

Core Strategy Review - Inspectors' Matters

Matter 7: Strategy for the North Downs Area

July 2020



Matter 7: Strategy for the North Downs Area

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Inspectors' Questions for Matter 7

Relevant policies – SS1, SS6-SS9 and CSD9

North Downs Area overall

1. What is the basis for the strategy for the North Downs Area (Policy SS1) and is it justified and effective?
2. What is the overall scale of development envisaged, is this sufficiently clear and is it justified?
3. Is the approach to development within or affecting the Kent Downs AONB justified and consistent with national policy?

New Garden Settlement

The principle

4. What options were considered, both in terms of alternative strategies to accommodate growth in the District and alternative locations for a new settlement?
5. How were options considered, what factors were taken into account and what was the outcome of assessments? Why were other options discounted?
6. How has flood risk been taken into account?
7. Is the New Garden Settlement justified in principle?

Policy SS6

8. What is the basis for the scale and range of development proposed and is this justified?
9. Taking each of the requirements in part (1) of the policy, what is the evidence to support them, including in respect of the need for the requirement and the effect on viability? Are the requirements justified?

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10. Is the approach to self-build and custom-build homes in part (2) of the policy justified and consistent with national policy? Is it sufficiently clear?
11. What is the evidence to support the approach to employment development in part (3) of the policy in terms of the scale and type of development? How does the scale of employment development envisaged relate to overall employment land requirements and job growth estimates for the District?
12. Is the scale of proposed employment growth and housing growth balanced? What implications would it have for commuting?
13. How will employment development relate to new housing in terms of location and phasing?

Policy SS7

14. Taking each of the criteria in part (1) of the policy, are they justified and do they provide a sufficiently clear and effective approach to achieving a suitable form of development?
15. Is the approach to a new town centre and retail and other main town centre uses in part (2) of the policy justified and consistent with national policy?
16. Is the approach to village neighbourhoods and a high quality townscape in parts (3) and (4) of the policy justified and effective?
17. Is the approach to heritage assets in part (5) of the policy justified and consistent with national policy?
18. Are the requirements in relation to sustainable access and movement set out in part (6) of the policy justified and sufficiently clear and effective?

Policy SS8

19. Are the sustainability and healthy new town principles justified and are they sufficiently clear and effective?

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20. What is the evidence base to support the specific requirements in the policy, particularly in relation to water efficiency standards in terms of the need for the standard and the effect on viability? Are the requirements justified?

Policy SS9

21. What are the specific requirements for new or improved infrastructure and social and community facilities associated with the New Garden Settlement for example in terms of transport, education, health, open space, sport and recreation, community buildings and waste water? Do any of these have cross boundary implications e.g. secondary education?
22. How will these be provided and funded?
23. How will they be phased/timed in relation to the development proposed and what mechanisms will be in place to ensure they are provided at the right time?
24. Are the requirements set out in the policy justified?
25. How will the New Garden Settlement be delivered and how will different elements be co-ordinated? Who will be involved in delivery? What potential obstacles to delivery are there and how is it intended to overcome these?
26. Is the overall scale of housing envisaged in the plan period, the annual rate of completions and the timescale for housing delivery realistic and supported by robust evidence?
27. What evidence is there in terms of the viability of the New Garden Settlement and what does it show? Is it clear that it could be developed viably in the form envisaged and with the policy requirements as set out?
28. How will delivery and implementation be monitored and reviewed?

Overall

29. Are there other potential adverse effects of the proposed New Garden Settlement not raised above, if so, what are they and how would they be

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addressed and mitigated? N.B. The Council's response should address key issues raised in representations.

30. Are any main modifications to Policies SS6-SS9 necessary for soundness?

Sellindge – Policy CSD9

31. What is the basis for the broad location in Sellindge and is it justified in principle?
32. What alternative options were considered to meet the planned level of housing growth? Why was the preferred location chosen?
33. What is the basis for the scale and range of development proposed and is this justified?
34. Taking each of the requirements in the policy, what is the evidence to support them, including in respect of the need for the requirement and the effect on viability? Are the requirements justified?
35. What are the specific requirements for new or improved infrastructure and social and community facilities for example in terms of transport, education, health, open space, sport and recreation, community buildings and waste water?
36. How will these be provided and funded?
37. How will they be phased/timed in relation to the development proposed and what mechanisms will be in place to ensure they are provided at the right time?
38. What are the expectations in terms of timing and rates of delivery and are these realistic? What progress has been made to date?
39. Are there other potential adverse effects not raised above, if so, what are they and how would they be addressed and mitigated? N.B. The Council's response should address key issues raised in representations.
40. Are any main modifications to Policy CSD9 necessary for soundness?

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Council's Response to Matter 7 Questions

1. North Downs Overall

Question 1

What is the basis for the strategy for the North Downs Area (Policy SS1) and is it justified and effective?

- 1.1. Policy SS1: District Spatial Strategy sets out a broad framework for development throughout the district to 2037. In relation to the North Downs Area, the policy states in the first paragraph:

“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, in accordance with policies SS6-SS9. The garden town will maximise opportunities arising from the location, access to London and continental Europe and strategic infrastructure. Housing and supporting community uses will also be delivered through growth in Sellindge (policy CSD9).”

- 1.2. Paragraph 5, bullet point three, adds that:

“The future spatial priority for new development in the North Downs Area is on the creation of a landscape-led sustainable settlement based on garden town principles outside the Kent Downs Area of Outstanding Natural Beauty (AONB) boundary and without material impact on its setting, and the expansion of Sellindge. Within the Kent Downs AONB development will be limited to consolidating Hawkinge’s growth and sensitively meeting the needs of communities in better-served settlements. Major development will be refused within the AONB other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest, in accordance with the National Planning Policy Framework.”

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- 1.3. 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

- 1.4. 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

- 1.5. 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;
- Should continue to be monitored (for example, where national planning policy or regulations were expected to change); and

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/ielListDocuments.aspx?CId=142&MId=3167>

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- Could remain as existing (for example, where development was progressing on a strategic site).
- 1.6. 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.
- 1.7. 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.
- 1.8. The High Level Options Report (EB 04.20) and Phase Two Report (EB 04.21) identified opportunities for strategic growth in Sellindge and the surrounding area (Area 4 in the report), particularly for strategic growth in the Westenhanger area and further expansion at Sellindge. (The council's response to Question 4 sets out the detail behind this process.)
- 1.9. Given this, Policy SS1 was amended to set out the council's aspirations for a new garden settlement to be delivered through Policies SS6 to SS9 near Westenhanger and through the growth of Sellindge in Policy CSD9.
- 1.10. Elsewhere in the North Downs character area of the district (Area 1 in the High Level Options Report), there were found to be no opportunities for strategic growth and the area was discounted from further assessment.
- 1.11. The Kent Downs AONB is a key strategic constraint, the report concludes (EB 04.20, page 45):

“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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- 1.12. In relation to development within Areas of Outstanding Natural Beauty, the National Planning Policy Framework (paragraph 172) states:

“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 ...”

- 1.13. National planning practice guidance adds that:

“... the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. [NPPF] policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.”⁵

- 1.14. Development within these areas *“will need to be located and designed in a way that reflects their status as landscapes of the highest quality.”⁶*

- 1.15. These requirements are reflected within the wording of Policy SS1 at paragraph 5, bullet point 3.

- 1.16. Regarding Hawkinge, this is identified as a service centre within the North Downs character area. Over the last twenty years Hawkinge has been the focus for major housing growth in the district, growing from a small village into a town. It is now the largest settlement in the North Downs Character Area.

⁵ National Planning Practice Guidance, Paragraph: 041 Reference ID: 8-041-20190721.

⁶ National Planning Practice Guidance, Paragraph: 041 Reference ID: 8-041-20190721.

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- 1.17. The adopted 2013 Core Strategy identified a strategic priority to consolidate the growth of Hawkinge, highlighting some previously identified sites which remained undeveloped (2013 Core Strategy, paragraph 5.147). The council considers that this remains a valid priority, and so wording regarding the consolidation of growth has been taken forward into Core Strategy Review Policy SS1, paragraph 5, bullet point 3.
- 1.18. The council has been preparing the Places and Policies Local Plan (PPLP) in parallel with work on the Core Strategy Review. The PPLP has been through examination and has recently been found 'sound' by the planning Inspector.⁷
- 1.19. The PPLP allocates three major sites for development at Hawkinge:
- Policy ND1: Former Officers' Mess, Aerodrome Road, Hawkinge – allocated for 70 dwellings;
 - Policy ND2: Mill Lane to the rear of Mill Farm, Hawkinge – allocated for 14 dwellings; and
 - Policy ND3: Land adjacent to Kent Battle of Britain Museum, Aerodrome Road, Hawkinge – allocated for 100 dwellings and for tourism use in connection with the expansion of the museum.
- 1.20. The council considers that further development opportunities at Hawkinge, beyond those identified in the PPLP, are likely to be limited over the Core Strategy Review plan period.
- 1.21. Elsewhere within the North Downs character area, as outlined above, it is considered that there is no potential for strategic growth. The PPLP identified a number of smaller development sites in the rural centres of Lyminge and Sellindge, as well as the secondary villages of Stelling Minnis, Densole and Etchinghill.

⁷ Report on the Examination of the Folkestone and Hythe Places and Policies Local Plan, 26 June 2020, PINS/L2250/429/8.

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- 1.22. Should additional sites come forward, these can be assessed through the development management process, taking into account national policy on major developments in the AONB and relevant policies in the district's development plan.
- 1.23. The council therefore considers that Policy SS1, as it relates to the North Downs area, is justified and appropriate.

Question 2

What is the overall scale of development envisaged, is this sufficiently clear and is it justified?

- 1.24. The process of assessing the potential for future growth across the district is described above in the council's response to Question 1. This has led to the strategy of growth set out in Policy SS1 and, for the North Downs character area of the district, in Policies SS6 to SS9 and CSD9.
- 1.25. Policy SS1 is intended to set the overall strategy for growth across Folkestone and Hythe district. Policy SS1 identifies broad areas for strategic growth and areas of constraint across the district, such as protected habitats, designated landscapes, including the Kent Downs Area of Outstanding Natural Beauty, and areas at risk of flooding.
- 1.26. Areas for strategic growth and broad locations are established by policies in the Core Strategy Review; the Places and Policies Local Plan identifies smaller sites across the district in each character area.
- 1.27. Regarding future development, the National Planning Policy Framework states that "*plans should positively seek opportunities to meet the development needs of their area*" (paragraph 11 (a)). When planning for new homes local planning authorities should support the Government's objective of significantly boosting the supply of homes by ensuring that land can come forward where it is needed (paragraph 59). The Government's standard method of housing need

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expresses need as a *minimum* number of new homes to be provided (paragraph 60).

- 1.28. Given this, Policy SS1 does not set maximum quotas or percentages of growth to be met within the Urban, Romney Marsh and North Downs character areas. Should additional sites come forward, these can be assessed through the development management process, taking into account national policy on major developments in the AONB and relevant policies in the district's development plan.

Question 3

Is the approach to development within or affecting the Kent Downs AONB justified and consistent with national policy?

- 1.29. The National Planning Policy Framework (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.”

- 1.30. National planning practice guidance adds further detail:

“The National Planning Policy Framework is clear that plans should recognise the intrinsic character and beauty of the countryside, and that strategic policies should provide for the conservation and enhancement of landscapes. This can include nationally and locally-designated landscapes but also the wider countryside.

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Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence. Policies may set out criteria against which proposals for development affecting these areas will be assessed. Plans can also include policies to avoid adverse impacts on landscapes and to set out necessary mitigation measures, such as appropriate design principles and visual screening, where necessary. The cumulative impacts of development on the landscape need to be considered carefully.”⁸

- 1.31. In relation to the statutory duties of local authorities, the national planning practice guidance states:

“Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000 require that ‘in exercising or performing any functions in relation to, or so as to affect, land’ in National Parks and Areas of Outstanding Natural Beauty, relevant authorities ‘shall have regard’ to their purposes for which these areas are designated ...

This duty is particularly important to the delivery of the statutory purposes of protected areas. It applies to all local planning authorities, not just National Park authorities, and is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on their setting or protection.”

- 1.32. As the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019 (Second Revision April 2014, Document EB 08.60, page 13) describes:

“The scarp slope and dry valleys of the Kent Downs are the main target for designation, particularly where they retain a downland character, that woodlands are highly valued throughout the designated area and particularly on the scarp slope and dry valley sides, and that other qualities of note are

⁸ Paragraph: 036 Reference ID: 8-036-20190721.

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views from the escarpment, pastoral scenery, parklands, villages, churches and castles.”

1.33. The Management Plan (Section 1.2.1, pages 7 to 8) lists the special characteristics and qualities of the Kent Downs AONB as:

- Dramatic landform and views;
- Bio-diversity rich habitats;
- Farmed landscape;
- Woodland and trees;
- A rich legacy of historic and cultural heritage; and
- Geology and natural resources.

Dramatic landform and views

1.34. These features comprise: impressive south-facing steep slopes (scarps) of chalk and greensand; scalloped and hidden dry valleys; expansive open plateaux; broad, steep-sided river valleys, and the dramatic, iconic white cliffs and foreshore. Long-distance panoramas are offered across open countryside, estuaries, towns and the sea from the scarp, cliffs and plateaux; the dip slope dry valleys and river valleys provide more intimate and enclosed vistas. Overlying this landform are diverse natural and man-made features creating distinctiveness at a local level.

Biodiversity-rich habitats

1.35. Rich mosaics of habitats, plant and animal communities of national and local importance are sustained, although they may be isolated or fragmented in a modern agricultural landscape. These include: semi-natural chalk grassland and chalk scrub; ancient semi-natural woodland; traditional orchards; chalk cliffs, foreshore and sea platform; chalk rivers and wet pasture; ponds and spring lines; heath and acid grassland; woodland pasture and ancient trees and

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networks of linear features of species-rich hedgerows, flower-rich field margins and road verges.

Farmed landscape

- 1.36. A long-established tradition of mixed farming has helped create the natural beauty of the Kent Downs. The pastoral scenery is a particularly valued part of the landscape. Expansive arable fields are generally on the lower slopes, valley bottoms and plateaux tops. Disconnected 'ribbons' of permanent grassland (shaves) are found along the steep scarp, valley sides, and on less-productive land, grazed by sheep, cattle and increasingly by horses. Locally concentrated areas of orchards, cobnut plats (nut orchards), hop gardens and other horticultural production are also present, their regular striate form can enhance the rise and fall of the land.

Woodland and trees

- 1.37. Broadleaf and mixed woodland cover 23 percent of the Kent Downs and frame the upper slopes of the scarp and dry valleys and plateaux tops. Some large woodland blocks are present but many woodlands are small, fragmented and in disparate land ownership and management. Over half of the woodland sites are ancient, supporting nationally important woodland plant and animal species. Large areas of sweet chestnut coppice are present throughout.

A rich legacy of historic and cultural heritage

- 1.38. Millennia of human activity have created an outstanding cultural inheritance to the Kent Downs. In the original designation the villages, churches and castles are particularly noted. There are the remains of Neolithic megalithic monuments, Bronze Age barrows, Iron Age hill-forts, Roman villas and towns, medieval villages focused on their churches, post-medieval stately homes with their parks and gardens and historic defence structures from Norman times to the twentieth century.

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1.39. Fields of varying shapes and sizes and ancient wood-banks and hedges, set within networks of droveways and sunken lanes have produced a rich historic mosaic, which is the rural landscape of today. Architectural distinctiveness is ever present in the scattered villages and farmsteads and oast houses, barns and other agricultural buildings, churches and country houses. The diverse range of local materials used, which includes flint, chalk, Ragstone, timber and tile, contributes to the character and texture of the countryside. The landscape has been an inspiration to artists, scientists and leaders, from Shakespeare to Samuel Palmer and Darwin to Churchill.

Geology and natural resources

1.40. The imposing landform and special characteristics of the Kent Downs is underpinned by its geology. This is also the basis for the considerable natural capital and natural resources which benefit society. These include the soils which support an important farming sector and the water resources which support rivers teeming with wildlife and offering enchanting landscapes. Hidden below the chalk is a significant aquifer providing 75 percent of Kent's drinking water. Much of the AONB provides surprisingly tranquil and remote countryside, offering dark night skies and peace. These are much valued perceptual qualities of the AONB.

1.41. The council addressed the issue of landscape through the High Level Options Report, Phase Two Report and High Level Landscape Appraisal.

1.42. The High Level Landscape Appraisal contains a comprehensive analysis of landscape sensitivity throughout the district, drawing on the work of previous national and county-wide assessments.

1.43. The appraisal divides the district into 26 landscape character areas (LCAs) and assesses their landscape value and landscape susceptibility to arrive at a score of their sensitivity.

1.44. The results of the High Level Landscape Appraisal were used in the High Level Options Report to assess the six character areas: Kent Downs; Folkestone and

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surrounding area; Hythe and surrounding area; Sellindge and surrounding area; Romney Marsh and Walland Marsh; and Lydd, New Romney and Dungeness (see Appendix 1: Growth Options Report – Six Character Areas of the District). Findings in relation to the landscape sensitivity of these areas are outlined below.

Area 1: Kent Downs

- 1.45. The High Level Options Report found that the area is wholly within the Kent Downs Area of Outstanding Natural Beauty (AONB). The area comprises a broad landscape of rolling chalk downland intersected by long generally parallel narrow valleys such as at Elham. There is a prominent scarp in the south of the area. Woodland cover is mixed between larger expanses of woodland in the west and smaller more intermittent blocks of woodland in the east. Several high voltage power line routes cross the area.
- 1.46. The area is generally of high to medium sensitivity, with an area to the south (LCA10) being of low sensitivity.

Area 2: Folkestone and surrounding area

- 1.47. The High Level Options Report found that Area 2, Folkestone and the surrounding area, is urbanised and tightly constrained by the Kent Downs Area of Outstanding Natural Beauty, except to the west.
- 1.48. Narrow strips of land are protected for their landscape quality under previous plan policies ('saved' Policies CO4 and CO5 of the Shepway District Local Plan Review 2006). A narrow strip of land along the northern and eastern boundaries of the area, beyond the built-up urban edge of Folkestone, is within the Kent Downs AONB. There is a prominent partially wooded scarp slope along the northern boundary of the area, which forms the northern edge of Folkestone. The land falls away to the English Channel in the south.

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- 1.49. The principal built-up area of Folkestone forms a large part of Area 2, with other built development including the Channel Tunnel Terminal and the eastern end of the M20 motorway (as it becomes the A20).
- 1.50. The built-up area of Folkestone and the M20 corridor were judged to be of low landscape sensitivity. Areas of cliff top and ridge in the east and northern edge of the character area were assessed to be of high landscape sensitivity.

Area 3: Hythe and surrounding area

- 1.51. The High Level Options Report found that Area 3, Hythe and surrounding area, partly comprises the built-up area of Folkestone and Hythe, as well as parts of the Kent Downs and Romney Marsh character areas.
- 1.52. Parts of the area - including the Sandgate Escarpment and Seabrook Valley, Mill Lease Valley and Eton Lands and parts of the Romney Marsh - are protected for their landscape quality under previous plan policies ('saved' Policies CO4 and CO5 of the Shepway District Local Plan Review). Parts of the area along the northern boundary, outside the built-up area of Hythe, are within the Kent Downs AONB.
- 1.53. The area includes part of the prominent Hythe Escarpment in the west and higher ground in the north, forming the northern edge of Hythe. The land falls away to the English Channel in the south. Tree cover in the area is mixed, with limited tree cover in the west between the coast and Hythe Escarpment, and greater tree cover with wooded hills and ridges in the east of the area. An extensive land use in the area is the Hythe Ranges, part of the Ministry of Defence's Training Estate.
- 1.54. The landscape sensitivity of the area is varied. Areas of the Greensand Ridge, Hythe and Saltwood wooded valleys and Romney Marsh farmlands were assessed to be of high landscape sensitivity. The wooded hills and coast were assessed to be of medium landscape sensitivity. The Hythe Ranges were assessed to be of low landscape sensitivity.

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Area 4: Sellindge and surrounding area

- 1.55. The High Level Options Report found that Area 4, Sellindge and surrounding area, is a large-scale landscape of open fields and limited, small-scale woodland. The area has a gently undulating landform in the north, rising towards the steep Hythe Escarpment that falls away prominently to the south along the southern boundary of the area.
- 1.56. Parts of the area are protected for their landscape quality under previous plan policy ('saved' Policy CO4 of the Shepway District Local Plan Review), with the exception of land around the north, east and west of Sellindge, and to the south of Sellindge beyond the M20. A small part of the area is within the Kent Downs Area of Outstanding Natural Beauty, south of Lympe and Court-at-Street.
- 1.57. Notable land uses in the area with visual impacts include the M20 and High Speed 1 railway line corridors which bisect the area, electricity transmission infrastructure comprising high voltage power lines, the former Folkestone Racecourse, and an industrial estate near Lympe.
- 1.58. The report finds that the area is of varied landscape sensitivity. It includes areas of low sensitivity (the M20 and High Speed 1 rail corridor), medium sensitivity (Stanford, Sellindge and Lympe) and high sensitivity (Brockhill, Postling Vale and Greensand Ridge).

Area 5: Romney Marsh and Walland Marsh

- 1.59. The High Level Options Report found that Area 5, Romney Marsh and Walland Marsh, is part of the broad flat low-lying landscape of the Romney Marshes. The area has very limited tree cover with an expansive, flat and open character, which would be compromised by strategic-scale urban development.
- 1.60. Parts of the area are protected for their landscape quality under previous plan policies ('saved' Policies CO4 and CO5 of the Shepway District Local Plan Review). A narrow strip of land along the northern boundary of the area is within the Kent Downs AONB. The eastern boundary of the High Weald AONB is just

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over a kilometre west of the area, in the neighbouring Ashford Borough and Rother District.

- 1.61. Land uses in the area with prominent visual impact consist of electricity generation and transmission infrastructure, including a large number of wind turbines in the south-west of the area, solar farms, and several high voltage power line routes.
- 1.62. The landscape sensitivity of the area is medium to high. Area of high sensitivity include the Romney Marsh, Brookland, Dowels, Highknock Channel and Walland Marsh farmlands. The Romney Marsh Coast was assessed to be of medium sensitivity.

Area 6: Lydd, New Romney and Dungeness

- 1.63. The High Level Options Report found that Area 6, Lydd, New Romney and Dungeness, is largely protected for its landscape quality under previous plan policies ('saved' Policies CO4 and CO5 of the Shepway District Local Plan Review).
- 1.64. The area is on the south-east edge of the broad flat low-lying landscape of the Romney Marshes. The area has almost no tree cover, with an expansive and open character, which would be significantly compromised by strategic-scale development.
- 1.65. Land uses in the area with visual impacts include: Dungeness Nuclear Power Station and its associated electricity transmission infrastructure consisting of high voltage power line; Lydd Ranges, which are part of the MOD Defence Training Estate; and New Romney Industrial Estate at New Romney.
- 1.66. The report concludes that the area is of medium to high landscape sensitivity. Areas of high sensitivity are Dungeness and Brookland and Walland Marsh farmlands. The Romney Marsh Coast is assessed to be of medium landscape sensitivity.

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Summary

- 1.67. In summary, when considered against the ‘red-amber-green’ assessment process, the landscape assessment of the six character areas was as follows:
- ‘Red’ – precluding strategic scale development entirely:
 - Area 1: Kent Downs;
 - Area 5: Romney Marsh and Walland Marsh;
 - Area 6: Lydd, New Romney and Dungeness; and
 - ‘Amber’ – where constraints applied, but there was some potential for mitigation and/or opportunities and constraints were broadly in balance:
 - Area 2: Folkestone and surrounding area;
 - Area 3: Hythe and surrounding area; and
 - Area 4: Sellindge and surrounding area.
- 1.68. When considered against the other factors assessed by the High Level Options Report (see the council’s response to Question 4 below), the conclusion of the report was that parts of Area 4, Sellindge and surrounding area, were freer from strategic constraints to development, and this justified more detailed investigation as part of Phase 2 (EB 04.20, page 105) (see Appendix 2: Growth Options Report – Emerging High Level Analysis).
- 1.69. The High Level Options Report recognised that:
- “The fact that a location is relatively free from strategic constraints does not guarantee it is also free from site-specific constraints. As such, it is possible or even probable that some of the areas identified at this stage as having potential may, on closer investigation, prove to be unsuitable for strategic-scale development.”*
- 1.70. Area 4’s key strategic, spatial constraints were considered to be environmental and landscape. The most significant constraint was considered to be the

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proximity of the Kent Downs AONB, with development within its setting required to have appropriate regard to the AONB's special characteristics and reasons for designation. The report found that the proximity of the AONB, though a constraint, does not rule out a more detailed investigation of this land.

Growth Options Study Phase Two

- 1.71. The Phase Two work, took the conclusions of the High Level Options Report and High Level Landscape Assessment, and added detail and site-specific evidence in order to determine the boundaries of land considered suitable for strategic-scale development, as well as the extent of land considered unsuitable for such development.
- 1.72. The criteria used at the Phase Two stage complemented those in the High Level Options Report, focussing in detail on:
 - Agricultural land quality;
 - Transport and accessibility;
 - Landscape;
 - Infrastructure;
 - Heritage;
 - Regeneration potential;
 - Economic development potential; and
 - Spatial opportunities and constraints.
- 1.73. Regarding landscape, the Phase Two report sought to identify areas of potential, while avoiding prominent locations, including, but not limited to, minimising impact on the AONB and seeking areas with the potential for landscape mitigation.
- 1.74. The starting point of the Phase Two report was the land identified through the High Level Options Report (EB 04.20, Figure 14, page 108). Four broad areas

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were identified (see Appendix 3: Growth Options Phase Two Report – Emerging Locations A to D):

- Area A: North and East of Sellindge;
- Area B: South of the M20;
- Area C: South and West of Sellindge; and
- Area D: East of Stone Hill.

1.75. The landscape assessment was informed by a range of considerations, including the relationship of land to the Kent Downs AONB and its setting and how visually prominent development on that land would be.

1.76. In relation to the setting of the AONB, the Management Plan (EB 08.60, page 22) states:

“The setting of the Kent Downs AONB is broadly speaking the land outside the designated area which is visible from the AONB and from which the AONB can be seen, but may be wider when affected by intrusive features beyond that.”

1.77. The Management Plan (page 24) adds:

“Proposals which would affect the setting of the AONB are not subject to the same level of constraint as those which would affect the AONB itself. The weight to be afforded to setting issues will depend on the significance of the impact. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. Where the qualities of the AONB which were instrumental in reasons for its designation are affected, then the impacts should be given considerable weight in decisions. This particularly applies to views to and from the scarp of the North Downs.”

1.78. The setting of an AONB is not formally defined; the extent to which the AONB setting is relevant for planning purposes depends on the development proposed. However, a number of factors are relevant in determining the setting:

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- Natural and man-made barriers;
- Contrast between higher and lower ground;
- Distance from the AONB boundary;
- The nature of the proposed change;
- The scale, height, siting, use, materials and design of the development;
- Other related effects, such as increased traffic, loss of tranquillity, lighting, noise, dust, vibration and loss or harm to biodiversity, heritage assets and the natural landscape.

These factors were used to help inform the assessment in the Phase Two report.

1.79. A summary of the assessment for each of the four areas is given below.

Area A: North and East of Sellindge

- 1.80. Area A, North and East of Sellindge, has a gently rolling landform and forms a part of a broader area of foothills to the North Downs Ridge to its north. The area predominantly comprises arable farmland, with occasional interspersed areas of woodland. Fields are mostly large-scale and divided by tracks, fence lines or roads, with occasional hedgerows. There is partial tree cover around Sellindge and along its surrounding roads, which provides a degree of enclosure to the west of the area. The north, centre and east of the area have sparser tree cover and a more open character.
- 1.81. The area includes land close to Sellindge and Stanford. There are intermittent attractive views towards the North Downs Ridge from across the area. There are also intermittent views of traffic along the M20 to the south, which detracts from the appearance and setting of parts of the area. Tranquillity across the southern part of Area A is reduced by traffic on the M20.
- 1.82. Land within Area A is in the middle ground of views south from the North Downs Way National Trail and the North Downs Ridge, within the Kent Downs AONB.

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Consequently, a large proportion of the land within Area A, notably around Stanford and in the north and east of the area, is perceived to form a part of the setting of the AONB. Development on this open and generally undeveloped land is relatively more likely to give rise to significant adverse visual effects on the setting of the AONB, as a result of its proximity and prominence from the ridgeline. The Phase Two Report therefore considers that these areas are unsuitable for strategic-scale development.

- 1.83. However, there are discrete areas of land to the north and east of Sellindge which are largely concealed in views from the AONB by a combination of the intervening rolling landform, increased tree and woodland cover around Sellindge, and their distance from viewpoints within the AONB.
- 1.84. These areas of land would therefore give rise to fewer potential impacts on the AONB. Additionally, there are a number of other more localised detracting factors, including the land's proximity to Sellindge, its relative containment, extensive agricultural development around Elm Tree Farm, power lines east of the village, and the M20 to the south.
- 1.85. While strategic-scale development on land adjacent to Sellindge may give rise to some adverse landscape and visual effects, these could be more readily mitigated through the siting, type and design of development to assimilate it into the landscape. The Phase Two Report therefore considered these areas to be suitable for strategic-scale development.
- 1.86. In summary, the southern half of Area A was considered to offer more potential for strategic-scale development than the north, due to a range of factors:
 - This land is the furthest part of the area from the Kent Downs AONB to the north, meaning development here would have a much lesser visual impact on its setting;
 - The land is generally lower around Sellindge in the south of the area, making it less visually prominent;

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- Tree cover also significantly reduces the visual impact of land in the south-west of Area A from key vantage points along the North Downs Way along the ridgeline within the AONB; and
- The tranquillity of this part has already been compromised to a significant extent by the noise from the M20 and, to a lesser extent, from High Speed 1 railway line and the A20.

1.87. While strategic-scale development here would be likely to give rise to some adverse landscape and visual effects, the Phase Two Report considered that these effects could be more readily mitigated through the siting, type and design of development.

1.88. Land within Area A to the north and west of Moorstock Lane was considered unsuitable for strategic-scale development as impacts could not be readily mitigated. These areas of land are small-scale fields divided by belts of mature and veteran trees. The effect of strategic-scale development on this land could significantly alter its strongly rural and remote landscape characteristics.

