



The Planning Inspectorate

Report to Folkestone and Hythe District Council

by [REDACTED] PGDip TP MRTPI

an Inspector appointed by the Secretary of State

Date: 26 June 2020

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Folkestone and Hythe Places and Policies Local Plan

The Plan was submitted for examination on 28 September 2018

The examination hearings were held between 14 and 16 May 2019

File Ref: PINS/L2250/429/8

Abbreviations used in this report

AA	Appropriate Assessment
DtC	Duty to Co-operate
HRA	Habitats Regulations Assessment
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PPLP	Folkestone and Hythe Places and Policies Local Plan
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SCS	Shepway Core Strategy Local Plan 2013
SCI	Statement of Community Involvement

Non-Technical Summary

This report concludes that the Folkestone and Hythe Places and Policies Local Plan provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. The Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out a sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Adding, amending or deleting site allocations and designations to ensure consistency with the NPPF and the SCS; and
- Rewording policies to ensure they are positively prepared and consistent with the NPPF; and
- Adding, amending or deleting policies and explanatory text to guide development.

Introduction

1. This report contains my assessment of the Folkestone and Hythe Places and Policies Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework (NPPF) was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Folkestone and Hythe Places and Policies Local Plan (PPLP), submitted in September 2018 is the basis for my examination. It is the same document as was published for consultation in February 2018.

Procedural Matter

4. The Council changed its name from Shepway District Council to Folkestone and Hythe District Council between the adoption of the Shepway Core Strategy Local Plan 2013 (SCS) and the submission of the PPLP for examination.

Main Modifications

5. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM01**, **MM02** etc, and are set out in full in the Appendix.
6. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out a sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

Policies Map

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to

provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the Folkestone and Hythe Places and Policies Local Plan - Proposed Changes to Policies Map (February 2018).

8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Folkestone and Hythe Places and Policies Local Plan – Proposed Changes to Policies Map (February 2018) and the further changes published alongside the MMs.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. The Council has a long history of working with other authorities in Kent and the prescribed bodies on cross boundary issues and strategic matters. The PPLP seeks to implement the strategic objectives of the SCS. As such, strategic matters have already been appropriately considered within the SCS. Nonetheless, the Council has outlined its continuing collaborative approach to the Duty to Co-operate (DtC), within its Duty to Co-operate Statement (July 2018) and supporting documents. These show appropriate engagement with the necessary local planning authorities and the various prescribed bodies. I am therefore satisfied that there are no outstanding strategic cross border issues.

Assessment of Soundness

Background

11. The Folkestone and Hythe Places and Policies Local Plan has been prepared in the context of the Shepway Core Strategy Local Plan 2013 (SCS) which was adopted on 18 September 2013. The SCS provides the strategic planning policy background for the matters contained within the PPLP, and it is not necessary to address those matters further in my examination.
12. The PPLP will sit alongside the SCS and will replace all of the saved policies of the Shepway District Local Plan (2006) and will be used as necessary to assess development proposals within the Plan area. The PPLP is arranged into two distinct sections, the Places section which relates to site allocations and the Policies section that are in effect development management policies. The PPLP is a plan that is intended to implement the strategy and objectives of SCS.

Main Issues

13. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 3 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Is the Folkestone and Hythe Places and Policies Local Plan consistent with, and does it positively promote, the vision, objectives and spatial policies contained in the Shepway Core Strategy Local Plan 2013; and is its overall approach consistent with national policy?

