

# Core Strategy Review - Inspectors' Matters

## Matter 1: Procedural / Legal Requirements

July 2020



**Matter 1: Procedural / Legal Requirements**

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# **Inspectors' Questions for Matter 1**

### **Plan preparation**

1. Has the preparation of the Core Strategy Review been in accordance with the Local Development Scheme in terms of its form, scope and timing?
2. Have requirements been met in terms of the preparation of the Core Strategy Review, notification, consultation and publication and submission of documents?
3. Has the preparation of the Core Strategy Review complied with the Statement of Community Involvement?

### **Sustainability Appraisal**

4. How has the Sustainability Appraisal (SA) informed the preparation of the Core Strategy Review at each stage and how were options considered? How was the revised housing requirement assessed?
5. How has the SA been reported?
6. What were the conclusions of the SA and how has it informed the preparation of the Core Strategy Review?
7. Has the methodology for the SA been appropriate? What concerns have been raised and what is the Council's response to these? Have the requirements for Strategic Environmental Assessment been met?

### **Habitats Regulations Assessment**

8. How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate?
9. What are the relevant designated sites considered?
10. What potential impacts of the Core Strategy Review were considered? What were the conclusions of the HRA and how has it informed the preparation of the Core Strategy Review? How was the revised housing requirement assessed?

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11. Have any concerns been raised regarding the HRA and if so, what is the Council's response to these? How has Natural England been involved?

### **Other matters**

12. Does the Core Strategy Review include policies in relation to the mitigation of and adaptation to climate change? If so which?
13. Has the Council had regard to the other relevant specific matters set out in S19 of the 2004 Act (as amended) and Regulation 10?
14. How have issues of equality been addressed in the Core Strategy Review?

# **Council's Response to Matter 1 Questions**

## **1. Plan Preparation**

### **Question 1**

Has the preparation of the Core Strategy Review been in accordance with the Local Development Scheme in terms of its form, scope and timing?

1.1. The Core Strategy Review (CSR) was set out in the 2016 Local Development Scheme (LDS) (EB 12.60). This set out the profile of the CSR, including the form, scope and timing (table following paragraph 4.6).

1.2. This described the Core Strategy Review as:

*“The overall long term planning strategy for the District, setting out the framework for future homes and economic development together with strategic site allocations and environmental policies.*

*The Core Strategy was adopted in 2013. The proposed review of the Core Strategy will identify how additional housing and employment needs will be met over an extended plan period.”*

1.3. The development of the CSR has kept with the timetable set out in the 2016 LDS. Initial work was undertaken in 2016 through, for example, work on the Strategic Housing Market Assessment (EB 3.20 and 3.30) and the High Level Options Study (EB 4.10).

1.4. The LDS identified consultation on the Regulation 18 draft in the first quarter of 2018. The Regulation 18 draft was published for consultation in March 2018.

1.5. The LDS then suggested that the council would submit the CSR in the first quarter of 2019. While the council did publish the Regulation 19 draft in January 2019 for consultation it was not submitted to the Secretary of State by that target. This was due to the Government publishing several updates to national policy and guidance, one of which amended the standard method by which

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local planning authorities have to calculate their minimum housing needs. The council made the decision to delay submission and to consult on the amendments that would need to be made to the Core Strategy Review that reflect the new minimum housing need figure. Once this had been undertaken, the council submitted the CSR.

- 1.6. The council has been preparing the Places and Policies Local Plan (PPLP) alongside work on the Core Strategy Review. Progress with the PPLP has also necessitated changes to the LDS.
- 1.7. The District Council's Cabinet agreed a revised LDS at the meeting held on 27 May 2020. The revised LDS reflects updates to the preparation of the PPLP and CSR. The LDS sets out new dates for the submission in March 2020 and suggests that the examination process will commence in March 2020 and close in October 2020, with the adoption in November 2020, subject to the Planning Inspectorate availability. (The LDS was prepared before the full extent of the current Covid-19 pandemic became apparent.)

## **Question 2**

Have requirements been met in terms of the preparation of the Core Strategy Review, notification, consultation and publication and submission of documents?

- 1.8. The District Council consider that the requirements in terms of preparation, notification, consultation, publication and submission of documents have been met.
- 1.9. The council has completed a legal compliance checklist (EB 01.93), following the Planning Advisory Service's template, and this sets out how the local planning authority has met the various requirements of legislation and regulations.
- 1.10. The Statement of Consultation (EB 01.90) sets out how the council undertook consultation between 2018 and 2020 to inform the CSR Submission Draft document.

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### **Question 3**

Has the preparation of the Core Strategy Review complied with the Statement of Community Involvement?

- 1.11. The Statement of Community Involvement (EB 01.94) sets out how the council involves the local community in developing planning policies and making planning decisions.
- 1.12. The Consultation Statement (EB 01.90) sets out how the council has involved the community in preparing the CSR at Regulation 18 Preferred Options (paragraphs 2.7 to 2.11), Regulation 19 Submission stage (paragraphs 3.3 to 3.6) and Regulation 19 Revised Housing Requirement. The council considers that this statement shows how it has complied with the Statement of Community Involvement in preparing the CSR.



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### **2. Sustainability Appraisal**

#### **Question 4**

How has the Sustainability Appraisal (SA) informed the preparation of the Core Strategy Review at each stage and how were options considered? How was the revised housing requirement assessed?

- 2.1. The CSR has been subject to Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA), throughout its preparation. This process has been undertaken by Land Use Consultants (LUC) and is documented in the:
- Scoping Report (EB 02.90);
  - Preferred Options Report and Appendices (EB 02.70);
  - Submission Report, Main and Non-Technical Summary (EB 02.40 & EB 02.50);
  - Historic Environment Assessment (EB 02.30); and
  - SA Addendum for consultation on revised housing numbers (EB 02.10).
- 2.2. The SA has informed each stage of the process. Section 6 of the Folkestone & Hythe Proposed Submission Core Strategy Review SA (EB 02.40) reports on the appraisal of the High Level Growth Options and Section 7 the spatial options at Otterpool and Sellindge options. Section 8 sets out the appraisal of the CSR. The SA Recommendations in Section 8 (paragraphs 8.115 to 8.119) set out how the plan has been amended at each consultation stage.
- 2.3. A SA was carried out specifically for the revised housing requirement, 'Sustainability Appraisal Addendum - Proposed Changes to the Proposed Submission Folkestone & Hythe Core Strategy Review' (EB 02.10). This addendum updates the findings that were presented in the December 2018 SA Report. It should be noted that, as this is an addendum, the two documents should be read together.

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### **Question 5**

How has the SA been reported?

- 2.4. The Sustainability Appraisal has been published for public consultation alongside of the CSR at each stage in the plan making process. Comments have been invited on both the CSR, the SA and HRA in public adverts, the council's web site and in notification letters and emails to statutory consultees, other groups and members of the public. The SA was available on the council's consultation portal alongside the CSR to make comments.
- 2.5. The comments received during the Regulation 18 consultation were passed to the consultants, LUC, to consider and these were then reported to the council's Cabinet when the next draft of the CSR was considered. Comments from the Regulation 19 consultation were also considered by LUC.

### **Question 6**

What were the conclusions of the SA and how has it informed the preparation of the Core Strategy Review?

- 2.6. The Sustainability Appraisal (SA) Report which accompanied the Proposed Submission Core Strategy Review Regulation 19 consultation (EB 02.40, December 2018), taken together alongside the accompanying SA Addendum (EB 02.10, November 2019), assessed each of the proposed policies in the Core Strategy Review against the agreed SA Objectives.
- 2.7. An initial conclusion was that policies SS5, SS10, SS11, CSD3, CSD4, CSD6, CSD7 and CSD8 had not changed enough to generate new significant effects not previously identified during the SA of the adopted Core Strategy in 2013. These judgements were made based on the effects of the policies reported in the SA Report that accompanied the adopted Core Strategy (URS, 2012), but also in the context of the revised plan period, an up-to-date SA baseline and record of relevant plans, policies and programmes.

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- 2.8. Following the Inspectors' initial questions further work was commissioned on the SA of these policies from LUC (see FHDC EX012). This work is included as Appendix 1: Folkestone & Hythe Core Strategy Review – Sustainability Appraisal Addendum, LUC, July 2020.
- 2.9. The remaining policies in the CSR Submission draft were assessed against each of the SA objectives. Section 8 of the SA summarises the assessment findings for these policies (paragraphs 8.14 to 8.19). These are also summarised in Tables 8.2, 8.3 and 8.4. The overall conclusion was that the policies would have an overall positive effect when considered against the SA objectives.
- 2.10. The only negative effect (on all but three policies) was on Objective SA7 'Use land efficiently and safeguard soils, geology and economic mineral reserves'. This reflects the high proportion of best and most versatile agricultural land and the large areas of blanket mineral safeguards in the district. A minor negative effect was recorded for Objective SA4 'Conserve and enhance the fabric and setting of historic assets' on the Garden Settlement and Sellindge policies but this was reduced/offset by the heritage-related requirements the policies put forward. Further SA work specifically focusing on Heritage was also carried out (EB 02.30).
- 2.11. Chapter 8 of the SA Report considers the individual policy effects in-combination with the effects of other policies within the Core Strategy Review (specifically the policies that have not materially changed since the SA and adoption of the Core Strategy in 2013). Consideration is also given to the in-combination effects of the complete Core Strategy Review, the Submission Places and Policies Local Plan (PPLP) and planned growth in neighbouring authorities. A summary of these cumulative effects, together with potential cross-boundary effects, is provided in paragraphs 8.94 to 8.111 in the SA Report.
- 2.12. The SA Recommendations in Section 8 (paragraphs 8.115 to 8.119) set out how the SA informed the policies in the plan.

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### **Question 7**

Has the methodology for the SA been appropriate? What concerns have been raised and what is the Council's response to these? Have the requirements for Strategic Environmental Assessment been met?

- 2.13. The Appraisal methodology is set out in Section 2 of the main SA (EB 02.40) and this has been based on current best practice and the guidance on SA/SEA set out in the National Planning Practice Guidance. Table 2.1 of the SA sets out the main stages of the plan-making process and shows how these correspond to the SA process.
- 2.14. Thirteen representations were raised during the Regulation 19 consultation and these are set out in Appendix 1 together with responses to them. Only five comments were raised to the Addendum. Natural England concurred with the conclusions of no change to the SA as a result of the increased housing requirement.
- 2.15. The District Council is confident that the requirements for Strategic Environmental Assessment have been met. Table 1.1 'Meeting the Requirements of the SEA Regulations' in the main SA document (page 3) sets out the SEA regulation requirements and where these are covered in the SA report.

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### **3. Habitats Regulations Assessment**

#### **Question 8**

How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate?

- 3.1. The HRA process is set out in the Regulation 19 Submission Version (EB 02.60) paragraphs 1.18 to 1.21. It involved three stages in the assessment:
- Stage 1: Screening (the 'Significance Test');
  - Stage 2: Appropriate Assessment (the 'Integrity Test'); and
  - Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation.
- 3.2. This methodology was based on three guidance documents:
- National Planning Policy Framework, Department of Communities and Local Government (March 2012) (paragraph 118);
  - Assessment of plans and projects significantly affecting European Sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, European Commission Environment DG, November 2001; and
  - Planning for the Protection of European Sites, Guidance for Regional Spatial Strategies and Local Development Documents, Department for Communities and Local Government (DCLG), August 2006.
- 3.3. The HRA of the Proposed Submission Core Strategy Review policies focuses on the new policies not included in the adopted Core Strategy (2013) and the adopted Core Strategy policies that have been significantly revised. Folkestone & Hythe District's adopted Core Strategy (2013) was subject to HRA and, therefore, the findings of this HRA are considered to remain valid for those existing policies or those which have not significantly changed. The adopted

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Core Strategy policies that have not materially changed have only been appraised through consideration of the in-combination effects with the Core Strategy Review as a whole.

- 3.4. The HRA also includes an updated air quality assessment, undertaken in light of a High Court judgement in April 2017. The judgement (colloquially known as the Ashdown Forest judgement) partially quashed the Lewes District and South Downs National Park Joint Core Strategy as their assessment failed to undertake any form of assessment 'in combination' with growth in other authorities. The air quality assessment in this HRA is, therefore, based on a specific modelling of the location and scale of population growth proposed in the Submission Folkestone & Hythe Core Strategy Review in-combination with forecast changes associated with other plans and projects in neighbouring authorities to avoid these problems.
- 3.5. The Assessment also takes into account the CJEU ruling (People over Wind, Peter Sweetman v Coillte Teoranta (Case C323/17) judgement), which ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures, specifically measures which avoid or reduce adverse effects, should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage.
- 3.6. The District Council therefore consider that the methodology was appropriate and proportionate to a review of the Core Strategy.

### **Question 9**

What are the relevant designated sites considered?

- 3.7. The identification of the relevant sites are set out in paragraph 2.2 to 2.4 in the HRA (EB 02.60). The sites fall within Folkestone & Hythe district and neighbouring local authority areas. They are:
- Dungeness, Romney Marsh and Rye Bay Ramsar;
  - Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA);

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- Dungeness Special Area of Conservation (SAC);
- Wye and Crundale Downs SAC;
- Lydden and Temple Ewell Downs SAC;
- Folkestone to Etchinghill Escarpment SAC;
- Blean Complex SAC;
- Dover to Kingsdown Cliffs SAC; and
- Parkgate Down SAC.

### **Question 10**

What potential impacts of the Core Strategy Review were considered? What were the conclusions of the HRA and how has it informed the preparation of the Core Strategy Review? How was the revised housing requirement assessed?

- 3.8. Table 2.1 of the HRA that accompanied the Submission Draft CSR (EB 02.60) sets out the potential impacts considered.
- 3.9. As required under Regulation 105 of the Conservation of Habitats and Species Regulations 20/10/15 an assessment of the 'likely significant effects' of the plan was undertaken. A screening matrix was prepared in order to assess which policies and site allocations would be likely to have a significant effect on European sites, either alone or in-combination with other plans and projects. The findings of the screening assessment are summarised in Chapter 3 and the full matrix can be found in Appendix 2. Other plans or projects that could give rise to in-combination effects are considered in Chapter 3.
- 3.10. The conclusions are set out in Section 5 of the HRA. Most policies and potential sources of impact were ruled out at the screening stage. However, there were two areas which had potential likely significant effects:
- Folkestone to Etchinghill Escarpment SAC as a result of recreational pressures and changes in air quality; and

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- The Dungeness SAC, SPA and Ramsar sites as a result of recreational pressures.
- 3.11. The Appropriate Assessment concluded that policies in the CSR “... *will not adversely affect the integrity of the Folkestone to Etchinghill Escarpment SAC either alone or in-combination as a result of air pollution.*”
- 3.12. In regard to the recreational impacts, the Appropriate Assessment concluded that “... *Policy SS6, which proposes a New Garden Settlement near Westenhanger, and Policy CSD9, which proposes strategic housing growth at Sellindge, were considered unlikely to contribute to tangible increases in recreational pressures at the Folkestone to Etchinghill Escarpment SAC because both are located over 5km away.*”
- 3.13. This conclusion was strengthened by the incorporation of high quality accessible natural greenspace within the developments which will be provided for by both of these policies, including the provision of a new Country Park and accessible open space and landscaping, updating of the Green Infrastructure Plan and policy commitments to balance demands for public access with ecological and landscape protection, taking into account the impacts of increased access on the Kent Downs Area of Outstanding Natural Beauty (AONB) and Folkestone to Etchinghill Escarpment Special Area of Conservation and other protected areas, which might necessitate the need for mitigation to be secured.
- 3.14. In regards to recreational pressures on Dungeness, the Appropriate Assessment concluded that “... *the strategic approach adopted by the Council in managing and avoiding recreational pressure through the preparation and implementation of the SARMS [Sustainable Access and Recreation Management Strategy] provides a mechanism for ensuring that adverse effects can be avoided by adopting an iterative approach to future management of Dungeness. This approach fulfils the recommendations made by Natural England in response to the Folkestone & Hythe Core Strategy HRA, and therefore the Appropriate Assessment concluded that no adverse effects on*



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*the Dungeness SAC/SPA/Ramsar are predicted as a result of recreational pressure.”*

3.15. The Sustainable Access and Recreation Management Strategy (SARMS) (EB 08.10 and background documents 08.11 to 08.14), together with an Action Plan, was agreed by the District Council’s Cabinet at the meeting on the 17 July 2019. This Strategy was produced with Rother District Council with assistance from Natural England and other partners.

3.16. Overall the Appropriate Assessment concluded that:

*“... subject to implementation of safeguards, the Folkestone & Hythe Proposed Submission Core Strategy Review will not result in adverse effects on Folkestone to Etchinghill Escarpment SAC, Dungeness SAC, SPA, or Ramsar, or other European sites, either alone or in-combination with other plans and projects.”*

3.17. A further assessment was carried out for the housing numbers update, HRA Addendum (EB 02.20), and this was carried out in accordance with the methodology set out in the main HRA report. This concluded that:

*“The cumulative effects set out in paragraphs 8.94 to 8.111 in the December 2018 SA Report which accompanied the Proposed Submission version of the Core Strategy Review dated January 2019, remain unchanged.”*

### **Question 11**

Have any concerns been raised regarding the HRA and if so, what is the Council’s response to these? How has Natural England been involved?

3.18. During the Regulation 19 consultation, two representations to the HRA were made; one by Natural England, the other by a member of the public.

3.19. During the Regulation 19 consultation for the amended housing numbers three representations were made; one by Natural England and two by CPRE Shepway.

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- 3.20. The comments by Natural England agreed with the local planning authority's conclusions of no change to the HRA and SA conclusions as a result of the increased housing requirement.
- 3.21. The comments and responses are summarised in Appendix 1 below.
- 3.22. The HRA required close working with Natural England in order to obtain the necessary information and agree the process, outcomes and any mitigation proposals. Specific issues were also raised with individuals from Natural England. Natural England were also consulted on the Regulation 18 and Regulation 19 CSR HRA.
- 3.23. 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 wrote to the council on 21 May 2020 to state that information has recently emerged relating to existing water quality impacts on the 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).
- 3.24. Natural England states that this has implications for Core Strategy Review and advises 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).
- 3.25. 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.
- 3.26. Officers from the council met with representatives from Natural England, the Environment Agency and water companies on 19 June 2020 and again with Natural England on 25 June 2020 to understand the extent of the issue.
- 3.27. 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.

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3.28. An update will be provided to the Inspectors on this issue as soon as possible.

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### 4. Other Matters

#### Question 12

Does the Core Strategy Review include policies in relation to the mitigation of and adaptation to climate change? If so which?

4.1. The National Planning Policy Framework (paragraph 8) sets out the principles of Sustainable Development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- An economic objective;
- A social objective; and
- An environmental objective.

4.2. The environmental objective is:

*“... to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and **mitigating and adapting to climate change, including moving to a low carbon economy.**”*

4.3. The Core Strategy Review sets out a strategy with the objectives of sustainable development at the heart of the policies. Policy SS1 sets out the District's Spatial Strategy, focusing suitable development at the new Garden Settlement and then sequentially at the larger sustainable towns and villages, focusing development at those settlements that have services and public transport to reduce travel by car and promote sustainable modes of travel such as walking and cycling.

4.4. This is then reflected in SS3 Place-Shaping and Sustainable Settlements Strategy, which not only considers the settlement hierarchy but also considerations for developments in the areas at risk of flooding over the plan

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period. This policy also includes criteria on sustainable construction measures, including water efficiency and a proportion of energy from renewable and low carbon sources on new-build development.

- 4.5. SS4 sets out the policy for Priority Centres of Activity Strategy, focusing on a 'town centre first' approach to transport generating activity (in line with NPPF paragraphs 86 and 87). SS5 sets out the infrastructure requirements, particularly permitting development that provides a choice of means of transport and allows sustainable travel patterns, for pedestrians, cyclists and/or public transport.
- 4.6. The new Garden Settlement policies also seek to ensure the Government's sustainable development objectives are met, in particular SS7: Place Shaping Principles, part (6) Sustainable access and movement, and SS8: Sustainability and Healthy New Town Principles.

- 4.7. Paragraph 4.184 of the CSR summarises the objectives of SS8:

*“There is the potential for the garden settlement to become a beacon of best practice for environmental sustainability, embracing new technologies to achieve a low carbon, low waste and low water environment, with an aspiration for carbon, water and waste neutrality to be further explored and investigated as masterplanning and policy develops. The need to plan for the supply of water and control water usage will be essential, as the district is an area of ‘serious water stress’”.*

- 4.8. The District Council's Places and Policies Local Plan (PPLP) also sets out relevant policies in the chapter headed 'Climate Change'. This has been through Examination in Public and once adopted, will form part of the Development Plan with the CSR. The Climate Change chapter includes the following policies which will apply across the district:

- Policy CC1: Reducing Carbon Emissions;
- Policy CC2: Sustainable Design and Construction;
- Policy CC3: Sustainable Drainage Systems (SuDS);

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- Policy CC4: Wind Turbine Development;
- Policy CC5: Small Scale Wind Turbines and Existing Development; and
- Policy CC6: Solar Farms.

4.9. Overall these policies, from both local plans, set out the approach in relation to reducing carbon emissions, air quality, managing transport impacts and reducing the need to travel. Furthermore, there are policies that seek to manage flood risk and promote living walls and roofs and on-site vegetation. Accordingly, the plans taken as a whole, achieve this statutory objective of the mitigation of and adaptation to climate change.

### **Question 13**

Has the Council had regard to the other relevant specific matters set out in S19 of the 2004 Act (as amended) and Regulation 10?

- 4.10. The District Council has had regard to the other relevant specific matters as set out in Section 19 of the 2004 Act (as amended) and Regulation 10 (where relevant).
- 4.11. With regard to Section 19, the Core Strategy Review has been prepared with regard to national policies and advice (as illustrated through the references within the plan), and other development plan documents, such as the Places and Policies Local Plan (PPLP).
- 4.12. The Core Strategy Review sets out the strategic priorities and policies and the PPLP sets out the allocations and development management policies, which will form the development plan for the district. (Regarding the relationship between the Core Strategy Review and PPLP see also the council's response to Matter 11, Question 6.)
- 4.13. With regard to Regulation 10, the District Council has consulted Kent County Council (as waste and highway authority), Highways England, the Health and Safety Executive and other statutory bodies to ensure the relevant waste, hazardous substances and highway policies have been properly considered.

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### **Question 14**

How have issues of equality been addressed in the Core Strategy Review?

- 4.14. The issue of equality has been considered in the plan-making process and the CSR seeks to ensure the needs of all the community has been addressed and considered. This includes policies for specialist homes for older people, adaptable homes and the accommodation needs of specific groups such as for Gypsies, Travellers and Travelling Showpeople. Detailed policies and allocations are also included in the PPLP.
- 4.15. The District Council has undertaken an Equality Impact Assessment (EB 01.19). This concluded that:
- “The EqIA has not identified any actual or the potential to cause, adverse impact or discrimination against different groups in the community.”*
- 4.16. A full Equality Impact Assessment Report was not considered to be required.

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**Appendix 1: Folkestone & Hythe Core Strategy Review – Sustainability Appraisal Addendum, LUC, July 2020**





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## **Folkestone & Hythe Core Strategy Review**

Sustainability Appraisal Addendum - Core Strategy Review Policies SS5, SS10, SS11, CSD3, CSD4, CSD6, CSD7 and CSD8

Prepared by LUC  
July 2020

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# 1 Introduction

- 1.1 Folkestone & Hythe District Council commissioned LUC in October 2016 to carry out a Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) of the Review of the Core Strategy Local Plan. There have been four key stages in the Sustainability Appraisal of the Core Strategy Review to date:
- An SA Scoping Report for the Shepway Core Strategy Review was published for consultation in March 2017.
  - An initial SA Report was prepared and consulted upon with the Draft Shepway Core Strategy Review in February 2018.
  - A full SA Report was prepared and consulted upon with the Proposed Submission Core Strategy Review in January 2019.
  - An SA Addendum was prepared in November 2019 to present the likely significant effects for an updated version of the Core Strategy Review prepared following consultation on the Proposed Submission Core Strategy Review in January 2019. The updated version contained a new housing need figure following the publication of the Government's new standard methodology for calculating housing need. The SA Addendum considered the implications of the new calculated housing need for the SA findings reported previously.
- 1.2 This second SA Addendum has been prepared at the request of the Planning Inspectors nominated by the Secretary of State to examine the Proposed Submission Core Strategy Review. It presents a detailed appraisal of the likely significant effects of Core Strategy Review policies SS5, SS10, SS11, CSD3, CSD4, CSD6, CSD7 and CSD8. The effects of these policies were not reported in detail in the full SA Report at an individual policy level because it was considered that the policies had not changed enough to generate new significant effects not previously identified during the SA of the adopted Core Strategy in 2013. These judgements were made based on the effects of the policies reported in the SA Report that accompanied the adopted Core Strategy (URS, 2012), but also in the context of the revised Plan period, an up-to-date SA baseline and record of relevant plans, policies and programmes. The effects of these policies were instead reported in Chapter 8 of the full SA Report as part of the assessment of the cumulative effects of all policies within the Core Strategy Review, as well as in combination with the Folkestone & Hythe Places and Policies Local Plan (PPLP) and other relevant plans, programmes and projects.
- 1.3 The Inspectors have requested that for the SA to clearly meet the requirements of Section 19(5) of the Planning and Compulsory Purchase Act 2004 it must *'carry out an appraisal of the sustainability of the proposals in each Development Plan Document'*, i.e. the effects of every component of the Core Strategy Review (the proposals of the Plan) and their reasonable alternatives should be set out clearly in the SA Report.
- 1.4 In combination with the full SA Report (January 2019) and the first SA Addendum (November 2019), this second SA Addendum (June 2020) fulfils the Inspectors' request and meets the requirements of the Planning and Compulsory Purchase Act 2004<sup>1</sup> and associated SEA Regulations<sup>2</sup>. The three documents should be read together, for example, the SA baseline and summary of relevant policies, plans and programmes used to appraise the significant effects of the Core Strategy Review are not repeated in this SA Addendum but can be found in the full SA Report (January 2019) and first SA Addendum (November 2019).

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<sup>1</sup> The Planning and Compulsory Purchase Act 2004 is available at: <http://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>2</sup> The Environmental Assessment of Plans and Programmes Regulations 2004 are available at: <http://www.legislation.gov.uk/uksi/2004/1633/contents/made>

## 2 SA of Policies SS5, SS10, SS11, CSD3, CSD4, CSD6, CSD7 and CSD8

2.1 This section follows the same structure as the appraisal of the Proposed Submission Core Strategy Review policies set out in Chapter 8 of the full SA Report (January 2019). **Table 2.1** names the policies appraised in this section and the changes that have been made to the versions set out in the adopted Core Strategy (2013). In addition to these changes, the plan period of the Core Strategy Review has been extended from the adopted Core strategy from the original 2006 to 2031 to the new 2018 to 2037, extending the lifespan of the policies by six years. **Table 2.2** sets out the Council's consideration of reasonable alternatives to policies SS5, SS10, SS11, CSD3, CSD4, CSD6, CSD7 and CSD8. This is followed by the appraisal of the policies, the likely effects of which are set out in **Table 2.3**. The SA Framework used throughout the appraisal of the Folkestone & Hythe Core Strategy Review is included in **Appendix 1**.

**Table 2.1: Summary of changes to policies SS5, SS10, SS11, CSD3, CSD4, CSD6, CSD7 and CSD8 since adoption of adopted Core Strategy (2013)**

Policy Number and Title	Notable Changes to adopted Core Strategy Policies (2013) <sup>3</sup>
<b>Spatial Strategy Policies</b>	
Policy SS5 'District Infrastructure Planning'	Text revised to recognise the role of Section 106 contributions to District Infrastructure as well as the adoption of the District's Community Infrastructure Levy (CIL) Charging Schedule and Infrastructure Delivery Plan.  Following sentence deleted:  <i>'Developments must reflect the principle that infrastructure should be used more efficiently, or demand managed more effectively, before the need to increase capacity or deliver new infrastructure is created.'</i>
Policy SS10 'Spatial Strategy for Folkestone Seafront' (Previously Policy SS6).	Reference to Code for Sustainable Homes removed.
Policy SS11 'Spatial Strategy for Shorncliffe Garrison, Folkestone' (Previously Policy SS7).	Reference to Code for Sustainable Homes removed.
<b>Core Strategy Delivery Policies</b>	
Policy CSD3 'Rural and Tourism Development of Shepway'	Reference to the 'Settlement Network' replaced by ' <i>settlement hierarchy</i> '.

<sup>3</sup> Minor text clarifications and typo corrections excluded.

Policy Number and Title	Notable Changes to adopted Core Strategy Policies (2013) <sup>3</sup>
Policy CSD4 'Green Infrastructure of Natural Networks, Open Spaces and Recreation'	Elaboration on the requirement to avoid net loss of biodiversity with the addition of a ' <i>need to achieve net gain over and above residual loss</i> '.
Policy CSD6 'Central Folkestone Strategy'	<p>Policy reference corrected in text.</p> <p>Minor changes to reflect wording of the new NPPF (2018) and the findings of the Retail and Leisure Need Assessment (Lichfields, 2018), specific changes include:</p> <ul style="list-style-type: none"> <li>• Emphasis on the need to deliver investment in both the daytime and evening economy.</li> <li>• Addition of particular examples to deliver wider regeneration through investment in central Folkestone, notably at the bus station site and at Guildhall Street, Gloucester Place and Shellons Street and the redevelopment of the Sainsbury's store and adjacent areas at Bouverie Place West.</li> <li>• Addition of following sentence in relation to the Seafront/Creative Enterprise Zone: '<i>Principles relating to creative enterprise zones will be applied to the Creative Quarter to intensify use for creative and digital industries to ensure no net erosion of space.</i>'</li> </ul>
Policy CSD7 'Hythe Strategy'	No notable changes.
Policy CSD8 'New Romney Strategy'	<p>Following sentence deleted:</p> <p><i>'Any planning application for the broad location should be preceded by, and consistent with, a single masterplan, addressing these objectives and produced in consultation with the local community, the district councils and key stakeholders.'</i></p> <p>Following sentences added:</p> <p><i>'The layout and design of any proposals for the remaining undeveloped two parcels of land under the broad location must take into account the potential development of the adjoining land parcel and the existing development. In particular the internal road layout of the two parcels allocated to the south east of Cockreed Lane shall not prejudice the future delivery of a 'link' road (criterion C above) to provide a vehicular connection between the two parcels and the developed part of the broad location to the north-east.'</i></p>

## Consideration of Reasonable Alternatives

- 2.2 In undertaking the Core Strategy Review the Council has had regard to national planning policy and associated practice guidance, in particular notable changes since the adoption of the Core Strategy in 2013, as well as the changing circumstances and priorities of the District.

- 2.3 The Council has been undertaking a review of an existing plan; given this the Council considered the reasonable alternatives for each policy and area of the plan to be:
- To **delete** a particular policy or area of supporting text – where national policy or local circumstances had changed to such an extent that the particular policy or text was considered to be superseded or irrelevant;
  - To **amend** a particular policy or area of supporting text – where changing national policy or local circumstances meant that the policy or text was still largely appropriate and justified, but that amendments were needed to take account of changes to national policy and guidance or progress with development on a site;
  - To **retain** a particular policy or area of supporting text – where the policy or text remained up-to-date, relevant and consistent with national policy and guidance, or where planning permission had been granted on a site and the policy was needed to guide the remaining phases of development; or
  - To **create a new policy** or area of supporting text – where changing national policy and guidance, or changing local circumstances, meant that a completely new policy or area of text was needed to guide development.
- 2.4 With the exception of the minor changes set out in **Table 2.1** above, adopted policies SS5, SS10, SS11, CSD3, CSD4, CSD6, CSD7 and CSD8 were found to remain in accordance with national policy requirements are therefore still considered to be relevant to the development strategy for the District. Therefore, in the case of the policies considered with this SA Addendum, the policies were retained and no reasonable alternatives were identified for appraisal alongside the preferred policies set out in the Proposed Submission Core Strategy Review. **Table 2.2** sets out the contextual information used to inform these decisions.

**Table 2.2: Consideration of reasonable alternatives to policies SS5, SS10, SS11, CSD3, CSD4, CSD6, CSD7 and CSD8**

Policy	National Policy Context	District Context
SS5: District Infrastructure Planning	<p>The policy requirement that development should contribute to the District’s current and future infrastructure needs accords with national policy, including:</p> <ul style="list-style-type: none"> <li>• Identify and coordinate the provision of infrastructure (NPPF paragraph 8(a)).</li> <li>• Addressing potential barriers to investment (NPPF paragraph 81(c)).</li> <li>• Realising opportunities from existing or proposed transport infrastructure (NPPF paragraph 102(b)).</li> <li>• Supporting high quality and reliable communications infrastructure (NPPF paragraphs 112).</li> <li>• Social, recreational and cultural facilities (NPPF paragraph 92).</li> <li>• Spaces and facilities for sport and recreation (NPPF paragraph 96).</li> </ul>	Community Infrastructure Levy adopted in 2016.
SS10: Spatial Strategy for	Policy SS10 (formerly SS6) sets out detailed criteria for a major mixed use development at Folkestone Seafront.	The site has received planning permission.

Policy	National Policy Context	District Context
Folkestone Seafront	<p>The allocation – In terms of its land uses, location and design requirements – remains in conformity with national guidance, including:</p> <ul style="list-style-type: none"> <li>• Ensuring the vitality of town centres (NPPF Section 7).</li> <li>• Limiting the need to travel (NPPF paragraph 103).</li> <li>• Promoting a mix of uses (NPPF paragraph 91(a)).</li> <li>• Provision of homes including affordable housing (NPPF paragraph 20).</li> <li>• Requiring good design (NPPF paragraphs 124).</li> <li>• Delivering social, recreational, cultural and community facilities (NPPF paragraph 92).</li> <li>• Meeting the challenge of climate change, flooding and coastal change (NPPF Section 14).</li> <li>• Conserving and enhancing the historic environment (NPPF Section 16).</li> <li>• Allocating sites to promote the effective use of land (NPPF paragraph 117).</li> </ul>	and development has commenced.
SS11: Spatial Strategy for Shorncliffe Garrison, Folkestone	<p>Policy SS11 (formerly SS7) sets out detailed criteria for a major mixed use development at Shorncliffe Garrison, Folkestone. The allocation – land uses, location and design requirements – remains in conformity with national guidance, including:</p> <ul style="list-style-type: none"> <li>• Limiting the need to travel (NPPF paragraph 103).</li> <li>• Provision of homes including affordable housing (NPPF paragraph 20).</li> <li>• Requiring good design (NPPF paragraphs 124).</li> <li>• Delivering social, recreational, cultural and community facilities (NPPF paragraph 92).</li> <li>• Access to a network of high quality open spaces (NPPF paragraph 96).</li> <li>• Planning for green infrastructure in new development (NPPF paragraph 150).</li> <li>• Remediating contaminated land (NPPF paragraph 170(f))</li> <li>• Conserving and enhancing the historic environment (NPPF Section 16).</li> </ul>	The site has received planning permission and development is well advanced.

Policy	National Policy Context	District Context
	<ul style="list-style-type: none"> <li>Allocating sites to promote the effective use of land (NPPF paragraph 117).</li> </ul>	
CSD3: Rural and Tourism Development	<p>Policy CSD3 meets national guidance, particularly:</p> <ul style="list-style-type: none"> <li>Supporting a prosperous rural economy (NPPF paragraphs 83-84).</li> <li>Guarding against the unnecessary loss of facilities and services (NPPF paragraph 92).</li> <li>Protecting and enhancing valued landscapes (NPPF paragraph 170).</li> <li>Conserving and enhancing landscapes in Areas of Outstanding Natural Beauty (NPPF paragraph 172).</li> <li>Maintaining and enhancing networks of green infrastructure (NPPF paragraph 171).</li> </ul>	No change in local baseline.
CSD4: Green Infrastructure of Natural Networks, Open Spaces and Recreation	<p>Policy CSD4 meets national guidance, particularly:</p> <ul style="list-style-type: none"> <li>Conserving and enhancing the natural environment (NPPF Section 15).</li> <li>Landscapes (PPG paragraphs 8-036-20190721 to 8-042-20190721).</li> <li>Biodiversity and geodiversity (PPG paragraph 8-010-20190721).</li> <li>Maintaining and enhancing networks of green infrastructure (NPPF paragraph 171).</li> <li>Green infrastructure (PPG paragraphs 8-006-20190721 and 8-007-20190721).</li> </ul>	No change in local baseline.
CSD6: Central Folkestone Strategy	<p>Policy CSD6 meets national guidance including:</p> <ul style="list-style-type: none"> <li>Allocating sites to promote the effective use of land (NPPF paragraph 117).</li> <li>Ensuring the vitality of town centres (NPPF Section 7).</li> <li>Minimising the number and length of journeys needed for employment, shopping, leisure, education and other activities (NPPF paragraph 104).</li> <li>Promoting sustainable modes of transport (NPPF paragraph 108).</li> <li>Promoting a mix of uses (NPPF paragraph 91(a)).</li> <li>Requiring good design (NPPF paragraph 124).</li> <li>Promoting safe and accessible environments (NPPF paragraph 91).</li> </ul>	No change in local baseline.



Policy	National Policy Context	District Context
	<ul style="list-style-type: none"> <li>Conserving and enhancing the historic environment (NPPF Section 16).</li> </ul>	
CSD7: Hythe Strategy	<p>Policy CDS7 meets national guidance including:</p> <ul style="list-style-type: none"> <li>Allocating sites to promote the effective use of land (NPPF paragraph 117).</li> <li>Ensuring the vitality of town centres (NPPF Section 7).</li> <li>Minimising the number and length of journeys needed for employment, shopping, leisure, education and other activities (NPPF paragraph 104).</li> <li>Promoting sustainable modes of transport (NPPF paragraph 108).</li> <li>Promoting a mix of uses (NPPF paragraph 91(a)).</li> <li>Requiring good design (NPPF paragraph 124).</li> <li>Promoting safe and accessible environments (NPPF paragraph 91).</li> <li>Conserving and enhancing the historic environment (NPPF Section 16).</li> </ul>	No change in local baseline.
CSD8: New Romney Strategy	<p>Policy CDS8 meets national guidance including:</p> <ul style="list-style-type: none"> <li>Allocating sites to promote the effective use of land (NPPF paragraph 117).</li> <li>Ensuring the vitality of town centres (NPPF Section 7).</li> <li>Minimising the number and length of journeys needed for employment, shopping, leisure, education and other activities (NPPF paragraph 104).</li> <li>Promoting sustainable modes of transport (NPPF paragraph 108).</li> <li>Promoting a mix of uses (NPPF paragraph 91(a)).</li> <li>Requiring good design (NPPF paragraph 124).</li> <li>Promoting safe and accessible environments (NPPF paragraph 91).</li> <li>Conserving and enhancing the historic environment (NPPF Section 16).</li> </ul>	Broad locations identified in policy for housing development now have planning permission and some sites are under construction.

**Table 2.3: Summary of effects following the appraisal of Core Strategy Review Policies SS5, SS10, SS11, CSD3, CSD4, CSD6, CSD7 and CSD8**

SA Objectives	Policy SS5: District Infrastructure Planning	Policy SS10: Spatial Strategy for Folkestone Seafront	Policy SS11: Spatial Strategy for Shorncliffe Garrison, Folkestone	Policy CSD3: Rural and Tourism Development	Policy CSD4: Green Infrastructure of Natural Networks, Open Spaces and Recreation	Policy CSD6: Central Folkestone Strategy	Policy CSD7: Hythe Strategy	Policy CSD8: New Romney Strategy
SA1. Improve the provision of homes, including affordable housing, having regard to the needs of all sections of society, including the elderly.	0	++	++	+	0	+	+	++
SA2. Support the creation of high quality and diverse employment opportunities.	+	++	++	++	0	++	++	++
SA3. Conserve, and where relevant enhance, the quality, character and local distinctiveness of the landscape and townscape.	0	+/-	+/-	+	++	0	0	+/-
SA4. Conserve and enhance the fabric and setting of historic assets.	0	-	-	+	+	0	0	-
SA5. Conserve and enhance biodiversity, taking into account the effects of climate change.	+	+/-	+/-	+	++	0	0	+/-
SA6. Protect and enhance green infrastructure and ensure that it meets strategic needs.	++	+	+	+	++	0	0	+/-
SA7. Use land efficiently and safeguard soils, geology and economic mineral reserves.	0	++	++	0	0	++	++	-

SA Objectives	Policy SS5: District Infrastructure Planning	Policy SS10: Spatial Strategy for Folkestone Seafront	Policy SS11: Spatial Strategy for Shorncliffe Garrison, Folkestone	Policy CSD3: Rural and Tourism Development	Policy CSD4: Green Infrastructure of Natural Networks, Open Spaces and Recreation	Policy CSD6: Central Folkestone Strategy	Policy CSD7: Hythe Strategy	Policy CSD8: New Romney Strategy
SA8. Maintain and improve the quality of groundwater, surface waters and coastal waters and the hydromorphological (physical) quality of rivers and coastal waters.	++	0	0	+	+	0	0	0
SA9. Reduce the risk of flooding, taking into account the effects of climate change.	++	0	0	+	+	0	0	0
SA10. Increase energy efficiency in the built environment and the proportion of energy use from renewable sources.	++	++	++	+	0	0	0	0
SA11. Use water resources efficiently	++	++	++	0	0	0	0	0
SA12. To reduce waste generation and disposal, and achieve the sustainable management of waste.	++	+	+	+	0	0	0	0
SA13. Reduce the need to travel, increase opportunities to choose sustainable transport modes and avoid development that will result in significant traffic congestion and poor air quality.	++	++	++	+/-	0	++	++	++/-
SA14. Promote community vibrancy and social cohesion; provide opportunities to access services, facilities and environmental assets for all ages and abilities and avoid creating inequalities of opportunity for access.	++	++	++	++	+	++	++	++
SA15. Reduce crime and the fear of crime.	+	+	+	0	0	+	+	+

## Effects of Policy SS5: District Infrastructure Planning

- 2.5 Core Strategy Review Policy SS5 requires development to contribute to the District's current and future infrastructure needs in accordance with national policy. The principles of the policy remain the same as Policy SS5 in the adopted Core Strategy.

### Summary of the effects identified through the SA of the adopted Core Strategy (2013)

- 2.6 The SA of the adopted Shepway Core Strategy (2013) reported that Policy SS5 would generate positive effects on water quality, energy efficiency, reducing flood risk, economic growth, the creation and maintenance of sustainable communities, reductions in inequality, social exclusion and deprivation, education, health and well-being, and sustainable transport.

### Summary of the effects identified through the SA of the Core Strategy Review Submission Draft (February 2020)

- 2.7 It is expected that Core Strategy Review Policy SS5 would have similar effects to those identified during the appraisal of the adopted Core Strategy Policy SS5, although the effects will continue for longer over the Core Strategy Review's extended plan period. Significant positive effects are identified in relation to **SA objectives 6 (Green Infrastructure), 8 (Water Quality), 9 (Flood Risk), 10 (Climate Change Mitigation), 11 (Water Efficiency), 12 (Waste), 13 (Transport and Congestion) and 14 (Access to Services and Facilities)** due to the integral contribution different types of infrastructure investment make to the management of these issues.
- 2.8 Associated indirect benefits are recognised for other SA objectives as minor positive effects in **Table 2.3**.

## Effects of Policy SS10: Spatial Strategy for Folkestone Seafront

- 2.9 Core Strategy Review Policy SS10 sets out the spatial strategy for Folkestone Seafront to guide future phases of a major mixed use development and associated infrastructure, services, and facilities in the area. The principles of the policy remain the same as Policy SS6 in the adopted Core Strategy.

### Summary of the effects identified through the SA of the adopted Core Strategy (2013)

- 2.10 The SA of the adopted Shepway Core Strategy (2013) reported that Policy SS10 would generate positive effects on water quality, energy efficiency, the efficient use of previously developed land, economic growth, employment, housing, the creation and maintenance of sustainable communities, reductions in inequality, social exclusion and deprivation, health and well-being, and sustainable transport.

### Summary of the effects identified through the SA of the Core Strategy Review Submission Draft (February 2020)

- 2.11 It is expected that Core Strategy Review Policy SS10 would have similar effects to those identified during the appraisal of the adopted Core Strategy Policy SS6, although the effects will continue for longer over the Core Strategy Review's extended plan period. Policy SS10 generally has positive effects in relation to the SA objectives. The delivery of 1,000 new dwellings in combination with up to 10,000 sqm of employment land and various community services and facilities is acknowledged to have significant positive effects in relation to **SA objectives 1 (Housing), 2 (Employment) and 14 (Services and Facilities)**.
- 2.12 Further significant positive effects have been identified in relation to **SA objectives 7 (Efficient Use of Land), 10 (Climate Change Mitigation), 11 (Water Efficiency) and 13 (Sustainable Transport)**. The site location in the centre of Folkestone minimises the loss of greenfield land and its natural resources. Furthermore, the level of development supported through the policy

would allow for high standards of energy and water efficiency to be sought. Although the significant scale of the growth has the potential to generate road congestion issues, Folkestone Seafront represents one of the most well connected locations in the District, offering sustainable alternatives to the private car. Furthermore, the delivery of new services and facilities as set out in the policy would further help to reduce the need to travel for local residents and workers.

- 2.13 Mixed minor effects are recorded in relation to SA objectives 3 (Landscape/Townscape) and 5 (Biodiversity). The negative effects acknowledge the significant scale and density of growth and the potential pressures this is likely to put on the existing character and habitats within and in the immediate vicinity of the area. The positive effects acknowledged in relation to these objectives recognise the significant landscaping and enhancement measures planned on the seafront and the opportunities this represents to enhance the townscape setting and local ecological assets.
- 2.14 Similarly a minor negative effect has been recorded against SA objective 4 (Historic Environment). This is due to the allocated area containing a number of heritage assets and potential archaeological remains. Despite this, the policy requires a design that is very high quality, preserving the setting of the key heritage assets and archaeological features of the site, sympathetic to the landscape and coastal character of the area including the retention of the Inner Harbour Bridge, so any adverse effect is only considered to be minor if not negligible.
- 2.15 The close proximity of the site to the coastline presents the possibility of adverse effects against SA objectives 8 (Water quality) and 9 (Flood Risk); however, the policy requires design measures to mitigate flood risk and the supporting text highlights the importance of sustainable urban drainage systems, so adverse effects are not recorded against these objectives.
- 2.16 Associated indirect benefits are recognised for other SA objectives as minor positive effects in **Table 2.3** due to the high standards of environmental performance and public realm provision being sought.

## Effects of Policy SS11: Spatial Strategy for Shorncliffe Garrison, Folkestone

- 2.17 Core Strategy Review Policy SS11 sets out the spatial strategy for Shorncliffe Garrison in Folkestone to guide future phases of residential development and associated infrastructure, services, and facilities in the area. The principles of the policy remain the same as Policy SS7 in the adopted Core Strategy.

### Summary of the effects identified through the SA of the adopted Core Strategy (2013)

- 2.18 The SA of the adopted Shepway Core Strategy (2013) reported that Policy SS11 would generate positive effects on water quality, energy efficiency, the efficient use of previously developed land, economic growth, employment, housing, the creation and maintenance of sustainable communities, reductions in inequality, social exclusion and deprivation, education, health and well-being, and sustainable transport.

### Summary of the effects identified through the SA of the Core Strategy Review Submission Draft (February 2020)

- 2.19 It is expected that Core Strategy Review Policy SS11 would have similar effects to those identified during the appraisal of the adopted Core Strategy Policy SS7, although the effects will continue for longer over the Core Strategy Review's extended plan period. Policy SS11 generally has positive effects in relation to the SA objectives. The delivery of 1,000 new dwellings, an improved military establishment and new community services and facilities, including land and possible contributions towards a new primary school and health/care facility is acknowledged to have significant positive effects in relation to **SA objectives 1 (Housing), 2 (Employment) and 14 (Services and Facilities)**.
- 2.20 Further significant positive effects have been identified in relation to **SA objectives 7 (Efficient Use of Land), 10 (Climate Change Mitigation), 11 (Water Efficiency) and 13 (Sustainable**

**Transport**). The site contains areas of brownfield land where most of the development is expected to take place, whilst existing areas of greenfield land will mainly provide formal open space. Furthermore, the level of development supported through the policy would allow for high standards of energy and water efficiency to be sought. Although the significant scale of the growth has the potential to generate road congestion issues, improvements will be made towards bus services, in addition to walking and cycling, and several road junction improvements are planned in the immediate vicinity. Furthermore, the delivery of facilities as set out in the policy would further help to reduce the need to travel for local residents and workers.

- 2.21 Mixed minor effects are recorded in relation to SA objectives 3 (Landscape/Townscape) and 5 (Biodiversity). The negative effects acknowledge the significant scale and density of growth and the potential pressures this is likely to put the existing character and habitats within and in the immediate vicinity of the area. The positive effects acknowledged in relation to these objectives recognise the significant landscaping and enhancement measures planned and the opportunities this represents to enhance the townscape setting and local ecological assets.
- 2.22 Similarly, a minor negative effect has been recorded against SA objective 4 (Historic Environment). This is due to the allocated area containing a number of heritage assets and potential archaeological remains. Despite this, the policy requires good place-making through the retention of important features, including heritage assets. It also states that townscape, heritage and archaeological analysis should be undertaken prior to the demolition of any buildings. Therefore, any adverse effect is only considered to be minor if not negligible.
- 2.23 Associated indirect benefits are recognised for other SA objectives as minor positive effects in **Table 2.3** due to the high standards of environmental performance and enhancements to green infrastructure and public realm.

## Effects of Policy CSD3: Rural and Tourism Development

- 2.24 Core Strategy Review Policy CSD3 sets out the types of development appropriate in the District's rural and coastal locations outside the District's settlement hierarchy and how land use change will be managed in these locations. The principles of the policy remain the same as Policy CSD3 in the adopted Core Strategy.

### Summary of the effects identified through the SA of the adopted Core Strategy (2013)

- 2.25 The SA of the adopted Shepway Core Strategy (2013) reported that Policy CSD3 would generate positive effects on biodiversity, the countryside and the historic environment, water quality, reducing flood risk, economic growth, employment, and the creation and maintenance of sustainable communities. A negative effect was identified in relation to 13 (Transport and Congestion) sustainable transport for this policy.

### Summary of the effects identified through the SA of the Core Strategy Review Submission Draft (February 2020)

- 2.26 It is expected that Core Strategy Review Policy CSD3 would have similar effects as those identified during the appraisal of the adopted Core Strategy Policy CSD3, although the effects will continue for longer over the Core Strategy Review's extended plan period. Significant positive effects are recorded against **SA objectives 2 (Employment)** and **14 (Access to Services and Facilities)** due to the particular contribution the policy makes to diversifying the District's economy and maintaining the vibrancy and facilities of rural areas.
- 2.27 Several minor positive effects are recorded in **Table 2.3** against SA objectives which would also benefit certain types of rural and tourism development/investment but which are unlikely to be delivered at significant scales through this policy alone, e.g. affordable housing outside the settlement hierarchy.
- 2.28 Mixed minor effects are recorded against SA objective 13 (Transport and Congestion) due to the likelihood of the policy encouraging the delivery of development scatter across the District in

remote locations, increasing road traffic and potentially congestion. This is particularly relevant to tourist, recreation and economic uses; however, the policy encourages sustainable rural transport improvements and that tourism development be located in settlements defined in the settlement hierarchy or on their edges and, as a last resort, rural centres and primary villages. Therefore, this adverse effect is recorded as mixed minor positive/minor negative effects in **Table 2.3**.

## Effects of Policy CSD4: Green Infrastructure of Natural Networks, Open Spaces and Recreation

- 2.29 Core Strategy Review Policy CSD4 covers the District's varied and extensive green and open spaces and sets out strategic requirements for their protection, connection and enhancement. The principles of the policy remain the same as Policy CSD4 in the adopted Core Strategy.

### Summary of the effects identified through the SA of the adopted Core Strategy (2013)

- 2.30 The SA of the adopted Shepway Core Strategy (2013) reported that Policy CSD4 would generate positive effects on biodiversity, the countryside and the historic environment, water quality, reducing flood risk, the creation and maintenance of sustainable communities, and health and well-being.

### Summary of the effects identified through the SA of the Core Strategy Review Submission Draft (February 2020)

- 2.31 It is expected that Core Strategy Review Policy CSD4 would have similar effects to those identified during the appraisal of the adopted Core Strategy Policy CSD4, although the effects will continue for longer over the Core Strategy Review's extended plan period. Significant positive effects are recorded against **SA objectives 3 (Landscape), 5 (Biodiversity) and 6 (Green Infrastructure)** due to the provisions this policy puts in place to protect and enhance the District's natural environment.
- 2.32 More minor positive effects are recorded against several objectives in **Table 2.3** against SA objectives which are likely to benefit indirectly of moderately from improvements to the natural environment, for example the ability of the district to adapt to the effects of climate change and the indirect benefits of green infrastructure for the health and well-being of the District's residents, workers and tourists.

## Effects of Policy CSD6: Central Folkestone Strategy

- 2.33 Core Strategy Review Policy CSD6 sets out a strategic vision for managing future growth within Central Folkestone to guide future phases of mixed-use development and associated infrastructure, services, and facilities in the area. The principles of the policy remain the same as Policy CSD6 in the adopted Core Strategy.

### Summary of the effects identified through the SA of the adopted Core Strategy (2013)

- 2.34 The SA of the adopted Shepway Core Strategy (2013) reported that Policy CSD6 would generate positive effects on the efficient use of previously developed land, economic growth, employment, housing, the creation and maintenance of sustainable communities, education, health and well-being, and sustainable transport.

### Summary of the effects identified through the SA of the Core Strategy Review Submission Draft (February 2020)

- 2.35 It is expected that Core Strategy Review Policy CSD6 would have similar effects as those identified during the appraisal of the adopted Core Strategy Policy CSD6, although the effects will continue for longer over the Core Strategy Review's extended plan period. Policy CSD6 generally

has positive effects in relation to the SA objectives. The delivery of a mix of commercial, cultural, entertainment and educational uses is acknowledged to have significant positive effects in relation to **SA objectives 2 (Employment)** and **14 (Services and Facilities)**.

- 2.36 Further significant positive effects have been identified in relation to **SA objectives 7 (Efficient Use of Land)** and **13 (Sustainable Transport)**. The policy's focus on the centre of Folkestone helps to minimise the loss of greenfield land and its natural resources. Folkestone represents one of the most well connected locations in the District, offering sustainable alternatives to the private car. Furthermore, the delivery of new investment in the centre as set out in the policy would further help to reduce the need to and increase the efficiency of travel for local residents and workers.
- 2.37 Folkestone is a historic place and its growth has the potential to affect its historic assets and character. However, the policy requires high-quality design that is expected to maintain and potentially enhance the existing character and townscape of the area. The policy does not allocate a specific scale or sites for growth but requires the historic Bayle and Leas Conservation Area in the centre of Folkestone to be a focus of preservation and enhancement, so no adverse effects are recorded against SA objectives 3 (Landscape/Townscape) and 4 (Historic Environment).
- 2.38 Associated indirect benefits are recognised for other SA objectives as minor positive effects in **Table 2.3** due to enhancements to the central Folkestone's physical environment/sense of security, in addition to potential housing delivery in central Folkestone.

## Effects of Policy CSD7: Hythe Strategy

- 2.39 Core Strategy Review Policy CSD7 sets out the strategic vision for managing future growth within Hythe to guide future phases of mixed-use development and associated infrastructure, services, and facilities in the area. The principles of the policy remain the same as Policy CSD7 in the adopted Core Strategy.

### Summary of the effects identified through the SA of the adopted Core Strategy (2013)

- 2.40 The SA of the adopted Shepway Core Strategy (2013) reported that Policy CSD7 would generate positive effects on the efficient use of previously developed land, economic growth, employment, housing, the creation and maintenance of sustainable communities, education, health and well-being, and sustainable transport.

### Summary of the effects identified through the SA of the Core Strategy Review Submission Draft (February 2020)

- 2.41 It is expected that Core Strategy Review Policy CSD7 would have similar effects as those identified during the appraisal of the adopted Core Strategy Policy CSD7, although the effects will continue for longer over the Core Strategy Review's extended plan period. Policy CSD7 generally has positive effects in relation to the SA objectives. Facilitating the delivery of investment in Hythe for residents, businesses and tourists is acknowledged to have significant positive effects in relation to **SA objectives 2 (Employment)** and **14 (Services and Facilities)**. The policy focusses on the need to attract additional employment to the town and associated investment in education, upskilling and training.
- 2.42 Further significant positive effects have been identified in relation to **SA objectives 7 (Efficient Use of Land)** and **13 (Sustainable Transport)**. The focus of the policy on Hythe's existing urban area helps to minimise the loss of greenfield land and its natural resources. The policy aims to deliver convenient, flexible and integrated public transport improvements, including better linking in the town centre and coastal bus routes to railway stations and growth locations. Furthermore, the delivery of the types of facilities and services encouraged in the policy would further help to reduce the need to travel for local residents and workers.
- 2.43 The close proximity of Hythe to the coastline presents the possibility of adverse effects against SA objectives 8 (Water quality) and 9 (Flood Risk); however, there is a requirement for investment in



strategic flood defences to protect residents and the Hythe Ranges, so adverse effects are not recorded against these objectives. Similarly, Hythe is a historic place and its growth has the potential to affect its historic assets. However, the policy does not allocate a specific scale or sites for growth but requires new development to respect the historic character of the town and the established grain of the settlement in line with the place-shaping principles, so no adverse effects are recorded against SA objectives 3 (Landscape/Townscape) and 4 (Historic Environment).

- 2.44 Associated indirect benefits are recognised for other SA objectives as minor positive effects in **Table 2.3** due to the high standards of residential and public realm provision being sought.

## Effects of Policy CSD8: New Romney Strategy

- 2.45 Core Strategy Review Policy CSD8 sets out the spatial strategy for future development within New Romney to guide future phases of mixed-use development and associated infrastructure, services, and facilities in the area. The principles of the policy remain the same as Policy CSD8 in the adopted Core Strategy.

### Summary of the effects identified through the SA of the adopted Core Strategy (2013)

- 2.46 The SA of the adopted Shepway Core Strategy (2013) reported that Policy CSD8 would generate positive effects on reducing flood risk, economic growth, employment, housing, the creation and maintenance of sustainable communities, reductions in inequality, social exclusion and deprivation, education, and health and well-being. Negative effects were identified in relation to biodiversity and the efficient use of previously developed land for this policy because the broad location at New Romney is located on greenfield land, but it is recognised that this location is well suited to supporting the regeneration of the town centre. This SA also highlighted some uncertainty related to the effects of growth in and around New Romney in combination with the potential expansion of Lydd Airport on road congestion. The SA Report noted that if the expansion of Lydd Airport was approved the subsequent generation of additional trips would need to be addressed. The expansion has now been approved, extending the runways and a new terminal building to allow passenger flights using aircraft the size of Boeing 737 or Airbus 319. While development has not commenced, when the expansion is complete, it will increase the amount of traffic on the roads connecting the airport to local and regional population centres, including London.

### Summary of the effects identified through the SA of the Core Strategy Review Submission Draft (February 2020)

- 2.47 It is expected that Core Strategy Review Policy CSD8 would have similar effects to those identified during the appraisal of the adopted Core Strategy Policy CSD8, although the effects will continue for longer over the Core Strategy Review's extended plan period. The delivery of 300 dwellings and the provision of employment land and associated contributions to local upskilling and training in combination with investment in the town's retail and tourist centre is acknowledged to have significant positive effects in relation to **SA objectives 1 (Housing), 2 (Employment) and 14 (Services and Facilities)**. A mixed significant positive but minor negative effect is recorded against **SA objective 13 (Sustainable Transport)** because pedestrian and cyclist linkages in the area will be improved, including to and from the areas allocated for development.
- 2.48 New Romney is a rural town and the policy also seeks to provide better vehicular linkages, including the potential future delivery of a 'link' road. In combination, the expansion of the airport and the growth and New Romney has the potential to generate adverse effects against SA objective 13 (Sustainable Transport). However, this effect is considered to be relatively minor given the fact that the vast majority of road traffic to and from the airport will bypass the village on the A259/B2075 to the west of New Romney. Both the A259/B2075 connect the airport to Ashford, including Ashford International Railway Station, the M20 and London beyond. Furthermore, Policy SS1 now states that should development proposals come forward for the further expansion of London Ashford Airport at Lydd, the Council will work with the airport, local

community, and other stakeholders to prepare and adopt an Area Action Plan for the site. If this were to occur, this Area Action Plan would be subject to Strategic Environmental Assessment (SEA).

- 2.49 A minor negative effect is recorded in relation to SA objective 7 (Efficient Use of Land) because residential development is proposed on a site to the north west of New Romney, which comprises greenfield land. However, it is Grade 4 agricultural land and is therefore not considered the best and most versatile agricultural land. Additionally, the site is not safeguarded for potential mineral extraction.
- 2.50 A minor negative effect has been recorded against SA objective 4 (Historic Environment) due to the allocated areas falling within close proximity to a number of known heritage assets and potential archaeological remains. Despite this, the policy requires new development to respect the historic character of the town and improve the setting of historic buildings, including minimising the impact of through traffic within the High Street. Archaeological constraints are required to be examined, with associated mitigation provided at an early stage. Therefore, any adverse effect is only considered to be minor if not negligible.
- 2.51 Minor mixed effects are recorded in relation to SA objectives 3 (Landscape/Townscape), 5 (Biodiversity) and 6 (Green Infrastructure). The negative effects acknowledge the area of greenfield land being lost and the effects this has on the rural character of the town and the potential for habitat fragmentation in close proximity to a SSSI. The positive effects acknowledge the policy's requirement for measures to provide visual and nature conservation enhancement for the benefit of the site and local community and the supporting text's emphasis on the importance of a landscape assessment so as to ensure the integration of the town's extension within the rural landscape of the Romney Marshes.
- 2.52 New Romney is located in an area of strategic coastal flood risk generating the potential for adverse effects against SA objectives 8 (Water Quality) and 9 (Flood Risk); however, the plan acknowledges that the broad location identified for growth within the policy is 'relatively free from tidal flood risks'. The policy requires flooding and surface water attenuation and drainage management measures informed by a Strategic Flood Risk Assessment (SFRA). On a related note, the supporting text to the policy states that Romney Marsh has a sensitive hydrology and high standards are set for water conservation, although these are not set out in the policy. Therefore, adverse effects are not recorded against these objectives.
- 2.53 Associated indirect benefits are recognised for other SA objectives as minor positive effects in **Table 2.3** associated with the policy's encouragement of good design and the need to contribute as relevant to the town's public realm.

## Cumulative and in-combination effects

- 2.54 The cumulative effects set out in paragraphs 8.94 to 8.111 in the December 2018 SA Report published alongside the Proposed Submission version of the Core Strategy Review dated January 2019 remain unchanged. This is because the effects identified for each individual policy appraised here have not materially changed from those identified in the full SA Report.

## Monitoring indicators

- 2.55 The proposed monitoring indicators for monitoring the effects of the Core Strategy Review in the December 2018 SA Report published alongside the Proposed Submission version of the Core Strategy Review dated January 2019 remain unchanged.

**Appendix 1**

SA Framework for the Folkestone & Hythe Core Strategy Review

SA Objective Reference	SA Objective	Appraisal questions: will the Plan/option lead to...?	Relationship with the SEA Topics / District's Health and Well Being
SA1	Improve the provision of homes, including affordable housing, having regard to the needs of all sections of society, including the elderly.	<p>Create strategic-scale developments that make significant contributions to local housing needs in the short, medium, and long term?</p> <p>Provision of a high-quality mix of housing developments suitable for the full range of ages and abilities in need of affordable accommodation?</p> <p>The provision of the range of types and tenure of housing as identified in the housing market assessment?</p>	Population, Human Health and Material Assets
SA2	Support the creation of high quality and diverse employment opportunities.	<p>An adequate supply of land, skills, and infrastructure (such as ICT and high speed broadband) to meet the requirements of sectors targeted for economic growth and diversification, including those set out in the District's Economic Strategy?</p> <p>New and improved education facilities which will support raising attainment and the development of skills, leading to a work ready population of school and college leavers?</p> <p>The promotion of the development of education services which retain young people through further and higher education in order to develop and diversify the skills needed to make Folkestone &amp; Hythe prosper?</p> <p>Improved access to jobs for local people from all sectors of the community that will lift standards of living?</p> <p>Enhanced vitality and vibrancy of town centres?</p> <p>Expansion or upgrading of key visitor attractions to support the visitor economy?</p> <p>Employment opportunities which address the economic consequences of the de-commissioning of Dungeness nuclear power station?<sup>4</sup></p> <p>Provision of high quality employment sites and associated infrastructure suitable for the likely continuation in a shift from manufacturing to higher skill, service industries?</p>	Population, Human Health and Material Assets
SA3	Conserve, and where relevant enhance, the quality, character and local distinctiveness of	<p>Areas of the highest landscape sensitivity (i.e. Kent Downs AONB) being protected from adverse impacts on character and setting?</p> <p>Development which considers the existing character, form and pattern of the District's landscapes, buildings and settlements?</p>	Landscape, Biodiversity, Flora and Fauna

<sup>4</sup> Power generation at Dungeness 'A' finished in 2006; that at Dungeness 'B' is currently scheduled for 2018 but EDF has applied to extend this to 2028; employment levels at the site are typically maintained for several years after operation ceases to carry out de-commissioning.