1.89. In addition parts of Area A to the north, centre and east have sparser tree cover and a more open character, and are much more clearly within the setting of the AONB, particularly from vantage points including Tolsford Hill to the east.

Area B: South of the M20

1.90. Area B, south of the M20, is the largest area of land within the Phase Two assessment.

1.91. Area B encompasses part of a wider dip-slope landform, which forms the southern edge of the area, and a low point along the High Speed 1 railway corridor in the north. The area predominantly comprises open medium- to large-scale arable farmland, interspersed with intermittent blocks of woodland. Fields are bounded by a mix of fence lines, hedgerows and tree belts.

1.92. Settlements around the area include Lympne, Westenhanger and Barrowhill. Lympne Industrial Park is located in the south of the area and is largely

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enclosed by tree belts that provide visual screening from the surrounding landscape. However, these belts are formed of non-native planting and do not fully screen the largest buildings, which remain prominent in some views from the AONB.

- 1.93. The former Folkestone Racecourse is a notable land use in the north of the area, forming a large open area of grassland adjacent to Westenhanger Railway Station and Westenhanger Castle. The racecourse stands are clearly visible in views from the south, including from the A20, and there are significant trees in and around the former parade ring immediately north of the stands.
- 1.94. The M20 and High Speed 1 railway line are generally screened from views by a combination of landform, acoustic fencing, and vegetation. The North Downs Ridge, within the Kent Downs AONB, is a notable feature in views to the north.
- 1.95. Broadly, land to the south and west of the A20 within Area B appears within the distant background of views from the North Downs Ridge, which includes views from the North Downs Way National Trail. Land to the west of Port Lympne in the south of Area B is also in the foreground of views north from the B2067, which is on the boundary of the Kent Downs AONB to the south. Views north from this part of the B2067 are across the open agricultural landscape in the foreground with the North Downs Ridge in the distance.
- 1.96. Generally, this land to the west of Port Lympne (south and west of Harringe Brooks Wood) close to the B2067 is considered to be less suitable for development as a result of its strongly open and undeveloped characteristics in views from the AONB along the B2067, and from the North Downs Ridge. Strategic-scale development on this land could to an extent be mitigated, but would still be likely to result in significant landscape and visual effects as a result of its relative prominence in the setting of the Kent Downs AONB.
- 1.97. Within the land to the south and west of the A20, there are two categories of land that have some potential for development:

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- Locations that are less apparent in views from the AONB, and consequently are considered to be less sensitive with regards to potential for giving rise to significant visual effects; and
 - Locations that, while on rising land more visible from the AONB, are considered distant enough from vantage points within it (over five kilometres) for even strategic-scale development to have an acceptable impact, if mitigated appropriately through landscaping and planting.
- 1.98. Areas in the first category – locations less apparent in views from the AONB - comprise a small area of lower-lying, south-facing land adjacent to the west of Barrowhill and a slightly larger area of land between a watercourse and the A20 to the north of Lympne and west of Newingreen.
- 1.99. Land north of the A20 between Barrowhill and Westenhanger is largely concealed visually from the AONB as a result of its lower-lying position, as well as intervening trees and woodland alongside the M20 and High Speed 1 railway corridors and around Stanford, Sellindge, and Westenhanger. The M20 and High Speed 1 corridors also form intervening visual barriers in this location.
- 1.100. This area is less constrained in its potential to give rise to significant visual effects on the AONB, and its current land use and location between existing major roads and dispersed settlement reduce its rural characteristics. The Phase Two Report found that, while strategic-scale development on this area of land would be likely to give rise to some adverse landscape and visual effects, these effects would be localised and therefore more limited. As such, these areas would be more suitable for higher density development.
- 1.101. Areas in the second category – land distant from vantage points – include land south of the A20 either side of Otterpool Lane, as well as within the triangle to the east of Westenhanger. The Phase Two Report considered this land suitable for development with suitable mitigation. Development at the triangle east of Westenhanger could also offer the opportunity to reduce the impact of M20 Junction 11 on the AONB.

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- 1.102. The land either side of Otterpool Lane, between Harringe Brooks Wood, Lympne, Barrowhill and the A20, is visible in distant views from the North Downs Ridge to the north, and from local points. This land has an undulating and open character and is seen in the context of existing dispersed blocks of woodland and tree belts, as well as existing development including Sellindge, Lympne and the Lympne Industrial Park.
- 1.103. The Phase Two Report considered this land to be suitable for strategic-scale development subject to detailed, site-specific landscape and visual impact assessment and appropriate consideration of landscape and visual mitigation.
- 1.104. Land between Stone Street and the A20 to the east of Westenhanger is just outside the boundary of the AONB. The land is visible in the distance amongst its wooded surroundings in a small number of views from within the AONB. There are also intermittent views across the land from the A20 and Stone Street. While strategic-scale development on this area of land would be likely to give rise to some adverse landscape and visual effects, the Phase Two Report found that these effects would be localised and therefore more limited.
- 1.105. The report found that the land within Area B considered to be more suitable for strategic-scale development, not needing extensive mitigation, is located:
- West of Barrowhill;
 - Between Barrowhill and Westenhanger on the site of the former racecourse; and
 - Within a triangle of flatter land south of the A20 as it passes the racecourse site.
- 1.106. While strategic-scale development would not avoid adverse landscape and visual effects entirely, these effects could be more readily mitigated through the siting, type, layout and design of development to assimilate it into the landscape, and limit potential wider landscape and visual effects, allowing for a higher density of development.

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- 1.107. Area B generally slopes downhill from south to north. This slope faces a number of vantage points from the Kent Downs AONB to the north, meaning it is within its setting, albeit with the effect mitigated by distance to some extent. Although the higher land to the south of the area is visible from the AONB, the effect of distance lessens its impact; however, the more distant land in Area B remains visible from the AONB and, the report concludes, would only be suitable for strategic-scale development with appropriate mitigation.
- 1.108. The land to the south and west of the A20 is therefore considered suitable for development in landscape terms, subject to appropriate softening of visual impact through landscaping. This could also bring an opportunity to strengthen further the existing planting to the north of Lympne Industrial Estate to help soften its impact and replace existing non-native planting with appropriate native species.
- 1.109. There are two parts of the land south and west of the A20 where there is less of a requirement for softening due to the lack of intervisibility from AONB viewpoints:
- Land immediately west of Barrowhill, where a small, enclosed valley is less visually prominent and is screened effectively to the north by the elevated High Speed 1 railway and M20 corridor; and
 - An area of flat, low-lying land north of Lympne and west of Newingreen that slopes gently down to its northern edge along the A20, and is bounded by a watercourse to the south. Development here would be less visually prominent than on the higher land to its south and the land is therefore considered suitable in landscape terms. (The same conclusion applies to the works site at the junction of Otterpool Lane and the A20, which forms part of the same visual envelope.)
- 1.110. Though land immediately south of the M20 in the north-west of Area B is also low-lying, the report considers that this performs more poorly in landscape terms as intact hedgerows around smaller fields in the vicinity of Harringe Court

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and Springfield Wood provide a more attractive, historic and rural sense of place. The rural character is intensified further due to the more limited intervisibility between this land and existing residential development.

1.111. The land north of the A20 and west of Stone Street is considered to be the best-performing part of Area B in landscape terms. This is as a result of four factors:

- Its lower-lying position, which significantly limits its visibility from the AONB;
- Intervening trees and woodland alongside the M20 and High Speed 1 railway corridors and around Stanford, Sellindge, and Westenhanger (with the M20 and High Speed 1 themselves forming intervening visual barriers in this location);
- Its current land use and location between existing major roads and dispersed settlement, which reduce its rural character and the potential for significant landscape or visual effects that could not be mitigated through design; and
- The potential to demolish the existing racecourse stands, which comprise the most visually-prominent development in this location at present.

1.112. The triangle of land north of the A20 and east of Westenhanger is also visible in views from the AONB to the north. However, it is relatively low-lying and appears in the middle distance, beyond Folkestone motorway service area (more than two kilometres from the AONB viewpoint on Tolsford Hill). Though intervisible from the AONB, there is the possibility of effectively softening development to minimise visual impact on the AONB, as well as the opportunity to mitigate the existing landscape impact of Junction 11.

1.113. The report notes that strategic-scale development on areas of land considered more suitable in landscape terms would not avoid adverse landscape and visual effects entirely. These effects could be more readily mitigated through the siting, type and design of development to assimilate it into the landscape,

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and limit the potential wider landscape and visual effects on the Kent Downs AONB.

1.114. In summary, within Area B, South of the M20, the report considers that nine areas are considered suitable for strategic-scale development with and without mitigation.

1.115. Five areas of land considered suitable without the need for extensive mitigation are located:

- West of Barrowhill;
- Two areas at the former Folkestone Racecourse;
- South of the A20 close to Newingreen; and
- The former works site also south of the A20.

1.116. Four parcels of land were considered suitable subject to landscape mitigation:

- West of Otterpool Lane;
- East of Otterpool Lane;
- In the triangle east of Westenhanger; and
- Between Lympne and Lympne Park Industrial Estate.

Area C: South and West of Sellindge

1.117. Area C, south and west of Sellindge, is flat or slightly undulating, located at the base of a broad dip slope that rises to the Greensand Ridge to the south, and at the southern edge of a broader area of rolling foothills to the North Downs Ridge to the north.

1.118. The area predominantly comprises farmland, with fields of a small- to medium-scale divided by disrupted hedgerows with many gaps, and occasional evidence of remnant historic enclosure such as mature trees in fields. The

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western end of the area is strongly enclosed to its north, west and south by generally dense belts of trees.

- 1.119. Several farms and houses are found within this area close to and alongside the A20. Sellindge parish church is located centrally within a small cluster of houses. Woodland and trees around the settlement limit its visual influence over the area.
- 1.120. The M20 is in a cutting along the southern edge, with a timber acoustic fence and a belt of trees and scrub along its northern side. The noise of traffic along the M20 reduces tranquillity within the area, although the visual influence of the motorway is limited.
- 1.121. Land within Area C is well-concealed in views from the Kent Downs AONB by a combination of undulating surrounding landform, intervening development at Sellindge, and woodland or tree belts on its northern, eastern and southern edges. The Phase Two Report found that land within Area C is less constrained in its potential to give rise to significant landscape or visual effects. This is also as a result of its closeness to existing dispersed settlement, relatively containment and detracting features, including the M20 and power lines parallel to it.
- 1.122. While strategic-scale development on these areas of land would be likely to give rise to some adverse landscape and visual effects, these effects are limited because they could be more readily mitigated through the siting, type and design of development.
- 1.123. In landscape terms, the report found Area C to be the best-performing of the four areas assessed.
- 1.124. Given the area's good performance on most assessment criteria, the Phase Two Report concluded that land on both sides of Harringe Lane is suitable for development. West of Harringe Lane, there are no significant constraints as far as the district boundary, but development close to the road frontage should be carefully designed and softened to provide a gentler urban edge.

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1.125. On the eastern side of Harringe Lane, the Phase Two Report found that there are strong boundaries to the north, west and south that encompass flat farmland with very few identified constraints. To the east, the western edge of the Core Strategy site allocation south of Sellindge would be an appropriate limit to development.

Area D: East of Stone Hill

1.126. Area D, East of Stone Hill, has a strongly undulating, generally raised, landform between floodplains to its north-west and south-east. The area is part of a broader area of rolling foothills to the North Downs Ridge to the north, predominantly farmland.

1.127. The area includes the roads of Stone Hill, Cooper's Lane and Southenay Lane. Settlement is limited to houses primarily located along Stone Hill. There is a strong sense of enclosure in the south-west of the area; this and the mature trees give it a rural character. The north-east of the area is more open, with large-scale arable fields and limited tree cover, reducing the sense of enclosure and creating a visual connection with the North Downs Ridge to the north.

1.128. The Phase Two Report found that this area was less suitable for strategic-scale development because:

- The north, east and centre are prominent in the middle ground of views south from the North Downs Way National Trail, within the Kent Downs AONB. Consequently, they are perceived to form an important element of the setting of the AONB. Development on this open and generally undeveloped land could potentially give rise to significant adverse visual effects on the setting of the AONB; and
- The south of Area D has a distinct high-quality rural character, small-scale fields divided by mature and veteran trees. The effect of strategic-scale development on this land could significantly alter its landscape characteristics, and would be difficult to mitigate through the design or layout of any development.

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- 1.129. This area was given a ‘medium’ assessment in the High Level Landscape Assessment. However, the more detailed assessment undertaken for the Phase Two Report found it much less suitable in landscape terms than Areas A and C that also formed part of the same Landscape Character Area.
- 1.130. Area D was considered to be the only one of the four areas of land assessed that has no land suitable for strategic-scale development. The area’s generally remote, rural location and prominence in views from the AONB to the north were key factors in this assessment.

Overall conclusions

- 1.131. The council has undertaken a comprehensive assessment of landscape constraints and opportunities across the district to inform the Core Strategy Review (set out in the High Level Options Report and High Level Landscape Appraisal).
- 1.132. A specific area of search was identified from this work, which was then assessed in more detail for the Phase Two Report.
- 1.133. 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.
- 1.134. Constraints and opportunities were balanced in the Phase Two assessment. The approach taken for the assessment was that 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.
- 1.135. 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.

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- 1.136. From this 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 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.
- 1.137. The council considers that it has undertaken a comprehensive, thorough and robust assessment of landscape constraints and opportunities to arrive at the proposals in Policies SS6 to SS9.
- 1.138. The assessment has demonstrated that the local planning authority has fulfilled its duty to have regard to the purpose of Areas of Outstanding Natural Beauty when coming to its decisions and carrying out its activities relating to, or affecting land within, the AONB, and to its special characteristics and reasons for designation.

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2. New Garden Settlement - Principle

Question 4

What options were considered, both in terms of alternative strategies to accommodate growth in the District and alternative locations for a new settlement?

- 2.1. The council undertook the Core Strategy Review against the background of rising development requirements identified in the Strategic Housing Market Assessment, subsequently overtaken by the introduction of the national housing methodology.
- 2.2. In the light of higher housing requirements, the council commissioned a study to assess the capacity of the district for strategic growth. The High Level Options Report (AECOM, December 2016, Document EB 04.20) was used to inform the Core Strategy Review, supported by a comprehensive High Level Landscape Appraisal for the district (AECOM, February 2016, Document EB 04.30).
- 2.3. The High Level Options Report divided the district into six character areas to assess the potential of each area for strategic growth (Appendix 1: Growth Options Report – Six Character Areas of the District). These areas were:
 - Area 1: Kent Downs;
 - Area 2: Folkestone and surrounding area;
 - 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.
- 2.4. Each area was assessed against the following factors:
 - Environmental constraints;

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- 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.

2.5. The results of the study are summarised below.

Area 1: Kent Downs

- 2.6. The key strategic, spatial constraint of this area is the Kent Downs Area of Outstanding Beauty (AONB) designation, which covers the entire area (EB 04.20, page 102). National policy states that the AONB designation makes the area unsuitable for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Other significant constraints include multiple environmental designations and a rolling landscape of scattered historic villages and farms, many with heritage constraints.
- 2.7. Although flood risk is generally low, and the area benefits from access to the M20, there are no railway stations. 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.
- 2.8. The overall conclusion of the report, is that the Kent Downs area is not suitable for strategic growth and as such should be eliminated from further analysis.

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Area 2: Folkestone and surrounding area

- 2.9. 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.
- 2.10. 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.
- 2.11. 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

- 2.12. 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 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.

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Area 4: Sellindge and surrounding area

- 2.13. The key strategic, spatial constraints for Area 4, Sellindge and surrounding area, 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 earmarked for Operation Stack.
- 2.14. 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 was found to perform particularly well in terms of transport access and potential for economic development. 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.
- 2.15. The overall conclusion of the High Level Options Report was that Area 4 may have opportunities to accommodate strategic growth and therefore would be subject to further analysis in Phase Two, with an appropriate focus on the setting of the AONB as a constraint.

Area 5: Romney Marsh and Walland Marsh

- 2.16. The report found that Area 5, Romney Marsh and Walland Marsh, had environmental, landscape and transport constraints (EB 04.20, pages 104 to 105). Additionally the area scored poorest, on average, across all criteria, largely because it comprises entirely Flood Zone 2 and 3 land.
- 2.17. 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.

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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

- 2.18. Regarding Area 6, 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.
- 2.19. The report found that, as with Romney Marsh and Walland Marsh, 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 and as such there are fewer opportunities to create defensible boundaries to development. The report concludes that the Lydd, New Romney and Dungeness area is unsuitable for strategic growth and that the past approach of non-strategic development focussed on meeting local needs will continue to be appropriate into the future.

Question 5

How were options considered, what factors were taken into account and what was the outcome of assessments? Why were other options discounted?

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- 2.20. The National Planning Policy Framework (paragraph 35) states that, to be justified, a plan should put forward *“an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence”*.
- 2.21. As detailed above in the response to Question 4, the council has undertaken a comprehensive assessment of strategic capacity within the district.
- 2.22. It is clear from the above that - with constraints of high flood risk, internationally designated sites and an extensive Area of Outstanding Natural Beauty – options for growth within the district are severely limited.
- 2.23. As part of the Growth Options work, a workshop of statutory consultees and other key stakeholders was held (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.
- 2.24. 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;
 - Approach 3 – most development located within Sellindge and the surrounding area, with the intensification of Folkestone town, a new free-

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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).

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

2.26. 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.

2.27. Other approaches 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.

2.28. For example, strategic development 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 very difficult to justify significant development within the Kent Downs Area of Outstanding Natural Beauty, other than in exceptional circumstances and

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where it can be demonstrated that the development would be in the public interest.

- 2.29. 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.
- 2.30. 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.
- 2.31. 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.
- 2.32. 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 (see Appendix 2: Growth Options Report – Emerging High Level Analysis).

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- 2.33. 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.

Question 6

How has flood risk been taken into account?

- 2.34. The process of assessing the capacity of the district to accommodate strategic growth is outlined above in the council's response to Question 4.
- 2.35. Assessment of flood risk formed a key part of this process. The broad picture of flood risk across the district is shown in the High Level Options Report, figure 3 (EB 04.20, page 19).
- 2.36. Flood risk within the different character areas is summarised in paragraphs 2.37 to 2.59 below.

Area 1: Kent Downs

- 2.37. Within Area 1, the Kent Downs, fluvial flood risk is primarily low (Flood Zone 1; defined as areas considered to have less than a 1 in 1000 chance of flooding in any given year), aside from the Nailbourne main river and short sections of the Seabrook Stream Main river in the south, where fluvial flood risk is high (Flood Zone 3) (see Core Strategy Review, Figure 5.3, page 133). The flood zones along these watercourses are not extensive.
- 2.38. No areas within the Kent Downs character area are identified as being at residual risk from tidal flooding. Areas at high risk from surface water flooding (which includes ordinary watercourses), corresponding to areas at risk of flooding during an event with a 1 in 30 or greater chance of occurring in any given year, are largely limited to drainage paths along topographic low points.

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Area 2: Folkestone and surrounding area

- 2.39. Within Area 2, Folkestone and surrounding area, the High Level Options Report found that fluvial and tidal flood risk is primarily low (Flood Zone 1) (EB 04.20, page 47). Areas of high fluvial flood risk (Flood Zone 3) associated with main rivers (Pent Stream and Enbrook Stream) exist within central Folkestone and to the west.
- 2.40. Areas at high tidal flood risk (Flood Zone 3) are predominantly restricted to cliff areas, with limited areas of Folkestone at risk of tidal flooding. With the exception of areas in close proximity to Folkestone Harbour, Area 2 is not at residual risk of tidal flooding.
- 2.41. Overtopping has previously caused localised tidal flooding in Sandgate in the west of the character area. Areas of Folkestone are at high risk of surface water flooding (which includes risk posed by ordinary watercourses). These areas are predominantly along the paths of main rivers and ordinary watercourses, and along the road network throughout Folkestone.

Area 3: Hythe and surrounding area

- 2.42. Within Area 3, Hythe and surrounding area, the High Level Options Report found that fluvial or tidal flood risk is predominantly high across the town of Hythe and towards the west of Area 3, which is entirely within Flood Zone 3 (EB 04.20, page 56). This is primarily from the sea, although the Royal Military Canal also poses a fluvial flood risk along its course within the area.
- 2.43. Western areas benefit from flood defences. However, areas to the east of Hythe Ranges, including areas of Hythe, are undefended Flood Zone 3 land.
- 2.44. Towards the northeast of Area 3, away from the coastline in the vicinity of Saltwood and Horn Street, fluvial and tidal flood risk is low (Flood Zone 1).
- 2.45. The residual risk (hazard) posed by tidal flooding to western areas of Hythe and beyond is significant to extreme under present day conditions and becoming more extensive up to the year 2115.

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- 2.46. Areas in close proximity to the A259 are noted to be at low to high risk from surface water flooding.

Area 4: Sellindge and surrounding area

- 2.47. Within Area 4, Sellindge and surrounding area, the High Level Options Report found that fluvial and tidal flood risk is primarily low (Flood Zone 1) and it should be possible to locate development within areas of low flood risk (EB 04.20, page 64). However, exceptions include areas located in fluvial Flood Zone 3 along main river corridors including the East Stour River (and tributaries).
- 2.48. The Royal Military Canal is shown to form a barrier to flood waters occurring from breach or overtopping events to the south within the Hythe and Romney Marsh and Walland Marsh character areas, meaning that none of the Sellindge character area is at residual risk of flooding based on breach or overtopping events.
- 2.49. Areas at high risk from surface water flooding (which includes ordinary watercourses) are largely limited to drainage paths along topographic low points, including at Brockhill Country Park and Saltwood.

Area 5: Romney Marsh and Walland Marsh

- 2.50. Area 5, Romney Marsh and Walland Marsh, is an area at high flood risk. This risk is primarily from tidal flooding, however main rivers are present and likely to pose a risk.
- 2.51. The majority of the area benefits from flood defences and therefore flood risk is considered to be residual, in the event of a breach or overtopping of the defences.
- 2.52. The far south and northeast of the area is shown to be at low to moderate hazard in the event of a breach and/or overtopping during present day conditions (up to 2015). However, allowing for climate change events (up to 2115) large areas are at risk from breach or overtopping of defences. The

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northeast (including Romney Marsh) is at significant/extreme hazard and Dymchurch and areas to the west from low to significant hazard.

- 2.53. Very small areas around Brenzett, Brookland, Snargate and Ivychurch are not at residual risk from tidal flooding and future development opportunities are possible in this area; however, these areas are too small for strategic-scale development
- 2.54. The Romney Marsh and Walland Marsh area is predominantly at very low risk from surface water flooding (areas with less than a 1 in 1000 chance of flooding in any given year). However, surface water flooding has been recorded in marshland to the north and south of Brookland.

Area 6: Lydd, New Romney and Dungeness

- 2.55. Area 6, Lydd, New Romney and Dungeness, is an area at high flood risk. This risk is primarily from tidal flooding; however main rivers are present and also likely to pose a risk within the area (EB 04.20, page 82).
- 2.56. The majority of the area benefits from flood defences and therefore flood risk is considered residual in the event of a breach or overtopping of defences. Exceptions include coastal areas in the south and east, including eastern areas of New Romney.
- 2.57. Areas south of Dungeness Road are shown to be at low to significant hazard in the event of a breach or overtopping event during present day conditions (up to 2015). Allowing for climate change events (up to 2115), large areas are at risk from a breach or overtopping of defences, resulting in a significant hazard.
- 2.58. The majority of New Romney, including an area to the north, is not shown to be at residual risk from tidal flooding, while some areas to the south are only shown to be at low to moderate flood hazard. However these areas are still located within Flood Zone 3 and the report considers that other areas should be considered first for strategic-scale development.
- 2.59. Area 6 is predominantly at very low risk from surface water flooding.

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Approach to flood risk

- 2.60. The High Level Options Report used this assessment, alongside the assessment of the other factors listed in paragraph 2.4, to determine the most appropriate locations for strategic scale growth within the district.
- 2.61. Paragraph 155 of the National Planning Policy Framework (NPPF) 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.”*
- 2.62. The aim of national policy is to:
- “... steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.”* (NPPF, paragraph 158)
- 2.63. The High Level Options Report set out a ‘traffic light’ assessment of the criteria (EB 04.20, section 3.14). Areas of high flood risk (Flood Zone 3) were rated ‘red’, as it was considered that these constraints were significant enough to preclude development entirely. Areas of medium flood risk (Zone 2) were given an ‘amber’ rating to highlight that constraints exist, but that such areas perform better sequentially than those areas at highest risk.
- 2.64. From the factors assessed in the report, parts of Area 4, Sellindge and surrounding area, were found to be freer from strategic constraints to development (EB 04.20, page 105). As outlined above (paragraphs 2.39 to 2.41) this included flood risk, where the risk was found to be primarily low. This area was therefore taken forward for more detailed assessment as Phase 2 of the work.
- 2.65. The Growth Options Study – Phase Two (AECOM, April 2017, Document EB 04.21) included an assessment of general environmental constraints, including

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flood risk (EB 04.21, Figure 1, page 7). This helped frame the report's findings and the development of policies in the Core Strategy Review.

- 2.66. The issue of flood risk was therefore considered district-wide and was integral part of developing the spatial strategy set out in the Core Strategy Review.

Question 7

Is the New Garden Settlement justified in principle?

- 2.67. The council has undertaken a comprehensive review of development capacity across the district, as detailed in the answers to the questions above. The council considers that the creation of a new garden settlement is a justified proposal, given the evidence of the district's constraints and opportunities, as outlined in this and the other matters.
- 2.68. While it is acknowledged that the district has extensive constraints – flood risk, internationally designated sites and areas of land within the Kent Downs AONB – the starting point of national planning policy is that local authorities should seek to meet their development needs.
- 2.69. The National Planning Policy Framework (NPPF) sets out a 'presumption in favour of sustainable development' for plan-making and decision-taking (paragraph 11):

"For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change ..."

- 2.70. The NPPF adds at paragraph 15:

"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."

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2.71. The NPPF emphasises that plans should:

“be prepared positively, in a way that is aspirational but deliverable; ...”
(paragraph 16)

2.72. To be positively prepared plans should provide:

“a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development; ...”
(paragraph 35)

2.73. The requirement to plan positively is further reiterated in relation to: the economy (paragraph 81); town centres (paragraph 85); social, recreation and cultural facilities (paragraph 92); education (paragraph 94); renewable and low carbon energy and heat (paragraph 151); and the character and distinctiveness of new development (paragraph 185).

2.74. The council considers from these paragraphs that the presence of constraints in an area is not in itself sufficient reason for a local planning authority to conclude that it cannot meet its development needs; it must explore the nature of the constraints and actively seek to overcome or mitigate them where they can be mitigated.

2.75. As the responses to the preceding questions have shown, the council has undertaken a comprehensive and rigorous process of exploring the district’s constraints and assessing whether they can be mitigated.

2.76. The conclusion of this process, as set out in the Phase Two Report (EB 04.21) was that several areas around Sellindge offered the potential for strategic-scale growth, some areas with and some without mitigation.

2.77. In considering the form of growth within this area, the Phase Two Report concluded that in assessing options for allocating land, the council should:

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“... build in the necessity of achieving sustainability through concentrating development into a critical mass. This would help minimise the risk of fragmented development dispersed across a wider area or a ‘suburban’ model of development lacking appropriate supporting facilities and services alongside housing.

Providing development as a critical mass will conversely provide more scope and opportunity to attract employment uses of a meaningful size and to provide strategic-scale open space, playing fields, schools and the other relatively large-scale.” (EB 04.21, Section 3.1, page 98)

- 2.78. This conclusion is reinforced by the NPPF which states at paragraph 72 that, in addressing development needs:

“The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.”

- 2.79. The council therefore considers that the principle of developing a garden town is justified.

- 2.80. The council submitted an Expression of Interest to the Government’s ‘Locally Led Garden Villages, Town and Cities Programme’ on 17 June 2016. On 11 November 2016 the Government announced its support and funding for the proposal. The garden town now forms one of 49 proposals for garden towns and villages in England (see Appendix 4: Homes England – Garden Towns and Villages Programme, January 2020).

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3. Policy SS6

Question 8

What is the basis for the scale and range of development proposed and is this justified?

- 3.1. The scale and range of development proposed and its justification follows on from the district's increased residential requirement and the ability of providing enough sustainable sites, with the necessary infrastructure, in a district with the strategic constraints of flood risk, the AONB and international nature conservation designations, as outlined above in Questions 4 to 7.
- 3.2. In 2016 the Government published a prospectus to local authorities asking them to express an interest in providing settlements within their administrative areas to meet the country's housing need. After considering the potential of a garden settlement in the Folkestone & Hythe District to meet the district's housing need and support the Government's drive for more housing, the Council submitted an Expression of Interest to the Government in July 2016 proposing Otterpool Park as a new garden settlement. On 11 November 2016 the Government announced its support for Otterpool Park. At that time it was an indicative 12,000 dwellings.
- 3.3. The Government's criteria for supporting garden towns included the provision of at least 10,000 new homes and that good design would be essential to create sustainable places where people would want to live and be part of the local community.
- 3.4. The High Level Options Report Part 1 (EB 04.20) assessed the strategic considerations having an impact on suitability of land for development. This was followed by the Phase Two Report (EB 04.21) which carried forward the conclusions of the High Level Options Report by going down to specific detail on the boundaries of individual sites, including the proposed garden settlement. A High Level Landscape Appraisal (HLLA) (EB 04.22) has also informed both of these documents.

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- 3.5. The Phase Two Report (EB 04.21) assessed the garden settlement area and, after considering all the constraints and opportunities for open spaces, revised this figure to just under 11,000 new homes (Section 3.2, Indicative dwelling capacity page 3-101).
- 3.6. Masterplanning work was then developed for Otterpool Park following detailed planning by the council, project partners and extensive public consultation. This work, together with that on the planning application (Y19/0257/FH) undertaken in parallel, has refined the scale of the proposed development through further negotiations and consultations.

