

Core Strategy Review - Inspectors' Action Points

**Matter 2 - Regulation 18 Responses from
Neighbouring Authorities**

11 January 2021

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Matter 2 - Regulation 18 Core Strategy Review – Consultation Comments from Neighbouring Authorities

1. Introduction

- 1.1. The Regulation 18 draft of the Core Strategy Review (CSR) was published for public consultation on the 29th March 2018. This was just before the introduction by the revised National Planning Policy Framework of the requirement to prepare Statements of Common Ground on cross-boundary issues.
- 1.2. Folkestone & Hythe District Council (FHDC) has four direct neighbouring authorities, Rother District Council (within East Sussex), Ashford District Council, Canterbury City Council and Dover District Council (all within Kent).
- 1.3. The East Kent District and City Councils hold ‘Duty to Cooperate’ meetings on a quarterly basis (this also includes Thanet District Council). Specific meetings have been held with Rother District Council to discuss any cross boundary issues. These meetings are set out Appendix 1 in the Duty to Cooperate Statement (EB 01.80).

Rother District Council

- 1.4. Rother District Council lies to the south west of FHDC, with the short boundary between the two districts located in the remote Dungeness area. Rother district also lies within the neighbouring county of East Sussex.
- 1.5. At the time of the CSR Regulation 18, Rother District Council was working on the Development and Site Allocations Local Plan (this has since been adopted). Their strategic policy document, the Rother Core Strategy, was adopted in September 2014.

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- 1.6. Due to the international nature conservation designations in the Dungeness area, which fall within both districts, and the identified need for recreational management in both Core Strategies’ Habitats Regulations Assessments, FHDC and Rother District Council undertook joint working on the Sustainable Access and Recreational Management Strategy (SARMS).
- 1.7. This resulted in the publication of the SARMS in October 2017 (see documents EB 08.10, EB 08.11, EB 08.12, EB 08.13 and EB 08.14). Close cooperation continues between the two authorities, and other partners, to ensure the successful implementation of the SARMS.

Ashford Borough Council

- 1.8. Ashford Borough Council lies to the west of the district and has the largest boundary with FHDC compared to the other neighbouring authorities.
- 1.9. At the time of the CSR Regulation 18 consultation, Ashford Borough Council was working on the Ashford Local Plan (which was adopted February 2019).

Canterbury City Council

- 1.10. Canterbury City Council lies to the north of FHDC. At the time of the CSR Regulation 18 consultation, Canterbury City Council had adopted the Canterbury Local Plan (in 2017).

Dover District Council

- 1.11. Dover District Council lies to the east of the district. At the time of the CSR Regulation 18 consultation, Dover District had adopted their Core Strategy (in 2010) and the Land Allocation Document (in 2015). Work had begun in reviewing the two planning documents, which included working jointly with FHDC on a Strategic Housing Market Assessment in 2017.

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Kent County Council

- 1.12. Kent County Council is the higher tier in local government for Kent and also covers the neighbouring authorities Ashford, Canterbury and Dover (Rother, as highlighted above falls within East Sussex).

2. Core Strategy Review Regulation 18 Responses

Rother District Council

- 2.1. Rother District Council did not make any representations during the Regulation 18 consultation, and no strategic issues were raised through regular discussions. No amendments were therefore made.
- 2.2. Rother District Council made one representation during the Regulation 19 consultation, acknowledging that Folkestone & Hythe District Council has engaged positively with Rother District Council over several years on relevant strategic matters for the Core Strategy Review.

Ashford Borough Council

- 2.3. Ashford Borough Council did not make representations during the Regulation 18 consultation and no strategic issues were raised were raised through regular discussions. No amendments were therefore made.
- 2.4. Following the Regulation 18 consultation, discussions began about a Statement of Common Ground. Ashford made representations during the Regulation 19 consultation and this result in detailed and extensive discussions between the two councils at officer and Member level, culminating in the signing of a Statement of Common Ground in February 2020 (EB 13.20).