SA Objective Reference	SA Objective	Appraisal questions: will the Plan/option lead to...?	Relationship with the SEA Topics / District's Health and Well Being
	the landscape and townscape.	The protection and enhancement of local distinctiveness and contribution to a sense of place?	
SA4	Conserve and enhance the fabric and setting of historic assets.	<p>Development that avoids negative effects on listed buildings, conservation areas, scheduled ancient monuments, registered historic parks and gardens, and registered battlefields and their settings?</p> <p>Provision of appropriately scaled, designed and landscaped developments that relate well to and enhance the historic character of the District and contribute positively to its distinctive sense of place?</p> <p>Promotes the enhancement of the District's archaeological resource and other aspects of heritage, such as, parks and open spaces, and areas with a particular historical or cultural association?</p> <p>Promotes access to as well as enjoyment and understanding of the local historic environment for people including the District's residents?</p> <p>Improves participation in local cultural activities?</p> <p>Helps to foster heritage-led regeneration and address heritage at risk?</p> <p>Improves existing and provides new leisure, recreational, or cultural activities related to the historic environment?</p>	Cultural Heritage, including architectural and archaeological heritage
SA5	Conserve and enhance biodiversity, taking into account the effects of climate change.	<p>Protect and where possible enhance internationally and nationally designated biodiversity sites and species?</p> <p>Avoidance of net loss, damage to, or fragmentation of locally designated and non-designated wildlife sites, habitats and species (including biodiverse brownfield sites)?</p> <p>Opportunities to enhance and increase the extent of habitats for protected species and priority species identified in the Kent BAP or the England Biodiversity Strategy 2020?</p> <p>Opportunities for people to come into contact with resilient wildlife places whilst encouraging respect for and raising awareness of the sensitivity of these sites?</p> <p>Development which includes the integration of ecological habitats and contributes to improvements in ecological connectivity and ecological resilience to current and future pressures, both in rural and urban areas?</p> <p>Maintenance and enhancement of the ecological networks in the District?</p>	Biodiversity, Flora and Fauna

SA Objective Reference	SA Objective	Appraisal questions: will the Plan/option lead to...?	Relationship with the SEA Topics / District's Health and Well Being
		<p>N.B. Climate change is likely to impact upon habitats and thereby biodiversity. Plan policies which achieve the goals listed above should all help to enhance the ability of wildlife to adapt to a changing climate.</p>	
SA6	<p>Protect and enhance green infrastructure and ensure that it meets strategic needs.</p>	<p>Provision, stewardship and maintenance of green infrastructure assets and networks (including green open space, river/canal corridors and the coastline), ensuring that this is linked into new and existing developments, to improve the connectivity of green spaces and green networks?</p> <p>N.B. The East Kent Green Infrastructure (GI) Working Group has identified an East Kent GI Typology which encompasses the following GI types:</p> <ul style="list-style-type: none"> <li>- Biodiversity e.g. Natura 2000 sites, SSSIs, LNRs, Local Wildlife Sites.</li> <li>- Civic Amenity e.g. parks, allotments, cemeteries.</li> <li>- Linear features e.g. the Royal Military Canal, railway corridors.</li> </ul> <p>The full list of GI components of this typology is available from the District's GI Report, 2011.</p>	<p>Landscape, Biodiversity, Flora and Fauna</p>
SA7	<p>Use land efficiently and safeguard soils, geology and economic mineral reserves.</p>	<p>Development that avoids high quality agricultural land?</p> <p>Remediation of contaminated sites?</p> <p>Re-use and re-development of brownfield sites?</p> <p>Efficient use of recycled/ secondary materials?</p> <p>Protection of mineral resources and infrastructure?</p> <p>Development that protects sites valued for their geological characteristics?</p> <p>Development that avoids sterilising local mineral reserves and can be accommodated by existing or planned local mineral reserves?</p>	<p>Soil, Climatic Factors and Landscape</p>
SA8	<p>Maintain and improve the quality of groundwater, surface waters and coastal waters and the hydromorphological (physical) quality of</p>	<p>Development that will not lead to the deterioration of groundwater, surface water, river or coastal water quality, i.e. their Water Framework Directive status?</p> <p>Development where adequate foul drainage, sewage treatment facilities and surface water drainage are, or can be made, available?</p>	<p>Water, Biodiversity, Fauna and Flora</p>

SA Objective Reference	SA Objective	Appraisal questions: will the Plan/option lead to...?	Relationship with the SEA Topics / District's Health and Well Being
	rivers and coastal waters.	Development which incorporates SuDS (including their long-term maintenance) to reduce the risk of combined sewer overflows and to trap and break down pollutants?	
SA9	Reduce the risk of flooding, taking into account the effects of climate change.	<p>Avoid development in locations at risk from flooding or that could increase the risk of flooding elsewhere having regard to the District's Strategic Flood Risk Assessment, taking into account the impacts of climate change?</p> <p>Create development which incorporates SuDS (including their long-term maintenance) to reduce the rate of run-off and reduce the risk of surface water flooding and combined sewer overflows?</p>	Water, Soil, Climatic Factors and Human Health
SA10	Increase energy efficiency in the built environment and the proportion of energy use from renewable sources.	<p>Create strategic-scale developments that make significant and lasting contributions to the UK's national carbon target of reducing emissions by at least 80% from 1990 levels by 2050?</p> <p>Create connected energy networks that provide local low carbon and renewable electricity and heat?</p>	Air, Climatic Factors, and Human Health
SA11	Use water resources efficiently.	<p>Development where adequate water supply is, or can be made, available?</p> <p>Water efficient design and reduction in water consumption (e.g. rainwater recycling/grey water reuse and BREEAM)?</p>	Water and Climatic Factors
SA12	To reduce waste generation and disposal, and achieve the sustainable management of waste.	<p>Will it promote sustainable waste management practices through a range of waste management facilities?</p> <p>Will it reduce hazardous waste?</p> <p>Will it increase waste recovery and recycling?</p> <p>Will it protect existing waste facilities and infrastructure or support the delivery of new facilities or infrastructure?</p>	Soil, Climatic Factors and Material Assets
SA13	Reduce the need to travel, increase opportunities to choose sustainable	A complementary mix of land uses within compact communities that minimises the length of journeys to services and facilities and employment opportunities, increases	Air, Climatic Factors, Population and Human Health

SA Objective Reference	SA Objective	Appraisal questions: will the Plan/option lead to...?	Relationship with the SEA Topics / District's Health and Well Being
	transport modes and avoid development that will result in significant traffic congestion and poor air quality.	<p>the proportion of journeys made on foot or by cycle, and are of a sufficient density to support and enhance local services and public transport provision?</p> <p>Development in locations well served by public transport, cycle paths and walking routes?</p> <p>Development of new and improved sustainable transport networks, including cycle and walking routes, to encourage active travel and improve connectivity to local service centres, transport hubs, employment areas and open/green spaces?</p>	
SA14	Promote community vibrancy and social cohesion; provide opportunities to access services, facilities and environmental assets for all ages and abilities and avoid creating inequalities of opportunity for access.	<p>Create well-designed developments that contain compact communities with a sufficient critical mass or density to support local services and public transport provision?</p> <p>Create new opportunities to improve educational attainment, qualification levels and participation in education and training through access to existing or the provision of new educational infrastructure?</p> <p>Provision of new or enhancement of existing leisure facilities for young people, where thresholds/standards require these?</p> <p>Create opportunities to lead healthier lifestyles, including development that enhances existing and /or makes provision for and maintenance towards open spaces, sports and recreational facilities e.g. publicly available pitches, allotments, swimming pools, courts, etc.?</p> <p>Provision of new or enhanced local health services to support new and growing communities?</p> <p>Improvements to strategic public transport infrastructure?</p> <p>Reintegration of physically divided or highly linear villages or neighbourhoods through, for example, provision of central social infrastructure?</p> <p>Provision for the specific needs of disabled and older people?</p>	Population, Human Health and Material Assets
SA15	Reduce crime and the fear of crime.	Reduced levels of crime, anti-social behaviour and the fear of crime through high quality design and intervention, i.e. street layout, public space provision, passive surveillance, lighting etc.?	Population and Human Health



**Matter 1: Procedural / Legal Requirements**

**Appendix 2: Table of SA comments and the Council's responses**

## Matter 1: Procedural / Legal Requirements

**Table A1.1: Regulation 19 consultation comments received in relation to the SA for the Proposed Submission Folkestone & Hythe Core Strategy Local Plan Review (December 2018)**

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
<b>Natural England</b>	<p><b>1. Introduction</b></p> <p>Following our previous advice to the Reg 18 consultation, the CSR now contains strengthened policy wording for the garden settlement policies, in particular to mitigate impacts on views from the AONB. In light of this, Natural England concurs with the conclusions drawn in the SA.</p>	<p>Support noted.</p>
<b>Bilsington Parish Council</b>	<p><b>4. Baseline information</b></p> <p>The appraisal states "the review offers an opportunity to tailor policies that would address private vehicle use within the District, and encourage the use of more sustainable modes of transport in specific areas".</p> <p>Policy SS5 only calls for travel plans for trip generating uses it fails to address the fact that paragraph 4.123 quotes the aim of delivering 8,000 dwellings. This increase will generate additional traffic movements which need the infrastructure to support it.</p> <p>Policy SS5 needs to be strengthened to ensure that the transport infrastructure is in place before development commences. Otherwise there will be a significant increase in private car movement which is unlikely to decrease when alternative transport becomes available.</p>	<p>Noted.</p>

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
<p><b>Aldington &amp; Bonnington Parish Council</b></p>	<p><b>1. Introduction, Paragraph 1.13</b></p> <p>Whilst the sustainability Appraisal has been undertaken in accordance with the National Planning Policy Framework there is no evidence included to suggest that there has been compliance with a Duty to Co-operate. Throughout the document, reference is made only (but multiple times) to even the smallest neighbouring villages and towns within the Folkestone and Hythe District, whilst, in contrast, there is not a single mention of the immediately neighbouring parish of Aldington, which, while located within the Parliamentary constituency of Folkestone &amp; Hythe, for administrative purposes is located within the neighbouring Borough of Ashford. Similarly, the other two Ashford Borough parishes that border Folkestone &amp; Hythe District are not mentioned in the Sustainability Appraisal.</p> <p>A full appraisal needs to be carried out on the effects of the core strategy on all the parishes adjoining the District, including those in the neighbouring administrative area, as they too are enduring growth and they too will be impacted by the proposed developments in Sellindge and at the new garden town.</p>	<p>The SA of the CSR has considered effects on neighbouring plan areas throughout the appraisal of CSR policies and site allocations and their reasonable alternatives and consideration of the cumulative effects of the Plan.</p> <p>Chapter 8 considers the effects of the Proposed Submission Core Strategy Review in combination with the other policies within the Core Strategy in 2013, the District Council’s Proposed Submission Places and Policies Local Plan (PPLP) and finally the wider regional cumulative effects of delivering the growth set out in the Core Strategy Review and Proposed Submission PPLP in combination with the planned growth in the neighbouring authorities of Ashford Borough, Canterbury City, Dover District and Rother District. This assessment acknowledges the potential for significant negative effects against the following SA objectives in the SA framework: 2 (employment), 3 (Landscape), 5 (Biodiversity), 7 (Efficient Use of Land), 9 (Flood Risk) and 14 (Community Cohesion, Services and Facilities), and significant positive effects against SA objectives 2 (Employment), 14 (Community Cohesion, Services and Facilities) and 13 (Sustainable Transport).</p>
	<p><b>1. Introduction, Paragraph 1.12</b></p> <p>The growth options used to inform the Core Strategy Review are flawed in that the high level options tested, whilst relevant, are based on assumptions that are open to interpretation and not necessarily reliable. In terms of the major developments proposed for Sellindge and the new Garden Town the commuting patterns and travel to work areas have not been adequately publicised to enable a true aspect to be seen.</p> <p>Neither of these major developments show large-scale employment opportunities, it could be assumed that at Sellindge a development of 600 dwellings could lead to employment needs for at least 1,200 and the Garden Town of 6,375 dwellings an employment need of upwards of 12,750. This will result in commuting patterns outside of the development and potentially outside of the area.</p>	

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
	<p>The increased commuting patterns will lead to traffic congestion and other transport infrastructure issues, not just on main roads but also on rural roads, including those in neighbouring parishes within Ashford Borough.</p> <p>There is no evidence of the duty to cooperate with neighbouring authorities having been effectively applied.</p> <p>To be fully effective, the Sustainability Appraisal should be more detailed in terms of numbers so as to highlight potential conflicts with other policies and show collaboration with adjoining local planning authorities who are also under pressure to deliver new homes.</p>	<p>Moreover, the SA has been consulted on at each stage of its development, including statutory consultees and neighbouring planning authorities and organisations.</p>
	<p><b>4. Baseline Information, Paragraph 4.137</b></p> <p>The commentary of this paragraph on deprivation and social inclusion is inappropriate in that the area of the North Downs where the majority of the development for Folkestone and Hythe District is planned is currently an area of low deprivation. Given the large number of residents likely to be moving into this area, no evidence is provided to suggest that a similar or larger number of jobs is likely to be created for them, particularly within the North Downs area itself.</p> <p>With the strategy as prepared, the levels of deprivation could potentially increase as the number of potential workers moving into the area and the neighbouring planning authority is far in excess of any likely increases in the employment market.</p> <p>Greater emphasis needs to be placed on the provision of employment in the locality rather than reliance upon commuting, which places additional burdens on the road infrastructure and the already stretched public transport services. No clear evidence has been provided within the Core Strategy to show that the provision of a high-speed service from Westenhanger can become a reality.</p>	<p>The baseline information relating to deprivation and social inclusion was collected from the 2015 English Index of Multiple Deprivation.</p> <p>According to Paragraph 4.131 (fifth bullet point), the majority of least deprived SOAs in Folkestone &amp; Hythe are located in the north of the District, in the vicinity of the M20 motorway, the Kent Downs and on the outskirts of Folkestone/Hythe.</p> <p>The Proposed Submission Core Strategy Review states a significant number of jobs will be created within the garden town, which will provide employment opportunities for nearby towns and the wider area. Policy SS2 states that the CSR will deliver approximately 20 ha industrial warehousing and office space and 35,000 sqm of retail space. Policy SS6 states that the new garden settlement must aspire to</p>

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
	<p><b>5. Sustainability Appraisal Framework, Table 5.1 SA Objective 13</b></p> <p>The SA 13 objective to “reduce the need to travel, increase opportunities to choose sustainable transport modes and avoid development that will result in significant traffic congestion and poor air quality” has only partly been considered, especially in respect of the proposals for Sellindge and Otterpool Park Garden Town, both of which border onto Aldington. With regard to the traffic-modelling exercise, there is no mention of the A20 exit from Sellindge towards Ashford, the neighbouring borough. All statistics have been calculated on the assumption that all traffic will head towards Folkestone to join the M20 when heading towards Ashford. This is disingenuous: Ashford-bound traffic will likely flow west along the A20; and London-bound traffic, likewise west to J10/10A of the M20, rather than going east to J11. Local residents all know of the significant delays that already occur at J10, which are supposedly being reduced with the construction of J10A; this has taken years from initial planning to construction, and it is as yet unknown as to whether it will have the desired effect.</p> <p>When bus travel is mentioned, again this is focused in the opposite direction, away from Ashford. The Core Strategy and its associated Appraisals are written as though the District’s western border is at the edge of the world, and not adjoining several rural villages which happen to be located in another administrative district.</p> <p>In summary, the Sustainability Appraisal is unsound as it has been completely blind to parishes in the neighbouring borough of Ashford and the growth options considered appear only to relate to the Folkestone and Hythe District. To support this contention: Sellindge is referenced in the document 520 times; Lympne 140 times; while the parish of Aldington, which adjoins both, is not mentioned once.</p> <p>A full appraisal needs to be carried out on the effects of the core strategy on all the parishes adjoining the District, including those in the neighbouring administrative</p>	<p>deliver at least 1 job per dwelling, resulting in the creation of a minimum of 6,375 new jobs in the new garden settlement.</p> <p>The SA of the CSR has considered effects on neighbouring plan areas throughout the appraisal of CSR policies and site allocations and their reasonable alternatives and consideration of the cumulative effects of the Plan.</p> <p>Chapter 8 considers the effects of the Proposed Submission Core Strategy Review in combination with the other policies within the Core Strategy in 2013, the District Council’s Proposed Submission Places and Policies Local Plan (PPLP) and finally the wider regional cumulative effects of delivering the growth set out in the Core Strategy Review and Proposed Submission PPLP in combination with the planned growth in the neighbouring authorities of Ashford Borough, Canterbury City, Dover District and Rother District. This assessment acknowledges the potential for significant negative effects against the following SA objectives in the SA framework: 2 (employment), 3 (Landscape), 5 (Biodiversity), 7 (Efficient Use of Land), 9 (Flood Risk) and 14 (Community Cohesion, Services and Facilities), and significant positive effects against SA objectives 2 (Employment), 14</p>

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
	<p>area, as they too are enduring growth and they too will be impacted by the proposed developments in Sellindge and at the new garden town.</p>	<p>(Community Cohesion, Services and Facilities) and 13 (Sustainable Transport).  Furthermore, the SA has been consulted on at each stage of its development, including statutory consultees and neighbouring planning authorities and organisations.</p>
<p><b>Highways England</b></p>	<p><b>6. Appraisal of High Level Growth Options</b></p> <p>The accompanying Sustainability Appraisal (SA) of the Review of the Core Strategy sets out the context and framework for the SA of the Core Strategy Review and reports the appraisal findings of growth options tested to inform the preferred Core Strategy Review policies, as well as the appraisal findings of the policies in the Proposed Submission Core Strategy Review.</p> <p>We have reviewed the Sustainability Appraisal (SA) and have the following comments. Our comments are related only to issues that we consider will affect the SRN.</p> <ul style="list-style-type: none"> <li>• The SA Review of the Core Strategy uses a framework of 15 SA objectives; of these, SA13 is most relevant to Highways England’s interests. The SA13 objective is <i>“Reduce the need to travel, increase opportunities to choose sustainable transport modes and avoid development that will result in significant traffic congestion and poor air quality”</i>.</li> <li>• SA2 is also relevant to our interests due to the way locations have been considered against it. SA2 is <i>“Support the creation of high quality and diverse employment opportunities”</i>. As detailed below, this has some implications for the SRN in the way it has been applied.</li> </ul>	<p>Noted.</p> <p>The SA Framework was developed and consulted on at the scoping stage in December 2016 and subsequently during consultation on the draft and proposed submission CSR and associated SA Reports.</p>

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
	<ul style="list-style-type: none"> <li>• The findings against these SA objectives are summarised for six “character areas”:               <ul style="list-style-type: none"> <li>○ Character area 1: Kent Downs.</li> <li>○ Character area 2: Folkestone and Surrounding Area.</li> <li>○ Character area 3: Hythe and Surrounding Area.</li> <li>○ Character area 4: Sellindge and Surrounding Area (which is further divided into four sub-areas).</li> <li>○ Character area 5: Romney Marsh and Walland Marsh.</li> <li>○ Character area 6: Lydd, New Romney and Dungeness</li> </ul> </li> <li>• The character area findings for the SA objectives are given in Section 6. These are limited in detail at this stage, but appear to have a reasonable overall approach. However, a few areas for improvement are noted:               <ul style="list-style-type: none"> <li>○ Paragraph 6.48, regarding SA2, suggests that access to existing strategic road infrastructure is expected to have a positive effect on this objective (the creation of high quality and diverse employment opportunities). While it is accepted that SRN access can reduce congestion on lower-order roads which are less able to accommodate heavy traffic, Highways England aims to encourage development in locations that are or can be made sustainable, that allow for uptake of sustainable transport modes and support wider social and health objectives. As such, while limiting congestion is important, this should not be achieved in a way that could potentially encourage an increase in overall car use, even if the road network could accommodate such traffic in that location.</li> <li>○ Similarly, Paragraphs 6.65 and 6.66, regarding SA13, attribute a similarly positive effect to proximity to the SRN (notwithstanding that these paragraphs also attribute a positive effect to access to sustainable modes also, which is welcomed).</li> </ul> </li> </ul>	

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
	<ul style="list-style-type: none"> <li>○ These comments also apply to the SA scoring of locations in Appendices 3 and 4.</li> </ul>	
<b>Kent Downs AONB Unit</b>	<p><b>6. Appraisal of High Level Growth Options, Table 6.2 and Paragraph 6.37</b></p> <p>The Kent Downs AONB Unit disagrees with many of the scores assigned in relation to the North Downs Character Area, and it is considered that the impacts of strategic scale development on SA Objective 3b, Landscape is significantly underestimated in respect of potential impacts on the Kent Downs AONB.</p> <p>Table 6.2 – The Kent Downs AONB Unit disagrees with the SA Score for Area B of Character Area in respect of SA Objective 3: landscape, where proximity to and visibility from the AONB means that much of this sub area would be highly visible from the nationally protected landscape of the Kent Downs AONB.</p> <p>6.37 – We would contend that the majority of Area B forms the setting for the AONB, rather than ‘some’ of Area B as stated. It forms the setting not just because it borders the AONB (as stated), but because of the inter visibility between this area and the AONB, principally from the escarpment of the Kent Downs to the north. We also query the contention that ‘portions of Area B have been identified as capable of accommodating strategic development without the need for extensive landscape mitigation’. The AONB Unit does not consider that this is the case, with the majority of area B being visible from large swathes of the AONB. It is considered an LVIA is required at this stage to justify such a contention. In view of this we consider a significant negative effects would be more appropriate than the minor negative effect that has been assigned to Area B.</p> <p><b>7. Appraisal of Special Options at Otterpool &amp; Sellindge, Table 7.1 and Paragraph 7.20</b></p> <p>The AONB Unit disagrees with findings for Otterpool A site in respect of SA3 and consider both sites A and B would have significant negative effects, in view of the visibility of the site from the highly sensitive Kent Downs landscape. The topography of the site means that the higher parts of the slope at the western end</p>	<p>The effects recorded against SA objective 3 during the appraisal of the six Character Areas and associated Character Area 4 sub areas (see Appendix 2) drew on the findings of the District’s High Level Landscape Appraisal (2017).</p> <p>The subsequent appraisal of the draft policies set out in the Draft Core Strategy Review (March 2018), including Policy SS6, drew on the same evidence acknowledging that “<i>the development of the new settlement would occur on mostly undeveloped greenfield land and as such would have an adverse impact on the openness and rural character of the countryside</i>”.</p> <p>In response to concerns raised by the Kent Downs AONB Unit and Natural England at the Regulation 18 consultation stage in March 2018 regarding landscape, additional text was added to policies within the Proposed Submission version of the Core Strategy Review. Policy SS6 now requires that the new garden town’s distinctive townscape and outstanding accessible landscape must be informed by the historic character of the area, respond to its setting within the Kent Downs AONB landscape and mitigate impact in views from the scarp of</p>



## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
	<p>of the site, immediately north of Aldington Road would be particularly visible in views from the north.</p> <p><b>8. Appraisal of Proposed Submission Core Strategy Review, Tables 8.2 and 8.3</b></p> <p>Table 8.2 – We disagree with the mixed minor effects assigned to SA Objective SA3 in respect of policies SS1, SS2, SS3 and SS4. Allocating strategic large scale development on land in the setting of the Kent Downs AONB is likely to result in significant detrimental effects on the landscape. It is acknowledged that the policy would have some benefits in restricting development in other sensitive areas, but a significant impact on the landscape would nevertheless occur.</p> <p>Table 8.3 – We disagree with the ‘mixed minor effects’ assigned in respect of SA3 for policies SS6, SS7, SS8 and SS9. Large areas of the strategic allocation are visible from the AONB without any landscape mitigation, but notwithstanding this, we do not consider a development of the scale and density proposed is capable of being satisfactorily mitigated in views from the AONB.</p>	<p>the Kent Downs. Similar text was added to policies SS7, SS9 and CSD9 (Sellindge).</p> <p>The effects recorded against SA objective 3 during the appraisal of Area B drew on findings of the District’s Growth Options Study Phase Two Report (2017) and High Level Landscape Appraisal (2017). In the appraisal matrix for Area B in Character Area 4, we state that Area B is bordered by the Kent Downs AONB. In line with the SA Framework, Area B scores a minor negative effect.</p> <p>The Growth Options Study Phase Two Report (2017) states that land within Area B located west of Barrowhill, between Barrowhill and Westenhanger on the site of the former racecourse, would be suitable strategic development without need for extensive mitigation.</p> <p>As stated in Paragraph 6.21, the effects against SA objective 3 are expected to be more significant where development would take place within or in close proximity to the AONB, including areas which make up its setting as well as in areas which have been identified as having high sensitivity in terms of landscape character in Folkestone &amp; Hythe’s High Level Landscape Appraisal (2017). According to the High Level Landscape Appraisal, the Landscape Character Area in which Area B falls is</p>

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
		described as having medium landscape sensitivity.
<b>Kent County Council – Growth, Environment and Transport</b>	<b>Appendix 2</b> Reference to the Energy White Paper: Our Energy Future (2003) echoes the policy to reduce carbon emissions by 60% by 2050. It should be noted that this policy is slightly outdated, and the current policy is to reduce carbon emissions by 80% by 2050. This target is being reviewed in light of current understanding and may lead to a zero carbon target by 2050.	Noted.
<b>Sellindge Parish Council</b>	<b>Appendix 4</b> Sellindge B should not be considered until well after 2050. Sellindge C is totally unacceptable as it includes the nature reserve provided by site B in policy CSD9 plus blatant backfilling to Swan Lane. Sellindge D is also totally unacceptable due to the same reason for Sellindge C plus it will introduce a built environment to the east boundary to the village.	Sellindge site allocation options C and D both scored a significant negative effect against SA objective 5: biodiversity, due to the fact it contains areas of BAP priority habitat and falls within 40m of Gibbin’s Brook SSSI. The appraisal of CSD9 acknowledges that the development on land to the south and east of the exiting village will be located on greenfield land, resulting in the potential for habitat loss and fragmentation. Furthermore, development to the east of the village is located within 450m of Gibbins

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
		<p>Brook SSSI, generating the potential for increased recreational pressures on the SSSI. However the SA also acknowledges that the supporting text of the policy requires that impacts on the SSSI should be minimised and funding provided for its enhancement and protection. Furthermore, the policy requires that the growth be incorporated within and bordered by appropriate landscape, including a new village green/common, substantial woodland planting at the rural edges of the village, all of which have the potential to deliver new habitats for priority nature conservation species. Overall, a mixed effect (minor positive/minor negative) is therefore expected on this SA objective.</p>

## Matter 1: Procedural / Legal Requirements

**Table A1.2: Regulation 19 consultation comments received in relation to the HRA for the Proposed Submission Folkestone & Hythe Core Strategy Local Plan Review (December 2018)**

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
<p><b>Natural England</b></p>	<p>As a minor note upfront, the HRA makes reference to the Conservation of Habitats and Species Regulations 2010 (para 2.6), which should be updated to the Conservation of Habitats and Species Regulations 2017 (as amended).</p> <p>We also note the HRA is based on the housing level which includes the garden settlement allocation of 6,375 homes, for the Local Plan period up to 2036/7, and that this has risen from 5,500 in the Reg 18 consultation. The envisaged ultimate quota for the allocation beyond the plan period is still 10,000 homes, which will need to be assessed and subject to the subsequent Local Plan reviews and associated HRAs, which should be noted in this current CSR.</p> <p>The CSR and HRA should also emphasise that any forthcoming application for the garden settlement will need to provide supporting information for a project-level HRA.</p> <p>In our previous Reg. 18 advice, we noted that whilst the CSR HRA has clearly included the emerging PPLP for in-combination assessment in terms of air quality, this is less clear for the other impact pathways, principally recreation pressure, on European sites. Whilst the PPLP HRA concluded no adverse effect on integrity for European sites (reiterated in para 1.12 of the CSR HRA), including recreation pressure, with which Natural England concurred, we advise the CSR HRA should make clear the PPLP has been assessed in combination for all impact pathways.</p>	<p>The latest Conservation of Habitats and Species Regulations 2017 have been review and are noted. In addition, the HRA of Main Modifications to the CSR will make it clear that the assessment of in-combination effects included consideration of all potential effects on European Sites. If no Main Modifications to the CSR are identified then a HRA clarification note will be published to confirm all forms of in-combination effects were considered during the HRA of the Proposed Submission CSR.</p>

## Matter 1: Procedural / Legal Requirements

	<p>We note the updated HRA now takes account of the recent People over Wind judgment where avoidance and mitigation measures cannot be taken into consideration at the screening stage for likely significant effect.</p> <p>In light of this, we concur with the European sites (including Ramsar sites) identified which may be affected by the CSR, and the screening assumptions as displayed in Table 2.2.</p> <p>Natural England concurs with the findings of the HRA of no likely significant effect in relation to air quality and recreational impact on the following European sites:</p> <ul style="list-style-type: none"><li>• Blean Complex SAC</li><li>• Dover to Kingsdown Cliffs SAC</li><li>• Lydden and Temple Ewell Downs SAC</li><li>• Parkgate Down SAC</li><li>• Wye and Crundale Downs SAC</li></ul> <p><b>Dungeness protected sites – recreational pressure</b></p> <p>With regard to recreational pressure, the evidence base for the Sustainable Access and Recreation Management Strategy (SARMS), namely the 2014-15 visitor surveys which have come to light since the adoption of the 2013 Core Strategy, demonstrate the majority of the potential recreational pressure, and increase in pressure, would be from visitors through tourism. The bulk of visitors come from far beyond the Folkestone &amp; Hythe District (approximately 75% of visitors come from up to 87km away).</p> <p>Natural England envisages the SARMS will enable a series of precautionary measures to be implemented across the protected sites, particularly through stakeholder partnership. However we consider the appropriate means for funding for the SARMS are still to be discussed and agreed. At this stage we would not advocate developer contributions from local proposals in the district, based on the evidence. We advise that the council, as well as Rother District Council, should address the funding needs through their respective tourism growth plans.</p> <p>Natural England is due to meet with the Council to discuss the emerging SARMS in more detail, of which its governance and funding will form a key part.</p>	<p>Support noted.</p>
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## Matter 1: Procedural / Legal Requirements

With regard to the garden settlement, given its distance away from the Dungeness protected sites, and that it will provide considerable onsite greenspace provision, we do not consider this allocation will have a likely significant effect on the Dungeness sites through recreational pressure.

Ultimately, we advise the SARMS should not be considered as specific avoidance mitigation for local development coming forward, but that it provides useful policy context against which the CSR can be assessed. We consider the CSR, alone and in-combination with other plans and projects, can be screened out from having a likely significant effect through recreational pressure on the Dungeness protected sites at this stage, and does not need to be taken forward to Appropriate Assessment.

We advise the HRA should be updated to reflect this.

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
	<p><b>Folkestone to Etchinghill Escarpment SAC – air quality and recreational pressure</b></p> <p>Natural England’s advice has not significantly changed since our previous response to the Reg 18 consultation. That is, we concur with the conclusion made of no adverse effect on integrity on the Folkestone to Etchinghill Escarpment SAC for the CSR alone and in-combination, in terms of air quality.</p> <p>As a precautionary measure however, given this site’s proximity to key traffic routes and its vulnerability to air pollution, we support the commitment by the Council to undertake monitoring of air quality along the A20 in proximity to the SAC, to review the situation and enable changes to onsite management where necessary, in conjunction with ourselves.</p> <p>For recreation pressure, given the garden settlement will provide substantial onsite greenspace and open access, Natural England concurs that the CSR, alone and in-combination, will not have an adverse effect on integrity on this site.</p> <p><b>Dungeness, Romney Marsh and Rye Bay Ramsar , Special Protection Area (SPA) and Dungeness SAC – air quality, physical damage/ loss, water quantity/ quality</b></p> <p>advised in our previous response to the Reg 18 consultation, we concur with the conclusion made of no adverse effect on integrity on the Dungeness sites for the CSR alone and incombination in terms of air quality, physical damage/ loss and water quantity/ quality.</p>	<p>Support noted.</p>

## Matter 1: Procedural / Legal Requirements

**Table A1.3: Regulation 19 consultation comments received in relation to the Historic Environment Assessment for the Proposed Submission Folkestone & Hythe Core Strategy Local Plan Review (December 2018)**

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
<p><b>Member of the general public (ref. 1202432)</b></p>	<p>I am concerned that the Roman Villa /Palace unearthed on what will be Otterpool Park is not damaged in any way, it should be preserved at all costs and made into a covered asset for people to visit. I am not against the development of Otterpool as housing will be needed over the years to come, but wilful destruction of a historic monument would be the last straw. Could you please give me your assurance that the Villa/Palace will be separate from the development.</p>	<p>Submission Draft Policies SS6, SS7, SS8 and SS9 associated with the allocation and development management of the new garden settlement require the development of a heritage strategy that identifies how the development will enhance local heritage assets and their setting designated and non-designated heritage assets and setting out how the long term, viable use of heritage assets will be established and where necessary providing mechanisms for their integration into the development. IN addition, the policies require the heritage strategy to include an archaeology strategy, with an initial archaeological assessment guiding archaeological works and to inform decisions about preservation in situ or investigation. The archaeology strategy should then be kept under active review. Furthermore, the supporting text to these policies acknowledges the valuable contribution the area's heritage assets, in particular Westenhanger Castle and its setting, together with other non-designated heritage assets, can make a significant contribution to the character of the new</p>



## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
		settlement that can help attract future residents, businesses and visitors and create a strong sense of place from the outset.

**Table A1.4: Regulation 19 consultation comments received in relation to the SA Appraisal Addendum (November 2019)**

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
<b>Natural England</b>	<p><b>1.4 - 1.11</b></p> <p>Natural England concurs with the LPA’s conclusions of no change to the HRA and SA conclusions as a result of the increased housing requirement.</p>	Support Noted
<b>KCC</b>	<p><b>Appendix 1 - SA2, SA6, SA10, SA13 and SA14</b></p> <p>SA2: The PRoW network is a valuable resource that provides significant opportunities as the ROWIP can help contribute towards a robust infrastructure that enables development and encourages economic growth leading to regeneration and attraction of new businesses. A high quality transport network, which enables the public to move around quickly and easily, is an essential requirement for economic growth and prosperity. The PRoW Network can support public transport and the wider highway network, by providing opportunities for recreation and commuting, especially short distance journeys.</p> <p>SA6: KCC requests a specific reference to the ROWIP here to enable access to high quality open green spaces and opportunities for outdoor recreation which should be a priority. The Core Strategy review should aim to increase the provision of accessible green spaces and improve opportunities to access this resource in relatively deprived areas. Good public transport and active travel links with open spaces should be made</p>	<p>Noted.</p> <p>The SA Framework was developed and consulted on at the scoping stage in December 2016 and subsequently during consultation on the draft and proposed submission CSR and associated SA Reports.</p>

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
	<p>available, so that the public are not dependent on private vehicle use for visiting these sites. The District Council should also be aware that the County Council is currently working in partnership with Natural England to establish the England Coast Path in this region. This is a new national trail walking route, expected to be completed by 2020, which will secure new access rights for the public to explore the coastline.</p> <p>SA10: This policy should ensure that new developments incorporate good sustainable transport connections, with a high-quality walking and cycling infrastructure available, which can link local amenities together. Replacing private vehicle journeys with active travel should help to address targets for lowering carbon emissions and improving air quality as well as improving public health.</p> <p>SA13: KCC requests a specific mention of the ROWIP, and a specific mention should be made of improving and enhancing the PRow network to enable high quality, safe and attractive walking and cycling connections from new developments to community facilities. An increased population will undoubtedly add to the pressure and importance of the PRow network. Policy should ensure that new developments incorporate good sustainable transport connections providing extensive opportunities of walking, cycling and equestrian activities with multiple benefits, from a health, economic and environmental perspective. The use of PRow contributes significantly towards reducing future health risks and providing an economic boost to the area. Walking and cycling, which are enabled by PRow, also offer opportunities for low carbon recreational activity and active travel.</p> <p>SA14: Policies designed to protect and improve access for all users to open spaces, sports facilities, educational and recreational facilities are welcomed. Improved connectivity should encourage recreational and leisure activity, including access to country parks and other facilities of high leisure use. KCC would again request specific mention of the PRow network as a means of achieving these policy objectives.</p> <p><i>Suggested Changes</i></p>	

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
	<p>A6: KCC requests a specific reference to the ROWIP here to enable access to high quality open green spaces and opportunities for outdoor recreation which should be a priority.</p> <p>SA13: KCC requests a specific mention of the ROWIP, and a specific mention should be made of improving and enhancing the PRow network to enable high quality, safe and attractive walking and cycling connections from new developments to community facilities.</p> <p>SA14: KCC would again request specific mention of the PRow network as a means of achieving these policy objectives.</p>	
	<p><b>Appendix 2 - SA3 - SA15</b></p> <p>SA3 – SA15: KCC PRow and Access Service are part of the wider partnership guiding development in the new garden settlement, and specifically the development of a new access strategy for the development, which covers all the objectives here. KCC requests specific mention of this involvement, as the enhancement and improvement of the PRow network will only be of benefit to the new settlement and the wider surrounding area. This will be an access strategy that seeks to protect and enhance existing public rights of way and create new public rights of way balancing demands for public access with ecological and landscape protection.</p> <p><i>Suggested Changes</i></p> <p>SA3 – SA15: KCC requests specific mention of the KCC PRow and Access Service's involvement as part of the wider partnership guiding development in the new garden settlement, and specifically the development of a new access strategy for the development, which covers all the objectives here.</p>	<p>Noted.</p> <p>The SA Framework was developed and consulted on at the scoping stage in December 2016 and subsequently during consultation on the draft and proposed submission CSR and associated SA Reports.</p> <p>SA3 – SA15 each deal with a particular issue which the PRow would probably not influence (such as water efficiency). Only SA13 could be influenced by PRow.</p>

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
<p><b>CPRE Shepway</b></p>	<p><b>Review of Policies, Plans and Programmes – 1.12</b></p> <p>The NPPF at paragraph 149 requires plans to take a proactive approach to mitigation and adapting to climate change.</p> <p>On 12 June 2019 the Prime Minister announced that the UK will eradicate its net contribution to climate change by 2050. A statutory instrument was laid in Parliament which amended the net UK carbon account target from 80% to 100%<sup>1</sup>.</p> <p>The recent House of Commons Science and Technology Committee report<sup>2</sup> in its conclusions and recommendations encourages the Government “to develop and act on policies to ensure that the UK is on track to meet a 2050 net-zero emissions target” and that “it must seek to achieve this through, wherever possible, domestic emissions reduction.”<sup>3</sup> With regard to decarbonising transport the Committee state “The Government’s current long-term for decarbonising transport focus heavily on reducing exhaust emissions and increasing sales of low-emissions vehicles, rather than delivering a low-emissions transport system. In the long-term, <b>widespread personal vehicle ownership does not appear to be compatible with significant decarbonisation.</b> The Government should not aim to achieve emission reductions simply by replacing existing vehicles with lower-emission vehicles.” And continues “it must develop a strategy to stimulate a low-emissions transport system, with the metrics and targets to match. This should aim <b>to reduce the number of vehicles required</b>, for example by: promoting and improving public transport; reducing its cost relative to private transport; encouraging vehicle usership in place of ownership; and encouraging and <b>supporting increased levels of walking and cycling.</b>”<sup>4</sup>[CPRE Kent emphasis].</p> <p>This change will need to be taken into consideration.</p> <p><sup>1</sup> The Climate Change Act 2008 (2050 Target Amendment) Order 2019: <b>2.</b>—(1) Section 1 of the Climate Change Act 2008</p> <p><sup>2</sup> House of Commons Science and Technology Committee 20<sup>th</sup> Report – Clean Growth: Technologies for meeting the UK’s emissions reduction</p>	<p>Noted.</p> <p>The SA Framework was developed and consulted on at the scoping stage in December 2016 and subsequently during consultation on the draft and proposed submission CSR and associated SA Reports.</p> <p>The SA Framework sets out a number of objectives that consider issues with climate change (for example SA5. Conserve and enhance biodiversity, taking into account the effects of climate change).</p> <p>On the whole, the Garden Settlement policies score well against the SA Objectives.</p>

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
	<p>targets. <a href="https://publications.parliament.uk/pa/cm201719/cmselect/cmsctech/1454/145402.htm">https://publications.parliament.uk/pa/cm201719/cmselect/cmsctech/1454/145402.htm</a></p> <p><a href="#">3</a> Ibid Conclusions and recommendations paragraph 3</p> <p><a href="#">4</a> Ibid Conclusions and recommendations paragraph 31</p> <p><i>Suggested Changes</i></p> <p>Demonstrate how development in the district, especially that at Otterpool Park for which design codes have not yet been drafted will contribute to the national 2050 target.</p>	
	<p><b>Appendix 2 - SA matrices</b></p> <p>The only assessment is the Assessment of Policies SS6, SS7, SS8 and SS9: Guiding Development within a New Garden Settlement on pages 20 to26.</p> <p>Windfall sites will now provide 10.5% of all dwellings. Given that there is no knowing where they will be located what controls are proposed so that they will meet the SA Objectives, for example:</p> <ul style="list-style-type: none"> <li>• SA7 Use land efficiently and safeguard soils etc. Will all windfall sites achieve this?</li> <li>• SA13 Reduce the need to travel. Will windfall sites be located in sustainable locations supporting public transport and active travel; and be well located to local service centres etc.?</li> </ul> <p><i>Suggested Changes</i></p> <p>Consider the effect of windfall sites.</p>	<p>Paragraph 1.13 sets out why policies that had not changed enough to generate new significant effects since the SA of the adopted Core Strategy in 2013 had not been specifically tested. Only those that had changed significantly or where new were tested in the SA. All policies were tested for in-combination effects.</p> <p>Windfall sites will be permitted against the Policies in the CSR and the PPLP, which have been tested through the SA process.</p>

**Table A1.4: Regulation 19 consultation comments received in relation to the HRA Appraisal Addendum (November 2019)**

## Matter 1: Procedural / Legal Requirements

Consultee	Consultation comments – summarised where appropriate	Response and any action taken to address consultation comment in the updated SA Report
<p><b>Natural England</b></p>	<p><b>Paragraphs 1.3 - 1.5</b></p> <p>Natural England concurs with the LPA’s conclusions of no change to the HRA and SA conclusions as a result of the increased housing requirement.</p>	<p>Noted.</p>
<p><b>CPRE Shepway</b></p>	<p><b>Table 1.1</b></p> <p>Total of column 3 should be 13,160 to match Table 4.3 of the first submission draft.</p> <p><i>Suggested Change</i></p> <p>delete 12,845, substitute 13,160</p> <hr/> <p><b>1.8, 1.9 and 1.12</b></p> <p>It is not clear why only 7,700 new homes out of 13,515 are considered.</p> <p>The plan total provision has increased from 12,845 (or 13,160) homes to 13,515, we do not therefore understand how this can be said at paragraph 1.12:</p> <p>"Given that the proposed changes to the provision of housing in relation to SS6 <b>will not result in additional site allocations within the district ...</b>"</p> <p><i>Suggested Change</i></p> <p>The assessment needs to be re-done or the reasons for the apparent discrepancy in housing numbers needs to be explained within this document.</p>	<p>Agreed.</p> <p>Whilst the individual figures for the source for housing supply are correct, the overall figure should be 13,160.</p> <hr/> <p>The air quality impact of the housing numbers in the PPLP had already been modelled. The modelling for the CSR tested an additional 8,000 dwellings on top of the PPLP results. Therefore a figure greater than the total number of dwellings has been considered.</p> <p>Because the new figure of 7,700 additional homes fell below the modelled 8,000 it was concluded that the results were still relevant.</p>

# Core Strategy Review - Inspectors' Matters

Matter 2: The Duty to Cooperate

July 2020



**Matter 2: The Duty to Cooperate**

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## **Matter 2: The Duty to Cooperate**

# **Inspectors' Questions for Matter 2**

### **Housing needs, the housing requirement and housing provision**

1. Who has the Council engaged with in terms of housing needs, the housing requirement and housing provision and what form has this taken?
2. What are the inter-relationships with other authorities in terms of migration, commuting, housing markets and service provision?
3. How have the issues of housing needs, the housing requirement and housing provision been addressed through co-operation, including the revised housing requirement? What are the specific outcomes for example in terms of statements of common ground?
4. What is the position of other authorities in terms of the approach to identifying and meeting housing needs? Have specific concerns been raised through duty to co-operate discussions or representations?
5. Are there any issues of unmet need to be addressed?

### **The New Garden Settlement**

6. What are the cross-boundary issues raised by the proposed New Garden Settlement for example in relation to transport and service provision?
7. Taking each of these in turn, how have they been addressed through cooperation and what has been the outcome of that co-operation? How has that affected the policies within the Core Strategy Review?

### **Other strategic matters**

8. Are there other genuinely strategic matters as defined by S33A(4) of the Planning and Compulsory Purchase Act 2004 (as amended)?
9. If so, how have they been addressed through co-operation and what is the outcome?

## **Matter 2: The Duty to Cooperate**

### **Overall**

10. In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Core Strategy Review?

# **Council's Response to Matter 2 Questions**

## **1. Housing needs, the housing requirement and housing provision**

### **Question 1**

Who has the Council engaged with in terms of housing needs, the housing requirement and housing provision and what form has this taken?

- 1.1 The Duty to Co-operate Statement (document reference EB 01.80) clearly sets out how and those organisations (i.e. neighbouring authorities, statutory bodies and infrastructure providers) the council has engaged constructively, actively and on an on-going basis in terms of housing needs, the housing requirement and housing provision. Appendix 1 to the Duty to Co-operate Statement (document reference EB 01.80) details and records all duty to co-operate meetings that have been held during the preparation of the Core Strategy Review.
- 1.2 Consultation responses received from statutory bodies to the emerging versions of the Core Strategy Review have separately assisted in shaping the site allocation policies that will deliver the housing requirement for the district over the plan period.
- 1.3 In January 2019 the 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 issues raised by the proposed new garden settlement. This work progressed throughout the remainder of the 2019 calendar year. As part of the dialogue, officers of Folkestone & Hythe District Council were clear to explain that the District Council was to go out to a very limited public consultation on a revision to the Regulation 19 Core Strategy in November/December 2019 to bring it 'in check' with the Government's published figures on housing requirement. An

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explanatory paragraph to this effect is contained within the prepared Statements of Common Ground.

- 1.4 Commentary on the housing need, the housing requirement and housing provision is set out below.

### Identifying the housing need

- 1.5 The national planning practice guidance<sup>1</sup> defines housing need, as follows (emphasis added):

*“Housing need is an unconstrained assessment of the number of homes needed in an area. Assessing housing need is the first step in the process of deciding how many homes need to be planned for. It should be undertaken separately from assessing land availability, establishing a housing requirement figure and preparing policies to address this such as site allocations.”*

- 1.6 The national planning practice guidance (PPG) provides clarification on the standard method for assessing local housing need, advising that (emphasis added):

*“The National Planning Policy Framework expects strategic policy-making authorities to follow the standard method in this guidance for assessing local housing need.*

*The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply.*

*The standard method set out below identifies a minimum annual housing need figure. It does not produce a housing requirement figure.”<sup>2</sup>*

- 1.7 Over the period of time the Core Strategy Review has been progressed the methodology for calculating the housing requirement has changed. The NPPF 2012 and associated PPG set out a methodology for establishing an Objectively

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<sup>1</sup> National Planning Practice Guidance, Paragraph: 001 Reference ID: 2a-001-20190220.

<sup>2</sup> National Planning Practice Guidance, Paragraph: 002 Reference ID: 2a-002-20190220.

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Assessed Need for housing in a defined Housing Market Area (HMA). On 14 September 2017, the Department of Communities and Local Government (CLG) published a consultation on potential revisions to the NPPF, including a standardised methodology for calculating the Local Housing Needs (LHN). An outline of how the housing requirement has changed over time is provided below:

- SHMA completed in 2016/17 identified a need for **633 new homes a year**;
- National methodology had identified a need for **676 new homes a year**;
- Following the publication of revised guidance in February 2019 the annual target was changed to **738 homes a year** (homes built at the end of each monitoring year); and
- Core Strategy Review is planning to meet the new national methodology figures.

1.8 Bringing together the different sources of housing supply outlined above creates the anticipated supply of housing over the Core Strategy Review plan period, as bulleted above. This gives an anticipated housing supply over the Core Strategy Review plan period which would exceed the national minimum requirement of 13,284 homes, as set out in the council's response to Matter 8: The Supply and Delivery of Housing Land.

1.9 It was agreed by all East Kent local authorities through duty to co-operate and strategic planning meetings that the intention remained for East Kent Councils to each meet their own housing requirements.

### Identifying and meeting the housing requirement

1.10 National policy is clear in expecting local plans to *“positively seek to meet the development needs of their area”* (NPPF paragraph 11). It adds that, *“to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where*

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*it is needed*”, adding that the needs of groups with specific housing requirements should be addressed (NPPF paragraph 59).

1.11 Policy CSD1 ensures that there new developments provide balanced neighbourhoods. The basis of Core Strategy Review Policy CSD1 is largely unchanged from Policy CSD1 in the adopted 2013 Core Strategy, with changes made only to reflect updates in legislation and the new requirement.

1.12 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.”*

1.13 Officers of Folkestone & Hythe District Council were clear to explain to neighbouring authorities that the District Council was to go out to a very limited public consultation on a revision to the Regulation 19 Core Strategy in November/December 2019 to bring it ‘in check’ with the Government’s published figures on housing requirement. An explanatory paragraph to this effect is contained within the prepared Statements of Common Ground.

### **Question 2**

What are the inter-relationships with other authorities in terms of migration, commuting, housing markets and service provision?

1.14 The Shepway and Dover Strategic Housing Market Assessment (SHMA) Part 1 report published in 2017 considered housing market geographies, based on existing research, house prices, migration and commuting patterns. It concluded that the geography of housing markets identified in the national CLG/CURDS Study was inappropriate, as the CURDS geography was based on the 2001

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Census. The consultants, therefore, undertook an updated analysis of commuting and migrations flows derived from the 2011 Census as a more robust basis for defining the housing market area.

- 1.15 Part 1 of the 2017 SHMA identified that Shepway District (now Folkestone & Hythe District) falls within a Housing Market Area (HMA) that asserts that the strongest flows and links are with nearby Dover urban centre and Dover District more widely. Flows to the west of the district into Rother and Hastings are very weak. The Ashford District SHMA Addendum (2014) does not suggest an Ashford housing market area extends into either Shepway or Dover. Although a joint housing market area was identified between the two districts, Folkestone & Hythe District Council and Dover District Council agreed to meet their own objectively assessed housing needs.
- 1.16 The Shepway and Dover SHMA Part 1 report provides commentary on the Thanet housing market area, which includes Dover but excludes Shepway. Further discussion on this matter is provided in detail within the Dover component of the SHMA report. The Shepway and Dover SHMA concludes that, on balance, Dover and Shepway form a reasonable Housing Market Area, and cross-boundary Dover-related issues, especially relating to unmet Thanet district need, should be managed through the duty to co-operate. In migration terms, it is considered that the two districts of Dover and Folkestone & Hythe form a reasonable housing market area.
- 1.17 In August 2015, new Travel to Work Areas (TTWAs) were published by the Office for National Statistics (ONS) based on 2011 Census data, and supersede the 2001-based TTWA data which informed the NHPAU analysis. This data is useful to consider how the geographies, and therefore commuting flows and linkages, have changed over time. In the 2001-based TTWA geography, Dover and Folkestone were in separate TTWAs. However, in the latest set, their TTWA has been merged. However, the merger is not simple: the northern parts of Dover district, which are less accessible to Dover (town) and especially Folkestone, are now placed in the Margate and Ramsgate TTWA (Thanet). In

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commuting terms, it is considered that the two districts of Dover and Folkestone & Hythe form a reasonable housing market area.

- 1.18 There is no suggestion, in evidence or alternative SHMAs, suggesting Folkestone & Hythe district forms part of a housing market with Thanet or Canterbury.
- 1.19 With regards to service provision and cross-authority interrelationships, the Statement of Common Ground between Folkestone & Hythe District Council and Ashford Borough Council provides commentary on education infrastructure, and the following excerpts are drawn from section 2 of the Statement:

*“In relation to education infrastructure, both parties concur that there’s no requirement to amend the wording of relevant policy and/or supporting text. The position agreed within this SoCG takes a lead from relevant wording contained within the agreed SoCG between F&HDC and KCC (as lead education authority), and relevant comments drawn from the SoCG between F&HDC and KCC is repeated below:*

*“Some pupils travel across the border to access education. In defining the education requirements for the Otterpool Park Garden Settlement, KCC as the Local Education Authority has been clear to explain it requires sufficient flexibility to be able to negotiate, agree and ultimately secure what represents the actual infrastructure requirement in what is a fluid context. The S106 agreement is the appropriate mechanism to define the education infrastructure requirements.*

*It is advised that in order for the settlement to be self-sufficient for education provision and deliverable over the plan period, there may be a requirement for the safeguarding of land for the provision of two secondary schools within the site. For the wider masterplan of up to 10,000 homes, the education need is likely to consist of up to 13FE of secondary provision, eight 2FE of primary provision provided on site and up to 92 specialist education (SEN) places on site.”*



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1.20 Other examples of service provision that exhibit a cross-boundary inter-relationship include, but are not limited to:

- Transportation (rail services and highway infrastructure);
- Potable water supply;
- Conservation and enhancement of the natural environment (arising from recreational pressures); and
- Flood risk.

1.21 Fuller commentary on these matters is provided within the prepared Statements of Common Ground.

### **Question 3**

How have the issues of housing needs, the housing requirement and housing provision been addressed through co-operation, including the revised housing requirement? What are the specific outcomes for example in terms of statements of common ground?

1.22 Issues of housing needs, the housing requirement and housing provision have been discussed and addressed through positive co-operation with neighbouring authorities in accordance with the duty to co-operate.

1.23 Officers of Folkestone & Hythe District Council were clear to explain that the council was to go out to a very limited public consultation on a revision to the Regulation 19 Core Strategy in November/December 2019 to bring it 'in check' with the Government's published figures on housing requirement. An explanatory paragraph to this effect is contained within the prepared Statements of Common Ground.

1.24 The National Planning Policy Framework 2019 (paragraph 27) clarifies the role that preparation of statements of common ground can play in detailing cross-boundary matters, as follows:

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*“In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.”*

1.25 Paragraph 35 sets out the tests of soundness that will be applied during examination of local plans and spatial development strategies. With regard to determining whether plans are “effective”, plans are expected to demonstrate they are *“deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground”*.

1.26 The national planning practice guidance on plan-making sets out the Government’s expectations regarding the scope and content of Statements of Common Ground:

*“A statement of common ground is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate.”<sup>3</sup>*

1.27 The national planning practice guidance makes it clear that Statements of Common Ground are expected to contain:

*“a) A short written description and map showing the location and administrative areas covered by the statement, and a brief justification for these area(s);*

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<sup>3</sup> National Planning Practice Guidance, Paragraph ID 61-010-20190315.

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- b) The key strategic matters being addressed by the statement, for example meeting the housing need for the area, air quality etc.;*
- c) The plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories (including cross-referencing the matters to which each is a signatory);*
- d) Governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;*
- e) If applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement;*
- f) Distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;*
- g) A record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and;*
- h) Any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to any other statement of common ground covering all or part of the same area.”<sup>4</sup>*

1.28 The jointly prepared and agreed (signed) Statements of Common Ground signed between Folkestone & Hythe District Council and Dover District Council, Rother District Council, Ashford Borough Council and Canterbury City Council respectively reflect the housing requirement placed upon the District in accordance with the revised methodology. The Statements of Common Ground explain that the profiled housing supply of 13,515 homes over the Core Strategy plan period shall exceed the national minimum requirement of 13,284 homes by

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<sup>4</sup> Planning Practice Guidance, Paragraph ID 61-011-20190315.

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around 230 homes and, as a result, the district's housing need requirement can be met in full.

- 1.29 Fundamentally, it has been agreed by all East Kent local authorities through duty to co-operate, attendance at strategic planning meetings and through preparation of each Statement of Common Ground that it is the intention of all East Kent Councils, to include those neighbouring Folkestone & Hythe District, to each meet their own housing requirements.

### **Question 4**

What is the position of other authorities in terms of the approach to identifying and meeting housing needs? Have specific concerns been raised through duty to co-operate discussions or representations?

- 1.30 To respond to the specific question raised, officers of Folkestone & Hythe District Council sought responses from neighbouring authorities, and the subsequent responses are set out below.

*Ashford Borough Council – “As indicated in paragraph 2.9 of the Statement of Common Ground, Ashford Borough Council’s Local Plan was adopted in February 2019 and covers the period to 2030 and meets the Council’s housing requirement in full.”*

*Dover District Council – “As set out in Table 4.1 of the Statement of Common Ground between FHDC and DDC, each authority has agreed to meet its own housing need based upon the standard methodology. DDC is at the early stages of its plan production, and at the present time is proposing to meet housing need required by the standard methodology within Dover District. No specific concerns have been raised in this regard through duty to co-operate discussions or representations between the two authorities.”*

*Canterbury City Council – “adopted the Canterbury District Local Plan in July 2017, which meets the housing needs of the Canterbury district, based on the SHMA. The City Council’s Policy and Resources Committee approved a new*

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*Local Development Scheme in October 2019<sup>5</sup>, with the aim of preparing a new District Plan by July 2022.”*

*Rother – “Rother District worked with Folkestone and Hythe District Council to prepare a Statement of Common Ground (dated January 2020) in support of the Core Strategy Review. This was signed by Rother District Council and published by Folkestone and Hythe District Council as part of its evidence base.*

*Rother District Council’s Core Strategy Local Plan was adopted in September 2014 and is now more than 5 years old. Consequentially, in line with the NPPF, the overall level of housing need is now determined through the standard methodology, and this is a starting point for plan making through the Local Plan Update.*

*Although work has progressed on Rother District Council’s Local Plan Update, the position of Rother District Council has not changed since the Statement of Common Ground was published. Rother District Council are currently in the process of undertaking early engagement on the Local Plan in the lead up to formal public consultation (Regulation 18), later in 2021. The Council is still at an early stage of developing its evidence base in support of the Local Plan update, and as such cannot currently confirm its ability to meet the level of local housing need identified through the standard methodology (727 dwellings per annum).*

*Rother District Council are currently considering its plans for early engagement, and as a neighbouring planning authority, Folkestone and Hythe District Council will be involved in this process.*

*Rother District Council, through its Duty to Cooperate discussions and the Statement of Common Ground, state that whilst we do not currently require neighbouring planning authorities to assist in helping with any local unmet meet,*

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<sup>5</sup> [https://www.canterbury.gov.uk/info/20014/planning\\_and\\_building/313/local\\_plan\\_review\\_2019](https://www.canterbury.gov.uk/info/20014/planning_and_building/313/local_plan_review_2019)

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*the position may change in the future as the Rother District Local Plan Update evidence is developed.”*

- 1.31 Within the signed Statement of Common Ground between the District Council and Ashford Borough Council (document reference EB 13.20) the position of Ashford Borough Council is explained more fully, as follows:

*“ABC is also meeting the Borough’s own needs for Housing as set out in the Ashford Local Plan 2030 (adopted February 2019). It is agreed at this time that both authorities are meeting their respective needs for housing within their administrative boundaries.”*

- 1.32 No specific concerns been raised through duty to co-operate discussions or representations.

### **Question 5**

Are there any issues of unmet need to be addressed?

- 1.33 There are no issues of unmet housing need to be addressed, as confirmed through signed Statements of Common Ground.

## **Matter 2: The Duty to Cooperate**

### **2. The New Garden Settlement**

#### **Question 6**

What are the cross-boundary issues raised by the proposed New Garden Settlement for example in relation to transport and service provision?

- 2.1. Matters raised as having the potential to impart cross-boundary issues were discussed in turn between officers of the District Council and neighbouring authorities under the duty to co-operate.
- 2.2. 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 issues raised by the proposed New Garden Settlement. This work progressed throughout the remainder of the 2019 calendar year.
- 2.3. 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. For interested parties the statements can be viewed within the evidence base library.
- 2.4. Table 2.1 summarises those matters of a strategic/cross-boundary nature that have been duly recorded within prepared and agreed Statements of Common Ground.

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**Table 2.1.** Strategic/cross-boundary issues recorded within prepared and agreed Statements of Common Ground

Statement of Common Ground entered into between F&HDC and a named authority/body	Strategic/cross-boundary issue(s)
Ashford Borough Council	Housing Transportation (road and rail) Education Drainage Waste water Phasing of Infrastructure Retail
Rother District Council	Housing Conservation and enhancement of the natural environment
Dover District Council	Housing Infrastructure (rail and water supply)
Canterbury City Council	Housing Transport (highway capacity and air quality)
Kent County Council	Transport – road and rail Transport – sustainable travel Education Social Care, Public Health and Prevention Services Community and Leisure Services Public Realm Water, wastewater and drainage Minerals Waste Management Public Rights of Way



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	<p style="text-align: center;">Heritage          Biodiversity and Environment          Digital Infrastructure (broadband)          Energy          Air Quality          Phasing of infrastructure</p>
<p style="text-align: center;">Environment          Agency</p>	<p style="text-align: center;">Housing          Flood Risk          Water resources          Groundwater and contaminated land</p>

2.5. The plan’s policies and approach in respect of transport and infrastructure are positively-prepared, justified, effective and consistent with national policy.

**Question 7**

Taking each of these in turn, how have they been addressed through cooperation and what has been the outcome of that co-operation? How has that affected the policies within the Core Strategy Review?

2.6. In reference to the cross-boundary issues raised in relation to the proposed new garden settlement, as recorded in Table 2.1 of this statement, where a neighbouring authority has included a specific request that an amendment is made to a specific policy and/or passage of supporting text as a requirement for that authority to enter into signing the Statement of Common Ground, the District Council has captured such requests and generated a table of proposed Main Modifications that has been passed onto the Inspectors appointed to examine the Core Strategy Review in advance of the Examination in Public to allow sufficient time for their consideration by the appointed Inspectors.

2.7. It is considered the examination process is the appropriate mechanism for more fully considering the specific changes to policy wording and/or supporting text as recorded within each signed Statement of Common Ground in turn. The District Council has been transparent in its approach to identifying where

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modifications may be necessary to appropriately address cross-boundary matters. In the main the modifications proposed are minor in nature.

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### **3. Other Strategic Matters**

#### **Question 8**

Are there other genuinely strategic matters as defined by S33A(4) of the Planning and Compulsory Purchase Act 2004 (as amended)?

- 3.1. No, the council considers that there are no other genuinely strategic matters as defined by S33A(4) of the Planning and Compulsory Purchase Act 2004 (as amended).

#### **Question 9**

If so, how have they been addressed through co-operation and what is the outcome?

- 3.2. This is not applicable, on the basis there are no other genuinely strategic matters as defined by S33A(4) of the Planning and Compulsory Purchase Act 2004 (as amended).

## Matter 2: The Duty to Cooperate

### 4. Overall

#### Question 10

In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Core Strategy Review?

- 4.1. Yes. The duty to co-operate statement clearly sets out how the council has engaged constructively, actively and on an on-going basis with its neighbouring authorities.
- 4.2. Under section 33A of the Planning and Compulsory Purchase Act 2004 (amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) 2019 it is a requirement under the duty to co-operate for local planning authorities, county councils and other named bodies to engage constructively, actively and on an ongoing basis in the preparation of development plan documents and other local development documents. This is a test that local authorities need to satisfy at the local plan examination stage and is an additional requirement to the test of soundness.
- 4.3. The duty to co-operate applies to strategic planning issues of cross boundary significance. Local authorities all have common strategic issues and as set out in the National Planning Practice Guidance:  
  
*“... local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their plans for examination.”*
- 4.4. The statutory requirements of the duty to co-operate are not a choice but a legal obligation. While the obligation is not a duty to agree, cooperation should produce effective and deliverable policies on strategic cross boundary matters in accordance with the government policy in the National Planning Policy Framework and guidance in the National Planning Practice Guidance.

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- 4.5. The National Planning Policy Framework states that plans are ‘sound’ if they are: *“Effective - deliverable over the plan period, and based on effective joint-working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; ...”* (Paragraph 35 (c))
- 4.6. Accordingly, the District Council considers it has carried out effective joint-working on cross-boundary strategic matters.



# Core Strategy Review - Inspectors' Matters

## Matter 3: The Housing Requirement

July 2020



**Matter 3: The Housing Requirement**

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## **Matter 3: The Housing Requirement**

# **Inspectors' Questions for Matter 3**

### **Relevant policy – SS2**

1. Has the calculation of Local Housing Need been undertaken correctly?
2. Is the base date of 2019/20 appropriate having regard to the use of the 2018 affordability ratio? Should the base date be 2018/19 or, alternatively, should the 2019 affordability ratio be used? If so, what effect would this have on the housing requirement?
3. Are there circumstances which justify an alternative approach to the calculation the housing requirement and the use of a different method? If so, what are they and what would be the resulting housing requirement?
4. Is the use of a consistent annual average housing figure justified and appropriate, particularly having regard to the delivery of the proposed New Garden Settlement? Would a staggered requirement be justified and if so, what should that be?
5. Is the inclusion of housing falling within Class C2 of the Use Classes Order as part of the housing requirement justified?
6. What is the level of need for accommodation falling within Class C2 and how is any such need proposed to be met?
7. Should there be a housing requirement for any designated neighbourhood areas within the District (Paragraphs 65 and 66 of NPPF)? If so, what should these be?

## **Matter 3: The Housing Requirement**

# **Council's Response to Matter 3 Questions**

### **Question 1**

Has the calculation of Local Housing Need been undertaken correctly?

- 1.1. The minimum local housing need has been calculated as 13,284 dwellings for the period 2019/20 to 2036/37.
- 1.2. Folkestone & Hythe District Council considers that its calculation of the district's local housing need has been undertaken correctly in accordance with National Planning Policy Framework (NPPF) paragraph 60 and Planning Practice Guidance (PPG) paragraph 004<sup>1</sup>.
- 1.3. The Core Strategy Review (CSR) Revised Housing Need and Supply Evidence Paper (Document EB 03.10) sets out in paragraphs 2.6 to 2.14 how each stage of the standard method has been approached and calculated to identify the local housing need figure for Folkestone & Hythe district.

### **Question 2**

Is the base date of 2019/20 appropriate having regard to the use of the 2018 affordability ratio? Should the base date be 2018/19 or, alternatively, should the 2019 affordability ratio be used? If so, what effect would this have on the housing requirement?

- 1.4. The standard method approach for identifying a local housing need figure was introduced alongside revisions to the NPPF and PPG in July 2018. The standard method utilised the latest household projections within its calculation.
- 1.5. The 2016-based household projections were published in September 2018. These projections showed a slower household growth and a resultant lowering

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<sup>1</sup> Reference ID: 2a-004-20190220.

### **Matter 3: The Housing Requirement**

of the overall housing need calculation across England, including Folkestone & Hythe district.

- 1.6. In response, the government amended the PPG in February 2019 to state that the older 2014-based household projections should continue to be used. Consequently, it was necessary for the council to re-calculate its local housing need figure.
- 1.7. The PPG for Housing and Economic Needs Assessment, paragraph 004<sup>2</sup>, provides a step-by-step guide for undertaking the standard method.
- 1.8. Stage 1 of the standard method sets the base year. The PPG states that the projected average annual household growth should be calculated over a ten year period. It clarifies that this should be ten consecutive years, with the current year [*emphasis added*] being used as the starting point from which to calculate growth over that period.
- 1.9. The council reviewed its local housing need figure in October 2019. As such, officers consider that the use of 2019/20 as the base year is appropriate being the current year at the time of the re-calculation.
- 1.10. Stage 2 of the standard method makes an adjustment to take account of affordability. The PPG is clear that the most recent [*emphasis added*] medium workplace-based affordability ratios, published by the Office for National Statistics (ONS) at a local authority level, should be used.
- 1.11. The Core Strategy Review was submitted for Examination in Public (EiP) on the 10 March 2020. The affordability ratio figure for 2019, was published a little over a week later on the 19 March 2020. Therefore, officers are of the view that the when the calculation was undertaken the most recent affordability ratio was used.

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<sup>2</sup>Reference ID: 2a-004-20190220.

## **Matter 3: The Housing Requirement**

1.12. In light of the above, officers are confident that both the use of the 2019/20 base date and 2018 affordability ratio is appropriate and in accordance with the PPG.

### **Question 3**

Are there circumstances which justify an alternative approach to the calculation the housing requirement and the use of a different method? If so, what are they and what would be the resulting housing requirement?

1.13. The council considers that the use of the standard method is the most appropriate formula to identify the minimum local housing need for the plan period 2019/20 to 2036/7.

1.14. The PPG for Housing and Economic Needs Assessment, Paragraph 003<sup>3</sup>, states that:

*“There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances”.*

1.15. The council considers that there are no known local ‘exceptional circumstances’ that apply to the demographic composition of the Folkestone & Hythe District (such as a prevalent student population), which would justify an alternative approach to the standard method and calculation of the identification of a minimum local housing need figure.

### **Question 4**

Is the use of a consistent annual average housing figure justified and appropriate, particularly having regard to the delivery of the proposed New Garden Settlement? Would a staggered requirement be justified and if so, what should that be?

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<sup>3</sup> Reference ID: 2a-003-20190220.

### **Matter 3: The Housing Requirement**

- 1.16. Core Strategy Review Policy SS2 currently proposes a consistent annualised housing figure of 738 dwellings per annum to meet a minimum local housing need of 13,284 across the plan period to 2036/37.
- 1.17. This figure represents a significant step change from the existing Core Strategy (2013), which has an objectively assessment housing need of 350 dwellings per annum - an increase of 111 per cent.
- 1.18. The Core Strategy Review proposes to bridge this gap through the proposed delivery of a new garden settlement. It is acknowledged that it will not be straightforward to deliver the new settlement, which will require master-planning, related infrastructure and in some cases significant lead-in times.
- 1.19. A significant change in level of housing requirement, and/or where strategic sites will have a phased delivery or likely to be delivered later in the plan period, are instances recognised by the PPG for Housing Supply and Delivery, Paragraph 021<sup>4</sup>, where a stepped housing requirement may be appropriate.
- 1.20. Throughout the preparation of the Core Strategy Review, the council has endeavoured to work with developers to maintain an up-to-date housing land supply position to both ensure a robust trajectory and if necessary respond and manage the supply. The housing trajectory for the garden settlement has been guided and informed by the site promoters in regards to the expected delivery, together with prospective phasing and build rates. This is discussed in greater detail in Matter 8.
- 1.21. Since the preparation of the Core Strategy Review Submission Draft 2020 (Document EB 1.00), the promoters of the garden settlement have undertaken significant further work on site deliverability as part of their efforts to submit a revised planning application later this year. The outcome has resulted in a refinement of the anticipated project timescales, phasing and delivery rates.
- 1.22. The consequence of this has been that while the overall development potential of the garden settlement over the plan period has increased from 5,925 to 6,097

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<sup>4</sup> Reference ID: 68-021-20190722.

### **Matter 3: The Housing Requirement**

dwellings, its ability to contribute towards the five-year housing land supply has somewhat diminished. This is due to a combination of first completions being deferred a year from 2022/23 to 2023/24 as well as a preference to opt for a more gradual build-up in delivery rates.

- 1.23. In response, officers have undertaken a recalculation of the council's five year housing land supply, based on the most up-to-date housing land supply information available. Appendix 2 demonstrates that if the council was to keep a housing requirement figure of 738 dwellings per annum that this would result in a five year housing land supply of 4.49 years - the equivalent of an under-delivery of 391 dwellings in the period 2019/20 to 2023/24, or an average of 72 dwellings a year.
- 1.24. Given this, the council concludes that a consistent annual average housing figure is no longer justified or the most appropriate strategy and that there is a justification for introducing a stepped trajectory, meeting the prerequisites laid out in the national Planning Practice Guidance.
- 1.25. In order to deliver a sound plan, and to produce housing targets that are realistic and achievable, the council has considered what requirements could and should realistically be contained within the Core Strategy Review. A stepped approach to housing delivery over the plan period is the most appropriate and realistic approach to meeting development needs over the plan period and ensuring that development remains plan-led. It is also the most appropriate approach to ensure that a significant increase in housing supply can be delivered. It is important to note that in considering a stepped approach, the eventual outcome at the end of the plan period remains the same – that in excess of 13,284 dwellings will be delivered.
- 1.26. Table 1.1 shows a technical approach to the whole plan delivery process and how a stepped approach to housing requirements will be implemented to reflect the fact that housing supply in short term cannot deliver sufficient numbers to meet an annualised total.

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1.27. The nature of the housing supply and the constraints that exist in the district mean that there is anticipated to be a significant peak in delivery between years 2024/25 and 2028/29 of the plan period.

	19/20	24/25	29/30	34/35	19/20
	-	-	-	-	-
	23/24	28/29	33/34	36/37	36/37
<b>Anticipated Housing Supply</b>	3,352	4,578	3625	2,166	13,717
<b>Average per annum</b>	670	915	725	722	762
<b>F&amp;H adjusted CSR requirements</b>	3,150	4,425	3,600	2,115	13,290
<b>Average per annum</b>	630	885	720	705	
<b>Requirement with 5% buffer</b>	3,308				

Table 1.1: Proposed Stepped Housing Trajectory 2019/20 - 2036/37

1.28. Appendix 1 presents the revised Core Strategy Review housing trajectory. The trajectory can be characterised by three separate phases.

1.29. The first period (years 1 to 5: 2019/20 to 2023/24) is a mix of actual and forecast deliverable dwellings, with levels in the first two years less than the plan target principally because of slower delivery and the time required for larger strategic allocations to navigate through the planning process.

1.30. The second period (years 6 to 10: 2024/25 to 2028/29) represents a peak in housing delivery. The number of anticipated completions is estimated to be greater than 1,000 dwellings in year 6, well in excess of the plan target. It is then expected to reduce slightly in years 7 to 9 but still exceed the annual requirement of 885 dwellings as the garden settlement begins to deliver a significant quantum of housing. The trajectory does shows a potential under delivery in year 10; however it is officers are confident that completions overall will remain over the 95% target set by the HDT.

1.31. The final plan period (years 11 to 15: 2029/30 to 2034/35 and beyond to 2036/37) is represented by a gradual tailing-off of developable sites, initially at

## Matter 3: The Housing Requirement

levels at or close to the plan annualised target, before then falling away at the end of the plan period.

### Question 5

Is the inclusion of housing falling within Class C2 of the Use Classes Order as part of the housing requirement justified?

- 1.32. The council considers that the inclusion of housing falling within Class C2 of the Use Classes Order as part of the housing requirement is reasonable and justified by NPPF paragraphs 60 to 61 and the national planning practice guidance.
- 1.33. National planning policy is clear that the standard method should be used to determine the minimum number of homes needed and within [*emphasis added*] this context the size, type tenure of housing for different groups (including older people) in the community assessed and reflected as necessary.
- 1.34. The national planning practice guidance for Housing Needs of Different Groups clarifies this position in paragraph 001<sup>5</sup>, although it acknowledges that it does not break this down into the housing need of individual groups.
- 1.35. Moreover, the planning practice guidance for Housing Supply and Delivery, paragraph 035<sup>6</sup>, requires local planning authorities to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply.
- 1.36. The council appreciates that it may be helpful through the supporting text to Policy SS2 to provide some clarification as to the district's housing need figure, broken down to reflect the proportion that is to be made up from C2 uses in order to address the needs for specialist housing for the elderly.
- 1.37. The planning practice guidance for Housing for Older and Disabled People sets out that the contribution should be based on the amount of accommodation

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<sup>5</sup> Reference ID: 63-001-20190626.

<sup>6</sup> Reference ID: 68-035-20190722.



## **Matter 3: The Housing Requirement**

released in the housing market. The level of need for accommodation falling within C2, and how this converts into the release of market housing to be counted as a proportion of the identified housing need, is addressed in detail in Question 6.

### **Question 6**

What is the level of need for accommodation falling within Class C2 and how is any such need proposed to be met?

- 1.38. The Strategic Housing Market Assessment (SHMA) (Document EB 3.20) was commissioned during the early stages of the Core Strategy Review to identify the housing Objectively Assessed Need (OAN) of the Folkestone & Hythe District.
- 1.39. The SHMA has been partly superseded by the introduction of the standard method in 2018. However, Part 2: Objectively Assessed Need for Affordable Housing (Document EB 3.30), paragraphs 6.3 to 6.15, remains the most up-to-date evidence available in relation to the housing needs for older people (Use Class C2).
- 1.40. The SHMA (Part 2) estimates that there were 1,360 units in the district in 2014; this is the equivalent to 119 units per 1,000 people aged 75 and over. This baseline was used to model a future requirement of 1,279 specialist units for the period to 2037 to ensure that this ratio is maintained.
- 1.41. The planning practice guidance for Housing for Older and Disabled People (paragraph 010<sup>7</sup>) defines specialist housing as:
  - Age restricted general market housing;
  - Retirement living or sheltered homes;
  - Extra-care housing or housing with care; and

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<sup>7</sup> Reference ID: 63-010-20190626.

### **Matter 3: The Housing Requirement**

- Residential care homes or nursing homes.

1.42. As outlined in the council's response to Question 5, local planning authorities are required to count specialist housing provided for older people against their overall local housing need figure. The planning practice guidance for Housing for Older and Disabled People (Paragraph 16a<sup>8</sup>) provides the following advice as to how this should be carried out:

*“For residential institutions, to establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of adults living in households, using the published Census data.”*

1.43. The planning practice guidance provides a link to census data showing the number of households by number of adults, which can be used to calculate the average number of adults living in households.

1.44. Appendix 3 presents the census data for Folkestone & Hythe District (formerly Shepway District) where the age of the Household Reference Person (HRP) was aged 16 or over. The total number of adults has then been calculated by multiplying the number of adults per household by the number of households and this figure used to work out the average number of adults per household.

1.45. For Folkestone & Hythe District the calculations show that on average each household where the HRP is 16 or over there are 1.77 adults.

1.46. Therefore, to establish the amount of accommodation released in the housing market (and that can be counted towards the local housing need figure), the following formula has been applied:

*Number of C2 units / 1.77 = Market Housing Released*

1.47. To determine the current level of need for specialist housing for the elderly to be planned for within the remaining plan period, C2 units have been deducted

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<sup>8</sup> Reference ID: 63-016a-20190626.

### Matter 3: The Housing Requirement

that have either been completed or granted planning permission since 2014 from the future requirement of 1,279 that was identified in the SHMA.

1.48. Table 1.2 highlights two substantial schemes.

Application Ref	Description	C2 units	C3 units ≡
Y10/0077/SH Folkestone Care Centre Completed 2018	Outline application for 127 dwellings (Class C3) and an 80 bedroom nursing home (Class C2).	80	45
Y14/0336/SH Terlingham Gardens, Hawkinge Under Construction	Erection of retirement village (C2 use) providing 69 cottages and 52 apartments.	121	68
<b>Total</b>		201	113

Table 1.2: Major planning consents for C2 schemes since 2014

1.49. Accounting for the recent delivery of specialist housing schemes for older people at Folkestone and Hawkinge, the outstanding level of need for accommodation falling within Class C2 for the plan period to 2037 is estimated to be 1,078 units – the equivalent to the release of 609 homes to the market.

1.50. Table 1.3 sets out how it is envisaged that the required quantum of specialist C2 units will be met through the emerging development plan:

Policy Ref	Number of dwellings	% to meet needs of the elderly	C2 units	C3 units ≡
Policy SS6: Garden Settlement	5,925	10% (minimum) of 5,925	1,048	592
Policy CSD9: Sellindge	350	10% (minimum)	62	35

### Matter 3: The Housing Requirement

Policy UA14: Saltwood Care Centre	N/A	100%	82	46
<b>Total</b>				
			<b>1,192</b>	<b>673</b>

Table 1.3: CSR and PPLP site allocations for C2 uses

1.51. The minimum number of C2 units expected to be delivered through the development plan is 1,192, equivalent to 673 market homes. In addition, Table 1.4 list planning applications for C2 units that have been submitted but not yet determined.

Application Ref	Description	C2 units	C3 units ≡
Y19/0071/FH: Smiths Medical UK Boundary Road Hythe	Outline application for up to 97 dwellings (Class C3) up to 153sqm of offices (Class B1) and up to a 66 bed care home (Class C2).	66	37

Table 1.42: Major planning applications for C2 uses - not determined

- 1.52. Overall, the anticipated supply of C2 units over the plan period to 2036/37 is estimated to be 1,258 or the equivalent to 710 market houses. This is an over-provision of 180 units or 101 market homes.
- 1.53. In light of the evidence presented, the council is confident that the Core Strategy Review can meet and even exceed the identified specialist C2 needs in full.

### Question 7

Should there be a housing requirement for any designated neighbourhood areas within the District (Paragraphs 65 and 66 of NPPF)? If so, what should these be?

1.54. The council considers that in the context of the preparation of the Core Strategy Review, it is not necessary to set a housing requirement for any of the designated neighbourhood areas within the district.