Core Strategy Review allocation

- 3.7. Based on the early work, the Regulation 19 Draft CSR allowed for 6,375 new homes from the allocation for the new garden settlement within the plan period (by the end of 2036/37), recognising that the development would go beyond this date into the next plan period resulting in a development of 8,000 to 10,000 new homes in total. The NPPF recognises that the delivery of large-scale developments may need to extend beyond an individual plan period (paragraph 72, footnote 35).
- 3.8. Following this early work, a large amount of additional evidence and modelling has been undertaken which provides much greater detail and allows for a high degree of confidence as to the delivery and phasing of the development. The planning application for the new garden settlement was submitted on 28 February 2019 and this puts forward an upper and lower rate of housing delivery. Delivery at the upper rate would lead to 5,925 homes being built within the CSR plan period.
- 3.9. Further information is provided 'Core Strategy Review: Revised Housing Need and Supply Paper' (EB 03.10) and the council's response to Matter 8.
- 3.10. With regard to the range of development proposed the Phase Two Report (EB 04.21) set out the infrastructure requirements. The council then produced and

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consulted upon 'A Charter for Otterpool Park', which seeks to create a place that is environmentally, socially and economically sustainable (see Appendix 5: A Charter for Otterpool Park).

- 3.11. Policy SS6 seeks to ensure that community infrastructure will be provided at the appropriate phase of development, defining community infrastructure as sport venues, open space (including accessible space for the elderly), cultural buildings, libraries, places of worship and public houses.
- 3.12. With regard to employment, two studies have been prepared, the Otterpool Park Garden Town Employment Opportunities Study (EB 07.30) and Otterpool Park Employment Land Needs Assessment (EB 07.20). The former study identifies the range of employment opportunities that could be pursued at Otterpool Park, and frames a strategy and action plan to take this forward. The Employment Land Needs Assessment indicates that there is the potential to provide around 36,700sqm of 'B class' employment floorspace within the settlement by 2037.
- 3.13. The Sustainability Appraisal indicates that Policy SS6 would have mainly positive effects with only the criteria of the 'Use land efficiently and safeguard soils, geology and economic mineral reserves' being negative.

Question 9

Taking each of the requirements in part (1) of the policy, what is the evidence to support them, including in respect of the need for the requirement and the effect on viability? Are the requirements justified?

General approach to policies for the new garden settlement

- 3.14. The NPPF states at paragraph 72 that, in addressing development needs:

"The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well

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located and designed, and supported by the necessary infrastructure and facilities.”

- 3.15. The council’s proposals have developed through the process of preparing the Core Strategy Review and the expression of interest to the Government’s ‘Locally-Led Garden Villages, Towns and Cities’ prospectus.
- 3.16. Policies guiding development of the proposed new garden settlement were developed from the framework provided by the Charter for Otterpool Park (Appendix 5: A Charter for Otterpool Park). This sets out the council’s aspirations for the new settlement and was the subject of stakeholder consultation before being finalised. A key ambition is that the settlement will:
- Be planned from the outset on garden settlement principles, responding to its setting close to the Kent Downs Area of Outstanding Natural Beauty;
 - Have a distinctive townscape and landscape, with an emphasis on quality landscaping, open space and recreation;
 - Provide a wide range of different types of home and tenure and jobs within easy walking, cycling and commuting distance;
 - Be a beacon of best practice that achieves a low carbon, low waste and low water development; and
 - Capture land values to provide long-term funding for the stewardship of community assets.⁹
- 3.17. The ambition to create an exemplar highly sustainable development was a key element of the council’s proposals from the start, and the council’s Expression of Interest to government (‘Otterpool Park – A Garden Town of the Future’, March 2016) had environmental sustainability at its heart.
- 3.18. The government’s prospectus ‘Locally-Led Garden Villages, Towns and Cities’ (DCLG, March 2016) stressed that the government wanted to see *“local areas*

⁹ Core Strategy Review, green box, page 85

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adopt innovative approaches and solutions to creating great places, rather than following a set of rules” (paragraph 10).

3.19. The government stressed that it would not support proposals that used ‘garden’ as a convenient label, but was looking for bidders to develop communities that *“stand out from the ordinary”* (paragraph 11).

3.20. Paragraph 57 of the prospectus added that:

“Good design is essential if we are to create sustainable places where people want to live and be part of the local community. It will be important for expressions of interest to demonstrate how the garden town, or city, will be built to a high quality, well designed and attractive.”

3.21. In developing policies for the new garden settlement in the Core Strategy Review, the council has had regard to the approaches set out in Homes England’s Garden Communities Toolkit.¹⁰

3.22. Four basic approaches are set out in the toolkit:

- Broad location identified in a local plan;
- Strategic site allocation in a local plan;
- Development plan document, such as an Action Area Plan; and
- Site-specific Supplementary Planning Document.

3.23. The Garden Communities Toolkit highlights advantages and disadvantages with each approach. For the council a major disadvantage of identifying a broad location, developing an Action Area Plan or a site-specific Supplementary Planning Document is that these approaches require a two-stage process of creating a higher level policy and then a second more-detailed policy document, which would have added additional time to the process and created

¹⁰ See: <https://www.gov.uk/guidance/garden-communities/planning-policy>

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uncertainty at the higher level, where proposals would necessary be more speculative.

- 3.24. The council therefore opted for the approach of creating a strategic site allocation, where sites are allocated for development and have a related policy in the local plan specifying the type and amount of development. As proposals for the new garden settlement have been developed in parallel with the development of policy, such that an outline planning application (Y19/0257/FH) was submitted for the site in 2019, there is now considerable detail available and the council considers that there is a high degree of certainty underlying the proposals.

Policy SS6

- 3.25. Part 1 of Policy SS6 sets out seven criteria for new homes in the Garden Settlement.
- 3.26. With regard to viability, Policy SS6 was considered in the assessment of the new Garden Settlement in the ‘Otterpool Park Assessment of Deliverability & Viability’ report (EB 03.50). The initial conclusions were:
- “We have at this stage no reason to doubt that the Project is deliverable over and beyond the plan period.”*
- 3.27. The District Council is undertaking further work on viability at the request of the Planning Inspectors (see letter FHDC EX012).
- 3.28. Criterion (a) sets out the minimum number of homes over the plan period and the future potential beyond. The background to the amount of development proposed at the Garden Settlement is set out in the council’s response to Question 8.
- 3.29. The amount of development identified for the plan-period was informed by the most up-to-date figures set out in the planning application which was submitted in February 2019. This put forward an upper and lower rate of housing delivery.

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Delivery at the upper rate would lead to 5,925 homes being built within the plan period.

- 3.30. The overall amount for the garden settlement (8,000 to 10,000 new homes) has been identified through the High Level Options Phase Two Report (EB 04.21) and the masterplanning work.
- 3.31. It is considered that this criterion is justified as it is based on proportionate evidence, highlighted above, which has considered reasonable alternatives.
- 3.32. The second criterion (b) sets out the mix of tenure and sizes of new homes in accordance with Policies CSD1 and CSD2 and deliver a minimum of 22 percent affordable homes.
- 3.33. The Town and Country Planning Association (TCPA) guidance 'Understanding Garden Villages: An Introductory Guide' sets out nine principles. One of these principles is to ensure 'Mixed-tenure homes and housing types that are genuinely affordable'. The identified need for the future tenure and sizes for new dwellings and affordable homes to meet the population forecasts is set out in the Strategic Housing Market Assessment Part 2: Objectively Assessed Need for Affordable Housing (EB 03.30) and more detail is provided on these policies in the council's response to Matter 9. To ensure that the future need is met, Policy SS6 reiterates that new development should provide the mix of tenure and size set out in those policies.
- 3.34. It is considered that this criterion is justified as it is based on proportionate evidence.
- 3.35. Criterion (c) seeks the implementation of the Nationally Described Space Standards for new homes. Nationally Described Space Standards set out the minimum gross internal floor areas and storage requirements (m²) and provide clarity for developers.
- 3.36. The council will be adopting the Government's discretionary Technical Housing Standards – Nationally Described Space Standards (2015) in the Places and

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Policies Local Plan (PPLP) Policy HB3: Internal and External Space Standards, in order to improve the quality of new homes and ensure that new developments in the district provide adequate space for residents. The PPLP was found sound following the recent Examination in Public into that plan. The district council seeks to ensure that these standards are adhered to as part of the garden settlement.

- 3.37. The viability of allocated sites, considered with the space standards set out in Policy HB3, was tested at the recent examination for the PPLP.¹¹
- 3.38. It is considered that this criterion is justified to ensure that clear guidance is provided to enable quality development in line with policies in the Places and Policies Local Plan.
- 3.39. The fourth criterion directs early development to areas around the proposed town centre and these are to be well-connected to walking, cycling and public transport networks. The council considers that this criterion is required and is justified to ensure that the objectives set out in the document ‘A Charter for Otterpool Park’ are met (see Appendix 5: A Charter for Otterpool Park). This document was subject to public consultation to ensure all views of how the garden settlement would be developed were considered.
- 3.40. The Charter sets out the council’s ambition to provide a range of new homes in and around the town centre and the introduction of sustainable transport modes. The Charter expands on the ‘Development Principles for Otterpool Park’, first published in the Expression of Interest the council submitted to Government for a new garden town. It provides detailed guidance and advice on how the new settlement should be planned, built out and delivered so as to create the foundations for a sustainable new community.
- 3.41. It was considered important for the main centre of the garden settlement to be established first, before the remaining phases commence to ensure that the

¹¹ https://www.folkestone-hythe.gov.uk/media/313/Viability-Assessment-of-the-Places-and-Policies-Local-Plan-2017/pdf/SDC_-_Viability_Report_App_-_Final_Report_Sept_2017.pdf?m=637001663467100000

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settlement has strong cultural, recreational and shopping facilities, a principle of a garden town, as set out in the TCPA guidance.

- 3.42. Furthermore, the National Design Guidance indicates that well-designed places should limit the impacts of car use by prioritising and encouraging walking, cycling and public transport.¹² An integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport, is another garden town principle set out in the TCPA guidance.
- 3.43. The criterion is considered to be in line with the NPPF's sustainable development social objective, by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 3.44. Criterion (e) sets out how other phases should be developed in accordance with Policy SS7(3). The neighbourhood approach is discussed in the council's response to Question 16 below.
- 3.45. The Charter sets out the council's ambition to provide a range of new homes. This follows the need identified in Policy CSD2.
- 3.46. Criterion (f) sets out a requirement of 10 per cent of homes in each substantial phase shall be built to meet the needs of the elderly. Paragraph 6.11 of the Strategic Housing Market Assessment Part 2: Objectively Assessed Need for Affordable Housing (EB 03.30) identified the requirement for 1,279 additional specialist units for older people which represents 9.3 percent of the total household growth for the period 2014 to 2037. Although a higher figure was also tested it concluded that it was "*...appropriate for the Council to pursue the lower of these two figures, which is closer to the current expectations of older households and monitor how usage patterns develop over time.*"

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843468/National_Design_Guide.pdf

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- 3.47. Given the type of resident for these homes, it is considered reasonable for these homes to meet M4(3) Category 3: Wheelchair User Dwellings standards as set out in Building Regulations.
- 3.48. The final criterion in this part of the policy requires that the remaining 90 per cent of homes shall be built to meet M4(2) Category 2: Accessible and Adaptable Dwellings as set out in Building Regulations. The Charter (see Appendix 5: A Charter for Otterpool Park) sets out the ambition for all homes to be built to meet Optional Requirement M4(2): Category 2 - Accessible and Adaptable Dwellings as set out in schedule 2 of the Building Regulations. This document was subject to public consultation and the policy reflects this ambition.

Question 10

Is the approach to self-build and custom-build homes in part (2) of the policy justified and consistent with national policy? Is it sufficiently clear?

- 3.49. Self-build and custom housebuilding is a key element of the Government's agenda to increase supply and tackle the housing crisis, as evident by the Government's aspiration to at least double the number of custom and self-built homes by 2020.
- 3.50. Paragraph 61 of the NPPF states that within the context of the Government's objective of significantly boosting the supply of homes, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including those that wish to build their own homes.
- 3.51. Planning Practice Guidance (PPG) (2017) effectively advises that "*relevant authorities should consider how they can best support self-build and custom housebuilding in their area*" and that this could include "*developing policies in their Local Plan for self-build and custom housebuilding*" (paragraph: 025).

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- 3.52. Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under Sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand.
- 3.53. At the time of writing, there are 221 individuals on the council's Self-Build and Custom Housebuilding Register. National Planning Practice Guidance¹³ states that relevant authorities must give permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their areas.
- 3.54. To meet this demand the Places and Policies Local Plan (PPLP) included Policy HB4 which seeks new developments of 40 (in the Urban Character Area) or 20 (in the Romney Marsh or North Downs Character Areas) to provide 5 per cent of the development for self-build or custom-build. Individual residential allocations in the PPLP also provide an element of self-build or custom-build.
- 3.55. The garden settlement provides an opportunity to provide for self-build or custom-build plots at a greater scale, such as in other garden settlements, for example in Bicester. Criterion (a) seeks to achieve this.
- 3.56. The criterion (b) seeks to help to mitigate and adapt to climate change (NPPF, paragraph 8) whilst criterion (c) seeks to encourage good innovative and individual design (NPPF, paragraph 127) to ensure the development creates its own unique character. The third criterion reflects criteria in PPLP Policy HB4 for consistency.
- 3.57. Policy SS6 was considered in the viability assessment of the new garden settlement in the 'Otterpool Park Assessment of Deliverability & Viability' report (EB 03.50) and this criterion did not raise any concern with regard to viability.

¹³ National Planning Practice Guidance, Paragraph: 023 Reference ID: 57-023-201760728.

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Question 11

What is the evidence to support the approach to employment development in part (3) of the policy in terms of the scale and type of development? How does the scale of employment development envisaged relate to overall employment land requirements and job growth estimates for the District?

- 3.58. With regard to evidence to support the approach to employment development in terms of scale and type, two studies have been prepared, the Otterpool Park Garden Town Employment Opportunities Study (EB 07.30) and Otterpool Park Employment Land Needs Assessment (EB 07.20). The former study identifies the range of employment opportunities that could be pursued at Otterpool Park, and frames a strategy and action plan to take this forward. Based on the assumptions of that time, it suggested that about 4,500 jobs in 'B class' sectors could be supported. The majority of these would be located within the business park/primary employment district, with the remainder within the workspace hubs in local centres. Additionally, approximately 2,400 jobs would be generated across a range of other sectors including retail, leisure and community infrastructure.
- 3.59. The Economic Strategy¹⁴, which was submitted with the planning application in February 2019, indicates slightly more jobs could be created. This suggests that the development of 8,500 homes could support around 8,950 direct jobs, the equivalent to 7,195 FTE. The assessment suggest that 50% (4,475) of the employment would be office and light industrial jobs with the remaining in retail and community uses, extra care and hotels. It is also expected that just over a thousand jobs would be supported through home-working.
- 3.60. The Employment Land Needs Assessment indicates that there is the potential to provide around 36,700sqm of 'B class' employment floorspace within the

¹⁴ https://www.folkestone-hythe.gov.uk/media/148/Economic-Strategy/pdf/Economic_Strategy.pdf?m=636994915550570000

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settlement by 2037. The Employment Land Needs Assessment is an update of the Shepway Employment Land Review (ELR) (EB 07.40).

- 3.61. With regard to the second part of the question, Policy SS2 of the CSR sets out the total amount of employment land ('B Class') development which consists of 8.1 hectares at the Garden Settlement and land allocated or protected in PPLP Policies E1 and E2.
- 3.62. PPLP Policy E1 sets out the site allocations for new employment uses. This equates to just over 154,000sqm for B1, B2 and B8 uses. This figure does, however, include over 73,000sqm at Link Park Lympe Hythe, which now falls within the garden settlement allocation (now owned by Homes England) and which is unlikely to come forward in its entirety.
- 3.63. The ELR (EB 07.40) concluded that, *"...based on the current supply of employment space from extant planning permissions and allocated sites, there is a sufficient supply of employment space to meet the estimated office and industrial requirements under all three future growth scenarios over the period 2016 to 2026, and also beyond to 2031."*
- 3.64. However, the ELR also indicated that there were important considerations which had a detrimental impact on the attractiveness of the district for investment. These were:
- A shortage of skilled labour in the District;
 - A lack of good quality commercial space that meet modern occupier needs; and
 - An absence of strategic road access to much of the district outside Folkestone.
- 3.65. While the district council, through the Economic Development Strategy, is addressing these issues through other interventions, such as the creation of a new phase to the Mountfield Road industrial estate (see the council's response to Matter 6), the garden settlement provides a major opportunity to deliver a

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new focus for well-located strategic employment development within the district. The Otterpool Park Employment Land Needs Assessment (EB 07.20) concluded that:

“Otterpool Park provides an opportunity to deliver a step-change within the economic growth trajectory of Shepway District. To maximise the opportunities, its economic role must combine both local functions that support the garden town itself but also delivery of a more strategic employment function which the District currently lacks.”

- 3.66. The study also indicated that the focus on specific growth sectors (such as green construction, advanced manufacturing and low carbon environmental goods and services) could give added focus to the commercial element of the garden settlement, and could complement initiatives underway in other parts of Kent.

Question 12

Is the scale of proposed employment growth and housing growth balanced? What implications would it have for commuting?

- 3.67. The council considers that the proposed employment growth and housing growth is balanced. The Otterpool Park Employment Land Needs Assessment (EB 07.20) considers the population growth in the garden settlement to identify the amount of employment required. The Assessment considered different growth scenarios, one of which was the level of growth reflecting the Otterpool Park Masterplan, which equated to 6,375 new homes by 2037, to calculate the workplace labour supply.
- 3.68. The Assessment then converted the labour supply figure into floorspace and land requirements by assuming ratios of jobs to floorspace for different types of ‘B class’ uses applied by the 2017 Shepway ELR. For the Masterplan scenario this resulted in 36,760sqm of floorspace.

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- 3.69. The final step was to translate floorspace into land requirements for both office (B1a/B1b) and industrial (B1c/B2/B8) uses. This was calculated by applying appropriate plot ratio assumptions to the net floorspace estimates using the set assumptions and local adjustment factors to reflect the pattern of development in Folkestone & Hythe. These are also consistent with the ratios applied by the 2017 Shepway ELR. This exercise produced 8.1 hectares of land.
- 3.70. With regard to commuting, the Economic Strategy¹⁵ produced for the Otterpool Park planning application indicates that the current level of commuting outside of the district is actually low. Data from the 2011 Census indicates that 49% of the population work and live in the district, a further 11% work from home and 20% commute less than two kilometres. Only 10% commute to Ashford, 5% Dover and 4% London.
- 3.71. The Economic Strategy sets out the projected new jobs for the garden settlement (including all sectors, not just 'B class' uses). The Economic Strategy indicates that the size of Otterpool Park is 'substantial enough' that the residents should be able to serve the needs of business (in terms of the labour market) and vice versa. It concludes that the level of net commuting has the potential to be low.

Question 13

How will employment development relate to new housing in terms of location and phasing?

- 3.72. The policy seeks to ensure that employment growth is delivered with the infrastructure and homes. This would be developed in line with the agreed masterplan work and phasing identified in the planning application.
- 3.73. The Charter (see Appendix 5: A Charter for Otterpool Park) states: "*...the masterplanning of the settlement should identify land suited to accommodating*

¹⁵ https://www.folkestone-hythe.gov.uk/media/148/Economic-Strategy/pdf/Economic_Strategy.pdf?m=636994915550570000

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companies operating in growing regional, national and international markets with a capacity to contribute to employment and GVA growth.” It continues to state that: “...an innovation centre or hub that supports business start-ups shall be included in an early phase of the development. This shall provide space to encourage successful businesses to grow.”

- 3.74. The Otterpool Park Masterplan¹⁶ indicates that the main employment area or hub would be located close to the proposed town centre and adjacent to the railway station and Junction 11. Employment opportunities would then be provided in future neighbourhoods when they are developed.
- 3.75. Criterion 3 c. of the policy sets out how employment development should relate to new homes.

¹⁶ <https://www.otterpoolpark.org/documents-and-downloads/masterplan/>

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4. Policy SS7

Question 14

Taking each of the criteria in part (1) of the policy, are they justified and do they provide a sufficiently clear and effective approach to achieving a suitable form of development?

4.1. As outlined above in paragraphs 3.15 to 3.24, the drafting of policies for the new garden settlement arose from a consideration of the approaches set out in Homes England's Garden Communities Toolkit and the council's Charter (see Appendix 5: A Charter for Otterpool Park).

4.2. As set out in the Charter, the council's aspiration is that:

“Otterpool Park will be a new growing settlement, planned from the outset on garden settlement principles, that responds to its unique setting close to the Kent Downs Area of Outstanding Natural Beauty (AONB). The town will enhance the natural environment with carefully designed homes and gardens, generous parks and an abundance of trees, woodlands and natural habitats.

The garden town will have a distinctive townscape, outstanding local landscape, its very own heritage and access to a diverse coastline. There will be an emphasis on quality landscaping, open space and recreation that supports healthy lifestyles and an inclusive community” (Core Strategy Review, green box, page 85).

4.3. These elements are reflected in the different sections of Policy SS7: New Garden Settlement – Place-Shaping Principles:

- A landscape-led approach;
- A vibrant town centre;
- Village neighbourhoods;
- A high quality townscape;

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- Enhanced heritage assets; and
- Sustainable access and movement.

4.4. As the ‘Locally-Led Garden Villages, Towns and Cities’ prospectus made clear, the government is expecting a high quality of development, developing communities that “*stand out from the ordinary*”. The term ‘garden town’ should not be used as a convenient label (see paragraph 2.51).

4.5. This aspiration is supported by the National Planning Policy Framework, which states at paragraph 124 that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Point (1) a. – Landscape-led development

4.6. Policy SS7 point 1(a) sets out requirements for a landscape-led approach that respects topography and views, particularly from the Kent Downs Area of Outstanding Natural Beauty and helps mitigate impact on the views from the scarp of the Kent Downs.

4.7. As set out in the council’s response to Matter 7, Question 3, the development of proposals for the new garden settlement has been informed by work prepared for the High Level Growth Options Report and Phase 2 Report. The inter-visibility of different areas of the site (views to and from the allocation and the Kent Downs AONB and scarp) has been a key factor in developing the density and pattern of development across the allocation and proposals for mitigation. This is to recognise one of the special characteristics and qualities of the Kent Downs AONB: its dramatic landform and views.

4.8. Given this, the council considers that it is important to set out this approach at the beginning of the policy. This is supported by NPPF paragraph 127 which states that:

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“Planning policies and decisions should ensure that developments:

....

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); ...”

Point (1) b – Green Infrastructure

- 4.9. Policy SS7 point 1(b) sets out a number of requirements for a green and blue infrastructure strategy for the new settlement, covering planting, biodiversity, open space and sports provision, access and rights of way, sustainable drainage and long-term management.
- 4.10. The council’s approach to green infrastructure is established by the adopted 2013 Core Strategy Policy CSD4: Green Infrastructure of Natural Networks, Open Spaces and Recreation. As set out in the council’s response to Matter 11, it is proposed to bring this policy forward largely unaltered into the Core Strategy Review, while recognising new requirements for net biodiversity gain.

Point (1) b.i. - Landscaping

- 4.11. As set out in paragraph 4.7 above, the unique setting close to the Kent Downs AONB and the views of different areas to and from the AONB have led the strategy for the new garden settlement. This underlies the requirements for advance planting set out in point (1) b.i. In addition to its landscape function, this planting framework will also allow for biodiversity net gain (see paragraphs 4.13 to 4.17 below), the reinforcement of local character and preventing coalescence with existing and proposed built development and the creation of distance buffers between the new settlement and the M20/High Speed 1 transport corridor.

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- 4.12. NPPF paragraph 127 states that planning policies should ensure developments are sympathetic to local character, the surrounding built environment and the landscape setting. The need for a buffer between the proposed development and the M20/High Speed 1 corridor was identified in the Sustainability Appraisal to the Regulation 18 Core Strategy Review (EB 02.70, paragraph 8.90).

Point (1) b. ii. – Net biodiversity gain

- 4.13. Point (1) b. ii. sets out a requirement for net biodiversity gain and enhancement of the Harringe Brooks ancient woodlands, Local Wildlife Sites, Otterpool Quarry Site of Special Scientific Interest and other sensitive ecological features. This point reflects the requirement for net biodiversity gain, introduced by the government's 'A Green Future: Our 25 Year Plan to Improve the Environment' (2018) (see also the council's response to Matter 11).

- 4.14. As the NPPF sets out in paragraph 170, planning policies should contribute to and enhance the natural and local environment by:

“a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services ... and of trees and woodland;

...

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; ...”

- 4.15. This is further reinforced by NPPF paragraph 174 which states that:

“To protect and enhance biodiversity and geodiversity, plans should:

a) identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national

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and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

4.16. In the assessment of the area within the Phase Two Report, it was found that access to green infrastructure is good and includes Harringe Brooks Wood, Burch’s Wood, Park Wood, Rabbits Wood and Lympne Escarpment, as well as wider access to the Kent Downs AONB to the south and east (EB 04.21, page 49). Natural England advises further that in line with standard practice, a buffer of fifteen metres should apply between ancient woodland, including Harringe Brooks Wood, and new development to minimise impacts on this important habitat (EB 04.21, page 58).

4.17. The Otterpool Quarry Site of Special Scientific Interest (SSSI) is not considered to be a significant constraint to development. The quarry has been designated for its geological interest and is not accessible to the public (EB 04.21, page 58). Nevertheless the council considers that these and the other areas identified in the policy could be used to create a network of ecological sites. The council considers that point (1) b. ii. would help secure protection and enhancement of biodiversity as part of the new development, in the line with the NPPF requirements.

Points (1) b. iii, iv. and v. – Country park, open spaces and rights of way

4.18. Points (1) b. iii., iv., and v. set out requirements for open space including a new country park, playing fields and sports provision and new public rights of way linking into the existing network.

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4.19. The opportunity to create a new country park to enhance the historic landscape setting of Westenhanger Castle (point (1) b. iii.) was identified early on in proposals for the garden settlement. The council's Expression of Interest 'Otterpool Park – A Garden Town of the Future' (June 2016) identified the creation of a strategic country park as one of the guiding principles behind the bid.

4.20. The Charter (see Appendix 5: A Charter for Otterpool Park) similarly identified the opportunity for:

“A new signature country park that enhances the setting of Westenhanger Castle. It shall be easily accessible from the town centre and supported by and linked to other areas of strategic open space. It shall provide high quality habitats as well as recreational space.”

4.21. The opportunity to enhance the setting of Westenhanger Castle is identified further in the more detailed work undertaken for the Phase Two Report (page 51):

“The legacy buildings from the racecourse include a substantial brick-built grandstand and other ancillary buildings and structures. Historic England state that, in their opinion, the development of the racecourse paid no attention to the significance of the castle, and that the proximity of the buildings to the heritage asset is harmful, necessitating the planting of trees to provide screening. These now restrict the views to and from the castle that would have been appropriate to a site of its high social status. Removing the modern grandstand, other buildings relating to the former racecourse use and inappropriate planting would help improve the wider setting and views to and from the castle.”

4.22. In summary the Phase Two Report (page 68) finds that:

“As a scheduled monument with two Grade I listed buildings within it, Westenhanger Castle is an asset of the highest significance and any development within its setting should be extremely sensitively treated.

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However, there are opportunities to both preserve and enhance the asset's setting and significance. The racecourse replaced the open landscape of the estate's 16th century deer park when it opened in 1908 and the land use to the south of the asset will need to maintain a largely open aspect. In addition to enhancing the asset's setting through appropriate use of land to the south there are opportunities for improvements, such as the removal of the racecourse stables, removal of the screening to the immediate south of the asset, and restoration of the original approach to the castle from the south-west, all of which will have a positive effect on the asset's significance. This would also bring place-making benefits to Otterpool Park New Town through the creation of new green infrastructure."

4.23. In relation to open space and recreation, the NPPF states at paragraph 96 that:

"Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities ... and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreation provision is needed, which plans should then seek to accommodate."

4.24. Point (1) b. iv. is intended to highlight these requirements and reference is made to accompanying evidence in the Playing Pitch and Sports Facilities Strategies (EB 05.30 and EB 05.40).

4.25. In relation to public rights of way, NPPF paragraph 98 states that:

"Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails."

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4.26. This is reflected in point (1) b. v. Following comments from Kent County Council during the Regulation 18 stage consultation, the policy wording was expanded to refer to the impacts of increased access on the Kent Downs AONB and Folkestone to Etchinghill Escarpment Special Area of Conservation and that this might necessitate the need for mitigation to be secured.

Point (1) b. vi. – Sustainable drainage systems

4.27. Point (1) b. vi. requires the provision of sustainable drainage systems (SuDS) to maximise landscape and biodiversity value.

4.28. In relation to the provision of SuDS, NPPF paragraph 165 states:

“Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.”*

4.29. The national planning policy guidance adds that:

“Local authorities and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond. This can be achieved, for instance, through the layout and form of development, including green infrastructure and the appropriate application of sustainable drainage systems, through safeguarding land for flood risk management, or where appropriate, through designing off-site works required to protect and support development in ways that benefit the area more generally.”¹⁷

¹⁷ National Planning Practice Guidance, Paragraph: 050 Reference ID: 7-050-20140306.

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4.30. Sustainable drainage systems are important, the national planning policy guidance maintains:

“Sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to:

- *reduce the causes and impacts of flooding;*
- *remove pollutants from urban run-off at source;*
- *combine water management with green space with benefits for amenity, recreation and wildlife.”*¹⁸

4.31. In deciding when a sustainable drainage system should be considered, the national planning policy guidance states:

*“Additionally, and more widely, when considering major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.”*¹⁹

4.32. It is clear from the National Design Guide that sustainable drainage systems should not be considered solely for their flood mitigation role. The Guide stresses the importance of an integrated approach to the drainage of new developments, incorporating sustainable drainage systems, for their landscape and biodiversity, as well as their recreation benefits (paragraph 96):

“In well-designed places, water features form part of an integrated system of landscape, biodiversity and drainage. This includes new water features that manage drainage and also existing watercourses. Together with green and brown roofs, swales, rain gardens, rain capture and other drainage, water features create multifunctional ‘green’ sustainable drainage systems. They

¹⁸ National Planning Practice Guidance, Paragraph: 051 Reference ID: 7-051-20150323.

¹⁹ National Planning Practice Guidance, Paragraph: 079 Reference ID: 7-079-20150415.

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also enhance the attractiveness of open spaces and provide opportunities for play, interaction and relaxation.”

4.33. The Guide adds that (paragraph 149):

“Well-designed places have sustainable drainage systems to manage surface water, flood risk and significant changes in rainfall. Urban environments make use of ‘green’ sustainable drainage systems and natural flood resilience wherever possible ... Homes and buildings also incorporate flood resistance and resilience measures where necessary and conserve water by harnessing rainfall or grey water for re-use on-site.”