14. Folkestone and Hythe is a district with 3 unique character areas, which are all connected and underpinned by its natural and built heritage. The PPLP seeks to direct development and growth by identifying the most appropriate and sustainable sites. To achieve this, the Places section of the PPLP identifies sites for the delivery of housing, commercial, community and mixed-use development consistent with the hierarchy of settlements set out in the SCS. The Policies section of the PPLP contains a comprehensive suite of development management policies that seek to secure the enhancement of the built and natural environment, along with measures to address the impacts of climate change. Additionally, the policies seek amongst other things to support economic growth, retail and leisure provision and improve movement in Folkestone and Hythe. These objectives are fully compliant with the SCS.
15. Generally, there is broad local support for the PPLP's vision and objectives, which are based on an understanding of community needs and aspirations gained through extensive public consultation and engagement. This is explored in the PPLP Consultation Statement (July 2018) which alongside the Sustainability Appraisal (January 2018) demonstrate how the Council has reached its preferred options for the vision and aims of the plan. There is a flexible approach across the allocated sites to balance the provision of available and deliverable development land for housing and employment and the necessary infrastructure that supports it, alongside providing the necessary protection for Folkestone and Hythe's built and natural environment.

Conclusion

16. Overall, and subject to the main modifications identified, the Plan before me is positive, consistent with, and promotes the vision, objectives and spatial policies contained in the SCS and the NPPF.

Issue 2 – Are the Places policies of the Folkestone and Hythe Places and Policies Local Plan consistent with the Shepway Core Strategy Local Plan 2013 and national policy, and are they justified and deliverable and has the Plan been positively prepared in these respects?

17. Policy SS2 of the SCS requires the provision of at least 8,750 new homes in Folkestone and Hythe over the plan period to 2031. The PPLP in Table 4.3 makes provision for 9,985 homes over the plan period, with site allocations addressed by the Places policies of the PPLP. This is more than the SCS requirement, however, I consider this to be a pragmatic and robust approach that is likely to ensure that Folkestone and Hythe will be able to deliver much needed homes in a time of considerable need.
18. The Places part of the PPLP is arranged over 3 chapters and identifies key locations in Folkestone and Hythe district where growth should be directed. These allocate sites within the identified 3-character areas of the district; the

urban area, Romney Marsh and the North Downs. The range of detailed site-specific policies in the PPLP will positively promote the aims and objectives of the SCS.

Urban Character Area

19. The Urban Character Area chapter of the PPLP contains 19 site allocation policies which relate to the identification and provision of land for new housing and employment development in the towns of Folkestone and Hythe, including Cheriton and Sandgate and the immediate countryside. The aim of the policies is to deliver sustainable, inclusive and mixed communities that maximise existing infrastructure and services. The SCS envisages that the Urban Character Area will provide around 75% of the new homes for Folkestone and Hythe within the plan period.
20. Policy UA11 - Affinity Water, Shearway Road, Cheriton is a criteria-based policy that promotes a residential led mixed-use scheme of approximately 70 dwellings, 3,500sqm of complementary Class B1a (office) commercial floorspace and an area of public open space. The site is located in proximity to the Kent Downs Area of Outstanding Natural Beauty (AONB). Therefore, to ensure that proposed new development takes into account the special characteristics of the AONB it is necessary to modify the policy to include further guidance and direction in relation to design (criterion 2) (**MM01**). Moreover, for the same reason it is necessary to insert an additional criterion (6) into Policy UA15 - Land at the Saltwood Care Centre, Hythe, which supports the provision of approximately 84 Class C2 or C3 Extra Care Units. This modification will provide clear direction in relation to design, therefore contributing to the wider protection of the special characteristics of the AONB (**MM02**).
21. I have had regard to the representations in writing and at the hearings that sought the deletion of Policy UA18 - Princes Parade, Hythe from the PPLP. The policy allocates the site for mixed-use redevelopment to include up to 150 residential dwellings, a 2,961sqm leisure centre; approximately 1,500sqm of commercial uses including hotel use (Use Class C1 / A1 / A3); and public open space.
22. I have carefully considered the potential effect of development on the setting of the adjoining Royal Military Canal (RMC), a Scheduled Ancient Monument. I have also given consideration to issues relating to traffic, drainage/coastal flooding, biodiversity and local wildlife/green space.
23. The RMC was constructed as a defence against the possible invasion of England during the Napoleonic Wars; its key features being the parapet wall and military road on the northern bank, along with its alignment. The RMC was designed to allow defending troops a clear line of fire towards the sea whilst protected behind the parapet wall, with the military road allowing troops to be moved/deployed out of sight of the invading enemy. In many parts of the canal these key design features still remain largely untouched and visually legible, particularly the area to the west of the allocation site in proximity to the adjoining golf course. With regard to the allocation site the opportunity to experience the RMC as it was intended is greatly diminished due to the land being raised by municipal tipping in the 1960s and 1970s, resulting in this

section of the RMC no longer having a clear line of fire to the seafront as was originally designed.

