-inquiry document on 17 September 2025. This provides a revised five-year housing land supply position agreed in respect of a different appeal within the borough,<sup>5</sup> and on which the Council agreed would apply to the appeal before me. Although this makes no material difference to the outcome of the appeal, it affects my consideration of the housing land supply position, and as such I accepted this document.<sup>6</sup>
4. The description of development has changed since the application was submitted to the Council. In the years since, various amendments were made to the application, and the description set out above is an accurate representation of the proposal. The Council has confirmed that that the updated description is acceptable.
5. Case management conferences (CMCs) were attended by the main parties at which the Inquiry format and potential main issues were agreed but not finalised.<sup>7</sup> The issues of disagreement between the main parties narrowed during the course of the appeal, up to the close of the Inquiry. To allow for consideration of updated evidence and because of the hybrid nature of the Inquiry, I allowed a consultation period for interested parties to consider and comment on matters raised by these submissions. These arrangements were set out in the aforementioned notes.
6. With the agreement of the appellant, the Council and Kent County Council ('KCC') which submitted evidence as a statutory consultee, I carried out an unaccompanied site visit on the day prior to the Inquiry opening. I followed an agreed route and visited identified locations, including an inspection of the site and its various rights of way, surrounding roads and other areas of relevance around Ashford.<sup>8</sup> At the Inquiry the parties agreed that a further, accompanied site visit was not necessary.
7. In addition, various amended and additional evidence was provided by the appellant prior to the Inquiry. I am satisfied that affected parties were able to consider this information and that in my acceptance of amended and additional evidence, and where necessary providing the opportunity for parties to comment, there has been no prejudice to any party.
8. The Environmental Statement is considered satisfactory in terms of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

### **Main Issues**

9. Putative reasons for refusal (RfRs) were provided by the Council prior to the opening of the Inquiry, although as discussions continued between the main parties, the Council withdrew its objections on all but one topic. Nonetheless, the Inquiry was structured around the reasons for refusal and interested parties were invited to make submissions. These reasons form the main issues of this appeal.
10. A putative RfR concerned the absence of a legal agreement to secure various planning obligations including affordable housing, local services and infrastructure,

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<sup>4</sup> P/ID 01

<sup>5</sup> Appeal ref: APP/E2205/W/25/3360094

<sup>6</sup> P/ID 02

<sup>7</sup> Summary notes at CD 1.2 and CD 1.3

<sup>8</sup> As set out in ID 01.

and nutrient neutrality. All but one of the obligations have been agreed between the main parties and KCC; however, affordable housing remained the sole remaining area of disagreement between the appellant and Council. Given that this was a significant matter between the main parties, I have included it as a main issue.

11. The main issues are:

- The effect of the proposed development on flood risk and drainage;
- The effect of the proposed development on biodiversity, including protected species;
- The effect of the proposed development on heritage assets, with particular regard to archaeology; and
- The effect of the proposed development on the supply of affordable housing.

## **Reasons**

### *Flood risk and drainage*

12. Following amendments to the original application, including the addition of a proposed water recycling centre as part of the Nutrient Mitigation Strategy, the lead local flood authority (LLFA) and Environment Agency is satisfied that the appellant's Flood Risk Assessment and Surface Water Drainage strategy are sound. The Council also considers that the proposed development would not result in a risk of flooding and that appropriate sustainable drainage would be delivered.
13. Local interested parties raised concerns on this issue, including the likelihood of any water discharge into Whitewater Dyke and the capacity of water treatment works to mitigate wastewater generated by the development, considered in conjunction with existing and proposed surrounding development. I also note Southern Water's absence of any objection to the proposal. A water recycling centre is proposed as a fallback option should the proposed wetlands within this outline phase of the scheme be considered unsuitable during the detailed design stage, which is in addition to proposed upgrades to the Ashford Waste Water Treatment Plant. Having considered the appellant's response to earlier concerns of this nature<sup>9</sup>, the representations made by interested parties and the LLFA's response setting out its preferences,<sup>10</sup> I am satisfied that the proposed development makes appropriate provision for the accommodation of outfall for surface water within the development and that there would be no increase to flood risk either on or off site.
14. I therefore conclude that the proposed development would not have a harmful effect on flood risk or drainage, and that there would be no conflict with Local Plan Policies SP1, S3, ENV6 and ENV9. Together, these seek to manage and mitigate flood risk and ensure that all development includes appropriate sustainable drainage systems to avoid adverse impacts on water quality, amongst other considerations.

### *Biodiversity and protected species*

15. The Council's previous concerns on this issue related to the absence of up-to-date ecological surveys and a robust assessment of the site's ecological value and that as a result, the appellant could not demonstrate that the proposed development

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<sup>9</sup> Largely set out in CD 2.77

<sup>10</sup> CD 3.43

would not harm protected species. Further surveys were provided in the months leading up to the Inquiry and considered by the Council and KCC in its capacity as ecological advisor to the Council.

16. I have examined this additional evidence and agree with the Council and KCC that, in the light of the revised proposals and subject to the inclusion of conditions to provide appropriate mitigation, the appellant would be able to discharge its responsibilities for protected species in respect of the relevant local and statutory requirements. Additionally, I consider that the proposed development would not have a harmful impact on biodiversity, including protected species. There would be no conflict with Local Plan Policies SP1, S3 or ENV1, which seek to ensure that appropriate surveys are carried out with appropriate mitigation on site, amongst other considerations.

### *Heritage*

17. The Council's objections in its reason for refusal on this issue referred to archaeological evaluation of the site. Additional information was provided by the appellant in conjunction with KCC as the archaeological advisor to the Council, following a programme set out in the third supplementary statement of common ground.<sup>11</sup> From this, the parties agreed that the presence of archaeology should not impede the proposed development. Various measures would be addressed by planning conditions, including the route of a Roman road through the site, an additional programme of archaeological evaluation, safeguarding, excavation, post excavation and publication, and local awareness including heritage interpretation. These take account of the potential for future findings that may be of equivalent significance to scheduled archaeological remains, and I am satisfied that the proposed measures are appropriate.
18. There are no designated heritage building assets within the site, although there are several listed buildings nearby, the closest being the grade-II listed Willowbed Farmhouse to the north of the site. Having considered the assets' existing settings and heritage significance and potential effects of the proposed development on their settings and significance, I do not consider that any of these would be materially affected. Their particular significance would be preserved.
19. Two non-designated heritage building assets are within the site. These are a threshing barn and field barn, and they would be removed after their historic interest is recorded. The Council has no objection to their removal as part of the development. Paragraph 216 of the National Planning Policy Framework ('the Framework') require a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
20. The significance of these assets is set out within the Environmental Statement.<sup>12</sup> Both have been significantly altered, and their significance is limited due to the lack of surviving fabric. Having considered the significance of the assets, I consider that any harm resulting from their loss is balanced by the benefits of the proposed development, including housing delivery. In accordance with paragraph 217 of the Framework, I am satisfied that all reasonable steps have been undertaken to ensure that the new development will proceed after the loss of the non-designated heritage assets has occurred.

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<sup>11</sup> CD 5.9

<sup>12</sup> CD 2.2 and CD 2.3

21. I therefore conclude that there would be some harm to non-designated heritage assets, but that archaeological considerations would be sufficiently mitigated by an approved and monitored programme of investigation. As such the proposal does not conflict with Local Plan Policies SP1, ENV13 and ENV15. Heritage harm is revisited in the planning balance section below.

### *Affordable housing*

22. There is disagreement between the appellant and the Council regarding the delivery of affordable housing, should on-site provision be not achievable, with the parties' respective positions set out in a joint statement provided during the Inquiry.<sup>13</sup> The resultant process of affordable housing delivery (or 'cascade') is set out in the section 106 agreement. The appellant intends to provide affordable housing in accordance with Council policy but considers a cascade to be necessary. One circumstance that could trigger a cascade would be lack of demand from registered providers, and the appellant considers that there are few providers willing to take on new sites in Kent at the present time.
23. The Council recognises that this has been an issue for small developments but does not consider that large housing sites have been subject to the same problem. The local plan does not specifically support the provision of off-site provision of a financial contribution except where viability issues have been identified; this is not the case in this instance. Additionally, it cites other allocated sites for large housing development where registered providers could be found, and concerns regarding the potential delay or non-provision of affordable housing, together with enforcement amongst its concerns. The Local Plan was subject to viability testing on a 'whole plan' basis and the absence of a mechanism for off-site provision infers that the Council is confident and able to ensure that affordable housing could be provided on site within the plan period.
24. Local Plan Policy HOU1 requires provision of on-site affordable housing except in the aforementioned circumstances. The appellant's 'worst case' scenario is that, should a registered provider not be found, that 389 dwellings would not be occupied or lost in the development process, comprising both the 185 affordable dwellings and an additional 204 market dwellings due to restrictions on occupation dependent on delivery of the affordable housing.
25. The development as proposed would provide 18.5% affordable housing by unit, which viability evidence indicates is the current maximum level that could reasonably be provided. Affordable housing delivery in recent years within the borough has not kept pace with need, with fewer than half of the number of required dwellings being provided.<sup>14</sup> There is a significant need for affordable housing within the borough and I am not wholly convinced by the appellant's evidence on the potential harms in both finding a delivery partner and the non-delivery of housing. Given that the Council has significant recent experience in bringing forward large-housing scale housing developments incorporating provision of affordable housing within the current economic conditions, there is little to suggest that this development would be sufficiently unique to warrant a different approach. In considering all of these factors within the adopted policy framework, there is nothing to lead me to consider that a cascade is warranted. Various other decisions have been cited by the appellant in support of a cascade, but these have different

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<sup>13</sup> ID 16

<sup>14</sup> CD 5.4

underlying circumstances to the proposal that is the subject of this appeal, but they do not alter my view.

26. I therefore consider that the development as proposed, minus the proposed housing cascade (commuted sum) mechanism, would not have a harmful effect on the supply of affordable housing, and there would be no conflict with Local Plan Policy HOU1 for the reasons set out above.