4.34. The council considers that point (1) b. vi. reflects these requirements. In relation to the East Stour, an amended form of wording is put forward in the Statement of Common Ground with Ashford Borough Council (EB 13.20).

Point (1) b. vii. – Long-term management

4.35. Point (1) b. vii. concerns the long-term management of the green infrastructure estate to ensure community involvement and custodianship.

4.36. As noted in paragraph 4.28 above, the need to have long-term maintenance arrangements in place is a key consideration for sustainable drainage schemes (NPPF, paragraph 165).

4.37. Long-term management should, however, be considered for the whole green infrastructure estate. As the National Design Guide recognises:

“Well-designed places consider management and maintenance regimes from the early stages of the design process. They take into account potential impacts on communities such as in the form of service charges or where management will pass into their control. Management of local waste, cleaning, parking, internal common spaces, shared spaces and public spaces are all

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considered from the outset. These include play areas, open spaces, streets and other public spaces.”²⁰

- 4.38. Policy SS7 section (1) b. vii. is intended to ensure that long-term management arrangements are put in place.

Question 15

Is the approach to a new town centre and retail and other main town centre uses in part (2) of the policy justified and consistent with national policy?

- 4.39. Part (2) of Policy SS7 seeks to establish a vibrant town centre for the new garden settlement, covering the form of the centre, floorspace of town centre uses and active frontages.
- 4.40. Policies in the National Planning Policy Framework (NPPF) regarding town centres deal with the protection of existing centres, rather than the establishment of new towns. Nevertheless it is clear from NPPF Section 7 ‘Ensuring the vitality of town centres’ that any town centre development not in an existing centre should not harm the vitality and viability of existing centres (NPPF, paragraph 85 (a)). Outside established centres an impact assessment, depending on the scale of development, an impact assessment may need to be undertaken (NPPF, paragraph 89).
- 4.41. The council commissioned the Retail and Leisure Need Assessment 2018 Update (EB 07.10) to assess the needs for town centre uses that the new garden settlement would be likely to generate.
- 4.42. This indicates that the settlement can support approximately 12,900sqm (gross) of retail (convenience and comparison) and food and beverage floorspace by 2037. Service uses (class A1 non-retail and class A2 financial and professional services) could increase this requirement to 15,500sqm

²⁰ National Design Guide, MHCLG, 2019, paragraph 153.

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(gross) by 2037. These requirements have been included within Policy SS7 (2) b.

- 4.43. Clearly there is a need to provide this floorspace in a way that keeps pace with, but does not outstrip, residential development, to avoid any detrimental impacts on centres within the district, including Folkestone, Hythe and New Romney, as well as those in the wider area, such as Ashford and Dover. This requirement is therefore set out in point (2) b.
- 4.44. Following representations from Ashford Borough Council to the Regulation 19 consultation plan, which expressed concern at the potential impacts of retail development on Ashford, further work was undertaken on town centre uses.
- 4.45. Amendments to policy point (2) b. are put forward in the Statement of Common Ground between Ashford Borough and Folkestone & Hythe District Councils (EB 13.20). These amendments would update the floorspace requirements and introduce a phased approach to the retail impact assessment:

“The stated floorspace projections by use class type (baseline values) as drawn from the Retail and Leisure Need Assessment (June 2019 update) are to represent the upper limit of floorspace provision within the garden settlement across the plan period, so that it only meets the needs generated by the development itself. Should any phase of development propose a provision of floorspace that, when considered cumulatively to take account of the total floorspace provision across the garden settlement, would lead to the exceedance of one or more of the floorspace values stated within this policy, or if any individual comparison retail unit were to exceed 500sqm gross floorspace, then the promoter shall have to submit an impact assessment to demonstrate that there would be no detrimental impacts on the vitality and viability of nearby local village centres and other town centres including Folkestone, Hythe, New Romney, Dover and Ashford, by the scale and/or phasing of town centre development ...”

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4.46. The council considers that these amendments would ensure that there would be no detrimental impacts on centres within or adjoining the district.

4.47. Regarding the form of the town centre, point (2) a. sets out requirements for a higher density mixed-use centre, close to Westenhanger railway station, to act as a focal point for the new garden settlement.

4.48. National planning practice guidance promotes a mix of uses in town centres:

“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.”²¹

4.49. The National Design Guide similarly promotes mixed-use developments to act as focal points:

“Mixed-use development creates an active and vibrant place that feels like a centre or destination. Typically, it is appropriate in urban locations and the centres of larger scale developments.”²²

4.50. A transport hub offers the opportunity to create a centre or destination, and can also be linked to a higher density of development:

“In well-designed places, people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities, open spaces or the natural environment. Higher densities are dependent upon accessibility to public transport and essential facilities. To optimise density, it may be necessary to provide public transport infrastructure or to improve existing local transport services. A transport hub may represent

²¹ National Planning Practice Guidance, Paragraph: 001 Reference ID: 2b-001-20190722.

²² National Design Guide, MHCLG, 2019, paragraph 113.

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an opportunity for a local increase in density, where appropriate to local context and character.”²³

- 4.51. Regarding the location of the centre, the potential of the station was identified in the High Level Growth Options Phase Two Report. The broad area was found to have significant benefits of access to Westenhanger railway station and Junction 11 of the M20. Although the report noted, if significant development were proposed here, upgrade of the existing highway network to M20 Junction 11 would be likely required, as well as enhanced highway, cycle and walking access to Westenhanger Station (EB 04.21, page 65).
- 4.52. Policy SS7 (2) point c. sets out requirements for active frontages in the town centre, opening out onto public spaces. This is designed to promote daytime and evening activity, incorporating outdoor markets and public events.
- 4.53. The National Planning Policy Framework (NPPF) promotes the use of active frontages to create safe environment (paragraph 91 (a) and (b)). Evening and night-time activities are encouraged by the national planning practice guidance, subject to security considerations:
- “Evening and night time activities have the potential to increase economic activity within town centres and provide additional employment opportunities. They can allow town centres to diversify and help develop their unique brand and offer services beyond retail.”²⁴*
- 4.54. More guidance is provided by the National Design Guide, which encourages the creation of frontages with activities that spill out onto public spaces and flexible hard landscape for a variety of uses including markets, events and play (page 31).
- 4.55. A feeling of security can be created without the need for obvious security features through planning and design measures, including:

²³ National Design Guide, paragraph 79.

²⁴ National Planning Practice Guidance, Paragraph: 001 Reference ID: 2b-001-20190722.

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- *“buildings around the edges of a space;*
- *active frontages along its edges, provided by entrances onto the space and windows overlooking it, so that people come and go at different times;*
- *natural surveillance from inside buildings provided by windows and balconies, so that users of the space feel they might be overlooked by people from inside;*
- *reasons for people to enter into the space, for an activity or destination or because it is on a natural line of direction of travel; ...”²⁵*

4.56. Policy SS7 (2) point c. is intended to create an active place of this kind at the centre of the new garden settlement.

Question 16

Is the approach to village neighbourhoods and a high quality townscape in parts (3) and (4) of the policy justified and effective?

(3) Village neighbourhoods

- 4.57. The scale and nature of the proposed garden settlement - with interlinking areas of land with potential for development, separated by areas of landscape mitigation and green infrastructure - lends itself to development in phases as a number of distinct neighbourhoods.
- 4.58. The concept of a garden settlement of neighbourhoods has been an aspiration from the beginning. The council’s Expression of Interest, ‘Otterpool Park – A Garden Town of the Future’ (June 2016) highlighted that a garden settlement can accommodate a scale of development that can fully fund the necessary infrastructure, being planned effectively as a whole community, while being built out in stages as discrete neighbourhoods (Section 2.1).

²⁵ National Design Guide, paragraph 105.

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- 4.59. This concept was further explored in the Charter (see Appendix 5: A Charter for Otterpool Park). This set out that (page 11):

“The townscape shall comprise of urban higher density housing and supporting uses in a lively town centre. Development shall radiate out with reduced density and more rural character in the village style neighbourhoods reflecting the town and country vision of the original garden city movement. ...

Neighbourhoods, buildings and spaces shall be planned to create a unique and distinctive character. Local and long range views shall be captured to provide interest and surprise.”

- 4.60. The intention is that the development of distinct neighbourhoods will not only be a matter of design quality, but also a way to foster a sense of community in the new settlement. As the Charter described (page 19):

“Each neighbourhood centre shall include a primary school, pre-school nursery, convenience shopping, open space and recreational activities at an early stage of its development so as to foster sustainability and community cohesion. ...

Each centre shall be planned to foster community development and identity and promote healthy living by encouraging mentally and physically active lifestyles. New ways of delivering integrated community services that support the new settlement will be explored.”

- 4.61. Planning practice guidance sets out general guidance on design and makes specific reference to the National Design Guide, stating: *“The National Design Guide can be used by all those involved in shaping places including in plan-making and decision making.”*²⁶

- 4.62. The National Design Guide refers to the creation of distinct neighbourhoods in paragraph 58, stating:

²⁶ Planning Practice Guidance, Paragraph: 001 Reference ID: 26-001-20191001.

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“Where the scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity rather than to scale up the character of an existing place in its context. New character may also arise from a response to how today’s lifestyles could evolve in the future, or to the proposed method of development and construction. Larger scale new developments, such as garden villages or urban extensions, may benefit from a variety of characters so that different areas or neighbourhoods each have their own identity.”

- 4.63. The Guide defines what it terms ‘destinations’ (page 20):

“Places or facilities that people want to visit. In a neighbourhood these may be transport hubs, open spaces, local services such as schools, shops, healthcare or community facilities.”

- 4.64. Destinations play a valuable role in creating new communities, the Guide maintains (paragraphs 71 and 72):

“Destinations provide opportunities for people to meet, share experiences and come together as a community. By bringing existing and new together, destinations become a place for everyone.

They create valuable opportunities for the built form to strengthen the local character of a place. The choice of site, layout, form and scale of built form, together with good design and well considered materials, all help to add to local distinctiveness and create a sense of community.”

- 4.65. Point (3) bullet points a., b., c. and d. are intended to achieve this, bringing together design quality and fostering a sense of community cohesion.

(4) A high quality townscape

- 4.66. Point (4) of Policy SS7 sets out a number of requirements for high quality design, encompassing character, the use of design codes, high quality materials, modern methods of construction and sensitive external lighting.

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4.67. The importance of good design is emphasised by the NPPF at paragraph 124:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

4.68. This is reinforced by NPPF paragraph 130 which states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”

4.69. Planning practice guidance adds further detail on design, stating that:

“Planning policies can set out the design outcomes that development should pursue as well as the tools and processes that are expected to be used to embed good design. Appropriate policies can be included within:

- a plan’s vision, objectives, and overarching strategic policies*
- non-strategic policies in local or neighbourhood plans*
- supplementary planning documents, such as local design guides, masterplans or design codes, which provide further detail on specific design matters.”²⁷*

4.70. Strategic policies can be used to:

“... set out these design expectations at a broad level – for example in relation to the future character and role of town centres, areas requiring regeneration or suburban areas facing more incremental change. Strategic policies can also be used to set key design requirements for strategic site allocations and

²⁷ Planning Practice Guidance, Paragraph: 002 Reference ID: 26-002-20191001.

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explain how future masterplanning and design work is expected to be taken forward for these sites.”²⁸

- 4.71. Policy SS7, including particularly point (4), is intended to set out these broad design expectations.
- 4.72. Regarding bullet point (4) a., the aspiration to create neighbourhoods of distinctive character is outlined above in paragraphs 4.57 to 4.65. The need to take account of long-range and local-views is outlined above in the council’s response to Question 3 on the setting of the Kent Downs AONB.
- 4.73. In addition the NPPF requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting (paragraph 127, point (c)).
- 4.74. This point is reinforced by the National Design Guide (paragraph 40):

“Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including:

... views inwards and outwards; ...”

- 4.75. Regarding point (4) b. on design codes, the use of codes is advocated by the NPPF at paragraph 126, which states that:

“To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design.”

- 4.76. This is dealt with further in the national planning practice guidance, which states:

²⁸ Planning Practice Guidance, Paragraph: 003 Reference ID: 26-003-20191001.

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“Design codes are a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should be proportionate and build upon a design vision, such as a masterplan or other design and development framework for a site or area. Their content should also be informed by the 10 characteristics of good places set out in the National Design Guide.

Design codes can be commissioned or prepared by either the local planning authority or developer, but are best prepared in partnership to secure agreed design outcomes and maintain viability, particularly across complex sites and phased and multi-developer schemes. ... On large sites it can be important to allow for the code to be reviewed as development proceeds, so that lessons from its initial implementation can be addressed, provided that any changes do not subvert the overall design vision or weaken the quality of development.”²⁹

- 4.77. While a National Model Design Code will be published, setting out detailed standards for key elements of successful design, the National Design Guide states that local vernaculars differ across the country and so local planning authorities will be expected to develop their own design codes, taking into consideration the National Model Design Code. These should set out clear parameters for what good quality design looks like, following appropriate local consultation.³⁰
- 4.78. Policy SS7 (4) b. would require the developer to produce design codes to guide all phases of the development. Folkestone & Hythe District Council, as promoter of the Otterpool Park development, has recently appointed consultants Tibbalds Planning and Urban Design to undertake this work. Tibbalds is currently progressing work on a strategic design code for the settlement and a detailed design code for Phase 1.

²⁹ Planning Practice Guidance, Paragraph: 008 Reference ID: 26-008-20191001.

³⁰ National Design Guide, MHCLG, 2019, paragraph 166.

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4.79. Regarding point (4) c. on the palette of building materials drawing on local distinctiveness, the NPPF states at paragraph 127 that planning policies should ensure that developments:

“(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; ...”

4.80. The National Design Guide adds that well-designed places are influenced positively by the local vernacular, characteristic materials and details.³¹ Well-designed places contribute to local distinctiveness in a number of ways:

“This may include:

- adopting typical building forms, features, materials and details of an area;*
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;*
- using local building, landscape or topographical features, materials or planting types;*
- introducing built form and appearance that adds new character and difference to places;*
- creating a positive and coherent identity that residents and local communities can identify with.”³²*

³¹ National Design Guide, MHCLG, 2019, paragraph 47.

³² National Design Guide, paragraph 55.

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4.81. While creating characterful places begins with the siting of development in the wider landscape, and further down through the layout of streets, open spaces and development blocks, it continues to be created by:

“... the form, scale, design, materials and details of buildings and landscape. In this way, it creates a coherent identity that everyone can identify with, including all residents and local communities.”³³

4.82. While the detail will be established by design codes, point (4) c. is intended to set out the council’s general aspirations.

4.83. Point (4) d. states that the council will encourage modern methods of construction. This has been an aspiration of the council from the beginning, as set out in the Charter (see Appendix 5: A Charter for Otterpool Park, page 9) which states that:

“Off-site and modern construction technologies that can bring forward the early delivery of new homes, taking advantage of advances in manufacturing methods shall be encouraged, where high quality design, durability and sustainability of the product can be proven.”

4.84. The government states that investing in new construction technologies and techniques could be the most effective means of addressing productivity growth. Modern methods of construction and digitisation help combine labour and capital more efficiently, but have not been widely adopted by the sector.

4.85. This is partly as a result of inconsistent demand from clients, but also because construction supply chains, from designers, through to constructors and specialist manufacturers, have not collaboratively invested in the processes and products needed to maximise the potential of innovation.³⁴

4.86. As the government’s Industrial Strategy argues:

³³ National Design Guide, paragraph 57.

³⁴ ‘Industrial Strategy – Construction Sector Deal’, HM Government, 2018, page 22.

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“The way we create our buildings has not changed substantially in 40 years and needs a drastic overhaul if it is to deliver the buildings that the UK needs. Construction is currently expensive and too many buildings waste energy. We need to transform construction so that we can create affordable places to live and work that are, safer, healthier and use less energy.”³⁵

- 4.87. The construction of the new garden settlement offers the opportunity to create the consistent demand and build-up the supply chains that smaller projects could not deliver.
- 4.88. The Otterpool Park Employment Opportunities Study (EB 07.30) identified green construction as a fast-growing sector for the design and construction of buildings to high environmental standards to minimise energy use and waste.
- 4.89. There are opportunities, the study found, in the creation of a new garden settlement (page 29):

“As a garden town, Otterpool Park has the potential to generate significant and long term demand for green construction skills, which should both attract new investment into the area and encourage local construction firms to adapt and develop their expertise and products to meet this demand. The design, build and operation of the garden town provides the opportunity to implement and showcase green construction approaches.

The scale of delivery gives critical mass to support new investment, whilst the phasing of development over time provides the opportunity to build skills and expertise. This could include on-site construction and application of latest technologies to establish a ‘first mover’ advantage would could then be exported to other parts of the UK, thereby ensuring long-term opportunities for firms once Otterpool Park is completed.”

- 4.90. The promotion of innovation remains an important element of the government’s aspiration for garden communities.

³⁵ ‘Industrial Strategy – Building a Britain fit for the future’, HM Government, 2017, page 74.

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4.91. The ‘Locally-led Garden Villages, Towns and Cities’ prospectus stated that:

“We encourage expressions of interest that include innovative forms of delivery such as off-site construction, self-build, custom-build and a direct commissioning approach. We will also consider expressions of interest from local authorities who wish to be innovative in ways which we may not have anticipated.”³⁶

4.92. This is supported by Homes England’s Garden Communities Toolkit which states:

“To be future-ready, digital technology and other areas of emerging innovation need to be factored into the planning and design of your garden community. Innovation includes:

- *new methods of construction*
- *new approaches to social care and education*
- *new trends in future technologies*
- *energy production*
- *autonomous vehicles”³⁷*

4.93. Point (4) e. of Policy SS7 sets out requirements for external lighting.

4.94. In relation to pollution, the NPPF states at paragraph 180 that planning policies should:

“... ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

³⁶ ‘Locally-Led Garden Villages, Towns and Cities’, DCLG, March 2016, paragraph 66.

³⁷ See: <https://www.gov.uk/guidance/garden-communities/innovative-and-integrated-communities>

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...

(c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

- 4.95. Planning practice guidance sets out more detailed tests for the development management process, but states in general terms that:

“Artificial light is not always necessary. It has the potential to become what is termed ‘light pollution’ or ‘obtrusive light’, and not all modern lighting is suitable in all locations. It can be a source of annoyance to people, harmful to wildlife and undermine enjoyment of the countryside or the night sky, especially in areas with intrinsically dark landscapes. Intrinsically dark landscapes are those entirely, or largely, uninterrupted by artificial light. National parks and nature reserves can serve as good examples, particularly where they support habitats for native nocturnal animals.”³⁸

- 4.96. The Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019 (Document EB 08.60) describes dark skies as contributing to the special characteristics and qualities of the AONB, under the heading of ‘geology and natural resources’ (see paragraph 1.18 above).

- 4.97. Policy SD7 of the Management Plan (Section 3.6, page 29) states:

“To retain and improve tranquillity, including the experience of dark skies at night, careful design and the use of new technologies should be used. New developments and highways infrastructure which negatively impact on the local tranquillity of the Kent Downs AONB will be opposed unless they can be satisfactorily mitigated.”

- 4.98. Policy SS7, point (4) e. is intended to reinforce this and ensure that there is no negative impact on the local tranquillity of the Kent Downs AONB.

³⁸ Planning Practice Guidance, Paragraph: 001 Reference ID: 31-001-20191101.

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4.99. More detailed guidance is provided by Places and Policies Local Plan (PPLP) Policy NE5: Light Pollution and External Illumination. The PPLP has recently been through examination and been found 'sound' by the Inspector.

Question 17

Is the approach to heritage assets in part (5) of the policy justified and consistent with national policy?

4.100. Policy SS7, point (5), bullet points a. to f. set out requirements for a heritage strategy, setting out long-term, viable uses for the heritage assets, and a conservation management plan to guide the development. Key heritage assets are identified, including archaeology.

4.101. The National Planning Policy Framework sets out these requirements at paragraph 185:

“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and*
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.”*

4.102. In considering planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (NPPF, paragraph 189). Local planning authorities should look for opportunities for new development within

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the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (NPPF, paragraph 200).

- 4.103. With regard to plan-making, national planning practice guidance requires local planning authorities to set out a positive strategy for the conservation and enjoyment of the historic environment:

“This could include, where appropriate, the delivery of development that will make a positive contribution to, or better reveal the significance of, the heritage asset, or reflect and enhance local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in a local area.

The delivery of the strategy may require the development of specific policies, for example, in relation to use of buildings and design of new development and infrastructure.”³⁹

- 4.104. The National Design Guide (paragraph 47) contains further guidance on how new developments may be designed to enhance local heritage:

“Well-designed places and buildings are influenced positively by:

- the history and heritage of the site, its surroundings and the wider area, including cultural influences;*
- the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;*

the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details ...”

³⁹ Planning Practice Guidance, Paragraph: 003 Reference ID: 18a-003-20190723.

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4.105. The reuse of heritage assets should be encouraged. As well as securing their future, this can also give character to new developments:

“Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way.”⁴⁰

4.106. Policy SS7 (5) points a. to f. are intended to meet the requirements of national planning policy and the guidance set out in the national planning practice guidance. These points have been informed by the Growth Options Phase Two Report (EB 04.21), Folkestone & Hythe Historic Environment Assessment (EB 02.30) and Folkestone & Hythe District Heritage Strategy (EB 11.10).

4.107. The Phase Two Report identified the importance of Westenhanger Castle and parkland (EB 04.21, page 49):

“The site has a long history and included, until the 16th century, a medieval church and cemetery as well as a moated enclosure, hall, gatehouse and curtain walls. The manor was altered in the early 16th century with the addition of a cross wing containing a chapel. Later in the century the kitchens were rebuilt and a west range, now partly surviving as ruins, a walled garden and a pond were created.

Within the area designated as scheduled, Westenhanger Manor (Grade I listed) is a fortified castle or fortified house of the 14th, 16th 18th and 19th centuries and now partly ruined. The curtain walls and mural towers date to the 14th century, with the north-eastern tower having been converted into a dovecote in the mid-19th century. The curtain wall extends to the north, east and west of the site with the manor house incorporating the eastern wall as its east elevation. Beyond the western wall stand conjoined 16th century barns, one incorporating a stable, which are also listed Grade I.”

⁴⁰ National Design Guide, paragraph 46.

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4.108. The report identified opportunities to remove unsympathetic buildings associated with the Folkestone Racecourse within the setting of the Castle and to open up the southern approach to the Castle (EB 04.21, pages 51-52):

“The legacy buildings from the racecourse include a substantial brick-built grandstand and other ancillary buildings and structures. Historic England state that, in their opinion, the development of the racecourse paid no attention to the significance of the castle, and that the proximity of the buildings to the heritage asset is harmful, necessitating the planting of trees to provide screening. These now restrict the views to and from the castle that would have been appropriate to a site of its high social status. Removing the modern grandstand, other buildings relating to the former racecourse use and inappropriate planting would help improve the wider setting and views to and from the castle.

Historic maps show the approach to the castle to have been from the south-west, along a drive commencing ... on the A20 Ashford Road. Construction of the racecourse has obliterated the drive where the track has been laid but the central section within the track is still visible in the landscape. It is not known if any other features of the 16th-century deer park survived the construction of the racecourse but they are not present in the landscape today.”

4.109. Rather than employ a landscaped buffer around the Castle, the report identified that the development of the garden settlement (EB 04.21, page 53):

“... offers an opportunity not only to preserve but also to enhance Westenhanger Castle’s significance. In this aim, appropriate mitigation in terms of the use, scale and design of development within the setting of the castle will be essential in order to preserve its significance. Opportunities for enhancement include removal of the screening close to the asset on its south side, removal of the racecourse’s stable buildings and modern agricultural buildings to the south-west of the asset, and the restoration of the driveway from the A20 as the castle’s principal means of access.”

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4.110. Regarding Otterpool Manor Farm and Upper Otterpool, both Grade II listed, the report (EB 04.21, page 54) found that:

“... proposed new development needs to be sufficiently distant from both assets to preserve their visual connection to the surrounding landscape. This will help ensure that their historic roles ... can continue to be demonstrated and understood. Historic England advises that the extent of land around both listed manor houses and their associated buildings should be sufficiently wide for this to be credible as sustaining a viable agricultural use, or alternative uses which deliver the desired outcome of open green space.”

4.111. Other heritage assets were identified, including Berwick House and Little Berwick, on the eastern side of Stone Street. The development of a buffer to these assets would prevent substantial harm to their setting (EB 04.21, page 55), the report found.

4.112. These findings have informed Policy SS7 (5), particularly points a., d. and f., which seek to enhance the setting of the Castle and explore the opportunity to recreate a southern approach. The Phase Two Report also informed the indicative strategy for the garden settlement, which shows the broad locations of heritage assets and appropriate landscape treatment or buffers around them.

4.113. The Folkestone & Hythe Historic Environment Assessment (LUC, January 2019) assessed the heritage assets within the broad area of the new garden settlement allocation. The Assessment (EB 02.30, paragraphs 4.21-4.23) made recommendations that:

- Policy SS7 (5) a. should be amended to emphasise that the heritage strategy should conserve and enhance local heritage assets and their setting;
- Policy SS7 (5) a. should make the listings and Scheduled Monument status of the assets more explicit;

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- The heritage strategy should be informed by a Conservation Management Plan prepared in relation to Westenhanger Castle, Manor and Barns, that would set out appropriate policies for the management and re-use of the site; and
- Reference should be made within the policy to the appointment of a Historic Environment Clerk of Works, to oversee the proper implementation of the heritage strategy.

4.114. These recommendations were incorporated into the wording of the Regulation 19 draft of Policy SS7 (5) a.

4.115. The council considers that the Policy SS7 (5) provides effective protection for the heritage assets within and adjoining the site allocation.

4.116. The policy must also be read in conjunction with policies in the Places and Policies Local Plan (PPLP), which has been through examination and has recently been found 'sound'. Heritage policies within the PPLP include:

- Policy HE1: Heritage Assets – on the appropriate reuse of heritage assets; and
- Policy HE2: Archaeology – which protects important archaeological sites and their settings.

Question 18

Are the requirements in relation to sustainable access and movement set out in part (6) of the policy justified and sufficiently clear and effective?

4.117. Section 6 of Policy SS7 establishes the need for a movement strategy which prioritises walking, cycling and public transport. This should create a permeable network of routes that connect neighbourhoods, the town centre, employment opportunities and public transport, as well as the wider public rights of way network.

4.118. The National Planning Policy Framework (NPPF) states in paragraph 102 that:

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“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;*
- 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.”*

4.119. 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 ...”

4.120. Planning policies should (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;*

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- 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;*
- 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); ...”*

4.121. 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.”*

4.122. The National Design Guide further explores how a development’s movement strategy can contribute to:

- Place-making, helping people to find their way around;
- Limiting the use of the private car, through prioritising walking and cycle use; and

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- Incorporating green infrastructure, including street trees.

4.123. National Design Guide paragraph 76 states that:

“A well-designed movement network defines a clear pattern of streets that:

- *is safe and accessible for all;*
- *functions efficiently to get everyone around, takes account of the diverse needs of all its potential users and provides a genuine choice of sustainable transport modes;*
- *limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality;*
- *promotes activity and social interaction, contributing to health, well-being, accessibility and inclusion; and*
- *incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity.”*

4.124. The National Design Guide adds that (paragraph 78):

“Prioritising pedestrians and cyclists mean creating routes that are safe, direct, convenient and accessible for people of all abilities. These are designed as part of attractive spaces with good sightlines, so that people want to use them. Public rights of way are protected, enhanced and well-linked into the wider network of pedestrian and cycle routes.”

4.125. In well-designed places (National Design Guide, paragraph 79):

“... people should not need to rely on the car for everyday journeys, including getting to workplaces, shops, schools and other facilities, open spaces or the natural environment. Higher densities are dependent upon accessibility to public transport and essential facilities. To optimise density, it may be necessary to provide public transport infrastructure or to improve existing local

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transport services. A transport hub may represent an opportunity for a local increase in density, where appropriate to local context and character.”

4.126. The design of a place should create a clear hierarchy of streets, from wider streets to low-speed environments, where streets are designed to limit vehicle movements.

4.127. The network of streets should be comprehensible, creating a green, attractive and safe environment:

“A clear layout and hierarchy of streets and other routes helps people to find their way around so that journeys are easy to make. Safe and direct routes with visible destinations or clear signposting encourage people to walk and cycle.”⁴¹

“Well-designed streets create attractive public spaces with character, through their layout, landscape, including street trees, lighting, street furniture and materials.”⁴²

4.128. In relation to the strategy for parking:

“Well-designed parking is attractive, well-landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene. It incorporates green infrastructure, including trees, to soften the visual impact of cars, help improve air quality and contribute to biodiversity. Its arrangement and positioning relative to buildings limit its impacts, whilst ensuring it is secure and overlooked.”⁴³

4.129. The sustainable access and movement requirements set out in Policy SS7(6) a. to h. have been drafted to meet these planning policy and design guidance considerations.

4.130. The NPPF requirement to have regard to the potential of existing transport infrastructure, and to focus development in places that are or can be made

⁴¹ National Design Guide, MHCLG, 2019, paragraph 81.

⁴² National Design Guide, MHCLG, 2019, paragraph 82.

⁴³ National Design Guide, MHCLG, 2019, paragraph 86.

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sustainable, was a key factor in the assessment undertaken for the High Level Options Report and Phase Two Report.

- 4.131. The High Level Options Report (EB 04.20) assessed the different areas of the district in terms of their transport and accessibility. Large areas of the district had significant transport and accessibility constraints that it was considered could not be mitigated (Area 1: Kent Downs; Area 5: Romney Marsh and Walland Marsh; and Area 6: Lydd, New Romney and Dungeness). Other areas were considered to have minimal transport and accessibility constraints, or constraints that could be easily mitigated (Area 2: Folkestone and Surrounding Area; Area 3: Hythe and Surrounding Area; and Area 4: Sellindge and Surrounding Area.)
- 4.132. Given other constraints (as outlined above in the council's response to Question 4) the focus for assessment was narrowed down to Area 4: Sellindge and Surrounding Area, which formed the basis of the Phase Two Report.
- 4.133. The area of the new garden settlement allocation was found to have significant benefits of access to Westenhanger railway station and Junction 11 of the M20. Although the report noted, if significant development were proposed here, upgrade of the existing highway network to M20 Junction 11 would be likely required, as well as enhanced highway, cycle and walking access to Westenhanger Station (EB 04.20, page 65).
- 4.134. An update on discussions regarding Westenhanger Station is provided in the New Garden Settlement in the North Downs Area Joint Delivery Statement submitted alongside the council's response to Matter 7.
- 4.135. Regarding the capacity of Junction 11 of the M20, discussions were held with Highways England regarding the impact of the development on the M20 (and all relevant matters relating to the Strategic Road Network), as reflected within the signed Statement of Common Ground between the District Council and Highways England (EB 13.90). Dialogue will continue as the highway impact assessment is updated for the revised outline planning application. This will

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include the results of the merge/diverge assessments of the M20 slip roads within the study area. This work does not indicate any improvements will be required to the Strategic Road Network within the first five years of the plan period. It is expected that a revised Statement of Common Ground will be entered into in due course.