### **Matter 3: The Housing Requirement**

- 1.55. NPPF paragraph 23 sets out the government’s clear expectation that local plans should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs in full over the plan period.
- 1.56. Through the preparation of the Core Strategy Review and the Places and Policies Local Plan, the council has established a preferred spatial strategy for the district that has been informed by the Growth Options Report (Documents EB 04.20 and EB 04.21), and is supported by a range of strategic, medium and small housing allocations. The combination of these allocations exceed the minimum local housing need figure of 13,284 dwellings for the Folkestone & Hythe district.
- 1.57. As part of developing a strategy, NPPF paragraph 65, places a duty on local planning authorities to set out a housing requirement figure for designated Neighbourhood Areas through their local plans, which reflects the overall strategy for the pattern and scale of development and any relevant allocations.
- 1.58. However, the planning practice guidance for Neighbourhood Planning, paragraph 044<sup>9</sup> clarifies that neighbourhood plans should not re-allocate sites that are already allocated through these strategic plans. It also states at paragraph 101<sup>10</sup> that there is “*no set method*” for calculating the housing requirement, and that the general policy-making process approach can continue to be used to direct development.
- 1.59. The council considers from the National Planning Policy Framework and the national planning practice guidance that the principal purpose of identifying a housing requirement figure for a designated neighbourhood area would be for a neighbourhood plan to:
- Allocate sites where only a local plan has or is being prepared and a portion of the housing requirement is still to be identified through the

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<sup>9</sup> Reference ID: 41-044-20190509.

<sup>10</sup> Reference ID: 41-101-20190509.

### **Matter 3: The Housing Requirement**

preparation of a separate site allocations development plan document; or to

- Allocate 'reserve sites' as a preferred / alternative approach should a future review of the local plan reveal that a site previously allocated is no longer suitable, available or deliverable to ensure that the emerging evidence of housing need is addressed.

- 1.60. Since the introduction of neighbourhood planning by the Localism Act in 2011, the council has received a total of five applications for neighbourhood area designations between 2012 and 2014. Successful applications for neighbourhood area designations were made by Hythe (2012), New Romney (2013), St Mary in the Marsh (2013), Lympne (2013) and Sellindge (2014).
- 1.61. To date, the St Mary in the Marsh Neighbourhood Plan is the district's only adopted Neighbourhood Plan, following a successful examination and referendum in 2018.
- 1.62. The St Mary in the Marsh Neighbourhood Plan allocates no sites for housing development and was prepared alongside the Places and Policies Local Plan. Places and Policies Local Plan Policy RM9 allocates a site within the neighbourhood area for 85 dwellings in accordance with the spatial strategy. The site allocation benefits from planning consent (reference: Y07/1566/SH) and is currently under construction. As a consequence, it is believed that the St Mary in the Marsh Neighbourhood Area is delivering on its housing requirement for the plan period in full. Therefore, the development requirement for St Mary in the Marsh Parish for the plan period has been assumed to be met.
- 1.63. Regarding setting out a housing requirement figure for the Neighbourhood Areas of Sellindge and Lympne, the council considers that this may prove problematic in the context of the proposed garden settlement. The new garden settlement spans the majority of these neighbourhood areas and it could prove difficult to quantify the level of requirement of each parish without limiting flexibility for future masterplanning and phasing of delivery over the plan period.

### **Matter 3: The Housing Requirement**

- 1.64. For the remaining neighbouring area designations at Hythe, New Romney, Lympne and Sellindge, no progress has been made with the preparation of draft neighbourhood plans for pre-submission consultation. The council understands that neighbourhood plans are not being actively pursued for these areas.
  
- 1.65. Should any of the associated parish councils or neighbourhood forums contact the council in the future with the intention of re-engaging with the process, then the council would seek to provide an indicative figure based on the latest housing requirement figure as would be the case for any new applications for designations in accordance with NPPF paragraph 66.

**Matter 3: The Housing Requirement**

**Appendix 1: Core Strategy Review Housing Trajectory (2019/20 to 2036/37)**

	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total
	19/ 20	20/ 21	21/ 22	22/ 23	23/ 24		24/ 25	25/ 26	26/ 27	27/ 28	28/ 29		29/ 30	30/ 31	31/ 32	32/ 33	33/ 34		34/ 35	35/ 36	36/ 37	
<b>CSR Allocations: without planning permission – Appendix 2</b>																						
Policy SS6-9: Garden Settlement	-	-	-	-	121	121	264	331	350	423	423	1,791	528	528	557	498	502	2,613	534	534	504	6,097
Policy CSD9: Sellindge Strategy (Phase 2 Site A)	-	-	-	-	-	0	15	20	20	20	20	95	20	20	20	20	13	93	-	-	-	188
<b>Total CSR – W/O Planning Permission</b>	-	-	-	-	121	121	279	351	370	443	443	1,886	548	548	577	518	515	2,706	534	534	504	6,285
<b>Existing Core Strategy and Places and Policies Local Plan – without planning permission – Appendix 3</b>																						
Policy CSD8: New Romney (Part)	-	-	19	45	48	112	32	-	-	-	-	32	-	-	-	-	-	0	-	-	-	144
PPLP (including 5% non-implementation discount)	-	45	101	201	212	559	331	230	111	76	28	776	-	-	-	-	-	0	19	47	39	1,440
<b>Total CS &amp; PPLP – W/O Planning Permission</b>	-	45	120	246	260	671	363	230	111	76	28	808	-	-	-	-	-	0	19	47	39	1,584
<b>Planning Permissions and Under Construction – Appendix 4</b>																						
Planning Permissions: Strategic	162	288	274	296	295	1,315	294	286	343	295	191	1,409	124	80	80	80	80	444	80	80	40	3,368
Planning Permissions 1-10+ Includes 5% NID	438	268	251	64	34	1,055	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	1,055
<b>Total Planning Permissions Includes 5% NID)</b>	600	556	525	360	329	2,370	294	286	343	295	191	1,409	124	80	80	80	80	444	80	80	40	4,423
<b>Windfalls Allowance</b>	-	-	-	95	95	190	95	95	95	95	95	475	95	95	95	95	95	475	95	95	95	1,425
<b>CSR Plan Total</b>	600	601	645	701	805	3,352	103 1	962	919	909	757	4,578	767	723	752	693	690	3,625	728	756	678	13,717



## Matter 3: The Housing Requirement

### Appendix 2: Five year housing land supply with an annualised housing requirement of 738

Row	Five Year Housing Land Supply 2018/19		Total
Row 1	Annualised Figure across Five Year Period	Calculated using the Standard Methodology which uses the recently updated Housing Projections (updated 20/09/2018)	738
2	Five Year Requirement	Row 1 multiplied by 5	3690
3	Current Shortfall	The new Standard Method used to calculate housing requirements takes into account Current Shortfall past under supply, therefore there is no need to address previous under delivery or a shortfall	0
4	Five-Year Requirement plus Shortfall	Row 2 plus Row 3	3690
5	Annualised Figure with Shortfall	Row 4 divided by 5	738
6	5% buffer	Add 5% buffer as required by paragraph 73 in the NPPF. Calculate as 5% of Row 4	185
7	Total 5 Year Land Supply Figure	Row 4 plus Row 6	3875
8	Total 5 Year Land Supply Figure (Annualised)	Row 7 divided by 5	775
9	Capacity of identified sites	Capacity used is that expected to be delivered within five years, less 5% to allow for non-delivery	792
10	Extant planning permissions	Extant permissions, less 5% to allow for non-delivery.	2,501
11	Windfalls (Years 4 & 5)	This figure is calculated at 95 units per year base on work carried out by the Planning Policy Team as part of the preparation for the new Local Plan	190
12	Total Identified Supply	Total of Rows 9, 10 and 11	3,483
13	Supply Position (Years)	The number of years' supply ((Row 12 minus Row 7) divided by (Row 8)) plus 5	<b>4.49</b>

## Matter 3: The Housing Requirement

### Appendix 3: Conversion of Use Class C2 to C3

Number of Adults per Household	Number of Households	Number of Adults
1 adult in household	18,474	18,474
2 adults in household	23,148	46,296
3 adults in household	4,288	12,864
4 adults in household	1,158	4,632
5 adults in household	244	1,220
6 adults in household	47	282
7 adults in household	12	84
8 adults in household	3	24
9 adults in household	0	0
10 adults in household	1	10
11 adults in household	0	0
12 adults in household	0	0
13 adults in household	0	0
14 adults in household	0	0
15 adults in household	0	0
<b>Total</b>	<b>47,375</b>	<b>83,802</b>
<b>Average Number of Adults per Household</b>	$83,802 / 47,375 = 1.77$	

# Core Strategy Review - Inspectors' Matters

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

July 2020



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

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## **Inspectors' Questions for Matter 4**

### **Relevant policies – SS1, Table 4.4 and SS3**

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

## **Council's Response to Matter 4 Questions**

### **Question 1**

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

- 1.1. Policy SS1: District Spatial Strategy sets out a broad framework for development throughout the district to 2037. The policy sets out that housing will be delivered through a new sustainable, landscape-led settlement, with supporting town centre and community uses, based on garden town principles in the North Downs Area. Elsewhere in the district, priority will continue to be given to previously developed land in the Urban Area in Folkestone and led through strategically allocated developments in Folkestone and Hythe. Remaining development needs should be focused on the most sustainable towns and villages.
- 1.2. The district has significant strategic constraints to development, including the Kent Downs Area of Outstanding Natural Beauty (AONB) across much of its northern half, internationally designated sites and a very large area of functional floodplain across its low-lying southern area.
- 1.3. The National Planning Policy Framework (NPPF) paragraph 172 states that:  
  
*“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.”*

## **Matter 4: Spatial Strategy, Place Shaping and Sustainable Settlements**

1.4. The NPPF paragraph 155 states that:

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

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

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

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

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

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

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

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

- 1.9. National planning practice guidance adds:

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

*“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.”<sup>3</sup>*

- 1.10. In undertaking the Core Strategy Review, the council assessed the policies in the adopted 2013 Core Strategy against national policy and other considerations. A report was taken to the council’s Cabinet on 19 April 2017 (reference C/16/107)<sup>4</sup> 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;

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<sup>1</sup> Paragraph: 062 Reference ID: 61-062-20190315.

<sup>2</sup> Paragraph: 064 Reference ID: 61-064-20190315.

<sup>3</sup> Paragraph: 068 Reference ID: 61-068-20190723.

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



## **Matter 4: Spatial Strategy, Place Shaping and Sustainable Settlements**

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

### **Question 2**

What alternative options for the District Spatial Strategy were considered?

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

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

1.16. Each area was assessed against the following factors:

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

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

### **Area 1: Kent Downs**

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

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

### **Area 2: Folkestone and surrounding area**

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

### **Area 3: Hythe and surrounding area**

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

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

### **Area 4: Sellindge and surrounding area**

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

### **Area 5: Romney Marsh and Walland Marsh**

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

## **Matter 4: Spatial Strategy, Place Shaping and Sustainable Settlements**

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

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

### **Area 6: Lydd, New Romney and Dungeness**

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

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

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

### **Growth Options Study Phase Two Report**

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

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

### **Question 3**

Why was the preferred approach chosen?

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

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

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

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

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

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



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

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

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

### **Question 4**

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

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

## **Matter 4: Spatial Strategy, Place Shaping and Sustainable Settlements**

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

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

### **Question 5**

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

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

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

1.59. National planning practice guidance adds:

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

*“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.”<sup>7</sup>*

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

### **Question 6**

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

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

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<sup>5</sup> Paragraph: 062 Reference ID: 61-062-20190315.

<sup>6</sup> Paragraph: 064 Reference ID: 61-064-20190315.

<sup>7</sup> Paragraph: 068 Reference ID: 61-068-20190723.

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

### **Question 7**

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

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

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

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

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

1.69. In addition NPPF paragraph 118 states:

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

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

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

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### **Question 8**

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

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

### **Question 9**

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

## **Matter 4: Spatial Strategy, Place Shaping and Sustainable Settlements**

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



## **Matter 4: Spatial Strategy, Place Shaping and Sustainable Settlements**

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

1.82. NPPF paragraph 103 adds that:

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

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

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

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

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

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

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

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

1.87. National planning practice guidance adds that:

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

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

### Question 10

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

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

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

## **Matter 4: Spatial Strategy, Place Shaping and Sustainable Settlements**

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

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

# Core Strategy Review - Inspectors' Matters

## Matter 5: Strategy for the Urban Area

July 2020



**Matter 5: Strategy for the Urban Area**

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## **Matter 5: Strategy for the Urban Area**

# **Inspectors' Questions for Matter 5**

## **Relevant policies – SS1, SS10, SS11, CSD6 and CSD7**

### **Urban Area overall**

1. What is the basis for the strategy for the Urban Area (Policy SS1 and Table 5.1) and is it justified and effective?
2. What is the overall scale of development envisaged, is this sufficiently clear and is it justified?

### **Folkestone Seafront – Policy SS10**

3. What is the justification for the inclusion of the strategic site allocation at Folkestone Seafront (Policy SS10) given that is allocated in the adopted Core Strategy and has planning permission?
4. What is the basis for the scale and range of development proposed and is this justified?
5. 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?
6. What are the specific requirements for new or improved infrastructure and social and community facilities?
7. How will these be provided and funded?
8. 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?
9. What are the expectations in terms of timing and rates of housing delivery and are these realistic? What progress has been made to date?



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10. 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.
11. Are any main modifications to Policy SS10 necessary for soundness?

## **Shorncliffe Garrison – Policy SS11**

12. What is the justification for the inclusion of the strategic site allocation at Shorncliffe Garrison (Policy SS11) given that is allocated in the adopted Core Strategy and has planning permission?
13. What is the basis for the scale and range of development proposed and is this justified?
14. 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?
15. What are the specific requirements for new or improved infrastructure and social and community facilities?
16. How will these be provided and funded?
17. 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?
18. What are the expectations in terms of timing and rates of housing delivery and are these realistic? What progress has been made to date?
19. 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.
20. Are any main modifications to Policy SS11 necessary for soundness?

## **Central Folkestone Strategy – Policy CSD6**

21. What is the basis for the strategy for Central Folkestone (Policy CSD6) and is it justified?

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22. Is it sufficiently clear in terms of the scale, type and location of development?
23. Are any main modifications to Policy CSD6 necessary for soundness?

## **Hythe Strategy – Policy CSD7**

24. What is the basis for the strategy for Hythe (Policy CSD7) and is it justified?
25. Is it sufficiently clear in terms of the scale, type and location of development?
26. Are any main modifications to Policy CSD7 necessary for soundness?

# **Council's Response to Matter 5 Questions**

## **1. Urban Area Overall**

### **Question 1**

What is the basis for the strategy for the Urban Area (Policy SS1 and Table 5.1) 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.

1.2. The second paragraph states that priority will be given to previously developed land in the Urban Area in Folkestone, for main town centre uses and housing, to enhance the town's role as a sub-regional centre. The third paragraph highlights the strategic allocations at Folkestone and Hythe (Policies SS10, SS11 and CSD7).

1.3. In relation to the Urban Area, the policy states in the fifth paragraph, bullet point one:

*“The future spatial priority for new development in the Urban Area (Folkestone and Hythe) is on promoting the development of vacant previously developed land, central Folkestone and the north of the town, and other locations within walking distance of Folkestone Central railway station; securing new accessible public green space, plus regenerating western Hythe.”*

1.4. 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*

## Matter 5: Strategy for the Urban Area

*to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand.”<sup>1</sup>*

1.5. 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.”<sup>2</sup>*

*“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.”<sup>3</sup>*

1.6. 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)<sup>4</sup> 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
- Could remain as existing (for example, where development was progressing on a strategic site).

1.7. 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.

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<sup>1</sup> Paragraph: 062 Reference ID: 61-062-20190315

<sup>2</sup> Paragraph: 064 Reference ID: 61-064-20190315

<sup>3</sup> Paragraph: 068 Reference ID: 61-068-20190723

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

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- 1.8. 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.
- 1.9. Although the main focus of Core Strategy Review Policy SS1 is now on the North Downs Area (see Matter 7), as the policy relates to the Urban Area the wording remains largely unchanged from the adopted 2013 Core Strategy policy. The council considers that it remains justified and effective.
- 1.10. 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), to inform the Core Strategy Review. This was supported by a comprehensive High Level Landscape Appraisal for the district (AECOM, February 2016, Document EB 04.30).
- 1.11. The High Level Options Report divided the district into six areas to assess the potential of each area for strategic growth (Document EB 04.20, Table 2 and Figure 2). The Urban Area, as defined in the Core Strategy Review, was covered by:
- Area 2: Folkestone and surrounding area; and
  - Area 3: Hythe and surrounding area.
- 1.12. Each area was assessed against the following factors:
- Environmental constraints;
  - Transport and accessibility;
  - Geo-environmental considerations;
  - Infrastructure capacity and potential;
  - Landscape and topography;
  - Heritage;
  - Housing demand;
  - Regeneration potential;

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- Economic development potential; and
  - Spatial opportunities and constraints.
- 1.13. Regarding Area 2 (Folkestone and surrounding area), the High Level Options Report considers that the key strategic constraint is a lack of available land (EB 04.20, page 103). Of all character areas assessed, Area 2 offers the widest range of factors that would support growth, including low flood risk and minimal environmental designations, excellent transport and other infrastructure, with much of the area free from heritage designations and landscape constraints. The only problem is that almost all of this land is already developed.
- 1.14. The analysis also identified opportunities for regeneration and economic development. However, the Report considered that the area is to an extent a victim of its own suitability - this potential having been identified and acted on long before the start of this study.
- 1.15. 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.
- 1.16. 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.
- 1.17. Regarding opportunities for smaller, non-strategic scale growth, the council has undertaken a comprehensive assessment of sites through consultations and

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calls for site submissions for the Places and Policies Local Plan (PPLP), which has been progressing in parallel with the Core Strategy Review.

- 1.18. The PPLP has been through public examination and has recently been found 'sound' by the Inspector.
- 1.19. A number of smaller scale developments, up to 7.2 hectares in size, are allocated in the PPLP in the Urban Area of Folkestone and Hythe (Chapter 5) for a variety of uses. These are principally focussed on previously developed land and regeneration opportunities:
  - Folkestone – Policies UA1, UA2, UA3, UA4, UA5, UA6, UA7, UA8, UA9, UA10, UA11 and UA12; and
  - Hythe – Policies UA13, UA14, UA15, UA16, UA17 and UA18.
- 1.20. Should further small-scale development opportunities come forward in the Urban Area on sites not allocated in the PPLP, they can be assessed against Core Strategy Review Policy SS1 and other relevant development plan policies.
- 1.21. Areas of central and northern Folkestone and western Hythe remain among the most deprived in the district, as highlighted in Core Strategy Review (Figure 2.6, page 29 and Table 5.1, page 137), and confirmed by the High Level Options Report (Figure 8, page 33). Western Hythe remains deficient in access to public open space, as illustrated by the Open Space Strategy (LUC, 2017, EB 05.60, Figure 5.1, page 79). The council therefore considers that the remaining elements of the policy relating to the Urban Area all remain relevant policy considerations.

### **Question 2**

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

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- 1.22. 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 Urban character area of the district, in Policies CSD6, CSD7, SS10 and SS11.
- 1.23. 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.
- 1.24. 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.
- 1.25. 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 expresses need as a *minimum* number of new homes to be provided (paragraph 60).
- 1.26. 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 and relevant policies in the district's development plan.
- 1.27. The overall scale of development for the urban area, which encompasses Folkestone and surrounding area and Hythe and surrounding area, incorporates the strategic allocations at Folkestone Seafront and Shorncliffe Garrison (for which responses are provided against subsequent questions),



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which carry forward allocations in the Core Strategy Review. The scale of development planned for the Urban Area is supplemented through allocations in the Places and Policies Local Plan, which has recently been found sound.

1.28. The below extract is sourced from Table 4.3 of the Places and Policies Local Plan to evidence the Housing Land Supply Position between 2006 to 2031, and provides data on i) the number of units under construction, ii) permissions not started in 2017, iii) the allocations in the places and policies local plan/Core Strategy (for the latter where consent has not been granted) and iv) windfalls. The figures confirm the Urban Area will deliver 7,115 units against a minimum target 6,583. As such, the Urban Area will deliver above the minimum target.

Minimum Targets	Supply and Total Projected Delivery					
A	B	C	D	E	F	G
Number of homes	Completions 06/07-16/17	Under construction at 2017	Permissions not started at 2017	Places & Policies Local Plan/Core Strategy	Windfall	Total projected delivery (B + C + D + E + F)
Urban Area - 75 per cent of total (+/- 5 per cent)						
<b>6,563</b>	2,159	464	3,094	859	539	<b>7,115</b>

1.29. Policy SS1 of the Core Strategy Review sets out the District Spatial Strategy, clearly articulating the Council’s approach to the delivery of major development to meet the housing needs of the district. For the Urban Area the strategy acknowledges:

*“Elsewhere in the District, priority will continue to be given to previously developed land in the Urban Area in Folkestone, for main town centre uses and housing, to enhance the town’s role as a sub-regional centre, with opportunity for increased densities within the town centre and maximisation of employment opportunities at key locations.”*

1.30. Paragraph 28 of the Inspector’s report into the Core Strategy summarises the role of the urban area as the focus for development, stating:

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*“As noted above, it is the urban area (and particularly Folkestone) that is intended as the main focus for development. This is made clear by policy SS1.”*  
(Paragraph 28, in part)

- 1.31. The overall scale of development envisaged for the urban area is, therefore, sufficiently clear and justified.

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### **2. Folkestone Seafront – Policy SS10**

#### **Question 3**

What is the justification for the inclusion of the strategic site allocation at Folkestone Seafront (Policy SS10) given that it is allocated in the adopted Core Strategy and has planning permission?

- 2.1. The council's approach to the Core Strategy Review is set out above in paragraphs 1.6 to 1.7. Policy SS10 for Folkestone Seafront (formerly Policy SS6) was identified as a policy that did not need to be reviewed and could be carried forward into the Core Strategy Review.
- 2.2. The wording of Core Strategy Review Policy SS10 follows that of the adopted 2013 Core Strategy Policy SS6. This policy was examined and found 'sound' by the Inspector in 2013.
- 2.3. Since the Core Strategy was adopted by the council, Policy SS6 has served to guide development on the Folkestone Seafront site and the allocation now has planning permission.
- 2.4. Although planning permission has been granted on the site, the council considers it appropriate to retain Policy SS6 in the Core Strategy Review as adopted (renumbered to SS10), to provide certainty.
- 2.5. As outlined above, the council has undertaken a comprehensive, district-wide assessment of the development potential for strategic growth as set out in the High Level Growth Options Report. In parallel with this process, work has proceeded on the Places and Policies Local Plan (PPLP), which has identified a number of smaller sites in the urban area of Folkestone and Hythe; the PPLP recently been found 'sound' at examination.

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- 2.6. Through these processes, the council considers that there is no further potential for strategic growth in the urban area. The PPLP allocates a number of smaller sites (see paragraph 1.19 above) in the urban area.
- 2.7. Should further small-scale and infill opportunities arise in the urban area, proposals can be judged against Policies SS1, CSD6, CSD7 and the development management policies in the PPLP.

### **Question 4**

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

- 2.8. Section 4.6 of the Core Strategy Review, and specifically paragraph 4.143 asserts:

*“This section sets out strategic allocations for the district. The allocations are:*

- *New Garden Settlement in the North Downs Area (Policies SS6-SS9);*
- *Folkestone Seafront (Policy SS10); and*
- *Shorncliffe Garrison (Policy SS11).”*

- 2.9. The overview of key features of change proposed in the Spatial Strategy and associated major proposals for delivery acknowledges the role the Folkestone Seafront site (Policy SS10) is to play in achieving the spatial strategy objectives for the district, namely to:

*“Develop Folkestone’s centre, employment sites and deprived residential neighbourhoods to improve connectivity, vibrancy and activity led by major opportunities on ‘brownfield’ land at Folkestone seafront and Shorncliffe Garrison, as well as employment sites, with opportunities to consolidate and improve the existing housing, commercial and retail stock. See policies SS1, SS3, SS4, SS10, SS11 and CSD6.”*

- 2.10. Policy SS1 of the Core Strategy Review sets out the District Spatial Strategy, clearly articulating the Council’s approach to the delivery of major development

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to meet the housing needs of the district. For the Urban Area the strategy proposes:

*“Development in the Urban Area will be led through strategically allocated developments at Folkestone Seafront (policy SS10) and Shorncliffe Garrison, Folkestone (policy SS11), ...”*

- 2.11. The supporting text in paragraphs 4.30 and 4.31 of the Core Strategy Review explains that the urban centres of Folkestone and Hythe act as a locus for job, shops and higher-order public facilities. Coupled with excellent transport connections, which provides access to central London in less than an hour, reinforces the importance of the strategic allocations in maintaining the attractiveness and competitiveness of the district.

*“Currently the majority of the district's population, jobs, shops and higher-order public facilities are found in Folkestone and Hythe. Major transport connections - including High Speed 1 services, the Channel Tunnel terminus and the M20/A20 - open up central and northern Folkestone and north/west and central Hythe as accessible locations for investment, less than one hour from central London.”* (Paragraph 4.30)

*“These connections, alongside the overall attractiveness and competitiveness of the district, have the potential for transforming its economic performance. This will be supported by a critical mass and choice of premises, markets, supporting facilities and working/living environments, all well-served by regional, national and international transport connections.”* (Paragraph 4.31)

- 2.12. Policy SS1 continues:

*“Development to meet strategic needs will be led through strategically allocated developments at Folkestone Seafront and Shorncliffe Garrison, Folkestone, and the delivery of strategic mixed-use development at Hythe.”*

- 2.13. Supporting text provided in paragraphs 4.195 and 4.196 of the Core Strategy Review explains the regeneration role the Folkestone Seafront site will play in

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reinvigorating the seafront area, whilst also providing connections with neighbouring areas that have benefitted from recent investment:

*“Vacant land at Folkestone's Seafront and Harbour – including the former port area – lies in close proximity to the town centre. On the main route between these areas of potential is the Creative Quarter (which will develop further in parallel to the Seafront in line with policy CSD6). At its western end, the Seafront meets the rejuvenated Coastal Park, and the site is highly prominent from the Leas part of the town centre lying on the cliff-top above.” (Paragraph 4.195)*

*“The redevelopment of Folkestone Seafront provides a unique opportunity for the town to reconnect with the coast and reinvent and invigorate itself as a place to live, work and visit for the twenty-first century. It can provide new facilities and a design providing a contemporary sense of place, but also drawing on strong historic maritime connotations. The Harbour, built from 1807 onwards, is grade II listed in part. From the mid-nineteenth century it benefited from a direct connection to the national rail network, and the area played an important military role during times of war in the first half of the twentieth century. The decline of British seaside mass tourism, and then the closure of ferry services in 2000, have left a large under-used area which has lost its sense of vitality and purpose and currently benefits little from its prominent coastal location.” (Paragraph 4.196)*

- 2.14. In considering whether the Core Strategy's proposals for its allocation at Folkestone Seafront in accordance with Policy SS6 was *“effective, adequately justified and consistent with national policy”* the Inspector concluded in his report (paragraphs 64 and 65 refer) as follows:

*“Given their proximity to the town centre and the presence of significant areas of vacant land, Folkestone's seafront and harbour provide clear potential for substantial urban regeneration activity. The need for such improvement consistent with safeguarding the area's historic heritage and the integrity of nearby nature conservation sites, is generally accepted. Specifically, the*

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*opportunity exists to increase and reinforce linkages with the town centre – for example through Folkestone’s Creative Quarter.” (Paragraph 64)*

*“A mixture of uses is proposed, including up to 1,000 dwellings and at least 10,000 square metres of commercial activity. The scale and nature of development is justified by the site’s size and waterfront/seaside location.” (Paragraph 65, in part)*

- 2.15. The scale and range of development proposed at Folkestone Seafront in accordance with policy SS10 of the Core Strategy Review is, therefore, justified.

### **Question 5**

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?

- 2.16. The Folkestone Seafront site benefits from outline planning consent granted under planning reference Y12/0897/SH, and thus there has been rigorous assessment of a promoted scheme against the requirements of policy SS6 of the Core Strategy (and its equivalent as policy SS10 of the Core Strategy Review). The development plan policies, to include demonstration of compliance with the criteria of site-specific policy SS6 (SS10), were material to the determination of the application, and the decision to grant planning consent has thus been taken in accordance with the development plan.
- 2.17. Coverage of the evidence prepared to support the requirements of policy SS10, to include the need for the requirement and the associated effect on viability is provided within a table titled ‘Commentary on criteria to Policy SS10’, which is appended as Appendix 1 to this statement.
- 2.18. A viability analysis was provided to the council in support of the seafront planning application. The viability analysis provided was to confirm the financial viability of the proposed scheme, and to financially appraise the extent of

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affordable housing that the scheme was capable of submitting. The report was compiled by Capita Symonds. The council appointed an independent consultant, Peter Brett Associates, to assess whether the assumptions applied in the viability report were robust, and within acceptable parameters. The viability section presented within the Planning Committee report is appended as Appendix 2 to this statement.

- 2.19. Having taken each of the requirements in the policy, and presented the evidence to support them demonstrates the requirements are justified. It can also be demonstrated that the provision of the required infrastructure, be it through payment of a proportionate contribution or otherwise direct provision secured under a Section 106/Section 278 agreement, will have no corresponding effect on viability.

### **Question 6**

What are the specific requirements for new or improved infrastructure and social and community facilities?

- 2.20. Criterion d. of Policy SS10 seeks to ensure sufficient contributions are made to fund highway, public transport and parking arrangements to provide sustainable connectivity between the Seafront site, the town centre and central and eastern Folkestone, including improved pedestrian, cycle and bus links and according with Policy SS5.

- 2.21. Policy SS5 'District Infrastructure Planning' requires that:

*“Development should provide, contribute to or otherwise address the district's current and future infrastructure needs. Infrastructure that is necessary to support development must exist already, or a reliable mechanism must be available to ensure that it will be provided at the time it is needed.”*

- 2.22. In the case of the Folkestone Seafront site, planning consent was granted on 30 January 2015, and Section 17 of the Planning Committee report provides commentary on all associated highway and transportation matters raised by



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the local highway authority. Section 17 of the Planning Committee report is appended to this statement (Appendix 3).

2.23. The applicant has entered into a Section 106 agreement that will fund the following highway and connectivity improvements:

Type	Amount due	Trigger(s)
Footpath contribution	£100,000	Occupation of 60 <sup>th</sup> dwelling
Tontine Street highway improvement	£150,000	Commencement of development
Variable messaging signage contribution	£30,000	Commencement of phase 5 or 6
Travel plan monitoring	£10,000	Prior to first occupation
Junction 5 contribution	£50,000	Occupation of 240 <sup>th</sup> dwelling

2.24. Criterion e. requires that appropriate financial contributions are provided to meet additional school pupil places generated by the development. Again, Policy SS5 ‘District Infrastructure Planning’ requires that:

*“Development should provide, contribute to or otherwise address the district's current and future infrastructure needs. Infrastructure that is necessary to support development must exist already, or a reliable mechanism must be available to ensure that it will be provided at the time it is needed.”*

2.25. The Section 106 agreement that has been entered into for the Folkestone Seafront scheme secured development contributions towards primary education of £2987.50 per dwelling, with payment to be made to the District Council on occupation of every 60 dwellings and final payment on occupation of the final dwelling.

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2.26. Additional information on critical infrastructure needs is provided within the Infrastructure Delivery Plan prepared in support of the Places and Policies Local Plan dated August 2018. Table 3.1 identifies the critical school need and details that developer contributions secured from the Folkestone Seafront site will be directed to the provision of a new 2 Form of Entry primary school at the Shorncliffe Garrison site.

Critical school need						
Details	Lead Partner	Total Cost Estimate	Main source of funding	Potential funding confirmed	Funding gap	Potential contributions
2FE new primary school provision – Shorncliffe Heights	KCC	£6.8m	S106	Taylor Wimpey 2.05ha site plus £3.14m Folkestone Seafront £2.99m	£0.67m	TBC

2.27. The strategic allocation at the Shorncliffe Garrison includes a requirement to safeguard land for the provision of a new primary school.

2.28. In terms of the requirement for the provision of new school infrastructure necessary to support development at Shorncliffe Garrison, the Inspector’s report into the Core Strategy acknowledges (paragraph 65):

*“the Council has clarified infrastructure requirements in the light of updated school capacity information.”*

2.29. Paragraph 71 of the Inspector’s report concludes:

*“The revised wording of policy SS7 also takes account of updated information on infrastructure needs (in the light of new school capacity information).”*

2.30. Criterion h. (affordable housing dwellings) of Policy SS10 seeks to ensure that the development will deliver 300 affordable housing dwellings, subject to viability. As set out in various paragraphs of the Planning Committee report to Y12/0897/SH, the outline application granted consent on 30 January 2015 will

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provide for 8 per cent affordable housing across the development. Specifically, paragraph 20.34 of the Planning Committee report asserts:

*“The Housing Manager has raised no objection to the application and considers the viability report has been appropriately and robustly assessed. There is a lack of intermediate (shared ownership) property within Folkestone. Whilst 8% affordable housing is significantly lower than the target of 30% set out within the Core Strategy site specific policy SS6, the provision of affordable housing is subject to viability, whilst development must also accord with the other requirements of the policy so as to ensure it delivers regeneration benefits for the wider area.”*

2.31. Criterion i. of Policy SS10 seeks the following:

*“Residential buildings achieve a minimum water efficiency of 90 litres/person/day. All development must be designed and constructed to achieve high standards of environmental performance, and buildings should be designed to allow convenient waste recycling.”*

2.32. Given that requirements for water efficiency levels of 90 litres per person per day were found sound by the Inspector examining the 2013 Core Strategy and that planning permissions have been granted for those sites allocated in the adopted plan, with development progressing on several, the council considered it a proportionate approach to continue with this requirement to guide remaining phases of development.

2.33. The payment of these contributions will have no corresponding effect on viability. Having taken each of the requirements in the policy, and presented the evidence to support them demonstrates the requirements are justified. It can also be demonstrated that the provision of the required infrastructure, be it through payment of a proportionate contribution or otherwise direct provision secured under a Section 106/Section 278 agreement, will have no corresponding effect on viability.

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### **Question 7**

How will these be provided and funded?

- 2.34. Developer contributions that were secured through the signing of the Section 106 legal agreement entered into by the landowners and district council will 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.
- 2.35. 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.
- 2.36. Likewise, 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.
- 2.37. This approval process necessitates that monies are spent in accordance with the specific legal agreements through a controlled project management approach.

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### **Question 8**

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?

- 2.38. 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 (Appendix 4 refers). At the time the planning application 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 item would be required in relation to the number of occupations at the Folkestone Seafront development.
- 2.39. 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 will 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.
- 2.40. 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, and provide coverage of those items of infrastructure that will be part-funded through use of Community Infrastructure Levy receipts. 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.

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2.41. 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 9**

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

2.42. The site benefits from a Reserved Matters approval was granted in accordance with reference Y18/1252/FH for Plot B being details pursuant to outline application Y17/1099/SH for the *“erection of buildings between 4 and 8 storeys comprising 60 flats, 20 townhouses and 4 duplex flats, associated car and cycle parking and plant.”*

2.43. A contract award<sup>5</sup> between the Development Company and contractors Jenner to construct this phase of the development was announced in January 2020. The temporary closure of construction sites owing to the Covid-19 pandemic halted construction for a period of time, but activity is now back underway.

2.44. The timing and rates of housing delivery are presented within the council’s response to Matter 8: The Supply and Delivery of Housing Land. As construction activity has commenced it is expected that the development will continue until it is fully built out. The housing delivery rates are considered to be realistic.

### **Question 10**

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.)

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<sup>5</sup> <http://jenner.cfa-uat.com/news/work-to-begin-on-folkestone-seafront>

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2.45. Four representations were received relating to Policy SS10. These raised the following issues:

- Kent County Council suggests revision of the wording regarding heritage to ensure that both the key archaeological features and their settings are preserved;
- The Environment Agency (EA) supports the clarification of the 'Special Water Scarcity Status' in paragraph 5.57 from the wording in the Regulation 18 draft. The EA also supports the high standards for water efficiency in the policy for the Seafront development and more widely across the district;
- Folkestone Harbour Limited would like Figure 4.6 amended to show the Sea Sports Facility already provided within the red line of the application within the immediate vicinity of The Stade to be retained; and
- A review of the planned green cycle route is required due to the topography.

2.46. With regard to heritage, Policy SS10 bullet point (f) states:

*“Design is of very high quality, preserving the setting of the key heritage assets and archaeological features of the site, sympathetic to the landscape and coastal character of the area including the retention of the Inner Harbour Bridge.”*

2.47. Bullet point (g) adds:

*“The layout is planned to achieve sufficient ground floor active/commercial uses in and around the Harbour and at the Pier Head Quarter to ensure a sense of vitality can be maintained, fully utilising the setting, and also featuring a central avenue and a range of open and enjoyable coastal environments.”*

2.48. The council considers that these points highlight key heritage features and their setting. Policy SS10 should be read in conjunction with policies in the Places

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and Policies Local Plan (PPLP) which provide more detail for development management.

- 2.49. The PPLP has been developed in parallel with the Core Strategy Review and has been through public examination. The Inspector's report has recently been issued and the plan has been found 'sound'.
- 2.50. Policy HE2: Archaeology sets out requirements for development throughout the district and states:

*“Important archaeological sites, together with their settings, will be protected and, where possible, enhanced. Development which would adversely affect them will not be permitted.*

*Proposals for new development must include an appropriate description of the significance of any heritage assets that may be affected, including the contribution of their setting. The impact of the development proposals on the significance of the heritage assets should be sufficiently assessed using appropriate expertise where necessary. Desk-based assessment, archaeological field evaluation and/or historic building assessment may be required as appropriate to the case.*

*Where the case for development affecting a heritage asset of archaeological interest is accepted, the archaeological remains should be preserved in situ as the preferred approach. Where this is not possible or justified, appropriate provision for preservation by record may be an acceptable alternative. Any archaeological investigation and recording should be undertaken in accordance with a specification and programme of work (including details of a suitable archaeological body to carry out the work) to be submitted to and approved by the Council in advance of development commencing.”*

- 2.51. The council considers that the policies provide strong protection for archaeological features on the site and main modifications are not necessary.
- 2.52. Regarding Figure 4.6, this is designed to illustrate the core principles for the redevelopment of the site, rather than the detail of a planning application.



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- 2.53. Regarding the pedestrian and cycle route shown on Figure 4.6, this forms part of a longer route on the former Harbour Railway Line. This is protected in the Places and Policies Local Plan (PPLP) through Policy RL12, which states that the former line is allocated for a linear park, promoting active travel by providing a cycle and pedestrian route to the harbour area. Policy RL12 states that planning permission will be refused for inappropriate development that would comprise the route's reuse as an alternative transport link.
- 2.54. The harbour railway line was formally closed in May 2014 following a period of consultation by the Department for Transport (DfT). It was concluded that ferry services were no more viable at the time of the closure than when they ceased to operate in 2001, and were not likely to be viable in the future. Consequently, it was maintained that there was little point in re-introducing the train service and uncertainty about the railway's future was inhibiting the regeneration of the seafront. Network Rail has removed one of the railway tracks and cleared vegetation.
- 2.55. The council believes that the former harbour railway line provides a unique opportunity for an attractive footpath, cycle lane and parking area to improve links to the seafront development. Policy RL12 retains the historic line of the railway as a link to the harbour and ensures that this is not lost to other forms of development. This would also extend the new walkway over the viaduct in the harbour area (at the end of the railway line) that has already commenced and is now nearing completion.
- 2.56. Regarding the gradient, this route could form a small part of a much longer route, the National Cycle Network Route 2.<sup>6</sup> Route 2 when complete, will link Dover with St. Austell along the south coast of England. The route is currently 361 miles long; the only major gaps in this route are between Dawlish and Totnes, and Plymouth and St Austell.

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<sup>6</sup> See: <https://www.sustrans.org.uk/find-a-route-on-the-national-cycle-network/route-2/>

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2.57. From Folkestone harbour Route 2 currently climbs on side roads on the eastern edge of Folkestone, before joining Dover Hill and continuing east to Dover. Travelling westwards from the harbour, the route follows a more gently topography along the coast to Hythe, before looping inland along the Royal Military Canal and Romney Marsh, past Dungeness and on to Rye. Route 2 contains a number of steep sections along its length, but it can be tackled in sections and there are railway stations along the route that cyclists can use to complete the route in sections.

### **Question 11**

Are any main modifications to Policy SS10 necessary for soundness?

2.58. The council does not consider that any main modifications are needed to Policy SS10 for soundness.

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### **3. Shorncliffe Garrison – Policy SS11**

#### **Question 12**

What is the justification for the inclusion of the strategic site allocation at Shorncliffe Garrison (Policy SS11) given that is allocated in the adopted Core Strategy and has planning permission?

- 3.1. The council's approach to the Core Strategy Review is set out above in paragraphs 1.6 to 1.7. Policy SS11 for Shorncliffe Garrison (Policy SS7 of the adopted Core Strategy) was identified as a policy that did not need to be reviewed and should be carried forward into the Core Strategy Review.
- 3.2. The wording of Core Strategy Review Policy SS11 follows that of the adopted 2013 Core Strategy Policy SS7. This policy was examined and found 'sound' by the Inspector in 2013.
- 3.3. Since the Core Strategy was adopted by the council, Policy SS7 has served to guide development in Shorncliffe Garrison and a large part of the allocation has planning permission, with phases of the development under construction or complete.
- 3.4. Although development is progressing on the site, the council considers it appropriate to retain Policy SS7 in the Core Strategy Review as adopted (renumbered to SS11), to provide certainty and guide the remaining phases of the development (National Planning Policy Framework, paragraph 125).
- 3.5. As outlined above, the council has undertaken a comprehensive, district-wide assessment of the development potential for strategic growth as set out in the High Level Growth Options Report. In parallel with this process, work has proceeded on the Places and Policies Local Plan (PPLP), which has identified a number of smaller sites in the Urban area of Folkestone and Hythe; the PPLP recently been found 'sound' at examination.

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- 3.6. Through these processes, the council considers that there is no further potential for strategic growth in the urban area. The PPLP allocates a number of smaller sites (see paragraph 1.19 above) in the urban area.
- 3.7. Should further small-scale and infill opportunities arise in the urban area, proposals can be judged against Policies SS1, CSD6, CSD7 and the development management policies in the PPLP.

### **Question 13**

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

- 3.8. Section 4.6 of the Core Strategy Review, and specifically paragraph 4.143 asserts:

*“This section sets out strategic allocations for the district. The allocations are:*

- *New Garden Settlement in the North Downs Area (Policies SS6-SS9);*
- *Folkestone Seafront (Policy SS10); and*
- *Shornccliffe Garrison (Policy SS11).”*

- 3.9. The overview of key features of change proposed in the Spatial Strategy and associated major proposals for delivery acknowledges the role the Shornccliffe Garrison site (Policy SS11) is to play in achieving the spatial strategy objectives for the district, namely to:

*“Develop Folkestone’s centre, employment sites and deprived residential neighbourhoods to improve connectivity, vibrancy and activity led by major opportunities on ‘brownfield’ land at Folkestone Seafront and Shornccliffe Garrison, as well as employment sites, with opportunities to consolidate and improve the existing housing, commercial and retail stock. See policies SS1, SS3, SS4, SS10, SS11 and CSD6.”*

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- 3.10. Policy SS1 of the Core Strategy Review sets out the District Spatial Strategy, clearly articulating the council's approach to the delivery of major development to meet the housing needs of the district. For the Urban Area the strategy proposes:

*“Development in the Urban Area will be led through strategically allocated developments at Folkestone Seafront (policy SS10) and Shorncliffe Garrison, Folkestone (policy SS11), ...”*

- 3.11. Supporting text provided in paragraphs 4.213 and 4.214 of the Core Strategy Review explains the regeneration role the Shorncliffe Garrison site will play in providing high-quality family housing that integrates well with the existing residential area, whilst also improving public transport access across west Folkestone and Cheriton:

*“The scale and location of available land at Shorncliffe offers an important opportunity for providing high-quality family housing contributing to and benefiting from existing and upgraded services and infrastructure (including Cheriton High Street and High Speed 1 rail services). Developing an enhanced public realm and open space provision in the locality can benefit the surrounding community as a whole.”* (Paragraph 4.213)

*“There is excellent potential to provide a primarily residential development which can integrate well with the existing residential area, increasing local housing choice and services. Additionally it can support improved sports facilities, unlock new public greenspace, and improve access and bus services in west Folkestone and Cheriton. The development is planned mindful that a suitable critical mass of development is necessary for the provision of significant new community and public services to be feasible.”* (Paragraph 4.214)

- 3.12. In considering whether the Core Strategy's proposals for its allocation at Shorncliffe Garrison in accordance with Policy SS7 was effective, adequately

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justified and consistent with national policy, the Inspector concluded in his report (paragraph 70) as follows:

*“The Shorncliffe Garrison site arises as a result of a Ministry of Defence review of land holdings that identifies a need for land consolidation and improvement of retained facilities. Some 70 hectares of land is to be released, a substantial part of which is previously-developed. Forming a transitional area between the town and less built-up land, the site is well integrated with existing settlements – notably Cheriton. As such, the redevelopment proposal is consistent with the Plan’s strategic focus on Folkestone’s urban area.”*

- 3.13. The scale and range of development proposed at Shorncliffe Garrison in accordance with Policy SS11 of the Core Strategy Review is, therefore, justified.

### **Question 14**

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?

- 3.14. The Shorncliffe Garrison site benefits from a hybrid planning consent granted under planning reference Y14/0300/SH, and thus there has been rigorous assessment of a promoted scheme against the requirements of Policy SS7 of the Core Strategy (and its equivalent as Policy SS11 of the Core Strategy Review). The development plan policies, to include demonstration of compliance with the criteria of site-specific Policy SS7 (SS11), were material to the determination of the application, and the decision to grant planning consent has thus been taken in accordance with the development plan.
- 3.15. Details of the independent review of viability for the Shorncliffe Garrison scheme is provided in Section 19 of the Planning Committee report prepared for the hybrid scheme promoted under planning reference Y14/0300/SH. Key information is presented below:

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*“Taylor Wimpey’s viability consultant, GVA, submitted a confidential viability assessment in support of the planning application so as to demonstrate that the development could not provide all the required s106 contribution and other infrastructure and also provide the policy compliant requirement of around 30% of affordable housing.” (Paragraph 19.9)*

*“Shepway District Council have appointed Dixon Searle as an independent expert viability consultant to review the GVA report and ensure the viability work is fully tested in accordance with national guidance.” (Paragraph 19.10)*

*“Following significant discussion between officers, Dixon Searle, Taylor Wimpey and GVA there has been an incremental increase in affordable housing provision within the development from an initial 12% overall, 30% in phase 1 to the current position of 18% in total, with 30% provided within phase 1. It is considered that the viability of the development continues to be robustly tested by officers and our consultants and the overall quantum of development is close to being finalised, pending the review of the finalised viability report, to be provided by the applicant following the detailed calculation of costs for highway works and other infrastructure. It is the aim of officers to finalise the overall quantum of affordable housing within the development prior to DC Committee, with an update provided on supplementary sheets.” (Paragraph 19.11)*

- 3.16. Coverage of the evidence prepared to support the requirements of Policy SS11, to include the need for the requirement and the associated effect on viability is provided within a table titled ‘Commentary on criteria to policy SS11’, which is appended as Appendix 5 to this statement.
- 3.17. Having taken each of the requirements in the policy, and presented the evidence to support them demonstrates the requirements are justified. It can also be demonstrated that the provision of the required infrastructure, be it through payment of a proportionate contribution or otherwise direct provision secured under a Section 106/Section 278 agreement, will have no corresponding effect on viability.

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### Question 15

What are the specific requirements for new or improved infrastructure and social and community facilities?

3.18. Criterion c. of Policy SS11 seeks to ensure critical junction upgrades, and other highway improvements, and a contribution is made to improved and extended bus services and further sustainable travel measures for walking and cycling (including connections to Cheriton High Street and Folkestone West railway station) in accordance with policy SS5.

3.19. Policy SS5 'District Infrastructure Planning' requires that:

*“Development should provide, contribute to or otherwise address the district's current and future infrastructure needs. Infrastructure that is necessary to support development must exist already, or a reliable mechanism must be available to ensure that it will be provided at the time it is needed.”*

3.20. The Inspector's report includes commentary on the scale of housing that is proposed, particularly in respect of the scheme's traffic implications. The Inspector's report (paragraph 72) concludes:

*“The proposals have been examined in the Shepway Transport Strategy and, for the Ministry of Defence, in the Shornccliffe Transport Strategy. The methodology of these studies has not been substantively challenged. As already noted, the Highways Agency is now satisfied that the site's potential traffic impacts have been considered within the transport evidence base. Critical and necessary infrastructure upgrades (including transport) are set out in CS Appendix 2. Particular analysis has been made of the potential pinch-point of the Horn Street bridge, identifying a viable and deliverable solution.”*

3.21. A hybrid planning application was granted planning consent in accordance with planning reference Y14/0300/SH on 17 December 2015 for the following development:



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*“Hybrid application for the redevelopment of land at Shorncliffe Garrison. Application for outline permission (with all matters reserved) for demolition of existing buildings (with the exception of the listed buildings, officers’ mess within Risborough Barracks and water tower) and erection of up to 906 dwellings including affordable housing, community services and facilities (use Classes A1/A3/B1a/D1 and D2 uses up to 1,998 sqm), new Primary school and nursery (up to 3,500 sqm), combined new pavilion/cadet hut facility (up to 710 sqm) at The Stadium, retained cricket pitches including mini football pitches, equipped play, associated public open space and toilets, together with, associated accesses/roads, parking, associated services, infrastructure, landscaping, attenuation features and earthworks. Full application comprising demolition of existing buildings and erection of 294 dwellings including affordable housing, open space, improvements to ‘The Stadium’ sports facilities and new car park, equipped play improvements/works to The Backdoor Training Area, associated accesses/roads, parking, associated services, infrastructure, landscaping, attenuation features and earthworks.”*

- 3.22. The Planning Committee report provides commentary on all associated highway and transportation matters raised by the local highway authority in respect of the hybrid application. Section 14 of the Planning Committee report is appended to this statement (Appendix 6 refers).
- 3.23. The applicant has entered into a Section 106 agreement that will fund a number of highway and connectivity improvements, as set out in Tables 3.1 and 3.2 respectively.

**Table 3.1.** Highway and transportation contributions secured under the Section 106 legal agreement for the Shorncliffe Garrison site.

Type	Amount due	Trigger(s)
Footpath (Church Road & Cheriton High Street)	£25,000.00	Prior to first occupation

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PROWs (HF38 & HBX11)	£55,000.00	Prior to first occupation within Phase 1A (SMP)
Cycle Routes	£25,000.00	Prior to first occupation
Signals & Minor Junction improvements	£25,000.00	Prior to first occupation within Phase 1A (SMP)
Signal Works	£1,750.00	Prior to first occupation

**Table 3.2.** Highway and transportation contributions secured under the Section 106 legal agreement for the Shorncliffe Garrison site

1	2	3
Church Road Access	M181/200 Rev B	Prior to Commencement of Development on 'The Stadium' parcel subject to this access being used as a construction access
Royal Military Road Access	M181/201 Rev A	Prior to first Occupation on 'The Stadium' phase of the Development
Horn Street/Cheriton High Street Signal Junction	M181/205 Rev B	Prior to first Occupation of the 'St Martin's Plain' phase of the Development.
Horn St Bridge – Option 1 Junction Improvement (Change in Priority)	M181/203 Rev B	Prior to first Occupation on any Phase of the Development
A20 Cheriton High Street/Cheriton Interchange	M181/211 Rev -	Prior to first Occupation on any Phase of the Development
St Martins Plain Access	M181/213 Rev -	Prior to Commencement of Development on 'The St Martin's Plain' parcel subject to this access being used as a construction access

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3.24. Information presented as Table 3.1 of this statement has been drawn from the Section 106 legal agreement, and the developer is also required to carry out the highway works detailed in Table 3.2 of this statement. In reference to the latter, a description of the highway works are stated in column 1, and drawing references are provided in column 2. The developer is not to progress the development beyond the trigger point referred to without complying with that obligation in accordance with the trigger stated in column 3.

3.25. Criterion d. of Policy SS11 requires that a proposal includes on-site provision of appropriate community infrastructure including land and possible contributions towards a new primary school (up to two-form entry). As detailed in Section 12 of the Planning Committee report prepared for the hybrid application promoted under planning reference Y14/0300/SH it is explained that:

*“The application includes seeking outline permission for a 2 form entry primary school and nursery (3500 sq m) on the eastern parcel of land at Le Quense. The delivery of a new primary school within the application site is identified as ‘critical’ infrastructure within appendix 2 of the Core Strategy Local Plan. As such, the principle of the primary school in this location is set out within the site policy and Core Principles for master planning strategic site diagram, with the proposed site well located alongside the existing highway network, at the heart of the development and in close proximity to existing and proposed community facilities. The provision of a new primary school is highly sustainable and provides social cohesion for the new community, helping to establish the occupants within the locality with existing residents, whilst a condition can ensure community use is available for the school facilities (such as pitches).”*

3.26. Paragraph 12.6 clarifies that the land required for the primary school is to be serviced and transferred to Kent County Council (KCC) at nil cost. There is also commentary on financial contributions to be sourced from the Folkestone Seafront site to part-fund the delivery of the 2FE school at the Shorncliffe Garrison site, as follows:

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*“KCC have confirmed that they expect the site to be serviced and transferred at nil cost, whilst their comments on the application set out the appropriate education contribution to be paid to mitigate the impact of development. It is proposed that the land is transferred and the full contribution is made so as to allow KCC to construct the school for first opening in September 2018. It is proposed that the school will initially be built as 1 form entry, with additional funding (as secured from the Folkestone Seafront development application Y12/0897/SH) to be used to fund the second form of entry at a future date.”*

- 3.27. As set out in the Infrastructure Delivery Plan prepared in support of the Places and Policies Local Plan:

*“Housing developments at Shorncliffe Garrison and Folkestone Seafront will require provision for a new 2FE Primary school. Land has been provided by the developers on the Shorncliffe Garrison site. The extra capacity provided will ensure sufficient surplus places and increased parental choice across Folkestone Town. It is expected that the school will open on site as demand increases, which is not expected to be before September 2020. The value of opening a new school in this new community is recognised, but has to be balanced with the impact opening provision could have on schools and other communities if opened too soon.”* (Paragraph 3.12)

*“In the case of a new primary school facility at Shorncliffe Garrison, the land for the primary school site is to be transferred to KCC as Education authority by the landowner within 30 working days of receiving from the County Council a notice requiring transfer of the school site. The landowner shall service the school site prior to the commencement of phase 2 of development and notify the County Council that the servicing works have been completed. The landowner shall not be required to service the school site earlier than March 2017 and the landowner shall not commence any other development within Phase 2 until the school site has been serviced.”*

- 3.28. As the completion and occupation of residential units at the Shorncliffe Garrison site has proceeded, so it has been necessary for the developer, Taylor

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Wimpey, to maintain dialogue with Kent County Council as the Local Education Authority in respect of their commitment under the Section 106 agreement to provide for a new on-site primary school. Correspondence prepared by KCC dated 11 May 2020 for the attention of Taylor Wimpey has been shared with the district council, and the letter appended as Appendix 7 to this statement. The letter provides a useful update on the future timescales for the transfer of the school land, which will then prompt payment of the developer contribution that will part-fund construction of the school. The reader is reminded that additional funding for the primary school is to flow from the Folkestone Seafront development.

- 3.29. Extracts from the letter prepared by KCC dated 11 May 2020 are provided below:

*“On 5 August 2019 you wrote informing Kent County Council that the primary school site at Shorncliffe was ready to be transferred in accordance with the requirements as outlined in the s106.*

*As officers informed you, our pupil forecasts suggest that the school will not be required until the second half of this decade. Therefore, we will not request the site transfer until 2024 at the earliest.*

*Schedule 2, paragraph 1.2 of the s106 provides that the developer is under an obligation to transfer the site within 30 days of KCC serving a notice to that effect. When the site is required by the County Council, we will serve a notice to such effect.”*

- 3.30. In terms of the requirement for the provision of new school infrastructure necessary to support development at Shorncliffe Garrison, the Inspector’s report into the Core Strategy (paragraph 71) concludes:

*“The revised wording of policy SS7 also takes account of updated information on infrastructure needs (in the light of new school capacity information).”*

- 3.31. Criterion d. of Policy SS11 also requires on-site provision of community infrastructure (including land) to provide a health/care facility (and/or delivery

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of a community/public facility of equal community value). As set out in Schedule 2 of the signed Section 106 legal agreement, a health care facility is to be provided on site in accordance with the defined specification, as follows:

*“the premises of 300 square metres (GIA) identified for a health care facility (use class D1) to include the provision of 20 car parking spaces and shown on the plan at Appendix 5 to this Deed.”*

- 3.32. As documented in paragraph 12.2 of the Planning Committee report relating to the scheme promoted under planning reference Y14/0300/SH:

*“The application includes provision of a new 480-600 sq m (floor space GIA) 2 storey pavilion building, located to the west of the spine road at the edge of the Stadium pitches (and surrounded by land within phase 1b). It is proposed that the new pavilion building will be delivered on site by March 2018 to satisfy obligations that Taylor Wimpey have with the MOD to retain Cadet facilities at the site, which also ensure existing community facilities are not lost, in accordance with policy SS3 of the Core Strategy Local Plan. This will be a shared facility providing changing facilities on the ground floor (for the adjacent sports pitches) and accommodation on the first floor for the Army Cadet Force (as a replacement for the existing cadet hut) with opportunities for community use on the first floor of the building at other times.”*

- 3.33. At the time of writing (June 2020), the Section 106 payment for the management and maintenance of the Pavilion has been received by the district council, and the trigger point for payment was on completion of the transfer of the Pavilion freehold to the council. The facility is now operational.

- 3.34. Criterion e. of Policy SS11 requires that a scheme of development incorporates high-quality green infrastructure at the design stage, with sports and public open space usable for active recreation retained in line with national policy, and improved changing facilities provided at ‘The Stadium’. Details of proposed play space within the development are set out within the Play Strategy within the Development Specification Document (DSD).

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3.35. Further context is provided within the Planning Committee report prepared for application Y14/0300/SH, as follows:

*“In terms of open space provision on the site, Table 9.1 of the DSD provides a breakdown of the size and the open space areas estimated to be delivered, including both the outline and full elements. Including the Backdoor Training Area the total provision of on-site open space equates to approximately 44.98 ha. Excluding the Backdoor Training Area the development delivers 11.84 ha of open space. Taking into account the size of these areas, the provision of open space to be delivered on site is in excess of the saved local plan policy requirement. Whilst it can be argued that much of this open space is currently publicly accessible, this is at the MOD’s discretion – the current application will ensure the long term availability and access to these spaces for sports, recreation and leisure purposes, whilst provision is made within the application to substantively improve the quality and usability for their intended uses.”*

3.36. Criterion i. of Policy SS11 seeks to ensure the development delivers 360 affordable housing dwellings for the Urban Area subject to viability (or if the total residential quantum is less than 1,200 units, 30 per cent). Schedule 1 of the signed S106 legal agreement clarifies that the affordable housing provision will be 18 per cent, and an excerpt from the Section 106 agreement is presented below.

Unless otherwise agreed in writing with the Council the Owner covenants as follows:

- 1 That 18% of the total number of the Dwellings on the Property shall be Affordable Housing Units and shall be transferred to the Affordable Housing Provider in accordance with paragraphs 7 and 8 below

3.37. Details of the viability evidence is presented within the response to Question 14 of this matter.

3.38. Criterion j. of Policy SS11 seeks to ensure residential buildings achieve a minimum water efficiency of 90 litres/person/day. Given that requirements for water efficiency levels of 90 litres per person per day were found sound by the

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Inspector examining the 2013 Core Strategy and that planning permissions have been granted for those sites allocated in the adopted plan, with development progressing on several, the council considered it a proportionate approach to continue with this requirement to guide remaining phases of development.

### **Question 16**

How will these be provided and funded?

- 3.39. The developer contributions that were secured through the signing of the Section 106 legal agreement entered into by the landowners and district council will 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.
- 3.40. 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.
- 3.41. Likewise, where the county council is the responsible service provider, for example in respect of libraries, education, social care, highways and transportation, when S106 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



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governance on spend and associated programming for delivery for Section 106 monies to be released.

- 3.42. This approval process necessitates that monies are spent in accordance with the specific legal agreements in a controlled project management environment.

### **Question 17**

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?

- 3.43. 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 (Appendix 8). At the time the planning application 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 at the Shorncliffe Garrison development.
- 3.44. 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 will 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.
- 3.45. 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, and provide coverage of those items of infrastructure that will be part-funded through use of Community Infrastructure Levy receipts. Preparation of the IFS will require close engagement with county council

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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.

- 3.46. 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 18**

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

- 3.47. The timing and rates of housing delivery are presented within the council's response to Matter 8: The Supply and Delivery of Housing Land. The stated trajectory of housing delivery at Shorncliffe Garrison has been provided by the site promoter. The recorded number of housing occupations at the Shorncliffe Garrison site is 233 units, and the year-on-year profiling is as set out in Matter 8. The timing and rate of housing deliver are considered to be robust and realistic.

### **Question 19**

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.)

- 3.48. Five representations were made to Policy SS11. These raised the following issues:
- It is suggested that the design and layout of the development should draw upon the military character of the place, and not just the scale and pattern of surrounding development. This would ensure that the new development

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makes a positive contribution to local character and distinctiveness in line with the objectives of the NPPF;

- There is concern locally that the heritage features of the site are not being preserved and that proper archaeological investigation is not being carried out;
- The Environment Agency supports that the 'Special Water Scarcity Status' in paragraph 5.57 has been clarified; and the high standards set for water efficiency in the New Garden Settlement, the Seafront, Shorncliffe and Sellindge developments, and more widely across the district; and
- Taylor Wimpey would like paragraph i. to be amended to refer to provision of 18 per cent affordable housing in line with outcomes of the agreed viability assessment. Reference to 30 per cent affordable housing, further fails to accord with Policy CSD1 which amended it to 22 per cent.

3.49. Other representations were made to related matters and these are summarised below:

- Taylor Wimpey seeks to amend Figure 4.7 to reflect the consented planning application. Reference to the provision of allotments should also be removed and the area of green space at The Stadium should also be adjusted to reflect the consented scheme; and
- Taylor Wimpey also questions the additional statements covering the possibility of further heritage assets following the work carried out previously by Historic England for the hybrid planning application (Y/14/0300/SH) where relevant sites were identified; and the need to provide a "significant proportion" of homes to be flexible to the needs of residents as they age.

3.50. The council's approach to the Core Strategy Review is outlined above in paragraphs 3.1 to 3.3.

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3.51. Given progress with the development of the strategic site, the council considers it appropriate to keep Policy SS11 (renumbered from SS7 in the 2013 Core Strategy) in its adopted form to guide the remaining phases of development on the site.

3.52. Policy SS11 bullet point g. refers to the development being guided by the former uses on the site; the detail would be determined through the planning application process. Places and Policies Local Plan (PPLP) Policy HB1: Quality Places Through Design require development to make:

*“ ... a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, materiality and mix of uses so as to ensure all proposals create places of character; ...”*

The council does not consider it necessary to add further detail to Policy SS11 to reflect this.

3.53. Regarding archaeological investigation, it is not clear what local concerns are being referred to; the council considers that this is a matter for the development management process rather than the policy. PPLP Policy HE2: Archaeology states that:

*“Where the case for development affecting a heritage asset of archaeological interest is accepted, the archaeological remains should be preserved in situ as the preferred approach. Where this is not possible or justified, appropriate provision for preservation by record may be an acceptable alternative. Any archaeological investigation and recording should be undertaken in accordance with a specification and programme of work (including details of a suitable archaeological body to carry out the work) to be submitted to and approved by the Council in advance of development commencing.”*

The council does not consider it necessary to add further detail to Policy SS11 to reflect this.

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- 3.54. Regarding other elements of Policy SS11 and the existing planning permissions, the council considers it appropriate to remain with the adopted policy wording. Policy CSD1 regarding affordable housing allows issues of practicality and viability to be taken into account in decision making and this will be a matter of negotiation through the development management process.
- 3.55. Figure 4.7: Shorncliffe Garrison Strategic Site is intended to show the core principles for masterplanning the site and the council does not consider it appropriate to show the detail of consented phases on this diagram.

### **Question 20**

Are any main modifications to Policy SS11 necessary for soundness?

- 3.56. The council considers that no main modifications are necessary to Policy SS11 for soundness. As set out in the Inspector's report into the Core Strategy (2013), it was found that:

*“Subject to the above-noted main modifications, I therefore conclude that the Core Strategy's proposals for Shorncliffe Garrison are effective, adequately justified and consistent with national policy.”*

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### **4. Central Folkestone Strategy – Policy CSD6**

#### **Question 21**

What is the basis for the strategy for Central Folkestone (Policy CSD6) and is it justified?

- 4.1. The council's approach to the Core Strategy Review is outlined above in paragraphs 1.4 to 1.7. Policy CSD6 was considered through this process and assessed to be in accordance with national policy and guidance.
- 4.2. Consultation on the Regulation 18 version of the Core Strategy Review highlighted issues with the policy that were then reflected in revised wording for the Regulation 19 plan:
- The evening economy and entertainment uses; and
  - The Creative Quarter.

#### **Evening economy and entertainment uses**

- 4.3. During consultation on the Regulation 18 version of the Core Strategy Review the council received a number of general comments on the evening economy, highlighting the need to promote entertainment and evening venues to attract younger people to the district.
- 4.4. Although such venues would be covered by the definition of 'main town centre uses' in the National Planning Policy Framework, the council considered that the wording of the policy could be amended to include specific reference to the daytime and evening economy and entertainment uses.
- 4.5. The national planning practice guidance supports this approach stating:

*“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*

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*and offer services beyond retail. In fostering such activities, local authorities will also need to consider and address any wider impacts in relation to crime, noise and security.”<sup>7</sup>*

- 4.6. The first paragraph of the policy stresses the need for a mix of uses allied to public realm improvements that enhance the physical environment, people’s sense of security and connectivity.
- 4.7. The council is undertaking further work on regenerating the town centre through the creation of a masterplan. As part of this work the council undertook a visitor survey, ‘Market Research to support regeneration opportunities for Folkestone Town Centre’ (Watermelon Research, February 2020).<sup>8</sup> This identified the lack of an evening economy as one of the main changes that would encourage overnight stays in Folkestone. This work will be taken forward through the town centre masterplan, but the council considers that it would be beneficial to have supporting policy wording in Policy CSD6 of the Core Strategy Review.

### **The Creative Quarter**

- 4.8. Folkestone has been developing a creative arc from Folkestone harbour arm through to the Old High Street which has mainly comprised retail and art shops, architects offices and restaurants. This has been extended into Tontine Street where property has been redeveloped more recently to create co-working space for micro-businesses, studios and live performance venues such as the Quarterhouse. The investment has been significant and much achieved through a charitable trust, Creative Folkestone.
- 4.9. This ambition was recognised in the adopted 2013 Core Strategy, which included Strategic Need A, paragraph 3.3, bullet point 9:

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<sup>7</sup> National Planning Practice Guidance, Paragraph: 001 Reference ID: 2b-001-20190722.

<sup>8</sup> Available to view at: [https://www.folkestone-hythe.gov.uk/media/2536/Folkestone-town-centre-regeneration-research/pdf/Folkestone\\_Town\\_Centre\\_Regeneration\\_Research\\_FINAL.PDF?m=637250877233330000](https://www.folkestone-hythe.gov.uk/media/2536/Folkestone-town-centre-regeneration-research/pdf/Folkestone_Town_Centre_Regeneration_Research_FINAL.PDF?m=637250877233330000)

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*“Expand cultural and creative activity in the district, with refurbished premises and spaces in Folkestone’s old town forming a vibrant Creative Quarter.”*

4.10. Spatially this arc was noted on the Folkestone Seafront Strategic Site diagram and within paragraph four of Policy CSD6.

4.11. Research by Kent County Council (Appendix 9) shows that:

- Folkestone & Hythe district has a broad-based creative sector like other Kent districts and this increased in size by more than 27 per cent over the last five years (Table 4);
- The Folkestone & Hythe creative sector is similar to other Kent districts’ sectors, being broadly-based but with most representation in IT, software and computer services (Table 5; 41 per cent for Folkestone & Hythe District), seen as drivers for future economic growth; and
- Similar to other Kent Districts, there is a high proportion of micro-enterprises (96.7 per cent - see Table 8), viewed as drivers for creativity.

4.12. During consultation on the Regulation 18 version of the Core Strategy Review, the council received comments to Policy CSD6 from the Creative Foundation (now renamed Creative Folkestone) stating that the policy needed to do more to provide long-term encouragement and support for the creative and digital industries.

4.13. The following considerations were stressed in Creative Folkestone’s comments:

- The need for secure, permanent, affordable creative workspace;
- Recognition of the value of the mix of uses in the creative quarter;
- The need for the fastest broadband infrastructure;
- Encouraging development of the creative sector through the planning process; and
- Developing policies that encourage the creative industries.



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4.14. Following the Regulation 18 consultation, council officers discussed the comments with Creative Folkestone to see how the policy could be amended to address the organisation's concerns.

4.15. The National Planning Policy Framework states in paragraph 82:

*“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.”*

4.16. National planning practice guidance adds that:

*“Clustering of certain industries (such as some high tech, engineering, digital, creative and logistics activities) can play an important role in supporting collaboration, innovation, productivity, and sustainability, as well as in driving the economic prospects of the areas in which they locate. Strategic policy-making authorities will need to develop a clear understanding of such needs and how they might be addressed taking account of relevant evidence and policy within Local Industrial Strategies. For example, this might include the need for greater studio capacity, co-working spaces or research facilities.*

*These needs are often more qualitative in nature and will have to be informed by engagement with businesses and occupiers within relevant sectors.”<sup>9</sup>*

4.17. These issues are recognised in the Employment Land Review (Document EB 07.40), which identifies that the Creative Quarter around Tontine Street and Old High Street has been a key driver in the office market in Folkestone, significantly enhancing the profile of the town centre and leading to the development of a cluster of start-up businesses including digital industries

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<sup>9</sup> National Planning Practice Guidance, Paragraph: 032 Reference ID: 2a-032-20190722.

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(paragraphs 4.14 and 4.33(6)). However, the lack of suitable office space has acted as a deterrent to new firms moving into the area (paragraph 4.16).

- 4.18. The council's Economic Development Strategy 2015-2020 'Our plan for business and jobs' (Document EB 07.50) also highlights growing creative and media sectors as key strengths of the Folkestone and Hythe area (paragraph 2.5) and as an existing asset that can be built on for future growth (paragraph 3.2). The accompanying analysis identifies the Folkestone Seafront / Tontine Street area as 'strategic site' capable of being marketed as a major employment location, justifying more involved public sector intervention to secure delivery.
- 4.19. Recently the development of the area has continued, for example with the creation of new digital studios in Tontine Street. The area also has representation from the University of the Creative Arts.
- 4.20. The creative arc is distinguished by having a cluster of creative enterprises beyond what might be expected in a traditional Creative Quarter (with a focus on arts and crafts production and retailing).
- 4.21. The density of the creative enterprises in the creative arc makes the area distinct and visible compared to other locations, sometimes with a higher number of creative businesses, but more dispersed.
- 4.22. In light of the consultation comments from Creative Folkestone, the council added additional wording to Policy CSD6 for the Submission Draft Core Strategy Review to add reference to creative sectors and the Creative Quarter, building on the success of the adopted 2013 Core Strategy policy, to try to ensure that there is no net erosion of these spaces (fourth paragraph, second bullet point).
- 4.23. Other elements of policy CSD6 reflect national planning policy and guidance and the council considers that they remain relevant.

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- 4.24. The National Planning Policy Framework states that planning policies should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation (paragraph 85).
- 4.25. Policies should 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 (NPPF, paragraph 127 (d)). Places should be safe, inclusive and accessible (paragraph 127(f)).
- 4.26. The importance of residential uses in town centres is stressed in national planning guidance

*“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.”<sup>10</sup>*

### **Question 22**

Is it sufficiently clear in terms of the scale, type and location of development?

- 4.27. Policy CSD6 establishes broad areas for regeneration and development and, within the Bayle and Leas Conservation Area, areas for preservation and enhancement (see also Figure 5.4: Central Folkestone strategy). The Creative Quarter is also identified as an area for creative and digital industries.
- 4.28. Policy CSD6 also refers to Policy SS10 for the Folkestone Seafront and this is dealt with in the council’s responses to other questions within Section 2. Folkestone Seafront – Policy SS10.
- 4.29. The intention of the policy is to set the strategic context to guide any developments that may come forward beyond those sites identified in the

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<sup>10</sup> National Planning Practice Guidance, Paragraph: 001 Reference ID: 2b-001-20190722.

