

Core Strategy Review - Inspectors' Matters

Matter 4: District Spatial Strategy, Place Shaping and Sustainable Settlements

July 2020



Matter 4: Spatial Strategy, Place Shaping and Sustainable Settlements

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Inspectors' Questions for Matter 4

Relevant policies – SS1, Table 4.4 and SS3

1. Is the spatial distribution of development across the District justified and what factors influenced the District Spatial Strategy, for example physical and environmental constraints and the capacity to accommodate development?
2. What alternative options for the District Spatial Strategy were considered?
3. Why was the preferred approach chosen?
4. Is the settlement hierarchy set out in table 4.4 justified? What are the reasons for the distinction between the typologies of settlements and their respective roles?
5. What evidence is there to justify the identification of each settlement within the respective tiers of the settlement hierarchy?
6. Is the Core Strategy Review sufficiently clear in terms of the scale of development envisaged in different areas/settlements?
7. Is the approach to previously developed land in Policies SS1 and SS3 justified and consistent with national policy? How would it impact on deliverability and viability?
8. In other respects, is the approach in Policy SS1 justified, effective and consistent with national policy?
9. Are the criteria in Policy SS3 justified, effective and consistent with national policy, including in relation to heritage assets?
10. Are any main modifications to Policies SS1 and SS3 necessary for soundness?

Council's Response to Matter 4 Questions

Question 1

Is the spatial distribution of development across the District justified and what factors influenced the District Spatial Strategy, for example physical and environmental constraints and the capacity to accommodate development?

- 1.1. Policy SS1: District Spatial Strategy sets out a broad framework for development throughout the district to 2037. The policy sets out that housing will be delivered through a new sustainable, landscape-led settlement, with supporting town centre and community uses, based on garden town principles in the North Downs Area. Elsewhere in the district, priority will continue to be given to previously developed land in the Urban Area in Folkestone and led through strategically allocated developments in Folkestone and Hythe. Remaining development needs should be focused on the most sustainable towns and villages.
- 1.2. The district has significant strategic constraints to development, including the Kent Downs Area of Outstanding Natural Beauty (AONB) across much of its northern half, internationally designated sites and a very large area of functional floodplain across its low-lying southern area.
- 1.3. The National Planning Policy Framework (NPPF) paragraph 172 states that:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.”

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1.4. The NPPF paragraph 155 states that:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

1.5. The objectives and vision of the spatial strategy was originally set out in the adopted Core Strategy (2013), which focused development in the main urban area, on previously developed land. Subsequently Places and Policies Local Plan (PPLP), which has recently been found ‘sound’ by the Inspector, allocated residential sites in and around the districts most sustainable, existing towns and villages as set out in the settlement hierarchy. However it became clear that within the existing towns and villages the capacity to accommodate any additional large scale development was extremely limited. There was also questions surrounding how existing local infrastructure would cope following concerns raised during the consultation.

1.6. Like much of the county, the district has been experiencing rising development requirements, as identified in the Strategic Housing Market Assessment (SHMA) and subsequently overtaken by the introduction of the national housing methodology. Therefore the council decided to undertake a Core Strategy Review to see how best they could help the government meet the housing requirements. To inform the review the council undertook a comprehensive assessment of landscape constraints and opportunities across the district (set out in the High Level Options Report (EB 04.20) and High Level Landscape Appraisal (EB 04.30)), thereby ensuring any strategic future development within the district is focused outside of the constrained areas.

1.7. Although the main focus of Core Strategy Review Policy SS1 is now on the North Downs Area (see Matter 7), the wording remains largely unchanged from the adopted Core Strategy (2013) policy in terms of how the policy relates to the rest of the district. The council considers that it remains justified and

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effective, setting out a broad framework for development throughout the district to 2037.

- 1.8. In undertaking the Core Strategy Review the council has had regard to national planning practice guidance which states:

“Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Most plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand.”¹

- 1.9. National planning practice guidance adds:

“Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective.”²

“A local planning authority may need to gather new evidence to inform their review. Proportionate, relevant and up-to-date evidence should be used to justify a decision not to update policies.”³

- 1.10. In undertaking the Core Strategy Review, the council assessed the policies in the adopted 2013 Core Strategy against national policy and other considerations. A report was taken to the council’s Cabinet on 19 April 2017 (reference C/16/107)⁴ that assessed each of the policies in the adopted plan and identified those policies that:

- Needed review, for example where national policy or other circumstances had changed significantly since the plan was adopted;

¹ Paragraph: 062 Reference ID: 61-062-20190315.

