

Shepway District Local Plan Review – Inspector’s Report

This Appendix lists each of the Inspector’s recommendations for change to the plan, followed by the District Council’s response and the proposed modification where appropriate.

Chapter 1 - Introduction, General and Proposals Map

Introduction – paragraph 1.17g

Recommendation 1.1.4 – Modify the Plan in accordance with PC2

Response: The recommended change would emphasise the Councils commitment to the provision of adequate social and community facilities within new development.

Proposed Modification (MOD 1)

Amend paragraph 1.17g to read:

Policies in the Plan aim to move towards a more sustainable pattern of development, in particular one which maintains and enhances the provision of social and community facilities, and supports the provision of amenities, services and facilities close to the centres of population at towns and villages, where they will be accessible to the greatest number of people.

Introduction – Timetable

Recommendation 1.1.5 – Modify the Plan by updating the timetable for the local plan review process at the end of Chapter 1.

Response: The timetable at the end of Chapter 1 should be updated to reflect the receipt of the Inspector’s Report and consideration of the recommendations and with an anticipated adoption date.

Proposed Modification (MOD 2)

Amend timetable to read:

Council’s consideration of Inspector’s Report and Publication of Resulting Proposed Modifications – June–October 2004

Plan Adopted – Winter 2004

Proposals Map

Recommendation 1.1.16 – Modify the Plan in accordance with PC1.

Response: The proposed change would update references throughout the plan in relation to rail property and development and was in response to a representation from Union Railways.

Proposed Modification (MOD 3)

Amend all references to “Railtrack” throughout the plan to “Network Rail”.

Recommendation 1.1.20 - Modify the Proposals Map in accordance with PC13.

Response: It is necessary to amend the Proposals Map to reflect the most up-to-date Channel Tunnel Safeguarding Directions. When the adopted plan Proposal Maps are issued, a current set of maps will be requested from Union Railways to ensure the current locations are shown. (see also recommendation 11.1.22)

Proposed Modification (MOD 4)

Update CTRL Safeguarding Area when plan is adopted.

Recommendation 1.1.21 - Modify the Proposals Map to reflect the alterations to the list of sites in Appendix 2 in the RDD, and to correct the numbering of the sites at New Romney and elsewhere as necessary.

Response: See response to recommendation 15.1.15 (Site of Claverley). It will be necessary to re-number the sites in Appendix 2 at the adoption stage of the plan, to ensure the numbering is continuous (see new Appendix 2 at end of report). Following the completion of the 2003 Housing Land Supply survey, a number of sites have been completed or development has commenced and should therefore be removed from the Proposals Map. A number of new sites will have been added to the land supply – however, it is suggested that an update is undertaken before the plan is adopted and any new sites added then.

Proposed Modification (MOD 5)

Remove following sites from the Proposals Map

- 2. Market Site, Rendezvous Street, Folkestone**
- 8. Kent House, Bouverie Road West, Folkestone**
- 14. Hospital Hill, Sandgate**
- 47. 10 Lennard Road, Folkestone**
- 51. 51 Seabrook Road, Hythe**
- 28. Land south of The Street and East of Mill Lane, Hawkinge**
- 31. Hawkinge Aerodrome (north of Terlingham Manor Farm)**
- 32. Land at Lourdes Manor, Swan Lane, Sellindge**
- 52. Land at Swan Lane, Sellindge**
- 39. North of Meehan Road and Armada Court, Littlestone**
- 41. Harden Road, Lydd**

Re-number all sites on Proposals Map to reflect new concurrent numbers in Appendix 2.

Update Appendix 2 and Proposals Map before Plan is adopted with the latest Housing Land Supply information.

Chapter 2 – Sustainable Development

Policy SD1

Recommendation 2.1.14 - Modify Policy SD1 by deleting “where possible” from the second sentence of criterion (k)(iii).

Response: It is agreed that for consistency and to reduce uncertainty, the words should be deleted to reflect other changes to the Revised Deposit Draft version of the policy.

Proposed Modification (MOD 6)
Delete words “where possible” from Policy SD1 criterion k iii.

Chapter 3 – Housing

Aims, Objectives and General Matters

Recommendation 3.1.6 - If paragraph 3.3 is intended to refer to the setting of housing requirements at levels above that of the District, then the wording should be modified to make that clear. Otherwise: modify paragraph 3.3 by adding to the second bullet point, after “housing stock”, “existing housing land supply and the Urban Capacity Study.”

Response: The text in paragraph 3.3 is intended to reflect the matters which are taken into account at County and Regional level when setting the housing land supply requirements. Therefore it is agreed that further text is added to clarify this matter.

Proposed Modification (MOD 7)
Add additional wording to end of paragraph 3.3 before bullet points:
“... at County and Regional level...”

Recommendation 3.1.7 - Modify paragraph 3.6(8) by deleting “, as far as possible,” and by adding, after “travel”, “especially”.

Response: The recommended wording will ensure that the aims and objectives properly reflect national and government guidance.

Proposed Modification (MOD 8)
Amend Objective 8 in paragraph 3.6 by deleting the words “as far as possible” and adding the word “especially” before “by car”.

Housing Land Supply

Recommendation 3.1.39 - Modify the second line of Table 1 in accordance with

PC3, to read “Completions 1991-2001”.

Response: This recommendation reflects a typographical error.

**Proposed Modification (MOD 9)
Amend Table 1, Completions to read : “1991 – 2001”**

Recommendation 3.1.40 - Modify paragraph 3.11 by deleting “This provision” in the third sentence and replacing by “The total number of dwellings that should be provided over the Plan period”.

Response: The recommendation will assist in the clarity of the plan.

**Proposed Modification (MOD 10)
Paragraph 3.11. Delete the words “This provision is made up from” and replace with new text “The total number of dwellings that should be provided over the Plan period is made up from”**

Recommendation 3.1.41 - Modify the 16th line of paragraph 3.23 in accordance with PC4, deleting “was identified” and replacing with “is identified”.

Response: The Proposed Change reflected a representation to the Revised Deposit Draft and is a minor grammatical error.

**Proposed Modification (MOD 11)
Amend line 16 of paragraph 3.23 from “was identified” to “is identified”.**

Policy HO1 – New Residential Development

Recommendation 3.1.53 - Modify Policy HO1 by omitting “only” from the first sentence and “exceptions” from the second sentence.

Recommendation 3.1.54 - Modify criterion (a) of Policy HO1 by deleting “subject to Structure Plan and other Local Plan policies”.

Recommendation 3.1.55 - Modify criterion (c) of Policy HO1 by adding “Policy CO2” after “in accordance with”, and by deleting “Minor” and “Structure Plan rural settlement policies” .

Response: It is agreed that a development must be in accordance with Policy unless material circumstances indicate otherwise (following Section 54A) and therefore the circumstances laid out in Policy HO1 cannot by definition be “exceptions”.

Similarly, the Plan must be read as a whole, and this would include Policies within the Structure Plan. However, in order to fully understand the circumstances when new housing development within the countryside maybe permitted, it is agreed that the reference to Policy CO2 will add to the clarity of the Policy. Structure Plan and Policy CO2 will allow more than minor development in RS3a settlements, and therefore it is agreed that the word “minor” should not apply.

Proposed Modification (MOD 12)

Policy HO1 – delete the words “only” and “exceptions” from the first two sentences.

Delete from criterion a) the words “subject to Structure Plan and other Local Plan policies”

Amend criterion c) by deleting the word “Minor”, adding the words “Policy CO2” after “in accordance with” and deleting the words “Structure Plan rural settlement policies”.

Policy HO2 - Omission Sites**Folkestone – Land at Links Way**

Recommendation 3.1.138 - Modify Policy HO2 and the Proposals Map by allocating land at Links Way, Park Farm, Folkestone, for residential development of at least 40 dwellings, in the Plan period 2001-2006.

Response: This site has been considered suitable for both residential and retail warehouse uses by the Council in the past. The site has planning permission for retail warehouse use and was identified as a suitable housing site during the Urban Capacity Study. It was because of the site’s planning permission for retail warehouse use and the conclusions of the CB Hillier Parker Retail Study Update in 2000 that the Council decided against allocating the site for residential use. However, the Inspector considered that the CB Hillier Parker update had not found evidence of demand from potential traders and advice in PPG6 and laterally in the Parliamentary Statement of April 2003 focuses retail activity on town centres. In particular, retailers must demonstrate why their goods cannot be sold from town centre locations. For these reasons, and because of the “white land” status within an urban area, the Inspector considered it should be allocated for housing.

The planning permission for retail warehousing on this site has been renewed and will expire in 2006. However, there is no intended developer at this stage. The current site owners have demonstrated that there are no constraints to prevent housing coming forward in the first phase of the plan. This site will also make up the shortfall from the deletion of Princes Parade. For these reasons, it is agreed to allocate this site for housing.

Proposed Modification (MOD 13)

Allocate land at Links Way, Folkestone (as shown on the attached map MOD13) for housing. Add to the list in HO2 as site T. Add to Table 3 and phase the site in 2001-2006 for 40 dwellings.

Hawkinge – Land at Tighe Lane

Recommendation 3.1.166 - Modify Policy HO2 and the Proposals Map by including the western part of the objection site at Tighe Lane within Site HO2L, as part of the comprehensive development of that land. Amend the number of dwellings allocated for Site HO2L accordingly, and make consequential amendments to Chapter 3 of the Plan.

Response: It was acknowledged in the Council's evidence that the inclusion of this site within allocation site HO2L would be logical. However, the particular circumstances of the Barnhurst Lane site are that it is necessary to link its development with the provision of the bypass. The Council were concerned that the recent planning application had not included this land. However, the Inspector's recommendations are that this concern over piece-meal development should be addressed at the planning application stage. It is therefore agreed that on this basis, the western part of the site can be included in the allocation.

Proposed Modification (MOD 14)

Include the western part of the objection site (see attached plan) into the allocation HO2L and amend the Proposals Map as per plan MOD14. Also see Modification and Recommendation for Policy HO2K & L.

Housing Allocations

Policy HO2A – Folkestone Seafront

Recommendation 3.1.306 - The Council should consider increasing the dwelling total of Policy HO2A towards that indicated in the Urban Capacity Study, to make the best use of this brownfield site at as early a stage as possible in the Plan period.

Response: The District Council acknowledges that the total capacity of the seafront sites will be more than the 500 dwellings phased within the plan period. However, as discussed at the Inquiry, the complexities of site assembly, and the requirement under Policy FTC5 for the provision of other uses, it is considered that only a proportion of the total capacity will come forward before 2011. The Inspector considered that there was no firm evidence to suggest that the total capacity of the site could not be delivered within the plan period.

Circumstances have progressed since the Local Plan Inquiry but the Council is still at the stage of negotiations with the site owners on the form of development across all the FTC sites. A planning application has been submitted for land south of Marine Parade (site of Policy FTC6), which would include 750 dwellings. Further information is required in order for the Council to determine this application. Therefore, although additional capacity is possible under Policies FTC7, 8 and 5 which would bring the total for the seafront sites to close to 900 dwellings, it is still considered that not all of the sites will be fully developed within the plan period. Therefore, for these reasons, it is not considered appropriate to increase the capacity figure for this site beyond the 500 until the planning application has been determined. Under the Plan, Monitor and Manage approach, the Council can re-evaluate the phasing of all the allocations, if it is clear that the development at the seafront will come forward quicker than expected at this moment.

No Proposed Modification

Recommendation 3.1.307 - The Council should ensure that adequate provision for primary education is made, on or off site, by means of developer contributions as appropriate. If provision on-site is found to be the best solution then this should be incorporated into Policy HO2A and the Proposals Map, and/or into the

development brief for the site. The brief should also include reference to measures to ensure the protection of buildings from wind or wave-borne debris.

Response: Kent County Council have indicated that there will be a need for additional primary and secondary school provision as a result of the Seafront development. They have however concluded that a site as part of the Seafront development would not be the best solution and therefore, development contributions as part of a planning agreement would be required. This is being addressed through the planning application procedure, using Policy SC1.

No Proposed Modification

Policy HO2B – St Martin’s Plain, Folkestone

Recommendation 3.1.310 - Modify the Plan by carrying out Further Proposed Change PC5

Response: The Proposed Change would extend the area covered by Policy HO5 across the site of the former allocation of HO2B. The designation of HO5 would have covered the site if the allocation had not been made in the First Deposit Draft (as shown in the adopted Local Plan under Policy HO2). This area would be an obvious choice for future development given its status as previously developed urban land, if it becomes surplus to the MOD.

Proposed Modification (MOD 15)
Amend area shown under Policy HO5 on Proposals Map to cover St Martin’s Plain (see attached map MOD 15)

Policy HO2E – Ingles Manor, Jointon Road, Folkestone

Recommendation 3.1.319 - See under Policy FTC3.

Policy HO2F – Nickolls Quarry, West Hythe

Recommendation 3.1.347 - Modify Policy HO2F in accordance with PC6.

Response: The Proposed Change corrects a minor error in the Revised Deposit Draft text.

Proposed Modification (MOD 16)
Delete words “in size” from second line of criteria v) of Policy HO2F.

Recommendation 3.1.348 - The Local Planning Authority should reconsider in the proposed development brief the details of the size, shape and depth of the lake, to ensure that the existing water based recreational use of the area, and its nature conservation interest, is retained and enhanced.

Response: The Council’s evidence at the Local Plan Inquiry included an up-to-date indicative masterplan for the whole of the site. This altered the shape of the lake area and was revised in consultation with the sailing club who presently use the lake

for watersports. The revised shape of the lake shown on this masterplan resolved the sailing club objections which had been lodged to the Revised Deposit Draft. It also took into account the need to maintain a separate area for the wildlife and conservation interests. It is proposed that this masterplan will be used when drawing up the development brief for the site and therefore the Inspector's recommendations can be dealt with at that stage. For the purposes of the Local Plan, the areas shown on the masterplan were measured to ensure that the correct areas were included within the Policy. For these reasons, minor alterations are required to the Proposals Map and the area detailed for residential development in the policy should be expressed as a minimum.

Proposed Modification (MOD 17)

Amend Policy HO2F first sentence by deleting the word "totalling" and replacing with the word "minimum".

Amend the Proposals Map site HO2F as shown on map MOD17

Policy HO2G – Princes Parade, Hythe

Recommendation 3.1.356 - Modify Policy HO2 and the Proposals Map by removing site HO2G, Princes Parade. Carry out consequential amendments to housing figures and reasoned justification in Chapter 3.

Recommendation 3.1.357 - Modify the Proposals Map by replacing the Policy HO2G designation by a Policy LR9 designation. Alternatively the Council may wish to consider a replacement mixed low-key tourism/recreation use on the HO2G designation area, supported by a new site-specific policy and reasoned justification in Chapter 6 of the Plan.

Response: The Inspector's reasoning and conclusions on this site are detailed and strongly emphasise the importance of retaining the sites openness and attractive character. The Inspector agrees that there is no doubt that this is a sustainable location for housing, and that it is classed as previously developed land in line with PPG3. However, she concludes that this is "one of the rare occasions where the need to preserve the open character of a site, and its relationship to both the sea and the Canal, is so important that it outweighs the imperatives of PPG3". For these reasons, she finds that residential development is not acceptable in principle on this site. The only possibility for future use in the Inspector's opinion is a low-key recreation or tourism use, including only a "severely limited" amount of building. This would rule out a hotel and almost certainly, large buildings for recreational use (a sports centre for example).