## **Other Matters**

### *Housing land supply*

27. The Council's housing land supply position is not disputed by the parties. The current standard method calculation for the borough's supply requirement is 971 dwellings per year, greater than the Local Plan's annual requirement of 888 homes. In this context the ability of this proposal to supply 1,000 homes and address local need (albeit over an extended period) is apparent.
28. Although the Council's five-year housing land supply was agreed as 4.39 years at appeal submission, a subsequent calculation reduced this to a maximum of 3.27 years.<sup>15</sup> As such, the Council does not have a five-year housing land supply. As the Council sets out within its most recent five-year housing land supply position statement,<sup>16</sup> the rate of housing delivery within the borough is not sufficiently low as to require a buffer to be applied to the calculation. Nonetheless, as set out in Framework paragraph 11 footnote 8, I find that the Council's policies for the delivery of housing, which are amongst the most important for determining this appeal, are out of date.

### *Section 106 agreement*

29. A draft s106 agreement was provided in advance of the Inquiry, with a completed agreement signed by the appellant, the Council and KCC submitted shortly after closing. Given that an obligation may constitute a reason for granting planning permission only if it meets the tests set out in Regulation 122 of the *Community Infrastructure Regulations 2010* and paragraph 58 of the Framework, it falls to me to reach a finding on its acceptability.
30. With the exception of the affordable housing cascade as previously discussed, the main parties agree on the terms of the agreement. Matters relating to nutrient neutrality are considered separately at the end of this section. With regard to the affordable housing cascade, for the reasons set out within the main issue above, I consider that the cascade mechanism (for a commuted sum in lieu of on-site provision) included in schedule 3 of the section 106 agreement is neither necessary nor justified, and it should not have any legal effect.
31. Otherwise, provisions within the agreement require an affordable tenure split of one-third as affordable rented units, and a further third as shared ownership units, Delivery would be tied to occupation of the open market housing in the relevant phase of the development. No review mechanism has been included, which is reasonable given the overall approach towards the funding of other services and infrastructure, which is in accordance with Local Plan Policies HOU1 and IMP2. I note also that the proportion of affordable housing to be provided expressed within

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<sup>15</sup> P/ID 02

<sup>16</sup> CD 10.10

- the total amount of housing development is greater than that of neighbouring sites. Given the demand for affordable housing and the market conditions set out above, these provisions are necessary and comply with the Local Plan.
32. The provision of accessible and adaptable dwellings is required to meet demand for homes of this nature and would accord with Local Plan Policies SP1 and HOU14. Self-build and custom-build housing is similarly required, based on the level of local demand for such housing and statutory requirements for its provision, with the proposal offering 2% of plots for sale to self and custom builders. This accords with current demand and would satisfy the requirements of Local Plan Policy HOU6.
  33. The provision of allotment space would be set in accordance with Council requirements and responds to demand generated by future occupiers of the appeal scheme and would comply with Local Plan Policies SP1, S3, COM1, COM2, COM3 and IMP1. Provision is also made for maintenance and management of open space throughout the development, including ecological mitigation habitat. Given the amount of such land proposed and its environmental and social importance, this inclusion is necessary. Similarly, play space, informal natural green space and strategic parkland incorporating links with surrounding neighbourhoods would be provided for the requirements of the future population, meeting the requirements of Policies SP1, S3, COM1, COM2 and IMP1 of the Local Plan and being directly related in need and scale to the proposal.
  34. Provisions for funds towards a community building, a community stewardship body to manage and maintain communal facilities, and sports facilities including contributions to neighbourhood indoor and outdoor spaces would accord with the Council's strategic vision and meet demand for such facilities. This would be in accordance with Local Plan Policies SP1, S3, COM1, IMP1 and IMP4.
  35. The agreement also makes a provision for the expansion of health infrastructure via a contribution towards the establishment of a new general practice facility to mitigate demand generated by the development. The amount has been agreed by the local commissioning group and accords with Local Plan Policies SP1 and COM1.
  36. Contributions are included for improvements to highways infrastructure, specifically for upgrades to the M20 motorway junction, the dualling of a portion of the A28 trunk road and other proposals to expand capacity. Some of these have already been constructed, having been advance-funded as part of a previous Government and partner agreement, on the basis that funds would be recouped from the developments that subsequently benefited. All proposed works are necessary to mitigate trips likely to be generated by the proposed development and are reasonably related in scale and kind to the proposal. They are in accordance with Local Plan Policies SP1, S3, TRA1, COM1 and IMP1.
  37. Other commitments include obligations towards social care, the provision of integrated children's services and community learning, a special educational needs and disabilities contribution, contributions and land for the provision of a new primary school and secondary school places, and for libraries. There would also be contributions for improvements to bus services and public rights of way including an improved footbridge between Merino Way and Pound Lane, management of waste, and measures for the protection of the Roman Road through the site. All of these are required to mitigate increased demand for services and infrastructure and are fairly related in kind to the proposed development.

38. Monitoring fees would cover costs associated with ensuring compliance with the s106 agreement and travel plans. These are necessary to ensure that the relevant agreement is executed in accordance with its provisions and ensures compliance with Local Plan Policies SP1 and SP6.
39. The various sums within the agreements are necessary and justified and I am satisfied that the Council could rely on the agreement to secure the obligations. Moreover, I am content that the obligations meet the requirements of the statutory and acceptability tests.

*Habitat Regulation Assessment: Stodmarsh Special Area of Conservation, Stodmarsh Special Protection Area, Stodmarsh Ramsar Site, Stodmarsh Site of Special Scientific Interest, and Stodmarsh National Nature Reserve*

40. The above sites are collectively referred to as the Stodmarsh designated sites. These lie within the Stour Valley Catchment within which the appeal site is located and contain important wetland habitats which are sensitive to changes in water quality and levels, which are affected by the intake of nitrogen and phosphorus from within the catchment. The appellant provided a summary note during the Inquiry which sets out this matter in considerable detail.<sup>17</sup>
41. Given that the sites contain protected habitats, *The Conservation of Habitats and Species Regulations 2017* (as amended) (the Habitats Regulations) require the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects caused by proposals, either alone or in combination with other plans or projects. This responsibility falls to me as the competent authority in the context of this appeal.
42. Natural England advises that consideration should be given as to whether development would have an implication on potential nitrogen and phosphorus levels within the sites.<sup>18</sup> In response, the appellant proposes a strategy that includes the provision of sustainable urban drainage and wetlands, and the fallowing of agricultural land within the site, all of which are aimed at suitably treating the nutrient load from the proposed development. As noted above, this would also include the establishment of a water recycling centre if required. These measures are intended to provide mitigation to 2030, at which point proposed upgrades to the Ashford Wastewater Treatment Plant will occur. Subsequently, no additional mitigation would be needed.
43. These measures are accounted for within the section 106 agreement and planning conditions. These also include limiting the amount of development that could occur without these additional measures in place and limiting the water usage of future occupiers, together with appropriate certification, consents and monitoring. Natural England does not object to the proposal, subject to appropriate mitigation being secured.
44. I am satisfied that the proposed planning conditions and section 106 agreement provide a sufficient mechanism to enable the delivery of proportionate and relevant mitigation pursuant to the Natural England's advice for the development that would affect the Stodmarsh designated sites. In making this decision I have had regard to the specific features of the sites and the ways in which its conservation objectives

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<sup>17</sup> ID 08

<sup>18</sup> CD 3.59

could be affected by the proposals. I find within my AA that, subject to the provision of the appropriate mitigation, the proposals would not have an adverse effect on the integrity of the sites. They would accord with provisions of Habitats Regulations insofar as they seek to secure the long-term protection of sites and mitigate any adverse effects on their integrity.

### *Tree Preservation Order*

45. Protected mature trees along the northern part of the Long Length site boundary are an important landscape feature. In the submitted appeal plans, trees were to be removed to allow for the construction of a vehicular access into the site from Long Length. The Council objected to this aspect of the proposal.
46. During the Inquiry, the parties reached an agreement that would alter the location of the access from Long Length, thereby allowing the two trees proposed for removal to remain in place.<sup>19</sup> This takes the form of a planning condition that requires a revised scheme of access (despite access being a detailed matter for consideration within this appeal) but would result in some adverse impacts, such as removal of a portion of hedgerow and bisection of an area of open space. Having weighed these considerations against the protection of the trees, I consider that the benefits of the trees' protection outweighs the harmful aspects of the revision.

### *Other submissions by interested parties*

47. Various issues were raised by interested parties, including local parish councils. Chiefly amongst those not covered above is access to and within the appeal site, including traffic and accessibility of local facilities and services. Significant traffic mitigation measures are planned or have already been carried out in anticipation of the projected level of growth around Ashford. Consideration has also been given to preservation of pedestrian and cycle links through the site as well as into adjoining development sites and existing areas. I am satisfied that the conclusions of the appellants, Council and KCC that there will be no significant detrimental impact on transport and access are accurate.
48. Of the other matters raised by other parties, appropriate planning conditions would address the majority of concerns and mitigate harmful impact, and the planning contributions would contribute towards the improvement of local infrastructure.

### **Planning balance**

49. The provision of housing would be in line with the site allocation within the Local Plan, namely Policy S3, and is essential in assisting the Council to meet its future delivery targets. This attracts very substantial beneficial weight.
50. The provision of affordable housing is an additional benefit. The viability assessments prepared and reviewed by the appellants and Council indicate a reasonable provision and would help to address a high level of demand for such accommodation. I allocate substantial beneficial weighting to affordable housing considerations.
51. Benefits would also be drawn from provisions of the planning agreement. Whilst the majority of contributions would mitigate the expected increase in demand for services and infrastructure resulting from an increased population, the provision of

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<sup>19</sup> CD 5.11

- community, transport and recreational facilities in particular would be of value to existing residents and those from outside the appeal site. These benefits attract moderate weight.
52. There would be some harm resulting from minor changes within the natural landscape, although changes to the scheme would protect important trees. Nonetheless this consideration attracts minor harm. The absence of harm in regard to flood risk and drainage, nutrient neutrality, biodiversity and protected species are neutral considerations within the balance.
53. I have had regard to the potential for discovery of archaeological assets, as well as existing assets, for which the Framework suggests at footnote 75 should be treated similarly to designated heritage assets. I have found that there would be no harm in respect of archaeology. Additionally the particular significance of nearby listed buildings would be preserved.
54. As part of my assessment on the effect on the significance of non-designated heritage assets, the Framework requires a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. There would be total loss of two non-designated buildings, but I am satisfied that this loss is acceptable in light of the mitigation proposed and the scale of the public benefits to be delivered by the proposed development, including the substantial benefits of housing and affordable housing provision.
55. The Council cannot currently demonstrate a five-year housing land supply and I have found that the Council's Local Plan policies for housing delivery, which are among the most important for determining the appeal, are out of date. In applying paragraph 11d) of the Framework, taking into account the restrictions imposed by footnote 7 of paragraph 11, I find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The Framework's presumption in favour of sustainable development applies in this case.
56. The development plan supports the development of this allocated site and the proposal would contribute to the strategic aspirations for housing provision and growth within the borough. The material benefits of the scheme have been balanced against the conflict with individual policies of the plan. In weighing the adverse impacts of granting permission, I find that they would not significantly and demonstrably outweigh the benefits when assessed against the policies of the development plan as a whole.