² Paragraph: 064 Reference ID: 61-064-20190315.

³ Paragraph: 068 Reference ID: 61-068-20190723.

⁴ See: <https://www.folkestone-hythe.gov.uk/moderngov/ieListDocuments.aspx?CId=142&MId=3167>

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- Should continue to be monitored (for example, where national planning policy or regulations were expected to change); and
 - Could remain as existing (for example, where development was progressing on a strategic site).
- 1.11. This approach informed the early stage of plan review and this was supplemented by the comments received at subsequent consultation stages, to identify which policies should be amended and which remained relevant without amendment.
- 1.12. SS1 was identified as a policy which remained valid in terms of its broad approach, although it was recognised that the overall distribution of development would need to reflect the results of the Growth Options Study, then being finalised.
- 1.13. The council considers that this is an appropriate and proportionate approach to the Core Strategy Review.

Question 2

What alternative options for the District Spatial Strategy were considered?

- 1.14. In light of the higher housing requirement the council commissioned a study to assess the capacity of the whole of the district for strategic growth, the High Level Options Report (AECOM, December 2016, Document EB 04.20), to inform the Core Strategy Review. This was supported by a comprehensive High Level Landscape Appraisal for the district (AECOM, February 2016, Document EB 04.30).
- 1.15. The High Level Options (HLO) Report divided the district into six areas to assess the potential of each area for strategic growth (Document EB 04.20, Table 2 and Figure 2). These areas were:
- Area 1: Kent Downs;
 - Area 2: Folkestone and surrounding area;

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- Area 3: Hythe and surrounding area;
- Area 4: Sellindge and surrounding area;
- Area 5: Romney Marsh and Walland Marsh; and
- Area 6: Lydd, New Romney and Dungeness.

1.16. Each area was assessed against the following factors:

- Environmental constraints;
- Transport and accessibility;
- Geo-environmental considerations;
- Infrastructure capacity and potential;
- Landscape and topography;
- Heritage;
- Housing demand;
- Regeneration potential;
- Economic development potential; and
- Spatial opportunities and constraints.

1.17. The conclusions of the High Level Options Report for the six areas is summarised below.

Area 1: Kent Downs

1.18. The key strategic constraint of this area is the Kent Downs Area of Outstanding Beauty (AONB), a landscape designation that covers the entire area. National policy is unambiguous in stating that the AONB designation makes the area unsuitable for strategic-scale development. Other significant constraints include multiple environmental designations and a rolling landscape of scattered historic villages and farms, many with heritage constraints.

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- 1.19. Although flood risk is generally low, and the area benefits from access to the M20, there are no railway stations and the area is considered less suitable on the economic development potential criterion as a result. Although housing demand is high in the area, the report considered that this did not outweigh the many other constraints on development, particularly the AONB designation.
- 1.20. The overall conclusion of the report is that Area 1 is not suitable for strategic growth and as such should be eliminated from further analysis.

Area 2: Folkestone and surrounding area

- 1.21. Regarding Area 2 (Folkestone and surrounding area), the High Level Options Report considers that the key strategic constraint is a lack of available land (EB 04.20, page 103). Of all character areas assessed, Area 2 offers the widest range of factors that would support growth, including low flood risk and minimal environmental designations, excellent transport and other infrastructure, with much of the area free from heritage designations and landscape constraints. The only problem is that almost all of this land is already developed.
- 1.22. The analysis also identified opportunities for regeneration and economic development. However, the report considered that the area is to an extent a victim of its own suitability - this potential having been identified and acted on long before the start of this study.
- 1.23. As such, the report found that there is simply insufficient land remaining for further strategic-scale development. However, this does not exclude the possibility of identifying appropriate infilling opportunities, the report concluded.