The recommendations suggest that the Policy LR9 designation (protection of open space) replace the housing allocation or that the Council could consider a mixed tourism / recreational use which is low key. If this latter route is agreed, it should be supported by a new Policy and reasoned justification in the Tourism chapter.

Government Guidance states that a Local Planning Authority does not have to implement the recommendations of an Inspector, however they must have clear and cogent reasons for not doing so. In planning terms, there are two issues which could lead the Council to retain the allocation for housing (and reject the recommendation). The first is the consequential effect of the sites deletion on the Housing Land Supply

for the district. However, to meet this shortfall the Inspector recommends the confirmation of the allocation of Herring Hang Field, New Romney, a new allocation at Site A Linksway, Park Farm, Folkestone and possible increases in capacity at both the Hawkinge Barnhurst Lane site and Folkestone Seafront sites. These sites would come to a total capacity of 91 dwellings, which just falls short of the loss at Princes Parade (100 dwellings). The total land supply would still have approximately 300 units surplus. This line of argument is therefore weakened by the availability of alternative sites.

The second issue is the effect on the Council's ability to meet the PSA target of the percentage of new homes built on previously developed land (PDL). In the Council's performance plan, a target of 60% has been set. Although this target has been met and exceeded in the last two years, this is mainly due to the Hawkinge sites being developed. Due to the shortage of other PDL sites in sustainable locations within the District, the loss of Princes Parade as a housing site (and the addition of recommended new greenfield allocations) would mean that the percentage of dwellings on new previously developed allocations would fall from 61% to 56%. However, this must be viewed in the context of the other sites within the Housing Land Supply (with planning permission), where the reduction is less significant (64% to 61%). Although this is still above the 60% target, it is close to it and this will mean that the Council must continue to encourage windfall development on brownfield land within the District, in preference to greenfield sites, to ensure that this percentage does not fall lower.

This has been the second Local Plan Inquiry Inspector to consider and reject Princes Parade for housing. The reasons remain the same and this last Inspector reached the conclusion even in the knowledge of the present Government's stance on brownfield land and PPG3. For these reasons, it is considered that it would be difficult for the Council to justify disregarding the Inspector's recommendations. However, if the Council do consider that there are strong defensible reasons to retain the allocation, there is a risk that the Secretary of State will "direct" the Council to modify the Plan in line with the Inspector's recommendations. It is hard to predict how likely this scenario is. If a Direction were issued, this would lead to a delay in the progression of the Plan to adoption.

The Inspector does suggest that low-key recreational uses would be acceptable on the site, providing they retain the openness and attractive character of the site. There have been suggestions to use part of the site for a watersports centre, to cater principally for the canoe club from the Seapoint Centre site, but also to enable the development of a range of watersports activities. This may be possible to achieve within the limits of the recommendation, as long as any associated built development was of a "low key" and limited nature. Given the relationship of this site with the sea and the canal, and the requirement from local clubs for a facility, this would appear a suitable way forward for part of the site. For these reasons, a new Policy is recommended in the Tourism chapter and the Proposals Map should be amended to reflect the area required for this use. As recommended, Policy LR9 should cover the remainder of the site.

Proposed Modification (MOD 18)

Delete text and allocation under Policy HO2G – Princes Parade

Delete site HO2G from the Proposals Map.

Add new site and Policy under Tourism chapter.

Policy HO2H – Land off Romney Avenue, Folkestone

Recommendation 3.1.360 - Modify Policy HO2H by adding, after “incorporate”, “provision of linear public open space, including a link from Southernwood Rise to Romney Avenue, and”.

Response: In the Council’s evidence on this site, it was accepted that the layout of the development could incorporate a footpath through the site without prejudicing the capacity or design achieved. This would also help to achieve a visual link with the area of open space to the south of the site.

Proposed Modification (MOD 19)

Amend Policy HO2H by the addition of the words “provision of footpath link from Southernwood Rise to Romney Avenue and” after the word “incorporate”.

Policy HO2K – Remainder of Aerodrome, Hawkinge

Policy HO2L – Land north of Barnhurst Lane, Hawkinge

Recommendation 3.1.373 - No modification to Policy HO2K. Modify Policy HO2L and the Proposals Map in accordance with my recommendations under Policy CO24.

Response: The capacity of the site needs to be amended from that shown in the Revised Deposit Draft to reflect the Inspector’s decisions from the Call-In Inquiry regarding density (from 135 to 196).

In the Local Plan Inspector’s recommendations on the strategic landscaping belt (Policy CO24), the position of the landscaping belt in relation to the road is considered. The conclusions are that planting on the west side of the bypass would provide a more effective interface with the AONB, with consideration given in any development brief for planting (of a non-strategic scale) on the western side of the road (between the bypass and the housing). Although this would therefore enable the residential allocation to be 0.3ha larger, the recent planning application for 196 dwellings on this site already included this area. The recommendations under Policy HO2 Omission Sites (Tighe Lane) would enlarge the allocation by 0.2ha and therefore the total area and capacity of the site should be amended. (See also response and Modification to Policy CO24).

Proposed Modification (MOD 20)

**Amend Policy HO2L area to 5ha and capacity to 200
Amend phasing shown in Table 3**

Site HO2S – Land at Herring Hang Field, New Romney

Recommendation 3.1.388 - Modify the Plan in accordance with PC21, amending the proposed yield to 36 dwellings.

Response: The Further Proposed Change (PC21) allocated the site at Herring

Hang Field, New Romney for housing following confirmation from the Environment Agency that subject to engineering operations, including works to the New Sewer, there would be no “in principle” objection to housing development. The Inspector agreed that these matters could be dealt with at the planning application stage, and secured by condition, and there were no other sites before the Inquiry which ranked higher than Herring Hang Field in terms of the sequential test of PPG25. This allocation would help meet the deficit in housing supply resulting from the recommended deletion of Princes Parade (site HO2G). The Inspector’s conclusions were that this site should have a target capacity of 36 dwellings (in line with PPG3 minimum density guidelines). This would however be subject to detailed consideration at the planning application stage, and may result in a lower number due to constraints such as access and surface water drainage.

Proposed Modification (MOD21)

Add new text at end of Policy HO2 – 2006-2011 phase:

“S) Land at Herring Hang Field, New Romney – 36 dwellings

Site size – 1.2ha

Detailed assessment of the access and surface water drainage issues will be required, which could result in a lower site density.

Development should not commence until the first time mains drainage scheme has been implemented for this part of New Romney”

Allocate land on Proposals Map as site HO2S (as shown on map MOD21)

Table 3 – phasing of sites

To incorporate the recommended changes to the allocated sites, and to update the Housing Land Supply figures (to reflect the latest 2003 study) it is necessary to update Table 2 & 3 of the Plan.

Proposed Modification (MOD140)

Insert amended Table 2

a) Structure Plan requirement 2001-2011	3300
b) plus residual land supply to 2001	+744
c) Total requirement (for Local Plan Review)	4044
	2001-2011
Completions 2001-2002	415
Completions 2002-2003	402
Residual 2003	3227
d) Large site supply (2003 HLS) – (does not include draft allocations)	1035
e) Windfall estimate	720
f) Draft allocations	1825

g) Total Supply	3580
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Insert new Table 3

	2003-2006	2006-2011
2003 HLS commitments (see Appendix 2)	718	317
Windfall	270	450
New sites		
Folkestone Seafront	250	250
Old Gas Works site	30	40
Depot off Ashley Avenue	5	
Ingles Manor, Folkestone	25	75
Nickolls Quarry, Folkestone		500
Land off Romney Avenue, Folkestone		20
Land off Paraker Way, Seabrook		10
Herring Hang Field, New Romney		36
Site A, Linksway, Folkestone	40	
Reminder Hawkinge Aerodrome	344	
Barnhurst Lane, Hawkinge	70	130
	1752	1828

Policy HO5 – Land requirements beyond 2011

Recommendation 3.1.412 - Modify Policy HO2B, Policy HO5 and the Proposals Map in accordance with PC5.

Recommendation 3.1.413 - Modify the Proposals Map by removing the Policy HO5 designation from Policy LR9 land east of Pound Hill Road.

Response: In the schedule of the responses to representations to the First Deposit Draft, it was stated that following the deletion of the housing allocation from the site at St Martins Plain, the intention was that Policy HO5 would cover the site (as was the position in the adopted plan). Therefore the Proposed Change remedies this error. The changes to the LR9 areas were conveyed on the alterations to Proposal Maps (listed in the back of the Revised Deposit Draft) and the specific changes to remove the HO5 designation from the LR9 area is shown on p219. Therefore, the change, which the Inspector recommends to the area east of Pond Hill Road, has already been agreed.

Proposed Modification (MOD 22)

Include area known as St Martin's Plain (former HO2B) within the designation for Policy HO5 on the Proposals Map.

Policy HO6. Paragraphs 3.3.6 – 3.41 - Affordable Housing

Definition

Recommendation 3.1.438 - Modify the first sentence of paragraph 3.37 by adding, after “market”, “, without subsidy.”.

Recommendation 3.1.445 - Modify the Plan by adding the recommended definition of affordable housing to the Glossary.

Response: The definition of affordable housing in the Plan should reflect the advice in Circular 06/98 which refers to low cost market housing. However, if this is still without some form of subsidy, even the lowest priced market housing at the time of the 2003 Housing Needs Survey (HNS) would be unaffordable to 85% of new households. It is therefore agreed that a reference to subsidy should be added to the definition.

Modification below.

Location of need

Recommendation 3.1.439 - Modify paragraph 3.39 by deleting “in Folkestone, with Hythe and Lydd to a lesser degree.” from the first sentence, and replacing with “in Hythe, Lydd, Hawkinge and Folkestone.”.

Response: The table in the 2003 HNS demonstrated that the location of highest need in the District was Hythe, followed by Lydd, Hawkinge and Folkestone. The text in paragraph 3.39 should therefore be updated.

Modification below.

Percentage target

Recommendation 3.1.440 - Do not modify paragraph 3.40 in accordance with PC17.

Response: The Proposed Change 17 was to increase the percentage of affordable housing sought from 30% shown in the Revised Deposit Plan to 35% following the 2003 HNS. The consultant who carried out the HNS recommended the percentage rise, based on the level of need demonstrated in the District and his experience in negotiating and achieving affordable housing. However, the Inspector in her conclusions found that there was no clear reasoning in the HNS as to why the percentage should be increased. In her opinion, the higher percentage may well dissuade developers from bringing forward sites in a District where the housing market is still fragile. It is agreed that the higher percentage may mean that some marginal sites may not come forward, and this view was expressed in the Inquiry Topic Report (CD5.02 para.4.10.) which was produced before the Council formally considered the results of the HNS. For these reasons, it is agreed that the percentage sought should remain as in the Revised Deposit Draft at 30%.

No Proposed Modification

Tenure Mix

Recommendation 3.1.441 - Modify paragraph 3.40 by deleting the first sentence

and replacing with “The provision of affordable housing on individual sites will be the subject of negotiation. Dependent on the particular local need, the Council will seek an appropriate mix of social rented and other forms of affordable housing.” Delete the last sentence of the paragraph. Retain the reference to 30%.

Response: The tenure mix set out in paragraph 3.40 resulted from a decision made before the 2003 HNS was undertaken. The Inspector concluded that the proportion set out is too prescriptive and amended wording which sought a mix of tenure would be more in line with guidance and the HNS results. The last line of the paragraph can be deleted as the updated survey has now been carried out. The 2003 HNS did demonstrate a preference across the district for social rented housing and it is felt that this should be added to the text.

Modification below.

Threshold of site size

Recommendation 3.1.442 - Do not modify Policy HO6 in accordance with PC18.

Response: The Proposed Change 18 sought to lower the threshold for sites qualifying under Policy HO6 to 15 dwellings or 0.5ha in size, regardless of location within the District. Advice in Circular 06/98 states that a lower threshold can be adopted if this is justified by exceptional local circumstances. The Government also produced in July 2003, a publication “Influencing the Size, Type and Affordability of Housing” which proposed (for consultation) a universal threshold of 15 dwellings or 0.5ha. The results of the 2003 HNS demonstrated that the need for affordable housing was 15 times greater than the amount delivered in recent years. This, coupled with the fact that 85% of new households could not afford market housing, led the Council to agree that the threshold should be lowered for all new sites within the District.

However, the Inspector concluded that although the need for affordable housing in the District was great, it was not exceptional. The conclusions point to evidence that Shepway’s average income is higher than the UK average, and the average price of a terraced house is less than Kent as a whole. The Inspector stated that she had not been presented with evidence to suggest that there were a large number of sites which would fall in the 15-25 dwelling bracket, and would therefore make a significant contribution to the overall provision. The Inspector acknowledges the change in Government policy but states that this is only a consultation draft and cannot be afforded much weight.

By not implementing PC18, there will be a reduction in the number of sites which could provide affordable housing. By their nature, many of the windfall sites in the urban areas of Folkestone and Hythe are smaller infill sites and would not fall within the 25 dwellings/1ha site size. The urban area is the most sustainable location for new housing and by restricting the number of sites where the Council can negotiate affordable housing provision, will mean that the target set for affordable homes will be almost impossible to achieve.

There appears to be a trend of Local Plan affordable housing policies moving towards a lower threshold, due to the extent of the housing need in Kent and the south-east. Within Kent, there are four other Local Plans at the Revised Deposit Stage (approaching or during Inquiry). Each of these plans has proposed a lower threshold of 15 dwellings/0.5ha. In addition, one other authority has proposed a change to the adopted plan policy to reduce the threshold.

There have been indications that the government will publish the agreed amendments to PPG3 in the next few months, which if as outlined in the consultation, will change the threshold in the Circular anyway. More information has been requested from GOSE on this issue and will be verbally reported at the meeting.

Modification below

Target number of affordable dwellings and dispersal across site

Recommendation 3.1.443 - Modify Policy HO6 by deleting “(minimum 30%)” and adding, after “affordable housing”, “of 30%”. Delete the penultimate sentence and replace by “Provision on individual sites should be dispersed and not be concentrated in one location.”. Delete the last sentence and replace by “An overall target of a minimum of homes will be sought across the District as a whole.”, adding the appropriate figure after reassessment of the 2003 Housing Needs Survey. Add reasoned justification of that overall target to paragraph 3.38.

Recommendation 3.1.444 - Modify the Plan by carrying out consequential and other amendments to paragraph 3.38 to reflect the results of the 2003 Housing Needs Survey, to include an amended overall target for provision over the Plan period and by deleting “on allocated sites” from the last sentence.

Response: The target of 400 affordable homes over the plan period was derived from the 1998 HNS. The method and results of the 2003 HNS was different and did not produce a similar total number target. The Inspector concluded that a target was important and useful in assessing progress made. For these reasons, she concludes that the target should not be deleted, but that the results of the 2003 HNS is re-assessed to formulate an appropriate target, which should be expressed as a minimum to achieve. The rationale for this figure should be incorporated into the reasoned justification.

The Council has agreed targets for affordable housing provision in the recent 2004 Housing Strategy. These targets have been agreed with the RSL partners, with consideration of the HNS. These targets would result in a total of 36 affordable units in 2004 and 66 units each year thereafter. It is therefore considered appropriate to translate this into a target for the Local Plan of 500 affordable units (36 plus 66 for 7 years left of plan period). This will be an ambitious target as even if all allocations listed in paragraph 3.40 achieve 30% provision, this will only equate to 356 units.