24. As such, I accept that the development of the site would be likely to result in a material change to the immediate character of the area, however, it would not appear incongruous in the context of the RMC as a whole. This is because there are numerous examples of development that adjoin the RMC but are located between the canal and seafront for example, Hythe Imperial, Moncrieff Gardens, and the predominantly residential area between West Parade, Hythe and the canal. Therefore, I consider that Policy UA18's criteria-based approach is justified by the available evidence and provides clear direction to the decision maker in relation to the assessment and statutory protection of the site-specific heritage issues. The policy is also clear in that it seeks to maximise opportunities to enhance key aspects of the heritage asset by improving connectivity between the RMC and the seafront. The policy also contains criterion that allow for the decision maker to robustly assess any development proposal in relation to biodiversity, wildlife, highway safety and drainage.
25. I have carefully considered the potential effect of flooding given the sites proximity to Flood Zones 2 and 3 and the coastal flood defences. Whilst I note local concerns, no technical or substantive evidence was submitted that would demonstrate that issues relating to potential flooding could not be adequately mitigated. Furthermore, in this regard Policy SS3 of the SCS provides clear guidance to the decision maker to require site specific assessment of proposals in areas that are identified as at risk of flooding.
26. Having reached the conclusions above I consider Policy UA18 - Princes Parade, Hythe is justified, positively prepared, consistent and deliverable. Moreover, there is no conflict with the SCS and national policy.

Romney Marsh Character Area

27. The Romney Marsh Character Area chapter of the PPLP contains 14 site allocation policies which relate to the identification and provision of land for new housing and community (medical) development in the scattered settlements that are a component part of the character area. The SCS states that the Romney Marsh Character Area will provide around 10% of the new homes for Folkestone and Hythe within the plan period.
28. Residential development of approximately 15 dwellings for land north and 14 dwellings for lands south of Rye Road, including land adjoining Framlea is promoted by Policy RM13 - Lands north and south of Rye Road, Brookland. The criteria-based policy seeks to encourage a co-ordinated and cohesive approach to the development of the sites in relation to each other and the surrounding area. However, given the overall scale of the allocation it has not been demonstrated that it is necessary for development proposals to be accompanied by the submission of a masterplan. Therefore, to ensure that the policy is justified by the available evidence it is necessary to replace references to 'masterplan' within the policy and supporting text and replace with text that requires proposals to demonstrate how they may integrate with each other and the adjoining area (**MM03**).

29. Policy RM14: Land adjacent to Moore Close, Brenzett is a criteria-based residential development allocation with an estimated capacity of 40 dwellings; or approximately 20 dwellings for the southern section of the site and around 6 dwellings for the northern part of the site, if the sites are developed separately. However, given the scale of the sites it has not been demonstrated that it is necessary for development proposals to be accompanied by the submission of a masterplan or that that proposals should be accompanied by an odour assessment given the sites proximity to the water works. Therefore, it is necessary to ensure that the policy is justified by the available evidence to delete references to 'masterplan' within the policy and supporting text and replace with text that requires proposals to demonstrate how they may integrate with each other and the adjoining area, along with deletion of criterion 12 that relates specifically to the submission of an odour report (**MM04**).
30. Policy CSD2 of the SCS states that the accommodation needs of specific groups will be addressed based on evidence of local need, including appropriate provision for Gypsies, Travellers and Travelling Showpeople. The Council as part of a wider Kent consortium commissioned a Gypsy and Traveller Accommodation Assessment (GTAA). The assessment demonstrates a need for the provision of additional Gypsy and Traveller pitches in Folkestone and Hythe. The Council carried out an extensive search along with a call for sites; that ultimately resulted in land adjacent to "The Retreat", Lydd Road, Old Romney being identified as suitable with a capacity to meet the identified need within the plan period. Therefore, to ensure consistency with Policy CSD2 of the SCS and meet the accommodation needs of specific groups a modification is necessary to add Policy RM15 - Land adjacent to "The Retreat", Lydd Road, Old Romney. The policy is criteria-based and will provide Gypsy and Traveller accommodation with capacity for 4 pitches comprising amenity blocks, parking for static and touring caravans, visitor parking and storage (**MM05**).