Area 3: Hythe and surrounding area

- 1.24. Regarding Area 3 (Hythe and surrounding area) the key constraints are considered to be environmental, landscape and spatial. The environmental constraints relate to the significant areas of Zone 2 and 3 floodplain, particularly in the western half of the area, but also to the scale of ecological designations, in particular the Hythe Ranges Local Wildlife Site. The Kent Downs Area of

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Outstanding Natural Beauty designation and its setting is also a significant landscape constraint, and the town centre conservation area is extensive. Transport infrastructure and economic opportunities are also more constrained than in Area 2. The overall conclusion of the report is therefore that Area 3 has no potential for strategic growth.

Area 4: Sellindge and surrounding area

- 1.25. For Area 4 (Sellindge and surrounding area) the strategic, spatial constraints are considered to be environmental and landscape. Though there is more extensive land free from direct constraint in Area 4 than any other, there are nevertheless ecological and heritage designations scattered throughout this area, as well as spatial constraints including existing villages, site allocations and transport infrastructure, including land that was earmarked for Operation Stack.
- 1.26. The most significant constraint is considered to be the proximity of the Kent Downs AONB, with development in its setting needing to have appropriate regard to the AONB's special characteristics and reasons for designation. The area performs particularly well in terms of transport access and potential for economic development, and this helps explain why its performance on the infrastructure criterion is relatively strong for a largely rural area. National policy is clear that the proximity of the AONB, though certainly a constraint, does not rule out a more detailed investigation of the extensive land free from designations and direct constraints in this area.
- 1.27. As such, the overall conclusion is that Area 4 may have opportunities to accommodate strategic growth and therefore will be carried forward into Phase Two analysis, with an appropriate focus on the setting of the Kent Downs AONB as a constraint.

Area 5: Romney Marsh and Walland Marsh

- 1.28. Regarding Area 5 (Romney Marsh and Walland Marsh) the key constraints identified are environmental, landscape, heritage and transport constraints (EB

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04.20, pages 104-105). Additionally the area scored poorest, on average, across all criteria, largely because it comprises entirely Flood Zone 2 and 3 land.

- 1.29. The landscape of the area derives much of its character and heritage from the fact that it is open and undeveloped, which also reduces the spatial opportunities for development to benefit from defensible boundaries. The area also includes extensive Grade 1 agricultural land and, around its northern and western boundaries, large scale environmental and landscape designations. Partly as a result of all of these considerations, the area is sparsely developed and as such has a very limited transport network, resulting in few economic opportunities. On this basis it was concluded that the area was unsuitable for strategic growth and that the quantity, range and extent of development constraints strongly suggested that the past approach of non-strategic development focussed on meeting local needs will continue to be appropriate into the future.

Area 6: Lydd, New Romney and Dungeness

- 1.30. Regarding Area 6 (Lydd, New Romney and Dungeness), the report found that the area's key constraints were environmental, with a significant extent of land within Flood Zones 2 and 3. Areas outside the floodplain, including almost all land around the urban edge of Lydd is covered by multiple and extensive environmental designations. The heritage designation at Dungeness (Dungeness Conservation Area) is also relatively extensive.
- 1.31. The report found that, as with Area 5, though to a lesser extent, the transport network is restricted due to the area's remoteness from large-scale population centres and its economic potential is limited for the same reason. Area 6 also derives much of its character from its open and undeveloped landscape, unusual for South East England, and as such there are fewer opportunities to create defensible boundaries to development. The report concludes that, as with Area 5, the Lydd, New Romney and Dungeness area is unsuitable for

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strategic growth and that the past approach of non-strategic development focussed on meeting local needs will continue to be appropriate into the future.

- 1.32. The conclusion of the High Level Options Report was that the great majority of the district – the Folkestone and Hythe and surrounding areas, Kent Downs, Romney Marsh and Walland Marsh, Lydd, New Romney and Dungeness – is unsuitable for strategic-scale growth. It was found that Area 4, Sellindge and surrounding area, may have opportunities to accommodate strategic growth and this area was therefore carried forward into the more detailed (Phase 2) analysis, with an appropriate focus on the setting of the Kent Downs Area of Outstanding Natural Beauty as a constraint.