### **Conditions**

57. As per paragraph 57 of the Framework, planning conditions must be necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects. Intended conditions were discussed between the main parties at the Inquiry, arriving at a final agreed version, with an exception set out in the following paragraph. I have made additional minor changes only for clarification and brevity. Following the discussion, I am satisfied that, for the reasons stated, all these conditions meet the tests and should be imposed for the reasons set out in the

attached Annex A. In accordance with section 100ZA(5) of the Act, the appellant has agreed to pre-commencement conditions.

58. For condition number 2, the appellant requested that later reserved matters should be submitted no later than 10 years from the date of permission. Taking into consideration the long gestation of the proposal, the environmental impacts and mitigation, and the effects on the projections of housing land supply, I agree with the Council that 8 years would be a more reasonable timeframe.

### **Conclusion**

59. For the reasons set out above, the appeal is allowed and planning permission is granted.

*G Rollings*

INSPECTOR

## **ANNEX A: LIST OF CONDITIONS**

### *Reserved matters, time periods and approved plans*

- 1) Details of access (internal circulation routes only), appearance, landscaping, layout, and scale (hereinafter called "the Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

*Reason:* To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Application for approval of the reserved matters for at least one of the phases shown on the phasing plan approved by condition 5 shall be made to the Local Planning Authority no later than the expiration of 3 years from the date of this permission. All subsequent reserved matters shall be submitted no later than 8 years from the date of this permission.

*Reason:* To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3) The development of each phase permitted by condition 5 shall commence no later than 2 years from the date of approval of the last of the reserved matters to be approved for that phase.

*Reason:* To comply with Section 92 of the Town and Country Planning Act 1990.

- 4) The development hereby permitted shall be carried out in general accordance with the following plans:

- a) Framework Plan 147-P-09 Rev R;
- b) 1281-HL-101E Proposed priority junction Pound Lane South Access;
- c) 1281-HL-102C Proposed priority junction Pound Lane North Access;
- d) 1281-HL-103C Proposed priority junction Long Length;
- e) 1281-HL-611F Proposed roundabout with Long Length and Magpie Hall Road.

*Reason:* In the interests of the proper planning of the development and in accordance with Policy S3 of the Ashford Local Plan 2030.

### *Phasing*

- 5) Prior to the submission of the first application for reserved matters a phasing strategy shall be submitted to the Local Planning Authority that identifies the phases of development and their sequence of implementation. The phasing strategy shall be based on the Phasing Plan 147-P-15 rev E and will include the following:
  - a) residential phase(s) and their associated character areas and the indicative number of market and affordable homes and self and/or custom build plots in each phase;
  - b) the primary school;
  - c) the provision of services and access to the primary school, local centre, serviced offices and community building and site management suite;
  - d) the laying out of new green and infrastructure, including habitat creation, wetlands, allotments, play spaces, informal natural open space, strategic parkland, the temporary playing pitches and pedestrian and cycle routes;
  - e) the surface water drainage strategy (both temporary and permanent measures) for the site;

- f) nutrient mitigation measures;
- g) on site highways works.

No development shall commence until the Local Planning Authority has approved in writing the phasing plan and the development shall thereafter be constructed in accordance with the agreed phasing plan.

*Reason:* To ensure a comprehensive and appropriate form of development in accordance with policy S3 of the Ashford Local Plan 2030.

#### *Design code*

- 6) Prior to or alongside the submission of the first reserved matters in any phase identified in Condition 5, a Design Code for that phase shall be submitted to the Local Planning Authority for approval in writing. Each Design Code shall reflect the relevant character area(s) defined at Figure F.24 and pages 73 – 81 of the Development Framework Plan (February 2023).

The Design Code shall include the following details for each of the character areas:

- a) the built form of the character area, namely the structure of blocks, key groupings or individual buildings, density, building form and depth, massing, scale, building heights, orientation of buildings roofscape, including ridge lines and pitches, building elements such as eaves, openings (windows and doors) and porches, external materials, boundary treatments;
- b) principles relating to the self and custom build plots within that phase (where relevant);
- c) the street network hierarchy, cycle routes, footpaths and public spaces, providing typical street cross sections;
- d) principles for the use and appearance of the archaeological safeguarding corridor (where relevant to that phase);
- e) landscaping, areas of public realm, green links, sustainable urban drainage, and open space within the areas of built development, including enclosure, shading, natural surveillance, materials, street furniture, signage and lighting;
- f) the approach to vehicular and cycle parking for residential and non-residential uses, including but not restricted to parking for people with disability, visitor parking, and electric vehicle charging;
- g) principles for ancillary infrastructure/buildings such as waste and recycling provision;
- h) the approach to the inclusion of Public Art.

Each reserved matter application shall accord with the details of the relevant approved Design Code document and be accompanied by a statement which demonstrates compliance with the approved Design Code document.

*Reason:* To ensure a comprehensive and appropriate form of development in accordance with Policies S3 and SP6 of the Ashford Local Plan 2030.

#### *Housing delivery statement*

- 7) Each reserved matters application for a phase (or sub phase) that includes housing shall include a Housing Delivery Statement to provide the following details:
  - a) the number and mix of market homes proposed;
  - b) the location, number and mix and tenure of affordable homes proposed;
  - c) the location, number and proportion of Category M4(2) and M4(3) dwellings;
  - d) the location of the self and custom build plots reserved for such use.

With the exception of the first Housing Delivery Statement, each successive Housing Delivery Statement shall provide cumulative figures comprising all prior phases.

*Reason:* In the interest of providing a mixed, sustainable and diverse new community in accordance with Policies S3, SP1, HOU1, HOU6, HOU14 and HOU18 of the Ashford Local Plan 2030 and the Council's Climate Change Guidance for Development Management.

#### *Connections to Kingsnorth Green*

- 8) The plans and particulars pursuant to condition 1 'layout' relating to Phase 2 and Phase 3 identified on Plan 147-P-15 rev E shall include details of the proposed roads/footpaths provided up to the development site boundary to provide vehicle/pedestrian/cycle connections to the adjacent Kingsnorth Green development (to be delivered pursuant to planning permission APP/E2205/W/23/3320146) and a timetable for implementation. The development shall thereafter be implemented in accordance with the approved details and timetable for implementation and retained and maintained as such thereafter.

*Reason:* To ensure the delivery of a sustainable development with appropriate vehicle, pedestrian and cycle links to the adjacent development site and beyond, in accordance with policies S3, S4, S5, TRA5, TRA6 & TRA7 of the Ashford Local Plan 2030.

#### *Details to be submitted pursuant to Condition 1*

- 9) The plans and particulars pursuant to condition 1 shall include the following (where relevant):
- a) details of existing and proposed levels and earthworks for the site, including details of grading and mounding of land, showing the relationship with retained vegetation and surrounding landform;
  - b) a Play Space Strategy for the site, providing details of the provision of all play space on the site, including details of incidental and doorstep play;
  - c) layout plans and sections to demonstrate the provision of level thresholds to all principal entrances to all dwellings and non-residential buildings and/or level thresholds accessed by shallow ramps where level thresholds cannot be provided, linking the principal entrance of the dwelling/building to that which forms the public realm.
  - d) a detailed energy and sustainability scheme.

The development shall thereafter be carried out in accordance with the approved details.

*Reason:* To preserve the visual amenity of the area and the amenity of neighbouring residents; to ensure sufficient play provision is provided and to ensure that all dwellings and non-residential buildings are accessible and are able to accommodate varying mobility needs, and that all dwelling houses reflect the energy and sustainability principles in accordance with policies SP1, SP6, S3 & COM2 of the Ashford Local Plan 2030 and the Ashford Borough Council Climate Change Guidance for Development Management March 2023.

#### *Construction and transport management plan*

- 10) No development, including any preparation works prior to building operations, within any phase shall take place until a Construction and Transport Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:
- a) a site plan identifying location of site entrance and exit; areas on site for parking and turning for site personnel; areas on site for parking loading and unloading of plant and materials, and provision of on-site for turning for delivery and construction vehicles including HGV's;
  - b) details of areas for the storage of plant and materials, including stock piles;

- c) details of the form and location of any proposed temporary works compounds/welfare facilities;
- d) details of measures to prevent discharge of surface water onto the public highway;
- e) details of facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances and details of measures to ensure that the local highway hinterland of the site is regularly monitored and cleared of any mud or similar substances, including location of water supplies;
- f) a programme of works (including details of the timing of deliveries, measures for traffic management/signage);
- g) details of any temporary fencing/hoardings to be provided including measures to protect the route of the Roman road Safeguarding Corridor referred to in Condition 51;
- h) details of the routing of construction and delivery vehicles to / from site;
- i) details of hours of construction;
- j) dust Management Plan and Risk Assessment, including proposals for monitoring dust / particulates and procedures to be put in place for preventing or controlling unacceptable releases, including dust suppression methods to be used; a bonfire policy; confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation; details of liaison with other construction sites within 200m of the site boundary to ensure plans are co-ordinated and dust and particulate matter emissions are minimised;
- k) details of soils handling, storage and re-use.

The approved Construction and Transport Management Plan shall be adhered to throughout the duration of the construction period.

*Reason:* To prevent obstruction of the highway, to protect the residential amenity of the occupiers of neighbouring properties, to protect areas of nature conservation interest and prevent adverse impact on air quality in accordance with Policies SP1, TRA5, TRA7, ENV1, ENV12 and ENV15 of the Ashford Local Plan 2030.

#### *Ecological mitigation*

- 11) Prior to or alongside the submission of any application for approval of reserved matters pursuant to condition 1 a site wide ecological mitigation strategy shall be submitted to the Local Planning Authority for approval in writing. The Strategy shall be aligned with the Ecological Impact Assessment by FPCR Environment & Design (6 May 2025) and shall include the following:
- a) a review and, where necessary, an update of existing species and habitat survey information;
  - b) an overview of the mitigation to be implemented;
  - c) a plan of the areas where mitigation is required to be implemented and identifying the areas of the site that will have restricted public access.