4.136. Other elements of national policy and guidance reflected in the section (6) including the need for development to:

- Prioritise walking, cycling and public transport (points a., b., e. and h.);
- Create an attractive and a green environment to encourage sustainable modes of travel (point d.);
- Ensure that parking does not dominate the development or street scene (point f.);
- Create a transport hub that could serve higher-density development (point g.); and
- Link into wider networks of pedestrian and cycle routes (point d.).

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5. Policy SS8

Question 19

Are the sustainability and healthy new town principles justified and are they sufficiently clear and effective?

- 5.1. Policy SS8 sets out the council's approach to creating a sustainable new garden settlement under two headings: a sustainable new town; and a healthy new town.
- 5.2. Policies guiding development of the proposed new garden settlement were developed from the framework provided by the Charter (see Appendix 5: A Charter for Otterpool Park). This sets out the council's aspirations for the new settlement and was the subject of stakeholder consultation before being finalised. A key ambition is that the settlement "*will be a beacon of best practice that embraces new technologies and designs to achieve a low carbon, low waste and low water usage environment*" (Core Strategy Review, green box, page 85).
- 5.3. The ambition to create an exemplar highly sustainable development was a key element of the council's proposals from the start, and the council's Expression of Interest to government ('Otterpool Park – A Garden Town of the Future', March 2016) had environmental sustainability at its heart.
- 5.4. The government's original prospectus 'Locally-Led Garden Villages, Towns and Cities' (DCLG, March 2016)⁴⁴ stressed that the government wanted to see "*local areas adopt innovative approaches and solutions to creating great places, rather than following a set of rules*" (paragraph 10). The government stressed that it would not support proposals that used 'garden' as a convenient

⁴⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733047/Locally-led_garden_villages_towns_and_cities_archived.pdf

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label, but was looking for bidders to develop communities that stand out from the ordinary (paragraph 11).

5.5. The prospectus added (paragraph 19) that:

“Good design is essential if we are to create sustainable places where people want to live and be part of the local community. It will be important for expressions of interest to demonstrate how the garden village, will be well-designed, built to a high quality, and attractive.”

5.6. Given this ambition, the council considered it justified to set high standards of sustainability for the new development.

(1) A sustainable new town

5.7. Part one of the policy sets out requirements for water efficiency, water quality, the use of sustainable drainage systems (SuDS), an energy strategy, a site-wide waste strategy, a minerals assessment and remediation for contaminated land.

5.8. In relation to water supply, the National Planning Policy Framework (paragraph 149) states that:

“Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures ...”

5.9. Further background is set out in paragraph 5.65 of the Core Strategy Review (page 134), which states:

“Most of the district’s recent residential planning permissions have required Code for Sustainable Homes standards, predominantly at what was level 3. This level (and Code level 4) required design features to enable a maximum consumption of 105 litres of water per person per day. Since the adoption of the 2013 Core Strategy, there have been significant changes to the planning

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and building regulations systems relating to energy efficiency and low carbon development. Following the Housing Standards Review, the Code for Sustainable Homes was withdrawn (effective from 26 March 2015). As a result of this, local planning authorities can no longer stipulate compliance with Code levels or require Code assessments in planning policy. In place of this, the government introduced a number of changes to building regulations standards, along with some new standards. These included for water (Part G), a new optional standard (110 litres per person per day) for water-stressed areas that has been added to the baseline standard of Part G (125 litres per person per day).”

- 5.10. The Government updated Building Regulations Part G in 2015, introducing an ‘optional’ requirement of 110 litres per person per day for new residential development, which should be implemented through local policy where there is a clearly evidenced need.
- 5.11. As the district falls within a designated Water Scarcity Status Area, water efficiency measures are necessary in new developments. The evidence, outlined in the supporting Water Cycle Study (EB 05.20) justifies the need for more stringent water efficiency targets for new residential development in the district.
- 5.12. Core Strategy Review Policy CSD5 provides a strategic policy, with policies in the Places and Policies Local Plan (PPLP) setting out more detail. PPLP Policy CC2: Sustainable Design and Construction sets out this higher water efficiency standard. This policy was examined during the public examination of the PPLP and the plan has recently been found ‘sound’ by the Inspector.⁴⁵ This policy will be applied to development across the district.

⁴⁵ Report on the Examination of the Folkestone and Hythe Places and Policies Local Plan, 26 June 2020, PINS/L2250/429/8.

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- 5.13. In granting planning permission for new residential development the council's Development Management team routinely applies a water efficiency planning condition, as follows:

“No development shall commence above foundation level until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended).

Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason

In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures. Water efficiency calculations should be carried out using ‘the water efficiency calculator for new dwellings.’⁴⁶

- 5.14. Development Management colleagues have confirmed that this condition is routinely discharged without any issues being presented on grounds of viability.

⁴⁶ See: <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

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5.15. Given that this standard is applied routinely to all development throughout the district, the council considers that Policy SS8 should set higher standards for the new garden settlement as an exemplar development.

5.16. These standards are therefore set at 90 litres per person per day for residential development (section (1), point b.) and BREEAM 'Outstanding' standard for non-residential development (section (1), point c.).

5.17. In relation to sustainable drainage systems (SuDS), the National Planning Policy Framework (paragraph 20) sets out a general requirement that:

“Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

...

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

...

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

5.18. NPPF paragraph 149 adds that:

“Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”

5.19. NPPF paragraph 165 states:

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“Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.”*

5.20. The national planning policy guidance adds that:

“Local authorities and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond. This can be achieved, for instance, through the layout and form of development, including green infrastructure and the appropriate application of sustainable drainage systems, through safeguarding land for flood risk management, or where appropriate, through designing off-site works required to protect and support development in ways that benefit the area more generally.”

5.21. Sustainable drainage systems are important, the national planning policy guidance maintains:

“Sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to:

- reduce the causes and impacts of flooding;*
- remove pollutants from urban run-off at source;*
- combine water management with green space with benefits for amenity, recreation and wildlife.”*⁴⁷

⁴⁷ Planning Practice Guidance, Paragraph: 050 Reference ID: 7-050-20140306.

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5.22. In deciding when a sustainable drainage system should be considered, the national planning policy guidance states:

*“Additionally, and more widely, when considering major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.”*⁴⁸

5.23. Planning practice guidance states: *“The National Design Guide can be used by all those involved in shaping places including in plan-making and decision making.”*⁴⁹

5.24. The National Design Guide stresses the importance of an integrated approach to the drainage of new developments, incorporating sustainable drainage systems (paragraph 96):

“In well-designed places, water features form part of an integrated system of landscape, biodiversity and drainage. This includes new water features that manage drainage and also existing watercourses. Together with green and brown roofs, swales, rain gardens, rain capture and other drainage, water features create multifunctional ‘green’ sustainable drainage systems. They also enhance the attractiveness of open spaces and provide opportunities for play, interaction and relaxation.”

5.25. The Guide adds that (paragraph 149):

“Well-designed places have sustainable drainage systems to manage surface water, flood risk and significant changes in rainfall. Urban environments make use of ‘green’ sustainable drainage systems and natural flood resilience wherever possible ... Homes and buildings also incorporate flood resistance and resilience measures where necessary and conserve water by harnessing rainfall or grey water for re-use on-site.”

⁴⁸ Planning Practice Guidance, Paragraph: 079 Reference ID: 7-079-20150415.

⁴⁹ Planning Practice Guidance, Paragraph: 079 Reference ID: 7-079-20150415.

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- 5.26. Core Strategy Review Policy CSD5 and Places and Policies Local Plan Policy CC3: Sustainable Drainage Systems (SuDS) are intended to provide further guidance on this issue (see the council’s response to Matter 11, Question 4).
- 5.27. Regarding requirements for an energy strategy in part (1) d., the National Planning Policy Framework states (paragraph 148) that:
- “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”*
- 5.28. Local plans should help to increase the use and supply of renewable and low carbon energy and heat through identifying *“opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers”* (NPPF, paragraph 151(c)).
- 5.29. New development is expected to *“take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”* (NPPF, paragraph 153(c)).
- 5.30. National planning practice guidance states that the National Design Guide can be used by those involved in shaping places through plan-making and decision making.⁵⁰
- 5.31. The National Design Guide states that well-designed places:
- *“have a layout, form and mix of uses that reduces their resource requirement, including for land, energy and water;*

⁵⁰ Planning Practice Guidance, Paragraph: 001 Reference ID: 26-001-20191001.

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- *are fit for purpose and adaptable over time, reducing the need for redevelopment and unnecessary waste;*
- *use materials and adopt technologies to minimise their environmental impact.*⁵¹

5.32. The Guide establishes an energy hierarchy, concentrating first on the fabric of the building:

“Well-designed places and buildings follow the energy hierarchy, starting with:

- *reducing the need for energy;*
- *energy efficiency ... ;*
- *maximising the potential for energy supply from decentralised, low carbon and renewable energy sources, including community-led initiatives; and then*
- *efficiently using fossil fuels from clean technologies.*⁵²

5.33. Regarding the fabric of buildings the Guide states:

“The selection of materials and the type of construction influence how energy efficient a building or place can be and how much embodied carbon it contains.

*Well-designed proposals for new development use materials carefully to reduce their environmental impact. This may be achieved in many different ways, for instance through materials that are locally sourced, high thermal or solar performance; ...*⁵³

5.34. Much can also be achieved through passive solar gain:

“Well-designed buildings make the most of passive design strategies to minimise overheating and achieve internal comfort. These include:

- *the layout and aspect of internal spaces;*

⁵¹ National Design Guide, paragraph 137.

⁵² National Design Guide, paragraph 138.

⁵³ National Design Guide, paragraphs 142-143.

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- *insulation of the external envelope and thermal mass;*
- *management of solar gain; and*
- *natural ventilation.*⁵⁴

5.35. The aspiration for new development to achieve zero carbon homes standard is set out in Places and Policies Local Plan Policy CC2: Sustainable Design and Construction.

5.36. Regarding points (1) f. and g. on a site-wide waste strategy and soil waste, the need for waste collection and recycling to be carefully considered from the outset is emphasised by the Design Guide:

“Well-designed places include a clear attention to detail. This considers how buildings operate in practice and how people access and use them on a day-to-day basis, both now and in future. They include:

*Local waste storage, management and pick up: Refuse bins for all the different types of collection, including landfill, recycling and food waste. They are accessible and well-integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid clutter. Where refuse bins are required to be on a street frontage or in a location that is visible from a street, they are sited within well-designed refuse stores that are easy for occupants to use.*⁵⁵

5.37. The Kent Minerals and Waste Local Plan 2013-2030 (adopted in 2006) contains a number of policies designed to reduce waste and promote recycling.

5.38. Policy CSW2: Waste Hierarchy of the Minerals and Waste Local Plan⁵⁶ states that proposals should favour prevention before considering reuse, then recycling and other forms of recovery; waste disposal should only be considered in the last instance if the other methods cannot be used.

⁵⁴ National Design Guide, paragraph 147.

⁵⁵ National Design Guide, paragraph 134.

⁵⁶ Kent Minerals and Waste Local Plan 2013-2030, Kent County Council, page 70.

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5.39. Policy CSW3: Waste Reduction⁵⁷ states that:

“All new development should minimise the production of construction, demolition and excavation waste and manage any waste in accordance with the objectives of Policy CSW 2 [Waste Hierarchy].”

5.40. Part (2) point h. sets out the need for a minerals assessment as part of the development and reflects the requirements of the Kent Minerals and Waste Local Plan Policy DM7: Safeguarding Mineral Resources and Kent County Council’s ‘Safeguarding Supplementary Planning Document’ (April 2017).

5.41. Part (2) point i. sets out requirements for a contaminated land assessment. More detail is set out in Places and Policies Local Plan Policy NE7: Contaminated Land.

(2) A healthy new town

5.42. Part (2) of Policy SS8 seeks to promote healthy new town principles, through the provision of open space, the design of streets and spaces, sustainable access and transport, allotments and community orchards and the provision of gardens.

5.43. ‘Promoting healthy and sustainable environments’ forms a key strand of the Charter for Otterpool Park (page 8). This covers a range of matters including:

- Promoting physical activity;
- Provision of indoor and outdoor sports facilities and cycling and walking routes; and
- Facilities for the changing needs of people over their lifetimes.

5.44. The NPPF includes health as a key consideration in the social objective of sustainable development (paragraph 8 (b)). The planning system should:

⁵⁷ Kent Minerals and Waste Local Plan 2013-2030, Kent County Council, page 71.

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“... support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.”

5.45. Strategic policies should make provision for community facilities, such as health, education and cultural infrastructure (NPPF, paragraph 20(c)).

5.46. A range of measures are put forward to promote healthy and safe communities (NPPF, Section 8). Planning policies should:

- Promote social interaction through the design and layout of new developments;
- Create high quality spaces and clear routes to minimise opportunities for crime and disorder;
- Support healthy lifestyles through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling (NPPF, paragraph 91).

5.47. Planning policies should also provide for social, recreational and cultural facilities and services through:

- The provision of shared spaces, facilities and services;
- Supporting local strategies to improve health, social and cultural well-being; and
- Ensuring an integrated approach to the provision of housing, employment and community facilities and services (NPPF, paragraph 92).

5.48. Planning practice guidance stresses that the design of the built environment is a major determinant of health and wellbeing. Planning and health need to be considered together in two ways, through:

- Creating environments that support and encourage healthy lifestyles; and

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- Identifying and securing the facilities needed for primary, secondary and tertiary care, and the wider health and care system (taking into account the changing needs of the population).⁵⁸

5.49. A healthy place is one which supports and promotes healthy behaviours and environments for people of all ages. It will provide people with opportunities to improve their physical and mental health, and support community engagement and wellbeing. Planning must consider the needs of children and young people as they grow and develop, as well as the needs of an increasingly elderly population and those with dementia and other sensory or mobility impairments.⁵⁹

5.50. The National Design Guide identifies a number of ways through which the design of new developments can contribute to people's health and well-being, from the large-scale (layout and street pattern) to the detailed (the design of individual buildings).

5.51. The Guide stresses the importance of the layout of new developments in encouraging walking and cycling. A compact and walkable neighbourhood with a mix of uses and facilities reduces demand for energy and supports health and well-being.⁶⁰ A walkable neighbourhood must be planned together with a movement network that promotes walking and cycling:

“A well-designed movement network defines a clear pattern of streets that:

- *is safe and accessible for all;*
- *functions efficiently to get everyone around, takes account of the diverse needs of all its potential users and provides a genuine choice of sustainable transport modes;*

⁵⁸ Planning Practice Guidance, Paragraph: 001 Reference ID: 53-001-20190722.

⁵⁹ Planning Practice Guidance, Paragraph: 003 Reference ID: 53-003-20191101.

⁶⁰ National Design Guide, paragraph 136.

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- *limits the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality;*
- *promotes activity and social interaction, contributing to health, well-being, accessibility and inclusion; and*
- *incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity.*⁶¹

5.52. Built facilities should be used to bring different people together in new developments; creating a socially inclusive environment by using local schools, nurseries, community facilities, parks, health, and religious or cultural facilities in layouts to promote social interaction and integration, and help combat loneliness.⁶²

5.53. Open spaces should also contribute in a number of ways, including food production, and should incorporate “*public, shared and private outdoor spaces with:*

- *a range of sizes and locations;*
- *a variety of natural and designed landscapes for everyone, with different functions to suit a diverse range of needs;*
- *opportunities for formal and informal play, exercise and rest that are accessible to all and with no segregation;*
- *well-integrated drainage, ecology, shading, recreation and food production that achieve a biodiversity net gain as required by the 25-year Environment Plan; ...*⁶³

5.54. Well-designed places, the Guide maintains:

⁶¹ National Design Guide, paragraph 76.

⁶² National Design Guide, paragraph 119.

⁶³ National Design Guide, paragraph 94.

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“... provide attractive open spaces in locations that are easy to access, with activities for all to enjoy, such as play, food production, recreation and sport, so as to encourage physical activity and promote health, well-being and social inclusion.”⁶⁴

- 5.55. Policy SS8, point (2), bullet points a., b. and c. are intended to set out a broad framework to promote health and well-being in the new settlement, through its open spaces and movement network, drawing on this national planning policy and guidance.
- 5.56. More detailed supporting policies are provided in the Places and Policies Local Plan (PPLP), which has recently been through examination and been found ‘sound’. For example:
- General health measures, and requirements for a health impact assessment, are set out in PPLP Policy HW2: Improving the Health and Wellbeing of the Local Population;
 - The provision of open spaces is covered by PPLP Policies C3: Provision of Open Space and C4: Children’s Play Space;
 - Requirements for public art and other community measures are dealt with in more detail in PPLP Policy C1: Creating A Sense of Place;
 - PPLP Policy HW4: Promoting Active Travel sets out requirements for sustainable access and transport, incorporating new cycling and walking routes, as does Core Strategy Review Policy SS7(6); and
 - Requirements for food growing and allotments are set out in PPLP Policy HW3: Development That Supports Healthy, Fulfilling and Active Lifestyles.
- 5.57. Regarding point (2) a. ii., the need for a buffer to the M20 and High Speed 1 corridor, arose from the Sustainability Appraisal of the Core Strategy Review, as outlined above in paragraph 4.12.

⁶⁴ National Design Guide, paragraph 91.

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Question 20

What is the evidence base to support the specific requirements in the policy, particularly in relation to water efficiency standards in terms of the need for the standard and the effect on viability? Are the requirements justified?

- 5.58. The council's response to Question 19, paragraphs 5.8 to 5.16 explain how the standards for water efficiency have been arrived at.
- 5.59. The standards have been modelled as part of the viability work outlined below in the council's response to Question 27 below.
- 5.60. The council does not consider that this requirement would raise viability concerns.

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6. Policy SS9

Question 21

What are the specific requirements for new or improved infrastructure and social and community facilities associated with the New Garden Settlement for example in terms of transport, education, health, open space, sport and recreation, community buildings and waste water? Do any of these have cross boundary implications e.g. secondary education?

- 6.1. The council's response to this question should be read in conjunction with the New Garden Town in the North Downs Area, Joint Delivery Statement between FHDC and Otterpool Park LLP. This Statement brings together the current evidence on the delivery of Otterpool Park, the work undertaken to date and provide a factual update on the proposals which underpin the Strategic Site Allocation (North Downs New Settlement SS6 to SS9).
- 6.2. The National Planning Policy Framework 2019 (NPPF) highlights the significance of infrastructure delivery. Specifically, paragraph 20 states that strategic planning policies should make sufficient provision for:
 - "b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)*
 - c) community facilities (such as health, education and cultural infrastructure)"*
- 6.3. The NPPF makes clear the importance of engaging with infrastructure providers and that engagement should be *"effective and on-going"* (paragraph 26) throughout the plan-making process.
- 6.4. The Planning Practice Guidance (PPG) further expands on the role of infrastructure-planning in Local Plans, stating that councils should pay careful attention to *"identifying what infrastructure is required and how it can be funded and brought on stream at the appropriate time."* It states that this information

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can be set out in a supporting document such as an infrastructure delivery programme (or plan) that can be updated regularly.

6.5. The PPG also sets out that:

- It is important to have early discussions with infrastructure providers;
- The Local Plan should make clear, for at least the first five years of the plan period, what infrastructure is required, who is going to fund it, and how it relates to the anticipated rate and phasing of development;
- Less detail may be provided in relation to infrastructure for the period following the first five years of the Local Plan;
- Councils should identify whether the delivery of infrastructure is uncertain and the consequences of such uncertainty; and
- Where councils intend to bring forward CIL, there is a strong advantage in doing so in parallel with the production of a Local Plan.

6.6. The specific requirements for new and/or improved infrastructure and social and community facilities associated with the new garden settlement are reported in the Infrastructure Delivery Plan (IDP) prepared as part of the evidence base to the Core Strategy Review. The IDP was produced in collaboration with stakeholders, strategic infrastructure providers and the County Council. It will help deliver the growth identified in the Core Strategy Review and support the statutory purposes and duty of the district council.

6.7. Infrastructure planning ensures the district council, local communities, service providers and developers understand what infrastructure is required to deliver the planned growth and wider objectives of the council. It also properly accounts for the funding, timing and delivery of projects.

6.8. The term 'infrastructure' covers a wide range of services and facilities provided by public and private organisations. The definition of infrastructure is outlined in Section 216(2) of the Planning Act 2008 (as amended). The Garden Settlement North Downs IDP covers the following infrastructure areas:

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- Schools and other educational facilities;
- Health and social wellbeing;
- Utilities;
- Transport, including pedestrian facilities;
- Flood defences;
- Emergency services;
- Waste;
- Social and community (including libraries, allotments and community halls);
- Leisure and recreational facilities (including children’s play, youth and sports facilities); and
- Open space/green infrastructure.

6.9. The IDP is a ‘living’ document which is subject to ongoing change and revision as matters progress, its impact is to be tracked annually for its effectiveness through the Authority Monitoring Review (AMR) and updated accordingly.

6.10. The need for continued review in the case of new settlements is reflected in the footnote to paragraph 72 of the National Planning Policy Framework. This states that:

“The delivery of large scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated.”

6.11. In January 2019 the district council proactively engaged with neighbouring authorities as a series of officer meetings under the Duty to Co-operate with the specific intention of jointly preparing and agreeing Statements of Common Ground to provide appropriate consideration (and coverage) of cross-boundary

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issues raised by the proposed new garden settlement. This work progressed throughout the remainder of the 2019 calendar year.

- 6.12. All Statements of Common Ground were signed off in advance of the submission of the Core Strategy Review (Submission Version) to the Planning Inspectorate in March 2020, and copies of signed Statements of Common Ground have been made available to the Inspectors appointed to examine the Core Strategy Review.

Question 22

How will these be provided and funded?

- 6.13. Paragraph 34 of the NPPF 2019 explains that plans should detail out the contributions from development to fund/deliver affordable housing provision and infrastructure, as follows:

“Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.”

- 6.14. In terms of funding the delivery of infrastructure, the district council, which has majority control of land within the planning application (reference: Y19/0257/FH) redline boundary (86%), has secured a draw-down fund of £100 million over five years (from November 2019) to assist in funding early infrastructure, i.e. within the first phase of the development, and other associated costs.
- 6.15. However, Section 106 will be the primary mechanism for infrastructure provision at Otterpool Park and other strategic development sites across the district.

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6.16. The IDP prepared as part of the evidence base to the Core Strategy Review acknowledges that the content and purpose of the IDP document is different to the typical approach taken to prepare an IDP, insofar as the North Downs Garden Settlement (Otterpool Park) will be required to fund all associated infrastructure required to ensure the development fully complies with relevant policies of the emerging Core Strategy Review and, therefore, be deemed to be policy compliant. All infrastructure detailed within the IDP is categorised as critical to the delivery of the emerging Core Strategy Review (i.e. must happen to enable growth).

6.17. A headline objective of Policy SS9 in respect of the delivery of infrastructure is that (emphasis added):

“The settlement should be self-sufficient regarding education, health, community, transport and other infrastructure, where necessary allowing for the expansion and improvement of nearby facilities such as secondary education and waste;”

6.18. Fundamentally, it will have to be demonstrated by the site promoter that there is not expected to be a funding gap associated with the satisfactory implementation of required infrastructure to serve the North Downs Garden Settlement necessary to mitigate the impact of development. This should include, for example, the ongoing revenue costs associated with the maintenance and management of certain public spaces and facilities under the control of a Community Management Organisation, or a similar body.

Question 23

How will they be phased/timed in relation to the development proposed and what mechanisms will be in place to ensure they are provided at the right time?

6.19. The timely delivery and phasing of critical infrastructure is inherent in the decision-making process of the outline planning application for a mixed-use scheme proposed at Otterpool Park. The necessary infrastructure

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requirements to support the proposed scale of growth are to be defined by all relevant service and utility providers against the associated policies of the Core Strategy Review and other relevant policies.

- 6.20. The required infrastructure and their timescale for implementation will be defined within the Section 106 agreement aligned to any future grant of planning consent. Where items of infrastructure are to be delivered by a named provider such bodies shall be signatories to the Section 106 Agreement.
- 6.21. Timescales can present a particular challenge in determining and reflecting changes in service provision and funding and, in conjunction with the difficulty of both local and strategic population forecasting, will necessitate a flexible approach to ensure that infrastructure can be funded and delivered efficiently over the long term.

Question 24

Are the requirements set out in the policy justified?

- 6.22. In terms of prepared evidence to underpin the requirements set out in Policy SS9, an Infrastructure Delivery Plan (IDP) was prepared (EB 05.10) as part of the supporting evidence base to the Core Strategy Review in collaboration with stakeholders, strategic infrastructure providers and the county council. It will help deliver the growth identified in the Core Strategy Review and support the statutory purposes and duty of the district council.
- 6.23. In September 2017 the district council, acting in its capacity as a significant landowner/site promoter, produced a draft Charter for the new garden settlement to take forward and articulate in greater detail its corporate aspirations for the new garden settlement. The process of drafting the Charter drew upon a considerable body of work involving the site promoters, statutory bodies and local communities across the district. Following public consultation and consideration by the council's Cabinet, revisions were subsequently made to the Charter in order to finalise it.

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- 6.24. The Charter (see Appendix 5: A Charter for Otterpool Park) enabled the council to expand upon the development principles set out in the Expression of Interest to Government under the Garden Towns Programme to provide more detailed guidance and advice on how the new settlement should be planned, built out and delivered so as to create the foundations for a truly sustainable high quality new community. Each one of the 17 segments of the “sustainability wheel” is expanded on a page in the draft Charter.
- 6.25. Additionally the Charter has helped to inform discussion on the framework masterplan that was submitted to the local planning authority in 2018, which was followed by full masterplan that was submitted alongside an outline planning application for Otterpool Park in February 2019. The Charter has also served to provide a focus for formulating new planning policies to be included in the drafting of the Core Strategy Local Plan Review.
- 6.26. Part 1 of Policy SS9 is grouped as ‘Delivery of infrastructure’, with a focus on the need for self-sufficiency to avoid the future occupiers of the garden settlement placing an unnecessary burden on existing off-site infrastructure. Of course, the early implementation of critical infrastructure within the new garden settlement to serve the new (and expanding) development will be crucial for establishing a sense of community and a quality of place.
- 6.27. The term ‘infrastructure’ covers a wide range of services and facilities provided by public and private organisations. The definition of infrastructure is outlined in section 216(2) of the Planning Act 2008 (as amended). The Garden Settlement North Downs IDP covers the following infrastructure areas:
- Schools and other educational facilities;
 - Health and social wellbeing;
 - Utilities;
 - Transport, including pedestrian facilities;
 - Flood defences;

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- Emergency services;
- Waste
- Social and community (including libraries, allotments and community halls);
- Leisure and recreational facilities (including children’s play, youth and sports facilities); and
- Open space/green infrastructure.

6.28. The process of collaboration enabled the infrastructure providers to think more strategically in terms of future provision and the challenges brought about by significant growth in the long term. This IDP brings all these agencies’ plans together in one document. This should encourage inter-relationships between parties and provides an opportunity to share information and possibly infrastructure.

6.29. Part 2 of Policy SS9 is tasked with ensuring that the garden settlement can demonstrate adherence with ‘Smart Town’ objectives. The district council prepared a Charter for the Garden Settlement to clearly set out its aspirations and intentions. The Charter makes the first commitment that the garden settlement shall be designed as a “smart town” with investment to ensure that traditional networks and services are made more efficient with the use of “smarter” digital and telecommunications technology for the benefit of all its residents and businesses.

6.30. Part 3 of Policy SS9 is grouped under ‘Long-term management and governance’.

6.31. As the National Design Guide recognises:

“Well-designed places consider management and maintenance regimes from the early stages of the design process. They take into account potential impacts on communities such as in the form of service charges or where management will pass into their control. Management of local waste, cleaning,

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parking, internal common spaces, shared spaces and public spaces are all considered from the outset. These include play areas, open spaces, streets and other public spaces.”⁶⁵

6.32. The Charter also identifies specific requirements for long-term maintenance. The objective of this part of Policy SS9 is to understand and appropriately make provision for the fact key infrastructure will need to be provided starting at an early stage of the development of the new town, with arrangements made for its long term maintenance and management.

6.33. The plan’s policies and approach in respect of Policy SS9 are positively-prepared, justified, effective and consistent with national policy, and specifically paragraph 20 of the NPPF (2019) which requires strategic planning policies to make sufficient provision for:

“b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)

c) community facilities (such as health, education and cultural infrastructure)”

Question 25

How will the New Garden Settlement be delivered and how will different elements be co-ordinated? Who will be involved in delivery? What potential obstacles to delivery are there and how is it intended to overcome these?

6.34. Following Cabinet approval on 27 May 2020, the Council has approval to set up a wholly-owned Limited Liability Partnership (LLP) that will act as a delivery company for the New Garden Settlement. The partners to the LLP will be Folkestone & Hythe District Council and the Otterpool Park Development Company Limited. The LLP will have the capacity to form partnerships or joint ventures with other public or private organisations, and be able to enter into

⁶⁵ National Design Guide, MHCLG, 2019, paragraph 153.

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contracts, purchase land and trade. The purpose of the delivery vehicle is to take on the role of master developer. This will include, amongst a number of other activities, delivering major infrastructure for the site, to include enabling works.