Growth Options Study Phase Two Report

- 1.33. Further detail on the Phase Two work can be found in the council's response to Matter 7, Question 3. The overall conclusions of the report were that the Kent Downs AONB surrounds the Phase Two study area on three sides, with the impact of development on its setting a key consideration in national and local policy.
- 1.34. Constraints and opportunities were balanced in the Phase Two assessment (EB 04.21). The approach taken for the assessment was that simple inter-visibility of land from viewpoints within the AONB did not automatically preclude development; rather, suitability was determined based on relative impact of development on AONB setting, opportunities for landscape and visual mitigation, and balanced against the performance of the land on all other assessment criteria.
- 1.35. Particular attention was paid to the special characteristics and qualities of the Kent Downs AONB, especially its dramatic landform and views and the character of the farmed landscape and woodland and tree cover.
- 1.36. From this analysis, the Phase Two Report identified areas of land suitable for strategic-scale development and areas of land suitable for strategic-scale development with mitigation. The Phase Two Report found that any

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development of land identified as suitable for development, and in particular of land identified as suitable subject to appropriate mitigation, should be truly landscape-led. The report concluded that the visual impacts of development on the AONB could be mitigated to a significant extent through appropriate planting and through intervening distance.

Question 3

Why was the preferred approach chosen?

- 1.37. It is clear that with constraints of an extensive Area of Outstanding Natural Beauty, internationally designated sites and areas with high flood risk options for growth within the district are severely limited.
- 1.38. As part of the Growth Options work, a workshop of statutory consultees and other key stakeholders was carried out (EB 04.20, Section 4.1). The purposes of the workshop were to:
- Validate and, where necessary, challenge the findings before detailed conclusions were drawn from the data and evidence gathered; and
 - Invite workshop participants to move towards their own conclusions on where the evidence and data was suggesting would be appropriate options for the location of strategic-scale development.
- 1.39. Based on the emerging findings, participants put forward seven approaches (Table 4, page 93). These ranged from:
- Approach 1 – most development located within Sellindge and surrounding area, with other development located at Hawkinge (North Downs Area), Folkestone and Hythe (Urban Area) and New Romney, Dymchurch and St Mary's Bay (Romney Marsh Area);
 - Approach 2 – most development located within Sellindge and the surrounding area, with limited development to the west of Hythe and north of New Romney;

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- Approach 3 – most development located within Sellindge and the surrounding area, with the intensification of Folkestone town, a new free-standing settlement in the Romney Marsh and additional development at Dymchurch, St Mary's Bay and New Romney;
- Approach 4 – all development located within Sellindge and the surrounding area;
- Approach 5 – most development located with Sellindge and the surrounding area, with further limited development at Densole (North Downs Area), Folkestone and Hythe (Urban Area) and New Romney and Lydd (Romney Marsh Area);
- Approach 6 – most development located within Sellindge and the surrounding area, and some additional development at west Hythe (Urban Area) and New Romney (Romney Marsh Area); and
- Approach 7 – most development located within Sellindge and the surrounding area, with a more dispersed pattern of development encompassing Densole (North Downs Area), Folkestone and Hythe (Urban Area) and New Romney and Lydd (Romney Marsh Area).

1.40. Consideration of these approaches led to the following conclusions.

1.41. Area 4, Sellindge and the surrounding area, was by far the most commonly selected area. It was also the only area selected as part of all seven approaches and the only one to accommodate all development in a single location (Approach 4). This accorded, in general terms, with the results of the emerging study.

1.42. Other approaches were put forward in other areas of the district in addition to development at Sellindge. However, it was clear that some workshop suggestions would not accord with national planning policy.

1.43. For example, strategic-scale growth in the Romney Marsh Area would be very likely to fail the sequential test for development in flood zones, given the extent of land in the district at significantly lesser risk of flooding. Equally, it would be

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very difficult to justify significant development within the Kent Downs Area of Outstanding Natural Beauty, given the extent of land available outside its boundaries.