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Canterbury City Council

- 2.5. Canterbury City Council made two formal representations at Regulation 18 stage, one against Policy SS6 (3) and one against paragraph 2.12. The full comments are set out in Appendix 1 of this document.
- 2.6. The comments made against SS6 (3) were:
- The support of further policy emphasis on the physical delivery of employment development as part of each phase, to ensure that these sustainability objectives are achieved;
 - To query whether any work has been undertaken to assess the potential impacts on key routes into Canterbury as a result of the New Garden Settlement policies; and
 - The inclusion of a frequent, high quality service bus service between Otterpool and Canterbury.
- 2.7. FHDC amended the policy to reflect the comment in relation to infrastructure and transport in response to Canterbury City Council’s concerns.
- 2.8. With regard to the comments to paragraph 2.12, this related to a factual correction as the paragraph referred to providing 3,400 new homes but the actual figure was 16,000. FHDC deleted this paragraph.
- 2.9. Given the amendments to the Regulation 19 version of the Core Strategy Review, Canterbury City Council only made one representation during that consultation, which stated that they had “... *no objections to the submission draft Core Strategy Review. A Statement of Common Ground between our two authorities is currently under preparation and will set out, where necessary, areas of agreement in detail.*” The Statement of Common Ground with Canterbury City Council was signed in December 2019 (EB 13.40).

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Dover District Council

- 2.10. Dover District Council made three formal representations to the CSR Regulation 18 consultation. These were in relation to:
- Support for Policy DSD: Sustainable Development;
 - Policy SS7 New Garden Settlement - Place Shaping Principles; and
 - Policy SS8 New Garden Settlement - Sustainability and Healthy New Town Principles.
- 2.11. The full comments are set out in Appendix 1.
- 2.12. Although Dover District Council supporting policy DSD: Sustainable Development, this policy was not carried through to the Regulation 19 Core Strategy Review, as it was considered to largely repeat National Planning Policy Framework text regarding the presumption in favour of sustainable development.
- 2.13. Dover District Council raised concerns in relation to Policy SS7 and the provision of a high speed connection at Westenhanger Station. The concern related to any possible negative impacts on the service provision to towns within Dover District.
- 2.14. Dialogue has continued between the two authorities and no representations were raised during the Regulation 19 consultation.
- 2.15. Comments on Policy SS8 related to the Water Cycle Strategy. Dover District Council requested early discussions with Folkestone & Hythe District Council and other key duty-to-cooperate partners in order to ensure the early identification of cross-boundary water supply and quality issues. While no amendments were requested by Dover District Council, the councils have had ongoing discussions. FHDC and Dover District Council sit on the Ashford Water Group which also includes Ashford Borough Council, Canterbury City

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Council and Kent County Council as well as the water companies and the Environment Agency, where such matters are discussed.

- 2.16. The two latter issues have also been considered in the Duty to Cooperate Statement between the two councils. Discussions on the Statement of Common Ground progressed from the consultation on the Regulation 18 plan and culminated in the signing of the statement in December 2019 (EB 13.30).

Kent County Council

- 2.17. Kent County Council has been working with FHDC from the outset on the Core Strategy Review and proposals for the new garden settlement. At the time of the Regulation 18 consultation the County Council made 40 representations. Of these 17 expressed support or were general comments and 23 requested amendments.
- 2.18. Those that requested amendments related to:
- Public Rights of Way and references to Kent County Council's Rights of Way Improvement Plan (ROWIP);
 - Suggested changes to text for clarification or to update; and
 - References to Kent Minerals and Waste Plan.
- 2.19. These are set out in Appendix 1 below. These comments resulted in a number of changes to the Core Strategy Review that are reflected in the Regulation 19 Submission plan.
- 2.20. The introduction of the requirement for local authorities to prepare Statements of Common Ground resulted in further continuing detailed discussions with Kent County Council. The Statement of Common Ground with Kent County Council was signed in March 2020 (EB 13.10). This identified the need for modifications to Policy SS3 (c) and Policy CSD4.