Each application for reserved matters shall align with the approved site wide ecological mitigation strategy.

*Reason:* To ensure the impact on wildlife and supporting habitat across the site is suitably mitigated within the development in accordance with policies SP1, S3 and ENV1 of the Ashford Local Plan 2030.

- 12) The plans and particulars pursuant to condition 1 shall include an ecological mitigation, habitat creation, enhancement and establishment plan. The Plan shall align with the site wide ecological mitigation strategy approved under condition 11 above and shall include the following:

- a) full details of the habitats to be established/enhanced within the site;
- b) a plan showing the location of the habitats;
- c) a plan showing the areas that will have restricted public access (if applicable to the reserved matters site);
- d) an external lighting plan for biodiversity (demonstrating the areas of open space will have minimal lighting);
- e) a methodology setting out how the habitats will be created;
- f) a timetable for implementation and details of persons responsible for implementing the works;
- g) full details of measures to protect the habitats once created;
- h) an interim management plan to be followed until the site wide management plan (required by condition 13 below) has been implemented.

Any trees or plants which within a period of 5 years from the completion of the reserved matters die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted.

The Plan shall be implemented and managed in accordance with the approved details.

*Reason:* To ensure the protection of wildlife and supporting habitat and enhancement of the nature conservation value of the site and character of the area and to secure opportunities for the enhancement of the ecological value of the site in accordance with policies SP1, S3 and ENV1 of the Ashford Local Plan 2030.

- 13) Prior to first occupation of the development a site wide habitat management plan and species and habitat monitoring plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
- a) an overview of the habitats to be managed within the site;
  - b) a plan of all the habitats within the site;
  - c) blank plans which can be annotated by the site manager;
  - d) a timetable for the implementation and management (capable of being a 5-year rolling plan);
  - e) details of persons who will carry out the management;
  - f) details of how the management will be funded;
  - g) details of how and when public access will be restricted within the restricted access areas;
  - h) details of the habitat and species monitoring to be carried from commencement of the ecological mitigation and for the subsequent ten years on completion of the development;
  - (i) details of management plan reviews informed by the results of the ongoing monitoring.

The Plan shall be implemented in accordance with the approved details.

*Reason:* To ensure the protection of wildlife and supporting habitat and enhance the nature conservation value of the site and character of the area and to secure opportunities for the enhancement of the ecological value of the site in accordance with policies SP1, S3 and ENV1 of the Ashford Local Plan 2030.

### *Public rights of way improvement schemes*

- 14) Prior to the commencement of development in Phase 1 identified on Plan 147-P-15 rev E a Public Right of Way (PROW) Management Scheme for PROW AW299 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) details of where and how (i.e. physical disruption and impact on amenity) the development affects the PROW in the pre commencement stages, construction, and operational phases;
  - b) details of the connections between the PROW and informal walking, wheeling and riding routes and recreational areas and other green space within the development;
  - c) details of the proposed enhancement of the PROW, including surfacing, associated way finding, any means of enclosure, widening (as appropriate), hard and soft landscaping; surface water drainage, details of management before and during construction including any temporary closures or diversions; and an implementation timetable.

The scheme shall be implemented in accordance with the approved details.

*Reason:* To ensure the existing public right of way network is not obstructed and to ensure adequate public right of way provision for pedestrians, cyclists and horse riders in accordance with policies SP1, S3, TRA5 and TRA6, of the Ashford Local Plan 2030.

- 15) Prior to the commencement of development in Phase 2 identified on plan 147-P-15 rev E a Public Right of Way (PROW) Management Scheme for PROW AW299A, AW222, AW298 and AW376 shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the following:

- a) details of where and how (i.e. physical disruption and impact on amenity) the development affects the PROW in the pre commencement stages, construction, and operational phases;
- b) details of the connections between the PROW and informal walking, wheeling and riding routes and recreational areas and other green space within the development;
- c) details of the proposed enhancement of the PROW, including surfacing, associated way finding, any means of enclosure, widening (as appropriate), hard and soft landscaping; surface water drainage, details of management before and during construction including any temporary closures or diversions; and an implementation timetable.

The scheme shall be implemented in accordance with the approved details.

*Reason:* To ensure the existing public right of way network is not obstructed and to ensure adequate public right of way provision for pedestrians, cyclists and horse riders in accordance with policies SP1, S3, TRA5 and TRA6, of the Ashford Local Plan 2030.

### *Highways*

- 16) Prior to the occupation of the 51st dwelling hereby permitted the signalised crossing across Britannia Lane as shown on drawing number 1281-HL-114 Revision B shall be constructed and open for use.

*Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA5 and TRA6 of the Ashford Local Plan 2030.

- 17) Prior to the occupation of the 51st dwelling hereby permitted the signalisation of the Pound Lane / Church Hill / Ashford Road junction together with parking restrictions on Church Hill and formal pedestrian crossing facilities on three arms of the junction as shown on drawing number 1281-HL-200 Revision E shall be completed and open to vehicular traffic.

*Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA5, TRA6 and TRA7 of the Ashford Local Plan 2030.

- 18) Prior to the occupation of the 51st dwelling hereby permitted the alterations to the junction of Magpie Hall Road / Steeds Lane / Ashford Road as shown on drawing number 1281-SK-02 Revision F shall be completed and open to vehicular traffic unless such works have been delivered in conjunction with planning permission APP/E2205/W/23/3320146 pursuant to conditions (3) and (9) and drawing number 30292\_5510\_004 REV F of that permission.
- Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA5, TRA6 and TRA7 of the Ashford Local Plan 2030.
- 19) Prior to the occupation of the 101st dwelling hereby permitted the Britannia Lane parking bays together with parking restrictions as shown on drawing number 1281-HL-26 Revision A shall be completed.
- Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA6 and TRA7 of the Ashford Local Plan 2030.
- 20) Prior to the occupation of any dwelling hereby permitted the new Long Length/Magpie Hall Road roundabout together with extension of the existing 40mph speed limit and closure of part of Long Length to vehicular traffic as shown on drawing number 1281-HL-106 Revision B shall be completed and open to vehicular traffic.
- Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA5, TRA6 and TRA7 of the Ashford Local Plan 2030.
- 21) Prior to the occupation of the 101st dwelling hereby permitted the improvements to the Forestall Meadow roundabout as shown on drawing number 1281-HL-311 Revision C shall be completed and open to vehicular traffic.
- Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3 and TRA7 of the Ashford Local Plan 2030.
- 22) Prior to the occupation of the 101st dwelling hereby permitted the Long Length access as shown on drawing number 1281-HL-103 Revision C shall be completed and open to vehicular traffic.
- Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA5, TRA6 and TRA7 of the Ashford Local Plan 2030.
- 23) Prior to the occupation of the first dwelling in Phase 2 the Pound Lane North access as shown on drawing number 1281- HL-102 Revision C (together with submission of details of a speed limit reduction on Britannia Lane, Chart Road and Long Length from 60mph to 30mph) shall be completed and open to vehicular traffic.
- Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA5, TRA6 and TRA7 of the Ashford Local Plan 2030.
- 24) Prior to the occupation of the first dwelling in Phase 2 the Pound Lane shared surface as shown on drawing number 1281-HL-113 shall be completed and open to vehicular traffic.
- Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA5 and TRA6 of the Ashford Local Plan 2030.
- 25) Prior to the occupation of the first dwelling in Phase 2 identified on plan 147-P-15 rev E the speed limit reduction on Pound Lane from 60mph to 40mph as shown on drawing number 1281-HL-111 Revision A shall be completed.
- Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA5 and TRA6 of the Ashford Local Plan 2030.
- 26) Prior to the occupation of the first dwelling in Phase 3 identified on plan 147-P-15 rev E the Pound Lane access drawing with one-way working and extension of the 30mph speed limit as shown on drawing number 1281-HL-101 Revision E shall be completed and open to vehicular traffic.

*Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA5 and TRA6 of the Ashford Local Plan 2030.

- 27) Prior to the occupation of the first dwelling in Phase 3 identified on plan 147-P-15 rev E details of the new pedestrian / cycle bridge over the water course by Pound Lane indicatively shown on drawing number 1281-HL-101 Revision E shall be submitted to and approved in writing by the Local Planning Authority. The new bridge shall be completed in accordance with the approved details and shall be open to pedestrians and cyclists prior to the occupation of the first dwelling in that phase.

*Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA5 and TRA6 of the Ashford Local Plan 2030.

#### *Travel plan*

- 28) Prior to the first occupation of the development a detailed Travel Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the following:
- a) setting of objectives and targets;
  - b) measures to promote and facilitate public transport use, walking and cycling;
  - c) measures to reduce car usage;
  - d) measures to reduce air pollution;
  - e) promotion of practices/facilities that reduce the need for travel;
  - f) monitoring and review mechanisms;
  - g) travel Plan co-ordinators and associated support;
  - h) provision of travel information and marketing together with a timetable for the implementation of each element.

The agreed Travel Plan measures shall subsequently be implemented in accordance with the details approved and within three months of the first use or occupation of the development hereby permitted and thereafter maintained.

*Reason:* In order to promote sustainable travel and to realise a sustainable pattern of development in accordance with policies SP1, S3 and TRA8 of the Ashford Local Plan 2030.

- 29) Prior to the occupation of each phase details of any bus stops within that phase together with raised kerbs, shelters and clearways and an implementation strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The details shall be implemented as approved thereafter.

*Reason:* In the interests of highway and pedestrian safety in accordance with policies SP1, S3, TRA4 and TRA5 of the Ashford Local Plan 2030.

#### *Surface water drainage*

- 30) Prior to the commencement of development (including below ground works) in any phase a detailed sustainable surface water drainage scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority.

Each detailed drainage scheme shall be based upon the Illustrative Drainage Strategy [1281-DR-14 F], the principles in the Brookbanks Flood Risk Assessment RA (2018), Technical note TN45 Rv1 (2024) and Technical Note TN47 Rv1 (2025) and shall accord with the surface water drainage strategy for the site approved pursuant to Condition 5. Any submitted scheme shall demonstrate compliance with the required technical standards at the time of submission and shall demonstrate that the surface water generated by this development for all rainfall durations and intensities up to and including the climate change

adjusted critical 100 year storm can be accommodated and disposed of at a rate no greater than  $Q_{bar}$  for all critical rainfall events without increase to flood risk on or off-site.