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Places and Policies Local Plan, and this was accepted by the Inspector at the examination of the 2013 Core Strategy.<sup>11</sup>

4.30. 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 Inspector.<sup>12</sup>

4.31. A number of sites were identified within the Central Folkestone area through the PPLP process and have been allocated within the framework set out in Policy CSD6. These allocations include:

- Policy UA1: East Station Goods Yard, Folkestone – allocated for a mixed-use development, including 40 dwellings and commercial floorspace;
- Policy UA2: Rotunda and Marine Parade Car Parks, Lower Sandgate Road, Folkestone – allocated for a total of 115 dwellings;
- Policy UA3: Royal Victoria Hospital, Radnor Park Avenue, Folkestone – allocated for 42 dwellings;
- Policy UA4: 3-5 Shorncliffe Road, Folkestone – allocated for 20 dwellings;
- Policy UA5: Ingles Manor, Castle Hill Avenue, Folkestone – allocated for a mixed-use development, including 46 dwellings and commercial floorspace;
- Policy UA6: Shepway Close, Folkestone – allocated for 35 dwellings and public open space; and
- Policy UA7: Former Gas Works, Ship Street, Folkestone – allocated for 100 dwellings.

4.32. Further guidance is provided by PPLP Policy RL2: Folkestone Main Town Centre which establishes primary and secondary shopping frontages within the retail area highlighted in Figure 5.4: Central Folkestone strategy.

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<sup>11</sup> Report on the Examination into Shepway Core Strategy Local Plan, 10 June 2013, PINS/L2250/429/5, paragraph 87.

<sup>12</sup> 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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- 4.33. The council considers that this demonstrates that Policy CSD6 continues to set a clear framework for development within central Folkestone. Should additional development opportunities come forward on sites not allocated within the PPLP, through the town centre masterplan work that the council is currently undertaking, or through other circumstances, these can be assessed against the general framework provided by Policy CSD6 and the development management policies in Part Two of the PPLP.

### **Question 23**

Are any main modifications to Policy CSD6 necessary for soundness?

- 4.34. The council does not consider that any main modifications are necessary to Policy CSD6 for soundness.

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### **5. Hythe Strategy – Policy CSD7**

#### **Question 24**

What is the basis for the strategy for Hythe (Policy CSD7) and is it justified?

- 5.1. Policy CSD7 in the Core Strategy Review follows the existing policy wording of CSD7 in the adopted 2013 Core Strategy.
- 5.2. The council's approach to the Core Strategy Review is set out above in paragraphs 1.4 to 1.7. Policy CSD7 was assessed through this process and was not considered to need amendment.
- 5.3. As set out above, the High Level Options Report (EB 04.20) found Hythe to be an area with environmental, landscape and spatial constraints. 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 Folkestone and the surrounding area. The overall conclusion of the Report is therefore that the area has no potential for strategic growth.
- 5.4. The Town Centre Study, Volume 1: Main Report (EB 07.60, 2015) states that the principal aim should be to protect the role and function of Hythe town centre as the district's second largest centre. The primary shopping area benefits from a good concentration of retail and other footfall-generating activities such as independent cafes and restaurants. The future success of Hythe may well be allied to it successfully branding itself as the 'alternative' to Folkestone, and marketing its specialist offer as an alternative both to more mainstream centres, and to other competing influences such as online shopping. The health of the

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town centre is currently good, the Study found, so the overall message of the Study is to continue with existing policy.

- 5.5. Policy CSD7 therefore stresses the need for additional employment in the town and upgrading the stock of business accommodation and training opportunities. The importance of the tourist and leisure economy to the town is stressed, as well as public realm improvements in the High Street and town centre. The need for strategic flood defences and better transport links also feature in the policy. The council therefore considers that Policy CSD7 remains relevant and justified.

### **Question 25**

Is it sufficiently clear in terms of the scale, type and location of development?

- 5.6. Policy CSD7 establishes a broad strategy for Hythe encompassing employment, education, tourism and leisure, food defences, public realm improvements and public transport routes.
- 5.7. The intention of the policy is to provide a strategic context, together with allocations in the Places and Policies Local Plan, consistent with the town's position in the settlement hierarchy and its particular and important historic heritage, and this was accepted by the Inspector at the examination of the 2013 Core Strategy.<sup>13</sup>
- 5.8. Figure 5.5: Hythe Strategy identifies broad areas of constraint, including conservation areas, the Kent Downs Area of Outstanding Natural Beauty, the Roughs Site of Special Scientific Interest, the Royal Military Canal and the Hythe Ranges Ministry of Defence land. The development site shown on the strategy represents the former Nickolls Quarry site, which has planning permission and is currently being built out.

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<sup>13</sup> Report on the Examination into Shepway Core Strategy Local Plan, 10 June 2013, PINS/L2250/429/5, paragraph 89.

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5.9. 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 Inspector.

5.10. A number of sites were identified within Hythe through the PPLP process and have been allocated within the framework set out in Policy CSD7. These allocations include:

- Policy UA13: Smiths Medical Campus, Hythe – allocated for mixed-use development including 80 dwellings and business/storage and distribution floorspace;
- Policy UA14: Land at Station Road, Hythe – allocated for 30 dwellings;
- Policy UA15: Land at the Saltwood Care Centre, Hythe – allocated for 84 C2 or C3 extra care units;
- Policy UA16: St Saviour's Hospital, Seabrook Road, Hythe – allocated for 50 dwellings;
- Policy UA17: Foxwood School, Seabrook Road, Hythe – allocated for 150 dwellings;
- Policy UA18: Princes Parade, Hythe – allocated for mixed-use development including 150 dwellings, a leisure centre, commercial floorspace including hotel use and public open space; and
- Policy UA19: Hythe Swimming Pool, Hythe – allocated for 50 dwellings.

5.11. Other policies in the PPLP relevant to Hythe include Policy NE6: Land Stability and Policy NE9: Development Around the Coast and Policy RL3: Hythe Town Centre, which gives further guidance on town centre uses within the retail area shown in Figure 5.5: Hythe Strategy.

5.12. Given the constraints highlighted in the Hythe strategy, and the findings of the High Level Options Report, the council considers that there is limited development potential within Hythe over the Core Strategy Review plan period.



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5.13. Should additional development opportunities come forward on sites not allocated within the PPLP, these can be assessed against the general framework provided by Policy CSD7 and the development management policies in Part Two of the PPLP. The council considers that this demonstrates that Policy CSD7 continues to set a clear framework for development within the Hythe area.

### **Question 26**

Are any main modifications to Policy CSD7 necessary for soundness?

5.14. The council does not consider that any main modifications are necessary to Policy CSD7 for soundness.

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**Appendix 1: Commentary on criteria to Policy SS10 –  
Folkestone Seafront**

**Table 1.** Commentary on criteria to policy SS10 – Folkestone Seafront

Requirement/criteria	Supporting evidence	Effect on viability
<p>Criteria a) Delivery of planned incremental redevelopment &amp; mix of uses</p>	<p>South East Regional Design Panel (SERDO) Design Review, Pre-application Review (summarised in Section 6 of Planning Committee Report into Y12/0897/SH)</p> <p>Proposed Emerging Masterplan Supporting Statement prepared as part of evidence base to Core Strategy (2013)</p> <p>Reserved Matters approval granted in accordance with reference Y18/1252/FH, demonstrating delivery of planned scheme in accordance with an approved masterplan. This phase shall deliver a distinctive, unique and high-quality seafront environment</p>	<p>No implications on viability</p>
<p>Criteria b) Scheme contributes to the regeneration of Folkestone by reconnecting the town centre to the Seafront, enhancing cultural and visitor destination attractiveness</p>	<p>Reconnections between the two centre and the town centre have been secured through the S106 legal agreement, to include a footpath contribution of £100,000 that will be payable upon occupation of the 60<sup>th</sup> dwelling. Construction work is underway on the first phase of development that will deliver 84 units, and so payment of this sum is expected to be triggered in the next 24 months. Work to make Tontine Street two-way working for buses and cyclists secured through the S106 has already been implemented, and so these improved connections are already in place.</p> <p>Cultural and visitor destination attractiveness will be achieved as the existing Folkestone Triennial artworks will be retained within the new neighbourhood. The 'Out of Tune' installation will be relocated with the scheme to an appropriate location</p> <p>As detailed in the Planning Committee report prepared for Y12/0897/SH, Future Triennial artworks and activities will be allowed for and encouraged within the new neighbourhood</p> <p>The beach will be publicly accessible and available to host a range of events.</p>	<p>No implications on viability</p>
<p>Criteria c) Development is appropriately phased to ensure benefits can be fully realised, with infrastructure improvements delivered at appropriate stages</p>	<p>The defined timing ((i.e. trigger point(s)) of developer contributions as set out in the signed S106 legal agreement to be paid to the district council is set out in the S106 schedule appended to this statement.</p> <p>At the time the planning application 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 at the Folkestone Seafront development.</p>	<p>No implications on viability</p>

	Associated details are set out in the Infrastructure Delivery Plan prepared in accordance with both the PPLP and CSR	
Criteria d) Sufficient contributions are made to highways, public transport and parking arrangements	The highway impacts and required mitigation was tested through extensive highway modelling work of the strategic allocations proposed as part of the Core Strategy Shepway District Council Transport Strategy undertaken by URS Scott Wilson dated 2011. As detailed in the S106 legal agreement, the applicant has entered into a S106 agreement that shall fund a number of highway and connectivity improvements, thereby satisfying this criteria	No implications on viability
e) Appropriate financial contributions are provided to meet additional school pupil places generated by the development.	The S106 agreement that has been entered into for the Folkestone Seafront scheme secured development contributions towards primary education of £2987.50 per dwelling, with payment to be made to the District Council upon occupation of every 60 dwellings and final payment upon occupation of the final dwelling.	No implications on viability
f) Design is of very high quality, preserving the setting of the key heritage assets and archaeological features of the site, sympathetic to the landscape and coastal character of the area including the retention of the Inner Harbour Bridge.	<p>The viability appraisal as summarised in section 20 of the planning committee report demonstrates that the policy requirement for a design of very high quality raises some associated viability issues. In summary, the application site is previously developed land with historic industrial use that incorporates listed and unlisted heritage assets and therefore the associated costs in delivering a high quality public realm are exceptional. The viability assessment identifies these costs under the headline 'placemaking.'</p> <p>The appraisal asserts that the investment in place making is necessary to maximise residential values within the site, whilst also contributing directly to the regeneration of Folkestone by providing for high quality facilities and public realm that will attract both residents and visitors to the town.</p> <p>In putting a financial cost to the design/public realm expenditure, the planning committee report finds that:</p> <p>'Abnormal' placemaking expenditure, including provision of the sea and beach sports centres (£3.5m), part retention of the former customs house and retention of other heritage assets, works to the harbour arm, creation of a green walk across the listed inner harbour bridge and the realignment and alterations to Marine Parade have been costed at £12.29, - a substantial proportion of this being the works required to remove structures and undertake restoration to create an areas of public open space to the Harbour Arm. It is considered that the investment in placemaking is necessary to comply with policy SS6 of the Core Strategy Local Plan and has been robustly assessed by the Council's independent consultants.</p>	Yes, in part, as summarised in Section 20 'Infrastructure Delivery and Development Viability' of the planning committee report. Implications on affordable housing provision.
g) The layout is planned to achieve sufficient ground floor active/commercial uses in and around the Harbour and at the Pier Head Quarter to ensure a	<p>The supporting wording to policy SS10 directs that:</p> <p>Any detailed planning application submitted in relation to any of the site will only be granted if it is supported by and consistent with either:</p>	No implications on viability

sense of vitality can be maintained, fully utilising the setting, and also featuring a central avenue and a range of open and enjoyable coastal environments.

- A masterplan for the whole site produced in line with this policy, or
- An outline/detailed planning application for the whole site that provides satisfactory masterplanning in line with this policy, including phasing proposals and necessary viability assessments.

In terms of supporting evidence, the following information has been prepared to evidence how the policy criteria will be contextualised in practice:

Proposed Emerging Masterplan Supporting Statement prepared as part of evidence base to Core Strategy (2013)

An outline masterplan was submitted in support of the planning application. As set out in paragraph 8.4 of the Planning Committee Report:

*‘The proposed outline masterplan will provide up to 1,000 dwellings for a site of 23 ha, resulting in an overall density of 43 dwellings per hectare. The masterplan makes efficient use of land. There are a variety of densities proposed which are appropriate to specific character areas. Opportunity is taken to provide higher density development at the more active parts of the site, which provide a destination for visitors and a new identity.’*

Details of the mix of uses within the Illustrative Masterplan is presented in Table 5 of the Planning Committee report, as shown below.

**Table 5 – Mix of uses within illustrative masterplan**

Use	Use Class	Max GIA Sq/m
Cafes/Restaurants/Takeaways/Bars	A3/A4/A5	3000
Leisure	D2	3000
Shops	A1	3000
Non-residential institutions	D1	500
Offices/Services	B1/A2	500
<b>Total</b>		<b>10000</b>

Associated commentary provided in paragraphs 2.43 of the planning committee report successfully draws out how the masterplan has responded to the specific requirements of this criteria, notably:

*‘Land within the illustrative masterplan follows the requirements of the Design and Public Realm Guidelines for approval – with a focus of non-residential uses around the harbour, mainly at ground floor level thus extending the Creative Quarter into the site. At the proposed Leas Square, adjacent to the Sea Sports Centre, connectivity to the town above would be provided by the historic Leas Lift and improved footways and paths. The layout seeks to create a place rich in private and public gardens, squares, quayside, beach and public places, reclaiming the seafront for the people and the town (para. 2.42)*

	<p><i>'The layout and street network proposed by the masterplan seeks to draw on the streetscape of Folkestone's Victorian west end. As such an enhanced Marine Parade, connecting the site from west (Leas Square) to East (Harbour Master's Square) provides the spine for the development, from which a number of new formal streets would connect. To the south, Dune Way provides a more informal connecting route running west to east that connects to the new street grid.'</i> (para. 2.43)</p>	
<p>h. Development delivers 300 affordable housing dwellings for central Folkestone, subject to viability (or if the total residential quantum is less than 1,000 units, a 30 per cent contribution).</p>	<p>Folkestone Seafront – Outline Planning Application Viability Analysis, letter prepared by Savills, acting as Planning Consultant, dated 26<sup>th</sup> September 2012. The viability report was prepared by Capita Symonds on behalf of the applicant. Consultants Peter Brett Associates provided advice on behalf of the District Council. The information is not on public file as the analysis contains commercially sensitive information and therefore remains a confidential document between the applicant, the Council and the Council's chosen independent advisors.</p> <p>As set out in various paragraphs of the Planning Committee report to Y12/0897/SH, the outline application granted consent on 30th January 2015 shall provide for 8% affordable housing across the development. Specifically, paragraph 20.34 of the Planning Committee report asserts:</p> <p><i>'The Housing Manager has raised no objection to the application and considers the viability report has been appropriately and robustly assessed. There is a lack of intermediate (shared ownership) property within Folkestone. Whilst 8% affordable housing is significantly lower than the target of 30% set out within the Core Strategy site specific policy SS6, the provision of affordable housing is subject to viability, whilst development must also accord with the other requirements of the policy so as to ensure it delivers regeneration benefits for the wider area.'</i></p>	<p>Reduction in affordable housing provision in order to ensure scheme viability</p>
<p>i. Residential buildings achieve a minimum water efficiency of 90 litres/person/day. All development must be designed and constructed to achieve high standards of environmental performance, and buildings should be designed to allow convenient waste recycling</p>	<p>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.</p> <p>Given that requirements for water efficiency levels of 90 litres per person per day were found sound by the Inspector examining the 2013 Core Strategy and that planning permissions have been granted for those sites allocated in the adopted plan, with development progressing on several, the council considered it a proportionate approach to continue with this requirement to guide remaining phases of development.</p>	<p>No implications on viability</p>
<p>j. All development is located within the site in accordance with national policy on the degree of flood risk and compatibility of specific use and, where necessary,</p>	<p>The Strategic Flood Risk Assessment 2115 Hazard Maps identify that the vast majority of the site is at very low or low risk, with the areas directly fronting onto the water, particularly, the harbour at significant risk – the SFRA modelling takes into account existing defences.</p> <p>Appropriate mitigation is proposed and has been secured, to include raising the level of the beach to 6.5mAOD with shingle ridges at a level of 7.5mAOD, forming shingle dunes. To mitigate against potential</p>	<p>Yes, in part, as the 'abnormal' costs incorporates works to the harbour and sea walls and ground raising, dunes and beach replenishment</p>

<p>includes design measures to mitigate flood risk.</p>	<p>flood risk from total events properties will be located behind the anticipated active beach zone line (i.e. the area of the beach that changes) with all properties having piled foundations. Further information is provided within the submitted material to the planning application, which should be read in conjunction with this summary.</p>	
<p>k. Development proposals include an appropriate recreational access strategy to ensure additional impacts to Natura 2000 site(s) are acceptably mitigated, in accordance with policy CSD4.</p>	<p>The S106 Legal Agreement secures an Access Management Contribution of £200,000 to be paid in two tranches, with 50% payable upon the 360th dwelling occupation and the remaining balance upon 480th dwelling occupation.</p> <p>As set out in Section 15 of the planning committee report, both Natural England and Kent Wildlife Trust endorse the Access Management Strategy as a means of overcoming their objections to the application.</p> <p>The scheme was found to be in compliance with policy CSD4.</p>	<p>No implications on viability</p>

**Matter 5: Strategy for the Urban Area**

**Appendix 2: Infrastructure Delivery and Development  
Viability**



## **20. INFRASTRUCTURE DELIVERY & DEVELOPMENT VIABILITY**

- 20.1 Policy SS5 of the emerging Core Strategy relates to infrastructure planning, stating that 'development should provide, contribute or otherwise address Shepway's current and future infrastructure needs. Infrastructure to support development must exist already, or a reliable mechanism must be available to ensure that it will be provided at the time it is needed.
- 20.2 In addition to policies SS5 and SS6 of the emerging Core Strategy, policy SC1 of the Shepway Local Plan seeks developer contributions towards off site infrastructure, where such provision is needed to mitigate the impact of the development.
- 20.3 The supporting text for policy SC1 expands on the guidance within the policy itself, stating  
*Social and community facilities can include, for example, open space, recreational and educational facilities, libraries, healthcare, Social Service facilities, Youth and Community services, community / village halls and places of worship. Planning obligations may also be sought for the provision of other infrastructure, particularly highway / transport improvements.*  
*The redevelopment of previously used land may involve remediation works and costs beyond that normally required for a 'Greenfield' site. These costs will vary depending on a number of factors, most notably the nature of proposals and the particular constraints of a site. Certain sites may also generate a need for significant new or improved physical infrastructure. Where a developer considers that the full funding of all necessary facilities and infrastructure is not possible, the District Planning Authority will expect developers to provide validated 'open book' accounts to substantiate their case. If a developer is unwilling to participate in this approach, the District Planning Authority will have no justification for setting aside the requirement for full contributions. Information obtained through 'open book' accounting will be treated as confidential.*
- 20.4 Paragraphs 173 and 174 of the NPPF seek to ensure development is viable and deliverable.  
*"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

- 20.5 As previously stated within the report there are a number of substantial 'abnormal' costs that impact upon the viability of the development. A detailed breakdown of costs for ground raising, flood defence and surface water draining works has been provided to the Council's independent viability consultants, identifying that these works will amount to approximately £11.5m.
- 20.6 As well as the significant investment in flood defences necessary to make the development safe and meet with the NPPF and local plan policies, the emerging Core Strategy site specific policy SS6 allocates the site for mixed use development, including the provision of beach and seasport facilities and the delivery of a high quality public realm that ensures the development directly contributes to the regeneration of Folkestone.
- 20.7 Whilst any development of this scale would be expected to deliver a high quality public realm the application site is previously developed land with historic industrial use that incorporates listed and unlisted heritage assets and therefore the associated costs in delivering a high quality public realm are exceptional. The viability assessment identifies these costs under the heading 'placemaking.' It should be noted that the investment in placemaking is necessary to maximise residential values within the site, whilst also contributing directly to the regeneration of Folkestone by providing for high quality facilities and public realm that will attract both residents and visitors to the town.
- 20.8 'Abnormal' placemaking expenditure, including provision of the sea and beach sports centres (£3.5m), part retention of the former customs house and retention other heritage assets, works to the harbor arm, creation of a green walk across the listed inner harbor bridge and the realignment and alterations to Marine Parade have been costed at £12.29m – a substantial proportion of this (£3.66m) being the works required to remove structures and undertake restoration to create an area of public open space on the harbour arm. It is considered that this investment in placemaking is necessary to comply with policy SS6 of the Core Strategy Local Plan and has been robustly assessed by the Council's independent consultants.
- 20.9 In addition to the 'abnormal' costs set out above a number of requests for contributions to mitigate the impact of the development have been received. Whilst these have been requested as a 'grand' total contribution, due to the outline planning permission providing for 'up to 1000 units' and the development viability work suggesting that in current market conditions a 764 unit development is the most viable (as per the indicative masterplan) KCC's requests amount to a contribution of £3,253.27 per dwelling (£3,253,270) and have been agreed to by the applicant in full. The majority of these contributions are required to fund the provision of new primary school places, with a new primary school required by policy SS7 of the Core Strategy at the strategic site allocation for Shorncliffe Garrison.

- 20.10 In response to the request made by the NHS (now defunct) PCT the applicant has agreed to onsite provision of accommodation for a doctors' surgery within plot PH01. This provision met with the PCT's approval and removes the requirement for an offsite contribution of £1.08m. On site provision of facilities for a Doctors' Surgery can be made within the s106 legal agreement at an appropriate phase of the development.
- 20.11 Kent Police have requested developer contributions of £157,785 (157.78 per unit), as set out within section 5 the report. The vast majority of this contribution relates to the funding of police officer salaries. In response the applicant has made the following comments –
- The response does not include the existing base cost of policing the seafront site
  - It is not clear how the proposed contribution has been calculated. The response notes that “all planned developments between now and 2026 will necessitate the provision of 12 police officers and 10 police staff”, however it does not set out how much demand the seafront site itself would give rise to.
  - It is not clear what population number the proposed contribution is based upon.
- 20.12 In addition to the above the applicant notes that the Seafront site is currently a largely vacant area of hard standing and disused, partially derelict buildings. Such an area harbours opportunity for crime and socially undesirable behaviour. It is considered that the redevelopment of the site will provide a vibrant and watchful community, which will offer the benefit of passive surveillance over the newly created public realm. The development will regenerate this part of Folkestone and positively contribute in terms of safety and security. In addition to the above it is also noted that the viability of the development is a crucial consideration in today's economic climate. The requested contribution would have an adverse impact upon the potential provision for affordable housing as part of this scheme.
- 20.13 It is considered that the applicant has robustly demonstrated that the contribution requested by Kent Police is not an acceptable and reasonable request.
- 20.14 The application viability report allows for the full funding of the KCC contributions as requested above.
- 20.15 In addition to the above contribution Natural England are seeking a contribution to mitigate the impact of the development by providing access improvements to the Warren SSSI, as detailed in section 5 of the report. It is likely these will cost in the region of £200 per dwelling, with contributions phased across the development. These mitigation measures, together with funding of improvements to pathways within the coastal park (a minimum of £30,000) are to be provided to ensure the development meets with the NPPF and policy LR9 of the Local Plan by providing appropriate access to and provision of recreational and open space

to meet the needs of the development. A further contribution of up to £300,000 is required to provide off site play equipment within the coastal park subject to the comments made earlier in this report. .

- 20.16 There are a number of highway mitigation measures to be included within the s106 agreement or achieved via condition. These include physical improvements to Junction 5 and the funding of works to allow for Tontine Street to operate 2 way for buses, an on and off site parking and signage strategy, an on site parking management strategy and travel plan
- 20.17 The precise figures for individual items within the s106 remain under detailed discussion, however the viability appraisal allows for a sum of £1 million towards highway and other infrastructure contributions and this is considered sufficient to fund the above requirements. It is recommended that the final requirements and contributions required to meet the needs of the development be delegated to the Head of Planning Services.

#### **Affordable Housing**

- 20.18 Policy SS6 states that "development (should) deliver 300 affordable housing dwellings for central Folkestone, subject to viability (or 30% if the total quantum of residential development is less than 1,000 units)."
- 20.19 Policy HO4 of the Shepway Local Plan states that for developments of 15 or more units the District will seek to negotiate 30% on-site affordable housing. Policy HO4 is expanded upon in the 2008 Supplementary Planning Document (SPD) which identifies an acute shortage of affordable housing within the District. Paragraph 7.6 of the SPD states that –
- 20.20 Where applicants seek to show that 30% affordable housing cannot be delivered for economic viability reasons they will be expected to provide a financial appraisal to support the claim.*
- 20.21 In accordance with policy the application has been supported by an open book (confidential) viability appraisal that has been subject to detailed independent scrutiny on the Council's behalf. This appraisal, in its simplest form appraises the site as follows:
- 20.22 **Gross Development Value (GDV)** – the total receipts for the completed development
- **Developer Profit** – 20% of GDV
  - **-Build costs** – Utilising BCIS established upper quartile figures
  - **Abnormal costs** – Infrastructure requirements, including flood defences
  - **-Placemaking costs** – costs associated with the delivery of the public realm, restoration of heritage assets and sea and beach sport facilities

- **-Fees** – all fees associated with the development, totalling 12% of GDV or build cost
- **Contingency** – 7.5% of GDV or build cost
- **Finance costs** – set out at 7% of borrowing or GDV
- **-s106 costs** – Requirements for offsite physical and community infrastructure to mitigate the impact of the development.

**Residual Land Value (RLV).**

20.23 The above is then tested at various percentages and mixes of affordable housing, altering the GDV leading to various outcomes for the RLV. A 'placemaking premium' of 4%, 5% and 6% has been attached to the development as it is envisaged that the development itself will raise prices in the locality or exceed values when compared to nearby comparables. As already discussed, the development of the application site requires significant investment in flood defence infrastructure to ensure the development is safe and the public realm to ensure regeneration benefits are realised. It is considered these costs are essential for the development to be realised and meet with the requirements of policy SS6. S106 costs, as set out above are also considered robust and necessary to mitigate the impact of the development.

20.24 In accordance with established best practise set out within the Royal Institute of Chartered Surveyors (RICS) guidance note 'financial viability in planning' and the Greater London Authority (GLA) Affordable Housing Toolkit the open book financial appraisal utilises established methodologies to provide a reasonable Residual Land Value for the site – i.e. the minimum land value required for the development to come forward. Whilst this figure is commercially sensitive it is considered by officers and the council's independent consultants to be entirely reasonable and robustly demonstrated, as discussed further below.

20.25 So as to maximise the amount of affordable housing delivered by the scheme the submitted viability report tests provision of various mixes of affordable housing – 100% intermediate sales (shared ownership), 60% social rent, 40% intermediate sales and 60% affordable rent, 40% intermediate sales. These identify that the development can deliver 8% on site intermediate affordable housing on site or 5-6% if providing a mixture of affordable or social rent and intermediate sales. So as to ensure delivery of the scheme and associated infrastructure the phasing of affordable housing has been calculated as follows:

**Table 7 - Phasing of Affordable Housing**

Phase	1	2	3	4	5	6	7
Affordable Housing	0%	5%	5%	8%	10%	10%	10%

20.26 In reviewing the viability report PBA, SDC's consultants conclude that:-  
We generally accept the proposed costs and value used by Capita Symonds in their viability assessment summarised as follows:

20.27 Private sale values used by Capita Symonds are higher than our comparable evidence for Folkestone. However, this additional value created in the scheme is off-set by the high build costs used.

The commercial values used appear reasonable given the uncertain nature of bringing forward these type of uses in an unproven location.

Capita Symonds has not included ground rents on the apartment element of the scheme We have included ground rents at £150 per unit per annum capitalised at a 6% yield. Including ground rents improves the scheme's viability

Upper quartile BCIS build costs have been used. Typically median BCIS build costs are assumed on a development. However, the aspiration for the Seafront site is a high quality development, which the Council accept. To achieve this high quality development upper quartile build costs have been used. We are prepared to accept these higher costs on the proviso that the quality of the scheme is maintained throughout.

- The other build costs used within the viability assessment appear reasonable although we have highlighted the contingency and professional fees are at the upper end of the scale of what is normally accepted at 7.5% and 12% respectively. The impact of these costs are compounded as they are taken as a percentage of upper quartile costs. We believe there is an opportunity to clawback some of some of these costs for policy at a Section 106 review.
- There is much uncertainty with abnormal site costs of; harbour & sea walls, ground raising, harbour arm works, water sports centre, and beach sports. We believe there could be scope to bring costs down of once specification has been finalised and competitive quotes have been received.

20.28 Although at the upper end of our analysis of threshold land value we broadly agree with Capita Symonds assessment, and we have used their figure. We did not believe that alternative use of open storage plus premium was appropriate method as this use is not compliant with the existing policy of the site or emerging policy. We considered existing use (assuming leisure use) plus premium and RICS guidance. Our existing use value plus 30% premium equated to a threshold land value which is below Capita Symonds threshold land value. However, in our assessment of site value defined by RICS our land value is broadly similar to Capita Symonds threshold value.

- 20.29 Our analysis has shown that the majority of assumptions used within the Capita Symonds viability assessment are at the upper end of what we would consider reasonable. This currently shows that the offer of 7.5% affordable housing plus other policy costs of £2.485 million and transport and other s106 requirements of £1 million are reasonable.
- 20.30 Although some of the additional costs items used are off-set by the increase in sale values we still believe there is scope to claw-back additional policy costs. This is because development appraisals are very sensitive for such a large scheme proposed, and the outputs can change significantly through altering some of the costs allowances proposed. At this stage we are prepared to accept these costs allowances given the uncertainty of the proposed scheme on both the cost and value side. However, both costs and values do need to be reviewed during the development process.
- 20.31 We feel there are two obvious areas where additional policy costs could be achieved are through reduction in professional fees and contingency this could provide a potential for £2.607 million of additional policy costs. This could be achieved by reducing the allowance for professional reducing the allowance for contingency – this would provide for several million pounds that could be used for s106 or affordable housing provision.
- 20.32 We suggest that there is a review mechanism incorporated into the section 106 agreement. Although the exact wording would need to be agreed we would suggest that the independent review would involve the applicant submitting an updated viability assessment. This would need to be independently verified by an auditor and be in an agreed format and incorporate actual costs and sales values. We would suggest that an appropriate time would be after the completion of the 400th unit. If the scheme is performing better than expected then the affordable housing element could be reviewed to nearer policy levels. If the scheme is performing at figures closer to the appraisal than the level of planning requirements remains unchanged.
- 20.33 Having regard to the advice from PBA above, it is recommended a review mechanism is included within the s106 as set out above.
- 20.34 The Housing Manager has raised no objection to the application and considers the viability report has been appropriately and robustly assessed. There is a lack of intermediate (shared ownership) property within Folkestone. Whilst 8% affordable housing is significantly lower than the target of 30% set out within the Core Strategy site specific policy SS6, the provision of affordable housing is subject to viability, whilst the development must also accord with the other requirements of the policy so as to ensure it delivers regeneration benefits for the wider area.

20.35 The provision of 8% affordable housing will ensure up to 80 units are provided across the development, whilst the currently most viable scheme, providing 764 units (as set out within the masterplan) would provide for 61 shared ownership dwellings.

20.36 Delivery of affordable housing is required to be spread across the phases of development, as set out in table 7 so as to ensure a mixture of units is provided and the costs of provision are not 'stored up' for later phases, which alongside other infrastructure requirements could make these phases unviable. Due to the costs of infrastructure delivery it will not be appropriate for all phases to provide 8% affordable housing, with the early phases of development having significant other infrastructure costs that significantly impact on viability. As such, the phasing of all infrastructure and s106 payments will be subject to detailed discussion and negotiation prior to the granting of planning permission. It is recommended that this is delegated to the Head of Planning Services, subject to the caveat that should any major changes occur these are to be reported to the Development Control Committee for consideration.

Table 8 – Key on site and off site infrastructure and s106 contributions, together with phasing

<b>Infrastructure</b>	<b>Amount or Provision</b>	<b>Phasing</b>
Sea sports centre (incl public toilets)	Provision	1
Beach Sports Centre	Provision	1
KCC developer contributions	Contribution of £3,253.27 per dwelling	TBC, at various trigger points – every 50 units for example
Cliff path provision and improvement	Minimum of £30k/direct provision	1 and 2
Natural England & Open Space	Contribution of £200 per unit	TBC
Play Space	Both -	Strategy TBC, delivery at each phase
Highway improvements – Tontine St	S106 contribution	TBC with KCC Highways
Highway improvements – J5	S106 contribution	TBC by KCC Highways
Bus infrastructure	On site provision	TBC
GP Premises & Nursery building (500m <sup>2</sup> )	On site provision	Phase 6/plot PH01
Harbour Arm open space & restoration of lighthouse	On site provision	TBC – prior to final phase
Inner Harbour Bridge green link	On site provision	TBC – prior to final phase
Heritage asset retention	On site provision	TBC – prior to final phase
Flood defences	On site provision throughout development	TBC – phasing schedule to be agreed
Lifetime homes	On site provision	20% of each phase or in accordance with phasing plan to be agreed by LPA
Improvements to Marine Parade	On site provision	TBC, likely phase by phase approach
Affordable Housing	On site provision	In accordance with phasing schedule



20.37 Table 8 above sets out the key infrastructure requirements for the development to be provided for by s106 agreement. In addition to these requirements a significant number of conditions are required so as to mitigate the impact of the development and ensure future Reserved Matters applications are delivered in accordance with the Outline application, Parameter Plans and Mandatory Design and Public Realm Guidelines. A large number of these conditions have been requested by statutory consultees, as set out in section 5 of the report whilst the Council's own independent consultants have requested conditions with regards to mitigating the retail impact and providing for a future review of viability. The precise wording, phasing and details of conditions will require considerable discussion and negotiation with the applicant and it is recommended that this be delegated to the Head of Planning Services for completion as would normally be the case in these circumstances. Appendix 4 includes measures required so as to ensure the environmental impact of the development and its construction can be mitigated, in accordance with the Environmental Impact Assessment undertaken and independently reviewed by WYG for the Council.

## **21. CONCLUSION**

- 21.1 Having regard to all of the sections set out in detail above, there is no reason that the development should not proceed in a timely and controlled manner.
- 21.2 The application conforms with national planning policies contained in the NPPF and the Council's own planning policies and strategies, as set out in the Core Strategy Local Plan and those policies to be retained of the Shepway District Local Plan Review. The scheme brings to fruition a major element of the Council's Core Strategy for housing provision and will play a key part in the regeneration of Folkestone.
- 21.3 It is therefore recommended that the Head of Planning Services be authorised under delegated authority to grant outline planning permission, subject to:
- Adoption of the Core Strategy Local Plan by the Council;
  - Completion of a section 106 legal agreement with the applicant that secures the social and physical infrastructure and financial contributions detailed within this report and which the Head of Planning Services considers to be acceptable;
  - The key conditions discussed in this report and any amendments and additional conditions the Head of Planning Services considers to be necessary following detailed discussions with the applicant.

**Matter 5: Strategy for the Urban Area**

**Appendix 3: Highways and Transportation**

## 17. **HIGHWAYS & TRANSPORTATION**

### **Transport Policies**

- 17.1 The application is supported by a full Transport Assessment (TA) which has been subject to the robust and detailed assessment of Kent County Council Highways (KCC Highways). Following KCC Highways initial requests for further information an addendum TA was submitted by the applicant, together with Technical Note 5 – Appraisal of Cliff Footpaths. During the consideration of the application KCC Highways have scrutinised the methodology and results of transport modelling undertaken. Their detailed, final comments are set out in section 5 of the report.
- 17.2 Chapter 6 of the Environmental Statement provides further assessment of the transportation impacts of the development and any mitigation measures required.
- 17.3 Section 4 of the NPPF sets out policies for the promotion of sustainable transport. Relevant to the application is guidance relating to new development. In particular, paragraph 32 states:  
*'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*
- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
  - *safe and suitable access to the site can be achieved for all people; and*
  - *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*
- 17.4 Para. 35 states:  
*'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:*
- *accommodate the efficient delivery of goods and supplies;*
  - *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
  - *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
  - *incorporate facilities for charging plug in and other ultra low emission vehicles; and*
  - *consider the needs of people with disabilities by all modes of transport.'*
- 17.5 Local transport policy is set out in the retained policies of the Shepway District Local Plan and in the emerging Core Strategy. Policy SD 1 requires the shaping

of new development patterns in a way which reduces the need to travel, especially by car, and increases the attractiveness of walking, cycling and public transport; Policy S2 states that proposals for retail development located outside town centres will only be acceptable where the development would be accessible to all sections of the population by a choice of means of transport, including public transport and without adverse impact on amenity or highway considerations and would not prejudice the overall aim of reducing the need to travel.

- 17.6 In respect of proposals for leisure development, Policy LR2 makes provision for new development at appropriate locations, subject to criteria that include a high quality of access and accessibility by modes of transport other than the private car.
- 17.7 The Plan's transport aims set out in Chapter 11 of the plan are:
- To seek the development of a sustainable transport system, reducing the overall need to travel, especially by private motor car.
  - To protect the general environment and amenity of the residential areas from the impact of improvements to and development of the transport network within the District.
  - To provide an integrated transport network to facilitate the efficient movement of pedestrian and vehicular traffic, goods and services within the District.
  - To seek to limit the quantity of traffic on the Districts roads by encouraging effective public transport, cycling and walking and by the careful integration of residential areas, shopping and recreational facilities and the workplace.
  - To ensure that new development is well related to the existing and proposed transport network especially public transport services.
  - To minimise the adverse traffic impacts of development upon local communities.
  - To achieve a level of public car parking facilities compatible with sustainability aims.
- 17.8 In respect of specific policies, Policy TR2 states that where major new developments are proposed, permission will not be granted unless provision is made in the layout to allow penetration by buses. Policy TR5 requires the provision of secure and practically located facilities for cyclists in all new developments which are expected to generate a regular flow of traffic. Developers will be asked to contribute towards the provision of cycle routes or cycleways where these would be directly related to the use of the new development.
- 17.9 Policy TR6 states new development will not be permitted unless provision is made for the needs of pedestrians. The layout and design of development should provide for safe, attractive and convenient pedestrian routes, particularly to public transport routes. Policy TR11 relates to the access to new development, requiring that any proposals must be accessible in a safe manner and in a form

that does not add to delays for other transport network users. Policy TR12, setting out parking standards states that new development, redevelopment or a change of use will only be permitted if it makes provision for off street parking on or near the site in accordance with the current maximum vehicle parking standards, as set out in Appendix 6 of the Local Plan. The standards may be varied where development sites are particularly accessible or where commuted payments can be secured to increase accessibility. In determining this application Interim Guidance Note 3 (IGN3) provides up to date standards adopted by the County Council as an appendix to the Kent Design Guide. Where development proposals are considered likely to have significant transport implications, Policy TR13 requires that a Travel Plan should be submitted with the planning application.

- 17.10 Local Plan policy for Folkestone town centre is to ensure the optimum use of the town centre parking spaces by maximising the use of parking close to the town centre for shoppers and short term users with long term parking shifted to either edge of centre or out of centre sites.
- 17.11 Policy TR14 states that In Folkestone Town Centre, new retail, office or commercial development should provide essential operational parking only on site. Commuted sums will be sought, where appropriate, towards the provision or improvement of publicly available parking facilities, or alternatively towards the provision of, or improvements to public transport, or walking or cycling facilities, where non-operational needs are likely to be generated.
- 17.12 With regards to the Core Strategy Policy SS6 relates specifically to the strategy for Folkestone Seafront, and requires that :
- Sufficient contributions, highway improvements and parking arrangements are made to improve the connectivity of the Seafront to the town centre and central and eastern Folkestone, opening up new direct pedestrian, cycle and bus links and according with SS5.
- 17.13 The Core Strategy document refers to the Shepway Transport Strategy, a set of high-level aspirations for transport in the District. Of relevance to the Seafront development proposals is reference to the aspirations for *“replacing and improving the one-way system in Folkestone with a two-way system that improves connectivity and access.”*

#### **Pedestrian & Cyclist Accessibility**

- 17.14 The pedestrian accessibility and cyclability of the development itself is considered within chapter 10 – Urban Design of this report. Officers consider that the mandatory design guidelines provide appropriate requirements to deliver a high quality and thoroughly accessible public realm that prioritise the needs of pedestrians and cyclists above motorists.

- 17.15 In order to assess those parts of Folkestone that are walkable from the development site a pedestrian route study, taking in to account topography was submitted by the applicant. This identified 4 key pedestrian routes that branch out of the site and link it to the town centre, those being the Road of Remembrance, The Old High Street, the Leas Lift and the Leas Steps via West Terrace. Whilst each of these routes provides pedestrian accessibility, officers considered the development should also provide for non stepped access more inclusive to all users and this approach was considered within Technical Note 5. The note identified that the Leas Steps via the Leas Cliff Hall can be improved to form an attractive route from the foot to the top of the cliff, providing connectivity to the west via the Leas, whilst improvement of the Leas Steps via West Terrace to remove stepped sections and replace with ramps could also be achieved.
- 17.16 Whilst the improvements to the Leas Steps would not achieve DDA compliance due to the gradient of the slope and the steep topography they would significantly improve accessibility for all users and provide a non stepped alternative route to and from the site and Road of Remembrance. The Technical Note identifies that a DDA compliant new timber walkway connecting to the existing path between the Leas Lift and Leas Cliff Hall can be provided as an alternative to the zig zag path, also connecting to the landing of existing steps to provide a more direct (stepped) route.
- 17.17 A detailed costing of these works will be required for the s106 agreement (present estimates suggest the works will cost in excess of £30k), and it is envisaged the new path between the Leas Cliff Hall and Leas Lift should be provided alongside phase 1 of the development to improve connectivity.
- 17.18 Spokes East Kent have requested details of cycle parking to be provided within the development, in accordance with KCC's standards and this requirement can be met by the condition requested by KCC Highways in section 5.
- 17.19 Spokes have further request that the National Cycle Route 2 (NCR2) be re-routed across the Inner Harbour Bridge and along Dune Way to the south of the development. Dune Way has been designed to form a shared surface and is therefore suitable for such a route, however the detailed design of the green link across the inner harbour bridge does not form part of the consideration of this application. It is recommended that Spokes request forms an informative, so that future Reserved Matters make provision for an alternative NCR2.
- 17.20 Natural England are in the process of designating a National Coastal Path. The exact position of this path within the development is currently being discussed by Natural England and the applicant, however is likely to incorporate Dune Way once the development is complete. The position of the path cannot prejudice the development, whilst the controls within the Design Guidelines ensure the

curtilages of Beach and Dune Houses are adequately defended against 'spreading room' from the path on to the surrounding area.

#### **Bus Network & The Leas Lift.**

- 17.21 The application sits beside current proposals being progressed by the County Council to implement two way operation of Tram Road for all vehicles and the two way operation of Tontine Street for buses, as set out in KCC Highways comments. This has been discussed at recent meetings of the Shepway Joint Transport Board (JTB), most recently at the JTB of 3<sup>rd</sup> December 2012 (report 12/10) where it was resolved that:
- 1) the objections to the revocation of the one way traffic order in the Tram Road be set aside;
  - (2) the implementation of the works to the Tram Road and Dover Road be supported; and
  - (3) detailed design work for Tontine Street be submitted to a future meeting of the Joint Transportation Board.
- 17.22 The report to JTB identified that owing to the scale, ambition and anticipated changes for the area over coming years there is a need to take a phased approach to access improvements. The first step is the proposed two-way working of The Tram Road. This will:
- Improve road access into and out of the Harbour area, Old Town and Creative Quarter (significant tourist destinations).
  - Create a more direct route to and from the harbour for residents and visitors avoiding more sensitive parts of the town.
  - Create a more cohesive network so that the harbour can support a robust and regular bus service that cannot be sustained under the current arrangements.
- 17.23 The scheme is supported by the emerging Shepway Core Strategy as 'strategically critical infrastructure', a section on 'Folkestone priority connections, including Tram Road' is included which highlights the need for upgrades to improve vehicular, cycle and pedestrian movement and considers improvements to the bus network as critical.
- 17.24 The road schemes are also intended to support wider economic benefits to the town as East and Central Folkestone underperform economically in comparison to other parts of the District and to Kent as a whole.
- 17.25 The current road network is geared towards a sector of the economy that no longer exists in the town namely ferry/freight traffic. The proposals will improve accessibility, and mean that job seekers in this part of town (in some wards they make up around 10% of the working age population) will be able to use public transport more easily to access employment opportunities.



- 17.26 The programme for implementation of Tram Road to two way operation is set out within Appendix 10, alongside the programme for design work to make Tontine Street 2 way for buses. The implementation of two way flow on these streets results in significant improvements to the bus network within the locality, particularly improving connectivity to and from the East of Folkestone and the Harbour to the town centre and bus and train stations. KCC Regeneration have confirmed the cost for implementation works for Tontine Street to operate 2-way for buses will be provided before the Full Council meeting and this information will be reported at the meeting. Stagecoach have confirmed that the implementation of 2-way routes for buses on these streets would significantly improve their service and allow for the provision of a 15 minute service (4 buses an hour) to serve the development and Tontine Street, without any form of financial subsidy, which otherwise could cost up to £600,000 and may not result in a bus service that could be sustained in the long term. As such without Tontine Street going to two-way for buses it would not be possible to provide such a service without considerable financial subsidy and any guarantee that the service would function beyond the period of subsidy. Stagecoach's comments are set out within section 5 of the report, alongside those of KCC Highways. It is therefore proposed that provision is made within the s106 agreement for a financial contribution to fund the implementation works to enable Tontine Street to operate two-way for buses and this approach is endorsed by KCC Highways.
- 17.27 In addition Stagecoach's comments identify a need for the funding of bus stop infrastructure to serve the development which would be provided by the developer and/or s106 contribution.
- 17.28 Initial bus provision seeks to serve the development via the existing gyratory of Harbour Approach Road, Marine Parade and Marine Terrace and this location for bus stops is considered suitable to serve the development as a whole. The design of the development does however provide for improved bus access to its western extreme at plot LLO1 (Leas Square). The Mandatory Design Guidelines include provision of a bus turning area within the square, so as to ensure that if future services were to run to the western end of the site they could be operated in a safe manner. Bus Access routes are set out in Illustrative Plan B.
- 17.29 The Transport Assessment (TA) proposes a Travel Plan so as to maximise public transport use from the outset of development. It is recommended that the Travel Plan requirements and measures be delegated to the Head of Planning Services to be decided in consultation with KCC Highways.
- 17.30 For new development at the western end of the site the Grade II listed Leas Lift provides an alternative means of transport between the application site and the town centre above, as well as acting as a visitor attraction in its own right. Analysis of the lift set out within the TA identifies that for the first 2 phases of development the use of the lift would provide a quicker route to the town centre than walking. The development proposal recognises the importance of the Leas

Lift as a destination and attraction within Folkestone, with the implementation of Leas Square and the provision of the Sea Sports Centre adjacent likely to significantly improve its patronage. It is recommended that Travel Plan measures to encourage the use of the Leas Lift be further explored, these could include for example the provision of season tickets for the lift, ticket subsidy or a bus/lift combined ticket. It is recommended that further discussion and consideration of the Travel Plan measures is delegated to the Head of Planning Services in conjunction with KCC Highways.

## **Parking**

- 17.31 The Transport Assessment sets out the proposed overarching strategy for accommodating existing and new car parking and it is envisaged that the detailed parking layout be approved for each phase of development during consideration of reserved matters applications. The mandatory Design and Public Realm Guidelines provide details of parking to be provided for each dwelling type. In respect of parking associated with the new residential development, the TA identifies that 993 parking spaces are proposed to be provided to accommodate demand associated with 1,000 dwellings, in accordance with the requirements of IG3 ('edge of centre'), as set out in table 4.2 of the TA (appendix 8). Parking is provided on plot, on plot within garages and designated on street, depending on the plot and dwelling type. The detailed design of parking arrangements for individual plots and phases of development will be subject to approval at reserved matters stage, in accordance with the requirements of the mandatory Design Guidelines and overarching strategy set out within the TA and controlled by conditions and s106.
- 17.32 The development does not propose the adoption of roads by the Highway Authority; instead all areas of open spaces, the beach, beach maintenance and the streets within the development will be privately managed in accordance with details to be agreed by the Local Planning Authority as part of the s106 agreement. Streets within the development will be subject to Traffic Regulation Orders to control on street parking, enforced by a residents parking scheme that is likely to be managed by SDC. This requirement is set out within the response of KCC Highways to be achieved via s106/condition.
- 17.33 The proposal includes the provision of additional parking to serve both the sea and beach sports centres. The TA identifies a demand of 21 spaces for the sea sports centre (including minibus spaces and vehicle with trailer spaces), to be provided alongside the existing 29 public car parking spaces available for the Lower Leas Coastal Park. The beach sports centre requires 12 parking spaces. So as to ensure existing spaces are retained for public car parking the TA recommends a commercial travel plan is provided via condition for the sea and beach sports centres. It should be noted that planning application Y04/1600/SH, relating to land adjacent to Marine Parade includes provision for coach parking.

- 17.34 In providing parking for the commercial and non residential elements of the proposal – up to 10,000 square metres of floor space (as set out in table 2) the overarching parking strategy provides for 128 new parking spaces within the public realm, alongside the existing 104 parking spaces that are currently available and are proposed to be retained along Marine Parade. The TA addendum, in accordance with Local Plan policy and following Officer guidance recognises that Folkestone Town Centre currently provides significant spare capacity within existing town centre car parks and utilising this capacity would both support town centre viability, encourage linked trips and reduce the impact of development. The TA Addendum identifies that there are 14 car parks within the town centre, with 11 easily accessible and within walking distance (1000m) of the development site, closer when taking account of the Leas Lift or improved cliff paths as required by the development. These car parks provide 1900 parking spaces, with confirmation provided by the Transportation Manager and KCC Highways that significant capacity exists within Folkestone car parks to meet the demands of visitors to the development.
- 17.35 The most significant existing parking provision, located closest to the application site and easily available on foot is that at Bouverie Place (570 spaces), Middelberg Square (549 spaces), Sainsbury's Bouverie Road (240 spaces) and Sandgate Road (176 spaces), whilst further public parking is provided adjacent to Fountain Square at Tram Road (66 spaces). The development site itself includes significant amounts of parking, provided at the Harbour. This would be available throughout the first 5 phases of the development, providing off street parking to serve visitors to the development and seafront area over much of the construction phase and early occupation phases of the development.
- 17.36 The potential to direct visitors to Folkestone Town Centre car parks has already been recognised, with the installation of 3 Variable Message Signs, located on key entrance routes to the town as a requirement of the Bouverie Place development. Opportunity exists to improve and expand on signage to town centre car parks so as to serve the seafront development and meet visitor demand, particularly that generated by the non residential elements of the development which seek to complement rather than compete with the town centre, proposed within phase 6 of the scheme. Kent Highways have requested that a parking and signage strategy for the development, incorporating both on site controls and off site measures to ensure existing car parks are utilised is required via condition/s106, as set out in their comments. It is considered the existing on street provision, together with the additional 128 spaces created provide an appropriate amount of shared onsite visitor parking, subject to the on and off site parking strategy requirements.

### **Road network implications**

- 17.37 In accordance with development plan policy the TA includes a full assessment of the impact of the development upon the road network which has been scrutinised

and examined by KCC Highways and SDC Officers, who have required the submission of considerable additional information during the progression of the application. The TA includes the analysis of vehicle movements from the application site towards the M20 to the North, and includes traffic count analysis at 20 separate junctions, as set out on page 57 of the TA. KCC Highways Engineers have robustly assessed the methodology taken within the TA and considered the impact of the development upon the road network as a whole and upon individual junctions, including consideration of the impact of background growth and other committed developments not yet completed. The Highways Agency, as a statutory consultee have provided analysis and comment in respect of the developments impact on the Strategic Road Network.

- 17.38 In considering the impact of the development upon the Strategic Road Network the Highways Agency has made no objection to the application, as set out in section 5 of the report.
- 17.39 Kent Highways assessment of the impact of the development has identified the need for improvements to junction 5 (Cherry Garden Avenue/Cheriton Road/Beachborough Road traffic lights) to improve capacity at the AM and PM peak so as to offset the impact of the development. These improvements consist of physical works to increase the right turn queuing lane turning from Cheriton Road in to Cherry Garden Avenue, with potential to provide a dedicated right hand turn lane. The precise phasing and delivery mechanism for these works is to be agreed during the negotiation of the s106 and conditions - KCC Highways have requested that the works be completed prior to the occupation of the 100<sup>th</sup> residential unit or first unit within phase 2 of the development.

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**Appendix 4: Folkestone Seafront Section 106**

**Contributions**

## Folkestone Seafrost S106 contributions

APPLICATION	ADDRESS	DATE SIGNED	TYPE	AMOUNT DUE	TRIGGERS	REPAYMENT TIMESCALE
Y17/1099/SH (Y12/0897/SH)	Folkestone Seafrost	DoV 25.09.18	Libraries	£67.03 per dwelling	180th dwelling, 420th, 600th	15 years from date of payment
			Access Management Contribution	£200,000	50% 360th dwelling occupation, 50% 480th dwelling occupation	15 years from date of payment
			Adult learning contribution	£21.34 per dwelling	180th dwelling, 420th, 600th	15 years from date of payment
			Footpath contribution	£100,000	occupation of 60th dwelling	15 years from date of payment
			facilities and social care	£106.74 per dwelling	180th dwelling, 420th, 600th	15 years from date of payment
			Play space contribution	£302 per dwelling	Upon occupation of every 60 dwellings and occupation of final dwelling	15 years from date of payment
			Primary Education	£2987.50 per dwelling	Upon occupation of every 60 dwellings and occupation of final dwelling	15 years from date of payment
			Tontine street	£150,000	Commencement of development	15 years from date of payment
			Youth and community	£70.60 per dwelling	180th dwelling, 420th, 600th	15 years from date of payment
			VMS contribution	£30,000	commencement of phase 5 or 6	15 years from date of payment
			travel plan monitoring	£10,000	prior to occupation	15 years from date of payment
			Junction 5 contribution	£50,000	occupation of 240th dwelling	15 years from date of payment

			Monitoring fee	£7000 *Supplementary monitoring fee of £xx per year after 7 years	Commencement of development	
			Leas Lift (Community Facilities)	£500,000	Prior to occupation of 1st dwelling of Phase 1	15 years from date of payment
				£250,000	Prior to occupation of 50th dwelling of Phase 5	15 years from date of payment
			Sea Sports (Community Facilities)	£200,000	Prior to occupation of 1st dwelling of Phase 4	15 years from date of payment
			Public Space & Parking (Community Facilities)	£250,000 Leas Lift Contribution if not used		15 years from date of payment
			GP contribution (Community Facilities)	DxPx£360 (see DoV)	Prior to occupation of 100th dwelling, & thereafter every 100th dwelling	15 years from date of payment
			Beach facilities	£500,000 - £800,000	Prior to Phase 5	15 years from date of payment
			Affordable housing	Residue of Community Facilities Contribution		15 years from date of payment
			Indexation			

**Matter 5: Strategy for the Urban Area**

**Appendix 5: Commentary on Criteria to Policy SS11 –  
Shorncliffe Garrison**



**Table 1.** Commentary on criteria to policy SS11 – Shorncliffe Garrison

Requirement/criteria	Supporting evidence	Effect on viability
<p>Criteria a) Residential development is shown to be part of a comprehensive approach to modernisation and consolidation of military land within the district.</p>	<p>The indicative masterplan document, including technical appendices in relation to transport, utilities and environmental conditions, was prepared for the MoD to underpin this strategic allocation. The conceptual diagram below (Figure 4.7) broadly reflects the indicative masterplan, which forms a key element of the evidence underpinning this policy. This information has been explored and refined further through the Development Management process.</p>	<p>No implications on viability</p>
<p>Criteria b) Development is appropriately phased to ensure benefits can be fully realised, with infrastructure improvements delivered at appropriate stages to ensure on- and off-site facilities are available to create a sense of place and community and to manage environmental impacts in relation to infrastructure capacity.</p>	<p>The defined timing ((i.e. trigger point(s)) of developer contributions as set out in the signed S106 legal agreement to be paid to the district council is set out in the S106 schedule appended to this statement. At the time the planning application 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 at the Shorncliffe Garrison development. Associated details are set out in the Infrastructure Delivery Plan prepared in accordance with both the PPLP and CSR</p>	<p>No implications on viability</p>
<p>Criteria c) Significant transport improvements are delivered including appropriate contributions for critical junction upgrades, and other highway improvements, and a contribution is made to improved and extended bus services and further sustainable travel measures for walking and cycling (including connections to Cheriton High Street and Folkestone West railway station) in accordance with policy SS5.</p>	<p>The highway impacts and required mitigation was tested through extensive highway modelling work of the strategic allocations proposed as part of the Core Strategy Shepway District Council Transport Strategy undertaken by URS Scott Wilson dated 2011. Critical and necessary infrastructure upgrades (including transport) are set out in Core Strategy Appendix 2. As detailed in the S106 legal agreement, the applicant has entered into a S106 agreement that shall fund a number of highway and connectivity improvements, thereby satisfying this criteria</p>	<p>No implications on viability</p>
<p>Criteria d) The proposal includes on-site provision of appropriate</p>	<p>The background evidence to quantify the appropriate infrastructure requirements was assembled as part of the supporting work to the Core Strategy, as recorded in appendix 2 of the Core Strategy Local Plan.</p>	<p>No implications on viability</p>

<p>community infrastructure including land and possible contributions towards a new primary school (up to two-form entry) and health/care facility (and/or delivery of a community/public facility of equal social value).</p>	<p>The application includes seeking outline permission for a 2 form entry primary school and nursery (3500m<sup>2</sup>) on the eastern parcel of land at Le Quesne. The delivery of a new primary school within the application site is identified as 'critical' infrastructure within appendix 2 of the Core Strategy Local Plan. As such, the principle of the primary school in this location is set out within the site policy and Core principles for master planning strategic site diagram, with the proposed site well located alongside the existing highway network, at the heart of the development and in close proximity to existing and proposed community facilities. The provision of a new primary school is highly sustainable and provides social cohesion for the new community, helping to establish the occupants within the locality with existing residents, whilst a condition can ensure community use is available for the school facilities (such as pitches).</p> <p>The Planning Committee report into application Y14/0300/SH the education requirements are appropriately summarised, as below:</p> <p>KCC have confirmed that they expect the site to be serviced and transferred at nil cost, whilst their comments on the application set out the appropriate education contribution to be paid to mitigate the impact of the development. It is proposed that the land is transferred and the full contribution is made so as to allow KCC to construct the school for first opening in September 2018. It is proposed that the school will initially be built as 1 form entry, with additional funding (as secured from the Folkestone Seafront development application Y12/0897/SH) to be used to fund the second form of entry at a future date.</p> <p>The permitted scheme includes provision for a new 2 storey Pavilion building, as detailed within the Planning Committee report</p> <p>The application includes provision of a new 480 - 600m<sup>2</sup> (floor space GIA), 2 storey pavilion building, located to the west of the Spine Road at the edge of the Stadium pitches (and surrounded by land within phase 1b). It is proposed that the new pavilion building will be delivered on site by March 2018 to satisfy obligations that Taylor Wimpey have with the MOD to retain Cadet facilities at the site, which also ensures existing community facilities are not lost, in accordance with policy SS3 of the Core Strategy Local Plan. This will be a shared facility providing changing facilities on the ground floor (for the adjacent pitches) and accommodation on the first floor for the Army Cadet Force (as a replacement for the existing cadet hut), with opportunities for community use of the first floor of the building at other times.</p> <p>At the time of writing (June 2020), the S106 payment for the Management and Maintenance of the Pavilion has been received by the district council, and the trigger point for payment was upon completion of the transfer of the Pavilion freehold to the Council. The facility is now operational.</p>	
<p>Criteria e) The proposal incorporates high-quality green infrastructure at the design stage, with sports and public open space</p>	<p>Commentary to evidence how the approved scheme complies with criteria e is set out in the Planning Committee report.</p>	<p>No implications on viability</p>

<p>usable for active recreation retained in line with national policy, and improved changing facilities provided at 'The Stadium'.</p>		
<p>Criteria f) Land at Seabrook Valley as shown in Figure 4.7 is released from military use for public and natural open space purposes, and a management strategy is in place to enhance biodiversity and to increase accessibility to the countryside where appropriate. Development proposals shall include an appropriate recreational access strategy to ensure additional impacts to Natura 2000 site(s) are acceptably mitigated, in accordance with policy CSD4.</p>	<p>The Shornccliffe Rationalisation Project Seabrook Valley report (dated 2011) was prepared by The White Cliffs/Romney Marsh Countryside Partnership has been asked by GVA (acting on behalf of the MOD) to produce a report to detail the possible options for 38 hectares of what is labelled the Backdoor Training Area. The report forms part of the Core Strategy evidence base to support the site allocation.</p> <p>Appendix 2 of the Core Strategy Local Plan identifies the provision of a public access/open space/nature conservation facility with enhanced management and public facilities at the strategic site as critical infrastructure upon which the strategy is dependent, for the reason that the on-site provision of recreational open space ensures impacts on Natura 2000 sites – in particular the Folkestone to Etchinghill SAC is avoided.</p> <p>13.12 Given the above, it is considered that the provision of the Seabrook Valley BTA as a strategic area of publically accessible open space, alongside the mitigation and enhancement measures set out above and to be secured by condition and s106 agreement, meet with the requirements of policy SS7, SS5 and CSD4 of the Shepway Core Strategy Local Plan.</p>	<p>Yes, in part, as summarised in Section 20 'Infrastructure Delivery and Development Viability' of the planning committee report. Implications on affordable housing provision.</p>
<p>Criteria g) The design and layout of development should form a legible network of streets, drawing on the scale and pattern of surrounding development so as to enhance connectivity from east to west with a strong new south to north pedestrian/cycle axis, through the site. Townscape, heritage and archaeological analysis should be undertaken prior to the demolition of any buildings. This should ensure good place-making through the retention of important features, including heritage assets and</p>	<p>At the time the planning application was compiled, a key piece of evidence submitted in support of the proposal was the Development Specification Document (DSD), which sets out the area specific principles and guidance for the 4 identified character areas of the development, as informed by the masterplan framework, which itself stems from the Parameter Plans.</p> <p>A fuller account of how the planning application was assessed by the Local Plan Authority is set out in the planning committee report, and the reader should cross-refer to that document.</p>	<p>No implications on viability</p>

reference to former uses on the site.		
Criteria h) Development design integrates fully and sensitively with the existing residential neighbourhoods of Cheriton and with the Seabrook Valley landscape.	<p><b>South East Regional Design Panel (SERDP) Design Review. Pre-application Review</b></p> <p>7.9 At the request of SDC officers, Taylor Wimpey appointed SERDP to review the emerging proposals for Shorncliffe Garrison, with Design Review taking place on 30<sup>th</sup> January 2014, following a detailed site visit and presentations by the master planners (Tibbalds) and architects (Simon Cooper Associates). In summary the Design Review Panel found that:</p> <ul style="list-style-type: none"> <li>• Shorncliffe is a large and challenging site and we are encouraged by the progress towards a coherent masterplan, which is based upon sound principles.</li> <li>• The most important challenges will be in their detail and execution: in particular ensuring that the new area responds appropriately to its contrasting surroundings, has strong connections to the existing communities and draws on the historic character of the former garrison to make it a truly distinctive place to live. There is scope for imaginative landscape design, including tree planting, to help define the main north-south route and articulate the space along it.</li> <li>• We are much less convinced by the detail of the phase 1 proposals, which seem to depart from the principles of the masterplan and has resulted in generic design and in some places an unclear movement network.</li> </ul> <p>7.10 The feedback received from the Panel helped shape the final proposed masterplan and detailed plans for the site, which have also been subject to considerable further amendment following input from SDC Officers on the detailed design of the development.</p>	
Criteria i) Development delivers 360 affordable housing dwellings for the Urban Area subject to viability (or if the total residential quantum is less than 1,200 units, 30 per cent).	<p>Details of the independent review of viability for the Shorncliffe Garrison scheme is provided in Section 19 of the Planning Committee report prepared for the hybrid scheme promoted under planning reference Y14/0300/SH. Key information is presented below:</p> <p>‘Taylor Wimpey’s viability consultant, GVA, submitted a confidential viability assessment in support of the planning application so as to demonstrate that the development could not provide all the required s106 contribution and other infrastructure and also provide the policy compliant requirement of around 30% of affordable housing.’ (para. 19.9)</p> <p>‘Shepway District Council have appointed Dixon Searle as an independent expert viability consultant to review the GVA report and ensure the viability work is fully tested in accordance with national guidance.’ (para. 19.10)</p> <p>‘Following significant discussion between officers, Dixon Searle, Taylor Wimpey and GVA there has been an incremental increase in affordable housing provision within the development from an initial 12% overall, 30% in phase 1 to the current position of 18% in total, with 30% provided within phase 1. It is considered that the viability of the development continues to be robustly tested by officers and our consultants and the overall quantum of development is close to being finalised, pending the review of the finalised viability report, to be provided by the applicant following the detailed calculation of costs</p>	Reduction in affordable housing provision in order to ensure scheme viability

	<p>for highway works and other infrastructure. It is the aim of officers to finalise the overall quantum of affordable housing within the development prior to DC Committee, with an update provided on supplementary sheets.’ (para. 19.11)</p> <p>Schedule 1 of the signed S106 legal agreement clarifies that the affordable housing provision shall be 18%, and an excerpt from the S106 agreement is presented below.</p>	
<p>Criteria j) Residential buildings achieve a minimum water efficiency of 90 litres/person/day.</p> <p>All development must be designed and constructed to achieve high standards of environmental performance, and buildings should be designed to allow convenient waste recycling.</p>	<p>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.</p> <p>Given that requirements for water efficiency levels of 90 litres per person per day were found sound by the Inspector examining the 2013 Core Strategy and that planning permissions have been granted for those sites allocated in the adopted plan, with development progressing on several, the council considered it a proportionate approach to continue with this requirement to guide remaining phases of development.</p>	<p>Yes, in part, as the ‘abnormal’ costs incorporates works to the harbour and sea walls and ground raising, dunes and beach replenishment</p>
<p>Criteria k) A programme is agreed for the satisfactory remediation of the land</p>	<p>Both SDC (now F&amp;HDC) Environmental Health and the Environment Agency reviewed the submitted Phase I and preliminary Phase II Site Investigation Report submitted in support of the planning application. This report identifies the historical uses of the site and the presence of services and other uses within the vicinity. Both Environmental Health and the Environment Agency have requested detailed conditions relating to contaminated land that can mitigate any potential impact.</p>	<p>No implications on viability</p>

**Matter 5: Strategy for the Urban Area**

**Appendix 6: Highways and Transportation**

## 14 HIGHWAYS & TRANSPORTATION

### Transport Assessment and Junction Improvements

14.1 The NPPF seeks to ensure that sustainable development should go ahead, without delay and that transport policies have an important role to play in facilitating sustainable development.

14.2 Paragraph 32 of the NPPF makes it clear that *'development should only be prevented or refused on transport grounds where the residual cumulative impact of the development are severe'*.

14.3 Policy SS7(c) of the Core Strategy Local Plan states that planning permission will be granted where *'Significant transport improvements are delivered including appropriate contributions for critical junction upgrades, and other highway improvements, and a contribution is made to improved and extended bus services and further sustainable travel measures for walking and cycling (including connections to Cheriton High St. and Folkestone West station) in accordance with policy SS5.'*

14.4 Policy SS5 states that *'Development should provide, contribute to or otherwise address Shepway's current and future infrastructure needs. Infrastructure that is necessary to support development must exist already, or a reliable mechanism must be available to ensure that it will be provided at the time it is needed....'*

Appendix 2 of the document identifies infrastructure requirements, including those critical (upon which the whole strategy is dependent) and non-critical 'necessary' projects. Policy SS5 continues to state that - *Planning permissions will only be granted where suitable developer contributions are secured or ... where:*

- a. the design of a development aims to reduce unnecessary or unsustainable demands on physical and social/community infrastructure, and environmental or utility network capacity;*
- b. development does not jeopardise current or planned physical infrastructure;*
- c. the location, design or management of development provides a choice of means of transport and allows sustainable travel patterns, for pedestrians, cyclists and/or public transport. All major trip-generating uses will provide Travel Plans.*

*Developments must reflect the principle that infrastructure should be used more efficiently, or demand managed more effectively, before the need to increase capacity or deliver new infrastructure is created.*

14.5 The supporting text of the Core Strategy, expanding upon policy SS7 states that-

*'The site is well placed in the district, with motorway and high speed rail services nearby. The provision of day-to-day services on site (such as the primary school) will limit overall traffic generation for key activities. However in line with policy SS5, close attention is needed to the package*

*of upgrades and contributions necessary to offset travel impacts generated by new residents, especially connections to strategic transport routes.*

A list of junction improvements, including tackling the existing limitations of Horn Street railway bridge and critical upgrades on Cheriton High Street (notably the highway near the M20 junction approach) is provided at Appendix 2 of the Core Strategy Local Plan as set out in paragraph 14.6 below..'

And that-

*Pedestrian and cycle access routes underpin layout proposals and linkages to the new community hub, and towards the heart of Cheriton. There is potential scope for a substantial expansion to the local bus network. With a developer contribution and other support measures an expansion of services in early phases can be delivered, and with the prospect of an increased choice of destinations within the Urban Area for Cheriton and Shorncliffe residents. Improvements to integrated bus and cycle links with Folkestone West High Speed 1 rail station are a priority.*

- 14.6 Within Appendix 2 of the Core Strategy the following transportation projects are identified:
- Critical – by 2016
    - Cheriton High Street/ A20 Spur junction
  - Non critical 'necessary' – by 2016
    - Horn Street Railway bridge – vehicular safety and pedestrian environment scheme –
      - By 2021
    - Shorncliffe Road/Risborough Lane junction upgrade
    - Risborough Lane/Church Road junction upgrade
    - Cheriton High Street/Horn Street junction improvements
    - Cheriton High Street/Risborough Lane junction improvements
    - Pedestrian cycle path improvements from Shorncliffe Garrison to Cheriton High St and Seabrook Valley
- 14.7 The application has been supported by a detailed Transport Assessment (TA), submitted in accordance with the scoping agreed in detail with KCC Highways at pre-application stage, following earlier consideration of the application site and its traffic impacts at the Core Strategy Local Plan policy formulation stage. Following the submission of the application an addendum TA has been submitted (November 2014) to address KCC's initial comments, with a further Technical Note (5) submitted in February 2015, following specific additional monitoring of journey times and flows at the Horn Street Bridge and Church Road.
- 14.8 The TA includes analysis of the impact of the development upon an initial 22 junctions within the local and wider highway network in the future year of 2026, as agreed in the scoping of the application. Independent traffic survey contractors undertook comprehensive traffic counts of junctions which would potentially be affected by the development. In accordance with



the Department for Transport's Guidance on Transport Assessment and as per the agreed scope with the Highway Authorities, the counts were undertaken during 'neutral' conditions in October 2013. The counts were timed to avoid the school holidays and can therefore be considered to be robust. AM and PM weekday junction turning counts were undertaken, and Automatic Traffic Counters were installed on key links for a 7-day period to ensure that the turning count days were representative of normal daily traffic patterns on the network.

14.9 A number of highway plans have been submitted in support of the application, with amendments made following the submission of the application. All offsite highway works are proposed to be delivered by S278 agreement with KCC Highways. The offsite junction works comprise of:

- M181/200B – Proposed Church Road Access – Ghost junction arrangement
- M181/201A – Proposed Royal Military Avenue Access – Priority junction arrangement
- M181/203B – traffic signalisation of Church Road/Horn Street bridge option 1 improvement
- M181/205B – Proposed Horn Street bridge/Cheriton High Street
- M181/206 - Proposed Risborough Lane/Risborough Way
- M181/207A – Proposed A20 High St/Cheriton Interchange Option 1
- M181/213 – Proposed St. Martin's Plain Access – Priority access
- M181/210 – Proposed Risborough Lane pedestrian crossing
- M181/211 – Proposed A20 High St/ Cheriton Interchange option 2

14.10 As such, the application includes works to the identified 'critical' junction of the A20/Cheriton High Street so as to provide a right turn for all traffic (option 2) or buses only (option 1), as well as all 'non critical' but 'necessary' junctions, as identified within Appendix 2 of the Core Strategy Local Plan. The delivery of all junction works is proposed within the timescales set out within the Core Strategy Local Plan, with works proposed for the site access junctions at St Martin's Plan and Church Road, the Horn Street Bridge including Church Road junction with Horn Street prior to the commencement of development, and works proposed for the Cheriton Interchange, site access junction at Royal Military Avenue, the Cheriton High Street junction with Horn Street, and the Risborough Lane pedestrian crossing prior to first occupation of development.

14.11 KCC Highways have provided a detailed response to the application, as set out in their final comments, paragraph 6.10 of the report. The applicant has responded to these comments and therefore further amended comments will be reported on the supplementary sheets. In summary their comments state that:

- The applicant's assessment and modelling of Horn Street Bridge provides a robust assessment of the existing and future position with traffic movements generated by the development and with the

implementation of a scheme of highway mitigation to alter the operation of the bridge and Church Road junction.