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Appendix 1: Regulation 18 Responses by Neighbouring Authorities

Canterbury City Council Regulation 18 responses

Comment Nos. 586 and 587 (Paragraph 2.12 and Policy SS6 New Garden Settlement - Development Requirements)

‘Thank you for the opportunity to comment on the Regulation 18 draft CSLP Review. Please note the below represents informal officer comments only, and does not prejudice any future comments or decisions of the City Council.

We note the proposals to meet local housing needs within the District and that this is supported by a strategy to improve the quality of, and access to, employment opportunities within Shepway. In this respect, we welcome the approach to maximising the sustainability of proposed growth through high levels of self-containment.

Although policies such as SS6 (3) provide some support to the phasing of employment development alongside housing growth, we would support further policy emphasis on the physical delivery of employment development as part of each phase, to ensure that these sustainability objectives are achieved.

As regards transport issues, we would query whether any work has been undertaken to assess the potential impacts on key routes into Canterbury as a result of the New Garden Settlement policies. In particular, traffic routing from Otterpool Park to Canterbury is likely to use Stone Street and then Nackington Road to access key routes into the City. This area is already subject to congestion and any assessment should be considered in combination with committed growth in the Canterbury District Local Plan (CDLP) (2017), including the 4,000 home, mixed use allocation at South Canterbury.

Unlike with Dover, Folkestone and Ashford, there are no rail connections between Otterpool and Canterbury, and currently no bus service. We would strongly support the inclusion of a frequent, high quality service bus service between Otterpool and

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Canterbury within policies in the CSLP to ensure that this is delivered through the development. We would point out that such a service could connect to the fast bus route proposed from South Canterbury/Nackington Road to the bus station, as set out within the CDLP and supporting Transport Strategy.

On a purely factual point, para 2.12 refers to the CDLP providing just 3,400 new homes however the figure is actually 16,000.

We look forward to working with you, through the Duty to Cooperate, to further explore the above issues as the CSLP Review progresses.’

FHDC Response

‘Comments noted. Draft Policy SS6 (3)(c) to be amended to read:

"Employment space should be delivered alongside infrastructure and new homes so that job opportunities are available when the first phases of housing are occupied; subsequent phases should show how further employment development will be delivered alongside new housing as agreed with the local planning authority."

‘The point in relation to paragraph 2.12 is noted. Given the changing context, with the recent introduction of a national methodology for calculating how many homes local authorities should plan for, it is proposed that the detailed figures in paragraph 2.12 are deleted to avoid confusion.’

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Dover District Council Regulation 18 responses

Comment No. 608 (Policy DSD Sustainable Development)

‘We support Policy DSD which has a commitment to collaborate with Dover District Council on the sustainable development of the area in accordance with the statutory Duty to Co-operate and in the preparation of joint Statements of Common Ground and confirm that we will do the same.’

FHDC Response

‘Noted. The support of Dover District Council is welcomed.

However, the National Planning Policy Framework (NPPF) states that policies in plans should "serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)." Given that Policy DSD: Delivering Sustainable Development largely repeats the wording in the NPPF, it is proposed that the policy is deleted.’

The policy was deleted.

Comment No.609 (Policy SS7 New Garden Settlement - Place Shaping Principles)

‘The Council’s aspiration to upgrade Westenhanger Station to provide a high speed service must not in any way degrade or otherwise impacts existing high speed provision within Dover District or be detrimental or is detrimental to future high speed enhancements within the District. Any new service provision at Westenhanger should be phased at an appropriate point for the wider Otterpool Development and does not come forward prior to sufficient demand.’

FHDC Response

‘The Council will continue to engage with neighbouring authorities at regular Duty to Cooperate meetings. There will also be a Statement of Common Ground prepared to ensure neighbouring authorities are in agreement with the Council’s aspirations.

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Notwithstanding this, the HS service at Westenhanger is not planned within the next franchise period which is until 2027. However, one potential option to ensure this doesn’t happen is for the HS service to stop at both Folkestone West and Westenhanger stations alternately to ensure that the service runs from both stations without disadvantaging any stations further down the line by increasing the number of stops.’