- 1.44. Some approaches also involved the densification of existing settlements, including Folkestone and Hythe. As outlined in the council's responses to Matters 5 and 6, the council has been preparing the Places and Policies Local Plan (PPLP) in parallel with work on the Core Strategy Review. This has involved a comprehensive assessment of sites through local plan consultation stages and calls for site submissions. The PPLP has been through public examination and has recently been found 'sound' by the Inspector.
- 1.45. The PPLP has assessed and allocated a wide range of sites throughout the Urban, Romney Marsh and North Downs Areas. Allocations range from small infill sites to a site of 7.2 hectares. No reasonable alternatives arose from the local plan process to the proposals put forward for allocation in the PPLP and no alternative sites were recommended by the Inspector for inclusion in the plan.
- 1.46. While work on the Folkestone town centre masterplan (see the council's response to Matter 5) is likely to reveal additional development potential in the form of regeneration and infill sites, this could only be in addition to, rather than as an alternative for, the scale of development proposed in the Core Strategy Review to meet the government's housing requirements.
- 1.47. The conclusion of the High Level Options Report is therefore that the great majority of the district – the Folkestone and Hythe and surrounding areas, Kent Downs, Romney Marsh and Walland Marsh, Lydd, New Romney and Dungeness – is unsuitable for strategic-scale growth. It was found that Area 4, Sellindge and surrounding area, may have opportunities to accommodate strategic growth and this area was therefore carried forward into more detailed (Phase Two) analysis, with an appropriate focus on the setting of the Kent Downs Area of Outstanding Natural Beauty as a constraint.

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- 1.48. Given the outcomes of the High Level Options Report and Phase Two Report, the council considers that there are no reasonable alternatives to the strategy put forward in the Core Strategy Review.
- 1.49. In addition to the proposed garden town in the North Downs, Policy SS1 includes strategic allocations within the Urban Area at Folkestone Seafront (SS10), Shorncliffe Garrison (SS11) and Hythe (CSD7) which were carried over from the Core Strategy (2013). All three of these strategic allocations have permission and are already being built out.

Question 4

Is the settlement hierarchy set out in table 4.4 justified? What are the reasons for the distinction between the typologies of settlements and their respective roles?

- 1.50. As previously stated in answer to Question 1, in undertaking the Core Strategy Review, the council assessed the policies in the adopted 2013 Core Strategy against national policy and other considerations. As part of this work, it was concluded that policy SS3 remained valid in terms of its general requirements, however it would need to be reviewed because it makes reference to the settlement hierarchy: although the roles of most of the settlements in the district are likely to remain unchanged, any proposals for strategic growth at existing towns, or proposals for a new settlement, arising from the Growth Options Study would need to be reflected in updates to the hierarchy. Subsequently this is the approach that has been taken.
- 1.51. Justification for the settlement hierarchy and the position of specific settlements is set out in the evidence base for the adopted Core Strategy (2013), specifically the Rural Services Study and Strategic Distribution Report. The majority of the hierarchy has not been revised as part of this review, with the exception of the addition of the new garden town in the North Downs and the village of Stanford being reclassified as a secondary village because it is no longer grouped with Westenhanger. The hierarchy focused on the existing

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towns and villages with their position in the hierarchy being broadly proportionate with their existing size, the facilities and their function.

- 1.52. The Core Strategy Review states that development is channelled to existing settlements and the new garden settlement, subsequently with the exception of the new garden town it remains predominantly unchanged.
- 1.53. The Settlement Hierarchy is also further supported by the recently adopted Places and Policies Local Plan and the town centre policies.

Question 5

What evidence is there to justify the identification of each settlement within the respective tiers of the settlement hierarchy?

- 1.54. As set out above the settlement hierarchy focuses on the existing towns and villages within the district, with their position in the hierarchy being broadly proportionate with their existing size.
- 1.55. Justification for the identification of each settlement within the respective tiers of the settlement hierarchy is set out in the evidence base for the adopted Core Strategy (2013), specifically the Rural Services Study and the Strategic Distribution Report.
- 1.56. The hierarchy as a whole has not been reviewed, but the new garden town has been included as a strategic town and the village of Stanford has been reclassified to a secondary village as it is no longer grouped with Westenhanger (which is part of the new garden town).
- 1.57. It was considered, through monitoring of the annual Commercial Information Audit and the Authority Monitoring Report, that the facilities within each of the settlements had not changed significantly since the Core Strategy had been adopted in 2013.
- 1.58. In undertaking the Core Strategy Review the council has had regard to national planning practice guidance which states:

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“Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Most plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand.”⁵

1.59. National planning practice guidance adds:

“Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective.”⁶

“A local planning authority may need to gather new evidence to inform their review. Proportionate, relevant and up-to-date evidence should be used to justify a decision not to update policies.”⁷

1.60. The council considers that the approach it has taken to the settlement hierarchy is appropriate and proportionate.

Question 6

Is the Core Strategy Review sufficiently clear in terms of the scale of development envisaged in different areas/settlements?