- The local highway authority assessed the two options put forward for consideration by the applicant, and the concluded that Option 1 - change in priority of Church Road with Horn Street (drawing reference M181/203), meets with the requirements on the local highway authority. The applicant is aware that a number of minor design amendments to drawing M181/203 have been agreed with the local highway authority, namely the yellow box must be bounded by kerbs so two islands would need to be introduced. This is detail that can be dealt with as part of the S278 process. Secondly, the introduction of a controlled crossing on Church Road a distance of 31 metres north-west of the junction of Church Road and Broadview.
- The local highway authority has previously clarified that the layout of the St Martin's Plan parcel as shown in drawing 45-1863-SMP-001 (Rev T) is satisfactory from the perspective of site access arrangement and matters relating to highway layout. The corresponding planning condition is to reference the layout drawing that meets with the requirements of the local highway authority.
- The local highway authority raises no objection to the layout of 'The Stadium' parcel as shown in drawing 45-1863-108 Rev (to be provided)) and the layout satisfactory from the perspective of site access arrangement and highway layout.
- Cherry Garden Avenue/Beachborough Road/Cheriton High Street junction: the local highway authority is currently making progress on a scheme for this junction to address existing turning conflicts. The applicant will be required to contribute a proportionate amount to the total scheme cost, which the local highway authority advises is to be calculated on the basis of the percentage traffic impact from the Shorncliffe Garrison development, which equates to X% of the estimated capital cost of the scheme (£50,000), and so the applicant is required to make contribution of £XXX to the County Council prior to first occupation on any phase of development promoted under planning reference Y14/0300/SH
- Risborough Way/Cheriton High Street/Stanley Road: there is a need for the applicant to facilitate improved pedestrian and cycle connections between the site and key off-site locations. A proportion of pedestrian and cycle movements will involve interaction with the junction of Risborough Way/Cheriton High Street/Stanley Road, and the County Council has previously completed concept design work to improve connectivity for pedestrians and cyclists at this junction location. Given the degree of movements (vehicular and non-vehicular) interacting with this junction, the local highway authority requests that a junction improvement is implemented by the applicant as off-site highway works under a S278 agreement with the local highway authority. The improvement is required to be completed prior to first occupation on 'The Stadium' phase of the development

## **DC/14/21**

- Cheriton High Street/Cheriton High Street junction: the applicant has proposed a highway arrangement to provide a right-turn facility at the junction of Cheriton High Street/Cheriton High Street (B2064) that will cater for all vehicle movements. The applicant will need to complete the works under a S278 agreement prior to first occupation of any phase of development promoted under planning reference Y14/0300/SH

## DC/14/21

- The applicant is to implement the scheme referred to as **Option 1 - change in priority of Church Road with Horn Street** (drawing reference M181/203) under a S278 Agreement prior to commencement of development on any phase of development promoted under planning reference Y14/0300/SH. The works to be completed in accordance with Option 1 also include the provision of a new crossing facility on Church Road
- The applicant is to make payments on an annual basis to a local bus operator to facilitate improvements to the public transport network, which involves both commercial and capital elements. The contribution (revenue) is to fund the provision of improved service frequency, which the local highway authority specifies, should be effective from first occupation on any phase of development promoted under planning reference Y14/0300/SH. A proportion of the contribution is to be used to cater for improved service frequency to provide public transport connections (bus) to/from the application site and High Speed 1 services operating from both Folkestone West and Folkestone Central railway stations for the associated AM and PM periods. A more detailed analysis of how the public transport network could be positively improved has been helpfully provided by Stagecoach, and this information is to be used to define the precise nature of the bus service improvements to be facilitated by the applicant. The contribution (capital) is to also fund the capital cost of implementing the required infrastructure improvements, to include:
  - The provision of additional bus shelters and associated road markings
  - The relocation of any existing bus stop locations to improve public transport accessibility

- A travel plan, including contributions to subsidised bus travel, and a cycle voucher is required for properties within the development. Discussions and the implementation of measures with Cheriton Primary School, to promote the use of the community car park, together with new crossing facilities are also required.
- 14.12 In addition, the Highway's Agency are a statutory consultee on the application. Their comments, set out in section 6 of the report at present constitute an Holding Direction pending the agreement of junction improvement works to Junction 12. Discussions with the HA are ongoing, with it likely that the holding objection is withdrawn prior to committee subject to the imposition of the following condition –
- “The development shall not be occupied until the improvement works to the Cheriton Interchange junction have been completed as detailed on Cannon Consulting Engineers drawing M181/211 and contained within the Addendum Transport Assessment dated the 07<sup>th</sup> November 2014. Any alternative proposals for the improvements to the Cheriton Interchange will be subject to written approval by the Secretary of State for Transport and thereafter by the Local Planning Authority.”*
- 14.13 Given the above assessment, and the clear comments of KCC Highways it is considered that the Transport Assessment and associated addendum and reports identify appropriate works to mitigate the impact of the development upon identified critical and non critical junctions. Whilst the HA currently have an holding direction in place it is considered that this is likely to be removed prior to committee and that the matter to which it relates is resolvable via condition.
- 14.14 Whilst significant concerns have been raised by local residents, interest groups and parish and town councils with specific regards to the capacity of Horn Street Bridge the substantial evidence provided demonstrates that the signalisation of the bridge and alterations to priority, as set out in plan M181/203B provides appropriate capacity and highway safety improvements to mitigate the impact of the development, also allowing for appropriate Practical Reserve Capacity (PRC) to accommodate further background growth beyond 2026. The highway mitigation works proposed therefore meet with the requirements of DfT guidance for Transport Assessment, policies SS7 and SS5 of the Core Strategy Local Plan and the NPPF, in particular paragraphs 204 (tests for planning applications) and 32 which states that planning permission should only be refused on highway grounds if the impacts are severe. The horizon year of 2026 (do-something) with full development shows that the queue on the northbound approach would be 13 vehicles and on the southbound approach would be 11 vehicles at the busiest peak times. This represents a reduction of 18 vehicles in the northbound direction and 3 vehicles in the southbound direction when compared to the 2015 observed base identified in the monitoring undertaken. The PRC of the junction is shown to be 9.6% in the AM Peak and 7.8% in the PM Peak. The assessment of the 'do something' scenario demonstrates that the proposed signalisation of the Horn Street Bridge mitigates the impact of the development when tested

against the 'do-nothing scenario' as required by policy. The junction goes further than 'nil-detriment' by return results better than the 2015 observed 'do-nothing' scenario.

- 14.15 Therefore there is no evidence that would justify refusing the planning application on the basis that the developer is not funding a new bridge or that the development, even when completed, would lead to an increased risk to highway safety or increased traffic congestion. Indeed all the available evidence shows that the proposed signalisation, to be carried out before the development commences, will improve safety on the bridge, reduce queuing at peak periods and not adversely affect local journey times. The works to the bridge should also be considered in the wider context of the other sustainable transport measures that the proposals will secure, such as additional pedestrian and cycle links in addition to enhancements to the local bus service. Furthermore, new facilities will be provided on site, such as a new school, which will contribute to reducing traffic movements associated with the new development. All this is consistent with what the council agreed when adopting the Core Strategy Local Plan.
- 14.16 The Planning Statement and D&A statement identify that parking provision will be made in accordance with KCC's standards set out in IGN3. Consideration of parking made within phases 1a and 1b is set out in sections 20 and 21 of this report. Concerns have been raised by the residents of Royal Military Avenue with regards to the loss of 3 parking spaces at the proposed entrance junction with Risborough Lines. The design of the junction includes 4 new spaces and therefore there is no net loss of parking spaces in this location. KCC Highways have confirmed that the kerb build out which results in the loss of the spaces of Royal Military Avenue are essential to the successful design of the junction.

#### **Connectivity and improvements to public transport**

- 14.17 The site is well connected to Folkestone town centre and the local railway stations by Stagecoach operated bus services (71, 72 and 73), also known as 'The Heart', which provide a combined frequency of 1 bus every 10 minutes during peak hours. There are other local bus services within close proximity to the development site, which are located within an acceptable walking distance providing connections to other residential areas, local schools and the wider area.
- 14.18 The site is also well connected to rail services via Folkestone West rail station which is located within a 20-minute walk distance from the site, or an approximate 6-minute cycle distance from the site. The Folkestone West rail station can be accessed by bus within an approximate 7-minute bus journey from the site using the 77/78 bus service. Or alternatively, Folkestone Central rail station can be accessed by bus within an approximately 15-minute journey time using The Heart services, which are much more frequent.

- 14.19 The application includes the provision of or funding for significant upgrades to bus services within the locality, as set out in KCC Highway's and Stagecoach's comments and these can be achieved via conditions and the s106 legal agreement, including the provision of new/relocate/enhanced bus stops (x12), funding for diverted routes (71,72,73), funding for a new route between Hythe and Folkestone, incorporating Folkestone West and long term improvements to route 77.
- 14.20 It is considered that these upgrades will result in significant improvements in public transport services and help ensure a good take up of sustainable methods of transport, reducing dependence on private vehicular trips, in accordance with policies SS5 and SS7 and Appendix 2 of the Core Strategy. The funding for route enhancements can be achieved via s106 agreement, with highway works controlled under s278.

### **Cycle and Pedestrian movement**

- 14.21 Sustainable transport routes for cyclists and pedestrians are at the heart of the development, with both new north to south and east to west cycle and pedestrian pathways proposed and discussed within the Urban Design chapter of this report. It is considered that the DSD sets out appropriate on-site requirements to create a public realm that encourages trips on foot or cycle.
- 14.22 A number of recreational footpath improvements are proposed within the Seabrook Valley, and these are discussed in section 13 of the report.
- 14.23 As required by policy SS7/Appendix 2, the application includes the upgrading of the poorly surfaced and drained Bridleway HB1 (Sandy Lane), which provides connectivity between the development (Redoubt Square) and the Coast and Royal Military Canal and National Cycle Route 2 at Seabrook, via the lower part of Hospital Hill and the A259. The Addendum TA identifies improvements to the junction between the bridleway and Hospital Hill can be provided, and the s106 can contain provision to fund these works with final discussions in regard to this provision ongoing. The improvement of cyclist connectivity to Cheriton High Street is also a policy requirement identified as necessary infrastructure in Appendix 2 of the Core Strategy.. It is the ambition of the overall development to provide a continuous off-road cycle route between the development site and Cheriton High Street. This route takes into account sections of Church Road, Horn Street and Cheriton High Street and would benefit existing and new residents to the area as well as creating a safer route across the A20 Cheriton High Street. Works to facilitate this route can be achieved via s278 agreement with KCC Highways.
- 14.24 The route between the development site and Folkestone West Rail Station was considered as part of the overall cycling strategy. Due to current constraints on Risborough Lane and Shorncliffe Road it is not possible to form a continuous off-road cycle route. The TA thus proposes to continue with the on-road network, as existing. As part of the proposed improvements to the junction of Risborough Lane with Risborough Way

the introduction of traffic signals at this junction would allow for a pedestrian phase to be "called" on demand at the junction, thus creating an improved route for pedestrians and cyclists towards the Rail Station. Further, given there is sufficient capacity at the junction with the full development traffic flows, it is proposed to introduce a new pedestrian crossing facility between Church Road and Risborough Way, as identified on plan M181/210. KCC PROW has also requested funding towards improvements to cycle routes, as set out in the Shepway Cycle Plan and these are under negotiation with the applicant.

- 14.25 Whilst not a specific point that has been identified in KCC's consultation response, discussions with officers, local residents and the Cheriton Primary School have identified that particularly during the school "pick up" period in the afternoons, many parents park their vehicles along Church Road in the vicinity of the Cheriton Primary School. This causes traffic congestion and has an impact on the operation of the existing Church Road junction with Horn Street and the ability to exit Cheriton Court Road. Whilst the Cheriton Primary School does not form part of the Shorncliffe Garrison development proposals, it has been agreed that parents of the children that attend Cheriton Primary School could make use of the car park to be provided as part of the sports pitches and the Pavilion to the north of The Stadium and accessed from the proposed site access junction with Church Road. With this in mind, a new pedestrian crossing facility is proposed to be provided to the west of the proposed site access junction that will provide a safe link from the proposed car park to the Cheriton Primary School. This proposed pedestrian crossing facility is presented on the updated site access plan for Church Road, Drawing M181/200 Rev B. A footpath link from the car park to Church Road, and the new crossing facility, is provided. Provision within the main Travel Plan ensures that a new School Travel Plan identifies this provision and makes use of the car park. This can be controlled via condition.
- 14.26 In accordance with local plan policy TR14 and the NPPF (para 37) a travel plan has been submitted with the application, to be controlled via condition with funding for monitoring and compliance contained within the s106 legal agreement. The exact provisions of the Travel Plan are set out in KCC's response on the application.



**Matter 5: Strategy for the Urban Area**

**Appendix 7: Letter from Kent County Council to Taylor  
Wimpey South East**



[REDACTED] South East  
103 Tonbridge Road  
Hildenborough  
Tonbridge  
Kent  
TN11 9HL

**Kroner House**  
Eurogate Business Park  
Ashford  
Kent  
TN24 8XU

Direct Dial: [REDACTED]  
Our Ref: CB/JH  
Date: 11 May 2020

Dear Joanna

**Reference: Transfer of Primary School Land at Shorncliffe to KCC**

On 5 August 2019 you wrote informing Kent County Council that the primary school site at Shorncliffe was ready to be transferred in accordance with the requirements as outlined in the s106.

As officers informed you, our pupil forecasts suggest that the school will not be required until the second half of this decade. Therefore, we will not request the site transfer until 2024 at the earliest.

Schedule 2, paragraph 1.2 of the s106 provides that the developer is under an obligation to transfer the site within 30 days of KCC serving a notice to that effect. When the site is required by the County Council, we will serve a notice to such effect.

My apologies that this formal response is later than we would have hoped.

Yours sincerely

[REDACTED] Officer - South Kent

[REDACTED]

**Matter 5: Strategy for the Urban Area**

**Appendix 8: Shorncliffe Garrison Section 106 Contributions**

Table 1. Shorncliffe Garrison S106 contributions

APPLICATION	ADDRESS	DATE SIGNED	TYPE	AMOUNT DUE	TRIGGERS	REPAYMENT TIMESCALE	AMOUNT PAID	DATE RECEIVED
Y14/0300/SH	Shorncliffe Garrison Folkestone Kent	17.12.15	Monitoring	£9,240.00	Prior to commencement	7 years from date of payment for District Council contributions; 10 years from date of payment for County Council contributions.	£9,240.00	21.02.17
			Education	£3,143,222.00	£50,000.00 on commencement; £1,550,000.00 prior to earliest of occupation of 50th dwelling or 21 months after commencement; £1,543,222.00 prior to earliest of occupation of 142nd dwelling or 34 months after commencement.		£50,000	Paid direct to KCC
			Management & Maintenance of Pavilion	£228,600.00	Upon completion of the transfer of the Pavilion freehold to the Council			
			Management & Maintenance of Toilet Block	£17,544.00	Upon completion of the transfer of the Toilet Block to the Council			
			Formal Open Space	£164,865.00 for The Stadium and LEAP; £280,432.00 for Le Quense and the NEAP	Upon completion of transfer of land to the Council			
			Libraries	£167,008.25	£83,504.13 prior to 25% occupation; £83,504.12 prior to 50% occupation			

			PROWs (HF38 & HBX11)	£55,000.00	Prior to first occupation		£55,000.00	21.02.17
			Indexation				£907.52	21.02.17
			Footpath (Church Road & Cheriton High Street)	£25,000.00	Prior to first occupation within Phase 1A (SMP)		£25,000.00	21.02.17
			Indexation				£412.51	21.02.17
			Cycle Routes	£25,000.00	Prior to first occupation		£25,000.00	21.02.17
			Indexation				£412.51	21.02.17
			Signals & Minor Junction improvements	£25,000.00	Prior to first occupation within Phase 1A (SMP)		£25,000.00	21.02.17
			Indexation				£412.51	21.02.17
			Signal Works	£1,750.00	Prior to first occupation		£1,750.00	21.02.17
			Indexation				£28.88	21.02.17

			Bus Service Pump Priming	£880,000.00	£150k prior to commencement of Phase 2C; £150k on each of the first and second anniversaries of the first £150k payment; £70k prior to commencement of Phase 3; £70k on each of the first, second and third anniversaries of the first £70k payment; £50k prior to commencement of Phase 4; £50k on each of the first and second anniversaries of the first £50k payment.		
			Travel Plan Monitoring	£9,000.00	Prior to occupation; per annum in January for 9 years commencing in the year after the first payment	£1,000.00	21.02.17
						£1,000.00	03.01.18
						£1,000.00	21.05.19
						£1,000.00	27.01.20
			Indexation		Prior to occupation; per annum in January for 9 years commencing in the		
						£16.50	21.02.17
						£74.39	03.01.18

				year after the first payment		
			Cycle Voucher	Max. £120,000.00	Prior to occupation; £100 per dwelling	
			Public Transport Voucher	Max. £180,000.00	Prior to occupation; £150 per dwelling	
			Indexation			
				<b>£5,332,661.25</b>		<b>£188,014.82</b>

**Matter 5: Strategy for the Urban Area**

**Appendix 9: Creative Industries in Kent, KCC Statistical Bulletin, December 2019**



## Creative Industries in Kent

### Related Documents

[2015-2018 BRES](#)

[Construction Industries in Kent](#)

[Employees in the Knowledge Economy](#)

[Manufacturing in Kent](#)

**NOTE:** within this bulletin 'Kent' refers to the Kent County Council (KCC) area which excludes Medway

### Contact details

#### Strategic Commissioning - Analytics:

Kent County Council  
Invicta House  
Maidstone  
Kent ME14 1XQ

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**Creative Industries are defined by the UK Government as “those industries which have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of intellectual property”.**

**This bulletin looks at the number of jobs and the number of enterprises in creative industries in Kent.**

### Summary

- The UK government launched its Creative Industries Sector Deal in 2018 to help develop Creative Industries in the UK.
- In 2018 Creative Industries account for 1.6% of employee jobs in Kent compared to 2.3% in England.
- The number of employee jobs in Creative Industries in Kent has increased by 1,300 (16.1%) since 2017. This pattern is also reflected nationally and regionally.
- In 2019 10.4% of enterprises in Kent (6,535 enterprises) are within creative industries
- There has been an increase in the number of creative enterprises in Kent since the previous year (+4.6%)
- IT, software and computer services make up the highest proportion of creative enterprises in Kent (48.2%)

## Introduction

In 2017 the UK government launched its Industrial Strategy White Paper. The aim of the Industrial Strategy is to enable strong economic growth.

As part of the strategy, the government launched a number of sector deals to help develop certain industries in the UK. In 2018 it launched its Creative Industries Sector Deal to help develop Creative Industries in the UK. More information on this sector deal can be found on the [UK government website](#).

Creative Industries is not a standard industrial sector. It is made up of several sub sectors. In 2016 the Department of Culture, Media and Sport (DCMS) developed a definition of Creative Industries, identifying nine creative sectors. It did this by calculating the percentage of the workforce in a creative occupation in every industry in the UK economy (the creative intensity) and analysing how this creative intensity was distributed across different sectors. This enabled them to identify those industries with exceptionally high creative intensities. Industries with creative intensity above a specified threshold are considered Creative Industries. Industries with a creative intensity of 30% or more were considered for inclusion. Industries on the threshold were considered through consultation. Further information on the DCMS methodology can be found on the [DCMS website](#).

Creative Industries Group	Industry		Creative Intensity
	code	Industry description	
Advertising & Marketing	70.21	Public relations and communication activities	59.3%
	73.11	Advertising agencies	50.5%
	73.12	Media representation	48.3%
Architecture	71.11	Architectural activities	61.5%
Crafts	32.12	Manufacture of jewellery and related articles	56.2%
Design; product, graphic & fashion design	74.1	Specialised design activities	62.1%
Film, TV, video, radio & photography	59.11	Motion picture, video and television programme production activities	56.4%
	59.12	Motion picture, video and television programme post-production activities	56.4%
	59.13	Motion picture, video and television programme distribution activities	56.4%
	59.14	Motion picture projection activities	56.4%
	60.1	Radio broadcasting	62.7%
	60.2	Television programming and broadcasting activities	53.5%
	74.2	Photographic activities	77.8%
IT, software & computer services	58.21	Publishing of computer games	43.1%
	58.29	Other software publishing	40.8%
	62.01	Computer programming activities	55.8%
	62.02	Computer consultancy activities	32.8%
Publishing	58.11	Book publishing	49.9%
	58.12	Publishing of directories and mailing lists	31.0%
	58.13	Publishing of newspapers	48.8%
	58.14	Publishing of journals and periodicals	58.3%
	58.19	Other publishing activities	37.8%
	74.3	Translation and interpretation activities	82.2%
Museums, Galleries & libraries	91.01	Library and archive activities	23.8%
	91.02	Museum activities	22.5%
Music, performing & visual arts	59.2	Sound recording and music publishing activities	54.1%
	85.52	Cultural education	34.6%
	90.01	Performing arts	78.8%
	90.02	Support activities to performing arts	56.8%
	90.03	Artistic creation	91.5%
	90.04	Operation of arts facilities	38.4%

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The creative intensity can be applied to the total number of employee jobs from the Business Register and Employment Survey (BRES) in each industry to calculate the estimated number of employee jobs in Creative Industries. The BRES is produced by the Office for National Statistics and is the official source of employee and employment estimates by detailed geography and industry. Data is available for the years 2015 to 2018.

This bulletin also looks at the number of Creative enterprises using information from the UK Business Counts dataset from the Office for National Statistics (ONS). The UK Business Counts dataset is an extract compiled from the Inter Departmental Business Register (IDBR) which contains information on VAT traders and PAYE employers. The UK Business Counts dataset records the number of enterprises that were live at a reference date in March each year giving a snapshot of businesses that were live at this point in time. It is broken down by size band, industry and turnover.

The latest data available is for 2019. This data is due to be updated by ONS in October 2020.

## Creative Industry Employee jobs in Kent

Using the DCMS definition of Creative Industries we can calculate the estimated number of creative employee jobs in Kent. Table 1 shows the estimated number of creative jobs in Kent and Medway compared to the South East region and England.

All numbers are rounded to the nearest 100 in accordance with guidelines however percentages are calculated using unrounded figures.

**Table 1: Creative Industry employee jobs**

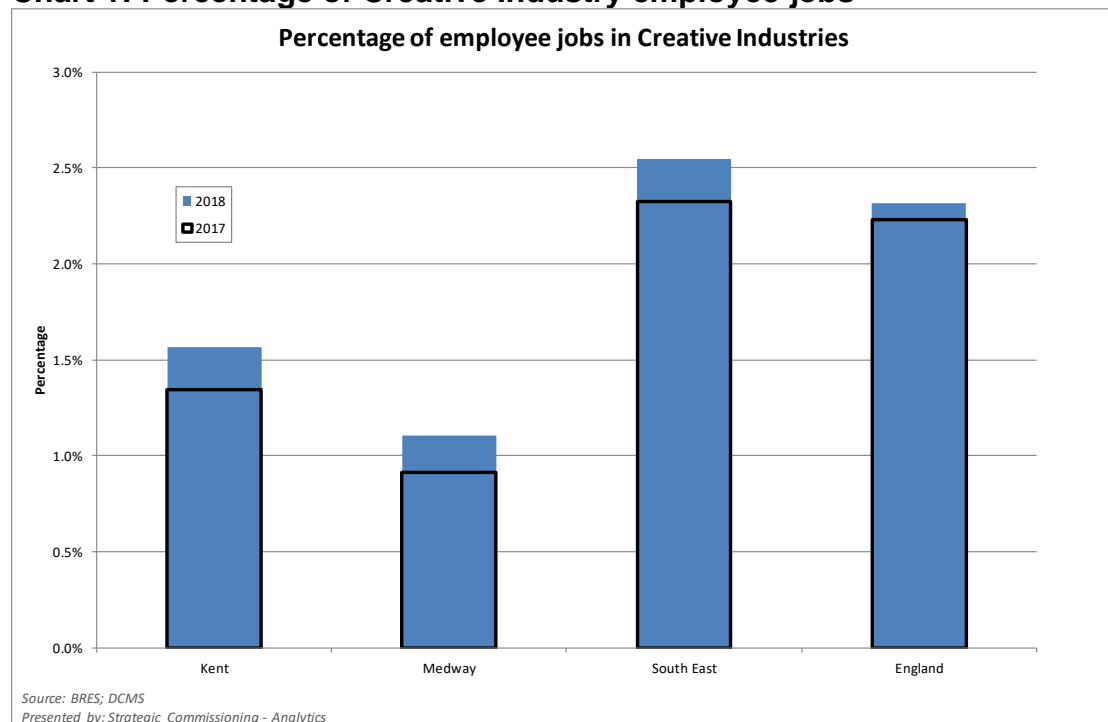
	Number				Percentage			
	2015	2016	2017	2018	2015	2016	2017	2018
<b>Kent</b>	8,800	8,500	8,200	9,600	1.4%	1.4%	1.3%	1.6%
<b>Medway</b>	900	900	800	1,000	1.1%	1.0%	0.9%	1.1%
<b>South East</b>	101,900	102,900	95,500	105,600	2.5%	2.5%	2.3%	2.5%
<b>England</b>	553,300	585,200	576,000	601,400	2.2%	2.3%	2.2%	2.3%

Source: BRES; DCMS

Presented by: Strategic Commissioning - Analytics, Kent County Council

Chart 1 shows the proportion of employee jobs in Creative Industries and how this compares to the previous year.

**Chart 1: Percentage of Creative Industry employee jobs**



Kent has seen higher growth in creative jobs than seen nationally. In Kent in 2018 there were an estimated 1,300 more creative jobs than the previous year, an increase of 16.1%. Since 2015 Kent has seen 8.8% growth (+800 jobs).

**Table 2: Change in Creative Industry employee jobs**

	1 year change		Change since 2015	
	Number	%	Number	%
<b>Kent</b>	1,300	16.1%	800	8.8%
<b>Medway</b>	200	25.2%	100	9.6%
<b>South East</b>	10,100	10.5%	3,700	3.6%
<b>England</b>	25,400	4.4%	48,100	8.7%

Source: BRES; DCMS

Presented by: Strategic Commissioning - Analytics, Kent County Council

Creative Industries are grouped into 9 main categories as shown in table 2.

The highest proportion of Creative Industries employee jobs are within the IT, Software and Computer Services category. In the South East this accounts for half of all Creative Industry employee jobs, however Kent has a much lower proportion at 33.1%, or 3,200 employee jobs.

Music, performing and visual arts make up the second largest proportion in Kent with 14.4% of Creative employee jobs in this category.

Kent has a higher proportion of employee jobs in Architecture, Design, Publishing, Music, performing and visual arts and Museums than seen nationally.

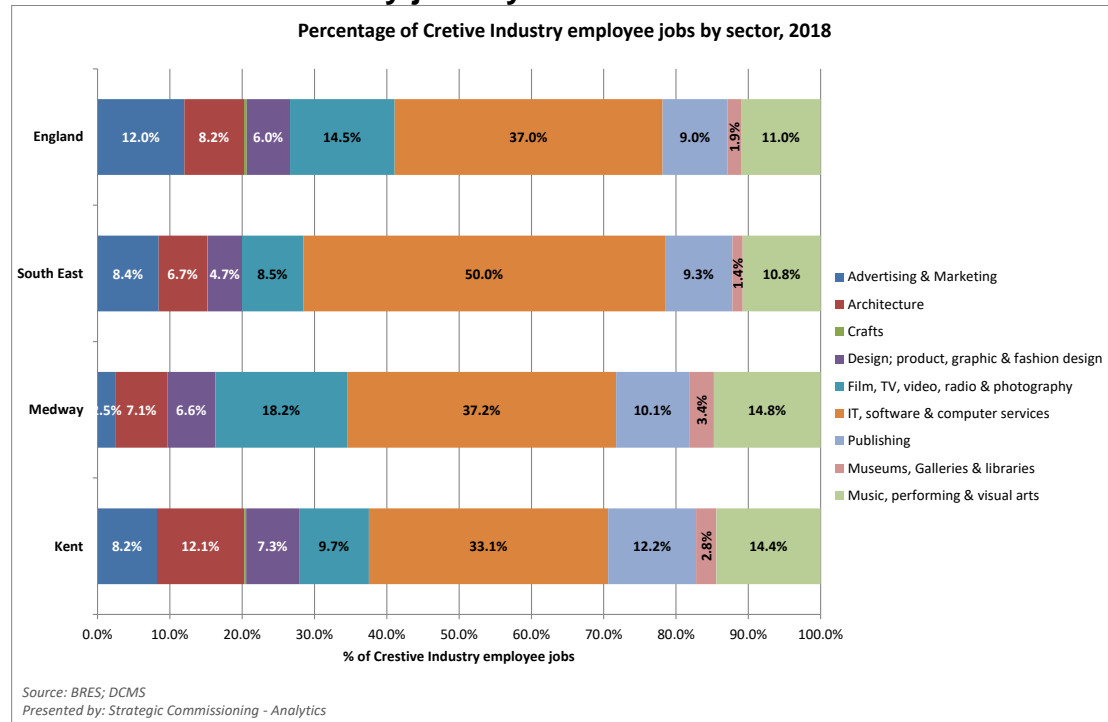
**Table 3: Creative Industry jobs by sector**

2018	Number				Percentage			
	Kent	Medway	South East	England	Kent	Medway	South East	England
Advertising & Marketing	800	0	8,900	72,200	8.2%	2.5%	8.4%	12.0%
Architecture	1,200	100	7,100	49,500	12.1%	7.1%	6.7%	8.2%
Crafts	0	0	100	2,200	0.3%	0.0%	0.1%	0.4%
Design; product, graphic & fashion design	700	100	5,000	36,000	7.3%	6.6%	4.7%	6.0%
Film, TV, video, radio & photography	900	200	9,000	87,100	9.7%	18.2%	8.5%	14.5%
IT, software & computer services	3,200	400	52,800	222,800	33.1%	37.2%	50.0%	37.0%
Publishing	1,200	100	9,800	54,000	12.2%	10.1%	9.3%	9.0%
Museums, Galleries & libraries	300	0	1,500	11,300	2.8%	3.4%	1.4%	1.9%
Music, performing & visual arts	1,400	200	11,400	66,200	14.4%	14.8%	10.8%	11.0%
<b>Total Creative Industries</b>	<b>9,600</b>	<b>1,000</b>	<b>105,600</b>	<b>601,400</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: BRES; DCMS

Presented by: Strategic Commissioning - Analytics, Kent County Council

**Chart 2: Creative Industry jobs by sector**



## Creative Industry Enterprises

Using UK Business Counts information from ONS it is possible to estimate the number of businesses in Kent within Creative Industries.

All numbers are rounded at source. Values may be rounded down to zero so all zeros are not necessarily true zeros. Totals across tables may differ by minor amounts due to the disclosure methods used by ONS.

Kent has an estimated 6,535 Creative enterprises as at March 2019 although they account for a lower proportion (10.4%) of total enterprises in the area than the national average. Creative enterprises have increased by 28.4% in Kent over the last five years, a bigger increase than was seen nationally.

Tunbridge Wells district has the highest number and proportion of Creative enterprises in Kent (1,015 enterprises equivalent to 15.8% of all enterprises in the area).

All districts saw an increase in Creative enterprises since 2018. The biggest increase was in Dartford which had 75 more Creative Industry enterprises than the year before, an increase of 15.8%. Dartford has also seen the biggest five-year increase almost doubling since 2014 (+265 enterprises).

**Table 4: Creative Industry Enterprises**

2019			Change since last year		5 year change	
	Number	%	Number	%	Number	%
Ashford	570	8.8%	15	2.7%	100	21.3%
Canterbury	580	10.8%	15	2.7%	135	30.3%
Dartford	550	12.4%	75	15.8%	265	93.0%
Dover	265	7.6%	25	10.4%	50	23.3%
Folkestone & Hythe	305	8.1%	5	1.7%	65	27.1%
Gravesham	310	7.9%	0	0.0%	75	31.9%
Maidstone	640	8.5%	15	2.4%	80	14.3%
Sevenoaks	860	12.7%	10	1.2%	125	17.0%
Swale	370	7.5%	35	10.4%	75	25.4%
Thanet	350	8.8%	30	9.4%	150	75.0%
Tonbridge and Malling	720	12.1%	25	3.6%	160	28.6%
Tunbridge Wells	1,015	15.8%	35	3.6%	165	19.4%
Kent	6,535	10.4%	285	4.6%	1,445	28.4%
Medway	655	7.7%	-5	-0.8%	115	21.3%
Kent + Medway	7,185	10.1%	275	4.0%	1,555	27.6%
South East LEP	17,510	10.1%	520	3.1%	3,415	24.2%
South East Region	56,650	13.7%	1,565	2.8%	9,900	21.2%
England	274,875	11.6%	6,965	2.6%	52,225	23.5%
Great Britain	294,455	11.1%	7,450	2.6%	55,515	23.2%

Source: UK Business Counts

Prepared by: Strategic Commissioning - Analytics, Kent County Council

The distribution of Creative Industry enterprises in Kent and Medway is shown in map 1.

A higher number of Creative enterprises can be found largely in the south west of the county and in Ashford district.

**Map 1: Creative industry enterprises in Kent & Medway**

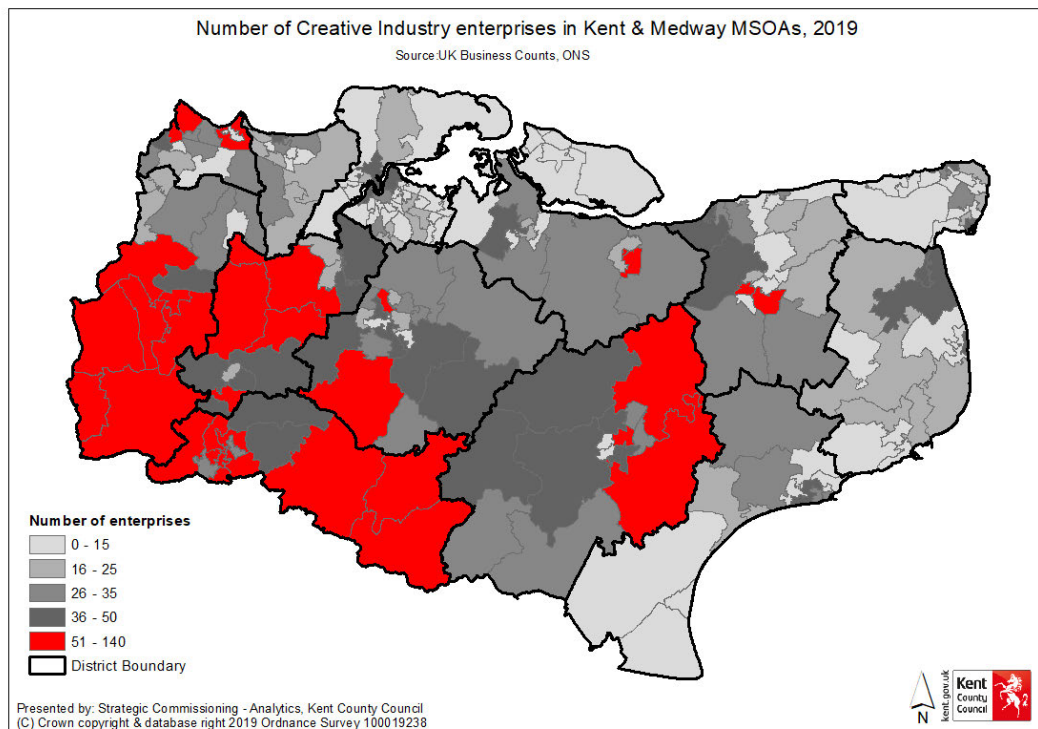


Chart 3 shows the proportion of Creative enterprises in local authorities in England. Tunbridge Wells district is within the top 20% of authorities with the highest concentration of Creative enterprises in the country.

**Chart 3: Creative industry enterprises in local authorities in England**

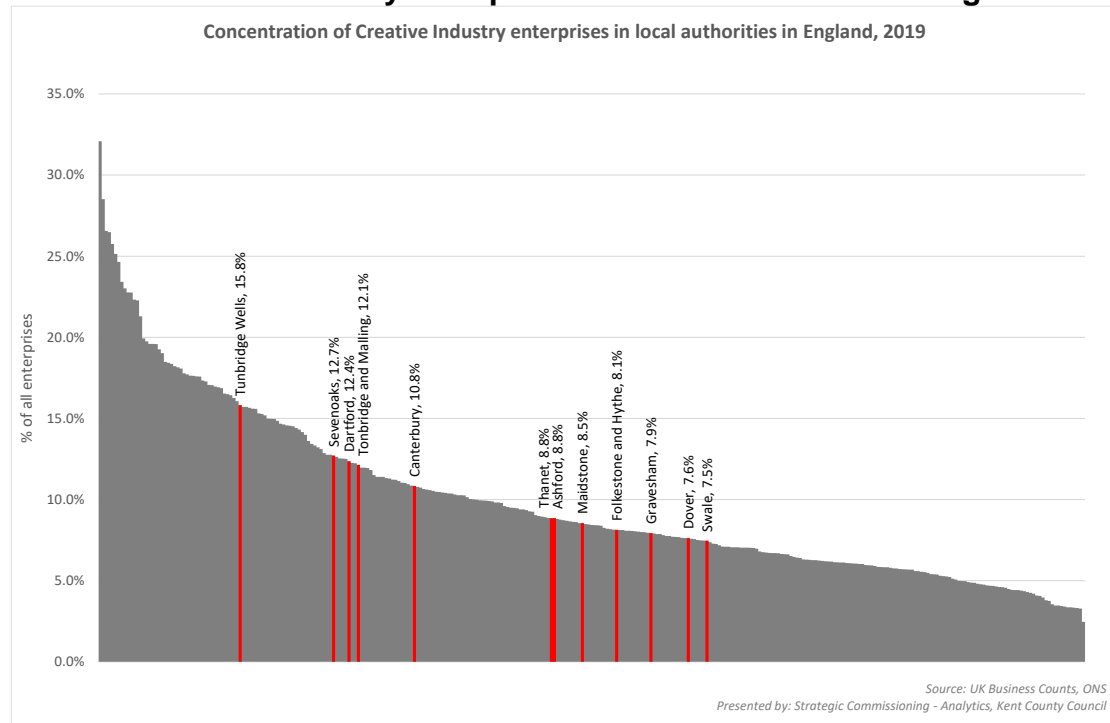
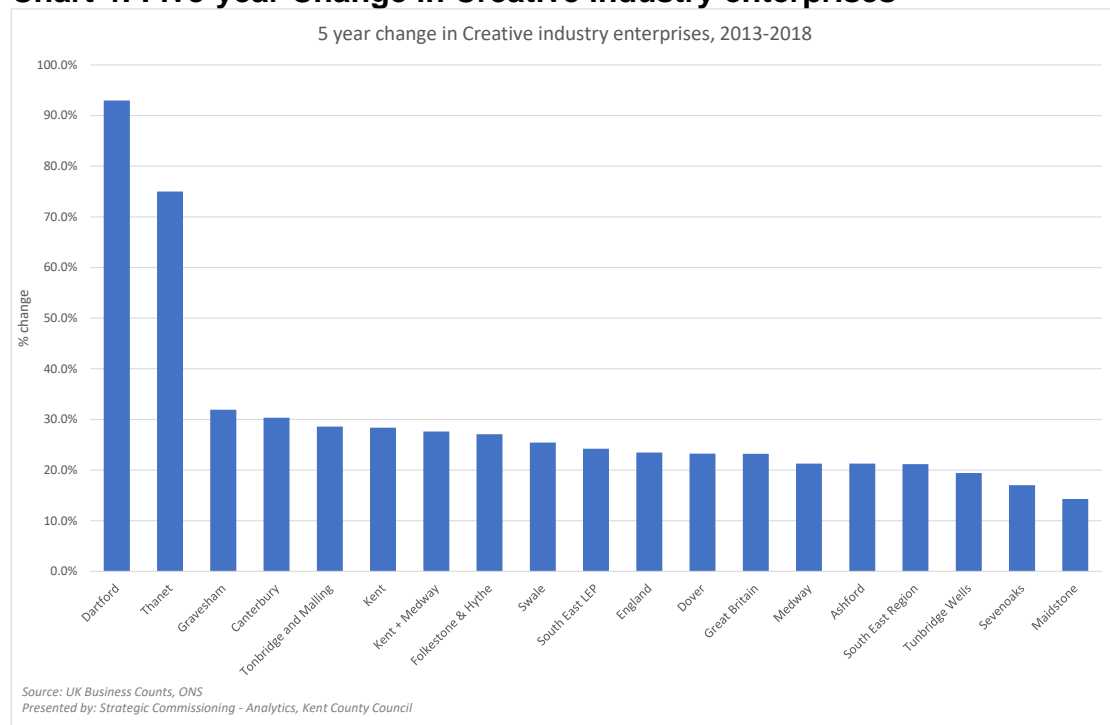


Chart 5 shows the percentage growth in Creative Industry enterprises over the last five years.

**Chart 4: Five-year Change in Creative industry enterprises**





Over the last five years the number of Creative industry enterprises has grown in all Kent local authorities. Seven authorities in Kent saw five-year percentage growth above the national average of 23.5%. Dartford district saw the largest growth in number of Creative enterprises in Kent (+265) over the last five years.

The Creative Industry sector is made up of nine main subsectors, the largest of which is IT, software and computer services accounting for almost half of all Creative enterprises in Kent.

**Table 5: Creative industry enterprises by sector**

2019	Kent	Medway	South East	England	Kent	Medway	South East	England
Advertising & Marketing	595	45	4,365	23,505	9.1%	6.9%	7.7%	8.6%
Architecture	465	45	2,700	14,650	7.1%	6.9%	4.8%	5.3%
Crafts	50	0	185	1,200	0.8%	0.0%	0.3%	0.4%
Design; product, graphic & fashion design	560	50	4,080	21,740	8.6%	7.6%	7.2%	7.9%
Film, TV, video, radio & photography	670	40	5,515	31,420	10.3%	6.1%	9.7%	11.4%
IT, software & computer services	3,150	365	32,165	138,830	48.2%	55.7%	56.8%	50.5%
Publishing	305	30	1,990	10,050	4.7%	4.6%	3.5%	3.7%
Museums, Galleries & libraries	20	0	140	820	0.3%	0.0%	0.2%	0.3%
Music, performing & visual arts	725	70	5,510	32,655	11.1%	10.7%	9.7%	11.9%
<b>Total Creative Industries</b>	<b>6,535</b>	<b>655</b>	<b>56,650</b>	<b>274,875</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: UK Business Counts

Prepared by: Strategic Commissioning - Analytics, Kent County Council

At local authority district level IT, software and computer services account for the largest proportion of creative industry enterprises in all areas. Tunbridge Wells has the highest number of IT, software and computer services enterprises (415) accounting for 40.9% of all creative enterprises in the area. Thanet has a considerably lower proportion of IT, software and computer services than anywhere else in Kent. Music, performing & visual arts make up a much higher proportion of creative enterprises in Thanet accounting for almost a quarter of all creative enterprises in the district.

**Table 6: Number of creative industry enterprises – local authority district level**

2019	Total Creative Industries	Advertising & Marketing	Architecture	Crafts	Design; product, graphic & fashion design	Film, TV, video, radio & photography	IT, software & computer services	Publishing	Museums, Galleries & libraries	Music, performing & visual arts
Ashford	570	60	40	5	50	50	285	20	0	60
Canterbury	580	50	55	5	55	70	245	25	0	70
Dartford	550	15	25	5	20	30	410	10	0	25
Dover	265	25	15	0	20	25	105	10	0	45
Folkestone & Hythe	305	25	30	0	30	20	125	10	0	40
Gravesham	310	15	25	5	25	15	185	5	0	25
Maidstone	640	55	55	5	45	55	310	35	0	55
Sevenoaks	860	75	50	0	70	95	430	30	5	90
Swale	370	20	35	5	40	40	180	15	0	40
Thanet	350	25	15	0	45	55	100	15	0	85
Tonbridge and Malling	720	85	40	5	60	60	360	40	0	75
Tunbridge Wells	1,015	135	80	10	100	115	415	60	0	110
<b>Kent</b>	<b>6,535</b>	<b>595</b>	<b>465</b>	<b>50</b>	<b>560</b>	<b>670</b>	<b>3,150</b>	<b>305</b>	<b>20</b>	<b>725</b>
<b>Medway</b>	<b>655</b>	<b>45</b>	<b>45</b>	<b>0</b>	<b>50</b>	<b>40</b>	<b>365</b>	<b>30</b>	<b>0</b>	<b>70</b>
<b>Kent + Medway</b>	<b>7,185</b>	<b>635</b>	<b>510</b>	<b>50</b>	<b>605</b>	<b>710</b>	<b>3,515</b>	<b>335</b>	<b>20</b>	<b>795</b>
<b>South East Region</b>	<b>56,650</b>	<b>4,365</b>	<b>2,700</b>	<b>185</b>	<b>4,080</b>	<b>5,515</b>	<b>32,165</b>	<b>1,990</b>	<b>140</b>	<b>5,510</b>
<b>England</b>	<b>274,875</b>	<b>23,505</b>	<b>14,650</b>	<b>1,200</b>	<b>21,740</b>	<b>31,420</b>	<b>138,830</b>	<b>10,050</b>	<b>820</b>	<b>32,655</b>

Source: UK Business Counts

Prepared by: Strategic Commissioning - Analytics, Kent County Council

**Table 7: Proportion of creative industry enterprises – local authority district**

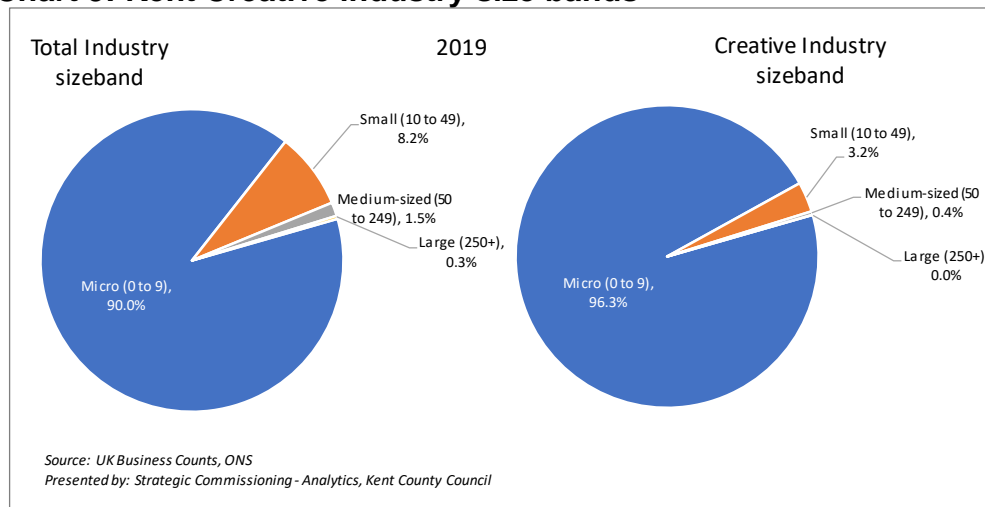
2019	Total Creative Industries	Advertising & Marketing	Architecture	Crafts	Design; product, graphic & fashion design	Film, TV, video, radio & photography	IT, software & computer services	Publishing	Museums, Galleries & libraries	Music, performing & visual arts
Ashford	100%	10.5%	7.0%	0.9%	8.8%	8.8%	50.0%	3.5%	0.0%	10.5%
Canterbury	100%	8.6%	9.5%	0.9%	9.5%	12.1%	42.2%	4.3%	0.0%	12.1%
Dartford	100%	2.7%	4.5%	0.9%	3.6%	5.5%	74.5%	1.8%	0.0%	4.5%
Dover	100%	9.4%	5.7%	0.0%	7.5%	9.4%	39.6%	3.8%	0.0%	17.0%
Folkestone & Hythe	100%	8.2%	9.8%	0.0%	9.8%	6.6%	41.0%	3.3%	0.0%	13.1%
Gravesham	100%	4.8%	8.1%	1.6%	8.1%	4.8%	59.7%	1.6%	0.0%	8.1%
Maidstone	100%	8.6%	8.6%	0.8%	7.0%	8.6%	48.4%	5.5%	0.0%	8.6%
Sevenoaks	100%	8.7%	5.8%	0.0%	8.1%	11.0%	50.0%	3.5%	0.6%	10.5%
Swale	100%	5.4%	9.5%	1.4%	10.8%	10.8%	48.6%	4.1%	0.0%	10.8%
Thanet	100%	7.1%	4.3%	0.0%	12.9%	15.7%	28.6%	4.3%	0.0%	24.3%
Tonbridge and Malling	100%	11.8%	5.6%	0.7%	8.3%	8.3%	50.0%	5.6%	0.0%	10.4%
Tunbridge Wells	100%	13.3%	7.9%	1.0%	9.9%	11.3%	40.9%	5.9%	0.0%	10.8%
<b>Kent</b>	<b>100%</b>	<b>9.1%</b>	<b>7.1%</b>	<b>0.8%</b>	<b>8.6%</b>	<b>10.3%</b>	<b>48.2%</b>	<b>4.7%</b>	<b>0.3%</b>	<b>11.1%</b>
<b>Medway</b>	<b>100%</b>	<b>6.9%</b>	<b>6.9%</b>	<b>0.0%</b>	<b>7.6%</b>	<b>6.1%</b>	<b>55.7%</b>	<b>4.6%</b>	<b>0.0%</b>	<b>10.7%</b>
<b>Kent + Medway</b>	<b>100%</b>	<b>8.8%</b>	<b>7.1%</b>	<b>0.7%</b>	<b>8.4%</b>	<b>9.9%</b>	<b>48.9%</b>	<b>4.7%</b>	<b>0.3%</b>	<b>11.1%</b>
<b>South East Region</b>	<b>100%</b>	<b>7.7%</b>	<b>4.8%</b>	<b>0.3%</b>	<b>7.2%</b>	<b>9.7%</b>	<b>56.8%</b>	<b>3.5%</b>	<b>0.2%</b>	<b>9.7%</b>
<b>England</b>	<b>100%</b>	<b>8.6%</b>	<b>5.3%</b>	<b>0.4%</b>	<b>7.9%</b>	<b>11.4%</b>	<b>50.5%</b>	<b>3.7%</b>	<b>0.3%</b>	<b>11.9%</b>

Source: UK Business Counts

Prepared by: Strategic Commissioning - Analytics, Kent County Council

A higher proportion of Creative enterprises are micro enterprises (those employing 0-9 people) than the average for total industries. Micro enterprises account for 96.3% of Creative enterprises in Kent.

**Chart 3: Kent Creative industry size bands**



The proportion of Creative enterprises in each size band is largely like that seen nationally.

**Table 8: Creative enterprises - size bands**

2019	Employment sizeband					Percentage			
	Total	Micro (0 to 9)	Small (10 to 49)	Medium-sized (50 to 249)	Large (250+)	Micro (0 to 9)	Small (10 to 49)	Medium-sized (50 to 249)	Large (250+)
Ashford	570	550	15	0	0	96.5%	2.6%	0.0%	0.0%
Canterbury	580	550	25	5	0	94.8%	4.3%	0.9%	0.0%
Dartford	550	535	15	0	0	97.3%	2.7%	0.0%	0.0%
Dover	265	260	5	0	0	98.1%	1.9%	0.0%	0.0%
Folkestone & Hythe	305	295	10	0	0	96.7%	3.3%	0.0%	0.0%
Gravesham	310	305	5	0	0	98.4%	1.6%	0.0%	0.0%
Maidstone	640	595	40	0	0	93.0%	6.3%	0.0%	0.0%
Sevenoaks	860	840	20	0	0	97.7%	2.3%	0.0%	0.0%
Swale	370	355	10	0	0	95.9%	2.7%	0.0%	0.0%
Thanet	350	340	10	0	0	97.1%	2.9%	0.0%	0.0%
Tonbridge and Malling	720	695	20	5	0	96.5%	2.8%	0.7%	0.0%
Tunbridge Wells	1,015	970	45	0	0	95.6%	4.4%	0.0%	0.0%
Kent	6,535	6,295	210	25	0	96.3%	3.2%	0.4%	0.0%
Medway	655	635	15	5	0	96.9%	2.3%	0.8%	0.0%
Kent + Medway	7,185	6,930	225	30	0	96.5%	3.1%	0.4%	0.0%
South East LEP	17,510	16,945	490	70	5	96.8%	2.8%	0.4%	0.0%
South East	56,650	54,150	2,080	345	80	95.6%	3.7%	0.6%	0.1%
England	274,875	260,650	11,710	2,115	400	94.8%	4.3%	0.8%	0.1%
Great Britain	294,455	279,210	12,560	2,260	425	94.8%	4.3%	0.8%	0.1%

Source: UK Business Counts

Prepared by: Strategic Commissioning - Analytics, Kent County Council

87.0% Kent Creative enterprises have a turnover of £199 thousand or less, which is higher than is seen nationally (84.6%).

**Table 9: Creative enterprises - turnover**

2019	Number of Creative enterprises				% of total Creative enterprises			
	Kent	Medway	South East	England	Kent	Medway	South East	England
Total	6,535	655	56,650	274,875	100%	100%	100%	100%
0 to 49 (thousand)	1,115	110	8,825	44,810	17.1%	16.8%	15.6%	16.3%
50 to 99 (thousand)	2,025	230	17,500	85,730	31.0%	35.1%	30.9%	31.2%
100 to 199 (thousand)	2,545	245	22,530	101,585	38.9%	37.4%	39.8%	37.0%
200 to 499 (thousand)	430	35	3,385	17,845	6.6%	5.3%	6.0%	6.5%
500 to 999 (thousand)	200	20	1,890	10,250	3.1%	3.1%	3.3%	3.7%
1000 to 1999 (thousand)	125	10	1,120	6,300	1.9%	1.5%	2.0%	2.3%
2000 to 4999 (thousand)	55	5	770	4,500	0.8%	0.8%	1.4%	1.6%
5000 to 9999 (thousand)	20	0	285	1,790	0.3%	0.0%	0.5%	0.7%
10000 to 49999 (thousand)	15	5	255	1,570	0.2%	0.8%	0.5%	0.6%
50000+ (thousand)	5	0	95	500	0.1%	0.0%	0.2%	0.2%

Source: UK Business Counts

Prepared by: Strategic Commissioning - Analytics, Kent County Council



# Core Strategy Review - Inspectors' Matters

**Matter 6: Strategy for the Romney Marsh Area**

July 2020



## Matter 6: Strategy for the Romney Marsh Area

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## **Matter 6: Strategy for the Romney Marsh Area**

# **Inspectors' Questions for Matter 6**

## **Relevant policies – SS1 and CSD8 Questions**

### **Romney Marsh Area overall**

1. What is the basis for the strategy for the Romney Marsh 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. What is the situation regarding expansion of London Ashford Airport at Lydd and the preparation of an Action Area Plan?

### **New Romney Strategy – Policy CSD8**

4. What is the basis for the strategy for New Romney (Policy CSD8) and is it justified?
5. Is it sufficiently clear in terms of the scale, type and location of development?
6. What is the basis for the broad location for residential development?
7. What alternative options were considered to meet the planned level of housing growth? Why was the preferred location chosen?
8. 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?
9. 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?
10. How will these be provided and funded?
11. 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?
12. Is the Core Strategy Review effective in identifying any highway impacts from the planned development in New Romney and how these will be addressed?



## **Matter 6: Strategy for the Romney Marsh Area**

13. Is the proposed link road within the broad location justified, viable and deliverable?
14. What are the expectations in terms of timing and rates of housing delivery and are these realistic? What progress has been made to date?
15. 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.
16. Are any main modifications to Policy CSD8 necessary for soundness?

# **Council's Response to Matter 6 Questions**

## **1. Romney Marsh Area Overall**

### **Question 1**

What is the basis for the strategy for the Romney Marsh 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 Romney Marsh Area, the policy states in the fifth paragraph, bullet point two:

*“The future spatial priority for new development in the Romney Marsh Area is on accommodating development at the towns of New Romney and Lydd, and at sustainable villages; improving communications; protecting and enhancing the coast and the many special habitats and landscapes, especially at Dungeness; and avoiding further co-joining of settlements and localities at the most acute risk to life and property from tidal flooding.”*

- 1.2. Reference is made in the final paragraph of the policy to Policy CSD8 for New Romney and to London Ashford Airport at Lydd.

- 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.”<sup>1</sup>*

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<sup>1</sup> Paragraph: 062 Reference ID: 61-062-20190315.

## Matter 6: Strategy for the Romney Marsh Area

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.”<sup>2</sup>*

*“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.”<sup>3</sup>*

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)<sup>4</sup> 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
- 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

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<sup>2</sup> Paragraph: 064 Reference ID: 61-064-20190315.

<sup>3</sup> Paragraph: 068 Reference ID: 61-068-20190723.

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

## **Matter 6: Strategy for the Romney Marsh Area**

development would need to reflect the results of the Growth Options Study, then being finalised.

- 1.8. Core Strategy Review Policy SS1, as it relates to the Romney Marsh Area, remains largely unchanged from the adopted 2013 Core Strategy policy. The council considers that it remains justified and effective.
- 1.9. The Romney Marsh remains an area with considerable constraints to development.
- 1.10. As the Key Diagram (Figure 4.1, page 53) makes clear, the great majority of the Romney Marsh Area is within Flood Zone 3, with areas of extreme flood hazard identified around the coast and further inland, between Hythe and Dymchurch and around Dungeness (Figure 2.9, page 32).
- 1.11. As illustrated on Figure 2.8 (page 31), large areas of Romney Marsh are designated as internationally protected sites (Special Area of Conservation, Special Protection Area and Ramsar). A wider area is also nationally designated as a Site of Special Scientific Interest (Dungeness, Romney Marsh and Rye Bay SSSI).
- 1.12. In the light of higher housing requirements emerging through the council's Strategic Housing Market Assessment, 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).
- 1.13. The High Level Options Report divided the district into six areas to assess the potential of each area for strategic growth (Document EB 04.20, Table 2 and Figure 2). The Romney Marsh Area, as defined in the Core Strategy Review, was covered by:
  - Area 5: Romney Marsh and Walland Marsh; and

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- Area 6: Lydd, New Romney and Dungeness.

1.14. Each area was assessed against the following factors:

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

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

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

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development focussed on meeting local needs will continue to be appropriate into the future.

- 1.17. Regarding Area 6 (Lydd, New Romney and Dungeness), the Report found that the area's key constraints were environmental, with a significant extent of land within Flood Zones 2 and 3. Areas outside the floodplain, including almost all land around the urban edge of Lydd is covered by multiple and extensive environmental designations. The heritage designation at Dungeness (Dungeness Conservation Area) is also relatively extensive.
- 1.18. The Report found that - as with Area 5, though to a lesser extent - the transport network is restricted due to the area's remoteness from large-scale population centres and its economic potential is limited for the same reason. Area 6 also derives much of its character from its open and undeveloped landscape, unusual for South East England, and as such there are fewer opportunities to create defensible boundaries to development. The Report concludes that, as with Area 5, the Lydd, New Romney and Dungeness area is unsuitable for strategic growth and that the past approach of non-strategic development focussed on meeting local needs will continue to be appropriate into the future.
- 1.19. The council considers that there will continue to be smaller-scale development opportunities within the larger centres in the settlement hierarchy in the Romney Marsh (Table 4.4: District Settlement Hierarchy, page 63), principally to serve local needs.
- 1.20. These opportunities will be focussed on the towns of New Romney (incorporating Littlestone-on-Sea) and Lydd and the larger villages in the settlement hierarchy, including St Mary's Bay, Greatstone-on-Sea, Brookland and Brenzett.
- 1.21. Regarding opportunities for smaller, non-strategic scale growth, the council has undertaken a comprehensive assessment of sites through consultations and calls for site submissions for the Places and Policies Local Plan (PPLP), which has been progressing in parallel with the Core Strategy Review.

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- 1.22. The PPLP has been through public examination and has recently been found 'sound' by the Inspector.<sup>5</sup>
- 1.23. A number of smaller scale developments are allocated in the PPLP in the Romney Marsh Area (Chapter 6), ranging up to 3.2 hectares in size. Following the district spatial strategy and settlement hierarchy established by the adopted 2013 Core Strategy, these allocations are focussed on:
- New Romney (incorporating Littlestone-on-Sea) – Policies RM1, RM2, RM3, RM4 and RM5;
  - Lydd – Policies RM7 and RM8;
  - St Mary's Bay – Policy RM9;
  - Greatstone – Policies RM10 and RM11;
  - Brookland – Policies RM12 and RM13;
  - Brenzett – Policy RM14; and
  - Old Romney – Policy RM15 (site for gypsy and traveller development).
- 1.24. Should further small-scale development opportunities come forward in the Romney Marsh Area on sites not allocated in the PPLP, they can be assessed against Core Strategy Review Policy SS1 and other relevant development plan policies.
- 1.25. The council considers that, except for the remaining strategic site at New Romney, there are no suitable strategic development opportunities in the area and development should be focussed on the sustainable villages, focussing principally on local needs in accordance with the spatial strategy.
- 1.26. Regarding the other elements of Policy SS1, for Area 5, the High Level Options Report (EB 04.20, pages 73-80) highlights continued problems of flood risk, poor transport links and limited access. The flat, open character of the area is identified and the need to avoid coalescence between the settlements of

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<sup>5</sup> 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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Dymchurch and St Mary's Bay and Dymchurch and Hythe is stressed. For Area 6 the Report again highlights problems of flood risk, remoteness, poor transport connections and low order rural roads and identifies the distinctive flat and open character of the area (EB 04.20, page 82-89).

- 1.27. The council therefore considers that the remaining elements of the policy - which highlights communications infrastructure, protecting and enhancing the coast, special habitats and landscape and the need to protect communities most at risk from tidal flooding - all remain relevant policy considerations.
- 1.28. The council therefore considers that, given the constraints in the Romney Marsh area, the approach of Policy SS1 remains justified and effective.

### **Question 2**

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

- 1.29. 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 Romney Marsh character area of the district, in Policy CSD8.
- 1.30. 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.
- 1.31. 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.
- 1.32. 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



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

- 1.33. 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 and relevant policies in the district's development plan.
- 1.34. However, Policy SS1 directs that remaining development needs should be focused on the most sustainable towns and villages as set out in Policy SS3 (i.e. growth in addition to the delivery of new sustainable, landscape-led settlement, in accordance with Policies SS6-SS9 with additional growth in Sellindge in accordance with Policy CSD9). The wording to Policy SS1 maintains that the remaining development needs will be *"supported by the following strategic priorities for the three character areas of the district"*.
- 1.35. For the Romney Marsh Area the following objectives for growth is defined as follows:

*"Romney Marsh Area - The future spatial priority for new development in the Romney Marsh Area is on accommodating development at the towns of New Romney and Lydd, and at sustainable villages; improving communications; protecting and enhancing the coast and the many special habitats and landscapes, especially at Dungeness; and avoiding further co-joining of settlements and localities at the most acute risk to life and property from tidal flooding. The strategic growth of New Romney is also supported through policy CSD8 to allow the market town to fulfil its potential to sustainably provide for the bulk of the housing, community infrastructure and commercial needs of the Romney Marsh Area."*

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- 1.36. Policy CSD8 'New Romney Strategy' of the Core Strategy Review details the overall growth objectives for the area, namely that:

*“New Romney should develop as the residential, business, service, retail and tourist centre for the Romney Marsh in line with the vision in paragraph 3.20.”*

- 1.37. Justification for the overall scale of development envisaged in accordance with policy CSD8 is set out in the Inspector's report to the Core Strategy, and paragraphs 90 to 92 taken from the Inspector's report are set out below:

*“The identification of New Romney as the most sustainable location for growth on Romney Marsh is justified by its concentration of services and transport links. Parts of the town are at a comparatively lower risk of flooding than much of the remainder of the Marsh. A sequential assessment of sites in New Romney was undertaken, based on the hazard maps contained in the District wide SFRA. These represent the hazards associated with flooding in respect of flood depth and water velocity, deriving from a modelling exercise that considered a range of scenarios involving potential flood defence breaches and wave overtopping. Climate change effects have been included.”* (Paragraph 90)

*“Land at Cockreed Lane was proposed for allocation at the Plan's Preferred Options stage, and was the subject of a wide range of local objections. Nevertheless, the above-noted assessment suggests that this is the most realistic location to accommodate housing of this scale in the settlement. Subject to the inclusion of a reference to the Shepway SFRA (see below), the EA does not object to policy CSD8. A feasibility study has been undertaken in respect of the Cockreed Lane site and consultation has been carried out.”* (Paragraph 91)

*“As a result of these factors, it is appropriate for the CS to indicate that land at Cockreed Lane is likely to be allocated for development, leaving matters such as site boundaries and more specific infrastructure requirements to be determined at a later stage. While greater certainty could have been achieved*

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*if the site had been progressed as a CS allocation, the approach of identifying a broad location for development is consistent with the National Planning Policy Framework. The Council proposes a number of changes to policy CSD8 (MM78), including the above-noted requirement to accord with the Shepway SFRA and more qualified references to infrastructure requirements, which are needed for reasons of effectiveness.” (Paragraph 92)*

### **Question 3**

What is the situation regarding expansion of London Ashford Airport at Lydd and the preparation of an Action Area Plan?

- 1.38. There has not been progress in creating an Action Area Plan for London Ashford Airport. The council amended the policy following comments submitted by London Ashford Airport to the Regulation 18 consultation and to the Places and Policies Local Plan which highlighted the airport’s long-term aspirations for the site, beyond the current planning permission.
- 1.39. Given the constraints of the Romney Marsh area - particularly in terms of access, landscape and the presence of European designated sites as set out in the council’s responses to the other questions to this matter - the council considers that preparing an Action Area Plan for the site would be the best way to determine the longer term future of the airport, ensuring that local people and stakeholders are involved in the process and are able to comment on proposals.

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### **2. New Romney Strategy – Policy CSD8**

#### **Question 4**

What is the basis for the strategy for New Romney (Policy CSD8) and is it justified?

- 2.1. The council's approach to the Core Strategy Review is outlined above in paragraphs 1.3 to 1.6. Policy CSD8 was identified as a policy that should continue to be monitored, to reflect progress with the Places and Policies Local Plan (PPLP) that has been prepared in parallel with the Core Strategy Review.
- 2.2. As outlined above in the response to Question 1, the council has undertaken a comprehensive assessment of capacity throughout the district and, given the constraints in the Romney Marsh Area, the council considers that there is no further capacity for strategic-scale growth in the area.
- 2.3. As outlined above in paragraph 1.23, a number of smaller development sites were identified through the process of preparing the PPLP and these have been allocated in the plan. The Inspector's report has recently been issued and the plan has been found 'sound'.
- 2.4. Policy CSD8 was found 'sound' by the Inspector examining the 2013 Core Strategy. Policy CSD8 in the Core Strategy Review follows the wording of Policy CSD8 in the adopted 2013 Core Strategy, except for the introduction of an additional paragraph (paragraph 5) which states:

*“The layout and design of any proposals for the remaining undeveloped two parcels of land under the broad location must take into account the potential development of the adjoining land parcel and the existing development. In particular the internal road layout of the two parcels allocated to the south-east of Cockreed Lane shall not prejudice the future delivery of a 'link' road (criterion C above) to provide a vehicular connection between the two parcels and the developed part of the broad location to the north-east.”*

- 2.5. Policy CSD8 highlights the need for new development to:

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- Respect the historic character of the town (paragraph 1);
- Retain and enhance employment provision (paragraph 2);
- Enhance the status of New Romney as a key market town and service centre (paragraph 3);
- Provide further employment opportunities at an expanded Mountfield Road Industrial Estate (paragraph 3); and
- Provide residential development at the broad location identified to the north of the town centre (paragraph 3).

2.6. Subsequent paragraphs deal with the broad location for residential development.

2.7. These elements of the policy are dealt with in more detail in the council's response to Question 8 below.

### **Question 5**

Is it sufficiently clear in terms of the scale, type and location of development?

2.8. Justification for the overall scale, type and location of development envisaged in accordance with policy CSD8 is set out in the Inspector's report to the Core Strategy, and paragraphs 90 to 92 taken from the Inspector's report are repeated below:

*"The identification of New Romney as the most sustainable location for growth on Romney Marsh is justified by its concentration of services and transport links. Parts of the town are at a comparatively lower risk of flooding than much of the remainder of the Marsh. A sequential assessment of sites in New Romney was undertaken, based on the hazard maps contained in the District wide SFRA. These represent the hazards associated with flooding in respect of flood depth and water velocity, deriving from a modelling exercise that considered a range of scenarios involving potential flood defence breaches*

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*and wave overtopping. Climate change effects have been included.”*  
(Paragraph 90)

*“Land at Cockreed Lane was proposed for allocation at the Plan’s Preferred Options stage, and was the subject of a wide range of local objections. Nevertheless, the above-noted assessment suggests that this is the most realistic location to accommodate housing of this scale in the settlement. Subject to the inclusion of a reference to the Shepway SFRA ... the EA does not object to policy CSD8. A feasibility study has been undertaken in respect of the Cockreed Lane site and consultation has been carried out.”* (Paragraph 91)

*“As a result of these factors, it is appropriate for the CS to indicate that land at Cockreed Lane is likely to be allocated for development, leaving matters such as site boundaries and more specific infrastructure requirements to be determined at a later stage. While greater certainty could have been achieved if the site had been progressed as a CS allocation, the approach of identifying a broad location for development is consistent with the National Planning Policy Framework. The Council proposes a number of changes to policy CSD8 (MM78), including the above-noted requirement to accord with the Shepway SFRA and more qualified references to infrastructure requirements, which are needed for reasons of effectiveness.”* (Paragraph 92)

- 2.9. The council therefore considers that Policy CSD8 is sufficiently clear in terms of the scale, type and location of development.

### **Question 6**

What is the basis for the broad location for residential development?

- 2.10. As outlined in paragraph 2.4, the wording of Core Strategy Review Policy CSD8 largely follows that of the adopted 2013 Core Strategy Policy CSD8. This policy was examined and found ‘sound’ by the Inspector in 2013.
- 2.11. Since the Core Strategy was adopted by the council, Policy CSD8 has served to guide development in New Romney and a large part of the broad location

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has planning permission, with several phases of the development under construction or complete.

- 2.12. Although development is progressing on the site (four parcels form the broad location), the council considers it appropriate to retain Policy CSD8 in the Core Strategy Review largely as existing, to provide certainty and guide the remaining phases of the development.

### **Question 7**

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

- 2.13. As outlined in paragraph 2.4, the wording of Core Strategy Review Policy CSD8 largely follows that of the adopted 2013 Core Strategy Policy CSD8. This policy was examined and found 'sound' by the Inspector in 2013.
- 2.14. Since the Core Strategy was adopted by the council, Policy CSD8 has served to guide development in New Romney and a large part of the broad location has planning permission, with several phases of the development under construction or complete.
- 2.15. Although development is progressing on the site, the council considers it appropriate to retain Policy CSD8 in the Core Strategy Review largely as existing, to provide certainty and guide the remaining phases of the development.
- 2.16. As outlined above, the council has undertaken a comprehensive, district-wide assessment of the development potential for strategic growth as set out in the High Level Growth Options Report. In parallel with this process, work has proceeded on the Places and Policies Local Plan (PPLP), which has identified a number of smaller sites in the Romney Marsh area, and has recently been found 'sound'.
- 2.17. Through these processes, the council considers that there is no further potential for strategic growth in the Romney Marsh area. The PPLP allocates

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a number of smaller sites (see paragraph 1.23 above), including at Church Lane (Policy RM3), west of Ashford Road (Policy RM4) and adjoining the Marsh Academy, Station Road, New Romney (Policy RM5).

- 2.18. Should further small-scale and infill opportunities arise, proposals can be judged against Policy CSD8 and the development management policies in the PPLP.
- 2.19. The council therefore considers that there is no suitable alternative to the strategy set out in Policy CSD8 and that the policy remains relevant and justified.

### **Question 8**

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?

- 2.20. Policy CSD8 highlights the need for new development to:
- Respect the historic character of the town (paragraph 1);
  - Retain and enhance employment provision (paragraph 2);
  - Enhance the status of New Romney as a key market town and service centre (paragraph 3);
  - Provide further employment opportunities at an expanded Mountfield Road Industrial Estate (paragraph 3); and
  - Provide residential development at the broad location identified to the north of the town centre (paragraph 3).
- 2.21. Subsequent paragraphs deal with the broad location for residential development.
- 2.22. New Romney, together with Hythe, is one of the district's Cinque Ports. Regarding the historic character of the town, the Folkestone & Hythe District



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Heritage Strategy (EB 11.10, paragraph 6.50) reports that New Romney, together with Hythe, has numerous historic buildings and complex, important buried remains lying just below the present ground surface, which are particularly vulnerable to small-scale developments.

- 2.23. Policy CSD8 serves to highlight this historic character. Further requirements regarding the historic environment are set out in the PPLP, particularly Policy HE1: Heritage Assets and Policy HE2: Archaeology.
- 2.24. Regarding employment provision, the Economic Development Strategy 2015-2020 (EB 07.50) highlights that the economy of the Romney Marsh is primarily rural, with the energy, agriculture and tourism sectors playing an important role. While there is a need to diversify the economy in the future and to attract higher value jobs, these sectors do offer opportunities for a range of skill levels in the area. Jobs have declined significantly since 2008 and the number of businesses has remained static since 2011 (Section 2.5, page 4).
- 2.25. The expansion of business premises in the Romney Marsh area is required to meet the needs of growing businesses that will help diversify the local economy, and create alternative employment to mitigate the loss of some 1,000 jobs arising from the de-commissioning of Dungeness A and future closure of Dungeness B power stations.
- 2.26. The Employment Land Review (EB 07.40) highlights that there is a significant concentration of business activity located in Folkestone, with only smaller business clusters situated in New Romney, Hythe and Lydd (paragraph 2.13).
- 2.27. The Romney Marsh area of the district is fairly remote with limited road access; this has led to the area becoming relatively localised and self-contained in commercial property-market terms, with small businesses operating in local sub-markets (paragraph 4.23).
- 2.28. Generally, the district's stock of business premises is older and in need of improvement. The availability of modern, high-quality premises is limited, but the Mountfield Road industrial estate at New Romney is one of the few more

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modern developments in the district, which serves to highlight its importance (paragraph 4.24).