North Downs Character Area

31. The North Downs Character Area chapter of the PPLP contains 10 site allocation policies which relate to the identification and provision of land for new housing and limited tourism development. The policies seek to promote an appropriate level of development whilst ensuring that the distinct character of the Kent Downs is protected. The SCS envisages that the North Downs Character Area will provide around 15% of the new homes for Folkestone and Hythe within the plan period.
32. Policy ND6 - Former Lympne Airfield promotes an allocation that is located to the west of Lympne village, adjoining the AONB. The site was formerly a military airfield which was later in civil use. The policy divides the site into two separate parcels, Site 1 is allocated for residential development with an estimated capacity of 125 dwellings and Site 2 is to be retained as an open space/landscape buffer. To ensure that the development of the site does not materially harm the character and appearance of the AONB it is necessary in the interests of clarity to modify criterion 1 of the policy to provide clear direction in relation to the submission of a Landscape and Visual Impact Assessment to inform and secure structural planting/landscaping and street trees within the development (**MM06**).

33. Policy ND8 - Land Adjoining 385 Canterbury Road, Densole is a criteria-based policy which promotes the residential development of the site with an estimated 25 dwellings along with the provision of land allotments (subject to demand). To ensure that the site is deliverable it is necessary to amend criterion 2 and 6 of the policy to take into account the requirements of the Highway Authority with regard to safe ingress and egress (**MM07**).
34. Policy ND9: Etchinghill Nursery, Etchinghill relates to a site that is allocated for residential development within the AONB. The policy supports residential development of approximately 30 dwellings. The policy also seeks to facilitate the provision of a new community use such as a small village store. In the interests of clarity and precision it is necessary to modify criterion 2 that provides direction with regard to landscaping by deleting the word 'southern' and replacing it with 'south eastern and south western'. This modification seeks to ensure that the development of the site does not materially harm the character and appearance of the AONB (**MM08**).

Conclusion

35. In summary the policies contained within the Places chapter of the PPLP, subject to the main modifications identified are justified and consistent with the SCS, and national policy. As such, the allocations are positive and deliverable within the plan period.

Issue 3 – Whether the Policies (development management) policies of the Folkestone and Hythe Places and Policies Local Plan are justified, consistent with the Shepway Core Strategy Local Plan 2013, and are likely to be effective?

36. The Policies section of the PPLP contains 9 topic-based chapters that set out development management policies for Folkestone and Hythe. These deal with the housing and the built environment, economy, retail and leisure, community, transport, natural environment, climate change, health and wellbeing and historic environments. The comprehensive range of detailed policies in the PPLP will positively promote the aims and objectives of the SCS.

Housing and the Built Environment

37. There are 14 policies within the housing and the built environment chapter of the PPLP that seek to provide clear direction in relation to the design and provision of housing within Folkestone and Hythe. The first 3 policies set out the Council's approach to housing design and layout along with providing direction in relation to self-build and custom build housing. The next 3 policies within the chapter focus on rural housing issues, in particular replacement dwellings in the countryside, local housing needs in rural areas and dwellings to support a rural-based enterprise. The chapter also contains policies that provide direction and guidance in relation to alterations and extensions, annex accommodation and development in residential gardens. The final 4 policies in the chapter are criteria-based and provide direction with regard to the loss of residential care homes and institutions, the development of new or extended residential institutions (C2 Use), houses in multiple occupation (HMOs) and accommodation for Gypsies and Travellers.