1.61. The District Council considers that the Core Strategy Review is sufficiently clear in terms of the scale of development envisaged in different areas and settlements. The plan should be read as a whole and Policy SS2 sets out the overall figure that needs to be developed over the plan period.

⁵ Paragraph: 062 Reference ID: 61-062-20190315.
⁶ Paragraph: 064 Reference ID: 61-064-20190315.
⁷ Paragraph: 068 Reference ID: 61-068-20190723.

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1.62. Table 4.3 then sets out each of the sources for new homes to meet the overall target set out in SS2, such as the garden settlement, allocations and, sites with planning permission. The sites with allocations are identified in the Core Strategy Review and the Places and Policies Local Plan. The remaining numbers will be through windfall sites, which would come forward within sustainable existing settlements set out in the hierarchy.

Question 7

Is the approach to previously developed land in Policies SS1 and SS3 justified and consistent with national policy? How would it impact on deliverability and viability?

- 1.63. Policy SS1 sets out that *“Elsewhere in the district, priority will continue to be given to previously developed land in the Urban Area in Folkestone, for main town centre uses and housing, to enhance the town's role as a sub-regional centre, with opportunity for increased densities within the town centre and maximisation of employment opportunities at key locations.”*
- 1.64. The policy also says that: *“Urban Area - The future spatial priority for new development in the Urban Area (Folkestone and Hythe) is on promoting the development of vacant previously developed land, central Folkestone and the north of the town, and other locations within walking distance of Folkestone Central railway station; securing new accessible public green space, plus regenerating western Hythe.”*
- 1.65. Policy SS3 sets out that: *“The principle of development is likely to be acceptable on previously developed land within defined settlements, provided it is not of high environmental value.”*
- 1.66. The council believes that taking this positive approach to the reuse of previously developed land promotes the effective use of land, while contributing to protecting the districts open countryside and coast. Therefore achieving sustainable development that will improve the economic, social and environmental conditions of the urban area.

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1.67. The council believes that the approach to previously developed land in Policies SS1 and SS3 is justified and consistent with national policy.

1.68. The NPPF, Section 11 (Making effective use of land), paragraph 117 states that:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

1.69. In addition NPPF paragraph 118 states:

“Planning policies and decisions should: c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.”

1.70. The strategic sites set out in the policy all now have planning permission and are progressing well with their development or have started. The specifics of their viability have been addressed through the respective planning applications and are explained further in the council’s responses to Matters 5, 6 and 7.

1.71. The Places and Policies Local Plan (PPLP) has allocated a number of sites within the Urban Character Area, which are on previously developed land, following the same principle in the 2013 Core Strategy SS1 and SS3. The viability issues of this plan were also tested and found sound and deliverable. Sites within the PPLP are now coming forward in the planning process.

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Question 8

In other respects, is the approach in Policy SS1 justified, effective and consistent with national policy?

- 1.72. The policy is considered justified, effective and consistent with national policy. The strategic priorities for the three Character Area continue to set out how the District Council envisages the district developing over the plan period. These continue the priorities set out in the adopted Core Strategy, emphasising the specific issues for each, such as using previously developed land in the urban areas, consideration of the flood risk and nature conservation in Romney Marsh and landscape-led design and the protection of the AONB. These are all issues identified in the NPPF.
- 1.73. A reference has been made to Neighbourhood Plans and the role they could play in the plan. While not identifying specific numbers (as explained in the council's response to Matter 3, Question 7) this does not preclude the allocation of further sites.
- 1.74. A reference has also been made to the London Ashford Airport, an important opportunity for employment development at Lydd, through the implementation of the existing planning permission. At the time of the Core Strategy Review evidence as to how the airport would expand was not available for a specific policy (see the council's response to Matter 6, Question 3).
- 1.75. The council, therefore, considers that this policy is justified as it sets out an appropriate strategy, taking into account the reasonable alternatives based on proportionate evidence, and is effective as it will be deliverable over the plan period.

Question 9

Are the criteria in Policy SS3 justified, effective and consistent with national policy, including in relation to heritage assets?