- 2.29. The Mountfield Road Industrial Estate covers an area of some 16 hectares, making it one of the largest employment sites in the south of the district (EB 07.40, paragraph 5.63). The site is constrained in terms of strategic and local road access, although it is close to amenities and public transport routes in New Romney. Vacancies are low across both the older premises in Phases 1 and 2 and the more modern, larger units of Phases 3 and 4.
- 2.30. Although demand for industrial space in the Romney Marsh area tends to be weaker than in Folkestone, the provision of a mix of factory and warehouse premises at New Romney remains important to ensure that the needs of local firms are supported (paragraph 7.28).
- 2.31. In order to provide further employment through the expansion of the Mountfield Road Industrial Estate, in line with Policy CSD8, proposals were taken to the council's Cabinet on 11 September 2019 to seek agreement for a financial contribution from Folkestone & Hythe District Council towards the development of a new business centre on council-owned land within Phase 4 of the Mountfield Road estate (report reference: C/19/19).<sup>6</sup>
- 2.32. Since the report's recommendations were approved in September 2019, further work has been undertaken. Planning permission for a new vehicular access to serve the future employment site at Mountfield Road was granted on 7 May 2019 (reference: Y19/0302/FH). A report was approved by Cabinet on 24 June 2020 to accept a grant offer from the Nuclear De-commissioning Authority (NDA) and to agree the transfer of land into joint ownership with joint venture partners, East Kent Spatial Development Company (EKSDC), to enable the construction of the business centre to proceed (report reference: C/20/15).<sup>7</sup>

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<sup>6</sup> See: <https://www.folkestone-hythe.gov.uk/moderngov/ieListDocuments.aspx?Cid=142&Mid=4594>

<sup>7</sup> See: <https://www.folkestone-hythe.gov.uk/moderngov/documents/s33617/June%202020%20CABINET-ROMNEY%20MARSH%20EMPLOYMENT%20HUB%20-%20Stage%201%20FINAL%20202.pdf>

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- 2.33. Land for the Mountfield Road Industrial Estate expansion is safeguarded in Places and Policies Local Plan Policy E1: New Employment Allocations.
- 2.34. Regarding the role of New Romney as a key market town and service centre for Romney Marsh, the Town Centres Study (EB 07.60) found that the town fulfilled the role of a second-tier 'strategic' town centre (paragraph 4.4.1).
- 2.35. The town provides a supermarket foodstore and a range of predominantly independent convenience, comparison and service retailers, including a small number of specialist shops, including a delicatessen, crafts shop and tea rooms. There are also several national retailers in the town, including Costa and Spar.
- 2.36. New Romney also has an important tourist function, serving as the focal point for a number of heritage and outdoor activities, including the Romney, Hythe and Dymchurch Railway. The station in New Romney is close to the town centre and offers a range of attractions including engine workshops, exhibitions and activities for children. The town also serves as a base for walkers and cyclists visiting the Romney Marsh and a number of businesses cater for tourist visitors.
- 2.37. The Town Centre Study found that the vacancy rate in New Romney was lower than the UK average, the centre was attractive and well-maintained, as was generally performing well in terms of its vitality and viability (paragraph 4.4.2).
- 2.38. In conclusion, the study found that New Romney is an important district centre for residents in the west of the district but with limited scope for the provision of additional floorspace (paragraph 9.3.10). Its continuing vitality and viability will be dependent in part on its important heritage and tourism role.
- 2.39. Policies in the PPLP seek to protect the role of New Romney as a centre, particularly Policy RL4: New Romney Town Centre.

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- 2.40. In summary, in relation to New Romney's role as an employment, retail and tourist centre, the council considers that Policy CSD8 remains relevant and justified.
- 2.41. Matters relating the residential broad location are dealt with in the responses below.

### **Question 9**

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?

- 2.42. The broad location comprises four land parcels of differing sizes, of which three parcels already benefit from planning consent. One site, the former Marsh Potato Company site, is fully built out, and a second site (Land opposite Dorland) is under construction, and the total number of completed and occupied units is 37 (of the 109 dwellings that were consented).
- 2.43. There has been rigorous assessment of a promoted scheme against the requirements of Policy CSD8 of the Core Strategy (and its equivalent in the Core Strategy Review). The development plan policies, to include demonstration of compliance with the criteria of site-specific Policy CSD9 have been material to the determination of three planning applications to date, and the decisions taken to grant planning consent in each case have been taken in accordance with the development plan.
- 2.44. Policy CSD9 sets out the specific requirements that development of the broad location should meet with regards to the provision of new or improved infrastructure and social and community facilities, as follows:
- “a. The development as a whole should provide around 300 dwellings (Class C3) and a range and size of residential accommodation, including 30% affordable housing, subject to viability.*

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- b. Pedestrian/cyclist linkages southwards to the town centre should be improved and prioritised from the central area of the development, in preference to linkages around the periphery of the site.*
- c. Land proposed for residential development must have a sufficient level of internal connection through providing a new movement link through the site, appropriately designed to 20mph, and/or through a cycleway/footpath to provide a secure and attractive green corridor.*
- d. Proposals should incorporate as necessary a minimum of 0.7ha of land for the upgrade of St Nicholas' Primary School playing facilities on a consolidated area.*
- g. Appropriate off-site mitigation measures must be identified, including to ameliorate highway impacts and manage drainage demands.*

*Development at the town should consolidate and improve the market town/service centre function of New Romney through contributing as relevant to the public realm and other priorities for investment in the High Street in line with SS5 including:*

- Providing additional crossing points in the High Street to increase the ability of shoppers and visitors to circulate along the retail frontage.*
- Improving the setting of historic buildings and minimising the environmental impact of through traffic within the High Street.*
- Contributing towards community facilities required to serve the needs of the town.”*

2.45. Details of the secured provision of new or improved infrastructure and social and community facilities in conjunction with the permitted residential approvals that form part of the broad location allocation are appended to this statement (Appendix 1 refers). Key information is summarised below:

- All Section 106 contribution payments secured against the scheme permitted under planning reference Y10/0698/SH, namely 'Romney Marsh Potato Co Ltd' (which was the subject of a Deed of Variation under*

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Y15/0806/SH) have been paid to the district council in full. This scheme of development has been fully built out and occupied.

- Against the scheme permitted into Y15/0164/SH Section 106 payments have flowed for those contributions requiring payment of “50% prior to occupation of no more than 25% of open market units, balance prior to occupation of no more than 50% of open market units.” It is expected the balance of these payments will be received within the next 12 to 18 months. A number of Section 106 payments have been received in full, e.g. highways and High Street, the health care contribution and the open space contributions.
- None of the Section 106 payments secured in accordance with the scheme permitted under planning reference Y18/1404/FH (an outline approval) have been triggered at the date of writing.

### **Question 10**

How will these be provided and funded?

- 2.46. Developer contributions that were secured through the signing of the Section 106 legal agreement entered into by the landowners and district council will 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.
- 2.47. 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 the 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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- 2.48. Likewise, 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.
- 2.49. This approval process necessitates that monies are spent in accordance with the specific legal agreements through a controlled project management environment.

### **Question 11**

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?

- 2.50. 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 (Appendices 2, 3 and 4 refer). At the time the planning applications were 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 at permitted sites that form part of the broad location.
- 2.51. 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 will be regular and

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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.

- 2.52. 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, and provide coverage of those items of infrastructure that shall be part-funded through use of Community Infrastructure Levy receipts. 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.
- 2.53. 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 12**

Is the Core Strategy Review effective in identifying any highway impacts from the planned development in New Romney and how these will be addressed?

- 2.54. Criterion g. of Policy CSD8 requires the identification of appropriate off-site highway mitigation measures to ameliorate highway impacts. In accordance with criterion g., a number of off-site highway improvements have been secured by the local planning authority, following extensive and robust appraisal by the local highway authority. The schemes of highway mitigation that have been secured in accordance with the three planning permissions that have been granted are detailed in Table 2.1.
- 2.55. For the purpose of clarity, should the Inspectors be minded to recommend the incorporation of details presented within Table 2.1 into the policy wording of policy CSD8 and/or its supporting text this would be to the satisfaction of the local planning authority. However, as the cited schemes of highway mitigation



## Matter 6: Strategy for the Romney Marsh Area

have been secured through Section 106 legal agreements and, in a number of instances the improvements have already been delivered, it is considered that there are sufficient safeguards in place already to ensure the necessary mitigation is implemented.

**Table 2.1.** Schemes of highway mitigation secured in accordance with sites brought forward under the broad location

Permitted scheme	Highway mitigation secured	Status as of July 2020
Y10/0698/SH - Romney Marsh Potato Co Ltd	Pedestrian & cycle connectivity to & from the site	Payment made 22.03.2017
Y15/0164/SH - Land opposite Dorland	Highways & High Street improvements to be delivered by KCC once payment from Y18/1404/FH has been received	Payment made 10.08.2018
	Works to improve the junction of Cockreed Lane/St Mary's Road – as secured through planning condition 16	This scheme was implemented prior to first occupation
Y18/1404/FH - Land adjoining Hope All Saints Garden Centre	Highways & High Street improvements to be delivered by KCC once payment from Y18/1404/FH has been received	Payment not triggered
	Provision of new footpath to Ashford Road as shown on drawing 001 Rev E 'Site access arrangements' – planning condition 18	Requirement not triggered
	Junction improvement works to High Street/Ashford Road as shown on drawing 002 Rev B	Requirement not triggered

## Matter 6: Strategy for the Romney Marsh Area

Permitted scheme	Highway mitigation secured	Status as of July 2020
	dated 5 <sup>th</sup> December 2014 to be implemented in full prior to first occupation of any dwelling (condition 19)	
	The build out on Fairfield Road as shown on drawing C14241-HYD-XX-XX-DR-TP-0002 Revision P1 shall be implemented in full prior to first occupation of any dwelling (planning condition 20)	Requirement not triggered
	Within two months from commencement of development an application for a Traffic Regulation Order for restrictions on Fairfield Road shall be submitted to Kent County Council in its position as Local Highway Authority. If the TRO is confirmed the works shall be implemented prior to occupation of the 50th dwelling (condition 21)	Requirement not triggered

2.56. The Core Strategy Review is considered to be effective in identifying any highway impacts from the planned development in New Romney, to include how these will be addressed.

### Question 13

Is the proposed link road within the broad location justified, viable and deliverable?

## **Matter 6: Strategy for the Romney Marsh Area**

- 2.57. Criterion c. of Policy CSD8 requires that *“land proposed for residential development must have a sufficient level of internal connection through providing a new movement link through the site, appropriately designed to 20mph, and/or through a cycleway/footpath to provide a secure and attractive green corridor.”* The policy wording of criterion c. does not explicitly require provision of a link road.
- 2.58. The provision of a vehicular and pedestrian connection (resulting in implementation of the ‘link road’) to connect the two strategic parcels to the south-east of Cockreed Lane is being dealt with separately under Y18/1419/FH for the following description of development:
- “Outline planning application for engineering operations to provide vehicular and pedestrian connectivity. All matters reserved except for means of access.”*
- 2.59. At the time of writing (July 2020) this application is still to be determined. Gladman Developments Ltd are the named applicant for the proposed link road for which outline planning consent has been sought in accordance with the scheme promoted under Y18/1419/FH. In terms of demonstrating deliverability of the link road, it is noteworthy that Gladman Developments Ltd benefit from the grant of outline planning consent in accordance with Y18/1404/FH – ‘Land adjoining Hope All Saints Garden Centre’.
- 2.60. The application form submitted for the link road application (Y18/1419/FH) confirms there is no formal record of title held with Land Registry to confirm the registered owner of the parcel edged in blue. The application form confirms that Gladman has undertaken a Land Registry search in respect of the land that is currently unregistered and concluded that Kent County Council are attempting to apply for first registration on this land. This example shows the challenges around infrastructure delivery that can emerge when the landownership position is not straightforward.

## **Matter 6: Strategy for the Romney Marsh Area**

2.61. The planning committee report into the scheme permitted in accordance with planning reference Y18/1404/FH explains the relationship of the link road which this strategic site, asserting that:

*“Whilst this application is almost identical to the 2017 application, the key differences are that the current application is accompanied by a noise assessment to address previous concerns regarding traffic noise and it is accompanied by a separate application seeking planning permission for the provision of a link road between this site and the site to the north-east of the playing field, which is being considered concurrently (application reference Y18/1419/FH).”*

2.62. The requirement for the further promotion of the scheme approved in accordance with planning reference Y18/1404/FH by way of future Reserved Matters and the link road is set out in condition 9 of the outline planning permission, as repeated below:

*“Condition 9. The reserved matters details to be submitted pursuant to condition 1 shall include details of an internal spine road, running from Ashford Road to the north eastern boundary of the site. The details submitted shall establish the precise alignment of the spine road, so that the spine road aligns with the north-eastern element approved under application Y17/0674/SH. The internal spine road shall have a design speed of 20mph across its length and include pedestrian and cycle links. The development shall thereafter be carried out strictly in accordance with the approved reserved matters details for the spine road.*

*Reason: in the interests of highway safety and convenience.”*

2.63. The layout plan for the link road that is the subject of promotion under Y18/1419/FH is appended to this statement (Appendix 5 refers).

2.64. It is important to clarify there is no condition limiting the number of residential occupations on the site benefiting from outline consent granted in accordance with Y18/1404/FH with the corresponding implementation of the 'link road'.

## **Matter 6: Strategy for the Romney Marsh Area**

Rather, as explained above, there is a requirement as implemented by condition 9 of planning permission granted under Y18/1404/FH that a future Reserved Matters scheme to come forward on the site provides sufficient detail of the spine road as part of the internal layout. Furthermore, the wording of Policy CSD8 does not explicitly require the delivery of the link road in conjunction with the delivery of housing units.

- 2.65. Turning to the specifics of the question being posed, which is whether the proposed link road within the broad location justified, viable and deliverable, the council considers that Policy CSD8 makes it clear that the remaining parcels of land within the broad location should not prejudice the access road coming forward, in recognition of separate landownership.
- 2.66. The implementation of what could, in time, facilitate an internal spine road connection through the two strategic parcels has been achieved/secured through the provision of internal estate road layout alignment of the strategic sites benefiting from planning consent granted in accordance with Y15/0164/SH and Y18/1404/FH respectively. On this basis the principle of delivering a link road is justified. However, the delivery of the connecting middle section that would provide for an end-to-end 'link road' (all movements) spanning both strategic parcels is outside the control of either of the two promoters. On the basis that planning consent has been granted for two strategic parcels without a firm requirement to deliver the link road ultimately does draw out associated questions on its justification.
- 2.67. One of the site promoters, Gladman Developments Ltd, has applied for planning consent to construct the link road, and so one can reasonably infer that if planning consent is granted, and the land can be acquired, there is a reasonable prospect that the link road will be delivered. Under this scenario it would be demonstrated that provision of the 'link road' through completion of the missing section is viable. However, at the time of writing this application remains undetermined. While there is a willingness of the applicant (Gladman) to deliver the link road, the fact the ownership of the central parcel required to

## **Matter 6: Strategy for the Romney Marsh Area**

deliver the link road is outside the control of the applicant one could legitimately call into question the deliverability of link road.

- 2.68. The council believes that Policy CSD8, as worded, strikes a reasonable and considered balance between achieving the fundamental objective of connecting the broad location development with the wider town by all forms of transport, with a focus on sustainable modes, while accepting that, where a broader allocation falls within multiple ownerships, a flexible approach needs to be taken, providing there is robust evidence to support such an approach, which is evident (and justified) in the case of Policy CSD8.

### **Question 14**

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

- 2.69. The timing and rates of housing delivery are presented within the council's response to Matter 8: The Supply and Delivery of Housing Land. The stated trajectory of housing delivery at the New Romney broad location has been provided by the site promoter for the parcel where development activity is proceeding. The timing and rate of housing delivery is, therefore, considered to be robust and realistic.

### **Question 15**

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.)

- 2.70. Representations received relating to Policy CSD8 raised the following issues:
- Pentland Homes considers that the regeneration of Romney Marsh could be enhanced through sustainable development and infrastructure improvements at New Romney, over and above the objectives set out in policies. Pentland Homes suggests a comprehensive residential-led,

## **Matter 6: Strategy for the Romney Marsh Area**

mixed-use development, which would facilitate significant infrastructure improvements, including a new 'by-pass' around the Eastern and Southern edge of the town; and

- Gladman Developments supports growth north of the town centre, but question the need for a single masterplan given the recent planning history of the allocation.

2.71. Other representations related to supporting text and figures are summarised below:

- The Nuclear Decommissioning Authority supports the position on Dungeness 'A' but suggests that a clearer reference is made to support both the decommissioning and remediation of the Dungeness 'A' site, together with employment (B1/B2/B8) uses and development associated with energy generation;
- Natural England suggests additional wording to strengthen text relating to Lydd Airport expansion (paragraph 5.121) to ensure that there are no detrimental impacts to the Dungeness designated sites; and
- Regarding Figure 5.6: New Romney Strategy, Pentland Homes fully supports the identification of New Romney as a 'Town Centre' and feels that a comprehensive residential-led development could facilitate significant infrastructure improvements including a proposed 'by-pass' around the eastern and southern edge of the town.

2.72. Given progress with the development of the New Romney broad location, the council considers it appropriate to keep Policy CSD8 largely in its adopted form to guide the remaining phases of development on the site.

2.73. Representations were received to the submission draft Core Strategy Review about further potential development on land to the south and east of the town. These proposals appeared to be somewhat speculative with no clear boundaries or landownerships indicated. While such proposals could possibly

## **Matter 6: Strategy for the Romney Marsh Area**

be addressed through a future review, the council considered that there was insufficient certainty to include them in a revised version of Policy CSD8.

- 2.74. Regarding the comments by the Nuclear Decommissioning Authority (NDA), the council recognises that the nuclear power stations at Dungeness have been central to the Marsh's economy for many years contributing some £50 million to the local economy annually and employing some 1,200 people (Core Strategy Review, paragraphs 5.120 to 5.122). While the supporting text of this section could be amended to refer to the NDA's aspirations for the Dungeness sites, the council considers that more detail would be needed before these aspirations could be translated into an effective policy. Paragraph 5.122 states that the council will monitor the situation and review the plan if necessary.
- 2.75. Regarding comments about a masterplan, the council considers that Policy CSD8 provides sufficient flexibility and would not frustrate proposals to bring forward the remaining areas of the broad location. As outlined above in the council's response to Question 13, Policy CSD8 has been amended so as not to frustrate development given the situation with the link road.
- 2.76. Natural England's comments seek amendments to paragraph 5.121 of the supporting text to add reference to direct and indirect impacts to the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest, Special Protection Area and Ramsar site and the Dungeness Special Area of Conservation. Given the level of constraints in this area, the council considers that it could aid the clarity of the plan to make these amendments.

### **Question 16**

Are any main modifications to Policy CSD8 necessary for soundness?

- 2.77. The council does not consider that any main modifications to Policy CSD8 are needed for soundness.



## **Matter 6: Strategy for the Romney Marsh Area**

- 2.78. As outlined in paragraph 2.69 above, the council considers that the supporting text could be improved by adding reference to the international and national designated sites in the Dungeness area.

**Matter 6: Strategy for the Romney Marsh Area**

**Appendix 1: Commentary on Criteria to Policy CSD8 – New Romney Strategy**

**Table 1.** Commentary on criteria to policy CSD8 – New Romney Strategy (examples drawn from the committee report into Y18/1404/FH)

Requirement/criteria	Supporting evidence	Effect on viability
<p>Criteria a) The development as a whole should provide around 300 dwellings (Class C3) and a range and size of residential accommodation, including 30% affordable housing, subject to viability.</p>	<p>This site, combined with the site to the north-east of the playing field (Land Opposite Dorland) and the former New Romney Potato Company site would provide around 290 dwellings. It is likely that a further development may come forward on the former garden centre site boosting housing numbers further (there is a current undetermined application on this site). In addition the applicant has agreed to provide 30% affordable housing on site and a range of unit sizes. The application is considered to be fully compliant with this aspect of the policy.</p>	<p>No implications on viability</p>
<p>Criteria b) Pedestrian/cyclist linkages southwards to the town centre should be improved and prioritised from the central area of the development, in preference to linkages around the periphery of the site.</p>	<p>This proposal, along with the site to the north-east of the playing field has come forward separately from the land containing the existing playing field. This means that currently some of the aspirations of the policy cannot directly be met by the application including improved pedestrian/ cycle links to the town centre through the central area of the development. It is clear from the application documents why the applicant has chosen to submit this application and exclude the land to the north-east. Whilst it would be preferable for the playing field to have been included within this application, its inclusion in the original application is holding up delivery of housing on the site and the delivery of these dwellings is required to meet the district's housing need. The inability to bring forward the adjoining land is not within the applicant's control, hence why in the CSR, policy CSD8 is drafted to include wording that says the remaining parcels of land within the broad location should not preclude the access road coming forward, in recognition of difficult land ownership issues. Waiting for this land to come forward is likely to have a significant impact on the Council's ability to maintain a 5 year housing land supply.</p>	<p>No implications on viability</p>
<p>Criteria c) Land proposed for residential development must have a sufficient level of internal connection through providing a new movement link through the site, appropriately designed to 20mph, and/or through a cycleway/footpath to provide a secure and attractive green corridor.</p>	<p>Due to the outline nature of the application, the precise design considerations would be deferred to the reserved matters stage. With regards to the internal connection the comments in the above paragraphs regarding point b. above are relevant to this as well.</p>	<p>No implications on viability</p>

<p>Criteria d) Proposals should incorporate as necessary a minimum of 0.7ha of land for the upgrade of St Nicholas' Primary School playing facilities on a consolidated area.</p>	<p>As with the proposed link road to the neighbouring site, this is currently out of the control of the applicant as the land on which this would be provided is owned by KCC and leased to the school. The applicant and Planning Case Officer have worked together to seek a resolution to the outstanding S106 agreement relating to the 2014 application with both KCC and the school. However, a finalised agreement has not been forthcoming from the school and KCC. Members will note that the site to the north-east of the playing field, which is currently being developed, also did not make provision towards this.</p>	<p>No implications on viability</p>
<p>Criteria e) Archaeological constraints need to be examined and associated mitigation will be required to be provided at an early stage, in order to inform the masterplan, development strategy and quantum of development.</p>	<p>The application has been accompanied by an archaeological desktop study. This concludes that the development has the potential to impact on buried remains. It advises that when more detail of housing type and design is available, a further study is carried out to assess this. KCC Archaeology have commented on the application and also recognise the likely high potential for medieval settlement remains as well as evidence for enclosure drainage ditches and that the remains are likely to be of local importance and possibly regional significance. They are, however, content that this should not preclude development of the site and that a pre-commencement condition requiring a programme of archaeological evaluation and investigation would sufficiently safeguard any remains. As such, the proposal is considered to be compliant with this part of the policy and a condition is proposed.</p>	<p>No implications on viability</p>
<p>Criteria f) Flooding and surface water attenuation for the overall site should be concentrated in the lowest areas of the site, recommendations of the Strategic Flood Risk Assessment (SFRA) must be followed, and measures should also provide visual and nature conservation enhancement for the benefit of the site and local community.</p>	<p>The whole of the broad location area is situated within Flood Zone 2 and the majority within Flood Zone 3 of the Environment Agency flood maps. Most of the broad location site is identified by the Council's SFRA as being at no risk of flooding in 2115 when taking into account climate change, with small areas identified as being at low risk and a smaller area at moderate risk. As the proposal reserves layout for later consideration the layout in relation to the flood risk areas can be considered further at that stage. The density would allow for the small area of moderate flood risk to be avoided for dwelling. It is also possible to design in visual and nature conservation enhancements as part of the reserved matters application.</p>	<p>No implications on viability</p>
<p>Criteria g) Appropriate off-site mitigation measures must be identified, including to</p>		<p>No implications on viability</p>

<p>ameliorate highway impacts and manage drainage demands.</p>	<p>Off-site highway mitigation measures have been identified and agreed by Kent Highways as suitable and appropriate to mitigate against the additional traffic generated by this proposal. These include:</p> <ul style="list-style-type: none"><li>• Completion and maintenance of the junction improvement for the junction of Ashford Road / The High Street</li><li>• Completion and maintenance of the improvements to the build outs on Fairfield Road</li><li>• Implementation of a Traffic Regulation Order prohibiting on-street parking on Fairfield Road in the form of double yellow lines</li><li>• £131,000 contribution towards capacity and safety improvements to the junction of the High Street / Station Road.</li><li>• £70,000 towards the travel plan and cycle voucher.</li></ul> <p>These would all be secured by way of either planning condition or included within the legal agreement as appropriate. See highway safety section for more detail.</p>	
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**Matter 6: Strategy for the Romney Marsh Area**

**Appendix 2: Former Marsh Potato Company Site – Section  
106 Contributions**

Table 1. Former Marsh Potato Company S106 contributions

APPLICATION	ADDRESS	DATE SIGNED	TYPE	AMOUNT DUE	TRIGGERS	REPAYMENT TIMESCALE	AMOUNT PAID	DATE RECEIVED
Y15/0806/SH (Y10/0698/SH)	Romney Marsh Potato Co Ltd Cockreed Lane New Romney	DoV 26.10.15	Monitoring fee	£1,000.00	Completion of agreement			
			NR Library	£7,301.84	Prior to commencement	10 years from date of last contribution	£7,301.84	27.04.16
			Adult education	£1,257.20			£1,257.20	27.04.16
			Adult social services	£1,174.32			£1,174.32	27.04.16
			Primary education	£31,727.92			£31,727.92	27.04.16
			Play facilities	£20,000.00			£20,000.00	24.01.17
			Pedestrian & cycle connectivity to & from the site	£70,000.00			Prior to commencement of construction of 30th dwelling	£70,000.00
			NR High Street improvements	£38,538.00	Prior to first occupation	£38,538.00	24.01.17	
			Indexation NRL		Prior to construction of 20th dwelling			
			Indexation AE					
			Indexation ASS					
			Indexation PE					
			Indexation PF					
			Indexation PCC					
			Indexation NRHS					
				<b>£169,999.28</b>				

**Matter 6: Strategy for the Romney Marsh Area**

**Appendix 3: Land Opposite Dorland – Section 106**

**Contributions**



Land opposite Dorland S106 contributions

APPLICATION	ADDRESS	DATE SIGNED	TYPE	AMOUNT DUE	TRIGGERS	REPAYMENT TIMESCALE	AMOUNT PAID	DATE RECEIVED
Y15/0164/SH	Land opposite Dorland Cockreed Lane New Romney	10.02.17	Social Care	£8,125.70	50% prior to occupation of no more than 25% of open market units, balance prior to occupation of no more than 50% of open market units	10 yrs from receipt of payment	£4,062.85	07.08.19
			Community	£2,318.80		10 yrs from receipt of payment	£1,159.40	07.08.19
			Libraries	£5,282.20		10 yrs from receipt of payment	£2,641.10	07.08.19
			Education	£236,096.00		10 yrs from receipt of payment	£118,048.00	07.08.19
			Highways & High Street	£136,960.00	Prior to occupation of any open market units	10 yrs from receipt of payment	£136,960.00	10.08.18
			Travel plan & cycle voucher	£66,000.00	In accordance with delivery plan to be approved	10 yrs from receipt of payment	£33,000.00	07.08.19
			Health Care	£64,864.80	Prior to occupation of no more than 25% of open market units	10 yrs from receipt of payment	£64,864.80	07.08.19
			Open space	£163,350.00	Prior to commencement	10 yrs from receipt of payment	£163,350.00	18.07.18.
			Indexation open space	£5,257.34		10 yrs from receipt of payment	£5,257.34	08.06.18
			Indexation highways & High St	£8,627.08		10 yrs from receipt of payment	£8,627.08	10.08.18
			Indexation on remainder	£19,342.00		10 yrs from receipt of payment	£19,342.00	07.08.19
							<b>£716,223.92</b>	

**Matter 6: Strategy for the Romney Marsh Area**

**Appendix 4: Land Adjoining Hope All Saints Garden Centre  
– Section 106 Contributions**

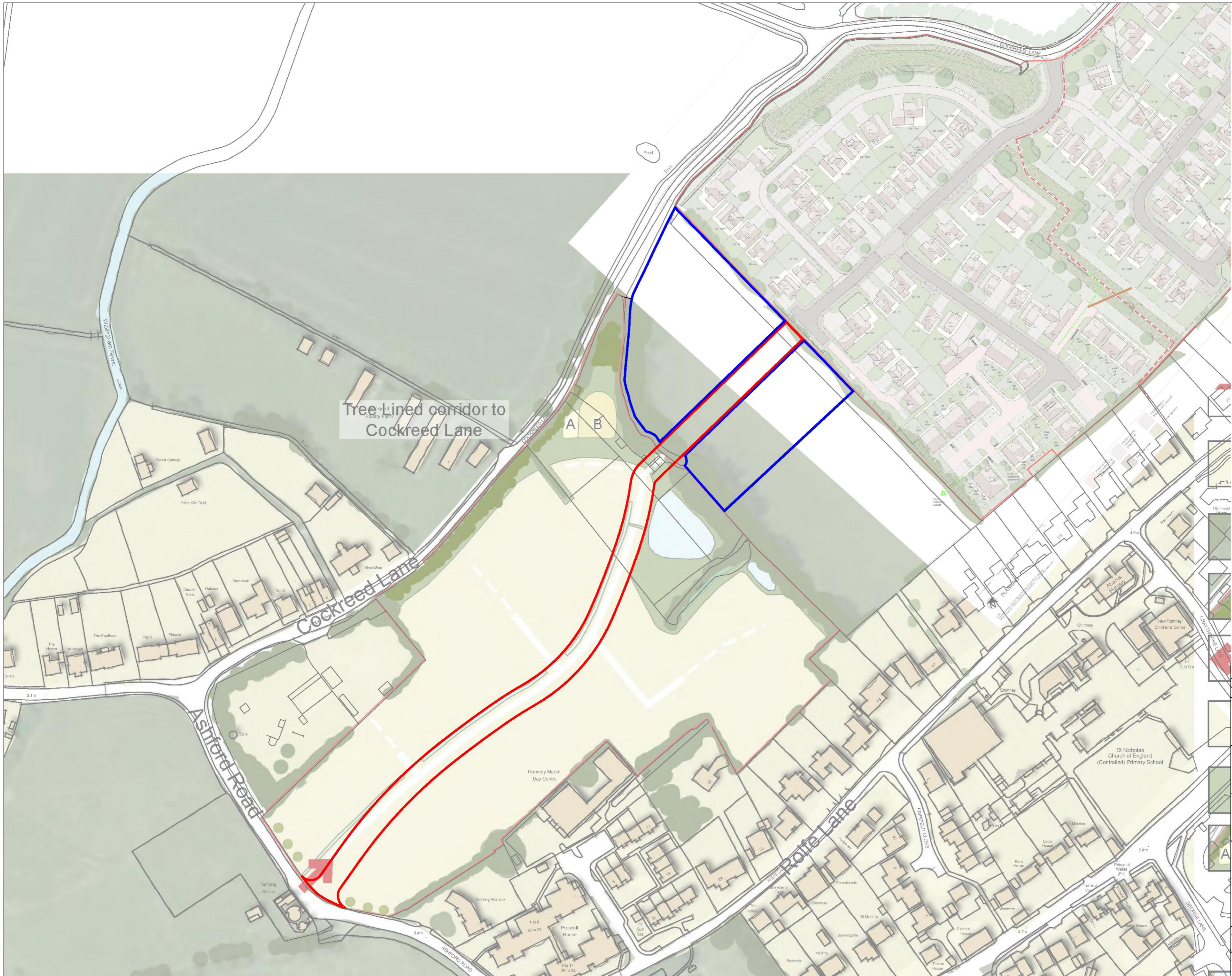
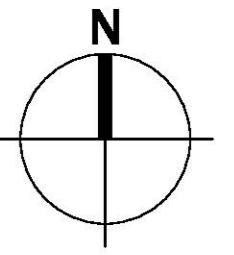
**Table 1.** Land adjoining Hope All Saints Garden Centre S106 contributions

APPLICATION	ADDRESS	DATE SIGNED	TYPE	AMOUNT DUE	TRIGGERS	REPAYMENT TIMESCALE	AMOUNT PAID	DATE RECEIVED
Y18/1404/FH	Land adjoining Hope All Saints Garden Centre S106 contributions	29.08.19	Social Care	£8,642.79	50% prior to occupation of no more than 25% of open market units, balance prior to occupation of no more than 50% of open market units	10 yrs from receipt of payment		
			Communities	£2,465.95				
			Libraries	£5,618.34		10 yrs from receipt of payment		
			Education	£388,908.00		10 yrs from receipt of payment		
			Traffic safety contribution	£10,000	Within 30 days of receiving written notice from the Council that a Traffic Regulation Order has been made	10 yrs from receipt of payment		
			Travel plan & cycle voucher	£70,000.00	50% prior to occupation of no more than 25% of open market units, balance prior to occupation of no more than 50% of open market units	10 yrs from receipt of payment		
			Travel Plan monitoring	£5,000	Prior to occupation of any dwelling	10 yrs from receipt of payment		
			Health Care	£68,922.56	Prior to occupation of no more than 25% of the dwellings	10 yrs from receipt of payment		
			Playing Field contribution	£18,977.10	Prior to occupation of any dwelling	10 yrs from receipt of payment		
			High Street/Station Road	£131,000.00	Prior to occupation of any open market units	10 yrs from receipt of payment		

			Subject to cost of works overpayment up to £45,000			
		High Street improvements	£80,496	Prior to occupation of any open market units	10 yrs from receipt of payment	
		Open space	Within site	<p>Open space specification prior to commencement</p> <p>Evidence of management company prior to commencement</p> <p>Not to permit or allow occupation 75% of total housing until open space has been constructed or provided in accordance with specification</p> <p>Not to occupy more than 95% until open space has been transferred to a Management Company</p>		
		Indexation (to follow)				

**Matter 6: Strategy for the Romney Marsh Area**

**Appendix 5: Ashford Road, New Romney – Layout Plan**



Tree lined corridor to  
Cockreed Lane

A B

Rev	08-07-19	Boundary amended	dmf
	Date	Revision notes	By

DO NOT SCALE

**STATUS**

**Project**  
Ashford Road  
New Romney

**Title**  
Layout Plan



**GLADMAN**  
Gladman House, Alexandra Way  
Congleton Business Park  
Congleton, Cheshire  
CW12 1LB  
Tel: 01268 288800  
Fax: 01268 288801  
www.gladman.co.uk

Drawn By	Publish Date	Scale(s)
dmf	31/10/18	1:1250@A2
Project no.	Drawing no.	Revision
2018-102	200	A

# 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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## **Matter 7: Strategy for the North Downs Area**

# **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?

## **Matter 7: Strategy for the North Downs Area**

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?

## **Matter 7: Strategy for the North Downs Area**

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

## **Matter 7: Strategy for the North Downs Area**

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?

**Matter 7: Strategy for the North Downs Area**

# **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.”*



## Matter 7: Strategy for the North Downs Area

- 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.”<sup>1</sup>*

- 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.”<sup>2</sup>*

*“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.”<sup>3</sup>*

- 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)<sup>4</sup> 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

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<sup>1</sup> Paragraph: 062 Reference ID: 61-062-20190315.

<sup>2</sup> Paragraph: 064 Reference ID: 61-064-20190315.

<sup>3</sup> Paragraph: 068 Reference ID: 61-068-20190723.

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

## **Matter 7: Strategy for the North Downs Area**

- 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.”*

## **Matter 7: Strategy for the North Downs Area**

- 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.”<sup>5</sup>*

- 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.”<sup>6</sup>*

- 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.

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<sup>5</sup> National Planning Practice Guidance, Paragraph: 041 Reference ID: 8-041-20190721.

<sup>6</sup> National Planning Practice Guidance, Paragraph: 041 Reference ID: 8-041-20190721.

## **Matter 7: Strategy for the North Downs Area**

- 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.<sup>7</sup>
- 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.

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<sup>7</sup> 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.”<sup>8</sup>*

- 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*

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<sup>8</sup> 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 plateau 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 plateau 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.<sup>9</sup>
- 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*

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<sup>9</sup> 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.<sup>10</sup>

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

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<sup>10</sup> 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 (m<sup>2</sup>) 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.<sup>11</sup>
- 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

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<sup>11</sup> [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](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.<sup>12</sup> 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](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 Guidance<sup>13</sup> 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.

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<sup>13</sup> 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 Strategy<sup>14</sup>, 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

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<sup>14</sup> [https://www.folkestone-hythe.gov.uk/media/148/Economic-Strategy/pdf/Economic\\_Strategy.pdf?m=636994915550570000](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 Lympne 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 Strategy<sup>15</sup> 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*

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<sup>15</sup> [https://www.folkestone-hythe.gov.uk/media/148/Economic-Strategy/pdf/Economic\\_Strategy.pdf?m=636994915550570000](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 Masterplan<sup>16</sup> 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.

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<sup>16</sup> <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.”<sup>17</sup>*

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<sup>17</sup> 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.”*<sup>18</sup>

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.”*<sup>19</sup>

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*

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<sup>18</sup> National Planning Practice Guidance, Paragraph: 051 Reference ID: 7-051-20150323.

<sup>19</sup> 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.”<sup>20</sup>*

- 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

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<sup>20</sup> 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.”<sup>21</sup>*

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.”<sup>22</sup>*

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*

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

<sup>22</sup> 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.”<sup>23</sup>*

- 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.”<sup>24</sup>*
- 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:

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<sup>23</sup> National Design Guide, paragraph 79.

<sup>24</sup> 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; ...”<sup>25</sup>*

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).

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<sup>25</sup> 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.”*<sup>26</sup>

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

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<sup>26</sup> 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.”<sup>27</sup>*

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*

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<sup>27</sup> 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.”<sup>28</sup>*

- 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:

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<sup>28</sup> 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.”<sup>29</sup>*

- 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.<sup>30</sup>
- 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.

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<sup>29</sup> Planning Practice Guidance, Paragraph: 008 Reference ID: 26-008-20191001.

<sup>30</sup> 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.<sup>31</sup> 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.”<sup>32</sup>*

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<sup>31</sup> National Design Guide, MHCLG, 2019, paragraph 47.

<sup>32</sup> 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.”<sup>33</sup>*

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.<sup>34</sup>

4.86. As the government's Industrial Strategy argues:

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<sup>33</sup> National Design Guide, paragraph 57.

<sup>34</sup> '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.”<sup>35</sup>*

- 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.

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<sup>35</sup> ‘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.”<sup>36</sup>*

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”<sup>37</sup>*

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:*

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

<sup>37</sup> 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.”<sup>38</sup>*

- 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.

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<sup>38</sup> 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.”<sup>39</sup>*

- 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 ...”*

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<sup>39</sup> 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.”<sup>40</sup>*

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.”*

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<sup>40</sup> 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

## **Matter 7: Strategy for the North Downs Area**

- 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.”<sup>41</sup>*

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

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.”<sup>43</sup>*

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

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<sup>41</sup> National Design Guide, MHCLG, 2019, paragraph 81.

<sup>42</sup> National Design Guide, MHCLG, 2019, paragraph 82.

<sup>43</sup> 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)<sup>44</sup> 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

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<sup>44</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733047/Locally-led\\_garden\\_villages\\_towns\\_and\\_cities\\_archived.pdf](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.<sup>45</sup> This policy will be applied to development across the district.

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<sup>45</sup> 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.’<sup>46</sup>*

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

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<sup>46</sup> 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.”* <sup>47</sup>

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<sup>47</sup> 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.”*<sup>48</sup>

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.”*<sup>49</sup>

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.”*

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<sup>48</sup> Planning Practice Guidance, Paragraph: 079 Reference ID: 7-079-20150415.

<sup>49</sup> 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.<sup>50</sup>
- 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;*

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<sup>50</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 26-001-20191001.

## **Matter 7: Strategy for the North Downs Area**

- *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.*<sup>51</sup>

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.*<sup>52</sup>

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; ...*<sup>53</sup>

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;*

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<sup>51</sup> National Design Guide, paragraph 137.

<sup>52</sup> National Design Guide, paragraph 138.

<sup>53</sup> 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.*<sup>54</sup>

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.*<sup>55</sup>

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 Plan<sup>56</sup> 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.

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<sup>54</sup> National Design Guide, paragraph 147.

<sup>55</sup> National Design Guide, paragraph 134.

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

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5.39. Policy CSW3: Waste Reduction<sup>57</sup> 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:

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<sup>57</sup> 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).<sup>58</sup>

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.<sup>59</sup>

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.<sup>60</sup> 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;*

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<sup>58</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 53-001-20190722.

<sup>59</sup> Planning Practice Guidance, Paragraph: 003 Reference ID: 53-003-20191101.

<sup>60</sup> 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.*<sup>61</sup>

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.<sup>62</sup>

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; ...*<sup>63</sup>

5.54. Well-designed places, the Guide maintains:

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<sup>61</sup> National Design Guide, paragraph 76.

<sup>62</sup> National Design Guide, paragraph 119.

<sup>63</sup> 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.”<sup>64</sup>*

- 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.

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<sup>64</sup> 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.*<sup>65</sup>

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

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<sup>65</sup> 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.

## **Matter 7: Strategy for the North Downs Area**

- 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

## **Matter 7: Strategy for the North Downs Area**

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

## **Matter 7: Strategy for the North Downs Area**

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;"*

## **Matter 7: Strategy for the North Downs Area**

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

## **Matter 7: Strategy for the North Downs Area**

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

- 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**

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<sup>[1]</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 26-001-20191001.

## **Matter 7: Strategy for the North Downs Area**

- 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.”<sup>[1]</sup>
- 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*

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<sup>[1]</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 26-001-20191001

## **Matter 7: Strategy for the North Downs Area**

*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.



## **Matter 7: Strategy for the North Downs Area**

- 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.

## **Matter 7: Strategy for the North Downs Area**

- 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.

## **Matter 7: Strategy for the North Downs Area**

- 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

**Matter 7: Strategy for the North Downs Area**

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	-	<b>240</b>
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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

## **Matter 7: Strategy for the North Downs Area**

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

## **Matter 7: Strategy for the North Downs Area**

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**

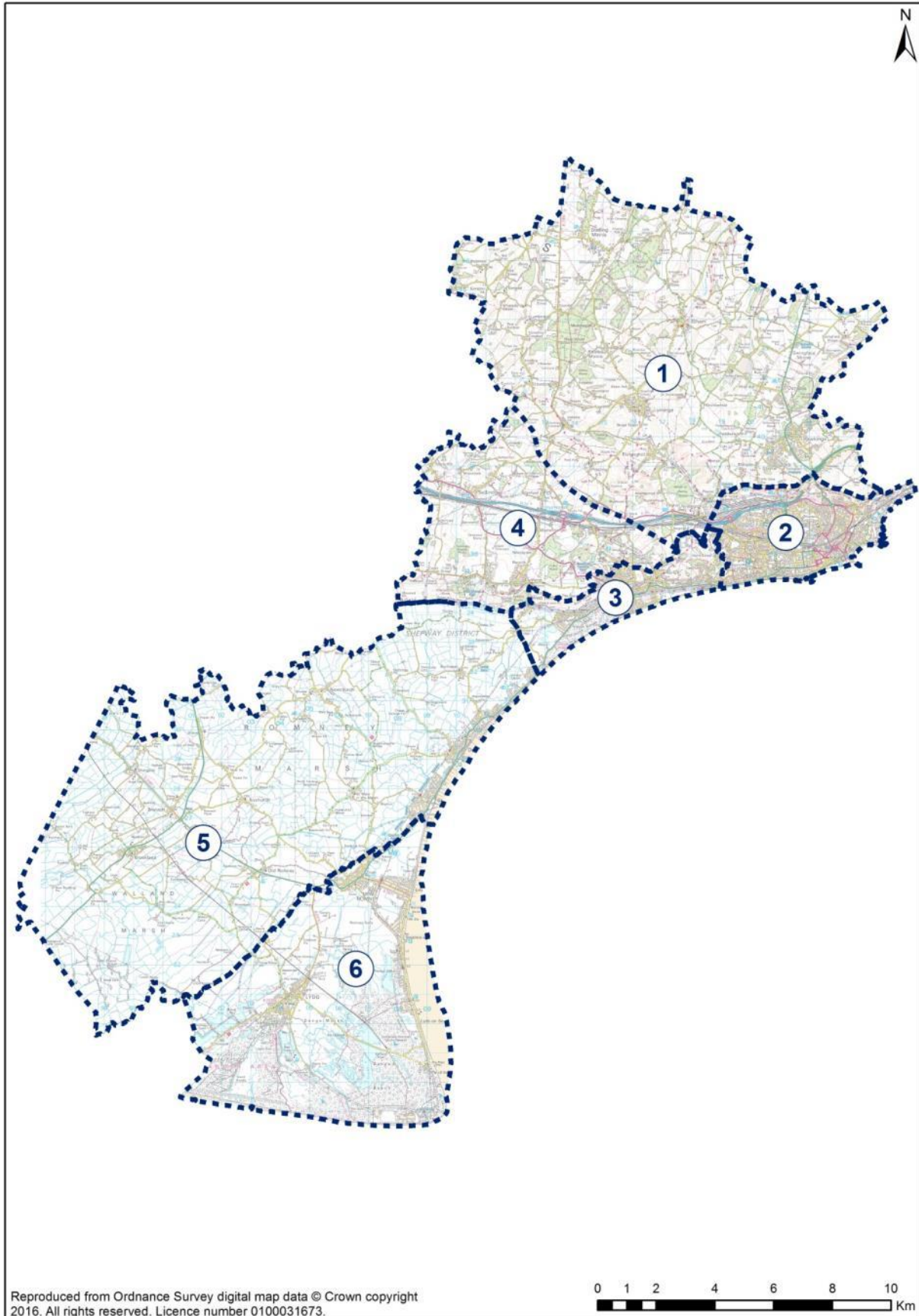
Are any main modifications to Policy CSD9 necessary for soundness?

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

**Matter 7: Strategy for the North Downs Area**

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

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

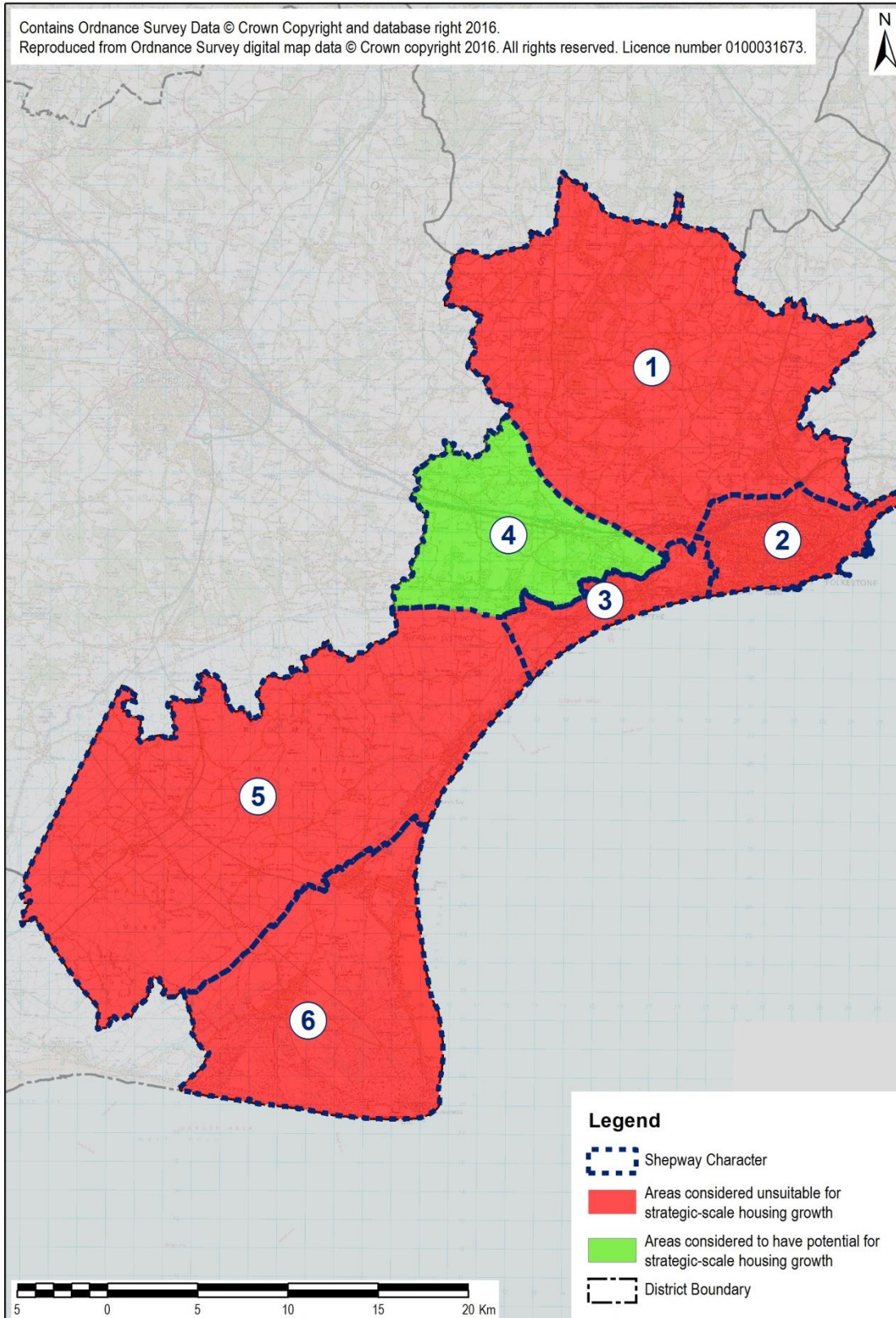




**Matter 7: Strategy for the North Downs Area**

**Appendix 2: Growth Options Report – Emerging High Level Analysis**

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



**Matter 7: Strategy for the North Downs Area**

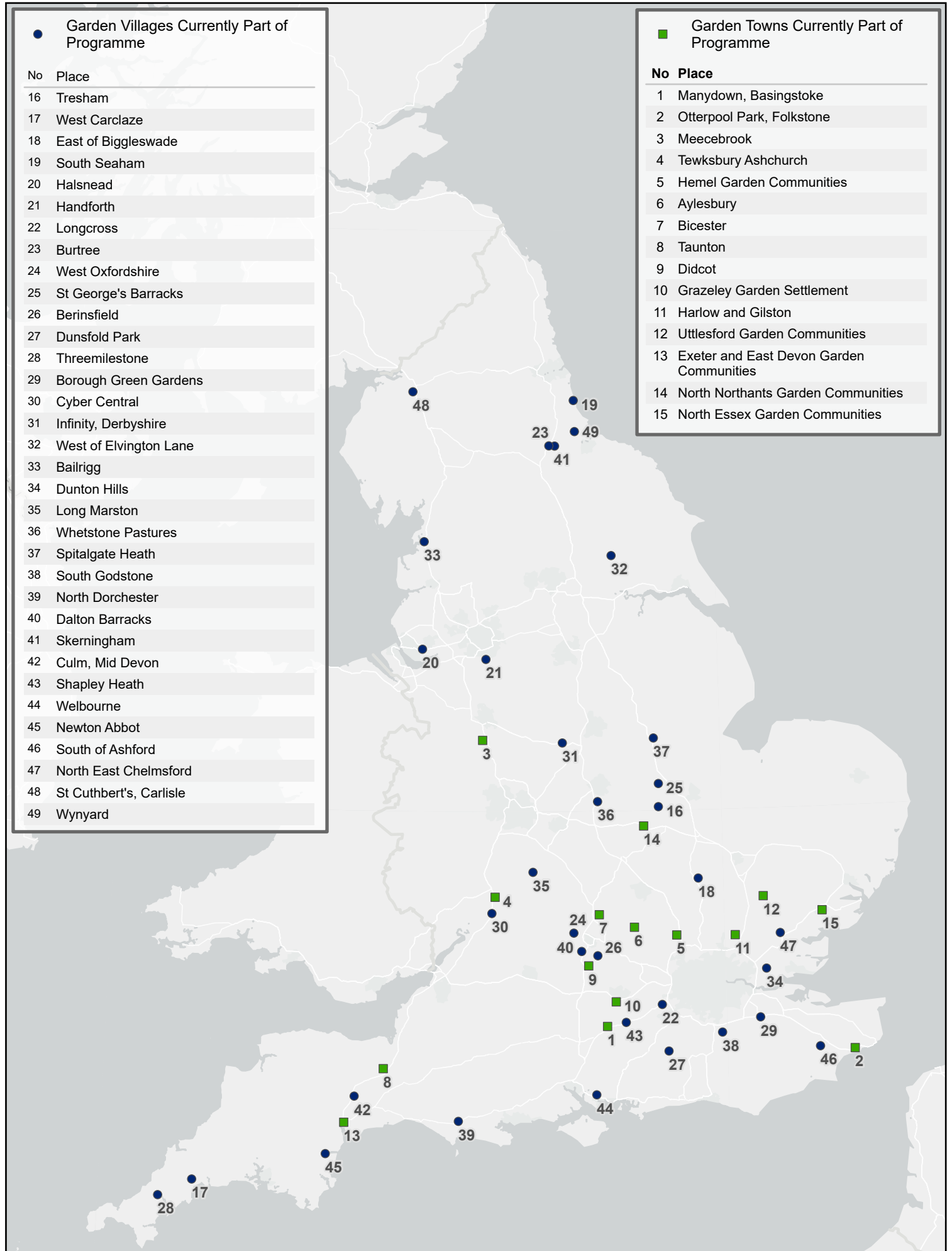
**Appendix 3: Growth Options Phase Two Report – Emerging Locations A to D**



**Matter 7: Strategy for the North Downs Area**

**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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**Matter 7: Strategy for the North Downs Area**

**Appendix 5: A Charter for Otterpool Park**

# A Charter for OTTERPOOL PARK

**Folkestone**  
Hythe & Romney Marsh  
Shepway District Council



[www.shepway.gov.uk](http://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.

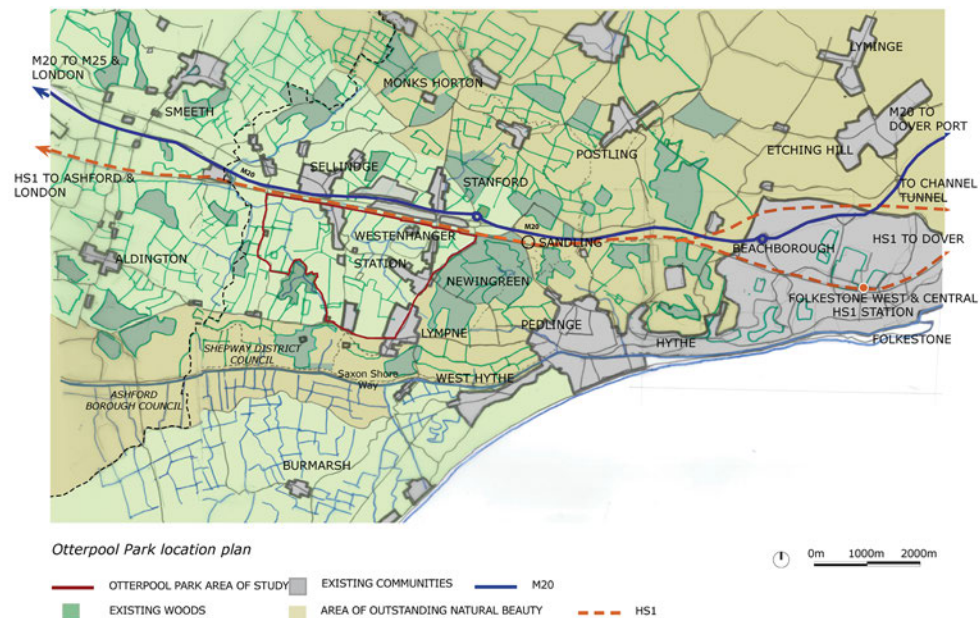
It will be a community built on sustainability with a wide range of mixed tenure homes and jobs for all age groups that are within easy walking, cycling and commuting distance.

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.

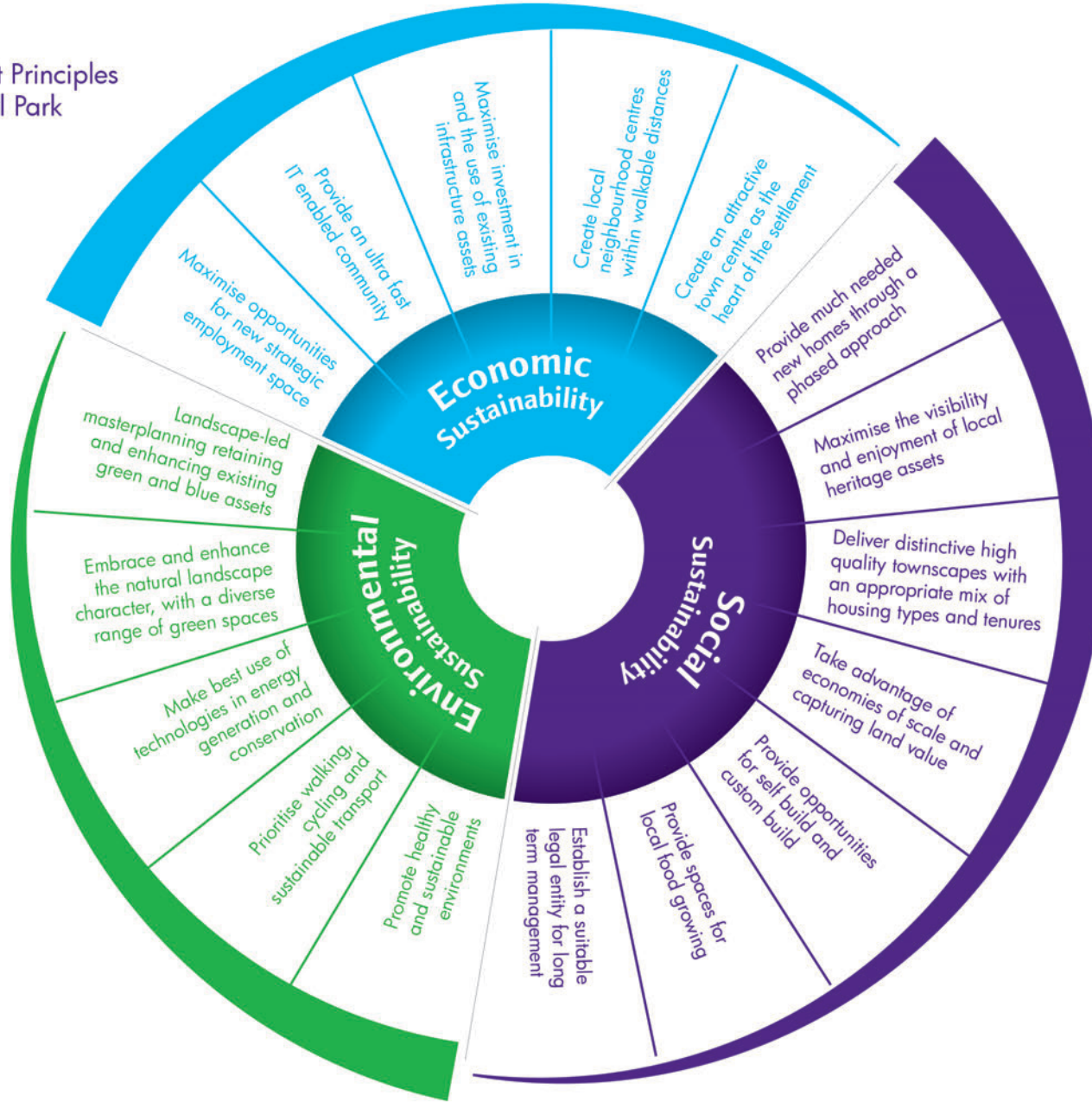
Community involvement and participation in the planning of Otterpool Park has been encouraged from the outset. Land value will be captured so as to provide long term funding for the stewardship of community assets.

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.



Shutterstock © 2017

# 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.



Shutterstock © 2017

## 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 Lympne, 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

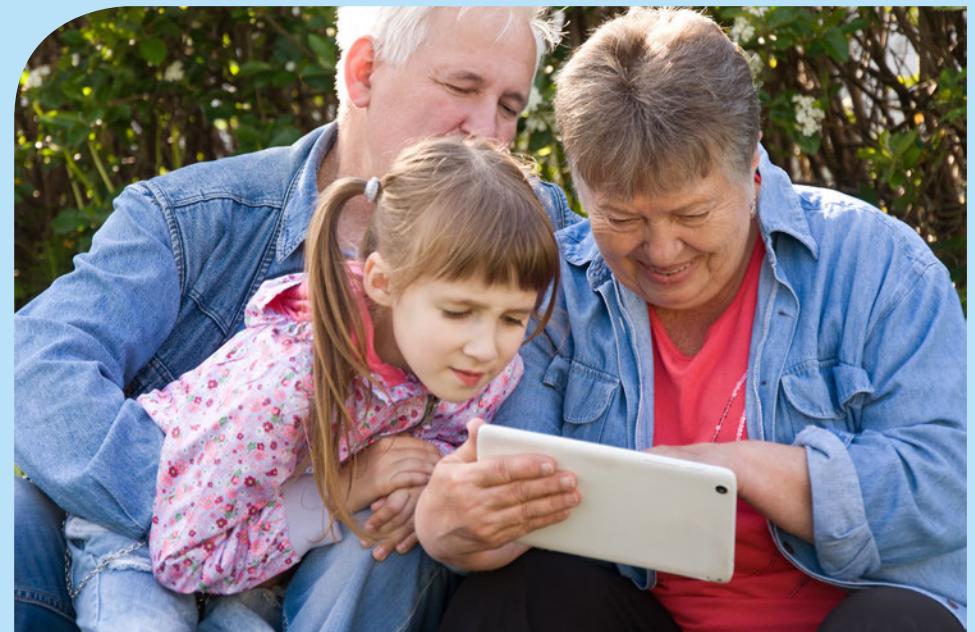
**v.** All homes, offices, cafés, public spaces and community buildings constructed at Otterpool Park shall be enabled for ultrafast fibre optic broadband. Broadband speeds shall be reviewed at periodic intervals so as to provide the highest standards of connectivity available. Periodic reviews of the 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, Westenhanger 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](http://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
				<b>£1,771,907.21</b>		

**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



# Core Strategy Review - Inspectors' Matters

## Matter 8: The Supply and Delivery of Housing Land

July 2020



## Matter 8: The Supply and Delivery of Housing Land

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## **Inspectors' Questions for Matter 8**

### **The Supply and Delivery of Housing Land**

1. What is the estimated total supply of new housing in the plan period 2019/20-2036/37?
2. What is the estimated supply from each source for the plan period? What is the evidence to support this and are the estimates justified?
3. What is the requirement for the first five years and what buffer should be applied?
4. What is the estimated total supply of specific deliverable sites for this period?
5. What is the estimated supply from each source for this?
6. What is the evidence to support this and are the estimates justified?
7. What is the estimated total supply of specific developable sites or broad locations for growth for years 6-10 and 11-15?
8. What is the estimated supply from each source for this?
9. What is the evidence to support this and are the estimates justified?
10. Overall, would at least 10% of the housing requirement/target be met on sites no larger than one hectare?

# **Council's Response to Matter 8 Questions**

## **Question 1**

What is the estimated total supply of new housing in the plan period 2019/20-2036/37?

- 1.1. The total supply of new housing in the plan period 2019/20 to 2036/37 is estimated to be 13,717.
- 1.2. The supply is in excess of the identified local housing need figure of 13,284, which ensued from the standard method. Full calculation of the local housing need figure is presented in the Core Strategy Review (CSR) Revised Housing Need and Supply Evidence Paper (EB 03.10).
- 1.3. The total supply figure includes a conservative 5% non-implementation discount (NID) of 5% that has been applied to site allocations included in the Places and Policies Local Plan (PPLP) as well as planning permissions; that are not under construction.
- 1.4. This demonstrates that an adequate supply can be maintained over the course of the plan period even if some sites do not come forward as anticipated or delivery is slower than expected.
- 1.5. The housing trajectory for the plan period is presented in Appendix 1.

## **Question 2**

What is the estimated supply from each source for the plan period? What is the evidence to support this and are the estimates justified?

- 1.6. The Core Strategy Review (CSR) Revised Housing Need and Supply Evidence Paper sets out in paragraphs 5.2 to 5.26 each of the different sources of housing land supply.



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- 1.7. However, since the preparation of the paper, there have been some updates to the estimated contributions that some of the sources of housing supply make towards meeting the housing requirement figure.
- 1.8. Table 1.1 presents the most up-to-date position in regards to the estimated supply from each source.

Housing Supply Source	Estimated Dwellings 2019/20 – 2036/37
Planning permissions and sites under construction (inclusive of 5% NID for sites N/S – excludes strategic)	4,423
Core Strategy (2013) and Places and Policies Local Plan - without planning permission (inclusive of 5% NID for PPLP allocations)	1,583
New Garden Settlement (Core Strategy Review Policies SS6-SS9)	6,097
Expansion of Sellindge (Core Strategy Review Policy CSD9) (part of allocation without permission)	188
Windfall allowance (95 dwellings a year over 15 years)	1,425
<b>Total CSR 2019/20 – 2036/37</b>	<b>13,717</b>

*Table 1.1 Estimated supply of new housing by source to 2036/37*

### Planning Permissions and Sites under Construction

- 1.9. The supply refers to all current planning permissions that contribute towards the housing land supply.
- 1.10. The NPPF paragraph 75 requires that:

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*“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission”.*

- 1.11. Each year, officers complete a comprehensive Housing Information Audit (HIA). This is an extensive piece of work that charts the progress of all planning permissions in the Folkestone & Hythe District. The HIA for 2018/19 shows that there is a projected net gain of 4,451 dwellings in the supply, which benefit from a planning consent – allowing for those already completed.
- 1.12. Appendix 4 presents a simplified version of the HIA 2018/19. Tables 1 to 3 show planning permissions broken down into strategic allocations, sites of ten or more net new dwellings; and sites of nine or less net new dwellings; each table groups the permissions into those that are under construction and not started. For each planning permission the net number of dwellings permitted, the number of dwellings recorded as complete and the outstanding trajectory are shown.
- 1.13. It is recognised that not all planning permissions will be implemented. Therefore, officers have chosen to apply a conservative 5% NID to the current stock of planning permissions that have been recorded as not started.
- 1.14. To justify the level of discount, Appendix 6 sets out all planning permissions for dwellings that have not been implemented (or lapsed) between 2012/13 to 2017/18. The number of dwellings represented by these lapsed permissions were totalled and used to calculate the percentage of all houses with planning permission that lapsed each monitoring year. Although the rate varied from year to year, overall the lapsed permissions averaged 2.06% of all the homes that had permission.
- 1.15. The application of a 5% NID to planning permissions recorded as not started (excluding strategic sites) provides a net contribution of 4,423 net new dwellings to the housing supply.
- 1.16. In each of the last three monitoring years this figure has been in excess of the actual expired permissions. As such, officers consider that the approach to

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calculating the supply attributed to planning consents is justified, based on appropriate evidence and is justified.

### **Core Strategy (2013) and Places and Policies Local Plan – without permission**

- 1.17. Sites allocated within the Core Strategy (CS) and the emerging Places and Policies Local Plan (PPLP) have continued to make excellent progress in gaining planning permission.
- 1.18. At the end of the 2018/19 monitoring year, all strategic housing allocations included in the CS had planning consent with the exception being a portion of the broad location at New Romney (Policy CSD8) - although planning application (reference: Y18/1404/FH) was granted consent in August 2019 for a further 117 new houses. In addition, a number of PPLP allocations also had planning permission. To avoid double counting, these have been included in the supply of planning permissions discussed above.
- 1.19. Appendix 3 sets out the housing allocations in the CS and PPLP without planning permission, which are estimated to have a net total capacity of 1,664 dwellings.
- 1.20. In preparing the CS and PPLP, the capacities of each site allocation was assessed as part of the Strategic Housing Land Availability Assessment (SHLAA). Site promoters were directed to provide an estimate alongside their site submissions; these were validated by officers using a standard of 50 dwellings per hectare (dph) for sites in and adjacent to the urban area; and 30 dph elsewhere as per guidance set out in the Kent and Medway Protocol.
- 1.21. For allocations where a planning application exists but hasn't yet been determined, the estimated site housing capacity published in the plan has been superseded by the number of dwellings applied for in the application. Officers consider this approach provides a greater level of accuracy as to a site's true development potential.

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- 1.22. For consistency, the 5% NID discount has also been applied to the housing allocations in the PPLP currently without planning permission. The adjustment for non-implementation results in an estimated net contribution of 1,583 to the housing supply.
- 1.23. Officers consider that the supply attributed to planning consents is based on appropriate evidence and is justified.

### **Garden Settlement and Sellindge Expansion**

- 1.24. The High Level Options Report (EB 04.20) and the High Level Landscape Assessment (EB 04.40) identified opportunities for strategic growth, particularly around Westenhanger but also through the further expansion of Sellindge (Area 4).
- 1.25. The Phase Two Report (EB 04.21) 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 indicative dwelling capacity of these sites was calculated (allowing for appropriate mitigation where necessary) based on appropriate density figures for sustainable residential development.
- 1.26. In respect of the proposed new garden settlement, Area B was assessed to have capacity for approximately 8,000-10,000 dwellings based on a density of between 20 and 25 dph. This forms the basis for CSR policies SS6 to SS9.
- 1.27. It is recognised that the garden settlement will continue to be built out beyond the CSR plan period to 2036/37. As such, it is necessary to make reasonable assumptions as to the quantum of housing that can be delivered in this period.
- 1.28. The promoter for the garden settlement is at an advantaged stage of preparation for a revised outline planning application. It is anticipated that this will be submitted to the local planning authority in the autumn 2020. Substantial masterplanning and viability testing has been undertaken, which has informed the trajectory in support of the application, which has been shared with officers.

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- 1.29. The trajectory for the garden settlement can be found in Appendices 1 and 2. The modelling provides much greater detail and allows for a high degree of confidence as to the delivery and phasing of the development. The trajectory expects a net contribution of 6,097 dwellings within the CSR plan period; exceeding policy requirements for 5,925 by 172 houses.
- 1.30. The Letwin Review (2018)<sup>1</sup> found that the median percentage of the total number of homes built out each year, through the build-out period of the large sites, was 6.5%.
- 1.31. For the revised outline planning application of 10,000 homes, if 6.5% of the total was to be built-out each year, this suggests delivery of around 650 houses a year on average. The highest yearly completion for the garden settlement is shown to be 534, or an average 436 homes per year, well within the levels identified by Letwin.
- 1.32. In respect of the proposed expansion of Sellindge, the Growth Options Study assessed Areas A and C to have capacity for approximately 350 dwellings based on density 20 to 25 dph. Including the 250 dwellings already allocated in the CS, it is therefore estimated that development at Sellindge can make a net contribution of 600 dwellings to the housing supply.
- 1.33. 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 Folkestone & Hythe District Council and Otterpool Park LLP. This Statement brings together the current evidence on the delivery of Otterpool Park, the work undertaken to date and provides a factual update on the proposals which underpin the Strategic Site Allocation (North Downs New Settlement SS6 to SS9).

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<sup>1</sup> Independent Review of Build Out, Final Report, Rt Hon Sir Oliver Letwin MP, CM9720, October 2018. See: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/752124/Letwin\\_review\\_web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752124/Letwin_review_web_version.pdf)

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### Windfall

- 1.34. Unidentified developments (more commonly termed as ‘windfall’ developments) are those typically not allocated and which have previously been unidentified or are unexpected. Historically, they have formed a significant part of the overall supply of past residential development in Folkestone & Hythe District.
- 1.35. The NPPF paragraph 70 states that:
- “Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply”.*
- 1.36. It adds that any allowance should be realistic, having regard to factors including historic windfall delivery rates and expected future trends.
- 1.37. The CS included a windfall development allowance of 75 net dwellings a year. Appendix 5 (Table 1) presents a summary of the historic windfall completions data between 2006/7 and 2011/12 that was used to justify this figure. This shows that on average small sites of between one and four dwellings were delivering a total of 84 houses per annum.
- 1.38. In preparation of the CSR, the windfall development allowance has been reviewed. This sought to add to the historical evidence that justified the windfall allowance in the CS by drawing upon the windfalls completions data recorded by the HIAs for 2012/13 to 2018/19. Appendix 5 (Table 2) presents these housing windfalls into three categories of site: one to four dwellings net; five to nine dwellings net; and 10 dwellings net and over.
- 1.39. While Appendix 5 (Table 2) revealed a lower average of windfall completions on sites of one to four dwellings, it also evidences that historically there has been a constant and reliable supply of windfall completions on sites delivering between five to nine dwellings within the Folkestone & Hythe District.