It is agreed that the text under paragraph 3.38 should be updated following the results of the 2003 HNS. The proportion to be negotiated from new sites should refer to windfalls as well as allocations, and the percentage sought should not be seen as a minimum because the individual site circumstances can result in a lower or higher number. These recommendations are therefore agreed.

With regard to the dispersal of affordable units across a site, the Inspector found that the figure of 4 units was an arbitrary and inflexible figure, particularly in the provision of flats. It is accepted that this maybe hard to achieve if a site was all flats. Therefore, it is suggested that this is used as a general rule, and included within the Supplementary Planning Guidance on affordable housing when produced.

Proposed Modification (MOD 23)

Amend Policy HO6 by deleting text “25 dwellings or more (or over 1ha) within the urban areas or” and deleting the text “in rural areas with a population under 3,000”

Amend Policy HO6 by deleting the text “(minimum 30%)” and adding new text “of 30%” after “affordable housing”.

Delete words in third sentence of Policy HO6 “concentrated in blocks of more than four units in one location”. Add new text “be concentrated in one location”.

Delete words in last sentence “400 homes” and replace with “a minimum of 500 homes”.

Proposed Modification (MOD 24)

Amend the first sentence of paragraph 3.37 by adding new text “without subsidy” after the word “market”.

Proposed Modification (MOD 25)

Amend paragraph 3.38 by deleting the date “1998” from 7th line and replacing with “2003”

Delete 8th – 11th line of paragraph 3.38 from words “An updated survey...” to “...as affordable housing”.

Replace with new text: “The total annual affordable housing need resulting from the survey is for 905 units (taking re-lets into consideration). This translates into a total over the plan period of 7,240 units. This figure is far higher than the total Structure Plan requirement and it is not economically deliverable or sustainable for the Local Planning Authority to meet in full. A target has been set in the Council’s 2004 Housing Strategy for Registered Social Landlord (RSL) provision for urban and rural units. During the lifetime of the Plan this equates to approximately 500 dwellings. Therefore this is considered a realistic target for the Local Plan to adopt as a minimum. Supplementary Planning Guidance will be produced on the detail and application of Policy HO6”

Delete figure of “400” from last sentence of paragraph 3.38 and replace with “a minimum of 500”

Delete words “on allocated sites, within the plan period” from the last sentence of paragraph 3.38 and replace with new text : “on appropriate sites”.

Proposed Modification (MOD 26)

Amend first sentence of paragraph 3.39 by deleting the words “in Folkestone, with Hythe and Lydd to a lesser degree” and replacing with new text “in Hythe, Lydd, Hawkinge and Folkestone”.

Proposed Modification (MOD 27)

Amend paragraph 3.40 by deleting from the first sentence the words “Although the proportion of affordable housing on individual sites will be the subject of negotiation, dependent on the particular local need, the council will seek half of the affordable housing provision as social rented and half as low cost market housing”. Add new first sentence to read “The provision of affordable housing on individual sites will be the subject of negotiation. Dependent on the particular local need, the Council will seek an appropriate mix of different forms of affordable housing, although in general, the preference will be for a higher element of social rented housing.”

Amend paragraph 3.40 by deleting the last sentence.

Proposed Modification (MOD 28)

Paragraph 3.40 – delete “v) Princes Parade, Seabrook” from list of sites and insert new sites “Herring Hang Field, New Romney” and “Linksway, Folkestone”

Proposed Modification (MOD 29)

Paragraph 3.41 – delete “These sites will provide a minimum of 380 affordable homes” and add in new text to beginning of sentence “Together with un-committed sites from Appendix 2, this will provide a minimum 356 affordable homes,”

Proposed Modification (MOD 30)

Amend the definition of affordable housing in the Glossary (p137) by addition of new text “without subsidy” at end of sentence.

Key Workers

Recommendation 3.1.446 - The Council should consider revisiting the data of the 2003 HNS in order to identify whether or not there is a specific need for key worker housing in the District, the extent of that need if present, and seek to address it through Policy HO6 as necessary.

Response: The Inspector recommended that even if there was not sufficient justification for including a specific Policy for Key Worker accommodation, the issue should be kept under review and Policy HO6 would be flexible enough to deal with a circumstance if it arose later in the plan period.

The results of the 2003 HNS showed that 13% of respondents’ head of household worked in the public sector. Two thirds of these were employed in health or education. However, of these only 7% wanted to move in the next five years but felt unable to do so because they couldn’t afford to or because of a lack of affordable housing. These 7% of public sector employees only relate to less than 1% of the total respondents. For these reasons, it is not considered that Key Worker provision is a particular problem for Shepway at present.

Research into the Key Worker issue will be conducted as part of the Council's Housing Strategy process, in consultation with partners and the Local Strategic Partnership (which includes the health and police services). If this is then identified as a particular issue through this research, Policy HO6 or HO8 can still be used to bring schemes forward.

No Proposed Modification

Policy HO10 – Sub-division of properties into flats

Recommendation 3.1.457 - See the recommendations in regard to Appendix 6. Modify the Plan by carrying out any consequential amendments to Policy HO10 and its reasoned justification, as necessary.

Response: See recommendations on Appendix 6. No amendments to Policy HO10 are required.

No Proposed Modification

Policy HO12 – Houses in Multiple Occupation (HMO)

Recommendation 3.1.463 - Modify Policy HO12 by deleting “normally” in the first sentence.

Recommendation 3.1.464 - Modify Policy HO12 by adding to the first sentence, after “self-contained”, “, unless the applicant demonstrates firm and substantial evidence of local need for that form of accommodation.”

Recommendation 3.1.465 - The Council should consider whether Policy HO12 should apply only to certain areas, to be designated on the Proposals Map, where significant environmental harm is likely to arise from an existing or potential concentration of HMO's.

Response: The Council considered that the word “normally” was justified in this Policy, as it is difficult to predict the circumstances when the development of an HMO would be justified. The reasoned justification to this Policy does explain that there are cases where HMO's can provide a unit of accommodation to meet some housing needs. However, in some parts of Folkestone, a concentration of poorly managed HMO's have led to social and environmental problems, and the Council does not wish to generally encourage an increase of new ones. The Inspector considered both sides of this argument and concluded that an extra criterion to Policy HO12 would assist in the Council's control of unacceptable HMO's, particularly in areas where there are already problems.

There is a proposal to implement a Landlord Accreditation Scheme which will also help to regulate the number and standard of HMO's in the area. In the Council's recent Quality Improvement Project on Housing, one recommendation was to amend the Local Plan policy on HMO's which would remove the presumption against their provision or retention. This recommendation was to recognise that HMO's which reflect a standard, can contribute to the housing needs of the District. Therefore, this new criterion would meet the objectives of the QIP recommendation, by allowing new HMO's where there is a proven need for this type of accommodation, but also

help the Council to ensure that a concentration does not lead to poor living conditions in an area.

Proposed Modification (MOD 31)

Add new text to end of paragraph 3.48 to read “and to help achieve this the Council will implement a Landlord Accreditation Scheme”.

Amend Policy HO12 by deleting the word “normally” from the first sentence. Add new text to Policy after the words “self-contained”: “, unless the applicant demonstrates firm and substantial evidence of local need for that form of accommodation”.

Add new text to beginning of paragraph 3.49 to read: “New HMO’s which are in compliance with Policy HO12 and those...”.

Policy HO13 - Supported Accommodation

Recommendation 3.1.470 - Modify Policy HO13 as follows:

Recommendation 3.1.471 - add “similar” before “institutional uses” in the first sentence of the policy;

Recommendation 3.1.472 - delete all wording after “will apply the following criteria:” and replace by the following:

- (a) any resulting intensification of such uses would not give rise to harm to the character of the neighbourhood*
- (b) there are adequate facilities available in the vicinity of the property to meet the needs of its residents*
- (c) the site is not within an area at risk of flooding that is not protected to an adequate standard*
- (d) that the property is no longer suitable for use as a family dwelling defined as a dwelling with 5 or less bedrooms, except where the proposal is to meet the need for small group homes*
- (e) accommodation can be provided for resident staff*
- (f) one car parking space is provided for every 2 full-time members of staff and, in addition, one visitor space for every 6 residents*
- (g) the traffic generated should not harm the amenities of neighbours nor result in danger to users of the highway*
- (h) the property should be set in its own grounds providing a garden area for the use of residents which meets their needs*

Response: The response to the objections to the First Deposit Draft Policy HO13, (CD1.04) agreed to add the word “similar” to both the start of the Policy and the second part, but a typographical error meant it was not carried through to the Revised Deposit Draft. This change is therefore accepted.

The remaining Policy was originally formulated in response to a particular problem resulting from the concentration of nursing and care homes in Littlestone, New Romney. The Policy seeks to retain a mix of uses in an area and prevent the

concentration of institutional uses, which would be harmful to an area's character. It is agreed that the Policy is a little long, and for brevity and consistency with other policies in the plan, a more concise version is accepted. However, the Council considers that the second part of the Policy is helpful in providing certainty for developers and residents on how applications will be assessed. It is therefore proposed to add new text to the reasoned justification to set this out.

The Inspector's recommended Policy incorporates most of the original Policy wording (just re-arranged), apart from the second part, which was felt to be overly prescriptive and lacking justification. It therefore still seeks to protect an area's character from harmful intensification and is therefore accepted (with minor wording changes to criterion a) to reflect wording of other policies).

Proposed Modification (MOD 32)

Amend first line of policy HO13 by inserting word "similar" before "institutional uses".

Delete rest of Policy following first sentence and replace with re-arranged criterion as follows:

- a) Any intensification of such uses would not result in a harmful change to the character of the neighbourhood,**
- b) There are adequate facilities available in the vicinity of the property to meet the needs of its residents,**
- c) The site is not within an area at risk of flooding that is not protected to an adequate standard,**
- d) That the property is no longer suitable for use as a family dwelling defined as a dwelling with 5 or less bedrooms, except where the proposal is to meet the need for small group homes,**
- e) Accommodation can be provided for resident staff,**
- f) One car parking space is provided for every 2 full-time members of staff and, in addition, one visitor space for every 6 residents,**
- g) The traffic generated should not harm the amenities of neighbours nor result in danger to users of the highway,**
- h) The property should be set in its own grounds providing a garden area for the use of residents which meets their needs.**

Add new paragraph following Policy HO13 to read:

"In determining proposals for institutional uses under Policy HO13, which would lead to unacceptable intensification, the District Planning Authority will consider the impact on the use of neighbouring properties and the number of similar existing uses in the locality. As a guide, in wholly residential areas, there should be no more than one establishment within a radius of 400m or 1 in 10 properties, or in mixed residential areas there should be no more than 20% or properties in institutional use."

Policy HO14 – Sheltered Housing

Recommendation 3.1.474 - Modify Policy HO14 by deleting the first sentence up to and including "unless", and replacing it with "The District Planning Authority will permit planning applications for sheltered accommodation where the following criteria are met:"

Response: The recommended change would not change the objectives of the Policy but would bring it in line with Government guidance on avoiding negatively worded policies and would be consistent with other policies in the plan. The change is therefore accepted.

Proposed Modification (MOD 33)

Delete first sentence of Policy HO14 before the list of criterion and replace with new text:

“The District Planning Authority will permit planning applications for sheltered accommodation where the following criteria are met:”

Policy HO15 – Special Needs Annexes

Recommendation 3.1.481 - Modify Policy HO15 as follows: in criterion (c), after “flooding,” add “that are not protected to an adequate standard,”.

Response: The changes to criterion e) of Policy HO15 in the Revised Deposit Draft were made following a representation to the First Deposit version of the policy by the Environment Agency. However, the Inspector considered that in the circumstances of elderly or other special needs annexes, it is often necessary to have sleeping accommodation on the ground floor. In line with other policies relating to residential accommodation (HO13, 16 and U5) it is suggested that restrictions to ground floor accommodation need only be in areas which are at the highest risk from tidal flooding. The recommended change is agreed.

Proposed Modification (MOD 34)

Add new text “that are not protected to an adequate standard,” to Policy HO15 criterion e) following the word “flooding”.

Policy HO16 – Gypsy site provision

Recommendation 3.1.481 - No modification of Plan wording required, but the Council should ensure that annual monitoring and review of provision for gypsies takes place, as part of housing indicator 14.4(4) of Chapter 14, Monitoring and Review.

Response: See response to Recommendation 14.1.11 under Monitoring chapter.

No Proposed Modification

Chapter 4 – Employment

Policy E6a – Loss of Rural Employment Uses

Recommendation 4.1.71 - Modify Policy E6A by adding “E” before “6” in the policy title, and by deleting the quotation mark at the end of criterion (ii).

Response: These are minor wording recommendations which correct typographical errors in the Policy and are therefore accepted.

Proposed Modification (MOD 35)

Amend Policy E6a by adding letter “E” to Policy number and deleting quotation marks at end of criterion ii).

Chapter 5 – Shopping**Shopping - General**

Recommendation 5.1.6 - I suggest that the Council review the provision of local shopping and community facilities at Hawkinge, assessing all potential sites in the area which might serve the existing village and the new housing area.

Response: Carrying out an assessment of potential sites as recommended could be carried out as part of an update of the Hawkinge development Brief (see recommendation 8.1.90 in the Built Environment chapter). The provision of alternative sites for shopping and community facilities in the light of the land take required by the new community hall, was considered at the time of the planning application. This concluded that the location proposed on the employment site was the best available alternative. Other alternatives which might be considered present more problems in terms of availability, access and impact on the landscape.

Shopping – paragraph 5.6 Out of centre shopping development

Recommendation 5.1.12 - Modify paragraph 5.6 as follows:

(a) Add to the end of the second sentence in paragraph 5.6 “,in accordance with the sequential approach of PPG6.”;

(b) Delete third and fourth sentences of paragraph 5.6 and replace with “ Developers should be able to demonstrate that all potential town centre options have been thoroughly assessed before less central sites are considered for development. In applying the search sequence of the sequential test the first preference should be for town centre sites, where suitable sites or buildings suitable for conversion are available, followed by edge of centre sites, district and local centres and only the out-of-centre sites that are accessible by a choice of means of transport”

Response: Agreed. The amendments bring the Plan more into line with guidance in PPG6.

Proposed Modification (MOD 36)

(a) Add to the end of the second sentence in paragraph 5.6 “,in accordance with the sequential approach of PPG6.”;

(b) Amend third and fourth sentences of paragraph 5.6 as Inspectors recommendation, to read:

Developers should be able to demonstrate that all potential town centre options have been thoroughly assessed before less central sites are

considered for development. In applying the search sequence of the sequential test the first preference should be for town centre sites, where suitable sites or buildings suitable for conversion are available, followed by edge of centre sites, district and local centres and only the out-of-centre sites that are accessible by a choice of means of transport”

Shopping - Policy S2 Out of Centre shopping development

Recommendation 5.1.13 – Modify Policy S2 by deleting “provided” from the third sentence. Close the sentence and add “Proposals for retail development located outside town centres will only be acceptable where”.

Response: Agreed. The proposals bring the Policy more into line with PPG6

Proposed Modification (MOD 37)

Amend third sentence of Policy S2 to read: “Where this is not possible, out of centre sites within the urban area may be acceptable.” And add new sentence “Proposals for retail development located outside town centres will only be acceptable where:-.”