The detailed drainage schemes shall also demonstrate that:

- a) any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site and that suitable volumetric coefficients of run off have been applied (as required by the LLFA);
- b) that an effective outfall for surface water is provided for the development layout. This information may include details of surveys of watercourses and culverts and / or details of any works that may be necessary to deliver an effective outfall for surface water;
- c) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters;
- d) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker;
- e) an implementation schedule identifying the sequence and timing of the construction and bringing in to use of the drainage features associated with the identified phases in Condition 5;
- f) details of the nutrient removal (phosphorus and nitrogen) from the proposed surface water drainage measures.

Each surface water drainage scheme shall be implemented in accordance with the approved details.

*Reason:* To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/offsite flooding in accordance with Policies SP1, S3, ENV6 and ENV9 of the Ashford Local Plan.

- 31) Prior to first occupation of any dwelling in each phase an operation and maintenance manual for the sustainable drainage system in that phase shall be submitted to and approved in writing by the Local Planning Authority. The manual, at a minimum, shall include the following details:

- a) a description of the drainage system and its key components;
- b) a general arrangement plan with the location of drainage measures and critical features clearly marked;
- c) an approximate timetable for the implementation of the drainage system;
- d) details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities;
- e) details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the SuDS throughout its lifetime.

The system shall be provided in accordance with the agreed timetable and shall thereafter be operated and maintained in accordance with the approved operation and maintenance manual.

*Reason:* To ensure that all measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction) in accordance with policies SP1, S3, ENV6, ENV8 & ENV9 of the Ashford Local Plan 2030.

- 32) None of the dwellings or buildings identified in the agreed implementation schedule shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local

Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

*Reason:* To ensure the development is served by satisfactory arrangements for the disposal of surface water and does not exacerbate the risk of on/off site flooding or impact on the water quality in accordance with policies SP1, S3, ENV6 and ENV9 of the Ashford Local Plan 2030.

- 33) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.

*Reason:* To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with policies SP1, S3, ENV6 and ENV9 of the Ashford Local Plan 2030.

#### *Waste water*

- 34) Prior to the commencement of development in each phase a detailed foul water sewerage disposal strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall provide details of the arrangements for foul water disposal on the site and shall include an implementation plan for the connection of all dwellings and buildings to the foul sewer network and/or to the on-site Wastewater Treatment Plant (WwTP). The development shall be implemented and thereafter retained in accordance with the approved details prior to first occupation of the relevant phase.

*Reason:* To ensure that the development is served by satisfactory arrangements for the disposal of foul water and does not impact on the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh Lakes in accordance with policies SP1, S3, ENV1 & ENV8 of the Ashford Local Plan 2030 and the Conservation of Habitats and Species Regulations 2017 (as amended)

- 35) Prior to first occupation of any dwelling in each phase (or in accordance with an implementation schedule agreed in writing with the Local Planning Authority) a Verification Report, pertaining to the foul water drainage system approved pursuant to condition 35 prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage systems constructed are consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; and information pertinent to the installation of those items identified on the critical drainage assets drawing.

*Reason:* To ensure that the development is served by satisfactory arrangements for the disposal of foul water and does not impact on the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh Lakes in accordance with policies SP1, S3, ENV1 & ENV8 of the Ashford Local Plan 2030 and the Conservation of Habitats and Species Regulations 2017 (as amended)

- 36) Prior to the commencement of construction of the Waste Water Treatment Plant (WwTP), if required on site, a management, maintenance and monitoring plan for the onsite WwTP to treat the foul sewage originating from the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the onsite WwTP shall be managed, maintained and monitored in accordance with the approved plan for the lifetime of the development.

*Reason:* In the interest of preserving protected and qualifying features of European protected sites from foul water pollution associated with the occupation phase of development in accordance with policies SP1 and ENV1 of the Ashford Local Plan 2030.

- 37) The Waste Water Treatment Plant (WwTP) shall operate in accordance with the following levels set out in the Nutrient Mitigation Strategy (or such other levels as are approved in writing from time to time by the Council):

- a) maximum of 10 mg/l for total nitrogen;
- b) maximum of 0.3 mg/l for total phosphorous.

*Reason:* In the interest of preserving protected and qualifying features of European protected sites from foul water pollution associated with the occupation phase of development in accordance with policies SP1 and ENV1 of the Ashford Local Plan 2030.

*Air quality and noise*

- 38) The plans and particulars pursuant to condition 1 for the Waste Water Treatment Plant (WwTP) if required on site shall include the following:

- a) detailed hard and soft landscaping scheme for the WwTP site, including an implementation plan, demonstrating how the landscaping of the site will mitigate the visual and odour impacts of the WwTP;
- b) an updated odour assessment to assess the impacts of odour from the WwTP on existing and future residents and to identify any mitigation measures that may be required.

The development shall thereafter be carried out in accordance with the approved details. Any mitigation measures identified shall be implemented prior to first operation of the WwTP and retained and maintained thereafter.

*Reason:* In the interest of the visual amenity of the area and to protect the amenity of existing and future residents in accordance with policies SP1 and ENV12 of the Ashford Local Plan 2030.

- 39) Prior to first operation of the Waste Water Treatment Plant (WwTP) if required on site, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be installed at the WwTP to protect internal sound levels at nearby residential properties and confirmation of the geographical extent of the measures relative to the distance from the WwTP shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include full details of the design of the acoustically attenuated kiosks on the site.

The approved noise and vibration control measures shall be installed prior to the first operation of the WwTP. The equipment shall thereafter be maintained and operated in compliance with the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

*Reason:* To protect the amenity of occupiers of the dwellings from undue disturbance by noise and vibration in accordance with policy SP1 of the Ashford Local Plan 2030

- 40) The rating level of noise emitted from proposed plant and equipment to be installed on the Waste Water Treatment Plant (WwTP) site (determined using the guidance of BS4142: Method for rating industrial and commercial sound) shall not exceed the following:

- a) measured ambient noise level LA90, T during the nighttime period. For the purpose of the assessment the nighttime period is 23:00-07:00 hours.
- b) measured ambient noise level LA90, T during the daytime period. For the purpose of the assessment the daytime period is 07:00-23:00 hours.

*Reason:* To protect the amenity of occupiers of the dwellings from undue disturbance by noise in accordance with policy SP1 of the Ashford Local Plan 2030.

*Tree protection*

- 41) The development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other hedges and shrubs to be retained by adhering to the following:
- a) all trees and hedges to be retained shall be protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Retention Plan contained within the Position Statement for Arboriculture by FPCR dated June 2025 and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;
  - b) no trenches for underground services shall be commenced within the Root Protection Areas of trees identified as being retained in the approved plans, or within 5m of hedgerows identified as being retained on the approved plans without prior written consent from the Local Planning Authority;
  - c) no fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
  - d) no materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
  - e) no roots over 25mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
  - f) ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority;
  - g) if any retained tree is cut down, uprooted or destroyed or dies another tree or trees shall be planted at the same place and the tree or trees shall be of such size and species to reflect the lost canopy cover the size and number of which is to be agreed with the Local Planning Authority and shall be planted at such time as may be specified in writing by the Local Planning Authority.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and documents.

*Reason:* In the interests of preventing damage to tree roots and preserving the character and visual amenity of the area in accordance with policies SP1 and ENV5 of the Ashford Local Plan 2030.

- 42) Notwithstanding the detail shown on drawing 1281-HL-103 Rev C the Long Length Access shall not be constructed as shown on that drawing and no works shown on that drawing shall be commenced (including any works to trees protected by TPO ref: TPO/91/00003) until a revised scheme has been submitted to and approved in writing by the Local Planning Authority showing the re-siting of that access in the location indicatively shown on plan 1281A-SK-01 and in such a position that retains Trees T304 and T305 shown on the Tree Survey Plan (FPCR June 2025), and their root protection areas. The development shall thereafter be constructed in accordance with these approved details.

*Reason:* to protect and safeguard two Category A mature oak trees protected by TPO/91/00003 and to preserve the character and visual amenity of the area in accordance with policies SP1 and ENV5 of the Ashford Local Plan 2030.

### *Wetlands*

- 43) Prior to the commencement of construction of the wetlands shown on drawing 147-P-09 Rev R, a detailed Wetland Monitoring, Management & Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall detail proposed sedimentation removal processes, timetable of works and site management procedures during and after a high rainfall event (when the water level reaches the top of the relevant berm levels). The wetland shall be monitored, managed and maintained in accordance with the approved details for the lifetime of the development.

*Reason:* To ensure that all measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction) in accordance with policies SP1, S3, ENV6, ENV8 and ENV9 of the Ashford Local Plan 2030.

### *External Lighting*

- 44) Prior to the commencement of above ground works in a phase, an external lighting strategy relating to all external lighting to be installed within that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
- a) layout plan with details of lighting fixtures (luminaire type; mounting height; beam orientation and luminaire profiles);
  - b) details of compliance with the Institute of Lighting Engineers guidance on preventing light pollution;
  - c) Details of the sensitive lighting design to mitigate for impacts of light-spill.

The external lighting shall be installed in accordance with the approved details prior to first occupation of the relevant phase of the development and maintained and retained thereafter.

*Reason:* In order to achieve an appropriately lit and high-quality public realm that balances the requirements for safety and security with nature conservation and reducing light pollution in accordance with policies SP1, S3 and ENV1 of the Ashford Local Plan 2030.

### *Contamination*

- 45) If unexpected contamination (as defined in Part 2A of the Environmental Protection Act 1990) is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared. Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

*Reason:* To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SP1, ENV1 and ENV8 of the Ashford Local Plan 2030.

### *Crime prevention*

- 46) The plans and particulars pursuant to condition 1 'layout', 'landscaping', 'scale' and 'appearance' shall include details of measures to be incorporated into the development to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) and Secured by Design (SBD). The measures shall be implemented in accordance with the approved details prior to the first occupation or use of the relevant phase.

*Reason:* In the interest of security and to promote public safety and reduce crime in accordance with policies SP1 and SP6 of the Ashford Local Plan 2030.

### *Water consumption*

- 47) Prior to the occupation of each dwelling, that dwelling shall be constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will generally not exceed 100 litres per person per day.

*Reason:* To ensure the development is sustainable and does not impact on the water quality at the nationally and internationally designated wildlife habitat at the Stodmarsh Lakes in accordance with policies SP1, ENV1 and ENV7 of the Ashford Local Plan 2030.