38. Policy HB3 – Internal and External Space Standards seeks to ensure that new build residential schemes provide adequate internal and external space in relation to the number of bed spaces provided. To ensure the policy provides clear direction to the decision maker a modification is necessary to delete paragraph 9.34 from the explanatory text in relation to the calculation of the size of communal gardens (**MM09**).
39. Policy HB8 – Alterations and extensions to residential buildings is a criteria-based policy that seeks to ensure that new development respects and relates to the original building and the wider context. The policy also seeks to ensure that development does not result in material harm to the living conditions of occupiers of the host building or the occupiers of buildings in proximity to the proposal. Therefore, to ensure the policy is effective a modification is necessary to the policy so it will relate to all forms of built development by deleting references to 'residential' and replacing the word 'property' with 'building' within the criterion of the policy and explanatory text; including a consequential change at paragraph 9.60. Moreover, in the interests of clarity a modification is required to criterion 7 to specify 'the character of the host building' (**MM10**).
40. Policy HB14 – Accommodation for Gypsies and Travellers is a positively worded criteria-based policy that provides clear direction to the decision maker in relation to proposals to meet the needs of Gypsies and Travellers in Folkestone and Hythe. To ensure that the policy is informed by the latest available evidence it is necessary to delete and replace the explanatory text (paragraphs 9.94, 9.95 and 9.96) to include references to the latest available evidence of need and a site allocation in Old Romney (Policy RM15). This will ensure that the plan is consistent, effective and provides clear direction to the decision maker (**MM11**).
41. For the reasons above, the Plan's approach to Folkestone and Hythe's housing and built development is sound subject to the main modifications I have identified. The Plan will support economic growth within the district.

Economy

42. There are 8 policies within the economy chapter of the PPLP that seek to provide clear direction in relation to supporting economic growth within Folkestone and Hythe. The policies seek to promote employment growth, by identifying new employment allocations, and setting out the approach to development proposals in existing employment sites. The chapter also provides clear guidance on tourism, hotels and guest houses, touring and static caravan, chalet and camping sites, farm diversification, the reuse of rural buildings and the provision of fibre (broadband) to premises.
43. Policy E1 – New Employment Allocations seeks to protect the sites for employment that fall within Use Classes B1, B2 and B8. However, some of these sites are located within or in proximity to the Kent Downs Area of Outstanding Natural Beauty (AONB). Therefore, to ensure that proposed new development takes into account the setting of the AONB it is necessary to modify the policy to include further guidance and direction in relation to design (**MM12**).

44. Policy E2 – Existing Employment Allocations is a criteria-based policy that seeks to protect employment sites within Folkestone and Hythe. In the interests of clarity, it is necessary to amend the title of the policy replacing the word 'Allocations' with 'Sites'. Criterion 2 of the policy requires the submission of evidence of sustained marketing should an alternative non-business use be proposed. However, the proposed 6-month marketing period would be unlikely to provide adequate time for employment market conditions to be fully tested in the district. Therefore, to ensure that there is adequate protection for employment sites it is necessary to amend the policy and the supporting text extending the marketing period from 6 months to 12 months with guidance in relation to the evidence that is necessary to demonstrate a policy compliant marketing exercise (**MM13**).
45. Touring and static caravan sites, chalet and camping sites are a component part of Folkestone and Hythe's tourist offer which contribute towards the economy of the district. Policy E5 of the PPLP provides criteria-based direction to the decision maker for development proposals relating to touring and static caravan sites, chalet and camping sites. A modification is therefore necessary in the interests of clarity to add the word 'permanent' to criterion 8 with regard to proposals for changes of use from holiday/tourist accommodation to residential accommodation. Moreover, it is necessary to delete the criterion that relates to the sequential and exceptions tests for locations in Flood Zone 3 to ensure consistency with the NPPF and the associated National Planning Practice Guidance (NPPG) (**MM14**).
46. For the reasons above, the Plan's approach to Folkestone and Hythe's economy is sound subject to the main modifications I have identified. The Plan will support economic growth within the district.