- 6.35. The role of the Delivery Vehicle in project delivery is currently envisaged as that of a master developer. Under this model the Delivery Vehicle would assume responsibility for leading and coordinating all aspects of Project delivery throughout the development cycle.
- 6.36. The Delivery Vehicle's activities to address the Council's objectives for the Otterpool Park garden town would include:
- a) Being the applicant for the Planning Application and, where appropriate, subsequent planning applications relating to Project delivery. Cabinet are asked to specifically approve the former.
 - b) Potentially acting as the manager of community infrastructure created as part of the Project.
 - c) Leading and coordinating development activity at the Project site, potentially via subsidiary vehicles.
 - d) Where appropriate, facilitating partnership development arrangements to bring forward housing and employment opportunities at the Project site, including joint ventures with other organisations.
 - e) Where appropriate, holding and managing residential, commercial, agricultural and/or industrial land and buildings at the Project site in advance of, during and following Project delivery (as applicable).
 - f) Leading and coordinating the delivery of such infrastructure works as are necessary as part of Project delivery.

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- g) Commissioning any necessary professional services relating to either the Council's objectives for the Otterpool Park garden town and/or the business objectives of the Delivery Vehicle.
- h) Carrying out such trading activities as will be identified in the Delivery Vehicle's Business Plan (which will be subject to periodic update/review/approval).

6.37. While not a Joint Venture (JV) at the moment, it is expected that delivery, at least in part, will become a JV during the life of the project.

Question 26

Is the overall scale of housing envisaged in the plan period, the annual rate of completions and the timescale for housing delivery realistic and supported by robust evidence?

6.38. The timing and rates of housing delivery are presented fully within the Council's response to Matter 8: The Supply and Delivery of Housing Land. The stated trajectory of housing delivery at the new garden settlement has been provided by the site promoter. The timing and rate of housing delivery is, therefore, considered to be robust and realistic.

Question 27

What evidence is there in terms of the viability of the New Garden Settlement and what does it show? Is it clear that it could be developed viably in the form envisaged and with the policy requirements as set out?

6.39. The council has prepared initial viability evidence for the early stages of the Core Strategy Review and is continuing to review this as proposals for the new garden settlement advance and more detail becomes available.

BPS Assessment of Deliverability & Viability

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- 6.40. For the initial work, the council instructed BPS Chartered Surveyors to assess the deliverability and viability of the proposed new garden settlement in conjunction with relevant policies in the Core Strategy Review. The output of the commission was the Assessment of Deliverability & Viability (EB 03.50) dated 22 January 2019.
- 6.41. The BPS report provides a review of the promoter's viability assessment, taking into account policy requirements in the Core Strategy Review. It has been produced to inform preparation of the Core Strategy Review and ensure that the emerging policies will be deliverable and effective.
- 6.42. Key documents that the BPS report had reference to include (among others):
- Folkestone & Hythe District Council Core Strategy Review 2018;
 - Emerging policies in the Places and Policies Local Plan; and
 - Viability evidence provided by the promoter of the new garden settlement.
- 6.43. For the initial viability testing and policy drafting, BPS reviewed the inputs provided by the promoter and concluded that, while a number of inputs appear reasonable, further consideration may be needed to better understand a number of inputs in more detail, including costings of the identified infrastructure and Section 106 obligations.
- 6.44. Most detail is provided in respect of infrastructure costs and timing, which is appropriate at this stage, given that this is one of the key areas which need to be negotiated early in the process. The BPS work recognises that as further details surrounding the delivery vehicle are worked up and discussions regarding specific infrastructure items progress, more technical detail will emerge through continued review and refinement.
- 6.45. As part of the determination of the planning application the local planning authority has commissioned Gerald Eve (GE), supported by cost consultants Gardiner and Theobald, to review the most up-to-date Strategic Infrastructure Cost Estimate and financial appraisal. The update report takes into account the

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changes in land ownership and progression made to establish a delivery company to act as master developer.

6.46. As part of the determination of the planning application the local planning authority has commissioned Gerald Eve (GE), supported by cost consultants Gardiner and Theobald, to review the most up-to-date Strategic Infrastructure Cost Estimate and financial appraisal. The update report will also take into account the changes in land ownership and progression towards establishment of a delivery company to act as master developer. The update will inform Section 106 discussions for the planning application and will be published as soon as it is available.

6.47. The following excerpts have been drawn from the concluding section of the report prepared by GE titled *‘Evidence to support deliverability and viability of: Otterpool Park New Garden Settlement’* (*emphasis added*):

“To conclude, our review has demonstrated that the proposed outline garden development of Otterpool Park is financially viable and deliverable within the plan period. We therefore consider the Core Strategy policies in relation to the garden settlement to be reasonable.”

“Whilst the sensitivity analysis has demonstrated that proposed Scheme can be delivered and is financially viable and robust, within an ever-changing economic climate, it is important that the viability of the scheme is kept under review and consideration throughout the delivery process.”

“Given the level of infrastructure proposed to be delivered as part of this garden village, we would recommend that the LPA engages with government bodies such as Homes England to explore opportunities for external funding, for example, the Housing Infrastructure Fund to further support the upfront delivery programme.”

6.48. As referred to within the response provided to Question 22, concerning the funding of required infrastructure, the district council, which has majority control of land within the planning application (reference: Y19/0257/FH) redline

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boundary (86%), has secured a draw-down fund of £100 million over five years (from November 2019) to assist in funding early infrastructure, i.e. within the first phase of the development, and other associated costs. This funding facility will significantly lessen the need for external funding support.

Question 28

How will delivery and implementation be monitored and reviewed?

- 6.49. The delivery and implementation of housing and associated infrastructure at the New Garden Settlement is to be tracked annually for its effectiveness through the Authority Monitoring Review (AMR), and updated accordingly.
- 6.50. It is expected that certain items of infrastructure, for example the provision of new or improved highway junctions (both within the planning application redline boundary, or otherwise off-site highway improvements), will be the subject of a 'monitor and manage' approach in accordance with terms to be set out in a Section 106 legal agreement. This is different from the traditional 'predict and provide' approach that has been commonly applied by highway authorities with regards to securing necessary highway mitigation through Section 106/Section 278 mechanisms. However, the changing trends of personal movement, in particular car ownership amongst under 30s over the course of the last decade, necessitates a more flexible approach involving the monitoring of traffic movements associated with the new garden settlement as the site continues to be developed out over time. Of course, certain safeguards will be entered into the Section 106 legal agreement and/or planning conditions to require specified highway improvements to be implemented by the applicant by a nominated number of dwellings or longstop date, but an element of flexibility could be introduced by allowing annual monitoring to identify the 'trigger' for a highway improvement to be implemented.
- 6.51. A similar approach is expected to be applied to the implementation of education infrastructure at the new garden settlement. Ultimately the total requirement, which can be expressed as forms of entry with an equivalent land-take, shall

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depend upon household composition (i.e. children of school age) that will be tracked as phases of development are completed and occupied.

- 6.52. While the county council has undertaken detailed modelling by applying household formation details from corresponding examples of strategic-sized development that exhibit similar characteristics to Otterpool Park, they recognise there will be a need for the legal agreement to allow sufficient ‘flexing’ to ensure infrastructure provision is consistent with the demand for pupil places. The role and purpose of the Section 106 is safeguard the land area required to deliver the quantum of primary and secondary education to serve the resident population (based on household composition) to serve future residents of Otterpool Park, as established by modelling forecasts that will be entered into the Section 106 at the time it is engrossed. However, it is expected that a monitoring regime shall be put in place to track how the household composition based on actual occupations compares to the baseline modelling forecast used to inform the Section 106.
- 6.53. As already explained within the response to Question 21 of this matter, the need for continued review in the case of new settlements is reflected in the footnote to paragraph 72 of the National Planning Policy Framework. This states that:
- “The delivery of large scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated.”*
- 6.54. Aligned to the fuller context provided in footnote 35 to paragraph 72, the need to ensure effective monitoring and review of delivery and implementation will be inherently linked to the requirement under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to review local plans at least once every five years from their date of adoption.

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7. Overall

Question 29

Are there other potential adverse effects of the proposed New Garden Settlement not raised above, if so, what are they and how would they be addressed and mitigated? (N.B. The Council's response should address key issues raised in representations.)

7.1. A large number of issues were raised in the representations to the Submission Draft Core Strategy Review consultation (EB 01.20). Representations include comments on:

- Infrastructure;
- Protection of existing villages;
- Detrimental impacts on the Kent Downs Area of Outstanding Natural Beauty;
- Detrimental impacts on wildlife;
- Impacts on archaeology and heritage;
- Water efficiency standards;
- Retail provision; and
- Justification for the housing figures.

7.2. The council considers that these matters are covered in the responses to other questions for Matter 7 and the other matters. Issues raised by neighbouring authorities and statutory bodies are covered in the Statements of Common Ground with those organisations (as outlined in the council's responses to questions under Matter 2: The Duty to Cooperate).

7.3. More recently the council has been made aware of issues relating to water quality at the Stodmarsh European designated site, north east of Canterbury. Natural England notified the council on 21 May 2020 to state that information has recently emerged relating to existing water quality impacts on the

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Stodmarsh European designated sites caused by high nutrient levels including nitrogen and in particular phosphorous. Phosphorous originates mainly from permitted wastewater discharges into the River Stour (River Stour catchment).

- 7.4. Natural England states that this has implications for Core Strategy Review and advise that the water quality issues will need to be assessed to determine the impacts on nutrient levels in the Stour catchment, as part of the Habitats Regulations Assessment (HRA).
- 7.5. As we discussed, this will need to include the supporting HRA for the Core Strategy Review Examination, which should identify all allocations including Otterpool Park garden town which may discharge into the Stour catchment. The Otterpool Park application will also need to address the water quality issues through the Water Cycle Study and accompanying information for the HRA.
- 7.6. Natural England states that it is keen to work closely with the council to address these issues in particular to support the Core Strategy Review Examination and the Otterpool Park application.
- 7.7. Officers from the council met with representatives from Natural England, the Environment Agency and water companies on 19 June and again with Natural England on 25 June to understand the extent of the issue.
- 7.8. The council is commissioning specialist water quality experts to provide advice and is liaising with consultants LUC for advice on implications for the Habitats Regulations Assessment.
- 7.9. An update will be provided to the Inspectors on this issue as soon as possible.

Question 30

Are any main modifications to Policies SS6-SS9 necessary for soundness?

- 7.10. The council has put forward a number of main modifications as a result of further discussions with neighbouring authorities and statutory organisations.

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These are listed in documents EB 13.10, EB 13.20, EB 13.30, EB 13.40, EB 13.50, EB 13.60, EB 13.70, EB 13.80 and EB 13.90. Background information is also given in the document FHDC EX004.

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8. Sellindge – Policy CSD9

Question 31

What is the basis for the broad location in Sellindge and is it justified in principle?

- 8.1. The Core Strategy (2013) identified a broad location for development in Sellindge. The identification of a broad location in Sellindge came about through extensive masterplanning work, consultation and engagement with the local community, which formed an important part of the evidence base for the adopted Core Strategy (2013) and shaped the Sellindge Strategy.
- 8.2. Sellindge is dispersed in character, consisting of a series of neighbourhoods located along, or just off, the busy Ashford road (A20). Historically there has been no central core or main cluster of facilities. The lack of a central core was investigated by independent consultants, appointed under national Rural Materplanning Funding, working in collaboration with the local community. The results of this work were reflected in the Core Strategy (2013) Sellindge Strategy, which set out a policy to create a new village green with 250 additional homes. A planning application has since been granted permission and building work has commenced.
- 8.3. For the review of the Core Strategy, the Growth Options Study has shown that there are still opportunities in the settlement to meet the growth required in the district until 2037. The Phase Two study, together with further work undertaken, has indicated that, due to landscape and heritage constraints, additional development should be located to the east and south west of the settlement.
- 8.4. The study and further work have indicated that development of up to 600 dwellings in Sellindge (including the 250 previously identified) could be accommodated but this would need to be supported by expanded and new facilities and infrastructure.

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Question 32

What alternative options were considered to meet the planned level of housing growth? Why was the preferred location chosen?

- 8.5. The answer to this question has been covered in response to Questions 4 and 5 above. In summary, the council has undertaken a comprehensive assessment of strategic capacity across the whole of the district. Through this work the High Level Options Report (AECOM, December 2016, Document EB 04.20) was used to inform the Core Strategy Review, supported by a comprehensive High Level Landscape Appraisal for the district (AECOM, February 2016, Document EB 04.30).
- 8.6. The High Level Options Report divided the district into six character areas to assess the potential of each area for strategic growth (further detail on the report and the alternative options is set out in response to Question 5). The findings were, that of the six, only one character area, Area 4 (Sellindge and surrounding area) had opportunities to accommodate strategic growth.
- 8.7. The Phase Two work took the conclusions of the High Level Options Report and High Level Landscape Assessment, and added detail and site-specific evidence in order to determine the boundaries of land considered suitable for strategic-scale development, as well as the extent of land considered unsuitable for such development. The outcomes of the Phase Two work are discussed in more detail in response to Question 3 above.
- 8.8. The starting point for the Phase Two Report was the land identified through the High Level Options Report (EB 04.20, Figure 14, page 108) Sellindge and surrounding area. From this four broad areas were identified:
- Area A: North and East of Sellindge;
 - Area B: South of the M20;
 - Area C: South and West of Sellindge; and

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- Area D: East of Stone Hill.

8.9. The Sellindge broad location falls into Area A: North and East of Sellindge (Phase 2, Site B) and Area C: South and West of Sellindge (Phase 1 and Phase 2, Site A) of the Phase 2 report.

8.10. The Phase 2 report concluded that within Area A:

“Having considered the interaction between all criteria, it is considered that there is one parcel of land suitable for strategic-scale development. It seems suitable on the transport, landscape, infrastructure, heritage, economic development potential and spatial opportunities and constraints criteria. This parcel of land is located to the east of Sellindge and would comprise an expansion of the existing settlement. However, it is of a small enough scale to maintain the identity and character of Sellindge as a free-standing village, through avoiding, for example, coalescence with other settlements.”

“Additionally, this land is no less suitable on the regeneration criterion than any other part of Area A or indeed most other parts of Areas B, C and D. Though there are small and scattered parts of Area A more suitable on the criterion of agricultural land, these are limited in extent and less suitable on a range of other criteria. As such, the limited suitability of the land east of Sellindge on the grounds of agricultural quality is considered to be outweighed by its suitability on a range of other criteria.”

8.11. The outcome of the report has been reflected in Policy CSD9 and the parcel of land identified above is Site B is Phase 2 of the Sellindge Strategy to the east of the settlement.

8.12. The Phase Two report concluded that within Area C:

“It is clear that, when assessed in the round, Area C performs well on every criterion except for that of agricultural land quality, as it comprises almost entirely Grade 2 land. However, as noted, it is not unusual in this regard among all the areas being assessed.”

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“Its performance on the whole range of other criteria, including transport, landscape, heritage, infrastructure, regeneration, economic development potential and spatial opportunities and constraints is strong. Though the western half of the area ... performs more poorly on the infrastructure criterion, its strong performance on the others means that this lower suitability could easily be mitigated through new infrastructure provision.”

“Given the area’s good performance on most assessment criteria, it is considered that land on both sides of Harringe Lane is suitable for development. West of Harringe Lane, there are no significant constraints as far as the District boundary, but any development close to the road frontage on the north-western edge should be carefully designed and softened to provide a gentler urban edge. This will help avoid the perception of ribbon development along the A20, given that the land on both sides of Harringe Lane would effectively comprise a westward expansion of Sellindge.”

“On the eastern side of Harringe Lane, there are again strong boundaries to the north, west and south that encompass flat farmland with very few identified constraints (illustrated in Figure 43). To the east, the western edge of the Core Strategy Site Allocation south of Sellindge would be an appropriate limit to development.”

- 8.13. The conclusions of the report have been reflected in Policy CSD9 Sellindge Strategy, with Site A in the second phase of development, located to the east of Harringe Lane, to the south west of the settlement.

Question 33

What is the basis for the scale and range of development proposed and is this justified?

- 8.14. The district has significant strategic constraints to development, including the Kent Downs Area of Outstanding Natural Beauty (AONB) across much of its northern half, a very large area of functional floodplain across its low-lying southern area and capacity constrained urban areas around its main towns.

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- 8.15. However through the Growth Options work, as set out above, Sellindge was identified as having parcels of land that could help to meet the growth required in the district until 2037.
- 8.16. The village of Sellindge is identified as a Rural Centre in the Settlement Hierarchy. The strategic role of a rural centre is to develop – consistent with enhancing the natural and historic environment – in a manner that supports their role as integrated tourist and local centres providing shops and services for a significant number of residents, visitors, and also for other villages in the North Downs or Romney Marsh.
- 8.17. Sellindge currently has a wide range of facilities and services, serving Sellindge and the wider rural area. These include a GP surgery, primary school, village shop and integrated Post Office, village hall, residents association, sports and social club, farm shop and public house.
- 8.18. The Growth Options Study and further work have indicated that development of up to 600 dwellings in Sellindge (including the 250 previously identified) could be accommodated but this would need to be supported by expanded and new facilities and infrastructure.

Question 34

Taking each of the requirements in the policy, what is the evidence to support them, including in respect of the need for the requirement and the effect on viability? Are the requirements justified?

First phase

- 8.19. Criteria 1 a.-e. from the first phase of development have been carried over from the adopted Core Strategy (2013), therefore they were tested through the examination process and found sound. The criteria were shaped and influenced by evidence base work carried out by independent consultants, appointed under national Rural Masterplanning Funding, working in

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collaboration with the local community. The first phase of the Sellindge Strategy has been granted planning permission and is now being built out.

Second phase

- 8.20. Criterion 2 a. - *The residential development element shall not commence until the school, doctors surgery and Parish Council administrative accommodation to be provided by phase 1 are under construction with a programmed completion date.* This criterion has been included so that the development is appropriately phased to ensure benefits can be fully realised, with infrastructure improvements delivered at the appropriate stages. Concerns were raised by the Parish Council and local residents regarding the risk that new dwellings would be provided but the improvements to the village's infrastructure to support them would not.
- 8.21. Criterion 2 b. - *Total residential development within phase 2 of approximately 350 dwellings (Classes C2 and C3) with 22 per cent affordable housing subject to viability and a minimum of 10 per cent of dwellings designed to meet the needs of the ageing population.* The requirement for approximately 350 dwellings takes account of the proposed figure from the approved planning application on Site B (land east of phase one) and approximate figure of 20 dwellings per hectare on Site A (land to the west of phase one), based on the work carried out in the Growth Options Study Phase 2 Report. The figure of 22% affordable housing reflects Core Strategy Review Policy CSD1 and originates from the council's Strategic Housing Market Assessment (SHMA). The requirement for 10% of dwellings to be designed to meet the needs of the aging population also comes from the findings of the council's SHMA.
- 8.22. Criterion 2 c. - *A minimum of 10 per cent of dwellings to be self-build or custom-build.* This requirement reflects Policy HB4 from the Places and Policies Local Plan, which has recently been found 'sound' by the planning Inspector. It also supports national guidance, which in the NPPF states that local planning authorities should identify and make provision for the housing needs of different groups in the community including those wishing to build their own

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homes. Planning Practice Guidance also makes it clear that the Government is keen to support and encourage individuals and communities who want to build their own homes, and is taking active steps to stimulate the growth of the self-build market.

- 8.23. Criterion 2 d. - *Development shall be designed to minimise water usage, as required by the Water Cycle Study. Total water use per dwelling shall not exceed 90 litres per person per day of potable water (including external water use).* The district is classified as a 'water scarce' area, and further information is set out in the Water Cycle study provided as part of the evidence base to the Core Strategy Review. This is consistent with the requirement with the other strategic sites in the CSR.
- 8.24. Criterion 2 e. - *Energy efficiency standards are agreed with the local planning authority that meet or exceed prevailing best practice.* This criterion does not set a target but is there in response to the government's aim that the planning system should support the transition to a low carbon future in a changing climate. It is felt that there is the potential for the allocation to embrace new technologies to achieve a low carbon, low waste and low water environment.
- 8.25. Criterion 2 f. - Proposals must include satisfactory arrangements for the timely delivery of necessary local community facilities including:
- "i. Provision of land and funding to upgrade Sellindge Primary school to 2 forms of entry (2FE);*
 - ii. Provision of new or upgraded sports grounds, open and play space or upgraded facilities in the village;*
 - iii. Provision of new nursery facilities;*
 - iv. Provision of a replacement village hall, to a specification to meet local need;*
 - v. Provision of new allotment facilities; and*
 - vi. Contributions to the upgrading of local medical facilities to meet the needs of the development;"*

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8.26. The council has worked closely with a wide range of organisations, held duty-to-cooperate meetings with statutory consultees, and wider engagement with the Parish Council and local community to best understand the level of supporting infrastructure, services and facilities required alongside the new housing, to ensure the sustainability of the development. The social objective of the NPPF for achieving sustainable development to support strong, vibrant and healthy communities includes not only the provision of a range of homes but also:

“by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”.

8.27. Criterion 2 g. - *Appropriate landscaping, including woodland planting, shall be provided on the rural edge of the development, particularly around the western boundary of Site A, to retain the rural character and on the eastern boundary of Site B, due to the possible visual impact on the setting of the AONB. All landscaping shall be planted at an early stage of the development and provide new habitats for priority nature conservation species.* The Kent Downs AONB lies to the north of Sellindge, with the impact of development on its setting a key consideration in national and local policy. Subsequently this requirement has been included in the policy after consultation with organisations such as the Kent Downs AONB Unit and further supported by the Growth Options work which recognises the importance of softening the urban edge.

8.28. Criterion 2 h. - *The eastern development area will provide improved pedestrian and cycle access along the northern boundary (Public Right of Way HE273).* This requirement reflects the need for good design, which ensures connectivity and movement within the new development and beyond its boundaries to existing facilities, in this case to the recreation ground and Sports and Social Club on Swan Lane. The criterion is supported by the National Design Guide

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which can be used by all those involved in shaping places including in plan-making and decision making.^[1]

- 8.29. Criterion 2 i. - *Approximately 1,000sqm of business (B1 Class) floorspace shall be provided, achieving BREEAM 'outstanding' rating.* Planning permission has been granted on Site B of the second phase of development (Y16/1122/SH) which includes up to 929 square metres Class B1 Business floorspace. This provides alternative local employment space in the North Downs area, which is characterised as mostly rural in nature, with more limited opportunities for new economic developments due to the AONB. This would also support a prosperous rural economy as set out in Paragraph 83 of the NPPF.
- 8.30. Criterion 2 j. - *Site A land to the west of Sellindge in Phase 2 must be masterplanned and the full area included in a single outline application. The masterplan must include consideration for the setting of non-designated built and natural heritage assets such as Grove House and Potten Farm.* Site A is split in to several parcels of land within different ownerships, subsequently this requirement has been included to ensure one site does not prejudice another from coming forward for development. Evidence work and various consultations with the local community have highlighted the potential importance of Grove House and Potten Farm, therefore it is important for the setting of these buildings to be considered in the context of any new development.
- 8.31. Criterion 2 k. - *Any archaeological remains should be evaluated and potential impact mitigated in accordance with Places and Policies Local Plan Policy HE2.* This requirement has been included to make clear the links with the Places and Policies Local Plan and also national policy.

Both phases

^[1] Planning Practice Guidance, Paragraph: 001 Reference ID: 26-001-20191001.

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- 8.32. Criterion 3 a. - *Provide wherever possible internal links within the site itself and external links to neighbouring sites to ensure there is ease of access by a range of transport modes to new and existing development/facilities within the village.* This requirement reflects the need for good design, which ensures connectivity and movement within the new development and beyond its boundaries to existing facilities. The criteria has been influenced by the National Design Guide which can be used by all those involved in shaping places including in plan-making and decision making.”^[1]
- 8.33. Criterion 3 b. - *Deliver pedestrian and cycle enhancements to the A20 through (as a minimum) informal traffic-calming features at key locations, and perceived narrowing of the carriageway outside Sellindge primary school and associated highways improvement. Phase 2 shall extend the highways improvement area to be delivered by phase 1.* This criterion was found sound in the adopted Core Strategy (2013), and is being successfully delivered through the planning permission granted for phase one. Therefore the proposed additional development should extend the highways improvements able to be delivered, this also reflects engagement with Kent County Council. This criterion was also one of the key outcomes of the Rural Masterplanning Fund project, should this objective not be met, development would not be supported, as this opportunity is centred on addressing local community needs.
- 8.34. Criterion 3 c. - *Contribute to the provision of a safe, lit, surfaced cycle and pedestrian access to Westenhanger Station from Sellindge through the upgrade of existing bridleways and public rights of way (HE271A and HE274).* The request for this requirement came from the Parish Council and community engagement, however these improvements will also help to ensure the development is sustainable and less dependent on cars.
- 8.35. Criterion 3 d. - *Provide noise and air pollution mitigation measures such as distance buffers between the M20/High Speed 1 transport corridor and the*

^[1] Planning Practice Guidance, Paragraph: 001 Reference ID: 26-001-20191001

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development, as well as landscaping within the buffers designed to integrate with other planting and habitat creation delivered through the comprehensive masterplan. The need for a buffer between the proposed development and the M20/High Speed 1 corridor was identified in the Sustainability Appraisal to the Regulation 18 Core Strategy Review (EB 02.70, paragraph 8.90).

- 8.36. Criterion 3 e. - *Contribute to improvements in the local wastewater infrastructure and other utilities as required to meet the needs of the development.* This requirement was tested and found sound in the Core Strategy (2013), and is still considered relevant in light of the infrastructure requirements and the requirements of the utility service providers.
- 8.37. Criterion 3 f. - *Ensure occupation of the development is phased to align with the delivery of sewage infrastructure, in liaison with the service provider.* The criterion reflects engagement with the service provider (Southern Water) and their requirements.
- 8.38. Criterion 3 g. - *Plan layout to ensure future access to existing sewage infrastructure for maintenance and upsizing purposes.* The criterion reflects engagement with the service provider (Southern Water) and their requirements.
- 8.39. Criterion 3 h. - *Provide a high standard of design, siting and layout of development to reflect the sites' proximity to the Kent Downs AONB.* Sellindge does not fall within the AONB, but it is within its setting. Any new development, particularly at the scale proposed in Policy CSD9, may give rise to some adverse landscape and visual impacts for which mitigation will be required. Through the use of landscaping on the rural edge, and through the siting, type and design of new buildings, development should be able to be assimilated into the landscape and any detrimental effects on the setting of the AONB minimised. This requirement aims to address concerns from the Kent Downs AONB Unit and reflects the findings of the Growth Options work.

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- 8.40. The viability of the Sellindge sites have been tested through the Community Infrastructure Levy Charging Schedule Viability Report (EB 03.71) and this indicates that the development would be viable but, as in the adopted policy, would not be in a position to make CIL contributions. A policy-compliant scheme that will ensure delivery of the critical infrastructure specified within policy CSD9 would be through the Section 106 legal mechanism. It should be noted that development of the first phase is now underway. Land parcel A in the second phase already has planning permission and a planning application has been submitted for part of the land parcel B.
- 8.41. The council consider that the requirements set out in the policy are justified to support the needs of the future community.

Question 35

What are the specific requirements for new or improved infrastructure and social and community facilities for example in terms of transport, education, health, open space, sport and recreation, community buildings and waste water?

- 8.42. As planning permission has been granted for phase one of the broad location- Land adjoining the surgery, Main Road, Sellindge in accordance with planning reference Y14/0873/SH the specific requirements for new or improved infrastructure are as detailed within the Section 106 legal agreement entered into by the landowners and district council.
- 8.43. A schedule of improved infrastructure and social and community facilities is appended to this statement (Appendix 6: Land adjoining the Surgery, Main Road, Sellindge – Section 106 Contributions).
- 8.44. Planning permission has also been granted for the second phase, Site B of the broad location - Rhodes House, Sellindge in accordance with planning reference Y16/1122/SH the specific requirements for new or improved infrastructure are as detailed within the Section 106 legal agreement entered into by the landowners and district council.

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- 8.45. A schedule of improved infrastructure and social and community facilities is appended to this statement (Appendix 7: Rhodes House, Sellindge – Section 106 Contributions).
- 8.46. Kent County Council have provided an indication of the associated infrastructure requirements for Site A, within the second phase of development, appended to this statement (Appendix 8: Indicative Infrastructure Requirements to Support Residual Growth). Data presented should only be read as 'indicative', and must not prejudice future discussions relating to Section 106 Heads of Terms which could result in different developer contribution requirements being sought when compared to those that are presented here.

Question 36

How will these be provided and funded?

- 8.47. Developer contributions that were secured through the signing of the Section 106 legal agreement entered into by the landowners and district council shall be paid to the district council in accordance with the details set out in schedule 2 of the Section 106 document, with supplementary information contained within subsequent schedules of the Section 106 document.
- 8.48. Where the district council is the responsible service provider, for example the play space contribution, when Section 106 money is available (i.e. is held on account by the district Council following receipt of payment from the developer), and that money is required for a the delivery of a specific project, the party seeking a transfer payment (e.g. the internal department at Folkestone & Hythe District Council responsible for managing play spaces) will be required to contact the Development Control Manager and clearly set out details of the project, its Section 106 justification, responsibilities for governance on spend and associated programming for delivery for Section 106 monies to be released.

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- 8.49. Similarly where the county council is the responsible service provider, for example in respect of libraries, education, social care, highways and transportation, when Section 106 money is available (i.e. is held on account by the district council following receipt of payment from the developer), and that money is required for a project, an officer (or officers) of the county council will be required to contact the Development Control Manager and clearly set out details of the project, its Section 106 justification, responsibilities for governance on spend and associated programming for delivery for Section 106 monies to be released.
- 8.50. This approval process necessitates that monies are spent in accordance with the specific legal agreements in a controlled project management environment.

Question 37

How will they be phased/timed in relation to the development proposed and what mechanisms will be in place to ensure they are provided at the right time?

- 8.51. The defined timing (i.e. trigger point(s)) of developer contributions as set out in the signed Section 106 legal agreement to be paid to the district council is set out in the Section 106 schedule appended to this statement for the sites within the broad location that now have planning permission. At the time the planning applications was originally consulted on, the various infrastructure and service providers were engaged with by the local planning authority to ascertain the relative timing of payments in the context of when each individual new or improved infrastructure would be required in relation to the number of occupations.
- 8.52. In terms of monitoring, the local planning authority secured the payment of a monitoring fee as part of the Section 106 legal agreement to cover the cost of monitoring and reporting on delivery of the Section 106 obligations. Separately, the local planning authority will monitor the rate of housing completions as part of its Authority Monitoring Report (AMR), and there shall

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be regular and continued dialogue between the Planning Policy team that oversee preparation of the AMR and the Development Management team within which the monitoring officer will report.