### *Rainwater harvesting*

- 48) Prior to the occupation of each dwelling, that dwelling shall be provided with a system for rainwater harvesting with a connection to a rainwater downpipe. The rainwater harvesting system shall be maintained and retained thereafter.

*Reason:* To allow residents to store rainwater on site for re-use thereby reducing the demand for mains water on site in accordance with the Ashford Borough Council Climate Change Guidance for Development Management March 2023.

### *Local centre and community hub details pursuant to a reserved matters application*

- 49) Any application for reserved matters approval on the land identified as the community hub or local centre on plan 147-P-09 Rev R shall include the following details:

- a) site levels;
- b) the scale and appearance including elevations and floorplans of any buildings;
- c) hard and soft landscaping;
- d) surface water drainage;
- e) access;
- f) car and cycle parking;
- g) lighting, and where relevant, flood lighting for playing pitches including lux levels and cowlings to reduce light spill;
- h) circulation;
- i) means of enclosure.

The works shall be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

*Reason:* To ensure a comprehensive, well serviced development in accordance with Policies S3 and SP6 of the Ashford Local Plan 2030.

### *Broadband*

- 50) Prior to the occupation of any dwelling in each phase, details including plans, shall be submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to that phase of the development, or in the case of new technology, details of such new technology demonstrating the comparable broadband speed. Thereafter, the infrastructure shall be laid out in accordance with the approved details and be available for use on the first occupation of each dwelling.

*Reason:* To ensure the development is provided with high quality broadband services in accordance with Policies SP1 and EMP6 of the Ashford Local Plan 2030.

### *Archaeology*

- 51) Notwithstanding the detail shown on the approved Framework Plan 147-P 09 Rev R the Roman road safeguarded corridor shown on plan PN1276 shall be retained in reserved matters applications for the site, except for Areas A, B, C, D.

For Area A the safeguarded corridor shall be at least 25 metres in width and not less than 12.5m in width either side of the centre line of the Roman road as delineated on plan PN1276. None of the following uses shall be permitted in the Area A safeguarded corridor: dwellings houses or other buildings, roads, vegetation planting or habitat creation.

For Area B the safeguarded corridor shall be no less than 12.5m and shall comprise only private drives associated with dwellings houses, a combined footway/cycleway and hard and soft landscaping and shall be free from all other forms of built development.

For Areas C and D only access roads, combined footway/cycleway shall be permitted.

Any works proposed within the Roman road safeguarded zone (Areas B, C and D) will be subject to archaeological mitigation and in accordance with method statements agreed with the County Archaeologist and the LPA, to an agreed timescale, set out in an agreed specification.

*Reason:* To ensure that important archaeological remains are not adversely affected by construction works and are protected in order to form a visible, positive contribution to local character and distinctiveness in accordance with policies SP1, S3, ENV13 and ENV15 of the Ashford Local Plan 2030 and paragraphs 208 and 210 of the NPPF.

- 52) Prior to commencement of development (including site clearance, demolition and below ground works), the applicant, or their agents or successors in title, shall secure the implementation of a phased programme of archaeological building recording in accordance with a written specification and timetable which shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* To ensure that archaeological and historic building features, especially within the historic complex of Court Lodge Farm, are properly examined and recorded in accordance with policies SP1, S3, ENV13 and ENV15 of the Ashford Local Plan 2030 and paragraph 218 of the NPPF.

- 53) Prior to commencement of development (including site clearance, demolition and below ground works), the applicant, or their agents or successors in title, shall secure the implementation of the following:
- a) archaeological field evaluation works in accordance with a specification and written timetable which shall be submitted to and approved in writing by the Local Planning Authority; and
  - b) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which shall be submitted to and approved in writing by the Local Planning Authority, and
  - c) a programme of post excavation assessment and publication details of which shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains in accordance with policies SP1, S3, ENV13 and ENV15 of the Ashford Local Plan 2030 and paragraph 218 of the NPPF.

- 54) Prior to first occupation of the development, the applicant, or their agents or successors in title, shall secure the implementation of a programme of heritage interpretation in accordance with a written specification and timetable that shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* To ensure community awareness, understanding and enjoyment of the heritage and important archaeological landscape features in accordance with policies SP1, S3, ENV13 and ENV15 of the Ashford Local Plan and paragraph 218 of the NPPF.

- 55) Prior to first occupation of the development the applicant, or their agents or successors in title, shall secure the implementation of a Community Archaeology Programme, to be implemented by a suitable, approved community archaeologist, in accordance with a written specification and timetable that shall be submitted to and approved in writing by the Local Planning Authority.

*Reason:* To ensure community awareness, understanding and enjoyment of the heritage and important archaeological landscape features in accordance with policies SP1, S3, ENV13 and ENV15 of the Ashford Local Plan and paragraph 218 of the NPPF.

*Utility services*

- 56) Prior to the commencement of development within each phase a services plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The services plan shall include the provision of underground ducts to enable telephone services, electricity services and communal television services to be connected to any premises within that phase without recourse to the erection of distribution poles and overhead lines. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995 or any other Order or any subsequent Order revoking or re-enacting that Order no distribution pole or overhead line within the application site shall be erected without the express consent of the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

*Reason:* In the interests of visual amenity in accordance with policies SP1 and SP6 of the Ashford Local Plan 2030. Soil Management Plan

- 57) Prior to the commencement of development, including below ground works, a soil resource management plan which details how the best soil on the site would be separated, protected and reserved for re-use within the development shall be submitted to an approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved plan.

*Reason:* To ensure that soil on the site is reused within the development to mitigate the impact of the loss of grade 3a farmland in accordance with policy SP1 of the Ashford Local Plan 2030.

*End of conditions*

## **ANNEX B: APPEARANCES AT THE INQUIRY**

### **FOR THE APPELLANT**

Robert Walton, King's Counsel

Instructed by LRM Planning Ltd

*He called*

Dean Swann MCIHT FIHE  
David Harper BSc(Hons), MSc  
MCIEEM  
Peter Hoy BSc (Hons) CIEEM

Technical Director, Brookbanks Consulting Ltd  
Associate Director, FPCR Environment and  
Design Ltd  
Senior Director, FPCR Environment and  
Design Ltd

Rob Bourn BA MA MCIfA  
Becky Ryan BA MCIfA  
Anthony Brown BSc (Hons) MRICS

Managing Director, Orion Heritage Ltd  
Technical Director, Orion Heritage Ltd  
Group Commercial Director, Brookbanks  
Consulting Ltd

Ramsay Evans BA (Hons) Dip Arb  
MRICS MCIArb

Partner, Turner Morum LLP

Melanie A'Lee MCIHT FHIE

Director of Transportation & Highways,  
Brookbanks Consulting Ltd

Owen Jones BA(Hons) Dip TP MSc  
MRTPI PIEMA

Director, LRM Planning

### **FOR THE LOCAL PLANNING AUTHORITY**

Hugh Flanagan, Counsel

Instructed by T W Mortimer, Solicitor to  
the Council and Monitoring Officer,  
Ashford Borough Council

*He called*

Faye Tomlinson BA (Hons) DipTP  
MA MRTPI

Team Leader Strategic Applications,  
Ashford Borough Council

### **INTERESTED PERSONS**

Peter Le Rossignol  
Geoff Cosgrove  
Yolanda Barker  
John Clarke

Kingsnorth Parish Council  
Kingsnorth Parish Council  
Great Chart with Singleton Parish Council  
Local resident

**ANNEX C: CORE DOCUMENTS**

Hosted online by Ashford Borough Council at the date of this decision, via the following link: [Appeal documents](#)

<b>CD No.</b>	<b>Title of document</b>	<b>Date / reference</b>
<b>CD1</b>	<b>Appeal correspondence</b>	
CD 1.1	Start date letter	19 Feb 2025
CD 1.2	CMC note (1)	28 Apr 2025
CD 1.3	CMC note (2)	3 June 2025
<b>CD2</b>	<b>Outline planning application</b>	
CD 2a	Planning application form	17 Dec 2018
CD 2b	Planning application letter	10 Dec 2018
CD 2c	Letter that accompanied Jan 2020 amendment	13 Jan 2020
<i>January 2020 submission</i>		
CD 2.1	Development Framework Document (Planning Statement/DAS)	Jan 2020 Rev A
CD 2.2	Environmental Statement Main Text	Jan 2020 Rev B
CD 2.3	Environmental Statement Technical Appendices with Badger Survey	Jan 2020
CD 2.4	Environmental Statement Figures	Jan 2020
CD 2.5	Environmental Statement Non-Technical Summary	Jan 2020 Rev B
CD 2.6	Redline Plan (Site location plan)	147-P-12 Rev G
CD 2.7	Framework Plan	147-P-09 Rev O
CD 2.8	Illustrative Masterplan	147-P-14 Rev C
CD 2.9	Demolition Plan	147-P-16 Rev D
CD 2.10	Phasing Plan	147-P-15 Rev C
CD 2.11	Landscape Character Area Plan	147-P-10 Rev C
CD 2.12	Landscape Features Plan	147-P-10 Rev D
<i>August 2021 submission</i>		
CD 2.13	SW roundabout access - vehicle tracking - sheet 1 of 2	1281-HL-107A
CD 2.14	SW roundabout access - vehicle tracking - sheet 2 of 2	1281-HL-105B
CD 2.15	SW roundabout access - pedestrian routing	1281-HL-106B
CD 2.16	SW roundabout access	1281-HL-611F
CD 2.17	SGN Safety Management Framework	SGN/WI/SW/2
CD 2.18	SGN Response letter	08 June 2021
CD 2.19	Relocation of signage - Britannia In Pound Lane	1281-HL-111A
CD 2.20	Relocation of signage	1281-HL-110
CD 2.21	Proposed access - Pound Lane North	1281-HL-102C
CD 2.22	Proposed access - Long Length	1281-HL-103C
CD 2.23	Pound Lane south access	1281-HL-101D
CD 2.24	Pound Lane signals	1281-HL-200E
CD 2.25	Pound Lane access tracking	1281-HL-104A
CD 2.26	Potential & existing footway/cycle routes	1281-HL-109
CD 2.27	Off-site highway improvements - staggered junction	1281-HL-09C
CD 2.28	Off-site highway improvements - Malcolm Sargent roundabout	281-HL-211B
CD 2.29	Off-site highway improvements - Forstall Meadow	1281-HL-311C
CD 2.30	North Pound Lane - pedestrian route improvements	1281-HL-113
CD 2.31	Long Length tracking	1281-HL-112
CD 2.32	Existing footway cycleway route	1281-HL-108
CD 2.33	Britannia Lane shared route crossing improvements	1281-HL-114B
CD 2.34	Britannia Lane parking	1281-HL-26A
<i>May 2023 submission</i>		
CD 2.35	Environmental Statement Supplementary Note (2)	May 2023
CD 2.36	Development Framework Document	Feb 2023 Rev D
CD 2.37	FPCR Technical Note – Ecology Update	Nov 2022