Recommendation 5.1.14 – Modify criterion (a) of Policy by deleting and replacing by “It can be demonstrated that there is a need for the development, and that alternative sites higher up the search sequence have been thoroughly investigated.”

Response: Agreed. The amendments bring the policy more in line with PPG6

Proposed Modification (MOD 38)

Amend criterion (a) of Policy S2 to read:

“It can be demonstrated that there is a need for the development, and that alternative sites higher up the search sequence have been thoroughly investigated.”

Recommendation 5.1.15 – Modify Policy S2 by deleting criterion (c).

Response: This criterion requires that retail development should not prejudice the supply of land for industrial or other needs. However these matters are dealt with under other policies in the Plan and do not need to be repeated here.

Proposed Modification (MOD 39)

Delete criterion (c) of policy S2.

Recommendation 5.1.16 – Modify the paragraph which follows criterion (c) of Policy S2 by deleting all after “criteria” and replacing with “and if developers and

retailers can demonstrate that the majority of goods cannot be sold from town centre stores.”

Response: The amendment improves the plans position on retail warehouses, and reflects the Governments position as set out in a Parliamentary Statement of April 2003.

Proposed Modification (MOD 40)

In the paragraph of the Policy after Criterion (c), delete all after “criteria” and replace with “and if developers and retailers can demonstrate that the majority of goods cannot be sold from town centre stores.”

Shopping – paragraph 5.9 Out of Centre shopping development

Recommendation 5.1.17 - Modify paragraph 5.9 by adding, after “if” in the first sentence, “after thorough investigation it is found that.” Delete the second sentence and replace with “In addition to compliance with the sequential approach, applicants should demonstrate that there is a need for the development, that the majority of the goods cannot be sold from town centre stores, and that there will be no adverse impact on the town centre

Response: Agreed. The proposed modification strengthens the policy’s position towards out of town retail warehouses.

Proposed Modification (MOD 41)

Amend paragraph 5.9 by adding, after “if” in the first sentence, “after thorough investigation it is found that.” Delete the second sentence and replace with “In addition to compliance with the sequential approach, applicants should demonstrate that there is a need for the development, that the majority of the goods cannot be sold from town centre stores, and that there will be no adverse impact on the town centre

Shopping – Policy S4 Folkestone Town Centre Secondary shopping area

Recommendation 5.1.23 – Modify Policy S4 by correcting the minor typographical error in “appropriate” in the last sentence of the Policy.

Response: Agreed. This corrects an error.

Proposed Modification (MOD 42)

Replace “apprapraite” with “appropriate”, in the last sentence of Policy S4.

Shopping – Policy S5 Local shopping areas Hythe

Recommendation 5.1.29 – Modify Policy S5 by correcting the minor typographical error in “appropriate” in the last sentence of the Policy.

Response: Agreed. This corrects an error.

Proposed modification (MOD 43)
Replace “appropraite” with “appropriate”, in the last sentence of Policy S5

Shopping – Policy S6 Local shopping areas New Romney

Recommendation 5.1.33 – Correct the minor typographical error in “appropriate” in the last sentence of the policy.

Response: Agreed

Proposed Modification (MOD 44)
Replace “appropraite” with “appropriate”, in the last sentence of Policy S6

Shopping – Policy S7 Local shopping areas Cheriton

Recommendation 5.1.36 – Correct the minor typographical error in “appropraite” in the last sentence of the policy

Response: Agreed

Proposed Modification (MOD 45)
Replace “appropraite” with “appropriate”, in the last sentence of Policy S7

Chapter 6 Tourism

Tourism – Policy TM2 Retention of visitor accommodation

Recommendation 6.1.20 – Modify policy TM 2 by deleting “The” from the start of criterion 2 and replacing with “In the case of hotels and Guest Houses, the” .

Response: The criterion as written at present resists the loss of tourism accommodation if the premises are poorly related to the areas of main tourist activity or tourist routes. It was pointed out by an objector that it would be difficult to apply this in the case of self catering holiday accommodation in the countryside, which is almost bound to be away from main tourist areas or routes. The amendment would leave the proposed loss of such accommodation to be judged solely against the first criteria of the policy which relates to the standard and type of accommodation in relation to visitor demands: an applicant could not show compliance with the policy on the grounds that a self catering use was unrelated or incompatible with surrounding uses (the other part of criterion 2). It is felt that this is unlikely to lead to any problems in protecting self catering holiday accommodation.

Proposed Modification (MOD 46)

Amend the first criterion 2 of Policy TM2 by inserting the words “In the case of hotels and guest houses” before “the”, at the start.

In considering representations made on behalf of the owners of the Garden House Hotel, the Inspector dismisses suggestions that the Policy should make explicit reference to hotels that are damaged or derelict, implying that the Policy as drafted adequately covers such situations. It is however, considered helpful to clarify the policy further to make it very clear that damage to, or the destruction of a hotel, does not lead to the Policy becoming invalid.

Proposed Modification (MOD 47)

Amend Policy TM2 criteria 2 by adding “or site” after “premises”.

Tourism - SPG

Recommendation 6.1.21 – That the Council consider the review and updating of the SPG to reflect the title and broader scope of Policy TM2, and to replace “could” in section 6 of the guidance (financial information) with “should”.

Response: The need to update this SPG to reflect the new policy has already been noted and any versions of the SPG issued to developers now have a note to this effect. When the Plan is adopted this can be formalized. The use of the word “could” instead of “should”, was inserted by the Local Economy Committee when it agreed the SPG, on 11th June 1997. The Committee felt that they should not dictate to developers on the type of financial information. The Inspector considers that this wording considerably weakens the guidance and the force of the policy, and therefore should be changed to “should”. The Council can reconsider this wording when it agrees the revision of the SPG.

Tourism – Policy TM3 New Hotels

Recommendation 6.1.33 - Modify policy TM3 by deleting “and Princes Parade” from the second sentence.

Response: See response to recommendations 3.1.356 and 3.1.357 .

Proposed Modification (MOD 48)

Delete words “and Princes Parade” from Policy TM3

Tourism – Policy TM7 Rural Tourism

Recommendation 6.1.43 – Modify Policy TM7 by adding “A” to the start of the second sentence, and by adding “or attraction” after “tourist accommodation”.

Response: The Policy as worded allows for small scale tourist accommodation or attractions in rural areas, as conversions of existing buildings, but only small scale tourist accommodation in purpose built units. The amendment would allow small scale purpose built tourist attractions to be located in rural areas. The remaining

criteria of being well related to existing building complexes, and complying with highway, built environment and countryside conservation policies would remain as existing. This would be in line with the Councils support for the development of rural tourism and could not be used to justify major new tourist developments in the countryside.

Proposed Modification (MOD 49)

Amend the second sentence of Policy TM7 to read: “Small scale purpose built tourist accommodation or attractions will only be permitted where ~~it is~~ they are well related to existing building complexes.”

Tourism – Paragraph 6.25 – 6.26 Princes Parade

Recommendation 6.1.47 – Modify paragraph 6.25 by deleting in the fourth sentence “(which could include a hotel)”, and delete paragraph 6.26

Response: See response to recommendations 3.1.356 and 3.1.357

Proposed Modification (MOD 50)

**Paragraph 6.25 – delete words “(which could include a hotel) in relation to” and replace with new text “which are closely related to”
Delete paragraph 6.26**

Recommendation 6.1.48 – If the Council consider that a mixed recreational/tourism use of site HO2G would be appropriate, carry out consequential modifications to paragraph 6.25 to that effect and add a new policy if considered necessary.

Response: See response to recommendations 3.1.356 and 3.1.357

Proposed Modification (MOD 51)

Insert new paragraph 6.26 as follows:

“In order to preserve the open character of the site and to enhance the setting of the Canal, any use should be low-key. Built development will only be acceptable where it is essential for the use and should be limited in scale”

Proposed Modification (MOD 52)

Allocate land as shown on map MOD52 As TM8a and remainder of Princes Parade site as LR9.

Add new Policy:

Policy TM8a

Planning permission will be granted for recreational/community facilities on land at Princes Parade, Hythe as shown on the Proposals Map subject to the following criteria;

- a) The use should take advantage of, and enhance the appearance of, the Canal and the coastline**
- b) The majority of the site should remain open**

- c) **Proposals should not adversely affect the character and setting of the Scheduled Ancient Monument**
- d) **Built development will only be permitted if justified as essential to the use and should be small scale, low rise and of a high quality design.**

Chapter 7 Leisure and Recreation

Leisure and Recreation – General

Recommendation 7.1.3 – Modify paragraph 7.7 to show how the requirements of paragraphs 1-5 of PPG 17 will be carried out, and how the result of such surveys will inform the way in which the policies of the Plan are implemented.

Response: Paragraph 7.7 refers to a number of studies carried out, and strategies produced for the provision of sports and recreational uses, in Shepway. The Inspectors conclusion is that these appear to be out of date or not covering the needs of the district as a whole. It is agreed that the paragraph does not give a clear indication of the show how the local authority has or will assess needs for all sectors of the community, and needs to be amended. The Council is currently carrying out a comprehensive open space survey to update the study carried out in 1998, and this is intended to provide the comprehensive assessment the Inspector seeks. She recommends that the Plan should not be delayed in while an assessment is carried out.

Proposed Modification (MOD 53)

Amend paragraph 7.7 to read :-

“The provision of facilities for different sport and recreational uses in the district is assessed in relation to the quantity, quality and accessibility of existing local facilities and the need for additional facilities to cater for the needs of the whole community. Opportunities to participate in sport and recreation, whether as players or spectators, is a key aim of the Governments policy for sport and recreation. Consideration of the needs of all sectors of the population including the elderly and those with disabilities, should be part of an overall Sports Strategy. An open space survey was carried out in 1998, and this together with work carried out by Kent County Councils Sports Development Unit, has been used to identify the deficiencies set out below. The Council is currently revising the 1998 study and carrying out a comprehensive assessment of open space and recreation provision within the district. This will update the information on needs and deficiencies for sports and recreation, and once completed, will be used to guide the Councils response to proposals which would have implications for the provision, replacement or loss of sports and recreational facilities. “

Recommendation 7.1.4 – Modify paragraph 7.13 by adding, after “older children”, “and young people”.

Response : Agreed. The Inspector is concerned that the Plan as currently worded does not give adequate recognition to the recreational needs of young people, who she identifies as those over the age of 14. This age group favours activities such as skateboarding, skating and biking which do not easily sit into the hierarchy of children's play spaces in the NPFA standards used in the Plan. The council recognises this and therefore supports the recommendation.

Proposed Modification (MOD 54)

Amend paragraph 7.13 by adding “and young people” after “older children” at the end of the first sentence.

Leisure and Recreation Policy LR10 Equipped Play Areas

Recommendation 7.1.5 – Modify (b) (iii) of Policy LR10 by adding, after “older children and”, “young people, and for”

Recommendation 7.1.6 – Modify Policy LR10 by correcting a minor typing error in the last line: delete “with” and replace by “within”

Response: Agreed. See response to recommendation 7.1.4

Proposed Modification (MOD 55)

Amend the last part of the Policy under iii) Neighbourhood Equipped Areas for Play to read:-

Equipped areas with an activity zone of at least 1,000 sq.m. and 30 metres away from the curtilage of the nearest house to cater mainly for unaccompanied 8-14 year olds with consideration for older children and young people, and for slightly younger supervised or accompanied children, within 15 minutes walking time of home (approximately 1,000 metres).

Leisure and Recreation Paragraph 7.13 assessment of sports provision

Recommendation 7.1.8 – Modify paragraph 7.13 by deleting the apparent quotation mark at the end of the second sentence

Response: Agreed. This is a minor typographical error

Proposed Modification (MOD 56)

Delete “ from the end of paragraph 7.13

Leisure and Recreation Policy LR5 Folkestone Racecourse

Recommendation 7.1.16 – Modify paragraph 7.23 by deleting all text after the first sentence.

Response: Paragraph 7.23 supports the development of Folkestone Racecourse for leisure/tourism and exhibition/conference facilities. The text also refers to residential development and the need for this to be justified in terms of a need to support the

leisure and tourism facilities and associated infrastructure. This was accepted as a justification for housing in the planning application approved in 1994. The Inspector considers that Government advice has changed considerably since 1994 and the Plan accordingly should no longer explicitly refer to the provision of housing as enabling development. This would not prevent the Council considering the need for an element of housing at the planning application stage if exceptionally justified.

Proposed Modification (MOD 57)

Amend paragraph 7.23 by deleting all text after the first sentence.

Leisure and Recreation Policy LR6 Lower Leas Coastal Park

Recommendation 7.1.18 – Modify Policy LR6 by adding, after “Park’s”, “character, its”.

Response: Agreed. This is a minor modification to the Policy which aims to show that the ‘proposals’ for the Coastal Park referred to, are fundamentally different from the development of the adjacent area of Folkestone Seafront dealt with in the FTC Chapter.

Proposed Modification (MOD 58)

**Amend Policy LR6 by amending the second sentence to read:-
“Proposals will be subject to amenity, environmental and highway considerations and should enhance the Park’s character, its usefulness to visitors and make a positive contribution to the Parks’ appearance. “**

Recommendation 7.1.19 – Modify paragraph 7.30 by adding to the end of the second sentence “in an open landscaped setting”.

Response: Agreed. This clarifies the Councils intention to retain the character of the Coastal Park as a landscaped open space.

Proposed Modification (MOD 59)

**Amend the second sentence of paragraph 7.30 to read:-
“The District Council considers that this park has the potential to become a regionally important visitor facility and could provide greatly enhanced formal and informal leisure and recreation opportunities in an open landscape setting.”**

Leisure and Recreation Policy LR9 Protection of Open Space

Recommendation 7.1 28 – Modify paragraph 7.40 by deleting “7.38” at the start of the first sentence.

Response: Agreed. This is a minor typographical error.

Proposed Modification (MOD 60)

Delete “7.38” form the beginning of paragraph 7.40.

Leisure and Recreation Policy LR12 School Playing fields

Recommendation 7.1.38 – Modify Policy LR12 by deleting the words “at least one of” and replacing with “both”.

Response: This Policy protects school playing fields and other open spaces on school sites. Where proposals are made they need to be justified against one of two criteria. These are the sufficiency of alternative open space and the need for the land to provide an alternative educational use which cannot be met in another way. The Inspector considers that both criteria are relevant to the consideration of the potential loss of school open space, and would be in line with the advice in PPG17. It would not be sufficient to only show, for example, that there was an educational need for the development. The amendment brings the Policy into line with Policy LR9 which protects general open space, and requires both need and sufficiency of alternative provision to be shown.

Proposed Modification (MOD 61)

Amend Policy LR12 by deleting the words “at least one of” and replacing with “both”, in the first paragraph.

Recommendation 7.1.39 – The Council may wish to consider undertaking a final check of the accuracy of boundaries of Policy LR12 designations with Kent County council before printing the adopted version of the Proposals Map.

Response: This seems a sensible course of action and will be implemented.

No modification required

Leisure and Recreation Policy LR13 Dual Use of School Facilities

Recommendation 7.1.42 – Modify the title of Policy LR13, which precedes paragraph 7.48, by adding “and other” between “school” and “facilities”.