- 8.53. The district council is to prepare an Infrastructure Funding Statement (IFS) by the end of the 2020 calendar year that will profile Section 106 developer contributions. Preparation of the IFS will require close engagement with County Council colleagues. As the IFS is to be reviewed and updated annually it provides another means of cross-checking the flow of developer contributions – both payments to the district council, and thereon the transfer of contributions to external service providers, such as the county council.
- 8.54. The mechanisms in place will ensure that developer contributions are paid across at the right time, and that the onward allocation of received contributions is undertaken in a timely and efficient manner.

Question 38

What are the expectations in terms of timing and rates of delivery and are these realistic? What progress has been made to date?

First phase

- 8.55. Planning permissions have been granted for 240 dwellings. The Housing Information Audit 2018/19 shows that the site is currently under construction; and is expected to deliver dwellings at the rate set out below between 2019/20 and 2022/23 of the plan period. There can be a high degree of confidence in this as the site has permission, is under construction; and we have corresponded with the developer in regards to the forward trajectory.

46	60	65	69	-	240
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Second phase

- 8.56. Site B, (land east of phase one) has been granted outline planning permission for 162 dwellings. This site has been factored into the housing trajectory to

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begin delivery in 2023/24 – contributing an initial 20 dwellings in the first years build out; increasing to an assumed 40 dwellings per annum through until completion.

- 8.57. Site A (land to the west of phase one) has been programmed to start beyond the 5 year supply in 2024/25 – although a planning application was submitted in June 2020 for 55 units on land around Grove House near the A20 and so there is a chance that this portion could come forward earlier. The remaining 133 is scheduled between 2027/28 and 2033/34 - assuming a conservative delivery rate of 20 units a year.
- 8.58. Further information can be found in answer to questions in Matter 8, which sets out how assumptions about phasing and delivery of allocations and extant permissions have been considered.

Question 39

Are there other potential adverse effects not raised above, if so, what are they and how would they be addressed and mitigated? N.B. The Council's response should address key issues raised in representations.

- 8.59. Representations have been received regarding concern over the amount of traffic using the A20 through Sellindge and calling for the provision of a bypass to the west of Barrow Hill via internal roads to Otterpool Park and connecting through to Harringe Lane and onwards (north) to the A20 to provide a connection to the west of Sellindge as an alternative east/west movement corridor to the A20 that passes through Sellindge.
- 8.60. The principal limitation to the proposal / implementation of a bypass road along this route is the fact that Harringe Lane falls outside of the Otterpool Park redline boundary and, therefore, ownership control of the site promoters. Aligned to this, the character of Harringe Lane is that of a rural lane of narrow width (often single-way working) of changing horizontal alignment with grass

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verges and tree/hedge planting on both sides of the carriageway, in particular the section to the north of the M20 overbridge.

- 8.61. Even if land required to widen Harringe Lane could be acquired (which is highly improbable), the removal of a continuous belt of tree and hedge planting to facilitate a highway improvement would have a significantly detrimental impact upon character of the local area as a result of the removal of verdant features and through increasing traffic volumes that would utilise the route. There will be a key imperative to ensure that strategic transport movements to/from the site from locations west of Otterpool Park (for example Ashford, Maidstone) utilise the M20 with access via Junction 11 and not to Junction 10A via the A20 through Sellindge. The local road network (principally internal roads) will need to be configured so as to appropriately limit the attractiveness of undertaking westbound movements via the A20 in order to access destinations that are better served by the strategic road network. Inevitably there will be proportionate use of the A20 for certain localised journeys.

Question 40

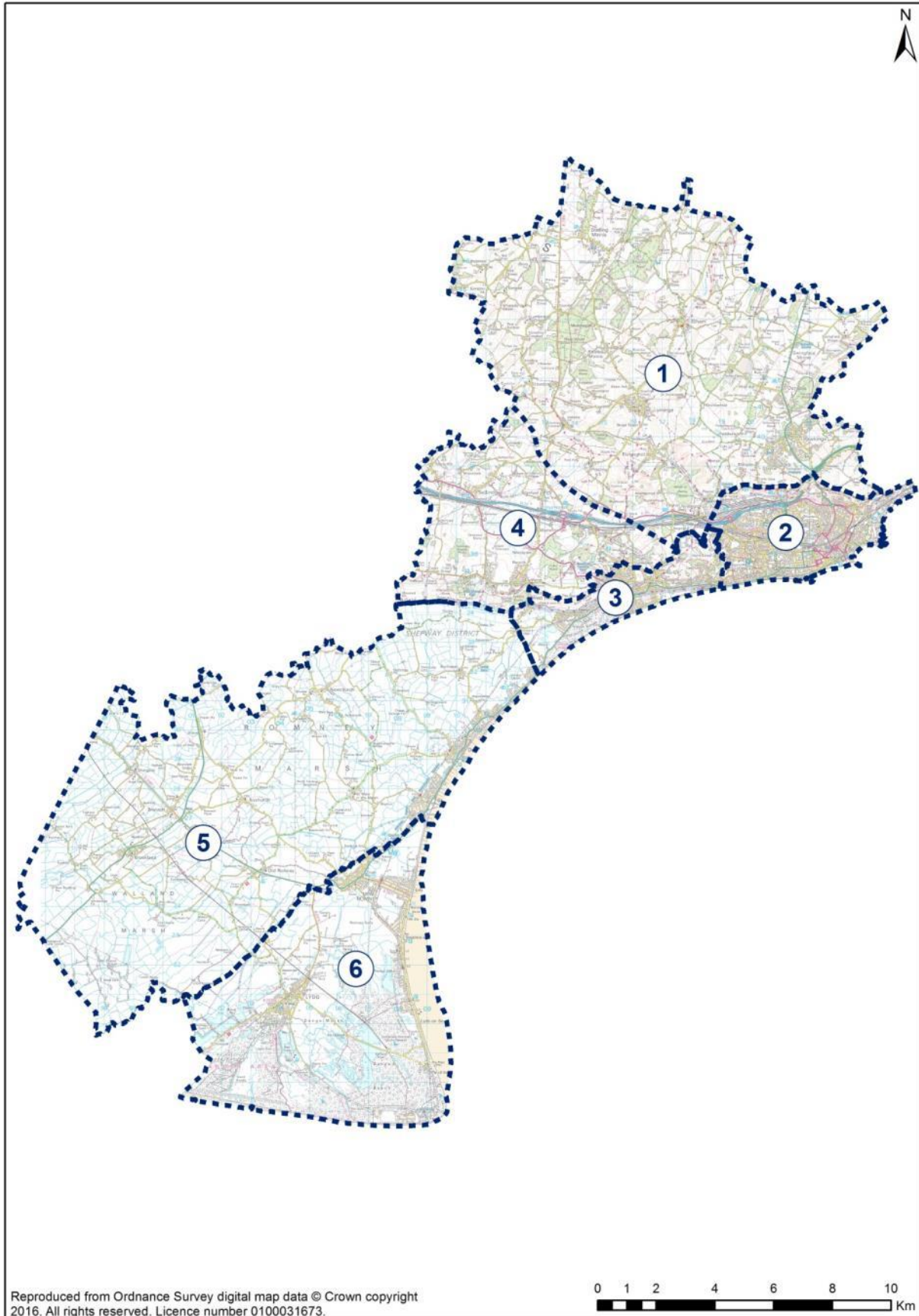
Are any main modifications to Policy CSD9 necessary for soundness?

- 8.62. The District Council does not consider that any main modifications are necessary for soundness.

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**Appendix 1: Growth Options Report – Six Character Areas
of the District**

Figure 2: The six character areas of Shepway District and their boundaries

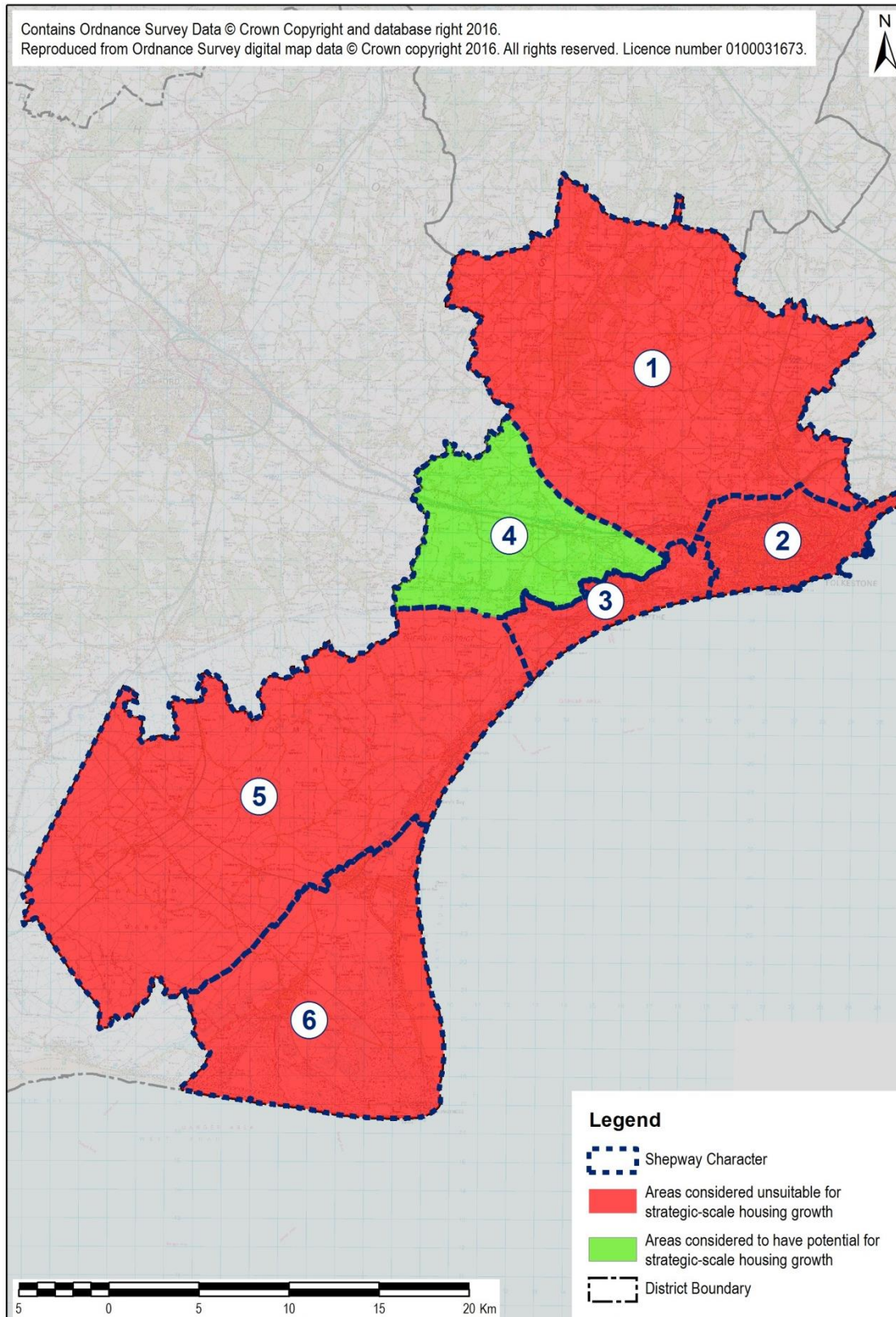


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Appendix 2: Growth Options Report – Emerging High Level Analysis

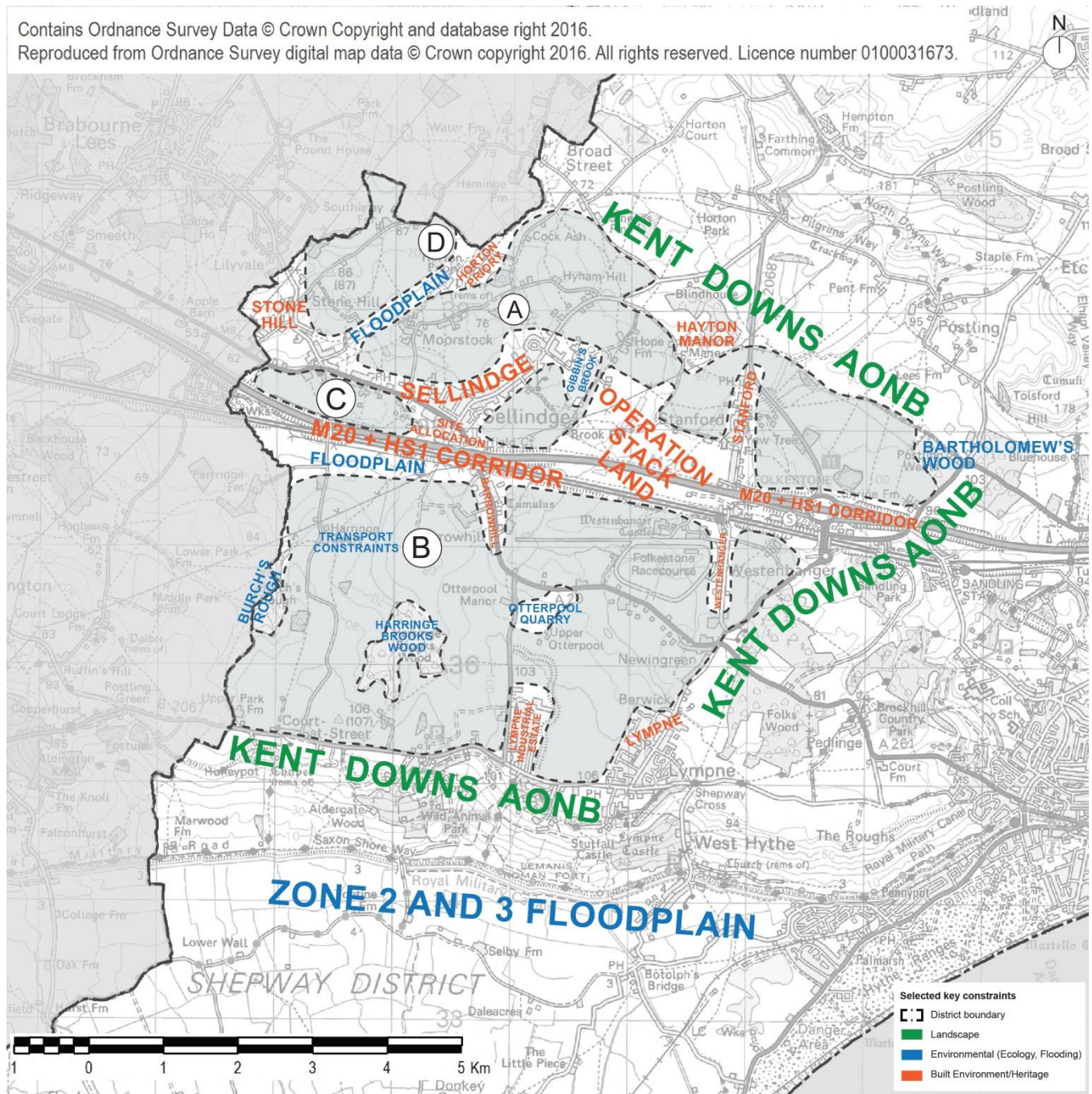
Figure 13: Emerging results of high-level analysis of suitability for strategic development across Shepway



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Appendix 3: Growth Options Phase Two Report – Emerging Locations A to D

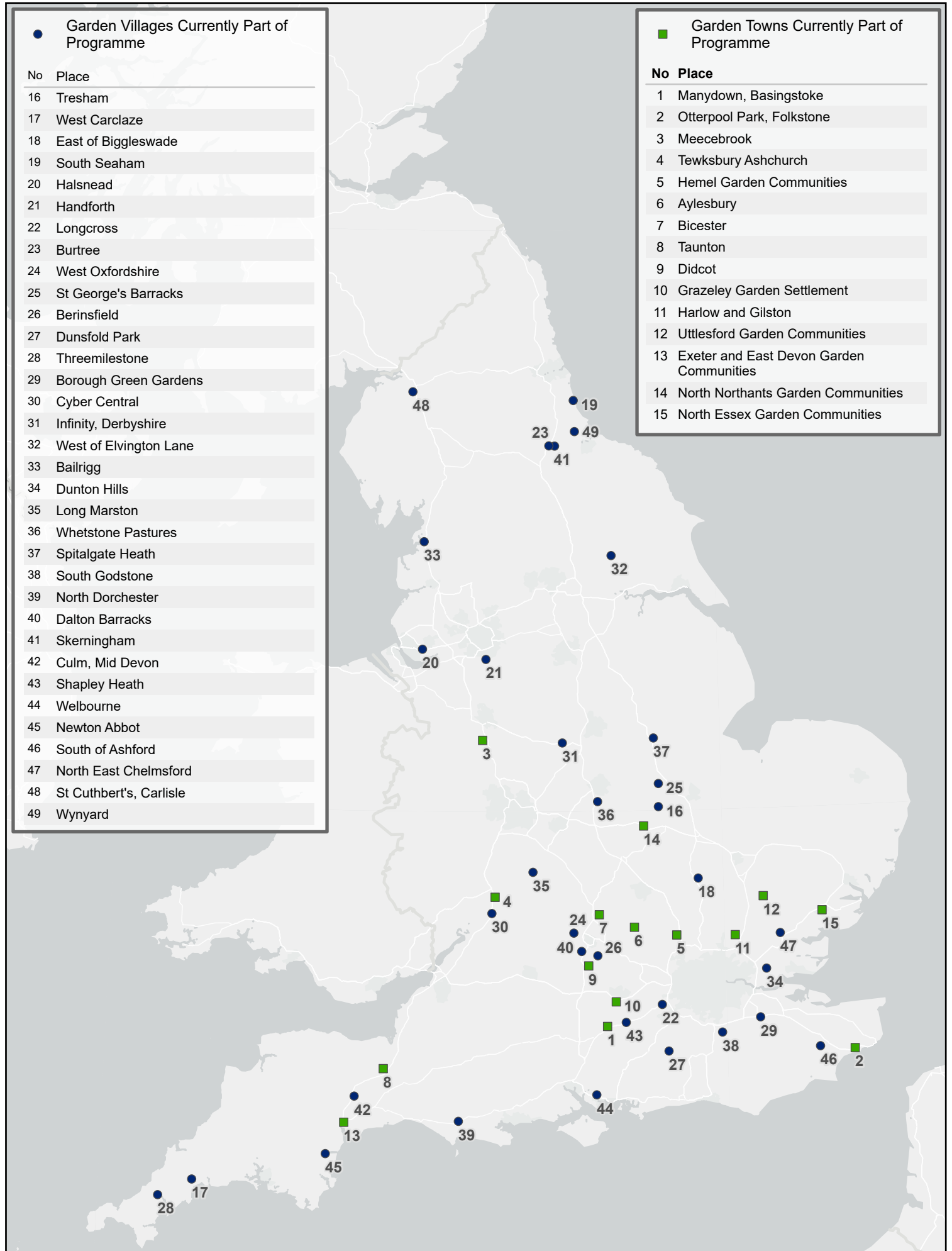
Figure 14: Selected key strategic constraints across the study area, and emerging locations (A to D) more free from strategic constraints



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Appendix 4: Homes England – Garden Towns and Villages Programme, January 2020

Garden Towns and Villages Programme - January 2020



Drg No: 31237_005_RevD - 31/1/20

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Appendix 5: A Charter for Otterpool Park

A Charter for OTTERPOOL PARK

Folkestone
Hythe & Romney Marsh
Shepway District Council



www.shepway.gov.uk

Foreword

Shepway District Council has produced this Charter to set out its aspirations for Otterpool Park - a garden town for the future. The Charter takes as its starting point the principles set out in the Expression of Interest submitted to Government in June 2016 and focuses on creating a place that is truly environmentally, socially and economically sustainable.

Otterpool Park will be a new growing settlement, planned from the outset on garden city principles that responds to its unique setting in the heart of Kent close to the Kent Downs Area of Outstanding Natural Beauty (AONB). The garden town will enhance the natural environment with carefully designed homes and gardens, generous parks and an abundance of trees, woodlands and natural habitats.

The garden town will have a distinctive townscape, outstanding local landscape, its very own heritage and access to a diverse coastline. There will be an emphasis on quality landscaping, open space and recreation that supports healthy lifestyles and an inclusive community.

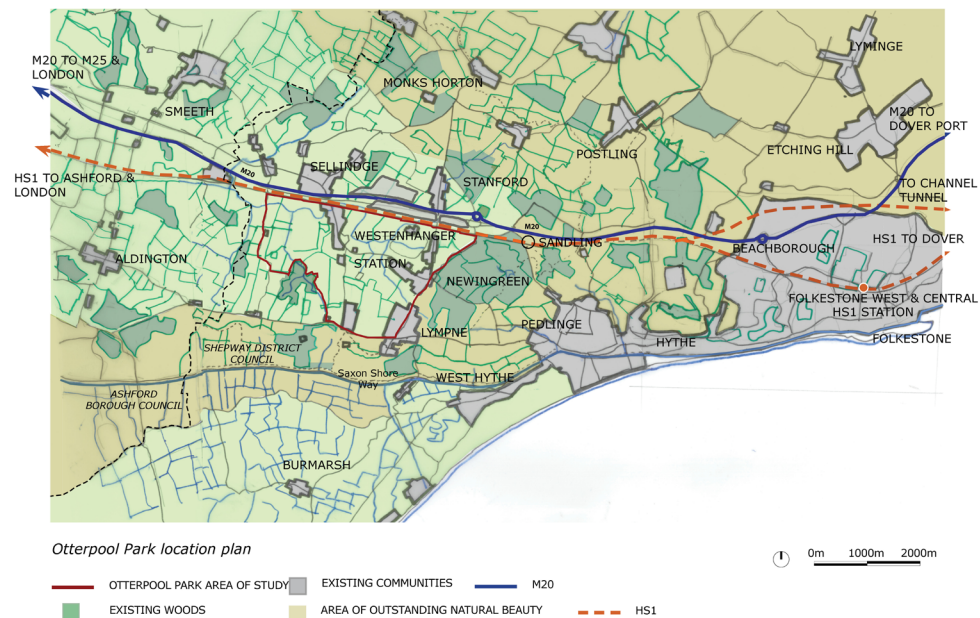
It will be a community built on sustainability with a wide range of mixed tenure homes and jobs for all age groups that are within easy walking, cycling and commuting distance.

The masterplanning of Otterpool Park will be a beacon of best practice that embraces new technologies and designs to achieve a low carbon, low waste and low water usage environment.

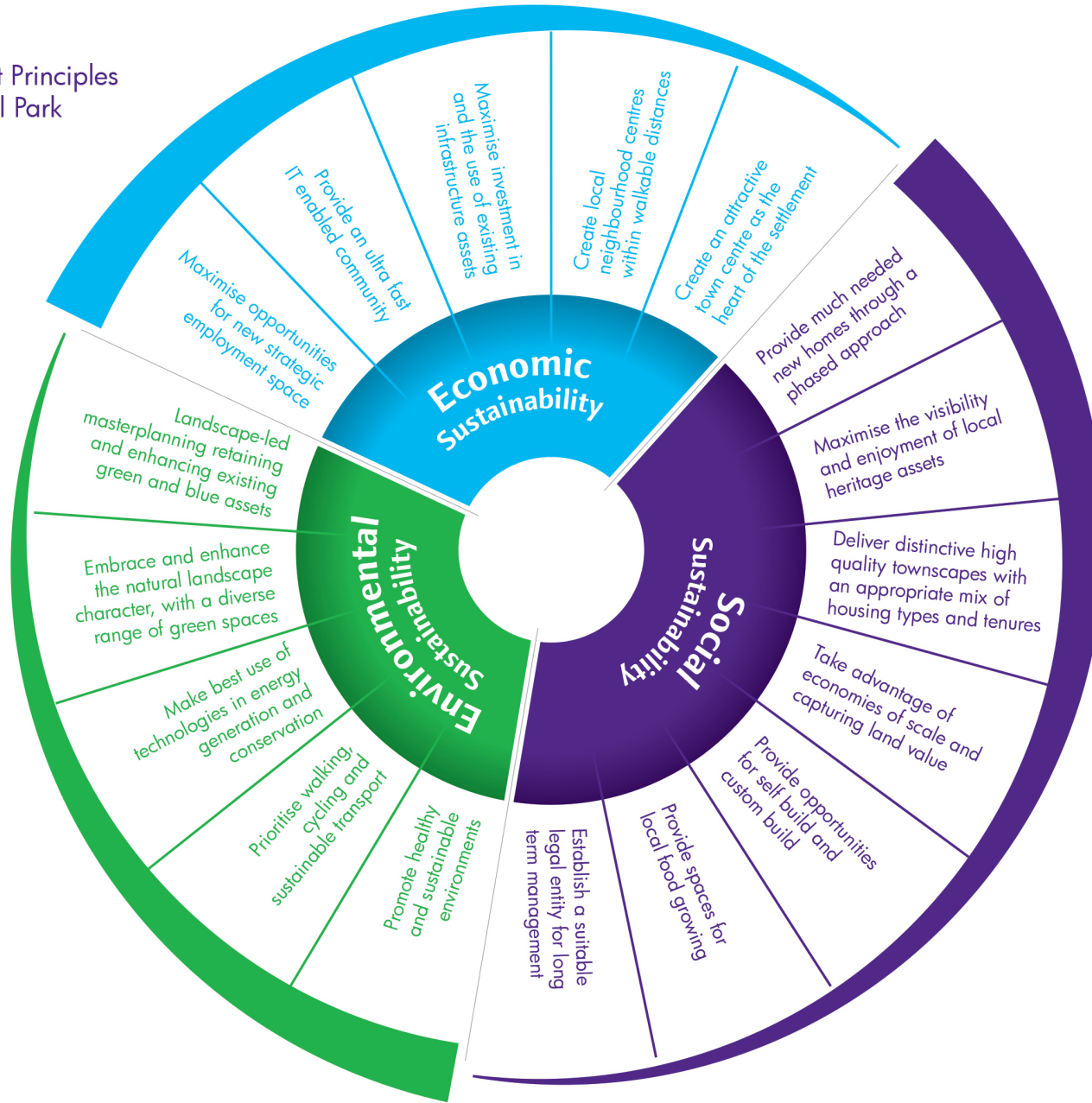
Community involvement and participation in the planning of Otterpool Park has been encouraged from the outset. Land value will be captured so as to provide long term funding for the stewardship of community assets.

Cover image Pond at Folkestone Racecourse © 2017

The Charter expands on the “Development Principles for Otterpool Park” first published in the Expression of Interest and reproduced on the following page. Although not planning policy, it expands these principles to provide more detailed guidance and advice on how the new settlement should be planned, built out and delivered so as to create the foundations for a truly sustainable new community.



Development Principles
for Otterpool Park



Landscape-led masterplanning retaining and enhancing existing green and blue assets

The Masterplan for Otterpool Park shall demonstrate a landscape led approach that respects topography, views and the potential for the enhancement of all green and blue assets

- i.** Significant areas of the new settlement shall provide high quality open space that will be a characteristic of Otterpool Park.
- ii.** Tree lined streets, cycle ways, pedestrian paths and bridleways shall be a feature of Otterpool Park. Trees shall be native species.
- iii.** Street trees and landscaping shall support climate change resilience and provide screening in views from the AONB.
- iv.** Structured landscaping shall be provided at an early stage with space for trees to mature, supplemented by native garden hedges and trees in gardens.
- v.** A design code based on distinctive character areas and drawn up with the participation of the local community will establish the parameters for achieving excellence and continuity in townscape, architecture, built form and landscaping materials.
- vi.** Landscape, drainage and green infrastructure strategies shall deliver a clear net biodiversity gain with an emphasis on native species planting, meadows, ponds and the enhancement and connectivity of other natural features.
- vii.** An access strategy shall balance public access and the enjoyment of the countryside with ecological and landscape preservation taking into account recreational impacts of the new population on the Kent Downs AONB, the Folkestone to Etchinghill Escarpment Special Area of Conservation and other protected areas.

viii. The unique character and biodiversity of the East Stour River shall be enhanced with measures put in place for its long term management.

ix. Investment shall be made in new water infrastructure and water storage areas shall be designed to maximise landscape and biodiversity value. Surface water shall be cleaned and reused with challenging standards adopted for water conservation and minimising water usage.

x. A surface water attenuation system based on sustainable drainage systems (SuDS) shall be provided to prevent downstream flooding of the East Stour River. Long term management arrangements shall be put in place to ensure SuDS function properly.



Kirk View, Singleton Hill, Ashford © KCC 2012

Embracing and enhancing the natural landscape character, with a diverse range of green spaces

An open space, landscape and ecological habitat strategy shall be prepared that supports the masterplan for Otterpool Park and incorporates the key features set out below.

- i. The safeguarding and enhancement of historic landscape character, natural features, landmarks and views, particularly those that are visible from the AONB.
- ii. A new signature country park that enhances the setting of Westenhanger Castle. It shall be easily accessible from the town centre and supported by and linked to other areas of strategic open space. It shall provide high quality habitats as well as recreational space.



Welwyn Garden City © 2017

- iii. Additional green space that enhances the setting of Otterpool Manor, Upper Otterpool and provides connectivity with other heritage assets.
- iv. Landscaped open space that prevents the coalescence of Otterpool Park and Lympne and separates neighbourhoods within the new settlement.
- v. Advanced woodland block planting in strategic locations that enhances the views to and from key viewing points on the North Downs ridge. New planting shall be resistant to disease and climate change.
- vi. Playing fields, adventure space, play areas, running trails, bridleways and informal open spaces located for maximum use that meet the sporting and recreational needs of the new garden town.
- vii. Space for outdoor performance and festivals.
- viii. A network of existing and proposed landscaped paths and footways that link areas of open space, neighbourhoods and adjoining settlements.
- ix. Protection and creation of 'wild' havens to provide enhanced ecological habitats and biodiversity opportunity areas that support native species populations.
- x. Landscaping that is predominately indigenous and receptive to local climate, geology and its built surroundings.
- xi. Safeguard the geological value of Otterpool Quarry Site of Special Scientific Interest (SSSI).
- xii. Sustainable green spaces and planting delivered with a legally binding agreement that provides for their maintenance into perpetuity.

Making best use of technologies in energy generation and conservation

An Energy Strategy that embraces cutting edge technology and innovation shall be prepared. It will demonstrate how low carbon emissions will achieve challenging targets set by the local planning authority and deliver both short and longer term sources of renewable energy on and off the site.