Comment No 610 (Policy SS8 New Garden Settlement - Sustainability and Healthy New Town Principles)

‘Policy SS8 states that the Otterpool development is to be informed by a Water Cycle Strategy. Folkestone and Hythe District Council will be aware of areas of identified water stress within our shared water catchment areas. Dover District Council would like an early discussion with Folkestone and Hythe District Council and other key duty to co-operate partners in order to ensure the early identification of cross-boundary water supply and quality issues.’

FHDC response

‘Noted. Folkestone & Hythe District Council will continue to work with Dover District Council and other partners as required by the duty to co-operate.’

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Kent County Council Regulation 18 responses

Comment No. 745 (Policy SS9 New Garden Settlement - Infrastructure, Delivery and Management)

‘The Service strongly urges that Folkestone and Hythe District Council ensures the ROWIP is referenced. This will enable successful joint partnership working to deliver improvements to the District’s PRoW network’.

FHDC Response

‘Reference to Kent County Council’s Rights of Way Improvement Plan will be added to the supporting text’.

Comment No. 617 (Paragraph 467)

‘Suggested amendments to second sentence:

“The council is pursuing this with the train operating companies, which are bidding for the new South Eastern franchise, infrastructure providers and also with Network Rail and other stakeholders”

FHDC Response

‘The text will be amended in line with suggested changes from Kent County Council.’

Comment No.618 (Paragraph SS6 New Garden Settlement)

‘Policy DM8 of the adopted Kent Minerals and Waste Local Plan 2013-30 requires an Infrastructure Assessment to be prepared to assess whether or not the strategic allocation development would be compatible with the use of the waste facility, particularly in regard to noise, dust, light and air emissions that may legitimately arise from the waste activities that could take place on site’.

FHDC Response

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‘Comment noted. An Infrastructure Assessment will be prepared to assess whether or not the strategic allocation development would be compatible with the use of the waste facility in accordance with Policy DM8 of the adopted Kent Minerals and Waste Local Plan 2013-30’.

Comment No.619 (SS6 New Garden Settlement)

‘The Service strongly urges that Folkestone and Hythe District Council ensures the ROWIP is referenced. This will enable successful joint partnership working to deliver improvements to the District’s PRow network’.

FHDC Response

‘The text will be amended to include a new paragraph in the pre-amble to draft Policy SS7 making reference to the Rights of Way Improvement Plan (ROWIP) (2018-2028)’.

Comment No.622 (Policy SS6 New Garden Settlement)

‘Policy SS6 (4) (a) “Community facilities” are undefined’

FHDC Response

‘The text will be amended to include a new paragraph in the preamble to draft Policy SS6 which better defines ‘community facilities’ and provides greater recognition of the need for certain types of facilities for specific groups in the community i.e. sport venues, open space (including accessible space for the elderly), cultural buildings, libraries, places of worship and public houses’.

Comment No.623 (Policy SS6 New Garden Settlement)

‘Suggested amendments:

*“**Primary, Secondary, ~~primary~~ special and nursery school facilities shall be provided and fully funded by the development to meet projected needs in accordance with the forecast requirements of the Local Education Authority and shall be delivered in partnership with appropriate providers. This includes the provision of land at nil cost (both on and off site) and the safeguarding of additional,***

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suitable land to allow for future expansion in accordance with forecast needs. It is expected that four 2 forms of entry (2FE) primary schools and at least one secondary school will be required within the settlement, together with additional off-site investment in local secondary schools. There should be a maximum layout of the development should demonstrate that walking distances of 800 metres/10 minutes from every home to the nearest primary school are achievable, with an aspiration that homes are within a 400 metre/5 minute walking distance.”

FHDC Response

‘Kent County Council’s comments in relation to the specific educational facilities required to support the proposed garden town are noted. These will need to be reviewed along with the comments received by the ESFA, which conversely supports the educational provision as currently set out in the Core Strategy Review’. Policy amended as suggested.