Response: This is intended to reflect the widened scope of the Policy following the changes made to the Revised Deposit Draft Plan, and seems appropriate.

Proposed Modification (MOD 62)

Amend the title of Policy LR13 to “Dual Use of school and other facilities”.

Chapter 8 Built Environment

Built Environment Policy BE1 General Layout and Design

Recommendation 8.1.8 – Modify Policy BE1 by adding, after the second paragraph, a new paragraph as follows: “ Development proposals must demonstrate that account is taken of opportunities to reduce the incidence of crime and the fear of crime against both property and the person”.

Response: The Inspector considers the Plan should be more forthcoming on designing out crime. As tackling crime and disorder and reducing the fear of crime is

within the Council's key priorities, this amendment will be helpful in encouraging developers to give this issue due consideration.

Proposed Modification(MOD 63)

Insert a new paragraph after the second paragraph of Policy BE1 to read:-

“Development proposals must demonstrate that account is taken of opportunities to reduce the incidence of crime and the fear of crime against both property and the person.

Recommendation 8.1.9 – Modify paragraph 8.7 by deleting “and landscaping” and adding “landscaping and designing out crime”.

Response: See response to recommendation 8.1.8. This modification amends the text to refer to designing out crime.

Proposed Modification (MOD 64)

Amend the third sentence of paragraph 8.7 by deleting “and landscaping” and adding “landscaping and designing out crime”

Built Environment Policy BE4 Conservation Areas

Recommendation 8.1.20 – Modify Policy BE4 (f) by adding, after “trees”, “.verges”

Response: The Inspector considers that there is a need for the Plan to offer more protection against the loss of verges to vehicular accesses, particularly within Conservation Areas. The addition of ‘verges’ to the list of features which should be protected by Policy BE1, will enable the Council to resist proposals for vehicular accesses which are considered to have a harmful effect on the character of the Conservation Area concerned.

Proposed Modification (MOD 65)

Amend Policy BE4 (f) to read: _

“protect trees, verges and hedgerows which enhance both the setting and character of Conservation Areas.

Built Environment paragraph 8.12 Conservation Areas

Recommendation 8.1.21 – Modify paragraph 8.12 by deleting “buildings” in the first sentence and substituting “, which would otherwise be permitted development”.

Response: This amendment, which is in line with the amendment to Policy BE4(f), indicates that Article 4 directions can be used in a wider way than the control of alterations to buildings, to cover other types of permitted development.

Proposed Modification (MOD 66)

Amend the first sentence of paragraph 8.12 to read: _

“The District Planning Authority will consider introducing Article 4(1) and 4(2) Directions subject to any necessary confirmation to control alterations which would otherwise be permitted development, where these would be detrimental to the appearance and character of Conservation Areas.”

Built Environment Policy BE5 Listed Buildings

Recommendation 8.1.27 – Modify Policy BE5 by deleting the apostrophe at the end of criterion (i) and replacing it with a semi-colon.

Response: Agreed. This is a minor typographical error.

**Proposed Modification (MOD 67)
Delete the apostrophe at the end of criterion (i) of Policy BE5, and replace it with a semi-colon.**

Built Environment paragraph 8.22 Shopfronts

Recommendation 8.1.43 – Modify paragraph 8.22 by deleting “modern” in the second sentence.

Response: The amendment would have the effect of indicating that it is not exclusively modern shopfronts which can detract from a shopping areas attractiveness. Older shopfronts of poor design or shopfronts which are poor interpretations of traditional designs could also be detrimental.

**Proposed Modification (MOD 68)
Amend the second sentence of paragraph 8.22 to read:-
“Some shopfronts have severely detracted from the appearance of both individual buildings and the character of shopping areas as a whole”**

Built Environment Policy BE11 Housing Density

Recommendation 8.1.50 – Modify Policy BE11 by adding, as the first sentence of the Policy, “The Council will seek a net density of at least 30 dwellings per hectare in new residential development.”

Recommendation 8.1.50 – Modify Policy BE11 by deleting “unless the density reflects” from the first sentence, and replacing it with “which would cause significant harm to”..

Response: The amendments reflect the importance which the Government attaches to the question of increasing residential densities in new development. This is reflected in PPG3. The Government has also issued the Town and Country Planning (Residential Density) (London and South East England) Direction 2002, which empowers the ODPM to intervene in planning applications for residential development of less than 30 dwellings per hectare, on sites of 1 hectare or more, in areas including Shepway. The Inspectors proposed recommendations would have the effect of seeking to achieve a minimum density of 30 dwellings per hectare in new residential development unless it can be shown that this would result in significant

harm to the character of the site and its' surroundings. A policy seeking increased densities in new housing, where development is acceptable, such as previously developed land within urban areas, reduces the pressure and need for additional less suitable sites such as greenfield sites outside settlement boundaries. It is considered that the recommended amendments would better reflect Government advise, but would still enable the Council to reject proposals where they are considered to have a significant adverse impact on the character and quality of the site and its' surroundings.

Proposed Modification (MOD 69)

Amend Policy BE11 to read:-

“The Council will seek a net density of at least 30 dwellings per hectare in new residential development. Planning permission will not be granted for residential development which would cause significant harm to:

- a) **The character of the site itself, including the presence of landscape features and any other features of interest;**
- b) **The character of the surrounding area.”**

Built Environment paragraph 8.27 Housing Density

Recommendation 8.1.52 – Modify paragraph 8.27 by adding a full stop after “densities” in the second sentence and deleting the rest of the paragraph. Replace the deleted text with the following “The Council will encourage the more efficient use of land in housing development by seeking to ensure that a net density of at least 30 dwellings per hectare is achieved. Applicants should use good, imaginative design to ensure that the quality of the environment and the character of the area is not compromised.”

Response: This recommendation amends the text to comply with the changes the Inspector has proposed for Policy BE11. The emphasis of the paragraph is consequentially changed from seeking to achieve a density in new development which reflects the character and appearance of the surrounding area, to seeking a net density of at least 30 dwellings per hectare on all sites: using design to **overcome** any harmful impact. Whilst accepting the case for amending the text to reflect Government policy on density, there may be occasions where even excellent design cannot overcome the harmful impact of a high density development. It is felt that the text needs to be expanded beyond what the Inspector is recommending, in order to indicate to developers that the local authority also places an emphasis on the quality of the environment.

Proposed Modification (MOD 70)

Amend paragraph 8.27 by adding a full stop after “densities” in the second sentence and deleting the rest of the paragraph. Replace the deleted text with the following:-

“The Council will encourage the more efficient use of land in housing development by seeking to ensure that a net density of at least 30 dwellings per hectare is achieved. Applicants will be expected to use good imaginative design to ensure that the quality of the environment and the character of the area are not compromised . Where a density of 30 dwellings per hectare would result in an unacceptable impact on the

character and appearance of the site and/or its surroundings, the Local Authority will accept such lower density as can be accommodated without causing the character and quality of the area to be seriously diminished.”

Built Environment Policy BE12 Low Density Residential Areas

Recommendation 8.1.59 – Modify Policy BE12 as follows:

- (a) amend the title of the policy to “Areas of Special Character”, including on the Proposals Map*
- (b) in the first sentence of the policy, delete “low density residential areas” and replace by “Areas of Special Character”*
- (c) in the first sentence delete “; or a significant reduction in the ratio between developed and undeveloped space” and replace by “especially in relation to important skylines,”.*

Response: The Inspector considers that in the light of the advice in PPG, a policy that designates areas solely or mainly on the grounds of residential density should have no place in a local plan. However she accepts that the Councils desire to protect areas where the quality of the built environment is particularly special, is acceptable in policy terms. Her recommendation therefore retains the concept of ‘special’ protected areas but proposes renaming them as “Areas of Special Character”. The recommended amendments would enable the Council to resist developments which would compromise the distinctive character of any identified “Area of Special Character”, not just concentrating on any resultant increase in density. This proposal would enable the Plan to more closely comply with Government guidance without compromising the Councils desire to protect those areas of the district where it is considered that there is a particular locally important character which could be damaged by insensitive development.

Proposed Modification (MOD 71)

Recommendation 8.1.59 – Modify Policy BE12 as follows:

- (a) amend the title of the policy to “Areas of Special Character”, including on the Proposals Map**
- (b) in the first sentence of the policy, delete “low density residential areas” and replace by “Areas of Special Character”**
- (c) in the first sentence delete “; or a significant reduction in the ratio between developed and undeveloped space” and replace by “especially in relation to important skylines,”.**

Built Environment Paragraph 8.28 Low Density Residential areas

Recommendation 8.1.60 - Modify paragraph 8.28 by deleting the whole and replacing with the following: “Some parts of the District are characterised by areas of special environmental quality, including detached houses in large gardens with much mature vegetation, which contribute significantly to the attractive appearance and character of their surroundings and of important skylines. The

District Planning Authority will protect such areas from development which would fail to make a positive contribution to the character and appearance of the area."

Recommendation 8.1.61 - In the last sentence delete "result in ...loss of existing character or appearance" and replace with "fail to make a positive contribution to the character or appearance of the area."

Recommendation 8.1.62 - That the Council consider the production of supplementary planning guidance which would identify the key characteristic of each area which merit special consideration.

Response: These amendments to the text of the Plan follow on from the amendments made to Policy BE12. They change the emphasis from protecting areas for their low density of development, to protecting areas for their special environmental quality. As with the changes to Policy BE12, the amendments enable the Council's wishes to protect areas from inappropriate development, to accord with the prevailing government's guidance.

The Inspector suggests that supplementary planning guidance should be produced which identifies the key elements which create the special character of each area, which would be helpful to applicants and decision makers. This additional guidance would be a valuable tool for use in development control where disagreements about the interpretation of Policy BE12, are common.

Proposed Modification (MOD 72)

"Some parts of the District are characterised by areas of special environmental quality, including detached houses in large gardens with much mature vegetation, which contribute significantly to the attractive appearance and character of their surroundings. Modify paragraph 8.28 by deleting the whole and replacing with the following: and of important skylines. The District Planning Authority will protect such areas from development which would fail to make a positive contribution to the character and appearance of the area."

In the last sentence delete "result in ...loss of existing character or appearance" and replace with "fail to make a positive contribution to the character or appearance of the area."

The Council produces supplementary planning guidance which would identify the key characteristic of each area which merit special consideration

Built Environment Policy BE13 Urban Open Space

Recommendation 8.1.65 – Modify Policy BE13 by deleting "or" in the first sentence and replacing with "of".

Response: Agreed. This is a minor typing error.

Proposed Modification (MOD 73)

Amend first sentence of Policy BE13 to read:-

“Development proposals which would result in the loss of urban open space with amenity value will only be granted where they meet the following criteria:”

Built Environment Paragraph 8.40 Development Briefs

Recommendation 8.1.89 – Modify paragraph 8.40 by deleting “and remain valid” from the last sentence.

Recommendation 8.1.90 – That the Council consider urgently the updating of the Hawkinge brief in the light of implementation decisions, such as that concerning the northern arm of the Bypass, and changes in government advice, that have taken place since 1990.

Response: Agree that the phrase “and remain valid” is unnecessary and should be deleted.

The Hawkinge development brief was prepared before the start of the development at Hawkinge and updated in 1990. An update was prepared in 1995 but was never progressed due to concerns over the public consultation necessary causing confusion because of ongoing development proposals which were subject of separate consultation. The development brief is still relevant in many respects and in conjunction with the updated Local Plan policies has provided guidance for the continuing development at Hawkinge. It is agreed that the allocation of additional housing land which is not covered in the development brief, does make the need to update the brief more urgent. However, planning applications for the two major new sites have already been received and it is probably too late to attempt to re-write the brief to provide guidance on these sites. There is a need to revise the brief to at least reflect the current government policy, and the latest Structure Plan and Local Plan policies. This should be agreed as desirable, subject to resources being available to carry out the work.

Proposed Modification (MOD 74)
Amend paragraph 8.40 by deleting “and remain valid” from the last sentence.

Chapter 9 Utilities

Utilities Paragraphs 9.8 and 9.9 Constraints on Romney Marsh

Recommendation 9.1.10 – Modify paragraph 9.8 in accordance with PC9

Response: Paragraph 9.8 refers to the timing of the first time sewerage plans for New Romney. The Council, in Proposed Change (PC9), suggested updating the Plan to reflect the position current at the time when the final Plan is published. The latest information from Southern Water is that they aim to begin construction in spring 2005 with the scheme fully operational by late 2007.

Proposed Modification (MOD 75)
Amend paragraph 9.8 to reflect the current position at the time of Plan publication.

Utilities Policy U9 Conservation of Water Resources

Recommendation 9.1.31 - Modify Policy U9 in accordance with PC7.

Response: The Proposed Change (PC7) amends the last word of the Policy, from “permitted” to “sought” to bring it into line with Government advice.

Proposed Modification (MOD 76)

Amend the last sentence of Policy U9 to read :- “The transfer and recycling of water in accordance with Environment Agency resources, management and development policy will be sought.”

Utilities paragraphs 9.28 – 9.30 Waste Disposal and Recycling (paragraphs 9.32 – 9.34 in the RDD)

Recommendation 9.1.34 – Modify paragraph 9.34 by deleting sentences 4-6 from “One main proposal.....” to “....waste from landfill.”

Response: These sentences refer to proposals for the construction of a Solid Waste Energy Recycling Facility (SWERF) in Canterbury, to take waste from Dover Canterbury and Shepway. The reference was included as it stood to provide a benefit for Shepway. The Inspector considers that it is inappropriate for the Plan to refer specifically to a proposal which has not received planning permission and which lies outside the district and outside the Councils control. The proposal has not been approved and the Plan can therefore be amended to delete the reference.

Proposed Modification (MOD 77)

Amend paragraph 9.34 by deleting from “One main proposal ... “ at the start of the fourth sentence, to “...waste from landfill.” At the end of the sixth sentence.

Utilities Policy U10 Recycling Facilities

Recommendation 9.1.39 Modify Policy U10 by the addition of a second sentence: “Development proposals will include provision for the storage of waste and recyclable materials awaiting collection.”

Response: The Inspector has recognised the Councils strong commitment to sustainability and recycling and considers that there are implications for this on development proposals. The Councils proposals for the separate collection of recyclable materials means that space will need to be found at dwellings for the storage of materials until collection. The modification proposed by the Inspector is slightly unclear in that the policy as existing refers to the Council permitting facilities for recycling. The change is more related to the development of commercial premises or residential dwellings where the occupants need to store materials on site before the collection day. This needs to be more explicitly stated.

Proposed Modification (MOD 78)

**Amend Policy U10 by adding the following second sentence:-
“Development proposals including commercial or residential uses should include provision for the storage of waste and recyclable materials awaiting collection.”**

Utilities Policy U10A Contaminated Land

Recommendation 9.1.41- Modify Policy U10A in accordance with PC8

Response: The proposed change (PC8) was intended to meet an objection from the Environment Agency that the policy should refer to sites which have been used for waste disposal. The Inspector is satisfied that the proposed change would meet the objection.

**Proposed Modification (MOD 79)
Amend Policy U10 by inserting “has been used for the purpose of waste disposal” before “...is known to be contaminated...”, in the first sentence.**

Utilities Paragraph 9.39 Telecommunications

Recommendation 9.1.48 - Modify paragraph 9.39 by deleting “the following policy” in the last sentence and replacing with “Policy U11”. End the sentence with a full stop.