Retail and Leisure

47. The SCS establishes the settlement hierarchy within Folkestone and Hythe. The 12 policies within the retail and leisure chapter of the PPLP provide greater detail and direction in relation to retail hierarchy, town, district and local centres. The policies also address development outside town, district and local centres, advertisements (design, illumination, location), shopfront design along with site specific guidance relating to the Former Silver Spring Site and the Harbour Railway Line.
48. PPLP Policies RL2, RL3 and RL4 are criteria-based policies that seek to ensure that development proposals add to the vitality and viability of Folkestone, Hythe and New Romney town centres. To ensure that Policy RL2 – Folkestone Major Town Centre is consistent with other retail and leisure policies within the plan a modification is necessary to amend the title of the policy replacing 'Major' with 'Main' along with the deletion of the second bullet point that relates to Use Classes D1 and C1 within criterion 1 (Primary Shopping Frontage) this modification also requires consequential changes to the text of policies RL1 and RL8 in the interests of consistency. Likewise, for consistency with other retail and leisure policies within the PPLP, it is necessary to delete the second bullet point that concerns use classes B1, C1, D1 and D2 in criterion 2 (Secondary Shopping Frontages) (**MM15**).

49. To ensure that the retail and leisure policies within the PPLP are consistent it is necessary to delete criterion 2 of Policy RL3 – Hythe Town Centre that relates to development within Use Class D1 (**MM16**). Similarly, to ensure Policy RL4 – New Romney Town Centre is consistent with other retail and leisure policies within the plan a modification is necessary to delete criterion 2 and 5, that relate to development within Use Class D1 and change of use proposals (**MM17**).
50. Having reached the conclusions above, I consider that the PPLP's approach to retail and leisure is sound subject to the main modifications I have identified. The Council's policies will contribute to maintaining a high-quality retail and leisure offer that supports social, economic and environmental well-being in Folkestone and Hythe.

Transport

51. There are 5 policies within the Transport chapter of the PPLP that seek to ensure that new development is underpinned by appropriately designed transport infrastructure. The policies seek to ensure that the design of new development ensures that pedestrians are the primary focus of design and layout. The chapter also provides clear guidance on parking standards, residential garages, parking for Heavy Goods Vehicles, and cycle parking.
52. Policy T2: Parking Standards seek to ensure that development proposals provide parking that is integral to street design without creating conflict and nuisance. Therefore, to ensure the policy is effective within a local context, it is necessary to amend the text of policy to ensure that there is a degree of flexibility in the application of parking standards to take into account local circumstances along with deleting text that repeats national planning policy relating to transport assessments, whilst adding further guidance with regard to mitigating the impacts of on-street parking (**MM18**).
53. Subject to the main modification I have identified, the Transport policies of the PPLP would positively implement the aims and objectives of the SCS. As such, they are justified by the available evidence and sound.

Climate Change

54. SCS Policy SS3 provides amongst other things strategic direction in relation to addressing climate change in Folkestone and Hythe. The climate change chapter of the PPLP contains 6 policies which seek to ensure that new development contributes to the reduction in carbon emissions, utilises sustainable design and construction, and Sustainable Drainage Systems (SuDS). The chapter also includes policies that deal with renewable energy and provide guidance in relation to Wind Turbines, Small Scale Wind Turbines and Existing Development and Solar Farms.
55. Policy CC2 Sustainable Design and Construction provides guidance in regard to measures to reduce greenhouse gas emissions and secure energy and resource improvements thereby ensuring high environmental standards. To ensure that the policy can be applied flexibly a modification is necessary to add additional text to the policy to take into account the potential effect of abnormal costs, economic viability and site-specific requirements relating to

development proposals, subject to the submission of evidence by the applicant (**MM19**).