Comment No.624 (Policy SS7 (1) (v) New Garden Settlement - Place Shaping Principles)

‘Suggested addition following the first sentence:

“Existing PRow will be protected and improved, and new PRow created to provide walking, equestrian and cycling access to places of work, education and facilities throughout the settlement, as well as providing leisure and recreational opportunities and offering access to the wider countryside.”

FHDC Response

‘The text will be amended in line with suggested changes from Kent County Council; however the suggested wording will be amended to be better incorporated into the existing policy wording.’

Comment No.626 (Policy SS7 (e) New Garden Settlement - Place Shaping Principles)

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‘In line with Kent Design guidance, provision for walkers and cyclists should be provided within traffic free, wide green corridors of open space, and should not be confined behind rear gardens but overlooked by adjoining properties to help facilitate a safer environment for path users. All pedestrian and cycle routes within the development should be delivered in line with this guidance.’

FHDC Response

‘Include reference to Kent Design guidance as requested by Kent County Council.’

Comment No.627 (Policy SS7(6) (g) New Garden Settlement - Place Shaping Principles)

‘Suggested amendments to first sentence:

*“... to provide **the capacity required to enable** a high speed service ready and integrated transport hub...”*

Suggested amendment to second sentence:

*“The council will continue to work with ~~Network Rail~~ **the rail operator** to introduce high-speed services from Westenhanger...”’*

FHDC Response

‘The text will be amended in line with suggested changes from Kent County Council.’

Comment No.628 (Paragraph 4.172)

‘The safeguarded minerals are not correctly identified.’

FHDC Response

‘The text will be amended in line with suggested changes from Kent County Council.’

Comment No.629 (SS8 New Garden Settlement - Sustainability and Healthy New Town Principles)

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‘The importance of maintaining the “integrity of water quality” is referred to at paragraph 2.42 [page 33] and should also be reflected in this policy.’

FHDC Response

‘Amend Policy SS8 (1)(b)(ii) according to Kent County Council’s suggestions.’

Comment No.634 (SS8 New Garden Settlement - Sustainability and Healthy New Town Principles)

‘New garden settlement and the Community Infrastructure Levy [page 92]

Following the March 2018 Housing Infrastructure Fund announcement, this section will require updating.’

FHDC Response

‘Noted. The section that refers to the Housing Infrastructure Fund will be updated.’

Comment No.635 (Policy SS9 (1) (a) New Garden Settlement - Infrastructure, Delivery and Management)

‘Suggested amendments to first sentence:

*“... allowing for the expansion and improvement of nearby **community** facilities such as secondary education **and waste**...”*

FHDC Response

‘Noted. Amend Policy SS9: New Garden Settlement - Infrastructure, Delivery and Management as suggested.’

Comment No.638 (SS9 (3) (a) Policy SS9 New Garden Settlement - Infrastructure, Delivery and Management)

‘Please note that any route that is not a Public Right of Way or cycle route which is adopted highway will not be maintained by KCC.’

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‘Suggested amendments to first sentence:

*“Infrastructure, the urban realm, open spaces **including informal pedestrian and cycle pathways**, and facilities shall be designed to take into account long-term management and maintenance requirements...”*

FHDC Response

‘Noted. Amend Policy SS9: New Garden Settlement - Infrastructure, Delivery and Management as suggested.’

Comment No.639 (SS9 (3) (b) Policy SS9 New Garden Settlement - Infrastructure, Delivery and Management)

‘Other infrastructure may also include:

- *Public art*
- *Street furniture’*

FHDC Response

‘Comments noted. These minor additions will be made to the Submission Draft (Regulation 19) Core Strategy Review.’