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- 1.76. The council considers that the criteria in Policy SS3 are justified as they set out an appropriate strategy for the development of the district, taking into account the requirements for place-making and based on proportionate evidence. It is considered effective as it is deliverable being based on a successful adopted policy. They also follow national policy.
- 1.77. The basis for criterion 'a' is set out above and reflects the settlement hierarchy. The NPPF states that strategic policies should set out an overall strategy for the pattern, scale and quality of development (paragraph 20) and should promote sustainable development in rural areas by locating new homes where they will enhance or maintain the vitality of rural communities (paragraph 78).
- 1.78. Criterion 'b' reflects the sequential analysis of developments when considering flood risk or town centre uses, in line with the national guidance (NPPF paragraphs 86, 157 and 158).
- 1.79. Criterion 'c' reflects national policy on flood risk and translates this to the district's three Character Areas to provide clarity and ensure sustainable development in the Romney Marsh Character Area as this is predominately in Flood Zones 2 and 3. This particular policy was devised during the adopted Core Strategy Examination with the Environment Agency.
- 1.80. Criterion 'd' seeks to ensure sustainable development, particularly the promotion of walking and cycling, the re-use of previously developed land and ensuring the vitality of town centres.
- 1.81. In relation to walking and cycling, the National Planning Policy Framework (NPPF) states in paragraph 102 that:

“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;*

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- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”*

1.82. NPPF paragraph 103 adds that:

“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health ...”

1.83. Planning policies should (NPPF, paragraph 104):

- “a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;*
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;*

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- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;*
- d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans); ...”*

1.84. The NPPF adds further requirements for development proposals at paragraph 110, including that developments:

- “a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; ...*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; ...*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

1.85. The Core Strategy Review seeks to apply these principles to the proposed new garden settlement and this is dealt with in the council’s response to Matter 7, Question 18.

1.86. With regard to making efficient use of land within town centres and promoting complementary uses above ground floor retail uses, the National Planning Policy Framework (paragraph 85, point (f)) states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

1.87. National planning practice guidance adds that:

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“A wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential, employment, office, commercial, leisure/entertainment, healthcare and educational development. The same is true of temporary activities such as ‘pop ups’, which will often benefit from permitted development rights. Residential development in particular can play an important role in ensuring the vitality of town centres, giving communities easier access to a range of services.”⁸

- 1.88. Criterion ‘e’ sets out further detail on sustainable development to meet the particular needs of the district being a water stressed area and to meet the challenge of climate change. The policy also seeks to respect and enhance historic buildings in new developments. While the consideration of Historic Buildings or other heritage assets in planning decisions is set out in legislation (the council does not wish to reiterate this, as demonstrated in the Places and Policies Local Plan), the Heritage Strategy (EB 11.10) has highlighted the importance of heritage in new developments to create character.
- 1.89. Criterion ‘f’ seeks to ensure that social and economic needs are met locally and these are not lost (as reflected in the definition of sustainable development set out in NPPF paragraphs 8 and 83, which includes environmental, social and economic objectives). This criterion seeks to avoid the loss of social and community facilities; more detail is set out in Places and Policies Local Plan Policy C2, which states that planning permission leading to the loss of a community facility will only be granted where it is proven that there is no longer a demand for the facility and that adequate marketing has been undertaken.

Question 10

Are any main modifications to Policies SS1 and SS3 necessary for soundness?

- 1.90. The Statement of Common Ground between Kent County Council and Folkestone & Hythe District Council (EB 13.10) puts forward a suggested

⁸ National Planning Practice Guidance, Paragraph: 001 Reference ID: 2b-001-20190722.

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modification to Policy SS3, point c. This would amend the wording of the bullet point to state:

“For development located within zones identified by the Environment Agency as being at risk from flooding, or at risk of wave over-topping in immediate proximity to the coastline (within 30 metres of the crest of the sea wall or equivalent), site-specific evidence will be required in the form of a detailed flood risk assessment. This will need to demonstrate that the proposal is safe and meets with the sequential approach within the applicable character area (Urban Area, Romney Marsh Area or North Downs Area), and (if required) exception tests set out in national policy. It will utilise the Strategic Flood Risk Assessment (SFRA) and provide further information. A site-specific flood risk assessment may be required for other sources of flood risk as identified within EA surface water flood mapping. Development must also meet the following criteria as applicable: ...”