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- 1.40. The available data shows that on average sites of between one and nine dwellings are contributing approximately 97 net dwellings each year to the housing supply.
- 1.41. Larger windfall sites of ten dwellings and above are a less predictable source of housing and can mainly be attributed to the conversion of offices to residential use through the prior approval process; however, these are likely to reduce as the supply of larger office buildings in the district is finite.
- 1.42. Analysis of the HIA 2018/19 in Appendix 4 (Table 3) shows that planning permissions for sites of one to nine dwellings are expected to deliver a total windfall of 300 net dwellings over the next 3 years; an average of 100 dwellings a year.
- 1.43. Therefore, based on past and future trends; a windfall delivery rate of 95 dwellings a year for the CSR period is considered justified and supported by appropriate evidence.
- 1.44. Officers are confident that this level of windfall development is both achievable and sustainable. The local planning authority continues to receive significant windfall applications such as a recent proposal for 91 dwellings as part of the proposed restoration of the Leas Pavillion in Folkestone (reference: Y20/0579/FH). The council is also engaged in work to regenerate Folkestone Town Centre, which may lead to further opportunities to deliver new homes.
- 1.45. To avoid double-counting, windfalls have been discounted from the first three years of the plan period. Therefore, the windfall allowance is profiled over the remaining 15 years of the plan period to 2036/37; this results in an estimated net contribution of 1,425 homes to the housing supply.

### **Question 3**

What is the requirement for the first five years and what buffer should be applied?

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- 1.46. Based on an annualised housing requirement of 738 dwellings per annum, the requirement for the first five years of the CSR would be 3,690 dwellings. However, the council in its response to Matter 3, Question 4 believes that it would now be appropriate to consider a reduced housing requirement figure of 630 dwellings per annum as part of a stepped trajectory. This would result in a housing requirement of 3,150 dwellings in the first five years.
- 1.47. The NPPF paragraph 73, states that local planning authorities should identify the following buffers on top of their five year housing land supply calculations:
- “a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.”*
- 1.48. A Housing Delivery Test (HDT) was introduced by the NPPF (2018) and aims to monitor where delivery has fallen below 95% of a local planning authority’s housing requirement over a three year period; and if necessary to take action to assess the causes of under-delivery and identify actions to address these.
- 1.49. The Folkestone & Hythe District continues to perform extremely well against the Housing Delivery Test (HDT). Table 1.2 illustrates this by setting out the council’s housing completions performance over the last three years, resulting in an overall HDT score of 127% - confirmed by the Ministry of Housing, Communities and Local Government (MHCLG) in February 2020.

Completed Dwellings	2016/17	2017/18	2018/19	Total
Number of Homes Required	400	400	448	1,248



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<b>Number of Homes Delivered</b>	658	489	432	1,579
<b>Housing Delivery Test: 2019 measurement</b>				127%

*Table 1.2 F&H District HDT: 2019 Measurement*

- 1.50. A score of 95% or above means that the council avoids the various penalties that can be imposed by the HDT for persistent under-delivery and justifies the application of only a 5% buffer to its 5-year housing land supply (5-YHLS).
- 1.51. A 5% buffer added to an annualised housing requirement figure of 738 dwellings per annum represents an additional 185 dwellings over the first five years of the CSR period, a total housing requirement of 3,875 dwellings. However, a reduced annualised housing requirement of 630 dwellings per annum for the first 5 years as part of a stepped trajectory would result in an additional 158 dwellings over the first five year requirement, resulting in a total housing requirement of 3,308 dwellings.

### Question 4

What is the estimated total supply of specific deliverable sites for this period?

- 1.52. The estimated total supply of specific deliverable sites that are expected to contribute to the five year housing supply 2019/20 to 2023/24 is 3,352 dwellings.

### Question 5

What is the estimated supply from each source for this?

- 1.53. The estimated supply from each source that is expected to contribute to the five year housing supply 2019/20 to 2023/24 is set out in Table 1.3.

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Housing Supply Source	Estimated Dwellings 2019/20 – 2023/24
Planning permissions and sites under construction (inclusive of 5% NID for sites N/S – excludes strategic)	2,370
Core Strategy (2013) and Places and Policies Local Plan - without planning permission (inclusive of 5% NID for PPLP allocations)	671
New Garden Settlement (Core Strategy Review Policies SS6-SS9)	121
Expansion of Sellindge (Core Strategy Review Policy CSD9) (part of allocation without permission)	0
Windfall allowance (95 dwellings a year over 2 years)	190
<b>Total Housing Supply</b>	<b>3,352</b>

Table 1.3 Estimated supply of new housing by source to 2019/20 to 2023/24

### Question 6

What is the evidence to support this and are the estimates justified?

- 1.54. The estimates justified in Table 1.3 supported by the following evidence and are justified.

#### Planning permissions and sites under construction

- 1.55. The estimated supply of new dwellings in the first five years (2019/20 to 2023/24) through planning permissions and sites under construction has drawn from HIA 2018/19.
- 1.56. The HIA records all planning permissions as of the 31<sup>st</sup> March 2019 and monitors and projects their anticipated delivery.

## **Matter 8: The Supply and Delivery of Housing Land**

- 1.57. Each year, for CS and PPLP site allocations and some of the larger windfall permissions, officers are active in canvassing the appropriate landowners and developers to understand timescales for deliver and possible trajectories.
- 1.58. Despite the survey work there inevitably remain gaps in the knowledge on individual sites. This is because some landowners or developers could either not be contacted or did not respond with the required information after repeated attempts at contact. Where this is the case, it is difficult to predict when a planning application may be submitted and the timescales for implementation. For these and for smaller sites of one to nine dwellings, officers have applied their best judgement to profile these sites. Consideration has been given to the type of application, scale of development, progress on site and any known site constraints.
- 1.59. Appendix 4 presents a simplified version of the HIA 2018/19. Tables 1 to 3 show planning permissions broken down into strategic allocations, sites of ten or more net new dwellings and sites of nine or less net new dwellings; each table groups the permissions into those that are under construction and not started.
- 1.60. As discussed in paragraphs 1.13 to 1.14, it is recognised that not all planning permissions are implemented. Therefore, the 5% NID has been applied to all planning permissions (excluding strategic sites) where the consent has not yet been implemented.
- 1.61. The evidence provided above and in Appendix 4 supports estimates that a net contribution of 2,502 dwellings to the housing supply from planning permissions and sites under construction in the first five years of the CSR.

### **Core Strategy (2013) and Places and Policies Local Plan – without planning permission**

- 1.62. The estimated supply of new dwellings in the first five years 2019/20 to 2023/24 through CS and PPLP site allocations (without planning permission) is founded on a mixture of site intelligence and the best estimations.

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- 1.63. Appendix 3 (Tables 1 and 2) presents the trajectories of CS and PPLP housing allocations currently without planning permission as of the end of the 2018/19 monitoring year. These have been informed either through correspondence with site landowners and developers and plotted accordingly; where this hasn't been possible, sites have been profiled beyond the first five years and consideration given to the planning applications (still to be determined), scale of development, infrastructure requirements and any known sites constraints.
- 1.64. At the end of 2018/19 there were twelve site allocations where a planning application had been submitted but not determined. Where this applied, informal discussions have been had with the case officer as to the likely timescale for determination of the application, with allowances made for further applications such as Reserved Matters.
- 1.65. Appendix 3 (Tables 1 and 2) estimates that CS and PPLP site allocations without planning permission have capacity for 710 dwellings in the first five years of the CSR. However, the 5% NID has been applied to all PPLP site allocations without planning permission.
- 1.66. The evidence provided above and in Appendix 3 (Tables 1 and 2) supports estimates that a net contribution of 671 dwellings to the housing supply from CS and PPLP site allocations without planning permission in the first five years of the CSR.

### **Garden Settlement and Sellindge Expansion**

- 1.67. The estimated supply of new dwellings in the first five years 2019/20 to 2023/24 through the delivery of a new garden settlement is justified by a combination of site intelligence and well-documented research and study papers on the delivery of large strategic sites.
- 1.68. The trajectory provided by the site promoter has been informed by detailed masterplanning and viability testing and anticipates that first completions could be achieved on site in 2023/24.

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- 1.69. Research by Nathaniel Lichfield & Partners, ‘Start to Finish – How Quickly do Large-Scale Housing Sites Deliver?’<sup>2</sup> indicates that sites over 2,000 dwellings take an average of around seven years from the submission of the first planning application to the delivery of the first dwellings on site. However, it also shows that planning approval for greenfield sites tends to take somewhat less time than for brownfield. Moreover, the work already done by the site promoters to develop concept frameworks and masterplans for the garden settlement would help shorten that time further.
- 1.70. The Inspector for the recent examination of the North Essex Garden Communities concluded that it would not be unreasonable to assume that housing delivery at the garden settlements could start within four or five years from the adoption date of the plan (or plan revision) which establishes the garden settlement in principle.
- 1.71. As stated in the council’s response to Question 2, the site promoter for the garden settlement is at an advantaged stage in preparing a revised outline planning application expected to be submitted in autumn this year. It is therefore anticipated that the application will be determined in parallel with the examination of the CSR.
- 1.72. The evidence provided above and in Appendix 2 supports estimates that a net contribution of 121 dwellings to the housing supply could be achieved from the garden settlement in the first five years of the CSR.
- 1.73. Land allocated in Sellindge Phase 2 (Site B) currently benefits from an outline planning permission for 162 dwellings, and is counted as part of the housing supply from sites with planning permission and under construction.
- 1.74. The promoters for land allocated in Phase 2 (Site A) have not yet been canvassed as to their expectations concerning site delivery. In addition, no part of the site as of the 2018/19 monitoring year had a planning application

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<sup>2</sup> See: <https://lichfields.uk/media/1728/start-to-finish.pdf>

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pending. Therefore, officers have currently profiled the site outside of the five year period. However, it should be noted that application (Y20/0604/FH) was submitted in June 2020 for 55 units on part of Phase 2 (Site A).

- 1.75. The evidence provided above and in Appendix 3 supports that some low level of delivery could occur in the first five years of the CSR; however officers have decided to take a prudent approach and programme completions from 2024/25 onwards.

### **Windfall**

- 1.76. The estimated supply of new dwellings from windfall in the first five years 2019/20 to 2023/24 has been based on an analysis of historic and future trends of small site delivery of 1 to 9 dwellings not identified by the development plan.
- 1.77. A windfall allowance of 95 dwellings a year has been set for the Core Strategy Review plan period. Evidence supporting this level windfall development has previously been discussed in detail in paragraphs 1.34 to 1.45 and Appendix 5 of this Matter.
- 1.78. For the five year period to 2023/24, the first three years have been discounted to avoid double-counting with sites with planning permission. Therefore, a net contribution of 190 dwellings to the housing supply is supported between years 2022/23 and 2023/24 of the CSR.

### **Question 7**

What is the estimated total supply of specific developable sites for growth for years 6-10 and 11-15?

- 1.79. The estimated total supply of specific deliverable sites that are expected to contribute to the housing land supply for years 6 to 10 is 4,577; and years 11 to 15 is 3,625.

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### Question 8

What is the estimated supply from each source for this?

- 1.80. The estimated supply from each source that is expected to contribute to the housing supply for years 6 to 10 (2024/25 to 2028/29) is set out in Table 1.4

Housing Supply Source	Estimated Dwellings 2024/25 – 2028/29
Planning permissions and sites under construction (inclusive of 5% NID for sites N/S – excludes strategic)	1,409
Core Strategy (2013) and Places and Policies Local Plan - without planning permission (inclusive of 5% NID for PPLP allocations)	808
New Garden Settlement (Core Strategy Review Policies SS6-SS9)	1,791
Expansion of Sellindge (Core Strategy Review Policy CSD9) (part of allocation without permission)	95
Windfall allowance (95 dwellings a year over 5 years)	475
<b>Total Housing Supply</b>	<b>4,578</b>

Table 1.4: Estimated supply of new housing by source to 2024 to 2028/29

- 1.81. The estimated supply from each source that is expected to contribute to the housing supply for years 11 to 15 (2029/30 to 2034/35) is set out in Table 1.5

Housing Supply Source	Estimated Dwellings 2029/30 – 2033/34
Planning permissions and sites under construction (inclusive of 5% NID for sites N/S – excludes strategic)	444
Core Strategy (2013) and Places and Policies Local Plan - without planning permission	0

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Housing Supply Source	Estimated Dwellings 2029/30 – 2033/34
(inclusive of 5% NID for PPLP allocations)	
New Garden Settlement (Core Strategy Review Policies SS6-SS9)	<b>2,613</b>
Expansion of Sellindge (Core Strategy Review Policy CSD9) (part of allocation without permission)	<b>93</b>
Windfall allowance (95 dwellings a year over 5 years)	<b>475</b>
<b>Total Housing Supply</b>	<b>3,625</b>

*Table 1.5: Estimated supply of new housing by source to 2029/30 to 2033/34*

### Question 9

What is the evidence to support this and are the estimates justified?

- 1.82. The estimates justified in Tables 1.4 and 1.5 are supported by the following evidence and are justified.

#### Planning permissions and sites under construction

- 1.83. The estimated supply of new dwellings in years 6 to 10 (2024/25 to 2028/29) and 11 to 15 (2029/30 to 2033/34) through planning permissions and sites under construction has been drawn from HIA 2018/19.
- 1.84. At this stage, it has been assumed that the small- to medium-sized sites with planning permissions identified in year 1 (2019/20) would now have been completed having served their purpose to bridge the gap to enable strategic sites at Folkestone Seafront, Shorncliffe and Nickolls Quarry to become established and deliver at a consistent high level. Sites with planning permission and under construction are expected to deliver approximately 1,309 dwellings between 2024/25 and 2028/29; falling to 444 between 2028/29 and 2033/34 as Shorncliffe and Nickolls Quarry complete their build out. Only



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Folkestone Seafront would continue to build beyond 2034/35 to the end of the plan period.

- 1.85. The trajectories for Shorncliffe and Nickolls Quarry have been supplied by the site promoters, whilst Folkestone Seafront reflects officer's best estimations and is plotted at a steadier lower rate of deliver.

### **Core Strategy (2013) and Places and Policies Local Plan – without planning permission**

- 1.86. The estimated supply of new dwellings in years 6 to 10 (2024/25 to 2028/29) and 11 to 15 (2029/30 to 2033/34) through CS and PPLP site allocations (without planning permission) continues to be founded on a mixture of site intelligence and the best estimations.
- 1.87. Appendix 3 assumes that all CS and PPLP site allocations would obtain planning permission and deliver a combined total of 808 dwellings, including the 5% NID before the end of 2028/29. No, or very few, contributions are expected from this source between 2029/30 and 2034/35.

### **Garden Settlement and Sellindge Expansion**

- 1.88. The estimated supply of new dwellings in years 6 to 10 (2024/25 to 2028/29) and 11 to 15 (2029/30 to 2033/34) through the delivery of a new garden settlement continues to be justified by a combination of site intelligence and well-documented research and study papers on the delivery of large strategic sites.
- 1.89. The new garden town is expected gradually increases delivery rates to approximately 420 dpa towards the end of 2028/29, delivering 1,791 dwellings across this period. The site promoter envisages that this will be achieved by three separate housebuilders developing and building out different phases simultaneously.
- 1.90. Delivery at the garden settlement increases further between 2029/30 and 2034/35, to a maximum capacity of approximately 550 dwellings per annum

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with two further housebuilders developing new outlets. A total of 2,613 dwellings are to be delivered in this period as the garden settlement becomes the predominate source of housing supply in the district.

- 1.91. Officers continue to critically assess information provided by the promoters against other information, and consider that it falls within the parameters of what the Letwin Review considered achievable. Therefore, officers consider that, based on the most up-to-date evidence available, the contribution from the garden settlement is justified and achievable.
- 1.92. In regards to the expansion of Sellindge it is anticipated that the majority of the land identified in phase 2 will be developed across the periods 2024/25 and 2028/29 and 2029/30 and 2034/35; contributing 95 and 93 units respectively as development continues at a steady (albeit slower) pace following on from the completion of phase 1.
- 1.93. There is currently no detailed information on these sites. Nevertheless, outline planning permission has been obtained on site B and planning permission is being sought on site A. This would provide confidence in the deliverability of these sites and that, allowing for further Reserved Matters applications to be determined, these sites should be making a healthy contribution to the housing supply.

### **Windfall**

- 1.94. The estimated supply from windfall development that is expected to contribute to the five year housing supply 2024/25 to 2028/29 and 2029/30 to 2033/34 has been based on an analysis of historic and future trends of small site delivery of 1 to 9 dwellings not identified by the development plan.

### **Question 10**

Overall, would at least 10% of the housing requirement/target be met on sites no larger than one hectare?

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- 1.95. The CSR sets itself a housing requirement target of 13,717 dwellings to 2036/37 to meet a housing need figure of 13,284. Consequently, approximately 1,375 dwellings should be met through sites of one hectare or less, as directed by the NPPF paragraph 68.
- 1.96. However, the NPPF does also acknowledge that the 10% target may not always be achievable, but states that, where this is the case, there should be strong reasons why.
- 1.97. The CS and the PPLP currently make up the development plan for the Folkestone & Hythe District with a housing requirement of 7,000 dwellings by 3031 or 350 dwellings per annum.
- 1.98. It is the role of the PPLP as part of the development plan to allocate a range of small- to medium-sized housing sites in order to help meet the strategic development requirements set by the CS.
- 1.99. The requirement for the provision of 10% of the housing supply through sites of one hectare or less was introduced with the new NPPF in July 2018. By this point in time the PPLP was already substantially advanced in its preparation having been through Issues and Options consultation, Preferred Options consultation and consultation on the Submission Draft. The Core Strategy Review, the strategic plan for the district, had been through Regulation 18 consultation and work was underway preparing the Submission version for consultation.
- 1.100. In planning the PPLP, officers undertook two separate calls for sites in 2014 and 2015. There were also further opportunities to submit alternative sites to the preferred development option during both the Regulation 18 (2016) and Regulation 19 (2018) consultations. No suitable alternative sites were put forward through these calls for sites, and the Inspector examining the PPLP has not recommended that any additional housing site should be allocated, other than a site to meet the need for gypsy and traveller accommodation.

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- 1.101. Of the sites that formed part of the Strategic Housing Land Availability Assessment (SHLAA), the PPLP allocated approximately 25 of one hectare or less delivering an estimated total of 535 dwellings overall. A further 6 sites between 1 to 1.5 hectares added a further 259 dwelling to this total. The examination of the PPLP judged this to be a sound and acceptable response.
- 1.102. The CSR introduces a step change in the housing requirement figure from that sought by the CS and therefore a disparity with this 10% figure is inevitable without a review of the PPLP or a complementary site allocations Development Plan Document.
- 1.103. Regardless, officers are of the view that the Folkestone & Hythe District does not have the supply of available sites of one hectare or less required to address the shortfall that would meet the 10% target.
- 1.104. Appendix 7 presents all sites submitted as part of the SHLAA or as alternatives to the PPLP preferred development option that are of 1 hectare or less, along with their estimated capacities.
- 1.105. As part of the SHLAA, sites were awarded a red, amber or green (R, A & G) score, which reflected their performance against a number of suitability, deliverability and availability criteria.
- 1.106. Appendix 7 (Table 1) presents 31 unallocated sites of one hectare or less considered as part of the SHLAA.
- 1.107. Six were classified as 'green' but not allocated for housing in the PPLP. SHLAAs 317 & 416 and 388 were developed without being allocated in the PPLP. SHLAAs 390, 636 and 656 were all allocated in the Regulation 18 Preferred Option. However 390 and 656 were deleted following representations citing issues of access and highways, flood risk and biodiversity, and 636 was built out in advance of the publication of the Regulation 19 Submission Draft.
- 1.108. A further six sites were classified 'amber'. SHLAA 613 was allocated in the Regulation 18 Preferred Option but deleted owing to representations citing

## **Matter 8: The Supply and Delivery of Housing Land**

issues of access. SHLAAs 335, 620, 627, 674 and 1014 were not allocated for development due to concerns relating to matters that included the loss of a car park, site access and flood risk.

1.109. Finally, nineteen sites were classified as 'red' and therefore not suitable for development. These sites were generally found to have significant constraints owing to their location and impact in terms on designations such as the Kent Downs Area of Outstanding Natural Beauty (AONB) and Sites of Special Scientific Interest (SSSI) and Flood Risk Zone 3.

1.110. As such, officers are confident in concluding that there is not sufficient suitable, available and deliverable sites within the housing land supply to be able to deliver 10% of the CSR's housing requirement through sites of one hectare or less.

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**Appendix 1: Core Strategy Review Housing Trajectory 2019/20 to 2036/7**

	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total
	19/ 20	20/ 21	21/ 22	22/ 23	23/ 24		24/ 25	25/ 26	26/ 27	27/ 28	28/ 29		29/ 30	30/ 31	31/ 32	32/ 33	33/ 34		34/ 35	35/ 36	36/ 37	
<b>CSR Allocations: without planning permission – Appendix 2</b>																						
Policy SS6-9: Garden Settlement	-	-	-	-	121	121	264	331	350	423	423	1,791	528	528	557	498	502	2,613	534	534	504	6,097
Policy CSD9: Sellindge Strategy (Phase 2 Site A)	-	-	-	-	-	0	15	20	20	20	20	95	20	20	20	20	13	93	-	-	-	188
<b>Total CSR – W/O Planning Permission</b>	-	-	-	-	121	121	279	351	370	443	443	1,886	548	548	577	518	515	2,706	534	534	504	6,285
<b>Existing Core Strategy and Places and Policies Local Plan – without planning permission – Appendix 3</b>																						
Policy CSD8: New Romney (Part)	-	-	19	45	48	112	32	-	-	-	-	32	-	-	-	-	-	0	-	-	-	144
PPLP (including 5% non-implementation discount)	-	45	101	201	212	559	331	230	111	76	28	776	-	-	-	-	-	0	19	47	39	1,440
<b>Total CS &amp; PPLP – W/O Planning Permission</b>	-	45	120	246	260	671	363	230	111	76	28	808	-	-	-	-	-	0	19	47	39	1,584
<b>Planning Permissions and Under Construction – Appendix 4</b>																						
Planning Permissions: Strategic	162	288	274	296	295	1,315	294	286	343	295	191	1,409	124	80	80	80	80	444	80	80	40	3,368
Planning Permissions 1-10+ Includes 5% NID	438	268	251	64	34	1,055	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	1,055
<b>Total Planning Permissions Includes 5% NID)</b>	600	556	525	360	329	2,370	294	286	343	295	191	1,409	124	80	80	80	80	444	80	80	40	4,423
<b>Windfalls Allowance</b>	-	-	-	95	95	190	95	95	95	95	95	475	95	95	95	95	95	475	95	95	95	1,425
<b>CSR Plan Total</b>	600	601	645	701	805	3,352	103 1	962	919	909	757	4,578	767	723	752	693	690	3,625	728	756	678	13,717

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**Appendix 2: CSR Allocations: Without Planning Permission (Years 1-5, 6-10, 11-15, 1-18)**

Policy and Site Address	Number of Units Proposed (CSR)	Planning Application as of 31/03/2019*	Dwelling Capacity (Planning apps)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37	
<b>District Strategic Allocations</b>																									
Policy SS6-9: Garden Settlement				-	-	-	-	121	121	264	331	350	423	423	1,791	528	528	557	498	502	2,613	534	534	504	6,097
Policy CSD9: Sellindge Strategy (Phase 2 Site A)	188	n/a	188	-	-	-	-	-	0	15	20	20	-	-	95	-	-	-	-	-	93	-	-	-	188
<b>Total Core Strategy Review</b>				-	-	-	-	121	121	279	351	370	443	443	1,886	548	548	577	518	515	2,706	534	534	504	6,285

**Notes:**

- Planning application Y20/0604/FH (CSD9 Site A (Part)) has been submitted for determination in the 2020/21 monitoring year.

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**Appendix 3: Core Strategy and PPLP Allocations: Without Planning Permission (Years 1-5, 6-10, 11-15, 1-18)**

**Table 1: Core Strategy Local Plan (2013)**

Policy and Site Address	Number of Units Proposed (CSR)	Planning Application as of 31/03/2019*	Dwelling Capacity (Planning apps)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37	
<b>Strategic Allocations</b>																									
Policy SS10: Folkestone Seafront	1,000	<b>Y12/0897/SH</b>	1,000	-	-	-	-	-	<b>0</b>	-	-	-	-	-	<b>0</b>	-	-	-	-	-	<b>0</b>	-	-	-	<b>0</b>
Policy SS11: Shorncliffe Garrison	1,200	<b>Y14/0300/SH</b>	1200	-	-	-	-	-	<b>0</b>	-	-	-	-	-	<b>0</b>	-	-	-	-	-	<b>0</b>	-	-	-	<b>0</b>
Policy CSD8: New Romney	300	<b>Y15/0710/SH</b> <b>Y17/0674/SH</b> <b>Y18/0327/SH</b> Y18/1404/FH 18/1428/FH	55 109 8 (C) 117 27 Total : 316	-	-	-	-	-	<b>112</b>	-	-	-	-	-	<b>32</b>	-	-	-	-	-	<b>0</b>	-	-	-	<b>144</b>
Policy CSD9: Sellindge (Phase 1)	250	<b>Y14/0873/SH</b>	240	-	-	-	-	-	<b>0</b>	-	-	-	-	-	<b>0</b>	-	-	-	-	-	<b>0</b>	-	-	-	<b>0</b>
<b>Total Core Strategy</b>				-	-	19	45	48	<b>112</b>	32	-	-	-	-	<b>32</b>	-	-	-	-	-	<b>0</b>	-	-	-	<b>114</b>

**Notes:**

- Planning application references shown in red **bold** denote those that have planning permission as of the 31<sup>st</sup> March 2019 and are profiled as permissions in Appendix 4
- Planning application Y18/1404/FH (New Romney) has been granted planning permission in 2019/20 monitoring year.



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**Table 2: Places and Policies Local Plan**

Policy and Site Address	Number of Units Proposed (PPLP)	Planning Application as of 31/03/2019*	Dwelling Capacity (Planning apps)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37	
<b>Urban Area</b>																									
Policy UA1: East Station Goods Yard, Folkestone	40	Y19/0866/FH	41	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy UA2: Rotunda and Marine Parade CP, Lower Sandgate Rd	115	n/a	115	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	20	50	45	115
Policy UA3: Royal Victoria Hospital, Radnor Park,	42	Y12/0980/SH	42	-	-	21	21	-	42	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	42
Policy UA4: 3-5 Shorncliffe Road, Folkestone	Completed			-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy UA5: Ingles Manor, Castle Hill Avenue, Folkestone	46	Y17/0710/SH	40	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy UA6: Shepway Close, Folkestone	35	Y18/1529/FH	40	-	13	13	14	-	40	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	40
Policy UA7: Former Gas Works, Ship Street, Folkestone	100	n/a	100	-	-	-	-	20	20	40	40	-	-	-	80	-	-	-	-	-	0	-	-	-	100
Policy UA8: Highview School , Moat Farm Road, Folkestone	27	Y19/0704/FH	33	-	-	15	18	-	33	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	33
Policy UA9: Brockman Family Centre, Cheriton	26	n/a	26	-	-	-	-	13	13	13	-	-	-	-	13	-	-	-	-	-	0	-	-	-	26
Policy UA10: Cherry Pickers Public House	10	Y16/0747/SH	9	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0

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Policy and Site Address	Number of Units Proposed (PPLP)	Planning Application as of 31/03/2019*	Dwelling Capacity (Planning apps)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37	
Policy UA11: Affinity Water, Shearway Road, Cheriton	70	n/a	70	-	-	-	-	-	0	-	-	20	40	10	70	-	-	-	-	-	0	-	-	-	70
Policy UA12: Encombe House, Sandgate	36	Y15/1154/SH	36	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy UA13: Smiths Medical, Hythe	80	Y19/0071/FH	97(C3) + 66(C2) (134 C3)	-	-	-	20	30	50	30	17	37	-	-	84	-	-	-	-	-	0	-	-	-	134
Policy UA14: Land at Station Road, Hythe	30	n/a	45	-	-	10	25	10	45	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	45
Policy UA15: Land at the Saltwood Care Centre, Hythe	84 Extra Care Units	Y15/0720/SH	84 (47 C3)	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy UA16: St Saviours Hospital, Seabrook Road, Hythe	50	Y16/0794/SH	51	-	-	25	26	-	51	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	51
Policy UA17: Foxwood School, Seabrook Road, Hythe	150	n/a	150	-	-	-	-	20	20	40	40	40	10	-	130	-	-	-	-	-	0	-	-	-	150
Policy UA18: Princes Parade, Hythe	150	Y17/1042/SH	150	-	-	-	20	40	60	40	40	10	-	-	90	-	-	-	-	-	0	-	-	-	150
Policy UA19: Hythe Swimming Pool	50	n/a	50	-	-	-	-	-	0	25	25	-	-	-	50	-	-	-	-	-	0	-	-	-	50
<b>Romney Marsh</b>																									
Policy RM1: Land off Cherry Gardens, Littlestone	10	n/a	10	-	-	10	-	-	10	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	10
Policy RM2: Land off Victoria Road West, Littlestone	70	Y18/0768/FH	80	-	-	-	25	40	65	15	-	-	-	-	15	-	-	-	-	-	0	-	-	-	80

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Policy and Site Address	Number of Units Proposed (PPLP)	Planning Application as of 31/03/2019*	Dwelling Capacity (Planning apps)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37	
Policy RM3: Land rear of Old School House, Church Lane, New Romney	20	Y15/0235/SH Y16/0567/SH	18	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy RM4: Land west of Ashford Road, New Romney	60	n/a	60	-	-	-	-	-	0	-	-	10	30	20	60	-	-	-	-	-	0	-	-	-	60
Policy RM5: Land adjoining The Marsh Academy, New Romney	Medical hub	n/a	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy RM6: Kitewell Lane, rear of the Ambulance Station, Lydd	8	n/a	8	-	-	-	-	-	0	8	-	-	-	-	8	-	-	-	-	-	0	-	-	-	8
Policy RM7: Land South of Kitewell Lane, Lydd	9	n/a	9	-	-	-	-	-	0	9	-	-	-	-	9	-	-	-	-	-	0	-	-	-	9
Policy RM8: Station Yard, Station Road, Lydd	30	n/a	30	-	-	-	-	-	0	10	20	-	-	-	30	-	-	-	-	-	0	-	-	-	30
Policy RM9: Former Sands Motel, St. Mary's Bay	85	Y07/1566/SH	85	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy RM10: Land rear of Varne Boat Club, Coast Drive, Greatstone	5	Y19/0049/FH	5	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy RM11: Car Park, Coast Drive, Greatstone	16	Y16/1017/SH	20	-	-	-	10	10	20	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	20
Policy RM12: The Old Slaughterhouse, Brookland	5	n/a	5	-	-	-	-	-	0	5	-	-	-	-	5	-	-	-	-	-	0	-	-	-	5
Policy RM13: Land north and south of Rye Road, Brookland	29	Y17/1409/SH n/a	9 20	-	-	-	7	13	20	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	20
Policy RM14: Land adj to Moore Close, Brenzett	26	n/a Y19/0068/FH	20 6	-	-	-	-	-	6	20	-	-	-	-	20	-	-	-	-	-	0	-	-	-	26

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Policy and Site Address	Number of Units Proposed (PPLP)	Planning Application as of 31/03/2019*	Dwelling Capacity (Planning apps)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37	
Policy RM15 Land adj to The Retreat, Old Romney	4	n/a	4	-	4	-	-	-	4	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	4
<b>North Downs</b>																									
Policy ND1: Former Officers' Mess, Aerodrome Road, Hawkinge	70	Y15/0030/SH	76	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy ND2: Mill Lane to the rear of Mill Farm, Hawkinge	14	Y18/0555/FH	14	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy ND3: Land adj to Kent Battle of Britain Museum, Aerodrome Road, Hawkinge	100	n/a	100	-	-	-	20	40	60	40	-	-	-	-	40	-	-	-	-	-	0	-	-	-	100
Policy ND4: Land east of Broad Street, Lyminge	30	n/a	30	-	-	-	-	-	0	10	20	-	-	-	30	-	-	-	-	-	0	-	-	-	30
Policy ND5: General Sellindge Policy - The Piggeries - Jubilee Cottage - Land at Barrow Hill - Silver Spray	40	n/a n/a Y18/1035/FH n/a	5 15 11 5 Total: 36	-	-	5	-	-	16	-	-	-	-	-	20	-	-	-	-	-	0	-	-	-	36
Policy ND6: Former Lympe Airfield	125	n/a	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	0
Policy ND7: Camping and Caravan Site, Stelling Minnis	13	Y18/0456/SH	13	-	13	-	-	-	13	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	13
Policy ND8: Land adjoining 385 Canterbury Road, Densole	25	n/a	25	-	-	-	-	-	0	10	15	-	-	-	25	-	-	-	-	-	0	-	-	-	25

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Policy and Site Address	Number of Units Proposed (PPLP)	Planning Application as of 31/03/2019*	Dwelling Capacity (Planning apps)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37	
Policy ND9: Etchinghill Nursery, Etchinghill	30	n/a	30	-	-	-	-	-	<b>0</b>	10	20	-	-	-	<b>30</b>	-	-	-	-	-	<b>0</b>	-	-	-	<b>30</b>
Policy ND10: Land adj to the Golf Course, Etchinghill	8	n/a	8	-	-	-	-	-	<b>0</b>	8	-	-	-	-	<b>8</b>	-	-	-	-	-	<b>0</b>	-	-	-	<b>8</b>
<b>Total</b>				-	47	106	212	223	<b>588</b>	348	242	117	80	30	<b>817</b>	-	-	-	-	-	<b>0</b>	20	50	45	<b>1,520</b>
<b>5% Lapse</b>					2	5	11	11	<b>29</b>	17	12	6	4	2	<b>41</b>	-	-	-	-	-	<b>0</b>	1	3	6	<b>80</b>
<b>Total</b>					<b>45</b>	<b>101</b>	<b>201</b>	<b>212</b>	<b>559</b>	<b>331</b>	<b>230</b>	<b>111</b>	<b>76</b>	<b>28</b>	<b>776</b>	-	-	-	-	-	<b>0</b>	<b>19</b>	<b>47</b>	<b>39</b>	<b>1,440</b>

### Notes

- Planning application references shown in red **bold** denote those that have planning permission as of the 31<sup>st</sup> March 2019 and are profiled as permissions in Appendix 4
- Planning applications Y19/1164/FH (Brockman Family Centre), Y20/0015/FH (Foxwood) and Y19/0958/FH (The Retreat) have been submitted for determination in the 2019/20 monitoring year.
- Planning applications Y16/0794/SH (St Saviours Hospital) and Y17/1042/SH (Princes Parade) Y19/0068/FH (Moores Close), Y18/1035/FH (Barrow Hill), Y18/0456/SH (Stellin Minnis) have all been granted planning permission in 2019/20 monitoring year.
- Planning application Y20/0470/FH (Piggeries Sellindge) have been submitted for determination in the 2020/21 monitoring year
- Policy ND6: Former Lympe Airfield to be superseded by CSR Policy SS6-9 (Garden Settlement).

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**Appendix 4: Planning Permission and Under Construction (Years 1-5, 6-10, 11-15, 1-18)**

**Table 1: Planning Permissions: Strategic Allocations**

Planning Ref and Site Address	Expiry Date	No. of Dwellings Permitted (Net Gain)	No. of Dwellings Completed (Net Gain)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total	Notes
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37		
<b>District Strategic Allocations</b>																										
Y12/0897/SH: Former Rotunda Amusement Park, Folkestone	30/01/2018	1,000	0	-	40	40	40	40	<b>160</b>	40	40	40	40	80	<b>240</b>	80	80	80	80	80	<b>400</b>	80	80	40	<b>1,000</b>	Agent correspondence /Estimation
Y14/0300/SH: The Stadium, Church Road, Folkestone	17/12/2018	1,200	233	34	117	109	95	103	<b>458</b>	85	95	95	95	95	<b>465</b>	44	-	-	-	-	<b>44</b>	-	-	-	<b>967</b>	Agent correspondence
Y06/1079/SH: Nickolls Quarry, Dymchurch, Road, Hythe	21/05/2013	1,050	124	40	40	60	92	132	<b>364</b>	129	111	168	138	16	<b>562</b>	-	-	-	-	-	<b>0</b>	-	-	-	<b>926</b>	Agent correspondence
Y15/0710/SH: Romney Marsh Potato Co Ltd, Cockreed Lane, New Romney	06/11/2018	55	54	1	-	-	-	-	<b>1</b>	-	-	-	-	-	<b>0</b>	-	-	-	-	-	<b>0</b>	-	-	-	<b>1</b>	Estimation
Y17/0674/SH: Land Opposite Dorland, Cockreed Lane, New Romney	31/10/2020	109	37	41	31	-	-	-	<b>72</b>	-	-	-	-	-	<b>0</b>	-	-	-	-	-	<b>0</b>	-	-	-	<b>72</b>	Estimation

**Matter 8: The Supply and Delivery of Housing Land**

Planning Ref and Site Address	Expiry Date	No. of Dwellings Permitted (Net Gain)	No. of Dwellings Completed (Net Gain)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total	Notes
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37		
Y14/0873/SH: Land Adj The Surgery, Main Road, Sellindge	22/01/2019	240	0	46	60	65	69	-	240	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	240	Agent correspon den ce
Y16/1122/SH: Land Rear Rhodes House Main Road Sellindge	15/01/2022	162	0	-	-	-	-	20	20	40	40	40	22	-	144	-	-	-	-	-	0	-	-	-	162	Estimation
<b>Total</b>		<b>3,816</b>	<b>448</b>	<b>162</b>	<b>288</b>	<b>274</b>	<b>296</b>	<b>295</b>	<b>1,315</b>	<b>294</b>	<b>286</b>	<b>343</b>	<b>295</b>	<b>191</b>	<b>1,409</b>	<b>124</b>	<b>80</b>	<b>80</b>	<b>80</b>	<b>80</b>	<b>444</b>	<b>80</b>	<b>80</b>	<b>40</b>	<b>3,370</b>	

## Matter 8: The Supply and Delivery of Housing Land

**Table 2: Planning Permissions: Ten or more net new dwellings (includes PPLP allocations)**

Planning Ref and Site Address	Expiry Date	No. of Dwellings Permitted (Net Gain)	No. of Dwellings Completed (Net Gain)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total	Notes
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37		
<b>Under Construction</b>																										
Y13/0166/SH: 52 - 54 Guildhall Street, Folkestone	13/08/2016	14	0	-	-	7	7	-	14	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	14	Estimation
Y14/0336/SH: Land at Hurricane Way, Hawkinge	13/11/2016	68 (C3) 121 (C2)	28	13	14	13	-	-	40	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	40	Agent correspondence
Y14/1149/SH: 58 - 60 & 62 Shorncliffe Road, Folkestone	26/08/2018	19	0	-	19	-	-	-	19	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	19	Agent correspondence
Y10/0746/SH: Former St Marys Bay Holiday Village, Dunstall Lane, St Marys Bay	24/02/2013	72	7	-	-	21	22	22	65	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	65	Agent Correspondence
Y16/0447/SH: Land Adjoining 20 Encombe, Sandgate	30/08/2018	36	0	36	-	-	-	-	36	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	36	Estimation
Y07/1566/SH: Land Adjoining Pumping Station, Dymchurch Road, St Marys Bay	15/06/2019	85	0	30	30	25	-	-	85	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	85	Agent correspondence
Y15/0467/SH: The Paddocks, 13 Prospect Road, Hythe	06/11/2018	10	0	10	-	-	-	-	10	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	10	Estimation



**Matter 8: The Supply and Delivery of Housing Land**

Planning Ref and Site Address	Expiry Date	No. of Dwellings Permitted (Net Gain)	No. of Dwellings Completed (Net Gain)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total	Notes	
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37			
Y16/0559/SH: Claverley, 145 Queens Road, Littlestone	22/12/2019	21	0	21	-	-	-	-	21	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	21	Estimation	
Y15/1292/SH: Stonegate Farmers, Stone Street, Stelling Minnis	26/01/2020	30	0	30	-	-	-	-	30	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	30	Estimation	
Y17/1582/SH: 39 Cheriton Gardens, Folkestone	09/03/2021	12	0	12	-	-	-	-	12	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	12	Estimation	
Y17/1240/SH: Manor House, Manor Road, Lydd, Romney Marsh	16/03/2021	11	0	11	-	-	-	-	11	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	11	Estimation	
Y18/0523/FH: Coach Depot, King Street, Brenzett	11/09/2021	11	0	4	7	-	-	-	11	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	11	Estimation	
Y18/0629/FH: 3 Clifton Crescent, Folkestone	30/01/2022	11	0	11	-	-	-	-	11	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	11	Estimation	
<b>Not Started</b>																											
<b>Total Permissions U/C (10+)</b>		<b>400</b>	<b>35</b>	<b>178</b>	<b>70</b>	<b>66</b>	<b>29</b>	<b>22</b>	<b>365</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>365</b>		
Y14/0928/SH: East Station Goods Yard, Southern Way, Folkestone	29/06/2019	41	0	-	-	21	20	-	41	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	41	Estimation	

**Matter 8: The Supply and Delivery of Housing Land**

Planning Ref and Site Address	Expiry Date	No. of Dwellings Permitted (Net Gain)	No. of Dwellings Completed (Net Gain)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total	Notes
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37		
Y16/0220/SH: Two Bells Inn , 58 Canterbury Road, Folkestone	21/07/2019	12	0	12	-	-	-	-	12	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	12	Estimation
Y15/0741/SH: Mill Farm, Mill Lane, Hawkinge, Folkestone	29/07/2019	14	0	-	-	14	-	-	14	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	14	Estimation
Y16/0403/SH: Land rear Church and Dwight, Caesars Way, Folkestone	06/07/2020	77	0	30	30	17	-	-	77	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	77	Agent correspondence
Y15/0030/SH: Hawkinge Youth Adventure Centre, Elvington Lane, Hawkinge,	14/03/2021	76	0	-	40	36	-	-	76	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	76	Agent correspondence
Y15/0235/SH: Land Rear The Old School House, Church Lane, New Romney	05/05/2020	14	0	7	7	-	-	-	14	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	14	Estimation
Y16/0355/SH: Land Adj , 49 Adie Road, Greatstone	25/08/2020	14	0	7	7	-	-	-	14	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	14	Estimation
Y16/0400/SH: Land Adjoining 88 Meehan Road, Greatstone	14/12/2020	13	0	6	7	-	-	-	13	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	13	Estimation
Y17/1503/SH: 11 Church Street, Folkestone	30/04/2021	10	0		10	-	-	-	10	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	10	Estimation
Y15/0720/SH: Philbeach House, Tanners Hill, Hythe	31/05/2020	47 (C3) 84 (C2)	0	-	-	17	17	13	47	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	47	Estimation

**Matter 8: The Supply and Delivery of Housing Land**

Planning Ref and Site Address	Expiry Date	No. of Dwellings Permitted (Net Gain)	No. of Dwellings Completed (Net Gain)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total	Notes
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37		
Y18/0018/PA: 2 - 10 Queens House, Guildhall Street, Folkestone	27/09/2023	24	0		24	-	-	-	24	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	24	Estimation
Y17/0710/SH: Ingles Meadow Garden Centre Jointon Road Folkestone	26/10/2021	40	0	5	17	18	-	-	40	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	40	Estimation
Y16/0333/SH: Stoneleigh House, Tram Road, Folkestone	26/10/2021	14	0	-	-	14	-	-	14	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	14	Estimation
<b>Total Permissions N/S (10+)</b>		396	0	67	142	137	37	13	396	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	396	
<b>5% Lapse</b>				3	7	7	2	1	20	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	20	
<b>Total Permissions N/S (10+) - includes 5% NID</b>				64	135	130	35	12	376	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	376	
<b>Total Permissions (10+)</b>		796	35	245	212	203	66	35	761	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	761	
<b>Total Permissions U/C &amp; NS (10+) - includes 5% NID</b>				242	205	196	64	34	741	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	741	

Table 3: Planning Permissions: Nine or less net new dwellings

**Matter 8: The Supply and Delivery of Housing Land**

Planning Ref and Site Address	Expiry Date	No. of Dwellings Permitted (Net Gain)	No. of Dwellings Completed (Net Gain)	Anticipated Delivery					5 Year Capacity	Anticipated Delivery					6-10 Year Capacity	Anticipated Delivery					11-15 Year Capacity				1-18 Total	Notes
				19/20	20/21	21/22	22/23	23/24		24/25	25/26	26/27	27/28	28/29		29/30	30/31	31/32	32/33	33/34		34/35	35/36	36/37		
<b>Under Construction</b>																										
Y13/1091/SH: 1 Claremont Road, Folkestone	28/04/2017	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	1	Estimation
Y05/1391/SH: 12-14 Princess Street, Folkestone	20/12/2008	8	0	8	-	-	-	-	8	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	8	Estimation
Y10/0262/SH: 87 - 91 Sandgate Road, Folkestone	28/10/2013	7	3	4	-	-	-	-	4	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	4	Estimation
Y12/0394/SH: Land Opposite Valiant Sailor, New Dover Road, Capel- Le-Ferne	14/06/2015	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	2	Estimation
Y15/0315/SH: The Royal British Legion, Park Street, Lydd	27/05/2018	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	2	Estimation
Y14/1279/SH: 63 - 65 and 67 - 69 High Street, Dymchurch	19/01/2018	4	0	4	-	-	-	-	4	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	4	Estimation
Y15/0565/SH: 74 - 76 Shorncliffe Road, Folkestone,	24/07/2018	4	0	4	-	-	-	-	4	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	4	Estimation
Y14/1224/SH: 151 Sandgate Road, Folkestone,	04/08/2018	4	0	4	-	-	-	-	4	-	-	-	-	-	0	-	-	-	-	-	0	-	-	-	4	Estimation

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Y15/0988/SH: 9 Lower Blackhouse Hill, Hythe	28/07/2019	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y16/0867/SH: 15 Manor Road, Folkestone	11/10/2019	4	0	4	-	-	-	-	4	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y15/0514/SH: Hillgay, School Road, Saltwood, Hythe	29/07/2019	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y14/1371/SH: Land adj Chaklala, Marine Parade, Littlestone	29/01/2018	3	0	3	-	-	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
Y15/0843/SH: Land adj 11 Southernwood Rise, Folkestone	04/01/2019	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y15/0870/SH: The Forge, Stone Street, Lypne	19/05/2019	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y15/1075/SH: Land Adjoining 171 Lynwood, Folkestone	22/12/2018	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y14/0474/SH: Land adjoining 26 Blackhouse Hill, Hythe	24/09/2017	4	0	4	-	-	-	-	4	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y13/1196/SH: Land Adjoining 3 Millfield, Folkestone	17/02/2017	3	0	3	-	-	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
Y16/0628/SH: Land adj Telephone Ex, Barnhurst Lane, Hawkinge	14/02/2020	5	0	5	-	-	-	-	5	-	-	-	-	-	0	-	-	-	-	0	-	-	-	5	Estimation
Y14/0051/SH: Pacific, Toby Road, Lydd On Sea	10/04/2017	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y16/0954/SH: 69 The Old High Street, Folkestone	08/11/2019	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation

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Y16/0062/SH: The Outlook, Pilgrims Way, Monks Horton	13/01/2020	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y16/0828/SH: Valebrook Mews, Broadmead Road, Folkestone	07/04/2020	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y16/0611/SH: 26 Black Bull Road, Folkestone	20/06/2020	3	0	3	-	-	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
Y16/0747/SH: The Cherry Pickers, Ashley Avenue, Folkestone	06/07/2020	9	0	9	-	-	-	-	9	-	-	-	-	-	0	-	-	-	-	0	-	-	-	9	Estimation
Y17/0371/SH: 100 - 102 Sandgate High Street, Sandgate	28/07/2020	2	0	-	2	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y17/0127/SH: Land adj Steynes, Madeira Road, Littlestone	07/06/2020	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/0811/SH: 28 - 30 Sandgate Road, Folkestone	29/09/2020	4	0	4	-	-	-	-	4	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y16/1262/SH: 69 High Street, Hythe	09/10/2020	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/0563/SH: Sea Close, Cannongate Road, Hythe	03/08/2020	8	0	8	-	-	-	-	8	-	-	-	-	-	0	-	-	-	-	0	-	-	-	8	Estimation
Y17/0615/SH: 43 High Street, Hythe	05/09/2020	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/1005/SH: 79 - 81 Cheriton High Street, Folkestone	10/10/2020	3	0	3	-	-	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation

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Y17/0739/SH: Land adj 1 Pleasance Road North, Lydd On Sea	01/09/2020	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y17/0766/SH: 291 Dover Road, Folkestone	13/09/2020	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/1022/SH: 69A Seabrook Road, Hythe	25/01/2021	8	0	8	-	-	-	-	8	-	-	-	-	-	0	-	-	-	-	0	-	-	-	8	Estimation
Y17/1173/SH: 4B Prospect Road, Hythe	20/12/2020	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/0379/SH: Estate House 26 - 28 Sandgate High Street, Sandgate	31/05/2020	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y17/1093/SH: 9 High Street, Hythe	17/01/2021	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/1122/SH: Land adj 142 High Street, Lydd	12/01/2021	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y17/1310/SH: Home Farm, Longage Hill, Rhodes Minnis	26/02/2021	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/1385/SH: Sea Close, Cannongate Road, Hythe	22/12/2020	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y18/0180/SH: 28 - 30 Sandgate Road, Folkestone	19/04/2021	3	0	3	-	-	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
Y17/1066/SH: Scout Association HQ Range Road, Hythe	04/05/2021	4	0	4	-	-	-	-	4	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y18/0355/SH: 34 Julian Road, Folkestone	10/05/2021	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation

**Matter 8: The Supply and Delivery of Housing Land**

Y17/1409/SH: Land adj Framlea Rye Road, Brookland	25/05/2021	9	0	4	5	-	-	-	9	-	-	-	-	-	0	-	-	-	-	0	-	-	-	9	Estimation
Y17/0866/SH: 96 St Leonards Road, Hythe	29/06/2021	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y18/0581/FH: 69 High Street, Hythe	18/07/2021	3	0	3	-	-	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
Y18/0648/FH: 64 Joyes Road, Folkestone	11/07/2021	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y18/0446/SH: 6 Foord Road South, Folkestone	19/07/2021	4	0	4	-	-	-	-	4	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y17/1586/SH: 34 Canterbury Road, Hawkinge	02/11/2021	8	0	8	-	-	-	-	8	-	-	-	-	-	0	-	-	-	-	0	-	-	-	8	Estimation
Y18/0023/PA: 39 Bouverie Square, Folkestone	05/12/2021	5	0	5	-	-	-	-	5	-	-	-	-	-	0	-	-	-	-	0	-	-	-	5	Estimation
Y18/0024/PA: 38 Bouverie Square Folkestone	04/01/2022	5	0	5	-	-	-	-	5	-	-	-	-	-	0	-	-	-	-	0	-	-	-	5	Estimation
Y18/0917/FH: Hurstwood House, 31 Paddock Close, Lydd	22/01/2022	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y18/0312/SH 36 Cheriton High Street, Folkestone	25/05/2021	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
<b>Total Permissions U/C (1-9)</b>		<b>162</b>	<b>0</b>	<b>151</b>	<b>8</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>159</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>162</b>	



**Matter 8: The Supply and Delivery of Housing Land**

Not started																									
Y16/0542/SH: 1 East Cliff Gardens, Folkestone	15/07/2019	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y16/1350/SH: 2 Elizabeth Gardens, Hythe	06/03/2020	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	8	Estimation
Y16/1190/SH: 22 Broadmead Road, Folkestone	19/12/2019	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y16/1069/SH: 41 Cromwell Park Place, Folkestone	31/03/2020	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y16/0278/SH: 48 Marsh Crescent, New Romney	17/06/19	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y15/1046/SH: 112/112A High Street, Hythe	12/04/2019	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y15/1012/SH: 81-83 Sandgate Road, Folkestone	17/05/2019	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y11/0137/SH: Land adj Sir John Moore Barracks, Military Rd, Sandgate	18/05/2019	6	0	6	-	-	-	-	6	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y15/0533/SH: 47 Harvey Street, Folkestone	14/06/2019	5	0	5	-	-	-	-	5	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y15/1038/SH: 140 - 142 Foord Road, Folkestone	22/07/2019	3	0	3	-	-	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y16/0729/SH: 133 Dover Road, Folkestone	08/09/2019	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation

**Matter 8: The Supply and Delivery of Housing Land**

Y16/0786/SH: 12 Guildhall Street, Folkestone	19/09/2019	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
Y15/1132/SH: Land at Varne Boat Club, Coast Drive, Greatstone	21/01/2019	4	0	4	-	-	-	-	4	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y16/1154/SH: Sleepers Cottage, The Halt, Duck Street, Elham	17/02/2020	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y16/1093/SH: Wharfdale, Station Road, Hythe	07/03/2020	3	0	3	-	-	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y16/0450/SH: Wellington, Sunnyside Road, Sandgate	04/05/2020	1	0	1	-	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y17/0279/SH: 23 Cheriton High Street, Folkestone	22/05/2020	2	0	2	-	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
Y16/1361/SH: Dukes Head, 9 Dymchurch Road, Hythe	18/08/2020	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	5	Estimation
Y16/1226/SH: Star Inn, 16 Station Road, Lydd	28/07/2020	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y16/0535/SH: Land adj 44 - 46 High Street, Dymchurch	25/08/2020	8	0	-	-	8	-	-	8	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/0046/SH: 2 Broadlands Avenue, New Romney	25/08/2020	1	0	-	-	1	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/0140/SH: 1 Ash Tree Road, Folkestone	24/05/2020	2	0	-	2	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation

**Matter 8: The Supply and Delivery of Housing Land**

Y16/1191/SH: 84 Cheriton High Street, Folkestone	30/08/2020	5	0	5	-	-	-	-	5	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
Y17/0461/SH: 15 Sandgate High Street, Sandgate	01/09/2020	2	0	-	2	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	9	Estimation
Y17/0258/SH: 25 St Johns Church Road, Folkestone	19/07/2020	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y17/0584/SH: St Peters Church Hall, Roberts Road, Greatstone	04/09/2020	2	0	-	2	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/0312/SH: Land rear 74 High Street, New Romney	28/09/2020	6	0	-	6	-	-	-	6	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y17/0442/SH: 35A Dymchurch Road, St Marys Bay	05/06/2020	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/0457/SH: Land adj Meadow View, Blackhouse Hill, Hythe	21/12/2020	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	8	Estimation
Y17/0544/SH: 50 Guildhall Street, Folkestone	03/11/2020	4	0	-	4	-	-	-	4	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/0611/SH: Land adj 11 Millfield, Hawkinge, Folkestone	01/09/2020	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
Y17/0620/SH: 11-13 High Street, Hythe	31/07/2020	2	0	-	2	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation

**Matter 8: The Supply and Delivery of Housing Land**

Y17/0685/SH: Flat 6, 23 Grimston Gardens, Folkestone	02/10/2020	2	0	-	2	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/0715/SH: The Outlook, Dymchurch Road, Hythe	09/11/2017	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	8	Estimation
Y17/0809/SH: High Street, Dymchurch	12/09/2020	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/0979/SH: 35 Millfield, Folkestone	14/11/2020	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y17/1370/SH: 17 Sandgate High Street, Sandgate	21/12/2020	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/1248/SH: 112 Shornccliffe Road, Folkestone	26/01/2021	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y17/1477/SH: 67 Dover Road, Folkestone	23/02/2018	3	0	-	3	-	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/1549/SH: 12 Jointon Road Folkestone	11/04/2021	6	0	-	6	-	-	-	6	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y17/1496/SH: 77 Foord Road Folkestone	20/04/2021	2	0	-	2	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
Y17/1157/SH: Land adj Hide N Seek Stone Street, Stanford South	03/05/2021	2	0	-	2	-	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y18/0785/FH: Lansdowne, Brook Lane, Sellindge	31/10/21	1	0	-	-	1	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y18/0204/SH: 1 Sycamore Close, Lydd	01/05/2021	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	9	Estimation

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Y18/0264/SH: 12 Cheriton Place Folkestone	11/05/2021	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y18/0145/SH: 37 Coolinge Road Folkestone	09/05/2021	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
Y18/0071/SH: The Willows, 33 Stade Street, Hythe, Kent	16/05/2021	4	0	-	4	-	-	-	4	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/1466/SH: Land Adjoining 46 Leonard Road, Greatstone	16/05/2021	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y17/1480/SH: 41 Risborough Lane Folkestone	01/06/2021	3	0	-		3	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	8	Estimation
Y17/0018/PA: Thrift Farm Straight Lane, Brookland	05/07/2021	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	5	Estimation
Y17/1113/SH: 1 Elvington Lane Hawkinge Folkestone	09/07/2021	4	0	-		4	-	-	4	-	-	-	-	-	0	-	-	-	-	0	-	-	-	5	Estimation
Y18/0566/FH: 62 High Street Hythe	19/07/2021	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y18/0551/FH: 2 Station Road Lyminge	17/07/2021	1	0	-		1	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	2	Estimation
Y18/0070/SH: 33 Julian Road Folkestone	02/08/2021	1	0	-	-	1	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-		Estimation
Y18/0802/FH: Land adj 11 Encombe Sandgate	28/09/2021	1	0	-	1	-	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	159	Estimation
Y18/0719/FH: 245 Horn Street, Seabrook, Hythe	25/09/2021	1	0	-	-	1	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-		Estimation



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Y18/0030/PA: Goose Farm Chittenden Lane St Mary In The Marsh	15/02/2022	2	0	-	-	2	-	-	2	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y18/1437/FH: The Firs Firs Lane Folkestone	11/03/2022	1	0	-	-	1	-	-	1	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y18/1269/FH: Grey Walls, 25 Albert Road Hythe	18/01/2022	3	0	3	-	-	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	4	Estimation
Y18/0287/SH: Bar Vasa, 4-5 Sandgate Esplanade, Sandgate	29/06/2021	4	0	4	-	-	-	-	4	-	-	-	-	-	0	-	-	-	-	0	-	-	-	1	Estimation
Y17/1506/SH: 11A Church Street, Folkestone	19/06/2021	3	0	-	3	-	-	-	3	-	-	-	-	-	0	-	-	-	-	0	-	-	-	3	Estimation
<b>Total Permissions N/S (1-9)</b>		<b>163</b>	<b>3</b>	47	58	58	-	-	<b>163</b>	-	-	-	-	-	<b>0</b>	-	-	-	-	<b>0</b>	-	-	-	<b>163</b>	
<b>5% Lapse</b>				2	3	3	-	-	<b>8</b>	-	-	-	-	-	<b>0</b>	-	-	-	-	<b>0</b>					
<b>Total Permissions N/S (1-9) - includes 5% NID</b>				45	55	55			<b>155</b>	-	-	-	-	-	<b>0</b>	-	-	-	-	<b>0</b>	-	-	-	<b>155</b>	
<b>Total Permissions U/C &amp; NS (1-9)</b>		<b>325</b>	<b>3</b>	198	66	58	-	-	<b>322</b>	-	-	-	-	-	<b>0</b>	-	-	-	-	<b>0</b>	-	-	-	<b>322</b>	
<b>Total Permissions U/C &amp; N/S (1-9) - includes 5% NID</b>				196	63	55	-	-	<b>314</b>	-	-	-	-	-	<b>0</b>	-	-	-	-	<b>0</b>	-	-	-	<b>314</b>	
<b>Total Permissions - Including 5% NID</b>				600	556	525	360	329	<b>2,370</b>	294	286	343	295	191	<b>1,411</b>	124	80	80	80	<b>444</b>	80	80	40	<b>4,425</b>	

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**Appendix 5: Windfalls Allowance**

**Table 1: Historical Windfall Completions 2006/7 – 2011/12**

Year	1-4 Units	5 or more units	Total
<b>2006/7</b>	72	44	116
<b>2007/8</b>	106	196	302
<b>2008/9</b>	178	139	317
<b>2009/10</b>	24	29	53
<b>2010/11</b>	50	17	67
<b>2011/12</b>	74	10	84
<b>Total:</b>			
<b>Average:</b>	84		

**Table 2: Windfall Completions 2012/13 – 2018/19**

Year	1-4 Units	5-9 Units	10+ Units	Total
<b>2012/13</b>	39	40	83	162
<b>2013/14</b>	63	39	52	154
<b>2014/15</b>	41	47	49	137
<b>2015/16</b>	51	58	125	234
<b>2016/17</b>	82	46	169	297
<b>2017/18</b>	48	29	110	187
<b>2018/19</b>				
<b>Total</b>	324	259	588	1171
<b>Average</b>	54	43	98	1171

**Table 3: Projected Windfall Completions 2019/20**

Year	1-4 Units	5-9 Units	10+ Units	Total
<b>2019/20</b>	118	63		
<b>2020/21</b>	49	12		
<b>2021/22</b>	24	34		
<b>Total</b>	191	109		
<b>Average</b>	64	36		



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### Appendix 6: Lapsed dwellings as a percentage of the outstanding commitment 2012/13 – 2017/18

Year	Outstanding Commitment (Net)	Expired Dwellings (Net)	% Expired Dwellings
2012/13	843	22	2.61
2013/14	840	18	2.14
2014/15	823	29	3.52
2015/16	1086	23	2.12
2016/17	4142	2	0.05
2017/18	4413	84	1.90
<b>Total</b>			<b>2.06</b>

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### Appendix 7: SHLAA Sites <1ha and not allocated in the PPLP

Ward	SHLAA Reference Number	Site Address	Area (ha)
<b>Green</b>			
Folkestone Central	689	Westbrook School playing field, Shorncliffe Road, Folkestone	2.47
Folkestone Cheriton	602	Land between Valebrook Close and Valestone Close, Folkestone	2.98
Sandgate & West Folkestone	636	Shepway Resource Centre. Sandgate	0.6
	405	Coolinge Lane Land, Sandgate	4.5
Hythe	317 & 416	Land off Range Road (Fishermans Beach), Hythe	0.7
	158	Vale Farm (The Piggeries) Horn Street, Folkestone	4.6
	155	Rectory Field, Eversley Way, Seabrook, Hythe	1.8
Hythe Rural	457	Land opposite Rock Cottage, Botolphs Bridge Road, Hythe	0.6
North Downs East	1002	Land at Spitfire Way, Hawkinge	2.1
	656	Land at Duck Street, Elham	0.3
	388	Land west of Canterbury Road, Hawkinge	1
Walland & Dengemarsh	390	Peak Welders, Romney Marsh, Lydd	0.7
Romney Marsh	639	St Nicholas Playing Field, Rolfe Lane, New Romney	1.85

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	1020	New Romney Southern Extension	22
<b>Amber</b>			
Sandgate & West Folkestone	674	Digby Road, Folkestone	0.2
Hythe	615	Land north west of Blackhouse Hill, Hythe	17.6
	640	Adj 43 Horn Street, Folkestone	1.2
North Downs West	627	Land rear of Brook Lane Cottages, Brook Lane, Sellindge	0.5
	613	Land rear Barnstormers, Stone Street, Stanford	0.5
	423B	Land east of former railway, Teddars Leas Road, Etchinghill	1.9
Romney Marsh	373	Land west of Cockreed Lane, New Romney	4.7
	1014	Craythorne Farm	0.2
	1015	Brickyard Poultry Farm, New Romney	1.4
Walland & Dengemarsh	335	Fisher Field, Dengeness Road, Lydd	0.5
	620	Land at Harden Road, Lydd	1
	329	Pepperland Nurseries, Boarmans Lane, Brookland	1.7
<b>Red</b>			
East Folkestone	688	Upper Works Site, Castle Hill	5
Folkestone Park	338	Black Bull Road Allotments, Dolphins Road, Folkestone	1.6

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Sandgate & West Folkestone	608	West Grove, Wellington Place, Sandgate	
Hythe	603	Land off Spanton Crescent, Hythe	0.1
	444	Land north west of Rectory Lane, Saltwood	1
	463	Hotel Imperial Golf Course land, Hythe	16.8
	630	Land adj. 10 Spring Lane, Seabrook, Hythe	0.5
Hythe Rural	624	Bluewater Caravan Site, Dymchurch Road, Hythe	1.2
	626C	Land at Lyell Close (s), Hythe	0.1
	601	Burmarsh Rd land 'Sunnyside', Hythe West	11.7
	175	Land south west of Nickolls Quarry, Hythe	1.2
North Downs East	1001	Land at Canterbury Road, Hawkinge	4.5
	261	Limuru, Cowgate Lane	0.9
	316	East Hawkinge Lands, Hawkinge	11
	616	Land north east of Hawkinge Cemetery, Hawkinge	5
	399	adj 252 Canterbury Road, Hawkinge	1.8
	634	Mill House, Oak Hill, Swingfield, Swingfield	1
North Downs West	619	Land west of Trust Cottages, Moorstock Lane, Sellindge	0.7
	633	Hilltop Farm, Woodland Road, Lyminge	0.7
	691	Land adjoining Lyndon Hall, Lyminge	2
	327	Land off Teddars Leas Road, Etchinghill	1.1

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	423A	Land east of former railway, Teddars Leas Road, Etchinghill	2
	614	Land at Newingreen Estate, Stone Street, Stanford	17.6
	1008	Land at Great Priory Woods	9 (1.9)
Romney Marsh	347	Land W High Knocke, Dymchurch	8.6
	349	Land r/o Crimond Avenue 'Redoubt and Fleet Hythe', Dymchurch North	11.1
	350A	Pear Tree lane Land, Dymchurch	1
	350B	Pear Tree lane Land, Dymchurch	4
	351A	Land N Hythe Road, Dymchurch	5.9
	351B	Land N Hythe Road, Dymchurch	3.4
	352	Land NE Nesbit Road 'Jesson Farmland', St Mary's Bay	0.9
	380	Land off Jenners way, St Mary's Bay	1.3
	604	Land east of Eastbridge Road, Dymchurch	4.4
	391	The Old Rectory, Burmarsh	1
	611	Former piggery, Brooker Farm, Newchurch	1
	600	Land West of Burmarsh, Burmarsh	1
Walland & Dengemarsh	378	Land at Mullberry Cottage, Lydd	0.5
	622	Land north of Sycamore Close, Lydd	2.1
	1016	Land North Of Boarmans Lane, Brookland	0.5
	1017	Land South of Boarmans Lane, Brookland	9.2
Romney Marsh	1009	Land North of Littlestone Golf Course (Site 1), Littlestone	2
	1010	Land at Coast Road (Site 2), Littlestone	0.1

## Matter 8: The Supply and Delivery of Housing Land

	1011	Land at Coast Road (Site 3), Littlestone	0.3
	1012	Land at St Andrews Road (Site 4), Littlestone	0.01
	435	Land north of Avonlea, Dymchurch Road, New Romney	0.5
	607	Land adj to Church Lane, 1 New Romney	2.8
	1021	Land North East of New Romney	6.8

# Core Strategy Review - Inspectors' Matters

## Matter 9: Balanced Neighbourhoods and District Residential Needs

July 2020



**Matter 9: Balanced Neighbourhoods and District residential needs**

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## **Inspectors' Questions for Matter 9**

### **Relevant policies – CSD1 and CSD2**

#### **Policy CSD1**

1. What is the evidence on affordable housing needs, what is the past record in terms of delivery and how will future delivery be achieved?
2. What is the basis for the site size thresholds and the proportions of affordable dwellings sought? Is this justified and consistent with national policy?
3. What effect would the policy have on the viability of development proposals and what evidence is there in this respect?
4. What is the basis for the tenure split sought and is this justified?
5. Is the policy sufficiently flexible including in relation to the viability of development?
6. In other respects, is the policy justified, effective and consistent with national policy?
7. Are any main modifications to Policy CSD1 necessary for soundness?

#### **Policy CSD2**

8. What is the basis for the threshold of 15 or more dwellings and is it justified?
9. Is the approach to a mix of tenures and the size of dwellings sufficiently clear and is it justified?
10. Is the policy sufficiently flexible in relation to viability and being able to respond to changing evidence on the mix of housing over the plan period?
11. Is the approach to housing for older people and those requiring an element of care justified and consistent with national policy? How will such housing be delivered?

## **Matter 9: Balanced Neighbourhoods and District residential needs**

12. What is the evidence in relation to accommodation needs for Gypsies, Travellers and Travelling Showpeople?
13. How will these needs be met and what role will the Places and Policies Local Plan have in meeting needs and setting out a policy approach?
14. Are any main modifications to Policy CSD2 necessary for soundness?

# **Council's Response to Matter 9 Questions**

## **1. Policy CSD1**

### **Question 1**

What is the evidence on affordable housing needs, what is the past record in terms of delivery and how will future delivery be achieved?

- 1.1. The evidence for the affordable housing need is set out in the Strategic Housing Market Assessment (SHMA) Part 2 Objectively Assessed Need for Affordable Housing (EB 03.30). This detailed work, which included consultation with partners and developers, was commissioned at the start of the plan making process and is still considered to be relevant and proportionate evidence as required by the National Planning Policy Framework (NPPF paragraph 31).
- 1.2. For a period over ten years (2009 to 2019), the District Council's Housing department has indicated that 731 affordable homes have been delivered in the district. This equates to 25% of the total number of dwellings delivered over the same period.
- 1.3. The future delivery of affordable homes (as defined in the NPPF) will be through Section 106 agreements, self-build projects and council initiatives. Following the introduction of self-financing in 2012, the council has committed to deliver up to 200 affordable homes through its Housing Revenue Account new build and acquisition programme over the 10 year period, 2014-2024.

### **Question 2**

What is the basis for the site size thresholds and the proportions of affordable dwellings sought? Is this justified and consistent with national policy?

- 1.4. Policy CSD1 ensures that new developments provide balanced neighbourhoods. The basis of Core Strategy Review Policy CSD1 is largely

## **Matter 9: Balanced Neighbourhoods and District residential needs**

unchanged from Policy CSD1 in the adopted 2013 Core Strategy with changes made only to reflect updates in legislation and the new requirement.

- 1.5. 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.”*

- 1.6. 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.”*

*“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.”*

- 1.7. The policy is considered to be justified and consistent with the national policy. The policy seeks the creation of balanced neighbourhoods and the provision of affordable homes on site unless off-site provision, or an appropriate financial contribution in lieu, can be robustly justified (NPPF paragraph 62). While the NPPF suggests developments five or fewer (NPPF paragraph 63), the policy only seeks contributions from smaller developments of 6 to 10 dwellings within the designated countryside. Policy CSD2 specifies the type of affordable housing required (NPPF paragraph 62).
- 1.8. Paragraph 64 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect *at least* 10% of the homes to be available for affordable housing. This council,

## **Matter 9: Balanced Neighbourhoods and District residential needs**

through the evidence work in the SHMA Part 2, has identified that such developments should provide a minimum of 22% affordable housing, subject to viability.

### **Question 3**

What effect would the policy have on the viability of development proposals and what evidence is there in this respect?

- 1.9. Site allocation policies contained in the Places and Policies Local Plan, which has just been found sound, were tested for viability<sup>1</sup> against CSD1 in the adopted Core Strategy, which had a figure of 30% affordable for larger developments and 20% for smaller developments. This work indicated that, on the whole, developments would still be deliverable when this policy was applied.
- 1.10. Following the request by the Planning Inspectors, the District Council is undertaking further work on viability of the Core Strategy Review (FHDC EX012).

### **Question 4**

What is the basis for the tenure split sought and is this justified?

- 1.11. The Strategic Housing Market Assessment (SHMA) Part 2 Objectively Assessed Need for Affordable Housing (EB 03.30) sets out the reasoning and justification for the tenure split sought in the policy.
- 1.12. Table 4.3, within Section 4, of the SHMA Part 2 sets out the tenure of new accommodation required in the district. This identifies a change of 907 dwellings in shared ownership and 2,080 dwellings in social rent/affordable rent, which equates to the split of 30% and 70% respectively.

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<sup>1</sup> [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](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)

## **Matter 9: Balanced Neighbourhoods and District residential needs**

### **Question 5**

Is the policy sufficiently flexible including in relation to the viability of development?

- 1.13. The policy is considered flexible in its approach. Within the first paragraph the word 'should' has been used to ensure that there is flexibility within the policy. This paragraph also lists possible types of affordable homes, reflecting the NPPF definition, to provide a choice for the developer. If robustly justified, developers can also provide offsite provision if it is not possible to provide it onsite or if the provision would be used to meet a need elsewhere.
- 1.14. The second paragraph also states that the provision of affordable homes should be provided "...*wherever practicable and subject to viability*...". This also applies to the following three criteria, which discuss the size thresholds and the provision of affordable homes.

### **Question 6**

In other respects, is the policy justified, effective and consistent with national policy?

- 1.15. The District Council considers that the policy is justified, effective and consistent with national policy.
- 1.16. The policy is considered to be justified as this is based on a working, adopted policy which has proved successful for providing affordable homes in the district in the past. It has now been updated in light of new proportional evidence to meet the identified need for affordable homes over the new plan period.
- 1.17. The policy is effective as it is considered that it will be deliverable over the plan period. Policy CSD1 is a review of an existing policy in the adopted Core Strategy which has been successful in providing affordable homes in the past. It has been updated to reflect the new evidence in the SHMA.
- 1.18. It has also been based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statements of common ground. The SHMA was jointly commissioned with

## **Matter 9: Balanced Neighbourhoods and District residential needs**

Dover District Council and this identifies that the Housing Market Area has limited links with neighbouring authorities, other than Dover (see also the council's responses to Matter 2: The Duty to Cooperate).