56. Policy CC5 Small Scale Wind Turbines and Existing Development is a criteria-based policy that provides clear guidance in relation to the assessment of planning applications for small scale wind turbines. In the interests of clarity and to provide clear direction to the decision maker, a modification to criterion 2 of the policy is necessary to ensure that small scale wind turbines proposals are not Out of scale or visually intrusive in relation to local context and the host building (**MM20**).
57. Accordingly, the PPLP's approach to climate change is sound subject to the main modifications I have identified and will contribute towards the reduction of carbon emissions in the district whilst supporting proposals for appropriately designed and sited renewable energy installations.

Health and Wellbeing

58. The Health and Wellbeing chapter of the PPLP contains 4 policies that seek to promote health and wellbeing consistent with the objectives of SCS Policy SS3 with particular regard to addressing the social and economic needs of Folkestone and Hythe. The policies of the PPLP seek to support development that encourages healthier food environments, improves health and wellbeing, whilst aiming to reduce health inequalities. Moreover, the policies support healthy and active lifestyles and promote active travel.
59. It was common ground that obesity is a national problem in relation to health and that the control of childhood obesity can result in long term health benefits. In this particular regard PPLP Policy HW1 seeks to restrict hot food takeaways (A5 uses) within 400m of the boundary of existing primary and secondary schools as a component part of the Council's overall public health strategy. The policy also seeks to ensure that there is not an overconcentration of A5 uses within town, district and local centres.
60. However, whilst the Council set out clear evidence in relation to issues of overconcentration of A5 uses, there was no local substantive evidence that demonstrates a causal link between A5 uses and obesity particularly in children, in relation to the proposed 400m exclusion zone around primary and secondary schools. Consequently, the restriction of A5 uses within 400m of primary and secondary school boundaries is not justified by the available evidence. Therefore, it is necessary for soundness to modify Policy HW1 and the associated explanatory text to relate solely to the overconcentration of A5 uses, deleting references to fast food exclusion zones (**MM21**).
61. Having reached the conclusions above, the PPLP's health and wellbeing policies are sound subject to the main modification I have identified and will contribute towards the improvement of health and wellbeing in Folkestone and Hythe in accordance with the SCS.

Conclusion

62. In summary the Development Management policies of the PPLP subject to the main modifications I have identified are justified by the available evidence and

consistent with the SCS and the NPPF and consequently are likely to be effective.

Monitoring and Delivery

63. Folkestone and Hythe's Authority Monitoring Report will monitor the performance of the Plan and provides most of the necessary evidence on which to assess the success or failure of delivery and what alternatives might reasonably be provided if necessary. A full review of the PPLP within the plan period is not anticipated, due to the Council currently undertaking an early review of the Local Plan. Notwithstanding this, the PPLP sets out clear timescales for delivery and the Council's monitoring regime should ensure that any risks to non-delivery are 'flagged up' and interventions made to alleviate risks should this prove necessary.

Assessment of Legal Compliance

64. My examination of the legal compliance of the PPLP is summarised below.
65. The PPLP has been prepared in accordance with the Council's Local Development Scheme.
66. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
67. Sustainability Appraisal has been carried out and is adequate.
68. The Habitats Regulations Assessment Report January 2018 and addendum July 2018 sets out why an AA is not necessary.
69. The PPLP includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. These include the various policies setting 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.
70. The PPLP complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
71. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including amongst other things the provision of additional pitches to meet the needs of the Gypsy and Traveller communities, along with policies relating to the provision of affordable housing and starter homes, residential institutions and care homes.

Overall Conclusion and Recommendation

72. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted,

in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

73. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Folkestone and Hythe Places and Policies Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

[REDACTED]

Inspector

This report is accompanied by an Appendix containing the Main Modifications.