

# HEARING STATEMENT

## MATTER 5: STRATEGY FOR THE URBAN AREA

**ON BEHALF OF NICKOLLS PROPERTIES LTD AND CAMLAND HYTHE LTD**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

**Prepared by: Matthew Good**

**Reviewed by: Kate Holden**



**Pegasus Group**

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough

**DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE**

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales  
Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

Copyright Pegasus Planning Group Limited 2011. The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Planning Group Limited

**CONTENTS:**

Page No:

**1.0 Introduction ..... 1**  
**2.0 Inspectors Questions ..... 3**

---

## **1.0 Introduction**

1.1 This hearing statement is provided on behalf of Nickolls Properties Ltd and Camland Hythe Ltd. It is made in respect of 'Matter 5: Strategy for the Urban Area'. Responses are provided solely to questions which are directly relevant to our client's site and previous submissions made on their behalf.

1.2 Our client wishes to ensure that the Folkestone and Hythe District Council Core Strategy Review (CSR) is prepared in a robust manner that passes the tests of soundness contained in paragraph 182 of the NPPF, namely that the plan is:

- Positively Prepared;
- Justified;
- Effective; and
- Consistent with national policy.

1.3 The CSR also needs to be legally compliant and adhere to the Duty to Cooperate.

1.4 Camland Hythe Ltd is a significant landowner in Hythe and is responsible for the development of the major development site at Nickolls Quarry (also known as Martello Lakes) for a mixed use development of up to 1,050 dwellings and commercial uses including significant new B1 space.

1.5 To date, detailed planning consent has been granted for up to 400no. dwellings, these are currently under construction by BDW (Barratt Homes and David Wilson Homes). The timeframe to submit Reserved Matters applications expired in May 2020. However, following the Government announcement on 22<sup>nd</sup> June 2020 setting out measures to assist the development industry in light of COVID-19, this is now likely to be extended until 1<sup>st</sup> April 2021. At the time of writing, the Business and Planning Bill 2019-2021 is being heard in the House of Commons with a view to rapid enactment.

1.6 Prior to the announcement by Government our client submitted a further outline permission for the remaining elements of the site (including up to 650no. dwellings and commercial uses) without detailed consent (ref: Y19/1492/FH). At the time of writing the decision remains pending. Our client

---

remains committed to delivering this site in full.

1.7 The Inspectors have identified that the main issue to be addressed in this matter is whether the strategy for the Urban Area is justified, effective and consistent with national policy. The Inspector identifies that the relevant policies are:

- SS1,
- SS10,
- SS11,
- CSD6 and
- CSD7.

1.8 Our client supports many of the policies within the CSR and believes that with amendments the plan should be found sound. We welcome the opportunity to comment on the Inspector's Matters, Issues and Questions and provide the following responses to selected questions in so far as they relate to our previous representations.

---

## 2.0 Inspectors Questions

- 2.1 The following provides our client's response to specific questions identified by the Inspectors. The omission of a response to a specific question should not be construed as our client having nothing further to add. Our client reserves the right to respond not only to the questions identified in this hearing statement but others as deemed necessary during the hearing session(s).
- 2.2 The questions are taken in order of publication within the Matters, Issues and Questions document (ref: FHDC EX010).

### **Hythe Strategy – Policy CSD7**

#### **Question 24) What is the basis for the strategy for Hythe (Policy CSD7) and is it justified?**

- 2.3 The strategy attempts to outline the role of Hythe as a strategic town, capable of accommodating significant levels of development, and how this development should be delivered over the plan period. The policy seeks to deliver high-quality residential, business, service, retail and tourist centre in line with the CSR vision. The town centre and west Hythe are identified as the focus for new employment.
- 2.4 Our client is broadly supportive of the strategy for Hythe but considers that it lacks clarity and certainty. This renders the policy ineffective and as such unsound. This is discussed in greater detail below.

#### **Question 25) Is it sufficiently clear in terms of the scale, type and location of development?**

- 2.5 No, the policy lacks clarity in relation to the scale and location of development. The supporting text, paragraph 5.107, states:

*"Strategic development at Hythe is consistent with its demographic characteristics, housing need and good accessibility and range of services (policies SS3 and SS4). The primary area of change is to the west of the town, where a mixed-use development is underway including 1,050 dwellings, employment and a new halt on the light railway, at the former Nickolls Quarry."*

---

In addition, figure 5.5 of the submitted plan identifies the Nickolls Quarry site as a 'New Development Site'.

- 2.6 Despite the clear identification of the site within the supporting text and figure 5.5 the site is not specifically referred to in policy CSD7 or identified as an allocation. The status of figure 5.5 is also unclear. It is not identified as a key diagram nor is there any link to it within policy CSD7. Given that the Nickolls Quarry site is a primary area of change and the Council is wholly reliant upon it to deliver its residential and commercial needs it is unclear why it is not referenced within the policy or identified as an allocation. The policy is, therefore, considered unsound as it is not effective.
- 2.7 Nickolls Quarry was originally allocated (Policy HO2F) for development in the Shepway District Plan Review, adopted on 16 March 2006<sup>1</sup>. However, this original allocation failed to be carried forward into the 2013 Core Strategy. This is despite the site benefitting from planning permission at this point in time.
- 2.8 This approach is contrary to other strategic sites in the plan which benefit from planning permission. For example, planning permission has been granted at both Folkestone Seafront and Shorncliffe Garrison sites, with development underway at Shorncliffe Garrison. However, both allocations are 'rolled-over' from the Core Strategy "...to guide the remaining phases of development" (CSR, para. 4.144).
- 2.9 Given that at least 650 dwellings, 15,000sqm B1 floorspace and other commercial/community uses are still to be delivered it is unclear why this site has been dealt with differently to both Folkestone Seafront and Shorncliffe Garrison sites. The allocation of the site would provide certainty of delivery and a framework against which future applications can be assessed.
- 2.10 The NPPF, paragraph 23, is clear that:
- "Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and*

---

<sup>1</sup> See appendix 2 of our client's regulation 19 representations

*at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. **This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area** (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or nonstrategic policies)” (**our emphasis**)*

- 2.11 An allocation would therefore not only be in conformity with the NPPF but also ensure that the plan is positively prepared, effective and justified.
- 2.12 To rectify this issue, it is recommended that as a minimum Policy CSD7 is amended to clearly recognise the extant and pending planning permissions for Nickolls Quarry, which is the primary area of change. It is also recommended that the policy refer directly to figure 5.5 or the figure be clearly included in the policy. These amendments are required to provide clarity that the Site and the requirements of Bullets a) and b) of the policy are deliverable and the Policy is therefore 'Effective'.
- 2.13 In reference to bullet c) this references; "*Developing new/expanded primary and secondary schools to improve educational attainment...*". Whilst it is noted that the policy does not explicitly state a new school will be provided there is no location identified in either the text or figure 5.5.
- 2.14 The development at Nickolls Quarry has committed to and made contributions towards education provision; any allocation of the Site should therefore not require the on-site provision of a new school. The need to provide a new school on the site would impact upon the overall quantum of development able to be achieved which would have consequences for the Council's deliverable housing numbers and commercial development.

**Question 26) Are any main modifications to Policy CSD7 necessary for soundness?**

- 2.15 Yes, I refer the Inspectors to our response to question 25 above including our proposed modifications.