- 1.19. The policy is consistent with other aspects of national policy: it contributes to the achievement of sustainable development; it has been prepared positively in a way that is aspirational but deliverable; and is clearly written and is unambiguous (NPPF paragraph 16).
- 1.20. The policy seeks to achieve creation of balanced neighbourhoods through high-quality design proposals which reflect the NPPF objectives of well-designed places (NPPF paragraph 124).
- 1.21. The penultimate paragraph of Policy CSD1 supports rural exception affordable housing schemes. This is consistent with paragraph 77 of the NPPF, which states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.

### **Question 7**

Are any main modifications to Policy CSD1 necessary for soundness?

- 1.22. The council considers that Policy CSD1 is justified and consistent with national policy for the reasons set out above. It is not considered that any main modifications are necessary for soundness.

## **Matter 9: Balanced Neighbourhoods and District residential needs**

### **2. Policy CSD2**

#### **Question 8**

What is the basis for the threshold of 15 or more dwellings and is it justified?

- 2.1. The basis of the threshold lies with the practicality of implementing the proportion of the identified need below 15 units.
- 2.2. Below this threshold it will be difficult to apply percentage proportion of homes of different tenure to meet the identified needs. The council considers that the policy offers sufficient flexibility to allow negotiation on smaller sites to achieve a satisfactory solution.

#### **Question 9**

Is the approach to a mix of tenures and the size of dwellings sufficiently clear and is it justified?

- 2.3. The Strategic Housing Market Assessment (SHMA) Part 2 Objectively Assessed Need for Affordable Housing (EB 03.30) assessed the future requirement of the tenures and the size of dwellings. This follows paragraph 61 of the NPPF which states that “... *the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.*”
- 2.4. The results of this evidence has been reflected in the table within the policy, which sets out the mix of the size of dwelling for ‘owner-occupied / private rent’ and affordable’ tenures to meet the future needs.
- 2.5. It is considered that the policy is sufficiently clear and is flexible when considering these mix of sizes in new proposals. The policy also refers to the SHMA for further clarity.
- 2.6. Policy CSD1 sets out the amount of affordable homes within the development depending upon the size of the proposal. CSD2 then sets out the size of



## **Matter 9: Balanced Neighbourhoods and District residential needs**

dwellings within any new proposals, providing a range ensuring the policy is not too prescriptive and provides flexibility. The use of the two policies was established in the Core Strategy (2013) and it is not considered necessary to change this as part of the Core Strategy Review.

### **Question 10**

Is the policy sufficiently flexible in relation to viability and being able to respond to changing evidence on the mix of housing over the plan period?

- 2.7. The policy is considered to be flexible in relation to viability. The first sentence in the second paragraph specifically states that the requirements are for developments where it is 'viable and practical' to meet them.
- 2.8. The policy also sets out a range within each of the building sizes, which also provides flexibility for developers to meet the circumstances of their particular site.
- 2.9. The provision of the range in types provides the policy with the ability to respond to changing evidence. It is also important to note, however, that local plans need to be reviewed every five years (NPPF Paragraph 33<sup>2</sup>) including the evidence base. If necessary the policy can be updated at that time.

### **Question 11**

Is the approach to housing for older people and those requiring an element of care justified and consistent with national policy? How will such housing be delivered?

- 2.10. The SHMA Part 2 has identified the needs of older people and those requiring care, as set out in the NPPF paragraph 61 which states that:

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<sup>2</sup> Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.

## **Matter 9: Balanced Neighbourhoods and District residential needs**

*“... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including ... older people...)”*

- 2.11. Kent County Council (KCC) is responsible locally for Adult Health and Social Care. KCC has recently changed its procedures for commissioning and care in response to the Health and Social Care Act 2012, the Care Act 2014 and restrictions on local government finances.
- 2.12. KCC's Strategic Statement 2015-2020: 'Increasing Opportunities, Improving Outcomes' outlines a commitment to enabling more people to remain in their homes, thus reducing the need for transfer to residential institutions.
- 2.13. In its 'Social Care, Health and Wellbeing - Community Support Market Position Statement' (February 2016) KCC highlights *“plans to facilitate a continued decrease in the number of publicly funded care home placements, as we look to develop more personalised housing options, including Extra Care Housing, supported living and Shared Lives.”*
- 2.14. Where this is not possible, the policy states that the majority of the specialist units for older people (Class C3(b)) will be delivered through strategic allocations as part of a new garden settlement in the North Downs Area (Policy SS6 sets out 10% of homes for the elderly) and expansion at Sellindge (Policy CSD9 also sets out 10%).

### **Question 12**

What is the evidence in relation to accommodation needs for Gypsies, Travellers and Travelling Showpeople?

- 2.15. The evidence for the needs for Gypsies, Travellers and Travelling Showpeople is set out in the Folkestone & Hythe Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA) 2018 (EB 03.40).
- 2.16. The GTAA (2018) sets out an overall requirement to 2036/37 of:

## **Matter 9: Balanced Neighbourhoods and District residential needs**

- Five additional permanent residential pitches;
- Two additional travelling showperson's plots; and
- Five additional transit pitches.

2.17. In regard to the travelling showperson's requirement, there is currently one travelling showperson household living on one authorised plot in the district. The GTAA 2018 has not evidenced a need for additional plots during the next five years but a need for two additional plots over the remainder of the plan period.

2.18. Since the GTAA (2018) was prepared, planning permission has been granted for an additional permanent Gypsy and Traveller pitch on an existing site at Brenzett.

2.19. This has reduced the permanent Gypsy and Traveller residential pitch requirements to a total of four, comprising two pitches over the next five-year period to 2021/22 and a further two pitches to 2036/37.

### **Question 13**

How will these needs be met and what role will the Places and Policies Local Plan have in meeting needs and setting out a policy approach?

2.20. The Places and Policies Local Plan (PPLP) allocates a site on land adjacent to 'The Retreat', Lydd Road, Old Romney (PPLP Policy RM15) for four pitches, which will meet the need in full over the period to 2036/37.

2.21. A planning application has been submitted for the site (reference: Y19/0958/FH) for construction of an access road and the provision of five static mobile homes and a community hall to provide accommodation as a travellers' site. Construction is now complete and the site is occupied.

2.22. The existing yard at Sellindge has been assessed as having sufficient capacity to accommodate the need for future plots.

## **Matter 9: Balanced Neighbourhoods and District residential needs**

- 2.23. In regards to meeting the need for transit pitches, data on unauthorised encampments was assembled and analysed by Arc4 (EB 03.40). The GTAA concluded that, where evidenced, transit need could be met as part of a wider Kent-wide response.
- 2.24. The potential for a joint approach to providing Kent-wide transit sites was recently discussed at Kent Planning Policy Forum (KPPF) in March 2020. It was agreed that a separate working group be established as the basis for discussion between the county and local authorities to address transit provision across eastern Kent.
- 2.25. Finally, the PPLP Policy HB14 sets out the policy approach for any additional Gypsy and Traveller sites that may come forward over the plan period.

### **Question 14**

Are any main modifications to Policy CSD2 necessary for soundness?

- 2.26. The council does not consider that any main modifications are necessary for soundness.

# Core Strategy Review - Inspectors' Matters

## Matter 10: Economic and Retail Growth and the Strategy for Priority Centres of Activity

July 2020



## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

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## **Inspectors' Questions for Matter 10**

### **Relevant policies – SS2 and SS4**

1. What is the evidence in relation to jobs growth and the need for employment land / floorspace in the District over the plan period? What does it show?
2. Is the scale of proposed employment growth and housing growth across the District balanced? What implications would it have for commuting?
3. How does existing supply compare to this need?
4. What is the basis for the provision of employment land at the New Garden Settlement and how does this relate to overall District needs?
5. Does Policy SS4 set out a justified and effective approach to employment development and sites?
6. What is the evidence in relation to retail floorspace needs over the plan period and what does it show?
7. How and where will these needs be met?
8. Does Policy SS4 set out a justified and effective approach to retail and other main town centre uses which is consistent with national policy?
9. What is the basis for the network of Priority Centres of Activity (Table 4.5), are they appropriately defined and is the hierarchy justified?
10. Overall, has the Core Strategy Review been positively prepared in terms of identifying and meeting needs for economic and retail growth?
11. Are any main modifications to Policies SS2 and SS4 necessary for soundness?

# **Council's Response to Matter 10 Questions**

## **Question 1**

What is the evidence in relation to jobs growth and the need for employment land / floorspace in the District over the plan period? What does it show?

- 1.1. The Shepway Employment Land Review 2017 (EB 07.40) was prepared as part of the evidence base to inform and support implementation of policies contained within the Core Strategy (CS) and Places and Policies Local Plan (PPLP) in respect of employment land.
- 1.2. The Employment Land Review (ELR) analysed recent economic trends and the current state of the district's economy as well as the potential scale and type of future economic growth and business needs. Paragraphs 6.1 to 6.46 detail a number of potential economic growth scenarios to provide a framework for assessing the 'B class' employment space requirements for CS plan period from 2006 to 2026 and beyond to 2031.
- 1.3. The Otterpool Park Employment Land Needs Assessment (EB 07.20) provides an update on the economic growth projections and associated employment land requirements for the district as a whole, as well as looking at the garden settlement in isolation, over the CSR plan period to 2037. It draws on the latest population projections and economic forecasts, based on different assumptions about where growth and demand could come from.
- 1.4. When compared with the projections used to inform the ELR, the latest forecasts imply a much lower level of job growth in Folkestone & Hythe on an 'average per annum' basis. The latest forecasts implies growth of 237 jobs per annum (between 2018 and 2037) compared with 445 jobs per annum (between 2006 and 2026) in the ELR.
- 1.5. Officers are treating the different sets of economic forecasts with caution, as figures can vary across different releases as a result of different modelling



## Matter 10: Economic and Retail Growth and Priority Centres of Activity

assumptions and revisions to official historic job figures. Specifically, the forecasts used in each of the two employment studies fell either side of the Brexit referendum, and that this was likely to be a significant influence in the downward revisions to economic forecasts pending on confirmation of the UK's future exit arrangements from the EU.

- 1.6. For both studies, the 'B class' element of job growth implied by each of the scenarios was converted to future 'B class' employment floorspace requirements by the following ratios of jobs to floorspace for different types of 'B class' (EB 07.20 paragraph 2.30) and based on guidance on job density ratios published by the Homes England (formally HCA) in 2015.
- 1.7. Table 1.1 provides a comparison between the two scales of growth implied by the ELR (2017) and the Employment Land Needs Assessment (2018) for the Folkestone & Hythe District over their respective plan periods.

Study / Scenario	Total Floorspace (sq.m)			
	Office B1a/b)	Industrial (B1c/B2)	Distribution (B8)	All B Uses
Employment Land Needs (2018 Update) Plan Period: 2018 - 2037				
1. Labour Demand	24,750	-6,020	-2,370	16,360
Employment Land Review (2017) Plan Period: 2006 – 2026				
1. Labour Demand	56,540	- 19,600		36,940
2. Past Completions	- 29,200	32,450		3,250
3. Labour Supply	55,260	- 21,885		33,375

- 1.8. It shows that the labour demand scenario for each of the study periods predict that across the district office-based employment is expected to grow; albeit at a slower rate across the CSR period. While the same scenario anticipates employment in manufacturing and distribution sectors are expected to

## Matter 10: Economic and Retail Growth and Priority Centres of Activity

decrease; the past completions scenario suggests that Folkestone & Hythe bucks the trend as there does remain a modest demand.

### Question 2

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

- 1.9. The council is of the view that the scale of proposed housing and employment growth across the district is balanced.
- 1.10. The forecasts set out in Question 1 are district-wide and are not broken down by sub-district. As such, it is difficult to predict what share of expected job growth could arise where. They are intended to provide a 'yardstick' for the scale and nature of employment growth that could occur across Folkestone & Hythe district as a whole by 2037, based on current macroeconomic assumptions.
- 1.11. The CSR Policy SS2 sets out the total amount of employment land ('B class') development which consists of 8.1 ha at the Garden Settlement and land allocated or protected in PPLP Policies E1 and E2.
- 1.12. 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, Lympne, which now falls within the garden settlement allocation (now owned by Homes England) and which is unlikely to come forward in its entirety for employment uses.
- 1.13. The ELR (EB 07.40), which was an evidence document for the PPLP, 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."*

## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

- 1.14. The employment land allocations have been allocated in line with CS sustainable development and place-shaping Policies SS1 and SS3; and the priority centres for activity in Policy SS4 and Table 4.4. The allocations ensure a flexible supply of employment land across the district in terms of location, size and type. The policy also provides flexibility to adapt to a changing economic climate by providing for up to 25% of non-employment uses if they add to the attractiveness and function of the employment site and would not impact upon the main employment use of the site.
- 1.15. In regards to the garden settlement specifically, 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.
- 1.16. While the district council, through the Economic Development Strategy, is addressing some of these issues, the garden settlement provides a major opportunity to deliver a 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.”*
- 1.17. 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

## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

Otterpool Park, and could complement initiatives underway in other parts of Kent.

- 1.18. The Otterpool Park Employment Land Needs Assessment (EB 07.20) considered 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.
- 1.19. 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.
- 1.20. 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 8.1ha of land.
- 1.21. With regard to commuting, the Economic Strategy 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.
- 1.22. The Economic Strategy also sets out the projected new jobs for the new 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.

## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

- 1.23. Similarly, the above estimate assumes that existing district-wide commuting patterns continue unchanged in future, and that Folkestone & Hythe as a whole continues to be a net exporter of labour. Under a scenario whereby Otterpool Park is able to retain a greater proportion of its working residents to work within the settlement than the district as a whole is currently able to, this would also increase the supply of locally-based labour to fill job opportunities than can be created on site.

### **Question 3**

How does existing supply compare to this need?

- 1.24. As discussed in Question 1, the ELR identified a residual requirement of 19,000sqm of office floorspace; and recommended planning for 15,540sqm industrial floorspace for the second half of the CS period 2016 to 2026.
- 1.25. The Employment Land Needs Assessment, which forecasts a lower rate of growth identifies a need of 24,750sqm of office space to 2037 under a revised labour demand scenario; but doesn't reassess industrial needs based past completions. As such, despite the Employment Land Needs Assessment showing a decline in industrial floorspace, the council still intends to plan for modest growth in this sector.
- 1.26. Therefore, as a minimum 40,290sqm of 'B' class floorspace should be planned for over the CSR period.
- 1.27. In response to employment needs at the time of its preparation, the PPLP Policy E1 allocates a range of new employment uses across the district. This equates to just over 154,000sqm for B1, B2 and B8 uses.
- 1.28. The ELR (EB 07.40), which was an evidence document for the PPLP, 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*

## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

*under all three future growth scenarios over the period 2016 to 2026, and also beyond to 2031.”*

- 1.29. Given the quantum of surplus employment land, it would not be unreasonable to extend this conclusion further to 2037.
- 1.30. The supply figure does include over 73,000sqm at Link Park Lympe Hythe, which now falls within the garden settlement allocation (now owned by Homes England) and is unlikely to come forward as had been anticipated. However, the allocation has essentially been relocated and repurposed (albeit at a reduced size) with the requirement for 36,000sqm to be provided as part of the masterplan.
- 1.31. Overall, it is estimated that existing ‘B class’ supply is approximately 117,000sqm to meet an approximate minimum figure employment requirement of 40,000sqm. The surplus ensures flexibility to accommodate needs not anticipated in the plan and to enable a rapid response to changes in economic circumstances as required by NPPF paragraph 81 d.

### **Question 4**

What is the basis for the provision of employment land at the New Garden Settlement and how does this relate to overall District needs?

- 1.32. The basis for provision of employment land at the new garden settlement in terms of scale and type has been guided by a combination of the Otterpool Park Garden Town Employment Opportunities Study (EB 07.30) and Otterpool Park Employment Land Needs Assessment (EB 07.20).
- 1.33. 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. A further 2,400 jobs

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would be generated across a range of other sectors including retail, leisure and community infrastructure.

- 1.34. The Economic Strategy<sup>1</sup>, 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.
- 1.35. The Employment Land Needs Assessment presents three further scenarios to inform employment needs at the new garden settlement. The number of jobs and the associated requirement for employment space that would be necessary to match the forecast growth of the resident workforce in Folkestone & Hythe is also an important consideration. In contrast to the first scenario, this approach emphasises the future supply of labour rather than the demand for labour.
- 1.36. Currently Scenario 3, aligns closest with latest garden settlement trajectory and indicates that there is the potential to provide around 36,700sqm of 'B class' employment floorspace within the settlement by 2037.
- 1.37. The Economic Strategy also provides commentary on the locational benefits that locating employment land at the garden settlement shall offer to both the district and wider region, noting that:

*“There will be a primary employment district to provide a profile and critical mass for the new hub. This hub will be located close to Westenhanger Station to maximise the benefits of connectivity to the rest of the region (through both rail and road) and hence it makes it an attractive location for people to work and businesses to locate. A balance between the strategic town centre and*

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<sup>1</sup> [https://www.folkestone-hythe.gov.uk/media/148/Economic-Strategy/pdf/Economic\\_Strategy.pdf?m=636994915550570000](https://www.folkestone-hythe.gov.uk/media/148/Economic-Strategy/pdf/Economic_Strategy.pdf?m=636994915550570000)

## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

*neighbourhood offer will be supported by local employment centres which will support predominantly retail and community employment uses.”*

- 1.38. The Otterpool Park Employment Opportunities Study (OPEOS) was produced by Lichfields for F&HDC in March 2018. The report recommends that Otterpool Park’s economic role:

*“must combine both local functions that support the garden town itself but also delivery of a more strategic employment functions which the District currently lacks.”*

- 1.39. The Economic Strategy sets out the need for Otterpool Park to provide space for advanced manufacturing, a business park, an element of hybrid employment space and dispersed workspace hubs in local centres, which are largely absent from the existing district economy and can attract investment.

### **Question 5**

Does Policy SS4 set out a justified and effective approach to employment development and sites?

- 1.40. Officers considers the approach to employment development and sites as set out in CS Policy SS4 is justified, effective and consistent with national policy.
- 1.41. The NPPF paragraph 80, states that policies should *“help create the conditions in which businesses can invest, expand and adapt ... support economic growth and productivity, taking account both local business needs and wider opportunities for development ... and allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”*
- 1.42. The priority centres of activity are those places recognised as driving the vitality and the sustainability of Folkestone & Hythe’s development. Policy SS4 covers retail centres and employment areas in the places shown on Table 4.4 and Figure 4.4.



## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

- 1.43. The network establishes major employment sites and was largely based on the Employment Land Review 2011, which identified needs for additional business space at places across the district.
- 1.44. The ELR 2011/2017, recognises the supply of industrial space across the district can be characterised as older stock in need of improvements, with limited availability of modern, higher quality premises evident within the district. In this context, much of the current industrial space in Folkestone & Hythe district faces ongoing pressure from competing land uses that has contributed to the erosion of industrial space. The council therefore has needed to focus on potential interventions in overcoming barriers to delivery and modernisation of key industrial sites, including resisting proposals for alternative uses other than where these are able to assist with delivery of new industrial floorspace.
- 1.45. The Core Strategy Review is positive towards all deliverable and sustainable economic development opportunities. There is no evidence that a highly *laissez faire* approach is sustainable or needs be introduced for housing land reasons. The priority centres of activity policy and network is a flexible framework to deliver greater vitality in Folkestone & Hythe District and suitable new employment development. It offers a clear strategy stating where and how objectives may be realised. Policy SS4 sets out which places will be a focus of delivering business and retail/ leisure growth, to meet not only quantitative land requirements but also qualitative commercial needs. SS4 provides a strategic framework on delivering appropriate investment and to review individual employment allocations.
- 1.46. The approach is consistent with NPPF paragraph 81 a) and c), which suggests that policies should set out a clear economic strategy, which positively and proactively encourages sustainable economic growth and to allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. It also enables opportunities to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment.

## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

1.47. The policy has also been effective

### **Question 6**

What is the evidence in relation to retail floorspace needs over the plan period and what does it show?

- 1.48. The Shepway Town Centre Study (EB 07.60) was prepared as part of the evidence base to inform and support implementation of policies contained within the CS and the PPLP.
- 1.49. Section 6.0 considered the need for additional convenience and comparison retail floorspace across the district over the plan period to 2031, having regard to quantitative and qualitative capacity forecasts and making allowances for shopping patterns and sales density growth.
- 1.50. In respect of quantitative need for retail floorspace in the district, the Study concluded that there was a quantitative need of comparison retail floorspace, largely generated towards the end of the plan period; but an oversupply of convenience floorspace by -2,500sqm (gross) on the basis that existing floorspace was not meeting company 'benchmark' turnover levels. The study recommends, based on a constant market share, that there was a requirement of approximately 17,800sqm of comparison floorspace, but no requirement for convenience as this could be met through improving the trading performance of existing foodstores.
- 1.51. As part of the preparation of the CSR the Folkestone and Hythe Retail and Leisure Needs Assessment (EB 07.10) was commissioned. This sought to provide an update to the quantitative retail need identified by the Shepway Town Centres Study, extending the period to 2036/37 and incorporating the proposed garden settlement.
- 1.52. Section 3.0 sets out the approach taken to objectively assess the quantitative need for new retail floorspace in the district to 2036/37, having regard to the

## Matter 10: Economic and Retail Growth and Priority Centres of Activity

latest capacity forecasts and making allowance for the growth in online shopping.

- 1.53. The revised retail capacity projections suggest there is scope for up to around 33,000sqm gross Class A1 retail and food/beverage floorspace in Folkestone & Hythe district by 2037 and assumes that new shopping and leisure facilities will help the district maintain its current market share of expenditure within the study area, recognising that other competing centres will also improve in the future.
- 1.54. Table 1.2 presents a summary of the gross quantitative retail floorspace needs for convenience, comparison and food and beverage for the CSR plan period.

Floorspace (district wide)	Cumulative Total sqm (gross)			
	By 2022	By 2027	By 2032	By 2037
Class A1 - convenience	410	1,593	2,817	4,057
Class A1 - comparison	4,496	10,543	17,440	24,781
Class A3 to A5 – F&B	648	1,784	2,963	4,155
<b>District total</b>	<b>5,554</b>	<b>13,920</b>	<b>23,220</b>	<b>32,993</b>

Table 1.2: District retail floorspace requirements 2018 - 2037

- 1.55. While, the two studies are not directly comparable, the updated retail capacity broadly concurs with the findings of the Shepway Town Centre Study 2015 for comparison floorspace requirements to 2031/32 but identifies a need for additional capacity for convenience floorspace. This difference has been attributed to the lower population growth projections at the time of the original study.

### Question 7

How and where will these needs be met?

- 1.56. It is widely accepted that very long-term projections have inherent uncertainties.

## Matter 10: Economic and Retail Growth and Priority Centres of Activity

- 1.57. In response to these uncertainties, the NPPF no longer requires local planning authorities to allocate sites to meet the need for town centre uses over the full plan period. The need for new town centre uses should still be accommodated over a minimum ten-year period, which reflects the complexities in bringing forward town centre development sites. In line with the Government's economic growth agenda, a positive approach to meeting community needs is still required.
- 1.58. The Folkestone and Hythe Retail and Leisure Needs Assessment (EB 07.10) provides a breakdown of the quantitative convenience, comparison and food and beverage retail needs by area: Folkestone, Hythe, New Romney, Other (local centres) and the new garden settlement.
- 1.59. Table 1.3 shows convenience floorspace requirements (sqm gross); and Table 1.4 shows comparison retail floorspace requirements (sqm gross)

Floorspace (convenience)	Cumulative Total sqm (gross)			
	By 2022	By 2027	By 2032	By 2037
<b>Zone 1 – Folkestone / Cheriton</b>	-2,225	-2,085	-1,936	-1,831
<b>Zone 2 - Hythe</b>	770	983	1,182	1,373
<b>Zone 3 – New Romney</b>	1,338	1,398	1,398	1,384
<b>Zone 4/6 - Other in District</b>	<b>340</b>	<b>376</b>	<b>404</b>	<b>426</b>
<b>Garden Settlement</b>	<b>138</b>	<b>921</b>	<b>1,769</b>	<b>2,705</b>
<b>District Total</b>	<b>410</b>	<b>1,593</b>	<b>2,817</b>	<b>4,057</b>

Table 1.3: Convenience retail floorspace by zone 2018 - 2037

Floorspace (comparison)	Cumulative Total sqm (gross)			
	By 2022	By 2027	By 2032	By 2037
Zone 1 – Folkestone / Cheriton	3,703	7,397	11,565	15,768
Zone 2 - Hythe	371	942	1,584	2,273
Zone 3 – New Romney	123	210	300	378
<b>Zone 4/6 - Other in District</b>	<b>18</b>	<b>33</b>	<b>48</b>	<b>63</b>
<b>Garden Settlement</b>	<b>281</b>	<b>1,961</b>	<b>3,943</b>	<b>6,299</b>
<b>District Total</b>	<b>4,496</b>	<b>10,543</b>	<b>17,440</b>	<b>34,781</b>

## Matter 10: Economic and Retail Growth and Priority Centres of Activity

*Table 1.4 Comparison retail floorspace by zone 2018 - 2037*

### Folkestone

1.60. The majority of gross comparison need (approximately 62%) is directed towards Folkestone / Cheriton as the district's principal town; however it is well served in regards to convenience provision. It is anticipated that the identified need will in the main be addressed through the following:

- CSR Policy SS6 allocates land at Folkestone Seafront for mixed use development including up to 10,000sqm of commercial floorspace. The site benefits from planning consent (Ref: Y12/0897/SH) including 2,500sqm of A1 comparison floorspace; and 500sqm of A1 convenience.
- CSR Policy SS7 allocates land at Shornccliffe Garrison for a predominately residential development but make provision for a hub or new community facilities. The planning application for Shornccliffe Garrison (Ref: Y14/0300/SH) includes up to 1,998sqm for community facilities including A1 / A3 uses.
- PPLP Policy RL2, identifies areas for future investment and growth opportunities in Folkestone Town Centre – Folkestone Bus Station, Guildhall Street, Shellons Street. Although, there are currently no proposals or defined boundaries at this stage, the policy provides the basis for future masterplanning of these areas. In addition, the council has recently become a significant stakeholder in the future of the town centre through its acquisition of the Debenhams building and is now considering the preparation of an Action Area Plan or Town Centre Masterplan, that will seek to address outstanding commercial needs of the town.
- PPLP Policy RL10 also allocates up to 3,500sqm gross A1 retail at Park Farm as part of an employment-led mixed-use development with supporting retail, leisure and hotel uses. Phase 1 of the development was granted permission in January 2019.

## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

### **Hythe**

- 1.61. Hythe is projected to experience a reasonably modest level of convenience and comparison growth over the plan period.
- 1.62. The requirement for increased convenience is already considered to have been delivered. In 2019, ALDI which had occupied premises in the centre of Hythe High Street, relocated to a new 1,800sqm foodstore on the outskirts of the town (reference: Y17/1377/SH). This has consequently released the 1,038sqm of A1 ground floor floorspace in the heart of Hythe to be repurposed, with a preference for comparison retail.
- 1.63. Beyond, there is likely to only be limited scope to increase capacity in Hythe. The outline planning permission at Nickolls Quarry provides scope for 500sqm of A1 floorspace; with the outstanding likely to be borne out of future speculative planning application.

### **New Romney**

- 1.64. New Romney has a modest convenience requirement; the equivalent to a medium-sized foodstore to allow choice and variety within the town. There are currently no available sites to deliver this quantum of additional floorspace; although the council will seek to address capacity if and when opportunities arise in the future through future reviews of the Local Plan.
- 1.65. A small level of comparison need has been identified; this this is more likely to be met through applications for small in-fill development, shop extensions and expansion into upper floors. Officers consider that PPLP Policy RL4 offers sufficient flexibility to allow applications for new development which will enhance the vitality and viability of the centre

### **Other**

- 1.66. The assessment area for 'other' covers local centres at Sellindge, Hawkinge and Lydd.

## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

- 1.67. Across these areas a low level of convenience and comparison retail need has been identified to meet the needs of the local population. This is particularly the case in and around Hawkinge and Sellindge, which have experienced (or are likely to experience) considerable growth in recent and coming years.
- 1.68. Officers consider that the retail needs in these areas have already been fulfilled or committed through the following developments:
- In 2016, planning permission was granted (Y15/1179/SH) for the redevelopment of the existing LIDL at Hawkinge creating a net additional gross floorspace of 764sqm. The new store open in late 2017.
  - Policy CSD9 – Sellindge Strategy outlines a broad location for development to create an improved village centre with mix of uses. In 2019, planning permission was granted (Ref: Y18/0402/SH) for two commercial units of 1000sqm and 94sqm respectively for A1/A3/A5 uses.
- 1.69. Further afield any requirement for retail floorspace in the smaller villages such as Lyminge should be able to be satisfied through bringing vacant units back into active use and increase sales densities.

### **Garden Settlement**

- 1.70. It is envisaged the bulk of future residential growth within the district will be met by the proposals for a new garden settlement. This will effectively form a new residential zone, with different shopping and leisure patterns.
- 1.71. Consequently, the new garden settlement is likely to generate the largest increase in relation to the floorspace needs for convenience goods and second only to Folkestone for comparison goods. Overall it represents a third of all quantitative retail growth requirements in the district over the plan period.
- 1.72. It is anticipated that the need will be delivered by the following provisions.
- 1.73. CSR Policy SS7 make provision for a new town centre as a focal point to serve the new garden settlement and that is within easy walking of Westenhanger

## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

Station. Convenience shopping needs are to be met through an anchor store in the town centre, with smaller outlets provided in each of the neighbourhood villages. This to allow choice and variety as well as reducing the need to travel for day-to-day needs. A range of comparison retail required to support the needs of the garden settlement will also be provided as part of aspirations to create a vibrant town centre. A mix of other town centre uses should be provided, including food and beverage space (approximately 2,450sqm gross) and non-retail and financial and professional services (approximately 2,600sqm gross).

- 1.74. The stated floorspace projections by use class type (baseline values) as drawn from the Retail and Leisure Need Assessment 2018 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.
- 1.75. The high street is to form part of the first phase application to be submitted later this year. The neighbourhood centres which include convenience shops are also expected to be delivered in the first phase of their development.

### **Question 8**

Does Policy SS4 set out a justified and effective approach to retail and other main town centre uses which is consistent with national policy?

- 1.76. Officers considers the approach to retail and other main town centre uses as set out in CS Policy SS4 is justified, effective and consistent with national policy.
- 1.77. The NPPF (paragraph 85) states that :

*“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.”*



## Matter 10: Economic and Retail Growth and Priority Centres of Activity

- 1.78. The Priority Centres of Activity are those places (or parts of places) that drive vitality and the sustainability of Folkestone and Hythe's development. Town centres, District and Local Centres play a critical role in anchoring the character and economy of settlements – important to maintain viability.
- 1.79. In regards to retail the strategic policies will be delivered through a town centre-first approach applies with main town centre uses located sequentially. This is justified, effect and consistent with NPPF paragraphs 86 and 87.
- 1.80. The CS set a monitoring target that town and district centres should not have a vacancy rate of more than 10%.
- 1.81. As part of the Policy team's annual monitoring function, a survey of town and districts is undertaken recording the use class of each unit and also which units are vacant.
- 1.82. Table 1.5 clearly shows that to date this approach has been effective in keeping the vacancy levels below the target set; set against the backdrop of uncertain economic climate and increasing completion from online shopping.

	Policy Target	12/13	13/14	14/15	15/16	16/17	17/18	18/19
<b>Folkestone</b>	10%	6	6.1	6.1	8.1	7.0	7.2	7.2
<b>Hythe</b>		5	4.7	4.7	3.5	4.1	5.1	5.1
<b>New Romney</b>		3	3.3	3.3	4.3	1.7	3.3	2.7
<b>Cheriton</b>		7	7.8	7.8	10.5	13.1	9.8	10.6
<b>Sandgate</b>					5.4	6.0	6.0	1.5

*Table 1.5: Percentage of retail frontage vacant 2012/13 - 2018/19*

- 1.83. The only exception to this is Cheriton, which has a policy to contract its boundaries.
- 1.84. Officers consider that while the final paragraph of Policy SS4 provides a reasonable level of flexibility, this probably does not give the degree of flexibility that is now required by the NPPF. Officers also consider on reflection that much

## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

of this paragraph has now largely been superseded by the town and district centre policies RL2 to RL8 set out in the emerging Places and Policies Local Plan, which also recognise the contribution that residential uses can have for the future viability and vitality of town centres.

- 1.85. The priority centres of activity are those places (or parts of places) that drive vitality and the sustainability of Folkestone and Hythe's development. SS4 covers town and local centres and employment areas in the places shown on Table 4.4 and Figure 4.3.
- 1.86. Under SS4, changes of use will be managed in these locations and growth planned to meet development needs that are set out in SS2.
- 1.87. Table 4.5 of the Core Strategy Review defines the major employment sites and economic (retail) centres across the Folkestone and Hythe district that constitute an priority centre for activity, and where within the district these 'hubs' can be located. The table also describes the development purposes of each of these scales of site and why they are to be protected and maintained. Furthermore, each of the priority centres have been plotted on the district map in Figure 4.3, with detail mapping on the policies map.
- 1.88. Major employment sites are reviewed as part of the ELR 2017 and town, district and local centres are defined in the Town Centre Study.
- 1.89. The hierarchy has been drawn out of a combination of the settlement hierarchy as part of place shaping and community building and the Town Centre Study.

### **Question 10**

Overall, has the Core Strategy Review been positively prepared in terms of identifying and meeting needs for economic and retail growth?

- 1.90. Officers consider that the Core Strategy Review has been prepared positively in terms of identifying and meeting need for economic and retail growth.

## **Matter 10: Economic and Retail Growth and Priority Centres of Activity**

- 1.91. The council has commissioned updates to both its employment and retail capacity studies.
- 1.92. Where quantitative need can be address it does so across the next 10 years, through applications and commitments. Beyond the study recognises, that figures are indicative, volatile and should be reviewed. Policy SS2 makes a commitment to monitor retail and employment needs at least every five years, with any studies becoming material considerations in planning applications and potentially triggering a review of relevant plan policies.
- 1.93. The council has also prepared Statements of Common Ground with the county council and neighbouring authorities which set out the basis on which Folkestone & Hythe District Council has actively and positively agreed to work together to meet the duty-to-cooperate, to engage constructively, actively and an ongoing basis in the preparation of local plans. The duty-to-cooperate applies to strategic planning issues of cross-boundary significance. These issues are set out in the National Planning Policy Framework and national planning practice guidance and include, amongst others, retail and employment.
- 1.94. The county and neighbouring authorities were all formally consulted as part of the Regulation 19 consultation in March 2019; some concerns were raised in relation to retail by Ashford Borough Council as to how strategic matters had been addressed through policy. The Statement of Common Ground between Ashford Borough Council and Folkestone & Hythe District Council (EB 13.20) puts forward amendments to Policy SS7(2) b. to address this.

### **Question 11**

Are any main modifications to Policies SS2 and SS4 necessary for soundness?

- 1.95. Officers consider that the final paragraph of Policy SS4 could be deleted. It is considered that this paragraph is no longer entirely consistent with NPPF requirements for flexibility; nor with the criteria set out in the retail policies set out in the PPLP.



# Core Strategy Review - Inspectors' Matters

## Matter 11: Other Policies

July 2020



**Matter 11: Other Policies**

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# **Inspectors' Questions for Matter 11**

## **Policy CSD3**

1. Is the approach to rural and tourism development justified and consistent with national policy, including in relation to new buildings and the re-use of existing buildings in the countryside?
2. Is the approach to the protection of local facilities and tourist, recreation and rural economic uses justified? Is it sufficiently clear?
3. Are any main modifications to Policy CSD3 necessary for soundness?

## **Policy CSD4**

4. Is Policy CSD4 justified and consistent with national policy? Is it sufficiently clear?
5. Are any main modifications to Policy CSD4 necessary for soundness?

## **Policy CSD5**

1. Is Policy CSD5 justified and consistent with national policy? Is it sufficiently clear?
2. Is the requirement for the use of the optional higher water efficiency standard (110 litres per person per day) for residential development justified? What is the evidence in terms of the need for such a standard and the effect on viability?
3. Is the requirement for non-residential development to achieve the BREEAM 'outstanding' standard for water efficiency justified?
4. Does the policy provide an adequate and sufficiently clear approach to sustainable drainage and flood risk which is consistent with national policy?
5. Are any main modifications to Policy CSD5 necessary for soundness?



## **Matter 11: Other Policies**

### **Overall**

6. What is the relationship with the Places and Policies Local Plan on the above issues (Policies CSD3, CSD4 and CSD5) and what role will it have in setting out a policy framework?

### **Policy SS5**

7. What are the key elements of infrastructure required across the District (not specifically covered in earlier Matters)?
8. How will these be delivered and funded?
9. Does Policy SS5 set out a clear and effective approach to infrastructure planning which is justified and consistent with national policy, including where the transfer of land is necessary?
10. Are any main modifications to Policy SS5 necessary for soundness?

# **Council's Response to Matter 11 Questions**

## **1. Policy CSD3**

### **Question 1**

Is the approach to rural and tourism development justified and consistent with national policy, including in relation to new buildings and the re-use of existing buildings in the countryside?

1.1. Policy CSD3 sets out a presumption against new development in locations outside the settlement hierarchy, except for certain types of development such as affordable housing and agriculture. Core Strategy Review Policy CSD3 is largely unchanged from Policy CSD3 in the adopted 2013 Core Strategy.

1.2. 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.”<sup>1</sup>*

1.3. 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.”<sup>2</sup>*

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<sup>1</sup> Paragraph: 062 Reference ID: 61-062-20190315.

<sup>2</sup> Paragraph: 064 Reference ID: 61-064-20190315.

## Matter 11: Other Policies

*“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.”<sup>3</sup>*

- 1.4. 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)<sup>4</sup> 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
  - Could remain as existing (for example, where development was progressing on a strategic site).
- 1.5. 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. Policy CSD3 was identified as a policy that did not need amendment.
- 1.6. Regarding Policy CSD3, the National Planning Policy Framework (NPPF) states that planning policies should avoid the development of isolated homes in the countryside unless it is essential for the needs of a rural worker (paragraph 79). Affordable housing is allowed for in paragraph 77 as an exception to meet identified local needs.
- 1.7. Paragraphs 83 and 84 of the NPPF set out measures to promote a prosperous rural economy. Planning policies should enable the sustainable growth and

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<sup>3</sup> Paragraph: 068 Reference ID: 61-068-20190723.

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

## **Matter 11: Other Policies**

expansion of all types of businesses in rural areas, through the conversion of existing buildings and the construction of well-designed new buildings (paragraph 83(a)). Other elements promoted by the NPPF include: the development and diversification of agriculture and other land-based rural businesses (paragraph 83(b); sustainable rural tourism and leisure development that respects the character of the countryside (paragraph 83(c)); and the retention and development of accessible local services and facilities (paragraph 83(d)).

1.8. NPPF paragraph 84 recognises that:

*“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.”*

1.9. In summary, NPPF paragraphs 83 and 84 seek to direct development to existing settlements and existing buildings, while recognising that this will not be possible in all circumstances. Where a case can be made for an exception, this will need to be justified by factors such as an identified local need (affordable housing), a high standard of design (rural businesses) or development that is sensitive to its surroundings and exploits opportunities for sustainability (business and community development).

1.10. The council considers that this approach is reflected in Policy CSD3 and that the policy continues to be justified and consistent with national policy.

### **Question 2**

Is the approach to the protection of local facilities and tourist, recreation and rural economic uses justified? Is it sufficiently clear?

#### **Local facilities and recreation uses**

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- 1.11. The NPPF emphasises the need to protect local facilities and recreational uses. Paragraph 83(d) states that planning policies should enable “*the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*”
- 1.12. The council believes that this is reflected in the second paragraph of Policy CSD3, which seeks to resist the loss of these facilities. Appendix 2 of the Core Strategy Review<sup>5</sup> gives a definition of ‘Community Infrastructure’ that includes church or village halls, doctor’s surgeries, hospitals, children’s playgrounds and sports facilities. The council acknowledges that this definition does not include reference to local shops, public houses and places of worship themselves (as opposed to church halls); the definition could be expanded to more closely match NPPF paragraph 83(d) if the Inspectors consider that this would aid clarity and consistency.

### **Tourist and rural economic uses**

- 1.13. In relation to the protection of tourist and rural economic uses, the NPPF states at paragraph 80 that:
- “Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”*
- 1.14. As the supporting text of the Core Strategy Review stresses, many of the district’s enterprises are found in its villages and countryside, particularly along the coast, including beach resorts, the Romney Hythe and Dymchurch Railway and caravan and camping parks on the Romney Marsh (paragraphs 5.25 to 5.26). Other strengths include the district’s high-quality natural environment,

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<sup>5</sup> Glossary of Terms, see page 174.

## **Matter 11: Other Policies**

which helps support local food, drink, craft and natural produce enterprises, as well as its historic buildings, such as Westenhanger and Lympne Castles, and the Port Lympne Reserve (paragraph 5.31).

- 1.15. The Employment Land Review (EB 07.40) recognises that, outside the central commercial hub in Folkestone and Hythe, other parts of the district can be characterised as being mostly rural in nature, with more limited opportunities for new economic developments (paragraph 8.3).
- 1.16. While the NPPF does not explicitly set out a policy of protection for tourist and rural economic uses, it does encourage the expansion of all types of business in rural areas through the conversion of existing buildings (paragraph 83) and the use of previously-developed land to meet local business needs (paragraph 84). The council considers that it would be difficult to achieve this if existing tourist and rural business sites were lost to other uses (such as residential) without sufficient justification.
- 1.17. The council considers that Policy CSD3 is justified, consistent with national policy and clear.

### **Question 3**

Are any main modifications to Policy CSD3 necessary for soundness?

- 1.18. The council considers that no main modifications need to be made to Policy CSD3 for soundness. As set out in paragraph 1.12, if the Inspectors consider that it would aid clarity, the glossary definition of 'Community Infrastructure' could be amended to more closely reflect NPPF paragraph 83(d).

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### 2. Policy CSD4

#### Question 4

Is Policy CSD4 justified and consistent with national policy? Is it sufficiently clear?

- 2.1. The council's approach to the Core Strategy Review is outlined above in paragraphs 1.4 to 1.5. CSD4 was identified as a policy that did not require amendment and so the text of Core Strategy Review policy CSD4 largely follows the text of the policy in the adopted 2013 plan.
- 2.2. The only significant change to the policy was the addition of wording to bullet point (a) stating that development should "*achieve net gain over and above residual loss.*" This was introduced to reflect the publication of the Government's 25 Year Environment Plan and the 'environmental net gain' principle this sets out.<sup>6</sup> Changes were also made to the National Planning Policy Framework and planning practice guidance in 2019 to reflect this principle.<sup>7</sup>
- 2.3. In summary, Policy CSD4 seeks to:
- Establish the principle of seeking improvements to green infrastructure and biodiversity;
  - Distinguish between the hierarchy of sites, including sites of international importance, Sites of Special Scientific Interest and ancient woodland, locally designated sites and the Kent Downs Area of Outstanding Natural Beauty; and
  - Set out a strategic approach to the management of the green infrastructure network, its protection and enhancement and tackle deficiencies in the location and quality of provision.

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<sup>6</sup> 'A Green Future: Our Plan to Improve the Environment', DEFRA, 2018, pp. 32-34.

<sup>7</sup> National Planning Policy Framework, paragraph 170(d); Planning Practice Guidance, Paragraph: 009 Reference ID: 8-009-2019072.

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- 2.4. The council considers that the policy follows current national planning policy and guidance.

### **Principle**

- 2.5. The National Planning Policy Framework requires planning policies to contribute to and enhance the natural and local environment, particularly its landscapes, biodiversity and recreational value (NPPF, paragraphs 170 and 174). As outlined above, the principle of securing net gains for biodiversity is set out here.
- 2.6. The national planning practice guidance adds that: *“Plans, and particularly those containing strategic policies, can be used to set out a suitable approach to both biodiversity and wider environmental net gain, how it will be achieved, and which areas present the best opportunities to deliver gains.”*<sup>8</sup>
- 2.7. Policy CSD4 seeks to do this in the first two paragraphs.

### **Hierarchy of sites**

- 2.8. The NPPF states that local plans should distinguish between the hierarchy of international, national and locally designated sites of landscape (paragraph 171) and biodiversity value (paragraph 174) to protect and enhance these assets.
- 2.9. Planning practice guidance provides further detail on Local Wildlife Sites and Local Geological Sites<sup>9</sup> and Areas of Outstanding Natural Beauty and their setting.<sup>10</sup>
- 2.10. Policy CSD4 sets out this hierarchy in points (a) to (e) of the second paragraph.

### **Strategic approach to management**

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<sup>8</sup> Paragraph: 021 Reference ID: 8-021-20190721.

<sup>9</sup> Paragraph: 013 Reference ID: 8-013-20190721; Paragraph: 014 Reference ID: 8-014-20190721.

<sup>10</sup> Paragraph: 039 Reference ID: 8-039-20190721; Paragraph: 040 Reference ID: 8-040-20190721; Paragraph: 041 Reference ID: 8-041-20190721; Paragraph: 042 Reference ID: 8-042-20190721.



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- 2.11. Plans should also take a strategic approach to managing networks of green infrastructure and habitats and plan for their enhancement at a catchment or landscape scale, looking across local authority boundaries (NPPF, paragraph 171).
- 2.12. National planning practice guidance adds that: “*Strategic policies can identify the location of existing and proposed green infrastructure networks and set out appropriate policies for their protection and enhancement.*”<sup>11</sup> This is reinforced in text on biodiversity, quoted in paragraph 2.6 above, which states that plans can be used to identify areas which offer the best opportunities for delivering gains.
- 2.13. Policy CSD4 seeks to do this in the final paragraph. Reference is made to the Sustainable Access Strategy for Dungeness, produced through long-term joint working with neighbouring Rother District Council (documents EB 08.10 to 08.14). The policy refers to Figure 5.2 of the plan (page 126) where areas of opportunity and wider connections to neighbouring districts are highlighted. This draws on the Green Infrastructure Report for the district (document EB 08.20).

### Question 5

Are any main modifications to Policy CSD4 necessary for soundness?

- 2.14. The council considers that Policy CSD4 is justified and consistent with national policy.
- 2.15. The Statement of Common Ground between Kent County Council and Folkestone & Hythe District Council (EB 13.10) puts forward suggested changes to Policy CSD4 as follows:
- The introduction of an additional criterion to state: “*Planning applications will need to be supported by ecological surveys, mitigation strategies*”

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<sup>11</sup> Paragraph: 007 Reference ID: 8-007-20190721.

## **Matter 11: Other Policies**

*(when required) and enhancement plans, in order to follow and apply the mitigation hierarchy, as appropriate”; and*

- An amendment to Policy CSD4, point d. to state: *“Appropriate and proportionate protection will be given to habitats that support higher-level designations, and sub-national and locally designated wildlife/geological sites, to include Local Wildlife Sites (LWS) (in addition to including Kent Biodiversity Action Plan habitats, and other sites of nature conservation interest).”*

2.16. The title of the Sustainable Access Strategy for Dungeness was amended on publication to the Sustainable Access and Recreation Management Strategy (SARMS) and this could also be updated for consistency.

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### **3. Policy CSD5**

#### **Question 1**

Is Policy CSD5 justified and consistent with national policy? Is it sufficiently clear?

- 3.1. The council's approach to the Core Strategy Review is described above in paragraphs 1.2 to 1.5. Policy CSD5 was identified through this process as a policy that remained valid and did not need major amendment.
- 3.2. The policy wording of Core Strategy Review Policy CSD5 largely follows that of the adopted 2013 Core Strategy Policy, except in relation to points (a) and (b) (see the council's response to Question 2 and Question 3 below).
- 3.3. Water and coastal management remains an important issue within the district. The district is covered by a Water Scarcity Status designation and the careful management of the water cycle is critical to ensure reliable supply and protection of the district's environmental assets.
- 3.4. The district's coastal location means that it is susceptible to maritime flooding and requires significant flood defences, while its coastal environments are protected for their habitats, both nationally and internationally. Parts of the coastline are also protected by the Folkestone to Dover Heritage Coast designation.
- 3.5. The National Planning Policy Framework states 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 (paragraph 148).
- 3.6. Development should be directed away from areas at highest risk of flooding (NPPF, paragraph 155) and ensure that development does not increase the risk of flooding elsewhere (paragraph 163). Major developments should incorporate sustainable drainage systems (SuDS), unless there is clear evidence that this would be inappropriate (paragraph 165). Integrated Coastal Zone Management should be pursued across local authority and land and sea boundaries, to

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ensure effective alignment of the terrestrial and marine planning regimes (paragraph 166). Further guidance is given in the national planning policy guidance and Kent County Council, as the Lead Local Flood Authority, has published a policy statement on planning and drainage to inform plan-making, that provides more technical detail.<sup>12</sup>

- 3.7. While more detailed points are picked up in the questions below, the council considers that Policy CSD5 remains important in providing a strategic framework for water and coastal management and overall is supported by national planning policy and guidance. The policy supports more detailed policies in the Places and Policies Local Plan (PPLP) (see Question 6 below).

### Question 2

Is the requirement for the use of the optional higher water efficiency standard (110 litres per person per day) for residential development justified? What is the evidence in terms of the need for such a standard and the effect on viability?

- 3.8. 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 ...”*

- 3.9. 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*

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<sup>12</sup> See: <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/drainage-and-planning-policy-statement>

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*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 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).”*

- 3.10. 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.
- 3.11. 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.
- 3.12. 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.<sup>13</sup> This policy will be applied to development across the district.

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<sup>13</sup> 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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- 3.13. 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.’<sup>14</sup>*

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

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<sup>14</sup> See: <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

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### Question 3

Is the requirement for non-residential development to achieve the BREEAM 'outstanding' standard for water efficiency justified?

- 3.15. The council's aspirations for a high standard of development for the new garden settlement are set out in the council's response to Matter 7: North Downs Area.
- 3.16. The Places and Policies Local Plan (PPLP) sets out standards for water efficiency in Policy CC2: Sustainable Design and Construction. Following the examination of the Places and Policies Local Plan and the issuing of the Inspector's Report, which found the plan 'sound',<sup>15</sup> the council considers that amendments should be made to Policy CSD5 to bring it into line with the PPLP.
- 3.17. Given that Policy CSD5 is intended to apply to development across the district, the council considers that 'outstanding' standard for non-residential development should be expressed as an aspiration, with 'very good' standard as the requirement, in line with PPLP Policy CC2.
- 3.18. Policy CSD5 point b. could be amended to read:

*"For non-residential development, the development achieves BREEAM 'Very Good' standard including addressing maximum water efficiencies under the mandatory water credits, where technically feasible and viable. The council will encourage development to achieve 'Outstanding' standard where possible; ..."*

### Question 4

Does the policy provide an adequate and sufficiently clear approach to sustainable drainage and flood risk which is consistent with national policy?

- 3.19. The council's approach to the Core Strategy Review is outlined above in paragraphs 1.2 to 1.5.

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<sup>15</sup> 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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3.20. Point (c) of Policy CSD5, regarding sustainable drainage and flood risk, has been incorporated largely unaltered from the adopted 2013 Core Strategy plan policy.

3.21. The policy requires development to ensure that:

- Surface water runoff from a site is not increased above the existing rate;
- Sustainable drainage systems are incorporated;
- Water quality must be maintained or improved; and
- Flood risk must not be increased.

3.22. 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.”*

3.23. 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*



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*provision for the possible future relocation of vulnerable development and infrastructure.”*

### Surface water runoff

- 3.24. Policy CSD5 states that the peak rate of surface water runoff from a site should not be increased above the existing surface water runoff rate.
- 3.25. Kent County Council, as the Lead Local Flood Authority, published a policy statement on planning and drainage to inform plan-making in December 2019.<sup>16</sup> This statement includes a policy on drainage design, SuDS 2: Deliver effective drainage design, which states:

*“Any proposed new drainage scheme must manage all sources of surface water and should be designed to match greenfield discharge rates, and volumes as far as possible.*

*Development in previously developed land should also seek to reduce discharge rates and volumes off-site and utilise existing connections where feasible.*

*Drainage schemes should provide for exceedance flows and surface flows from offsite, ensure emergency ingress and egress and protect any existing drainage connectivity, so that flood risk is not increased on-site or off site.”<sup>17</sup>*

- 3.26. Given this, the council considers that the wording of Policy CSD5, bullet point c. could be amended to read:

*“... and designed so as to match greenfield discharge rates and volumes and for development on previously developed land to reduce discharge rates and volumes where feasible, incorporating sustainable drainage systems ...”*

### Sustainable drainage systems

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<sup>16</sup> Kent County Council Drainage and Planning Policy – a Local Flood Risk Management Strategy Document, KCC, December 2019. See: [https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0003/49665/Drainage-and-Planning-policy-statement.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf)

<sup>17</sup> Kent County Council Drainage and Planning Policy – a Local Flood Risk Management Strategy Document, KCC, December 2019, Section 5.2.2, page 27.

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3.27. 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.”*

3.28. 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.”<sup>18</sup>*

3.29. 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;*

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<sup>18</sup> Planning Practice Guidance, Paragraph: 050 Reference ID: 7-050-20140306.

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- *combine water management with green space with benefits for amenity, recreation and wildlife.*<sup>19</sup>

3.30. 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.”*<sup>20</sup>

3.31. 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.”*<sup>21</sup>

3.32. 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.”*

3.33. 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*

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<sup>19</sup> Paragraph: 051 Reference ID: 7-051-20150323.

<sup>20</sup> Paragraph: 079 Reference ID: 7-079-20150415.

<sup>21</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 26-001-20191001.

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*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.”*

- 3.34. Policy CSD5 is intended to provide guidance on these issues. However, given the above, the council considers that Policy CSD5 point (c) could be improved by making it clear that the requirement for sustainable drainage systems applies to *major* developments, rather than all developments.
- 3.35. Policy CSD5 is intended to provide a strategic approach to water management. More detail on sustainable drainage systems is set out in Places and Policies Local Plan (PPLP) Policy CC3. The PPLP has been through public examination and has recently been found ‘sound’ by the Inspector.<sup>22</sup>

### Water quality

- 3.36. Regarding water quality, the NPPF states at paragraph 170:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

...

- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; ...”*

- 3.37. In assessing how the planning system can plan positively for water supply and water quality, the national planning policy guidance states that:

*“Multiple benefits for people and the environment can be achievable through good design and mitigation. For example, flood risk can be reduced and*

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<sup>22</sup> 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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*biodiversity and amenity improved by designing development that includes permeable surfaces and other sustainable drainage systems, removing artificial physical modifications (for example, weirs and concrete channels) and recreating natural features. Water quality can be improved by protecting and enhancing green infrastructure ...*<sup>23</sup>

3.38. Plan-makers may need to consider whether measures to improve water quality, for example sustainable drainage schemes, can be used to address impacts on water quality in addition to mitigating flood risk.<sup>24</sup>

3.39. As Lead Local Flood Authority, Kent County Council (KCC) has produced 'Drainage and Planning Policy – A Local Flood Risk Management Strategy Document' (December 2019)<sup>25</sup> to be used by local planning authorities in developing local planning and land use policy.

3.40. Drainage and Planning Policy states at SuDS Policy 7: Safeguard Water Quality (Section 5.2.7, page 39):

*“When designing a surface water management scheme, full consideration must be given to the system’s capacity to remove pollutants and to the cleanliness of the water being discharged from the site, irrespective of the receiving system. Interception of small rainfall events should be incorporated into the design of the drainage system.”*

3.41. The supporting text emphasises that:

*“The design of any drainage proposal should therefore ensure that surface water discharges do not adversely impact the water quality of receiving water bodies, both during construction and when operational. Sustainable drainage design principles have the potential to reduce the risk of pollution, particularly through managing the surface water runoff close to the source and on the*

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<sup>23</sup> Paragraph: 019 Reference ID: 34-019-20140306.

<sup>24</sup> Paragraph: 006 Reference ID: 34-006-20161116

<sup>25</sup> See: <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/drainage-and-planning-policy-statement>

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*surface. Below grade pipes and tanks which are efficient for drainage purposes may not provide appropriate water quality treatment.”*

- 3.42. The council therefore considers that Policy CSD5, as it relates to water quality, remains relevant and justified.

### Flood risk

- 3.43. Policy CSD5 requires that developments should not increase flood risk within the district. This remains a fundamental requirement of planning policy, as National Planning Policy Framework paragraph 163 states:

*“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere ...”*

- 3.44. The national planning practice 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.”<sup>26</sup>*

- 3.45. KCC’s ‘Drainage and Planning Policy – A Local Flood Risk Management Strategy Document’ (December 2019) also stresses the importance of seeking to reduce flood risk through new developments. SuDS Policy 4: Seek to Reduce and Avoid Existing Flood Risk (Section 5.2.4, page 33) states:

*“New development should be designed to take full account of any existing flood risk, irrespective of the source of flooding.*

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<sup>26</sup> Paragraph: 050 Reference ID: 7-050-20140306.

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*Where a site or its immediate surroundings have been identified to be at flood risk, all opportunities to reduce the identified risk should be investigated at the masterplanning stage of design and subsequently incorporated at the detailed design stage.*

*Remedial works and surface water infrastructure improvements may be identified in the immediate vicinity of the development to facilitate surface water discharge from the proposed development site.”*

3.46. Supporting text adds that:

*“Where a developer’s Drainage Strategy has identified that there are existing flood risks affecting a site or its surroundings, there would be an expectation that the developer manages the identified risk appropriately to ensure that there are no on or off site impacts as a result of any development. Similarly, where there are opportunities to reduce the off-site flood risk through carefully considered on-site surface water management, we will encourage developers to explore these fully.”*

3.47. The council therefore considers that Policy CSD5, as it relates to flood risk, remains relevant and justified.

### **Question 5**

Are any main modifications to Policy CSD5 necessary for soundness?

3.48. As outlined above, the council considers that modifications could be made as follows:

- Policy CSD5 point b. could be modified to refer to BREEAM ‘Outstanding’ as an aspiration, with BREEAM ‘Very good’ standard as the requirement, as outlined above in paragraph 3.18;
- Policy CSD5 could be improved by modifying point c. to emphasise that sustainable drainage systems will be required by major developments

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unless the applicant can demonstrate that this would be inappropriate, as set out above in paragraph 3.31; and

- Policy CSD5, bullet point c. could be improved by a modification relating to surface water runoff to state that this should match greenfield discharge rates and volumes and for development on previously developed land that development should reduce discharge rates and volumes where feasible, as outlined above in paragraph 3.26.



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### 4. Overall

#### Question 6

What is the relationship with the Places and Policies Local Plan on the above issues (Policies CSD3, CSD4 and CSD5) and what role will it have in setting out a policy framework?

- 4.1. Policies CSD3, CSD4 and CSD5 are intended to provide a strategic framework beneath which more detailed policies in the Places and Policies Local Plan will fit.

#### **Strategic policies**

- 4.2. The National Planning Policy Framework states in paragraph 20 that strategic policies should:

*“... set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:*

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;*
- 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); and*
- 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.”*

- 4.3. The NPPF adds in paragraph 21 that:

*“These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear*

## Matter 11: Other Policies

*starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.”*

- 4.4. The council considers that policies CSD3, CSD4 and CSD5 meet the description of strategic policies set out in the NPPF, particularly as they relate to issues of the quality of development, water supply, coastal management, conservation of the natural environment and climate change mitigation and adaptation.

### **Non-strategic policies**

- 4.5. In relation to non-strategic policies, the NPPF states in paragraph 28 that these should:

*“... be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.”*

- 4.6. The Places and Policies Local Plan (PPLP) sets out a number of non-strategic policies to supplement those in the Core Strategy Review.

- 4.7. The PPLP is nearing adoption, having been recently found ‘sound’ by the Inspector.<sup>27</sup>

- 4.8. Core Strategy Review Policy CSD3 is supplemented by detailed PPLP policies, including:

- Policy E2: Existing Employment Sites;
- Policy E3: Tourism;

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<sup>27</sup> Report on the Examination of the Folkestone and Hythe Places and Policies Local Plan, 26 June 2020, PINS/L2250/429/8.

## **Matter 11: Other Policies**

- Policy E5: Touring and Static Caravan, Chalet and Camping Sites;
- Policy E6: Farm Diversification;
- Policy E7: Reuse of Rural Buildings;
- Policy RL8: Development Outside Town, District and Local Centres;
- Policy C2: Safeguarding Community Facilities; and
- Policy NE3: Protecting the District's Landscape and Countryside.

4.9. Policy CSD4 is supplemented by detailed PPLP policies, including:

- Policy C3: Provision of Open Space;
- Policy C4: Children's Play Space;
- Policy NE1: Enhancing and Managing Access to the Natural Environment;
- Policy NE2: Biodiversity;
- Policy NE3: Protecting the District's Landscape and Countryside; and
- Policy HW4: Promoting Active Travel.

4.10. Policy CSD5 is similarly supplemented by a suite of detailed PPLP policies including:

- Policy NE8: Integrated Coastal Zone Management;
- Policy NE9: Development Around The Coast;
- Policy CC1: Reducing Carbon Emissions;
- Policy CC2: Sustainable Design and Construction; and
- Policy CC3: Sustainable Drainage Systems (SuDS).

## **Matter 11: Other Policies**

### **5. Policy SS5**

#### **Question 7**

What are the key elements of infrastructure required across the District (not specifically covered in earlier Matters)?

- 5.1. The key elements of infrastructure required across the district are reported in the Infrastructure Delivery Plan documents prepared as part of the evidence base to the Core Strategy Review, and likewise for the Places and Policies Local Plan.
- 5.2. SS5 is a general policy designed to be applied to ensure that development should provide, contribute to or otherwise address the district's current and future infrastructure needs. The policy asserts that infrastructure that is necessary to support development must exist already, or a reliable mechanism must be available to ensure that it will be provided at the time it is needed. The associated role that the Community Infrastructure Levy (CIL) and Section 106 contributions is to play is clearly articulated.
- 5.3. The key elements of infrastructure required across the district not specifically covered in previous matters are appropriately captured within the Infrastructure Delivery Plans prepared in support of the Core Strategy Review and Places and Policies Local Plan, and the reader is signposted to these documents in this regard.
- 5.4. 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, and provide coverage of those items of infrastructure that will be part-funded through use of CIL receipts. 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.

## **Matter 11: Other Policies**

### **Question 8**

How will these be delivered and funded?

- 5.5. Developer contributions that were secured through the signing of the Section 106 legal agreement entered into by the landowners and district council will 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.
- 5.6. 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 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.
- 5.7. Likewise, 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.
- 5.8. This approval process necessitates that monies are spent in accordance with the specific legal agreements in a controlled project management environment.

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### Question 9

Does Policy SS5 set out a clear and effective approach to infrastructure planning which is justified and consistent with national policy, including where the transfer of land is necessary?

5.9. As set out in corresponding supporting text to Policy SS5 (paragraphs 4.127 refers):

*“Critical and necessary infrastructure needed to support the spatial strategy is set out in the Infrastructure Delivery Plan. All projects highlighted are important, however, critical infrastructure is outlined in order to assist with the delivery of the Core Strategy Review and to provide initial guidance for planning and investment decisions. Policy SS5 allows more detailed and financially specific provisions to be made through CIL, while addressing priority requirements flowing from the spatial strategy and strategic allocations.”*

5.10. Policy SS5 articulates the appropriate, strategic level requirement that new development should deliver, or contribute towards the provision of, necessary supporting infrastructure.

5.11. The Community Infrastructure Levy (CIL) Regulations 2010 (as amended), provide a local authority with the discretion to accept land, buildings or infrastructure payments, as all or part of a CIL payment due in respect of a liable development. Regulation 73 specifies that an agreement to accept land and buildings as payment-in-kind would be where the value of CIL paid is equal to the agreed value of the land and buildings acquired in kind (as determined by an independent person).

5.12. The district council has adopted a discretionary payment-in-kind policy (the item presented in Cabinet (see Appendix 1: Cabinet Report – CIL Payment in Kind Policy, December 2017 (C/17/64)), in support of part or all payment of due Community Infrastructure Levy receipts owing, subject to specified conditions being met. A copy of the council’s payment-in-kind policy is appended to this

## **Matter 11: Other Policies**

statement (Appendix 2: CIL Payment in Kind Policy – Land, Buildings and Infrastructure).

- 5.13. A planning obligation cannot contain a positive obligation to transfer land as this would fall foul of Section 2 of the Law of Property (Miscellaneous Provisions) Act 1989. However, the effect of requiring a transfer of land can be achieved by way of a restriction pursuant to Section 106(1) (a).
- 5.14. The council considers Policy SS5 sets out a clear and effective approach to infrastructure planning which is justified and consistent with national policy, and corresponding provisions within associated regulations, namely the CIL Regulations 2010 (as amended) or otherwise Section 106 of the Town and Country Planning Act 1990, allow for the transfer of land, as/where required.
- 5.15. For the purpose of clarity, should the Inspectors be minded to recommend the incorporation of a form of words to cite the transfer of land to deliver necessary infrastructure, where required, the wording of Policy SS5 and/or its supporting text could be modified, in discussion with key infrastructure providers.

### **Question 10**

Are any main modifications to Policy SS5 necessary for soundness?

- 5.16. The district council considers Policy SS5 to be effective and no modifications are considered necessary in order to find this policy sound. However, as set out within the response to Question 9 above, a minor modification could be inserted to provide coverage of the transfer of land, should the Inspectors feel this is required for Policy SS5 to be found sound.
- 5.17. The Statement of Common Ground between Highways England and Folkestone & Hythe District Council (EB 13.90) puts forward a suggested modification to Policy SS5 that would introduce an additional objective to state:

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*“To consider and manage the travel demand of new development proposals, and develop tailored solutions to limit car use generated by new developments.”*



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**Appendix 1: Cabinet Report – CIL Payment in Kind Policy,  
December 2017 (C/17/64)**

This Report will be made public on 6 December 2017.

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



Report Number **C/17/64**

**To:** Cabinet  
**Date:** December 2017  
**Status:** Non-key Decision  
**Head of service:** Ben Geering - Strategic Development  
**Cabinet Member:** Councillor John Collier, portfolio holder for the District Economy

**SUBJECT: Community Infrastructure Levy (CIL) Annual Monitoring Report 2016/17 and minor amendments to Payment in Kind Policy**

**SUMMARY:** The Council adopted a Community Infrastructure Levy (CIL) in August 2016, herein referred to as 'the levy'. This report provides a copy of the draft CIL Monitoring Report for 2016/17. In addition, minor changes are proposed to the CIL Payment in Kind Policy in order to clarify that the delivery of appropriate infrastructure can satisfy a charge arising from the levy.

**REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to approve the recommendations set out below in order to enable CIL monitoring reporting to take place in accordance with legislative requirements, and to enable appropriate infrastructure via the Payment in Kind mechanism to be applied, where appropriate.

**RECOMMENDATIONS:**

1. To receive and note report C/17/64.
2. That the CIL Monitoring Report is agreed by Cabinet and subsequently added to the Council's website in accordance with legislative requirements.
3. That an amendment to the Payment in Kind policy is agreed by Cabinet, so as to clarify that the delivery of appropriate infrastructure to satisfy a charge arising from the levy can be met via a Payment in Kind when appropriate to do so.

## **1. OVERVIEW**

### **1. CIL Monitoring Report 2016/17**

1.1 The introduction of a CIL in August 2016 necessitates the development of new governance arrangements for spending the money to be collected. There are a number of reasons for this. Under CIL, SDC acts as a designated charging authority, conferring responsibility on to the Council to:

- Prepare and publish the CIL Charging Schedule (published August 2016),
- Apply the levy revenue it receives to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support development of its area (infrastructure requirements are set out in the Infrastructure Delivery Plan), and
- Report to the local community on the amount of levy revenue collected, spent and retained each year.

1.2 The Council must be committed to ensuring the use of CIL is open and transparent and as such needs to publish an annual report, which also includes details provided by Town and Parish Councils, setting out how much CIL money has been received and the infrastructure to which this has been applied (Reg 62).

1.3 The report should inform the Authority Monitoring Report however be a separate entity that is reported to CMT, Cabinet and the Planning and Licensing Committee for information purposes. The report must be published on the Council's website before the end of December following each financial year.

1.4 It is proposed that the draft report, attached as Appendix 1 is reported to and agreed by Cabinet before being published on the Council's website.

### **2. Suggestions amendments to the adopted CIL 'Payment in Kind' mechanism and further information**

2.1 In adopting a CIL, the Council adopted a Payment in Kind Policy. Whilst this policy specifically mentions both Payments in Kind via the provision of land and the provision of infrastructure to comply with the CIL Regulations, the wording of the policy only specifically refers to the transfer of land within key sections and, therefore, the policy is ambiguous as currently worded.

2.2 An updated (draft) Payment in Kind policy is attached as Appendix 2 to this report. It is recommended that this updated policy replace the currently adopted wording, and that following Cabinet approval the Council's website is updated accordingly.

## **3. Implications**

3.1 Please give consideration to the following and provide information here (if relevant):

Legal (DK) – There are no legal implications arising directly out of this report. Regulation 62 of the Community Infrastructure Levy Regulations 2010 (as amended) requires the charging authority to prepare a report for any financial year in which a) it collects CIL, or CIL is collected on its behalf; or b) an amount of CIL collected by it or by another person on its behalf has not been spent. In addition under regulation 73 of the CIL Regulations a charging authority may accept one or more land payments in satisfaction of the whole or part of the CIL due in respect of a chargeable development.

Finance (AK) – This report refers to a change in policy and as such there are no direct financial implications.

#### **4. Contact officers and background documents**

- 4.1 Councillors with any questions arising out of this report should contact the following officers prior to the meeting:-

James Hammond, Strategic Policy Officer  
Telephone: 01303 853435  
Email: [James.Hammond@shepway.gov.uk](mailto:James.Hammond@shepway.gov.uk)

Ben Geering, Head of Planning  
Telephone: 01303 853457  
Email: [Ben.Geering@shepway.gov.uk](mailto:Ben.Geering@shepway.gov.uk)

#### **APPENDICES**

Appendix 1 – Community Infrastructure Levy (CIL) Monitoring report for the reported year 2016/17

Appendix 2 – suggested changes to Appendix 4 of the Council's Community Infrastructure Levy Charging Schedule

**[James Hammond]**  
**[Strategic Policy Officer]**

**Matter 11: Other Policies**

**Appendix 2: CIL Payment in Kind Policy – Land, Buildings and Infrastructure**

**Shepway District Council**  
**Community Infrastructure Levy (CIL)**  
**Payment in Kind Policy:**  
**Land, Buildings and Infrastructure**  
(June 2016 as Amended December 2017)

## **Background**

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended), provide a local authority with the discretion to accept land, buildings or infrastructure payments, as all or part of a CIL payment due in respect of a liable development.

Regulation 73 specifies that an agreement to accept land and buildings as payment in kind would be where the value of CIL paid is equal to the agreed value of the land and buildings acquired in kind (as determined by an independent person). Other key aspects of regulation 73 include:

- the amount of CIL payable for a development must be greater than £50,000 (Regulation 73(6) (a));
- the person from whom land is acquired has assumed liability to pay CIL (Regulation 73(6) (c)); and
- an agreement to make a land payment must be entered into before the development is commenced (Regulation 73(6) (d)).

CIL Regulations 73A and 73B also provide a local authority with the discretion to accept infrastructure payments as all or part of a due CIL payment. A key requirement is for an infrastructure payment to be in scope with the types of project covered by a Council's Regulation 123 list. An agreement for infrastructure payments must also be entered into before development commences.

The benefits of adopting a payment in kind policy include supporting the delivery of developments that are complex in their nature and scale. The disadvantages include a requirement for additional administrative and technical resources and costs for a Council and developers, in the administration of CIL.

## **Payments in Kind Policy**

Shepway District Council has decided to adopt a discretionary payment in kind policy, in support of part or all payment of due CIL, subject to the following conditions:

- 1) The Council must be satisfied that the land to be transferred, and/or the infrastructure provided, represents an appropriate in kind payment to support delivery of the Local Plan.
- 2) The chargeable development must not have commenced before a written agreement is in place with the Council to pay in kind either part or the entire CIL amount due. This agreement must state the value of the land and buildings to be transferred, or the infrastructure provided as verified by an independent valuation.
- 3) The person transferring the land to the charging authority or providing the infrastructure as payment must have assumed liability to pay CIL.
- 4) The land, subject to the transfer, must be free from any interest in the land and any encumbrance to the land, buildings or structures.

- 5) The land, subject to the transfer, must be fit for a relevant purpose to support delivery of the Local Plan. This may require the owner to demonstrate that the land is suitable through the submission of further information to the Council, including but not limited to, topographical information, reports on contamination and archaeology and details of any underground services.
- 6) The Council may transfer at its own discretion, the land, at nil cost, to a third party for the provision of infrastructure.
- 7) The agreement to pay in land or via infrastructure provision may not form part of a planning obligation entered into under Section 106 of the Town and Country Planning Act 1990 (as amended).

**The Council is not obliged to accept any offer of payment in kind by land or infrastructure.**

### **Adoption and Review**

The Payment in Kind policy will take effect at the same time as the commencement date of the Council's adopted CIL Charging Schedule.

The CIL regulations require a Local Authority to produce an annual report, which indicates how CIL receipts have been used. Any Payments in Kind will be reported as part of this annual report.