- i.** The Strategy shall demonstrate how best practice in energy conservation and generation will be achieved at both a micro and macro level in homes and commercial buildings while avoiding overheating in building design.
- ii.** The scoping of the Energy Strategy shall include the potential for a site wide heat and power network with hot water supplied by a combined heat and power plant or heat from a local waste plant.
- iii.** Energy production from solar gain shall incorporate the latest technology in and on buildings and structures as an integral well-designed component of building design.
- iv.** The garden town shall embrace modern technologies for the household management of energy efficiency resulting in demonstrably lower energy use and utility bills than the national average.
- v.** Technology relating to energy generation and conservation is rapidly evolving and therefore the Strategy shall demonstrate how buildings can be adaptable and future proofed to respond to new technologies, such as battery energy storage.
- vi.** Targets set by the council will require a reduction in household waste and an increase in recycling rates significantly higher than is achieved in established towns in Kent. Internal and external storage for recycling and landfill waste shall be provided for all homes and businesses.

vii. The Strategy shall also demonstrate how the garden town will forward plan to meet the Government's commitment to ban all new petrol and diesel cars and vans by 2040 and include measures from the outset for all properties to have ready access to cost effective slow, fast and rapid electrical recharging points.

viii. All telecommunications, energy and other service infrastructure shall be provided in multi-service corridors that are easily accessible to statutory undertakers and do not involve digging up the public highway.

ix. The Energy Strategy will seek to anticipate the way society, technology and the future use of cars will change.



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Prioritise walking, cycling and sustainable transport

A travel plan shall be prepared that has walking, cycling and access to public transport as a priority in the layout and design of the new settlement, with challenging targets set for non car use as a percentage of all journeys.

i. A permeable network of tree lined streets, lanes, pathways and spaces shall be created that provide footpath and cycle connections linking open spaces, recreational areas, neighbourhoods, the town centre, public transport and employment. It will extend to beyond the new community to existing villages, facilities and the countryside.

ii. The masterplan for the garden town shall clearly show how new footpaths and cycle ways are linked to existing public rights of way and cycle paths, including the North Downs Long Distance Footpath and the Sustrans national cycle route network.

iii. Within the new garden town a hierarchy of footpaths and cycle ways shall be identified that are clearly separated from the public highway and also from each other where cycle speeds on through routes could be dangerous to pedestrians.

iv. Well designed and well located cycle parking and electric cycle charging points shall be provided within the town centre and neighbourhood centres, at the station and transport hub as well as at employment and community facilities. The opportunity for a cycle scheme shall be explored.

v. All housing shall be planned with the objective of being within a 10 minute walk from local shops and services.

vi. Bus stops shall, unless impractical, be within a five minute walk of all homes.

vii. All volume house builders on Otterpool Park shall provide first purchasers of their homes with a “sustainable travel pack” that is output driven and includes subsidised incentives for residents to walk, cycle and travel by public transport as an economic and convenient way to travel.

viii. The Parking Strategy for Otterpool Park shall be an integral part of the design of the new town and seek to achieve a balance that recognises the reality of car ownership and the need to avoid indiscriminate car parking. The street scene shall not be dominated by parked cars at the expense of local amenity and future forms of movement. There is scope for underground parking in some locations

ix. Otterpool Park shall be designed with a legible pattern of interconnected streets for all with low design speeds.



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Promote healthy and sustainable environments

Working closely with local Clinical Commissioning Groups (CCGs) and the Kent Health and Wellbeing Board, a healthy new town programme shall be developed that delivers high levels of public health at Otterpool Park. This programme shall embrace the principles set out below.

- i.** Promoting physical activity and more active lifestyles for all age groups will be a central theme of Otterpool Park.
- ii.** Preventative health care measures shall include quality public spaces that are easily accessible and designed to be inclusive for all age groups.
- iii.** Provision shall be made for formal indoor and outdoor sports and recreation that are accessible by attractive walking and cycling routes.
- iv.** Streets shall encourage community activities including interactive public art, play and meeting places, with neighbouring homes providing informal supervision.
- v.** Streets, spaces and public buildings should be designed to be attractive, safe, accessible and age friendly environments for all. Secluded areas should be avoided.
- vi.** Generous provision of seating in public places, level access for mobility scooters and local public conveniences shall be provided to encourage elderly and vulnerable people to get out and about.
- vii.** Homes, where practical, shall be built to meet the changing needs of occupants over their lifetime, including dementia friendly places.
- viii.** Smart homes shall provide flexible and adaptable accommodation for elderly people and embrace the latest digital technology that links the home with the local health centre.

ix. A state-of-the-art medical centre that provides a 'one-stop shop' for outpatients including a cluster of GPs, a wide range of diagnostic services and primary care treatment shall be provided as early as practical in the development programme to meet the needs of the growing town and minimise the requirement for secondary care treatment at local hospitals. The medical centre shall be located on an accessible site close to other community services.

x. Challenging air quality standards will be set for Otterpool Park with road and rail noise in dwellings, gardens and open spaces minimised without resorting to unsightly barriers and screens. The impact of lighting on the night sky shall be minimised.

xi. The construction and landform of Otterpool Park should be soil neutral to avoid any importing or exporting of earth. Contaminated land shall be remediated and groundwater protected.



Photograph © 2017

Providing much needed new homes through a phased approach

Otterpool Park will be created over the next 20 – 30 years, through a phased approach.

- i.** The initial phase of development shall focus new housing in and around the town centre and in a village style neighbourhood, well connected to the town centre by a walking, cycling and public transport network.
- ii.** In close proximity to the town centre and the railway station there shall be an emphasis on smaller residential units serving all age groups.
- iii.** Additional village style neighbourhoods will be masterplanned in future phases. All neighbourhoods will be expected to provide a mix of houses, apartments and bungalows with land identified for custom and self-build housing in each phase of development.



Shorncliffe Heights © 2017

iv. Housing shall be planned to provide integrated communities with build, design and landscaping quality consistent regardless of phasing, tenure or market sector.

v. Housing shall be built to meet “Optional Requirement M4(2): Category 2 - Accessible and Adaptable Dwellings” as set out in schedule 2 of the Building Regulations.

vi. 10% of homes to be built shall meet the needs of a projected ageing population from active retired to those needing various degrees of nursing care.

vii. Off-site and modern construction technologies that can bring forward the early delivery of new homes, taking advantage of advances in manufacturing methods shall be encouraged, where high quality design, durability and sustainability of the product can be proven.

viii. Homes can be designed with flexibility to respond to the changing needs of families without compromising design quality or the amenity of neighbouring properties.

ix. Early phases of development, where practicable, shall include advanced planting and habitat creation for later phases, particularly for prominent locations visible from the Kent Downs AONB.



Maximising the visibility and enjoyment of local heritage assets

Local heritage assets can make a significant contribution to defining the character and unique interest of Otterpool Park, attracting future residents, businesses and visitors.

i. A Heritage Strategy informed by archaeological research and the history of Otterpool shall be produced. It shall identify in detail the opportunities for the enhancement of local heritage assets, including Westenhanger Castle (including its associated barns), Otterpool Manor Farm, Upper Otterpool and other local buildings of historic interest.

ii. Westenhanger Castle shall become a focal point that helps define the character of Otterpool Park. The masterplan shall identify the provision of a new and improved setting for the building including generous public open space via the delivery of a great park for the community, and the long term protection of key historic views. There is an opportunity to reinstate the historic southern approach to the Castle.

iii. The existing buildings and barns at the Castle could be renovated to improve the setting of the building and provide space for businesses, leisure and craft industries/activities at the heart of the community.

iv. There is also a wider opportunity to enhance other heritage assets such as the nearby Lympne Castle and Lympne Conservation Area which, although outside the masterplan boundary, could make a significant contribution to the future prosperity of Otterpool Park.

v. Archaeological and other heritage assets shall be evaluated and, where appropriate, safeguarded with their potential recognised in the masterplan and maximised for education and culture within the community.

vi. A new cultural, art and recreational strategy shall be devised, working alongside stakeholders and community, that complements heritage objectives, encourages grass-roots initiatives and provides long term support to the local economy.

vii. A community arts and cultural programme can make a key contribution to place making and shall be an integral part of the Heritage Strategy.



Westenhanger Castle © 2017

Delivering distinctive high quality townscape with an appropriate mix of housing types and tenures

An aesthetically pleasing townscape in a mature landscape environment shall be created that respects the setting of the North Downs Area of Outstanding Natural Beauty including views from the North Downs Way and other local vantage points.

i. The townscape shall comprise of urban higher density housing and supporting uses in a lively town centre. Development shall radiate out with reduced density and more rural character in the village style neighbourhoods reflecting the town and country vision of the original garden city movement.

ii. The masterplan for Otterpool Park shall be informed by the Landscape and Visual Impact Assessment and set out a density hierarchy based on the following requirements:

- Urban residential density - the new town as a whole.
- Gross residential density of each place - the town centre and each neighbourhood.
- Net residential density - the built form within each street.
- Site density - the ratio of the dwellings to the site they occupy.

Comparators shall be provided of each component of the density hierarchy together with the transitional relationship between places.

iii. Neighbourhoods, buildings and spaces shall be planned to create a unique and distinctive character. Local and long range views shall be captured to provide interest and surprise.

iv. A high quality palette of building materials will be required that has resonance with the local area. Varied roofscapes will be an integral feature of the townscape as will balconies and roof gardens so as to ensure that all homes have some private space of their own. Houses shall have their own gardens and private outdoor spaces. Overall, the architectural vernacular shall support local distinctiveness.

v. The residential mix of the new settlement shall include owner occupied housing, private rented housing, affordable/social rented housing and shared ownership homes informed by the Council's Strategic Housing Market Assessment:

<https://www.shepway.gov.uk/planning/planning-policy/local-plan/core-strategy-review-2016>

vi. Building materials, landscaping and design shall be of a consistently high quality throughout the new settlement regardless of tenure type.



Ingress Park © 2017

Taking advantage of economies of scale and capturing land value

Otterpool Park will be planned so as to create economies of scale that will remove barriers to development and deliver critical community and social infrastructure at the earliest possible opportunity, so as to meet the needs of a growing community.

- i.** Otterpool Park shall aim to be self-sufficient in terms of providing its own schools, health centres, community facilities, places of worship and integrated transport systems.
- ii.** Early phases of development shall be planned in a way that will not disadvantage early residents or place pressure on existing local facilities and infrastructure, but is viable and deliverable.
- iii.** Key infrastructure, such as a new primary school and possibly a new secondary school, shall be provided in phase one of the new settlement to support investment and community development.
- iv.** Where it is appropriate or necessary for services to be shared with other local communities this shall be decided after detailed local consultation and made clear as part of the planning process.
- v.** Existing nearby communities of Lymgne, Barrow Hill, Sellindge, Westenhanger, Saltwood, Stanford and Postling have the potential to access and benefit from the new community facilities provided.
- vi.** A section 106 legal agreement will be negotiated with the developer as an integral part of a planning permission to ensure investment arising from economies of scale is made at appropriate stages of the building of the new town for investment in key infrastructure.

vii. The uplift in land value that would be created by a grant of planning permission for Otterpool Park shall be captured to create:

- Early investment in key infrastructure.
- A sustainable strategy for the long term stewardship of the town.
- Investment in local assets that can provide a sustainable funding stream for the community facilities and those areas of the public realm that will be managed, in the future, by the public and voluntary sectors.
- An investment in sustainable development.
- Spaces and facilities designed with long term management and maintenance in mind.



Land at Otterpool © 2017

Providing opportunities for self-build and custom build

Custom and self-build housing can bring innovation, diversity and choice that are not always achievable in conventional housing developments. The masterplan for Otterpool Park shall place self-build and custom build housing as a central element of housing delivery.

i. The masterplan for Otterpool Park shall identify a neighbourhood in phase one with serviced land provided for at least 100 self and/or custom build dwelling plots.

ii. A target, subject to on-going review, will be set to achieve a significant proportion of all dwellings in Otterpool Park as self or custom build, with each neighbourhood containing this type of housing.

iii. The promoter shall demonstrate the measures being taken and the support given to:

- Individual self-build/custom build housing.
- Group and community led housing projects.
- Developer led custom build.

iv. Shepway District Council will investigate establishing a Community Led Homes fund that will enable local people and groups working together to promote innovative forms of housing development and management at Otterpool Park.

v. In allocating sites for custom and self-build housing priority will be given to people and associations with local connections and those on the council's self build register. Consideration will be given as to whether or not it's appropriate to introduce a local connection test and a financial solvency test.

vi. Innovative designs will be encouraged that are flexible and incorporate cutting edge technology particularly in the fields of low carbon, low energy

consumption, low water demand and water conservation. Self-build and custom build housing will not be required to be uniform in scale, plot width or materials.

vii. Straightforward parameter requirements will need to be established by:

- planning policy and a design code prescribing those developments that meet the guiding principles of place making and sustainability, and/or
- a “plot passport” scheme introduced alongside a Local Development Order where plot purchasers submit an application to the local planning authority for a compliance check against an established design code that is flexible and reflects local character.



Providing spaces for local food growing

Creating healthy communities and providing the opportunity to grow food locally is an integral part of the garden settlements ethos.

i. Allotments for local food growing shall be identified in the masterplan and provided on fertile land with safe and convenient access from all residential neighbourhoods.

ii. Land identified for allotments shall ideally be capable of expansion if supported by demand from an expanding community.

iii. The masterplan could also include the provision of community orchards for growing local indigenous fruits, subject to evidence of demand for this activity.

iv. A scheme that encourages the produce grown on allotments and community orchards to be sold in local shops or at a community market could be introduced so as to promote healthy living, community cohesion and reduce “food miles.”

v. A scheme that encourages local leadership and community participation in local food growing, such as community composting, shall be established.

vi. In lower density areas, houses with generous gardens shall be provided and the scope for communal food growing areas established.

vii. In higher density areas where small or no residential gardens are proposed, new homes should have access to an allotment for local food growing within 800m (10 minutes walking time).

viii. Buffer zones on the edge of the settlement and between the new settlement and existing settlements may be suitable for allotments and

agricultural use provided these are not isolated from the local community and with safeguards built into a legal agreement that these areas will have long term protection from development.

ix. Otterpool Park shall include meadowlands and a biodiverse landscape that can provide places of natural beauty, informal recreation and seasonal wild food alongside each other.

x. Measures shall be put in place for the community management of allotments, community orchards and community woodlands that ensures their long term upkeep and protection.

xi. Water use for irrigating crops shall be minimised so far as possible and will incorporate rainwater harvesting or reuse, taking into account any public health issues.



Hawkinge Allotments © 2017

Establishing a suitable legal entity for long term management

Key infrastructure will need to be provided starting at an early stage of the development of the new town, with arrangements made for its long term maintenance and management.

i. A strategy for long term stewardship should include, as a central element, the creation of a Community Trust overseen by trustees and/or a new elected body.

ii. Although the precise model for the Trust will need to be agreed, it must be a viable business model that ensures Otterpool Park has an empowered, self-reliant community that can manage its own key assets and have local people at the centre of place making and town life.



Letchworth Garden City © 2017

iii. The Trust must be capable of generating a sustainable income from some of its assets so as to balance its budget and support a thriving local community.

iv. Infrastructure that will need to be managed and maintained by the Trust includes:

- Strategic and local open space
- Sports pitches
- Leisure facilities
- Community halls and other community buildings
- Public squares and spaces
- Sustainable urban drainage systems (SuDS)
- Ecological areas integral to green and blue infrastructure
- Allotments

v. Landscaping needs to be a lasting legacy, with high quality maintenance arrangements put in place for the long term, for example ensuring street trees are replaced. A section 106 legal agreement entered into alongside the grant of planning permission will include requirements to ensure the quality of all open space and physical assets on handover to the Trust.

vi. A community development programme should allow for changing governance arrangements as the community evolves and grows, and consider potential for the future creation of a Town Council.

vii. A key objective of the Trust or new elected body will be to nurture community development and participation working with a network of volunteers.



Maximising opportunities for new strategic employment space

Otterpool Park shall have a vibrant local economy that fosters community prosperity. A wide range of businesses will support the environmental and social sustainability of the town, creating employment, jobs in construction and business for local suppliers.

- i.** A challenging target shall be set at the outset of masterplanning the new settlement for the number of jobs that will be created across the private, public and voluntary sectors for a genuine mix of employment.
- ii.** Provision of a range of modern, high quality employment space shall be delivered in appropriate and accessible locations across the new settlement.
- iii.** The masterplanning of the settlement shall identify land suited to accommodating companies operating in growing regional, national and international markets with a capacity to contribute to employment and GVA growth.
- iv.** Potential target sectors shall be investigated to support economic activity include green construction, environmental goods and services, advanced manufacturing, creative digital media and business, professional and financial services and other emerging markets. The potential for an upmarket hotel should also be pursued.
- v.** Additionally, an innovation centre or hub that supports business start-ups shall be included in an early phase of the development. This shall provide space to encourage successful businesses to grow.
- vi.** The scale of employment space located near the gateway to Europe (Channel Tunnel) will provide a new opportunity to complement the offer at locations such as Folkestone, Hythe and other growth locations across East Kent. It shall provide an opportunity for new ideas to flourish.

vii. The employment offer for Otterpool Park shall include skills development, training and apprenticeship opportunities to be delivered working alongside Shepway District Council and other partners.

viii. Employment space shall be planned and phased as part of a comprehensive delivery framework commensurate with the development of associated infrastructure and new homes so that job opportunities are available for when housing first becomes occupied. Interim uses could be accommodated on suitable sites as the settlement establishes.

ix. The location offers space for a learning and research campus for a growing University that would be influential in how the overall community grows in a sustainable way.

x. Businesses locating at Otterpool Park will be expected to be an active part of the community and help infuse a spirit of entrepreneurship and enterprise that will be a hallmark for a 'good economy' location.



Cambourne Business Park © 2016

Providing an ultrafast IT enabled community

Otterpool Park shall be designed as a “smart town” with investment to ensure that traditional networks and services are made more efficient with the use of “smarter” digital and telecommunications technology for the benefit of all its residents and businesses.

i. Buildings and infrastructure throughout the new settlement shall plan for 5G and beyond and incorporate the latest information and communication systems that are adaptable to a rapidly changing technological environment.

ii. The development shall incorporate, at suitable locations within the public realm, information relating to an integrated public transport system so as to provide real time and mobile enabled public transport.

iii. Data analysis and smart monitoring of water use, energy use and waste generation shall be incorporated into all new homes, workspaces and community buildings. Aggregated and comparative data shall be accessible to allow households to compare usage against the average for the development.

iv. An online community shall be encouraged for use by all residents and businesses with the objectives of:

- Fostering community engagement
- The local management of assets
- The co-ordination of event management
- Real time transport information
- The swapping, recycling and reuse of goods

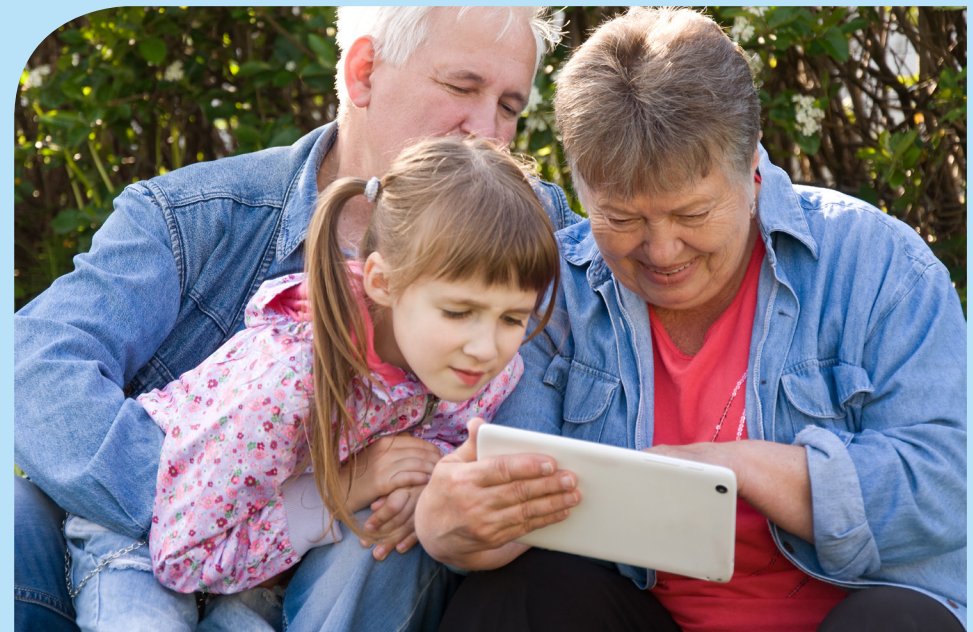
v. All homes, offices, cafés, public spaces and community buildings constructed at Otterpool Park shall be enabled for ultrafast fibre optic broadband. Broadband speeds shall be reviewed at periodic intervals so as to provide the highest standards of connectivity available. Periodic reviews of the masterplan shall demonstrate how the latest information technology is to be incorporated into each phase of new development.

vi. Where practical, the latest high speed internet technology shall be rolled out to the neighbouring communities of Lymgne, Postling, Stanford, Sellindge, Westenhangar and Barrow Hill.

vii. The designs for every new dwelling constructed at Otterpool Park shall clearly identify adaptable space suitable for home working.

viii. Third place work will be encouraged from cafés, community buildings and business areas.

ix. Superfast broadband shall at a minimum be ultra fast Fibre to the Premises (FTTP). Ducting shall be located outside the public highway and designed for easy access by all utilities so as to avoid unnecessary roadworks and surface patching.



Shutterstock © 2017

Maximising investment in and the use of existing infrastructure assets

Otterpool Park shall minimise demand on the existing infrastructure network by embracing a “smarter” town philosophy. Where new infrastructure is required, this should focus on improving existing infrastructure assets at an appropriate stage of the development programme.

- i. Westenhanger Station should be upgraded as part of an integrated transport hub that maximises its potential to attract passengers and promote sustainable travel patterns.
- ii. Working with Network Rail and the rail operator, a package of enhancements to the station should be considered, including:
 - A new hub with priority to pedestrians, cyclists and bus users
 - Lengthening of the platform
 - New station buildings
 - Enhanced customer experience and facilities
 - A new footbridge between platforms
 - A suitable level of car parking that meets the needs of Otterpool Park and nearby villages

iii. There is a major opportunity that will be pursued working alongside partners and stakeholders to secure a high speed rail service between Westenhanger and London St Pancras. This will stimulate new business investment into Otterpool Park.

iv. The existing bus network that serves surrounding towns and villages should be upgraded as an integral element of the transport hub at Otterpool Park. All new homes, where practicable, shall be within a five minute walk of a bus stop.

v. The capacity of Junction 11 shall be upgraded and other key junctions on the road network shall, where necessary, be redesigned and improved.

vi. The masterplanning of Otterpool Park shall investigate and bring forward proposals for:

- On-site waste recycling
- The provision of on-site energy generation
- A decentralised energy network

vii. Otterpool Park is within an identified “area of serious water stress”. There is a significant opportunity to plan innovative approaches for water supply use and management.

viii. Where new and sustainable forms of infrastructure provision cannot be provided within the new settlement, existing infrastructure assets such as reservoirs, wastewater treatment works and energy installations shall be upgraded without causing environmental harm.



Westenhanger Station © 2017

Creating local neighbourhood centres within walkable distances

The masterplan for Otterpool Park shall include a multi-purpose town centre close to public transport links, supported by “village style” neighbourhoods that meet the day to day needs of residents and are also easily accessible to the town centre and to each other.

i. Each neighbourhood centre shall include a primary school, pre-school nursery, convenience shopping, open space and recreational activities at an early stage of its development so as to foster sustainability and community cohesion.

ii. The Council will work with stakeholders to deliver a secondary school close to the town centre at a suitable phase of the development.

iii. Each neighbourhood centre shall be master planned as a place that has its own distinctive identity. New buildings, the public realm and open spaces shall incorporate high quality design, materials and landscaping that creates a signature character for that neighbourhood in the unique setting of the North Downs. There is the potential for green north-facing roofs on large buildings

iv. All community buildings shall be of an inspired design and seek to meet zero carbon standards as exemplars. They should provide a range of local services potentially supported by outdoor sports pitches, activity zones, an open air performance space and other meeting places.

v. Each centre shall be planned to foster community development and identity and promote healthy living by encouraging mentally and physically active lifestyles. New ways of delivering integrated community services that support the new settlement will be explored.

vi. Neighbourhoods and the town centre shall be connected by a legible pattern of active streets, footways, cycle ways and open spaces with maximum permeability and room for landscaping to mature.

vii. Road infrastructure shall be designed for a low speed environment, with priority given to pedestrians and cyclists and the minimisation of grade separation, roundabouts and highway furniture.



Hawkinge Community Centre © 2017

Creating an attractive town centre as the heart of the settlement

A vibrant high street will be created at the heart of Otterpool Park that meets the needs of residents, workers and visitors with attractive cultural, community, shopping and leisure facilities.

i. Food shopping shall be provided that allows choice and variety as well as reducing the need to travel for day to day shopping.

ii. A wider range of shopping floorspace shall also be provided that creates a vibrant town centre without impacting on the vitality and viability of other town centres including Folkestone, Hythe and Ashford.

iii. Higher density development with several storeys of residential use above commercial premises will be appropriate in the town centre. The buildings shall interact with the public realm. Streets should be of a generous width with provision made for walking, cycling and outdoor seating.

iv. The high street shall be planned so that it is within easy walking distance of the station and located within an area of higher intensity housing and other uses so as to increase footfall and support businesses.

v. The town centre will be a safe environment readily accessible by foot, bike, bus and car. It shall include the highest standards of accessibility for all members of the community.

vi. Buildings, recreational areas and landscaping shall interrelate so as to provide character, interest and a unique sense of space and place.

vii. Buildings at street level in the town centre shall have frontages that open up to public spaces. Indoor and outdoor eating and drinking places shall be provided and an adaptable town square shall be planned to accommodate temporary outdoor markets and covered events.

viii. The town centre shall also include a mix of entertainment venues and sports activities that meet the needs of all age groups.



Fountains at Folkestone Harbour © 2017

Folkestone

Hythe & Romney Marsh

Shepway District Council



www.shepway.gov.uk



Matter 7: Strategy for the North Downs Area

Matter 7: Strategy for the North Downs Area

**Appendix 6: Land adjoining the Surgery, Main Road,
Sellindge – Section 106 Contributions**

Table 1. Land adjoining the surgery, Main Road, Sellindge S106 contributions

APPLICATION	ADDRESS	DATE SIGNED	TYPE	AMOUNT DUE	TRIGGERS	REPAYMENT TIMESCALE
Y14/0873/SH	Land Adjacent The Surgery Main Road Sellindge	19.01.16	Monitoring	£5,500.00	Prior to commencement	7 years from final occupation
			Village Green & Open Space Maintenance	£626,320.00	£20,000 on transfer of the Village Green and Phase 1 Open Space to Sandgate PC; £150,000 prior to 75% occupation; £456,320 six months after final occupation	7 years from final occupation
			Libraries	£27,327.21	Half prior to 25% occupation; Half prior to 50% occupation	10 years from final occupation
			Education	£836,260.00	£36,260 on commencement; £200,000 twelve months after first payment; £600,000 twenty-four months after first payment	10 years from final occupation
			Health Care	£252,000.00	£52,000 prior to occupation of 50th dwelling; £200,000 prior to more than 50% occupation	10 years from final occupation
			Bus Services	£30,000.00	Prior to occupation of more than 50 dwellings	10 years from final occupation
				£1,771,907.21		

Matter 7: Strategy for the North Downs Area

Appendix 7: Rhodes House, Sellindge – Section 106

Contributions

Rhodes House S106 contributions

APPLICATION	ADDRESS	DATE SIGNED	TYPE	AMOUNT DUE	TRIGGERS	REPAYMENT TIMESCALE
Y16/1122/SH	Land rear of Rhodes House Main Road Sellindge	07.01.19	Healthcare	£360 per predicted occupant in a minimum sum of £136,800	£27,360	Prior to occupation of 20% of dwellings
					£109,440	Prior to occupation of 50% of dwellings
			Community learning	£21.08 per dwelling up to max of £3,414.40	50% prior to occupation of 25% of dwellings & 50% prior to occupation of 50% of dwellings	10 yrs from receipt of payment
			Primary school	£528,000.00	50% prior to occupation of 25% of dwellings & 50% prior to occupation of 50% of dwellings	10 yrs from receipt of payment
			Library	£108.32 per dwelling, max £17,547.92	50% prior to 25% occupation & 50% prior to 50% occupation	10 yrs from receipt of payment
			Social care	£73.87 per dwelling to max of £11,966.94	50% prior to occupation of 25% of dwellings & 50% prior to occupation of 50% of dwellings	10 yrs from receipt of payment
			Sports Pitch	£34,536	Prior to occupation of 75% of dwellings	
				£5,175pa for 10 years	First anniversary of sports pitch contribution & yearly thereafter	
			Indexation			

Matter 7: Strategy for the North Downs Area

Appendix 8: Indicative Infrastructure Requirements to Support Residual Growth

Indicative Infrastructure items to support residual growth in Site A, second phase at Sellindge

Infrastructure Item	Requirement	Notes
Education	Contribution towards the expansion of Sellindge Primary School from 1.5FE to 2FE	Contribution of £4535 per house x 188= £852,580 Transfer of land required to expand the school to 2FE (0.8 hectarea)
Community	Libraries @ £108.32 per dwelling Community Learning Service (formerly Adult Ed) @ £21.08 per dwelling Family & Social Care @ £73.87 per dwelling# 2 x Wheelchair accessible homes	
Utilities	Broadband- TBC	
Sports facilities and playing pitch requirements	Draft Heads of Terms of £40,505 payable as a contribution towards the cost of upgrading the playing pitches at Sellindge Sports and Social Club, with an annual maintenance payment of £6,069 for a period of 10 years.	Draft Heads of Terms of £34,536 payable as a contribution towards the cost of upgrading the playing pitches at Sellindge Sports and Social Club, with an annual maintenance payment of £5,175 for a period of 10 years.
Health	The sum of £360 (three hundred and sixty pounds) per predicted occupant of the Development with a minimum sum of £157,320 payable as a contribution towards the cost of improving the Sellindge Surgery required to mitigate the impact of the Development	Separate contributions of £252,000 (index linked) secured in association with Taylor Wimpey site and £136,800 secured (draft Heads of Terms) for the land rear of Rhodes House scheme. Total S106 secured, or to be secured = £546,120