CD 2.38	Badger Survey Report FPCR CONFIDENTIAL	Dec 2020
CD 2.39	Climate Mitigation Statement	May 2023
CD 2.40	Redline Plan No Highway Land	147-UW-P-012(B)
CD 2.41	Framework Plan	147-P-09 Rev Q
CD 2.42	Illustrative Masterplan	147-P-14 Rev E
CD 2.43	Demolition Plan	147-P-16 Rev E
CD 2.44	Phasing Plan	147-P-15 Rev E
CD 2.45	Magpie Road junction	1281-SK-02 (G)
<i>April 2024 submission</i>		
CD 2.46	Nutrient Mitigation Strategy	Apr 2024
CD 2.47	Environmental Statement Supplementary Note (3)	Apr 2024
CD 2.48	Framework Plan	147-P-09 Rev R
<i>May 2024 submission</i>		
CD 2.49	Magpie Road junction	1281-SK-02 (F)
CD 2.50	Magpie Road Junction HGV Vehicle Swept Path	1281-SK-02
CD 2.51	Road Safety Audit Stage 1 Response Report	April 2023
<i>Other documents submitted</i>		
CD 2.52	Brookbanks Technical Note: Response to KCC Highways	17 July 2019
CD 2.53	Brookbanks Technical Note: Response to KCC Highways	18 Dec 2019
CD 2.54	Brookbanks Technical Note: Response to KCC Highways	12 Feb 2020
CD 2.55	Environmental Statement Supplementary Note (1)	Feb 2020
CD 2.56	Brookbanks Technical Note: Response to KCC Highways (A28 Impact)	13 July 2020
CD 2.57	Brookbanks Technical Note: Response to KCC Highways	17 Aug 2020
CD 2.58	Brookbanks Technical Note: Response to KCC Highways (A28 Queuing)	16 Sept 2020
CD 2.59	Marion Cameron Consultancy nutrient mitigation correspondence (1)	16 Dec 2020
CD 2.60	Marion Cameron Consultancy nutrient mitigation correspondence (2)	05 May 2021
CD 2.61	Open Space Note 1	June 2021
CD 2.62	FPCR BNG and ecology related correspondence	13 Aug 2021
CD 2.63	Open Space Note 2	Sept 2021
CD 2.64	Marion Cameron Consultancy nutrient mitigation correspondence (3)	17 Sept 2021
CD 2.65	Note on Planning Obligations	04 Nov 2021
CD 2.66	Consideration of Environmental Statement alongside nutrient mitigation measures	09 Nov 2021
CD 2.67	Green Infrastructure and Open Space Note	09 Nov 2021
CD 2.68	Open Space Typologies	147-P-25/26
CD 2.69	Brookbanks Technical Note TN37	29 Mar 2022
CD 2.70	Draft Heads of Terms for Planning Obligation (travelling draft)	Mar 2022
CD 2.71	Brookbanks Technical Note TN43	10 Feb 2023
CD 2.72	Nutrient Mitigation discussion paper	Feb 2024
CD 2.73	Brookbanks Technical Note Nutrient Budget Summation TN45	29 May 2024
CD 2.74	Brookbanks Technical Note Nutrient Mitigation TN46	10 Oct 2024
CD 2.75	Pound Lane South (Rev E)	Mar 2025
CD 2.76	FPCR Ecological Impact Assessment Incl. Badger Survey	May 2025
CD 2.77	Brookbanks Technical Note TN47	22 Apr 2025
CD 2.78	Nitrogen and Phosphorous Nutrient Neutrality Habitats Regulation Assessment (AECOM for ABC)	Oct 2021
CD 2.79	Appropriate Assessment and Nutrient Neutrality Support (AECOM for ABC)	Oct 2021
CD 2.80	Appropriate Assessment and Nutrient Neutrality Support (AECOM for ABC)	July 2024
CD 2.81	Appropriate Assessment and Nutrient Neutrality Support (AECOM for ABC)	Jan 2025
<b>CD3 Key consultee responses</b>		
CD 3.1	ABC Environmental services	18 Jan 2019
CD 3.2	Chilmington Management Organisation	28 May 2020
CD 3.3	CPRE	21 Feb 2019
CD 3.4	Comments from culture	12 Aug 2020

CD 3.5	Environment Agency	29 Jan 2019
CD 3.6	Environment Agency	5 June 2020
CD 3.7	Environment Agency	23 Sept 2022
CD 3.8	Environment Agency	29 Jan 2024
CD 3.9	Environment Agency	10 June 2024
CD 3.10	Environment Agency	26 Nov 2024
CD 3.11	Great Chart with Singleton Parish Council	28 May 2020
CD 3.12	Highways England	28 May 2020
CD 3.13	Highways England	7 Aug 2020
CD 3.14	Highways England	17 Feb 2022
CD 3.15	Historic England	13 May 2020
CD 3.16	Historic England	07 May 2024
CD 3.17	Hodson Developments	01 Mar 2024
CD 3.18	Housing Services	26 Nov 2020
CD 3.19	KCC Biodiversity Officer	11 Feb 2019
CD 3.20	KCC Biodiversity Officer	02 July 2021
CD 3.21	KCC Biodiversity Officer	14 Sept 2021
CD 3.22	KCC Biodiversity Officer	20 Mar 2025
CD 3.23	KCC County Matters	15 Feb 2019
CD 3.24	KCC Developer Contributions	20 May 2020
CD 3.25	KCC Developer Contributions	11 June 2024
CD 3.26	KCC Heritage	24 Jan 2019
CD 3.27	KCC Heritage	26 May 2020
CD 3.28	KCC Heritage	15 May 2024
CD 3.29	KCC Highways	05 Sept 2019
CD 3.30	KCC Highways	20 Jan 2020
CD 3.31	KCC Highways	03 Feb 2020
CD 3.32	KCC Highways	07 May 2020
CD 3.33	KCC Highways	01 June 2020
CD 3.34	KCC Highways	16 July 2020
CD 3.35	KCC Highways	26 Aug 2020
CD 3.36	KCC Highways	05 Oct 2020
CD 3.37	KCC Highways	14 June 2021
CD 3.38	KCC Highways	30 April 2024
CD 3.39	KCC Highways	14 May 2024
CD 3.40	KCC Highways	10 Mar 2025
CD 3.41	KCC Flood and Water Management	26 May 2020
CD 3.42	KCC Flood and Water Management	20 May 2024
CD 3.43	KCC Flood and Water Management	02 June 2025
CD 3.44	KCC PROW	18 June 2020
CD 3.45	KCC PROW	29 July 2020
CD 3.46	KCC PROW	06 June 2024
CD 3.47	KCC Romney Marsh	24 Nov 2020
CD 3.48	Kent Fire and Rescue	18 Jan 2019
CD 3.49	Kent Fire and Rescue	12 May 2020
CD 3.50	Kent Fire and Rescue	08 May 2024
CD 3.51	Kent Police	07 Feb 2019
CD 3.52	Kent Police	28 May 2020
CD 3.53	Kent Police	10 June 2024
CD 3.54	Kingsnorth Parish Council	25 May 2020
CD 3.55	Landscape Officer	16 June 2020
CD 3.56	NHS	12 Nov 2019
CD 3.57	National Planning Casework Unit	19 Feb 2019
CD 3.58	Natural England	25 Jan 2019
CD 3.59	Natural England	20 Oct 2020
CD 3.60	Natural England	29 Nov 2021
CD 3.61	Natural England	19 July 2022
CD 3.62	Natural England	15 May 2023
CD 3.63	Natural England	12 June 2024
CD 3.64	Natural England	05 Mar 2025
CD 3.65	Ramblers Association	09 Feb 2019
CD 3.66	Ramblers Association	08 June 2020

CD 3.67	Shadoxhurst Utilities & Drainage Team	23 May 2022
CD 3.68	Shadoxhurst Utilities & Drainage Team	06 Nov 2022
CD 3.69	Shadoxhurst Utilities & Drainage Team	02 Dec 2022
CD 3.70	Shadoxhurst Utilities & Drainage Team	08 Dec 2022
CD 3.71	Shadoxhurst Utilities & Drainage Team	28 Jan 2023
CD 3.72	Shadoxhurst Drainage Team	18 Sept 2023
CD 3.73	Shadoxhurst Drainage Team	05 Nov 2023
CD 3.74	Shadoxhurst Drainage Team	24 May 2024
CD 3.75	Shadoxhurst Drainage Team	31 May 2024
CD 3.76	Shadoxhurst & Kingsnorth Drainage Team	02 July 2024
CD 3.77	Shadoxhurst & Kingsnorth Drainage Team	07 July 2024
CD 3.78	Shadoxhurst & Kingsnorth Drainage Team	16 Sept 2024
CD 3.79	Shadoxhurst & Kingsnorth Drainage Team	08 Jan 2025
CD 3.80	Shadoxhurst & Kingsnorth Drainage Team	04 Mar 2025
CD 3.81	South East Rivers Trust	22 May 2024
CD 3.82	Southern Water	08 Feb 2019
CD 3.83	Southern Water	28 May 2020
CD 3.84	Southern Water	17 June 2021
CD 3.85	Southern Water	21 May 2024
CD 3.86	Sport England	01 June 2020
CD 3.87	Street scene and open space	02 Feb 2019
CD 3.88	Stubbs Cross Action Group	26 Feb 2019
CD 3.89	The British Horse Society	17 May 2024
CD 3.90	UK Power Network	14 Jan 2019
CD 3.91	Kingsnorth Medical Practice	25 May 2020
CD 3.92	Kingsnorth Parish Council	undated
CD 3.93	Kingsnorth Parish Council	18 June 2024
CD 3.94	Shadoxhurst Parish Council	15 Feb 2019
CD 3.95	Marian Cameron Consultants Ltd	16 Dec 2021
CD 3.96	Marian Cameron Consultants Ltd	17 Sept 2020
CD 3.97	VISSIM Modelling Review	05 Oct 2020
CD 3.98	Weald of Kent Protection Society	21 Feb 2019
<b>CD4</b>	<b>Determination documents</b>	
CD 4.1	Ashford Borough Council's Officer Report	02 Apr 2025
CD 4.2	Update report	02 Apr 2025
CD 4.3	Committee meeting minutes	02 Apr 2025
<b>CD5</b>	<b>Appeal documents</b>	
CD 5.1	Appellant's Statement of Case	12 Dec 2024
CD 5.2	Ashford Borough Council Statement of Case	03 Apr 2025
CD 5.3	Kent County Council Statement of Case	Undated
CD 5.4	Interim Statement of Common Ground	27 May 2025
CD 5.5	Supplementary Statement of Common Ground	05 June 2025
CD 5.6	Viability Statement of Common Ground	20 June 2025
CD 5.7	Second Supplementary Statement of Common Ground	23 June 2025
CD 5.8	Transport Statement of Common Ground	25 June 2025
CD 5.9	Third Supplementary Statement of Common Ground	21 July 2025
CD 5.10	Education Statement of Common Ground	03 July 2025
CD 5.11	Fourth Statement of Comment Ground - Trees	28 July 2025
CD 5.12	Fifth Statement of Common Ground	28 July 2025
CD 5.13	Updated viability Statement of Common Ground	29 July 2025
<b>CD6</b>	<b>Development Plan</b>	
CD 6.1	Ashford Local Plan 2030	2019
CD 6.2	Inspector's Report	2019
CD 6.3	Statement of Common Ground – ABC and The Environment Agency	March 2018
CD 6.4	Statement of Common Ground – ABC and Highways England	April 2018
CD 6.5	Statement of Common Ground – ABC and KCC Minerals and Waste	06 June 2018