Response: Agreed. This is a minor typographical error

**Proposed Modification (MOD 80)
Modify paragraph 9.39 by deleting “ the following policy” in the last sentence and replacing with “Policy U11”. End the sentence with a full stop.**

Utilities Policy U11 Telecommunications

Recommendation 9.1.49 - Modify Policy U11 by deleting the first sentence and replacing it with “In considering an application for the installation of a satellite receiver dish or other domestic telecommunications development, regard will be given to the following:”

Recommendation 9.1.50 - Modify Policy U11 by removing the redundant (c) from the third criterion.

Recommendation 9.1.51 - Modify Policy U11 by adding details of the circumstances in which the local authority might intervene to seek the relocation of an antenna installed under permitted development rights, in order to minimise the effect on the external appearance of a building. The policy wording should be supported by reasoned justification as necessary.

Recommendation 9.1.52 - As an alternative to the recommendation concerning the first sentence of Policy U11, I invite the Council to consider redrafting the policy so that it gives firm guidance to an applicant as to the circumstances under which planning permission would be granted. The first sentence could read “Planning

permission will be granted for the installation of a satellite dish or other domestic telecommunications development where the following criteria are met:”. The criteria should then be reworded to fit with this approach

Response: The Inspectors recommendations in respect of Policy U11 cover three issues. Firstly, the overlapping of policies, secondly the need to accord with guidance in PPG8, and thirdly the question of the phrasing of the policy to give it a more positive approach.

1. **Overlap.** The Inspectors conclusion is that current policies U11 and U12 overlap and the use of the phrase “other telecommunications development” in Policy U11 is confusing. She recommends that it would be better and clearer if the two policies were amended to stand alone. She therefore proposes that Policy U11 should refer only to satellite dishes and other domestic telecommunications development, leaving Policy U12 to deal with non domestic telecommunications development. This would make clarify which policy applied to which type of telecommunications, and make the Plan easier to comprehend.
2. **PPG8 guidance.** Paragraph 40(ii) of Planning Policy Guidance note 8: Telecommunications, advises that local plans should include policies on the circumstances in which the local planning authority might intervene to seek the relocation of an antenna installed under permitted development rights, in order to minimise its effect on the external appearance of a building. The policy therefore needs to detail where it would take action against poorly sited satellite antenna.
3. **Phrasing of Policy.** Government advise on writing local plan policies is that they should be worded in a positive manner wherever possible. For example, “planning permission will be granted where.....” rather than “planning permission will be refused unless.....”.

Proposed Modification (MOD 81)

Amend Policy U11 to read:-

“Planning permission will be granted for the installation of a satellite dish or other domestic telecommunications development, where the following criteria are met:-

There would be no adverse impact on the built or natural environment. The sighting and appearance would not adversely impact on the amenities of local residents.

Any grant of planning permission may be conditional on the satellite receiver dish being painted to blend with the building to which it is affixed, and the requirement for the dish to be removed when it is no longer required for the purpose.

Where the District Planning Authority consider that domestic telecommunications apparatus installed under permitted development rights has not been sited so as to minimise its effect on the external appearance of the building on which it is installed, it will serve a notice requiring the resiting of the relevant apparatus.

Utilities Policy U12 Telecommunications

Recommendation 9.1.61 - Modify Policy U12 in accordance with PC10.

Recommendation 9.1.63 - Modify Policy U12 by:

deleting “and cost” from the first sentence of criterion (a);

replacing the first sentence of criterion (b) by “the applicant demonstrates that the siting, external appearance and any landscaping of the proposed development will minimise its impact in terms of;”

deleting criterion (b)(iii).

Response: Proposed Change (PC) 10 proposed amending criteria a) of the policy to add the words “where appropriate” in relation to applicants needing to submit evidence of investigating alternative sites. The Inspector recommends the deletion of the reference to ‘cost’ in criterion a) and ‘amenity, health and safety of local residents’ from criterion (b)(iii) of the policy as ‘cost’ is not a planning matter, and health and safety issues are dealt with by compliance with the ICNIRP regulations (International Commission on Non-Ionizing Radiation Protection). In the case of ‘costs’ and “health” it is accepted that these should not be a planning consideration. In the case of the rest of criterion (b)(iii): safety and the amenity of residents, there still remain general concerns about the impact of masts on these issues and it is likely that they will remain relevant to the determination of planning applications even with compliance with ICNIRP guidelines. The Inspector recognises that such issues can be a material consideration in the development control process, although she considers that Policy SD1(k) – Sustainable development, protects the amenity of residents. She also finds the wording of criterion (b) imprecise and recommends rewording of the policy and text, to more closely follow advice in PPG8. This latter point is accepted and will improve the clarity of the Plan.

Proposed Modification (MOD 82)

Amend Policy U12 to read:-

“Planning permission will be granted for telecommunications development where the following criteria are met:

a) it can be demonstrated that the availability of alternative sites and developments, including mast sharing, have been investigated and proved to be impractical. Coverage plans showing existing and predicted coverage should be provided with planning applications to show coverage from proposed and where appropriate, alternative sites;

b) the applicant demonstrates that the siting, external appearance and any landscaping of the proposed development will minimise its impact in terms of ;

- i) the appearance of the landscape especially as viewed from places frequented by the general public;**
- ii) flora, fauna and other conservation interests;**
- iii) amenity, and safety of local residents;**
- iv) noise and vibrations;**
- v) areas of archaeological, architectural and historic interest;**

vi) the character and setting of Areas of Outstanding Natural Beauty, Special Landscape Areas and other areas of conservation and environmental interest covered by the countryside policies of the Plan;

c) the proposals include details of associated development, such as access roads and ancillary buildings and their effects on the surroundings

Utilities paragraph 9.42 Telecommunications

Recommendation 9.1.63 - Modify paragraph 9.42 by adding, after the second sentence, “Technical and operational requirements will be taken into account in assessing proposals for telecommunications development.”.

Response: This recommendation follows on from the change proposed to criterion (b) of Policy U12. It will make the Plan more in line with government advice in PPG8.

Proposed Modification (MOD 83)

Modify paragraph 9.42 by adding, after the second sentence, “Technical and operational requirements will be taken into account in assessing proposals for telecommunications development.”

Utilities Policy U13 Overhead Cables

Recommendation 9.1.67 - Modify Policy U13 by deleting and replacing with the following;

“Overhead power lines or cables should, where practicable, avoid the following areas;

Areas of Outstanding Natural Beauty and Special Landscape Areas;

Sites of Special Scientific Interest and other nationally designated nature conservation sites;

Conservation Areas and sites or buildings of historic or architectural interest, including listed buildings and scheduled Ancient Monuments;

Areas close to existing or allocated residential development.

Where there is no practicable alternative to lines or cables across these sites the service provider shall take reasonable measures to mitigate any adverse effects. This may involve careful line routing or the placing of cables or lines underground. However in view of the practical, technical and cost implications, the placing underground of high voltage lines (275Kv and above) will only be sought in exceptional circumstances, where this would not cause greater danger to the interest or ecology of the site.

Proposals for overhead power lines or cables shall have particular regard to the effect on areas of formal recreation, parks and public open spaces. The service

provider shall take reasonable measures to mitigate any adverse effects on these areas.”

Response: The Council negotiated with the objector, National Grid, before the Inquiry and had reached agreement on the wording of the Policy with the exception of the inclusion of a reference to the need to avoid ‘parks and public open space’ areas. The objectors sought to have the need to avoid such areas deleted from the policy. The Inspector concludes that parks and public open space are as important as areas used for formal recreation, but that the policy should give priority to the sensitive areas listed in criteria 1. – 4. And 6. of the policy proposed by the Council. The reference to the need for mitigation of any adverse effects on ‘areas of formal recreation, parks and public open spaces’, is placed instead, at the end of the policy. This form of words covers the issues the Council wanted included in the policy, with a slightly different emphasis. Providers of overhead cables are required to ‘avoid’ the particularly sensitive areas and ‘mitigate any adverse effects’ on formal and informal recreation areas.

Proposed Modification (MOD 84)

Amend Policy U13 to read:-

“Overhead power lines or cables should, where practicable, avoid the following areas;

**Areas of Outstanding Natural Beauty and Special Landscape Areas;
Sites of Special Scientific Interest and other nationally designated nature conservation sites;**

**Conservation Areas and sites or buildings of historic or architectural interest, including listed buildings and scheduled Ancient Monuments;
Areas close to existing or allocated residential development.**

Where there is no practicable alternative to lines or cables across these sites the service provider shall take reasonable measures to mitigate any adverse effects. This may involve careful line routing or the placing of cables or lines underground. However in view of the practical, technical and cost implications, the placing underground of high voltage lines (275Kv and above) will only be sought in exceptional circumstances, where this would not cause greater danger to the interest or ecology of the site.

Proposals for overhead power lines or cables shall have particular regard to the effect on areas of formal recreation, parks and public open spaces. The service provider shall take reasonable measures to mitigate any adverse effects on these areas.”

Utilities paragraph 9.29 Overhead Cables

Recommendation 9.1.68 - Modify paragraph 9.29 by deleting “high voltage” in the second sentence and replacing by “local distribution”.

Response: This change was proposed by the objector, and was agreed by the Council before the Inquiry. The Inspector was therefore requested in the Councils statement, to recommend the change.

Proposed Modification (MOD 85)
Modify paragraph 9.29 by deleting “high voltage” in the second sentence and replacing with “local distribution”.

Chapter 10 Social and Community Facilities

Social and Community Facilities Paragraph 10.5 Development Contributions

Recommendation 10.1.8 - Modify paragraph 10.5 by adding reference to the presence of further information in Appendix 10.

Response: Agreed. The Council accepted at the Inquiry that there was a need for the text to include a cross reference to Appendix 10 which gives details of the contributions likely to be sought.

Proposed Modification (MOD 86)
Add the following sentence to the end of paragraph 10.5:-
Further information on the contributions likely to be sought under Policy SC1, is contained in Appendix 10.

Chapter 11 Transport

Transport paragraph 11.2 Aims and Objectives

Recommendation 11.1.3 – modify paragraph 11.2 by deleting aim (5)

Response: Aim 5. States that one of the transport aims of the Plan is “to recognise the social and economic liberation provided by the private motor car, particularly in rural areas.” The Inspector finds that this aim conflicts with aim 1. which reads: “to seek the development of a sustainable transport system, reducing the overall need to travel, especially by private motor car.” Aim 5. is also in conflict with government advice in PPG13 on Transport, in the implied promotion of travel by private motorcar. She recognises that there may be few alternatives to travel by car in the remote rural areas, but that this point should be confined to the reasoned justification rather than stated as an aim. The point is already made in paragraph 11.4 and therefore the deletion as an aim is proposed. It is accepted that the aim does conflict with aim 1. and the inclusion of both would send out a mixed message to users of the Plan. In order for the Plan to reflect government advice the aim should be deleted.

Proposed Modification (MOD 87)
Delete transport aim 5. from paragraph 11.2

Transport Policy TR1 Traffic Management

Recommendation 11.1.8 – Modify the Plan in accordance with PC12

Response: This proposed change was in response to an objection from the Government Office for the South East, the use of the word “support” in the policy, is unclear. The Inspector concludes that the alternative word “permit”, clarifies the policy.

Proposed Modification (MOD 88)

Amend Policy TR1 to read:-

“The District Planning Authority will permit proposals for selective traffic management measures to improve road safety.”

Transport paragraph 11.10 Public Transport

Recommendation 11.1.10 – Modify paragraph 11.10 by adding a new point (1) “Identifying the potential for improved integration between different public transport services, and between public transport, walking and cycling.” Renummer the following points accordingly.

Response: An objection was received from Newington Parish Council, who felt that the Plan was lacking in dealing with the opportunities for integration of public transport routes. The Inspector accepts the Council view that it does not have any direct control over the routes or timetables of bus or rail companies, but feels that the Council could be active in liaison with public transport operators to support improvements to services.

Proposed Modification (MOD 89)

Modify paragraph 11.10 by adding a new point (1) “Identifying the potential for improved integration between different public transport services, and between public transport, walking and cycling.” Renummer the following points accordingly.

Transport paragraph 11.15 and Proposals Map Channel Tunnel Rail Link

Recommendation 11.1.21 – Modify paragraph 11.15 in accordance with PC14

Recommendation 11.1.22 – Modify the Proposals Map to reflect correctly the CTRL Safeguarding Directions

Response: Proposed Change (PC) 14 was intended to update the information on the construction of the Channel Tunnel Rail Link. As the situation changes the information needs to be amended. The Plan should therefore be amended as recommended, but with a proviso that minor factual alterations, which do not materially affect the contents of the Plan, may be needed before the Plan is finalised. The Proposals Map similarly needs to be updated to reflect the position current at the time.

Proposed Modification (MOD 90)

**Delete the first sentence of paragraph 11.15, and replace with:-
“The Channel Tunnel Rail Link is being built under a Public-Private Partnership contract between the Government and London and Continental Railways (LCR). Network Rail will operate and maintain the infrastructure of the link under contract to LCR. “**

Proposed Modification (MOD 91)

Amend the Proposals Map to reflect correctly the CTRL Safeguarding Directions when Plan is adopted.

Transport policy TR13 and paragraph 11.31 Parking Strategy

Recommendation 11.1.50 – The Council may wish to consider including provisions, in a future alteration to the Plan, relating to any land use implications of the emerging parking policy mentioned in paragraph 11.31.

Recommendation 11.5.1 - In accordance with PPG13 the Council may also wish to consider an addition to Policy TR13, or a new policy, along the following lines; “A travel plan should be submitted with the planning application, for development which is likely to have significant transport implications, including that for; ”. The policy should then set out the type of development for which a travel plan would be required, drawing from paragraph 89 of PPG13. The reasoned justification should include examples of sustainability objectives that a travel plan could contain, as suggested in paragraphs 88 of PPG13.

Response: The Council agreed a parking strategy and an action plan for implementing the proposals, for Folkestone, in June 2004. Any land use implications of this will be incorporated in the preparation of the Local Development Framework for the district.

The Council already asks for Travel Plans when considering some proposals for development. A new policy which identifies the criteria to be applied when considering the need for Travel Plans in association with planning applications for certain types of development, would therefore be helpful.

Proposed Modification (MOD 92)

**Insert new heading and paragraph after Policy TR12:-
Travel Plans**

11.30 Travel plans are tools for achieving more sustainable patterns of transport use. They look at the potential journeys to sites which represent generators of traffic such as businesses, schools, hospitals and leisure facilities, and consider how the means of accessing the site can be influenced to achieve sustainability objectives. Measures included in Travel Plans could include the setting of targets and objectives for reducing road traffic, promotion and physical works to encourage walking, cycling and the use of public transport, and restraints on traffic

speeds and private car usage. A plan could also consider more environmentally friendly delivery and freight movements.

Insert new Policy after new paragraph 11.30:-

Policy TR12a Where development proposals are considered likely to have significant transport implication, a travel plan should be submitted with the planning application. This will include proposals for ;

- major developments including employment, shopping, leisure and services, which would generate significant amounts of traffic;
- new or expanded school facilities, which should be accompanied by a school travel plan;
- development where there is a particular local traffic problem.