Comment No.641 (Paragraph 5.66)

*‘The paragraph states: “... with an **aim** that water neutrality is achieved”.*
[emphasis added]

This has also been referred to as an “aspiration” [e.g. paragraph 5.159, page 146] and this is more realistic. Water neutrality involves retrofitting enough existing properties with water saving fittings to offset the entire water demand from the new development and, because the savings achievable in each existing home are relatively small, this means retrofitting a significant number of properties. In the case of Otterpool Park, there are nowhere near enough existing properties “across the

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settlement” to achieve this. The Water for Sustainable Growth Study estimated that achieving water neutrality for all new homes in the Folkestone and Hythe District Council area would require retrofitting 43% of the existing housing stock.’

FHDC Response

‘Comments noted. The wording related to water neutrality will be deleted, given that it is set out elsewhere in the Core Strategy Review (paragraphs 4.94 and 5.162).’

Comment No.644 (Policy CSD9 Sellindge Strategy)

‘Suggested amendments to second sentence:

*“Total water use per dwelling shall not exceed 90 litres per person per day of **potable water...**”*

This would be consistent with Policy SS8 (1) (b).’

FHDC Response

*‘Noted. Support suggested amendments to second sentence: “Total water use per dwelling shall not exceed 90 litres per person per day of **potable water...**” This would be consistent with Policy SS8 (1) (b).’*

Comment No.648 (Paragraph 4.80)

‘There is a reference to footnote 74 regarding “The Water Resources Management Plan” but it is the incorrect plan. There is a reference to the correct document in a footnote [page 127] of the Core Strategy Local Plan Review Consultation Document.’

FHDC Response

‘Noted. References will be updated.’

Comment No.740 (SS7 New Garden Settlement - Place Shaping Principles)

‘In relation to Policy DM8 of the adopted Kent Minerals and Waste Local Plan 2013-30 and the need to assess safeguarding considerations for waste management

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facilities, the New Garden Settlement has been assessed. The Minerals and Waste Planning Authority can confirm that the strategic allocation development area coincides with a permitted waste recovery facility (Otterpool Quarry, Countrystyle Recycling Ltd - Composting and Anaerobic Digestion (AD) and Recycling Sites Construction and Demolition Waste).’

FHDC Response

‘Comment noted. The site promoters and the Council are aware of the proximity of the site to the Otterpool Quarry and this will be taken into account when submitting any future planning application.’

Comment No.741 (Paragraph 5.66)

‘Policy DM8 of the adopted Kent Minerals and Waste Local Plan 2013-30 requires an Infrastructure Assessment to be prepared to assess whether or not the strategic allocation development would be compatible with the use of the waste facility, particularly in regard to noise, dust, light and air emissions that may legitimately arise from the waste activities that could take place on site.’

FHDC Response

‘Insert new text to refer to Policy DM8 of the adopted Kent Minerals and Waste Local Plan 2013-2030.’

Comment No.742 (Policy SS9 New Garden Settlement - Infrastructure, Delivery and Management)

‘Policy DM8 of the adopted Kent Minerals and Waste Local Plan 2013-30 requires an Infrastructure Assessment to be prepared to assess whether or not the strategic allocation development would be compatible with the use of the waste facility, particularly in regard to noise, dust, light and air emissions that may legitimately arise from the waste activities that could take place on site.’

FHDC Response

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‘Amend supporting text to clarify requirements regarding permitted waste recovery facilities.’

Comment No.743 (Policy SS7 New Garden Settlement - Place Shaping Principles)

‘The Service strongly urges that Folkestone and Hythe District Council ensures the ROWIP is referenced. This will enable successful joint partnership working to deliver improvements to the District’s PRow network.’

FHDC Response

‘The Council will include reference in the supporting text to Kent County Council’s Public Right of Way (PRow) document titled Rights of Way Improvement Plan (ROWIP) (2018 – 2028) to ensure successful joint working to deliver improvements to the District’s PRow network.’

Comment No.744 (Policy SS8 New Garden Settlement - Sustainability and Healthy New Town Principles)

‘The Service strongly urges that Folkestone and Hythe District Council ensures the ROWIP is referenced. This will enable successful joint partnership working to deliver improvements to the District’s PRow network.’

FHDC Response

‘Noted; the supporting text will be amended to refer to the Rights of Way Improvement Plan.’