CD 6.6	Ashford Local Plan Examination – Pound Lane Link Road Position Statement	01 May 2018
CD 6.7	Ashford Local Plan Examination – Pound Lane Link Road Position Statement	09 May 2018
CD 6.8	Ashford Local Plan Examination – Responses to Issue 12	25 April 2018
CD 6.9	Ashford Borough Council Strategic Flood Risk Assessment	July 2014
CD 6.10	Area Action Plan for Chilmington Green	July 2013
CD 6.11	Kent Minerals and Waste Local Plan 2024 - 2039	Mar 2025
CD 6.12	Greater Ashford Development Framework	April 2005
<b>CD7</b>	<b>Other planning documents</b>	
CD 7.1	Affordable Housing SPD	Feb 2009
CD 7.2	Climate Change Guidance for Development Management	06 Mar 2023
CD 7.3	Dark Skies SPD	July 2014
CD 7.4	Fibre to the Premises SPD	Oct 2020
CD 7.5	Landscape Character SPD	April 2011
CD 7.6	Landscape Character Assessment SPD	June 2009
CD 7.7	Public Green Spaces & Water Environment SPD	July 2012
CD 7.8	Sustainable Design and Construction SPD	April 2012
CD 7.9	Sustainable Drainage SPD	Oct 2010
CD 7.10	Ashford Strategic Housing Market Assessment (SHMA)	Jan 2014
CD 7.11	Open Space Study for Ashford Borough	Dec 2008
CD 7.12	Ashford Open Space Strategy	2017
CD 7.13	Ashford Indoor Sports Facility Strategy	Aug 2017
CD 7.14	Ashford Playing Pitch Strategy 2017-2030	May 2017
CD 7.15	SPG6 'Providing for the Transport needs arising from the South of Ashford Transport Study	June 2004
CD 7.16	RIF Repayment Contributions for Developments' document	April 2014
CD 7.17	RIF Repayment Calculation Update Note	Oct 2024
CD 7.18	RIF Table 2 second update	Jan 2025
<b>CD8</b>	<b>National policy and guidance</b>	
CD 8.1	NPPF	Dec 2024
CD 8.2	NPPG	
<b>CD9</b>	<b>Relevant appeal decisions</b>	
CD 9.1	Chilmington Green Appeal APP/E2205/W/24/3345453	04 Nov 2024
CD 9.2	Kingsnorth Appeal APP/E2205/W/23/3320146	06 Nov 2023
CD 9.3	Possingham Farmhouse APP/E2205/W/24/3345454	10 Feb 2025
<b>CD10</b>	<b>Topic-specific submissions</b>	
CD 10.1	CIEEM Advice Note – On the lifespan of Ecological Reports and Surveys	April 2019
CD 10.2	The RICS Professional Statement: Financial viability in planning: conduct and reporting	May 2019
CD 10.3	RICS Guidance on Assessing Viability in planning under the National Planning Policy Framework 2019 for England	Mar 2021
CD 10.4	RICS Guidance on Comparable Evidence in Real Estate Valuation	Oct 2019
CD 10.5	RICS Guidance on the Valuation of Development Property	Oct 2019
CD 10.6	Historic England Good Practice Advice in Planning Note 2	2015
CD 10.7	Historic England Good Practice Advice in Planning Note 3	2017
CD 10.8	Additional Archaeological Desk-Based Assessment Orion Heritage	Apr 2019
CD 10.9	Written scheme of investigation for an archaeological evaluation Canterbury Archaeological Trust Archaeological evaluation	02 May 2025
CD 10.10	Five Year Housing Land Supply Update 2024-2029	Apr 2024
CD 10.11	Five Year Vision & Strategy for the South of Ashford Garden Community 2021 - 2025	2021
CD 10.12	Local Plan Viability Report Update	May 2017

CD 10.13	Turner Morum Viability Assessment	27 May 2025
CD 10.14	Turner Morum Viability Assessment Appendices	27 May 2025
<b>CD11</b>	<b>Proofs of Evidence</b>	
<i>Exchange</i>		
CD 11.1	Proof of Evidence (Ms Faye Tomlinson)	01 July 2025
CD 11.2	Proof of Evidence (Ms Wendy Rogers)	01 July 2025
CD 11.3	Proof of Evidence (Mr Terry Sullivan)	01 July 2025
CD 11.4	Proof of Evidence (Mr Andrew Leahy)	01 July 2025
CD 11.5	Proof of Evidence (Mr Owen Jones)	01 July 2025
CD 11.5a	Proof of Evidence (Mr Owen Jones) summary	01 July 2025
CD 11.5b	Proof of Evidence (Mr Owen Jones) appendices	01 July 2025
CD 11.5c	Appellant's errata list (Mr Jones Proof of Evidence and Appendices 1&4)	01 July 2025
CD 11.6	Proof of Evidence (Mr Rob Bourn)	01 July 2025
CD 11.6a	Proof of Evidence (Mr Rob Bourn) appendices	01 July 2025
CD 11.7	Proof of Evidence (Mr Ramsay Evans)	01 July 2025
CD 11.7a	Proof of Evidence (Mr Ramsay Evans) appendices	01 July 2025
<i>Rebuttals</i>		
CD 11.8	Rebuttal Proof of Evidence (Ms Faye Tomlinson)	14 July 2025
CD 11.9	Rebuttal Proof of Evidence (Ms Wendy Rogers)	14 July 2025
CD 11.10	Rebuttal Proof of Evidence (Mr Andrew Leahy)	14 July 2025
CD 11.11	Rebuttal Proof of Evidence (Mr Terry Sullivan)	14 July 2025
CD 11.12	Rebuttal Proof of Evidence (Mr Owen Jones)	14 July 2025
CD 11.13	Rebuttal Proof of Evidence (Mr Rob Bourn)	14 July 2025
CD 11.14	Rebuttal Proof of Evidence (Mr Ramsay Evans)	14 July 2025
CD 11.14a	Rebuttal Proof of Evidence (Mr Ramsay Evans)	14 July 2025
CD 11.15	Rebuttal Proof of Evidence (Mr Anthony Brown)	14 July 2025
<i>CIL</i>		
CD 11.16	Ashford Borough Council CIL Compliance Statement	14 July 2025
CD 11.17	CIL Compliance Statement Appendix 1	14 July 2025
CD 11.18	CIL Compliance Statement Appendix 6	14 July 2025
CD 11.19	CIL Compliance Statement Appendix 7	14 July 2025
CD 11.20	CIL Compliance Statement Appendix 8	14 July 2025
CD 11.21	Kent County council CIL Compliance Statement	14 July 2025

## **ANNEX D: INQUIRY DOCUMENTS**

ID 01	Inspector's site visit maps	29 July 2025
ID 02	Appellant's list of appearances	29 July 2025
ID 03	Appellant's Opening Statement	29 July 2025
ID 04	Ashford Borough Council Opening Statement and list of appearances	29 July 2025
ID 05	Representation from Kingsnorth Parish Council	29 July 2025
ID 06	Representation from Mr Clarke	29 July 2025
ID 07	Representation from Great Chart with Singleton Parish Council	29 July 2025
ID 08	Appellants note on nutrient neutrality	6 August 2025
ID 09	Final Draft Planning Conditions Schedule	6 August 2025
ID 10	Draft S106 – Cleaner updated travelling draft	6 August 2025
ID 11	S106 Agreement Summary	6 August 2025
ID 12	S106 Outstanding Points	6 August 2025
ID 13	Appellants affordable housing cascade drafting	6 August 2025
ID 14	Appellant's s106 Schedule 21 – Stodmarsh Mitigation	6 August 2025
ID 15	Final Draft s106 Planning Obligation Agreement	14 August 2025
ID 16	Joint Position Statement regarding s106 Agreement	14 August 2025
ID 17	Final planning conditions schedule	14 August 2025
ID 18	Final plans schedule	14 August 2025
ID 19	Email 01 from Inspector, setting out further actions	14 August 2025
ID 20	Email 02 from Inspector, setting out further actions	22 August 2025
ID 21	Closing submissions from the Council	27 August 2025
ID 22	Closing submissions from the appellant	27 August 2025
ID 23	Email 03 from Inspector confirming the close of the Inquiry	27 August 2025

## **ANNEX E: POST-INQUIRY DOCUMENTS**

P/ID 01	Completed s106 agreement	3 September 2025
P/ID 02	Updated Statement of Common Ground between the appellant and the Council providing a revised agreed five-year housing land supply position	17 September 2025