Chapter 12 Countryside

Countryside paragraph 12.3 General

Recommendation 12.1.5 – Modify paragraph 12.3(2) by deleting “where there is” and replacing with “in ways which are”.

Response: The Inspector proposed modification is to the aims of the Countryside chapter. She considers that the revised wording would support a more integrated and proactive approach to achieving a balance between protecting the countryside and encouraging the viability of communities in rural areas. It is agreed that the amendment would indicate a more welcoming attitude to economic activity and the viability of communities in rural areas, than the current aim.

Proposed Modification (MOD 93)

Amend the Countryside aim in paragraph 12,3(2) by deleting “where there is” and replacing with “in ways which are”.

Countryside paragraph 12.1 Development in the Countryside

Recommendation 12.1.10 - Modify paragraph 12.1 by deleting “Commission” in the second sentence and replacing with “Agency”.

Response: Agreed. The Countryside Commission is now the Countryside Agency. The amendment corrects an error in the text.

Proposed Modification (MOD 94)

Modify paragraph 12.1 by deleting “Commission” in the second sentence and replacing with “Agency”.

Countryside Policy CO1 Development in the Countryside

Recommendation 12.1.11 – Modify policy CO1 by deleting “where possible” from criterion (iii).

Response: The use of the phrase “where possible” introduces uncertainty into the policy. It is better for the policy to be definite about what the Council intentions are, and for a developer to have to justify any deviation from this, than for the Policy to appear weak and unclear about in what circumstances compensatory measures would be sought.

Proposed Modification (MOD 95)

Modify Policy CO1 by deleting “where possible” from criterion (iii)

Countryside Policy CO2 Settlement Boundaries – Dunes Road Greatstone

Recommendation 12.2.10 – Modify the Proposals Map to alter the settlement boundary of Greatstone to include the objection site at the end of Dunes Road.

Response: This is a narrow plot at the end of Dunes Road, likely to be suitable only for a single dwelling. Although the Council considered that infill plots within the settlement boundary should be developed before extending built development further, the Inspector considers that it would be logical to amend the settlement boundary to include this plot to round off development on the southern side of the road. Dunes Road has ribbon development on both sides and already encroaches into the open landscape between Greatstone and New Romney town. There is also a danger with justifications based on “rounding off” settlements, that it can be seen as an excuse for extending built development further and further out into the countryside. In the case of this small plot, it is considered on balance that the boundary beyond can be defended as a limit to development.

Proposed Modification (MOD 96)

Modify the Proposals Map to alter the settlement boundary of Greatstone to include the site, at the end of Dunes Road, as shown on map MOD96.

Countryside Policy CO2 Settlement Boundaries – Densole

Recommendation 12.2.18 – Modify the Proposals Map by altering the settlement boundary of Densole at Densole Farm, if this has not already been done, to include that part of the former farmyard that has recently implemented planning permission for new dwellings and a change of use to residential.

Response: Development was permitted and has now taken place, at Densole Farm on that part of the former farmyard which lay within the settlement boundary. The Inspector rejects the objector’s proposal to extend the settlement boundary to include all of the former farmyard and agricultural buildings (now demolished), but recommends that the settlement boundary should reflect the built residential development that now exists. One of the dwellings now existing is the conversion of the former Granary building which currently straddles the settlement boundary. It would be sensible for the boundary to be amended to include all of this building.

Proposed Modification (MOD 97)

Modify the Proposals Map by altering the settlement boundary of Densole at Densole Farm, to include all the new dwellings, as shown on map MOD97.

Countryside Policy CO2 Settlement Boundaries – Hythe

Recommendation 12.2.33 – Modify the Proposals Map by amending the settlement boundary of Hythe as indicated in objection 743/1 concerning Philbeach Nursing Home.

Response: In responding to this recommendation the Council needs to consider the background to the original objection.

Objection 743/1 proposed including the Philbeach Nursing Home within the settlement boundary, probably in order to improve the chances of additional development being permitted, following the dismissal of a recent appeal against the refusal of a proposal for the erection of a block of 17 apartments fronting Station Road.

The Council argued against including the land within the settlement boundary, on the basis that the natural character of the Philbeach grounds fronting Station Road was different from the intensive built up area of Hythe to the west and was of such importance to appearance and visual quality of the Mill Lease Valley area, that it should be regarded as outside the settlement boundary for the purposes of development control.

If the Inspectors recommendation were accepted, and the site included within the settlement boundary, together with her recommendation that the site should be deleted from the Local Landscape Area (see recommendation 12.2.85) this would send a clear signal to potential developers that the open land frontage was suitable for infill development. The Council could resist this on the general grounds of scale, massing and impact on the street scene, but there would be no specific policy protecting the site.

There are numerous instances on the Proposals Map where the settlement boundary excludes individual or groups of dwellings and other buildings; often set in extensive landscaped grounds, on the edge of the settlement, where inclusion would result in pressure for infill development to the detriment of the character and appearance of the location. It is considered that the character of the open grounds of Philbeach fronting Station Road, is of such importance locally that the policies of CO2 and CO5 should remain in place to protect it.

No modification

Countryside Policy CO2 Settlement Boundaries – Ivychurch

Recommendation 12.2.35 – Modify the Proposals Map by including the Oast House Field development within the settlement boundary of Ivychurch.

Response: The settlement boundary at Ivychurch currently excludes the Oast House development, reflecting the fact that it was permitted as a rural exceptions site allowing market housing in order to provide affordable housing, and outside the

settlement boundary. The Councils' policy has been that where such sites are permitted they should remain outside the settlement boundary to reflect the special circumstances of their approval. The Inspector considers that once built, such schemes become part of the community and this should be recognised by inclusion within the settlement boundary. She rejects extending the boundary further to take in the employment site to the south west, stating that this would encourage hopes of residential development on the land which she considers unjustified. The inclusion of Oast House Field is accepted as reflecting the current built form.

Proposed Modification (MOD 98)

Modify the Proposals Map by including the Oast House Field development within the settlement boundary of Ivychurch as shown on map MOD98.

Countryside Policy CO2 Settlement Boundaries – Newington and Peene

Recommendation 12.2.44 – Modify the Proposals Map by altering the settlement boundary of Peene to include the bungalow of Peene Garden Nursery as suggested on the plan which accompanies the objection, but excluding the shallower western part of the site.

Response: The Inspector considers that the bungalow of the former Peene Garden Nursery is closely related to the boundary to the east and forms a full stop to the built form of the village. She recommends against including the western part of the site which she considers clearly projects beyond the built form of the village. Although it is likely that the inclusion of the bungalow within the boundary will bring pressure for development or redevelopment, it is accepted that the bungalow as it stands, without the western part of the site, appears to be more related to the village to the east than the open countryside beyond. In order to minimise the pressure on the countryside it is recommended that the boundary is drawn close to the bungalow excluding the large rear garden which extends out into the landscape to the north. This is in line with practice elsewhere in the Plan where large gardens or grounds are excluded from the settlement boundary.

Proposed Modification (MOD 99)

Amend the Proposals Map by altering the settlement boundary at Peene to include the bungalow of Peene Garden Nursery, as shown on map MOD99.

Countryside Policy CO2 settlement Boundaries – Sellindge

Recommendation 12.2.53 – Modify the Proposals Map to amend the boundary of Sellindge to include Chislett Close, excluding large rear garden areas.

Response: As with Oast House Field (see recommendation 12.2.35) Chislett Close is a development which was permitted outside the settlement boundary, and this has been reflected in its exclusion from the settlement. The Inspector considers that an extension of the settlement boundary, if tightly drawn around the dwellings, would

represent a small addition to the village of a scale that, in principle, could accommodate infilling or other minor development without significant harm to the aims of Policy CO2. In this case it is accepted that the Close does now relate to the built form of the village, and its inclusion within the settlement boundary, in the manner shown, would not result in undue pressure on the open countryside.

Proposed Modification (MOD 100)
Amend the Proposals Map to amend the settlement boundary of Sellindge to include Chislett Close, as shown on map MOD100.

Countryside Policy CO2 Settlement Boundaries – Stanford

Recommendation 12.2.64 – Modify the Proposals Map to restore the settlement boundary of Stanford at Yew Tree Farm to that shown on the Proposals Map of the First Deposit Draft and of the adopted Shepway District Local Plan to 2001.

Response: The initial objection to the first deposit Plan, proposed an amendment to extend the settlement boundary to include redundant farm buildings. The Councils response was to redraw the boundary to exclude more of the large farm sheds situated to the rear of the buildings fronting Stone Street. The Inspectors recommendation is that the Plan returns to the position in the first Deposit Draft plan; the reasoning being that the limited area of the farmyard enclosed within the boundary shown in the FDD would be unlikely to accommodate more than minor development. She rejects any proposal to further extend the boundary. The boundary as shown in the FDD is in line with the boundary on either side, but with an extended area to the south to include development in Kennet Lane. The Council were concerned that the boundary in the FDD was too extensive and could cause problems at the development control stage in dealing with schemes for redevelopment which paid little or no regard to achieving a design in keeping with the form and character of the village. The Inspectors reasoning is accepted, but any development proposals for the farm would need to be carefully controlled to retain the character of the existing buildings of Yew Tree Farm. It is therefore suggested that a development brief should be prepared for the Yew Tree Farm site which would identify and protect the elements important to its character.

Proposed Modification (MOD 101)
Amend the settlement boundary of Stanford at Yew Tree Farm, to that shown on the Proposals Map for the First Deposit Plan, and as shown in the adopted Local Plan. Add “Yew Tree Farm, Stanford” to the list of development briefs identified in List B in paragraph 8.40 of the Built Environment chapter.

Countryside Policy CO3 Area of Outstanding Natural Beauty

Recommendation 12.2.70 – Modify Policy CO3 by omitting “where possible” from

the second sentence and “exceptional” from criterion (i).

Response: The Inspector considers that the Policy goes beyond the guidance in PPG7 and Structure Plan policies ENV1 and ENV3 in the use of the word “exceptional” in criterion (i). Paragraph 4.5 of PPG7 says that regard should be had to the economic and social well being of local communities, but does not say that such benefits have to be exceptional before they can outweigh any harm. Similarly, policies ENV1 and ENV3 of the Kent Structure Plan do not refer to ‘exceptional’ needs. The Inspectors recommendation is therefore accepted. The use of the phrase “where possible” was added in a revision of the policy, in response to an objection to the wording of the original policy by the Countryside Agency. It is accepted that the use of this phrase weakens the policy and introduces uncertainty. Sufficient flexibility exists which allows the local planning authority to give consideration to other material considerations when considering planning applications, such that this phrase is not needed.

Proposed Modification (MOD 102)
Amend Policy CO3 by omitting “where possible” from the second sentence and “exceptional” from criterion (i).

Countryside Policy CO4 Special Landscape Areas

Recommendation 12.2.72 – Modify Policy CO4 by deleting “where possible” from the first sentence of the last paragraph.

Response: As with Policy CO3 (see recommendation 12.2.70), the phrase “where possible” is unnecessary and weakens the policy. It should therefore be deleted.

Proposed Modification (MOD 103)
Amend Policy CO4 by deleting “where possible” from the first sentence of the last paragraph.

Countryside Policy CO5 Local Landscape Areas

Recommendation 12.2.83 - Modify Policy CO5 by deleting “where possible” from the first sentence of the last paragraph.

Response: As with Policies CO3 and CO4 above (see recommendations 12.2.70 and 12.2.72), the use of the phrase “where possible” is unnecessary and weakens the policy. It should therefore be deleted.

Proposed Modification (MOD 104)
Amend Policy CO5 by deleting “where possible” from the first sentence of the last paragraph.

Countryside Policy CO5 Local Landscape Areas – Seabrook

Recommendation 12.2.84 - Modify the Plan by carrying out consequential amendments to the list of alterations on page 208 of the RDD, and to the Proposals Map, to include within the Seabrook LLA that part of The Piggeries, Horn Street, deleted from the settlement boundary.

Response: this amendment is to regularise the position concerning The Piggeries in Horn Street. The RDD proposed to exclude the remaining part of The Piggeries site from within the settlement boundary but omitted to make a consequent change to the Local Landscape Area. The Inspector sees no reason why the Local Landscape designation should not cover the whole of the Piggeries site outside the settlement boundary.

Proposed Modification (MOD 105)

Modify the Plan by including the area of The Piggeries which was excluded from the settlement boundary in the RDD Plan, within the Seabrook Local Landscape Area (map MOD105).

Countryside Policy CO5 Local Landscape Areas – Philbeach Nursing Home Hythe

Recommendation 12.2.85 - Modify the Proposals Map by deleting from the LLA the land as defined in objection 743/2 relating to Philbeach Nursing Home, Tanners Hill, Hythe.

Response: The recommendation to amend the settlement and Local Landscape Area boundaries at Philbeach has not been accepted (see recommendation 12.2.33). There is therefore no need to make an amendment to the Proposals Map.

No Modification

Countryside Policy CO5 Local Landscape Areas – other sites

Recommendation 12.2.86 - No modification to the Plan in relation to objection sites at Lawrence Field, New Romney, land North of Dunes Road, Greatstone, land West of Botolph's Bridge Road, West Hythe or land at Folkestone School for Girls.

Response: The Inspector is recommending no change to the Local Landscape Areas in line with her recommendations on the representations made proposing inclusion of these sites within the settlement boundary or for development. She has however recommended a change to the settlement boundary at Dunes Road, Greatstone (see recommendation 12.2.10, and suggested that the land is suitable for a single dwelling. It would be inconsistent if the Local Landscape Area designation were retained over the site, which would carry with it a presumption against development which would harm its landscape character. The Local Landscape Area notation should therefore be removed from the area within the settlement boundary.

Proposed Modification (MOD 106)

Amend the Local Landscape Area designation from the area at Dunes Road, as shown on Map MOD96)

Countryside Policy CO6 Heritage Coast

Recommendation 12.2.88 – Modify Policy CO6 by deleting “or unless there is some exceptional need” from the end of the first paragraph.

Response: The Countryside Agency objected to the phrase on the basis that it is not in accordance with Government advice in PPG 20. As a general principle it is not necessary to write into a policy that there may be exceptional overriding needs, since this is implied by planning legislation which states that decisions should be made in accordance with the development plan unless material considerations dictate otherwise. There is therefore no need for the disputed phrase.

Proposed Modification (MOD 107)
Amend Policy CO6 by deleting “or unless there is some exceptional overriding need” from the end of the first paragraph.

Countryside Policy CO7 Ancient Woodland

Recommendation 12.2.92 – Modify Policy CO7 by deleting all the wording and replacing with “The Local Planning Authority will not permit development which would harm the nature conservation, landscape or scientific value of Ancient woodland as identified on the Proposals Map.”

Response: The Inspectors revised wording would provide clearer guidance than the existing policy which states that the Local Planning Authority will give priority to the nature conservation, landscape and scientific value of ancient woodland. The revision also deletes the reference to exceptional overriding need, which as explained above in relation to recommendation 12.2.8, is unnecessary.

Proposed Modification (MOD 108)
Amend Policy CO7 to read:-
“The Local Planning Authority will not permit development which would harm the nature conservation, landscape and scientific value of Ancient Woodland as identified on the Proposal Map.”

Countryside Policy CO8 Sites of International Importance

Recommendation 12.2.96 - Modify Policy CO8 by deleting “exceptionally” in the first sentence of the last paragraph, and by replacing “should” in that sentence by “must”.

Response: As with the Inspectors’ recommendations on policies CO3 – CO6, the proposed modification removes the word “exceptionally” from the policy as unnecessary in the light of government guidance on the consideration of planning

applications. (see response to recommendation 12.2.70). Because of the international importance of the sites covered by Policy CO8, the Inspector considers that it should be strengthened to state that impacts ‘must’ be minimised. This is accepted and will make the policy more robust in dealing with proposals which will have an impact on a Special Protection Area or a RAMSAR site.

Proposed Modification (MOD 109)
Amend Policy CO8 by deleting “exceptionally” in the first sentence of the last paragraph, and replacing “should” in that sentence by “must”.

Countryside Policy CO10 Sites of Local Importance

Recommendation 12.2.103 – Modify the Proposals Map as necessary, on advice from the Kent Wildlife Trust, in relation to the boundaries of Policy CO10 Wildlife Sites. Change the notation on the Proposals Map key to reflect the new policy title.

Response: This is a sensible amendment to update the information on the Proposals Map. Following objections to the boundaries of some Wildlife Sites, at the Inquiry, the Kent Wildlife Trust indicated that they would be willing to discuss details with the site owners to reach a position which is acceptable to all. The Trust seeks voluntary co-operation on managing sites in preference to conflict.

Proposed Modification (MOD 110)
Modify the Proposals Map when the Plan is adopted to show the most up to date information on approved Wildlife Sites, in consultation with Kent Wildlife Trust. Change the notation on the Proposals Map key from “Sites of Nature Conservation Interest”, to “Wildlife Sites”.

Countryside Policy CO11 Other Nature Conservation Resources

Recommendation 12.2.107 – Modify Policy CO11 by deleting “exceptional” in the first sentence of the last paragraph.

Response: This is a recommendation to remove the word “exceptional”, to conform with guidance on the role of “other material considerations” in making planning decisions. (see response to recommendation 12.2.70).

Proposed Modification (MOD 111)
Modify Policy CO11 by deleting “exceptional” in the paragraph i. which begins “there is an exceptional need...”.

Countryside paragraph 12.29 Local Nature Reserves

Recommendation 12.2.114 – No modification to Policy CO13 or to paragraph

12.2.29, but the Council may wish to consider whether Sandgate Escarpment and the Enbrook Valley might be a suitable candidate for addition to the Encombe Wood Local Nature Reserve.

Response: The land in question is not in the ownership of the District Council, and therefore, unlike the Encombe Wood site, any designation of the land as a Local Nature Reserve is not straightforward. At present no survey has been undertaken to identify whether the nature conservation interest of the land is sufficient to warrant inclusion in a LNR, or investigation of what the attitude of the land owners might be to a proposal for a LNR. If the Council considered this matter was worthy of allocating resources to, these investigations could be carried out in the future. However, as the Local Plan should contain firm policies not merely statements of intent, it would not be appropriate to include any reference to possible future investigations.

No modification

Countryside paragraph 12.39 Agriculture

Recommendation 12.2.121 – Modify paragraph 12.39 by adding “nature conservation” after “such as” in the penultimate sentence.

Response: PPG7 includes biodiversity as an example of one of the sustainability considerations that might weigh against development on lower grade agricultural land before consideration of higher graded land. It is therefore appropriate to include “nature conservation” as one of the factors that may override the general presumption that lower quality land should be used before higher quality.

Proposed Modification (MOD 112)

Amend the penultimate sentence of paragraph 12.39 to read:-

“Poorer quality agricultural land should be used before that of higher quality except where other sustainability considerations, such as nature conservation, heritage, accessibility and other countryside interests are of sufficient importance to override this approach.”

Countryside Policy CO20 and paragraphs 12.47 – 12.48 Replacement Dwellings

Recommendation 12.2.133 - Modify paragraph 12.47 by deleting the fifth sentence, “For example..” to “...may be acceptable.”. Replace by “Matters to be taken into account will include the landscape setting, the character of the surrounding area and the scale and mass of the existing building to be extended or replaced.”.

Response: The Inspector considers that the fifth sentence of paragraph 12.47 is consistent with the following policy (CO20), in that the overall aim of the policy is to control development which would potentially have a harmful effect on the character and appearance of the countryside. She considers that it does not follow from this that extensions to, or replacements of, isolated houses in the countryside should only amount to a very small increase in size. The justification should instead concentrate

on the factors which should be considered in assessing whether there would be a potential harm from a proposal. It is accepted that the current text is too prescriptive in specifying circumstances where a proposed development will be acceptable. The Inspectors recommended replacement wording identify the range of issues which need to be considered in assessing harm.

Recommendation 12.2.134 - Modify paragraph 12.48 by deleting the second, third and fourth sentences, “Dwelling construction..” to “..replacement dwellings.”.

Recommendation 12.2.135 - Modify Policy CO20 by deleting criterion (d).

Response: The Inspectors reasoning for these two recommendations, is that the issue of the sustainability of retaining existing dwellings versus their replacement by new more energy efficient dwellings is not as clear cut as the plan makes out. There are pros and cons for both courses of action. The recommendations, however propose the deletion of all reference to sustainability considerations and the need for replacement dwellings to be justified in relation to the option of extending an existing dwelling. If, as the Inspector considers, there is a clear case for replacing an old inefficient building with a modern replacement, rather than a modest extension to the existing house, then it should be a simple matter for an applicant to show this. In practice many applications for replacement dwellings are probably based more on maximising land values than on improving energy efficiency. It is considered that while the Inspectors views are accepted, the Plan needs to retain some reference to considering whether a replacement dwelling is necessary or desirable in sustainability terms.

Proposed Modification (MOD 113)

Modify paragraph 12.47 by deleting the fifth sentence; from “For example.....” to “.....may be acceptable. Replace with a new sentence “Matters to be taken into account will include the landscape setting, the character of the surrounding area and the scale and mass of the existing building to be extended or replaced.”

Proposed Modification (MOD 114)

Modify paragraph 12.48 to read:-

Replacement dwellings – Policy CO20 applies to lawful residential uses. The replacement of a dwelling in the countryside also raises sustainability issues. The construction of a new dwelling may result in a more energy efficient unit but demolition of the existing dwelling places demands on landfill and the construction of a new dwelling requires the use of energy and non renewable resources. In implementing Policy CO20 the Local Planning Authority will consider whether the existing dwelling could reasonably be adapted or extended.

Countryside Policy CO24 Strategic Landscaping

Recommendation 12.2.157 - Modify Policy CO24 by adding “indicatively” after “areas shown”. Delete the second sentence and replace with “Whilst development will not be permitted within these areas, their precise nature and extent will be

determined in the context of detailed landscaping proposals for the key development opportunities to which they relate.”

Recommendation 12.2.158 - Modify Policy CO24 and the Proposals Map by deleting the designation from within the settlement boundary at Site HO2L and replacing it by a new designation west of the bypass, and between the bypass and Canterbury Road, along the lines suggested in the objectors’ plan HDA6. Replace the policy area as shown in the RDD by a requirement, expressed in a development brief for the site, for structural planting to support the strategic function of the Policy CO24 area and to enhance the quality of the housing development. Allow for a small increase in the housing yield for Site HO2L with consequential amendments to Policy HO2 and related tables.

Response: The issue here is the need for landscaping on the edge of Hawkinge, at site HO2L - Barnhurst Lane. The objectors had proposed a landscaping belt on the outside (western) edge of the bypass compared with the proposed landscaping strip shown in the Local Plan, inside (east) of the by pass. The Inspectors recommendations would mean that the strategic landscaping belt would be placed on the western edge of the bypass to provide a soft interface between Hawkinge and the AONB and shield the countryside from the new road. Landscaping would still be provided on the east of the bypass but would have a different function from the strategic landscaping belt; to support the strategic landscape belt and to enhance the quality of the housing area. The reduction in the need for the strategic belt east of the bypass, allows for a small increase in the housing yield of the site which contributes to the housing land supply to offset the deletion of the Princes Parade site. It is accepted that moving the landscaping belt will provide a better means of screening the effects of the development from views within the AONB to the north. It still remains important to the amenities of the new dwellings on site HO2L, that there is an adequate landscape buffer between the new development and the bypass, and this will be required in the planning application.

Proposed Modification (MOD 115)

Modify Policy CO24 by adding “indicatively” after “areas shown”. Delete the second sentence and replace with “Whilst development will not be permitted within these areas, their precise nature and extent will be determined in the context of detailed landscaping proposals for the key development opportunities to which they relate.”

Proposed Modification (MOD 116)

**Modify Policy CO24 and the Proposals Map by deleting the designation from within the settlement boundary at Site HO2L and replacing it by a new designation west of the bypass, and between the bypass and Canterbury Road, along the lines suggested in the objectors’ plan HDA6. Replace the policy area as shown in the RDD by a requirement, expressed in a development brief for the site, for structural planting to support the strategic function of the Policy CO24 area and to enhance the quality of the housing development.
(See also Modification 14 & 20 in the Housing Chapter)**

Chapter 13 – Folkestone Town Centre

Policy FTC1 - Bouverie Place development

Recommendation 13.1.4 - Modify Policy FTC1 by adding new criterion (f) “A high standard of design of proposed buildings and public spaces, supported by an appropriate design statement.”

Recommendation 13.1.5 - Modify paragraph 13.6 by adding, after the last sentence “The Council will seek a high standard of design of buildings and public spaces at Bouverie Place, that will enhance the quality of the townscape, the vitality of the town centre and its sense of place. A design statement will be required in accordance with Policy BE1.”

Response: The Inspector concluded as a key development site in the town centre, and following Government advice in PPG6 and PPG1, that high quality design was important as part of the Bouverie Place development. Although the aims and objectives of the chapter (along with other policies in the plan) emphasise the need for good design in all developments, it was felt that this should be added to the Policy as an additional criterion due the particular importance of the site. This is agreed.

Proposed Modification (MOD 117)

Add new criterion f) to Policy FTC1 to read: “A high standard of design of proposed buildings and public spaces, supported by an appropriate design statement”

Add new sentence to end of paragraph 13.6 to read: “The Council will seek a high standard of design of buildings and public spaces at Bouverie Place, that will enhance the quality of the townscape, the vitality of the town centre and its sense of place. A design statement will be required in accordance with Policy BE1.”

Policy FTC3 – Ingles Manor

Recommendation 13.1.19 - Modify paragraph 13.11 by adding, after “materials” in the last sentence, “, and will be carried out in accordance with a development brief to be prepared by the District Planning Authority.”

Recommendation 13.1.20 - Modify the Proposals Map to delete that part of Area B north of the Conservation Area boundary, and replace it with an extension of Area A.

Recommendation 13.1.21 - If the recommendation to enlarge Area A is not adopted, then the target of 100 dwellings for Policy HO2E should be reduced and the phasing amended to reduce the proportion of dwellings allocated to the northern part of Area A.

Response: The Inspector concluded that this site, as previously developed land, close to the town centre, bus routes and the railway station, was a sustainable choice for new housing. However, due to the special character of the site, and the number of mature trees along the boundaries, the Inspector did not consider that it was possible to accommodate the 100 dwellings which were phased for the site. She therefore

recommends that either the employment allocation is reduced (site B) to allow a larger residential area (site A) or that the dwelling capacity is reduced.

This is an important site which contributes to the overall housing land supply for the district. The location close to the town centre means that the most efficient use should be made of the site in terms of housing capacity. The reduction in A2/B1 employment land would not mean that the Structure Plan guidelines are jeopardised and therefore, it is agreed that the allocation for housing is extended to cover the land currently occupied by the garden centre buildings and car park.

It was intended to prepare a development brief for the site and therefore a reference to this in the reasoned justification is agreed.

Proposed Modification (MOD 118)

Add new text to end of paragraph 13.11 to read: “and will be carried out in accordance with a development brief to be prepared by the District Planning Authority”.

Proposed Modification (MOD 119)

Modify the area allocated for residential development as Site A FTC3 on the Proposals Map to include the area occupied by the garden centre buildings and car park. Amend the employment allocation (site B) to reflect this. See attached map MOD119.

Paragraph 13.13 and Policy FTC4 – Folkestone Port

Recommendation 13.1.24 - Modify the Plan by adding to the start of paragraph 13.13 “Since the publication of the Comprehensive Development Framework ferry operations have ceased at the port. However,”.

Response: This recommendation would provide a factual update to the plan’s text and is therefore agreed.

Proposed Modification MOD 120

Add new text at beginning of paragraph 13.13 to read: “Since the publication of the Comprehensive Development Framework ferry operations have ceased at the port. However...”

Policy FTC5 – Marina and South Quay

Modify Policy FTC5 and paragraph 13.17 in accordance with PC19 and PC20.

Response: As part of pre-application discussions with developers, it has been agreed that a scheme which incorporated a landmark building, higher than 5 storeys, maybe acceptable on this site, if the design was high quality. The Proposed Change 19 and 20 therefore sought to amend the Policy in line with these discussions.

Proposed Modification MOD 121

Delete the words “be of 3-5 storeys and” from second sentence of paragraph 13.17.

Delete words “with building heights of between 3-5 storeys” from Policy FTC5

Policy FTC6 – Land south of Marine Parade

Recommendation 13.1.46 - Modify Policy FTC6 by adding to criterion (a)(ii), after “attractions” “, and residential use above ground floor level.”.

Recommendation 13.1.47 - Modify Policy FTC6 by deleting criterion (c) and replacing with “The Council will seek planning obligations in relation to improvement to the existing Leas Cliff steps and towards the provision of a new lift or similar means of public vertical transportation up the Cliff (see also Policy FTC8).”

Response: The Inspector concluded that an element of residential uses within the Leisure Zone (above ground floor level) would add to the vitality of the area, provide a mix of uses in line with the Comprehensive Development Framework and contributes to the capacity of the seafront sites. This additional wording is accepted. Although the Inspector agreed that some form of vertical transport up and down the cliff was important, the Plan should not explicitly state that financial contributions would be required, in line with Government guidance on development contributions. Therefore, the proposed wording is agreed.

Proposed Modification MOD 122

Add new text to end of Policy FTC6 a ii) to read “and residential use above ground floor level”.

Delete criterion c) from Policy FTC6 and replace with new criterion c) : “The Council will seek development contributions in relation to improvements to the existing Leas Cliff steps and towards the provision of a new lift or similar means of public vertical transportation up the Cliff (see also Policy FTC8)”.

Policy FTC8 – The overcliff

Recommendation 13.1.53 - Modify Policy FTC8 by deleting the second sentence of criterion (b) and replacing it with “The height and form of development at the top of the cliff should retain public views through the site, preserve the setting of the War Memorial and provide a focus to draw people down to the seafront from the town centre.”

Recommendation 13.1.54 - Modify paragraph 13.28 by carrying out consequential amendments to sentence 4.

Response: The aim of criterion b) of Policy FTC8 was to maintain views out to sea and not detract from the setting of the war memorial, yet allow for the opportunity for a landmark building to help link the town centre and the seafront. It is acknowledged that single storey development may not achieve this if it is a continuous line of development and therefore the recommended wording is agreed.

Proposed Modification MOD 123

Delete second sentence of Policy FTC8 b). Replace with new text to read: “The height and form of development at the top of the cliff should retain

public views through the site, preserve the setting of the War Memorial and provide a focus to draw people down to the seafront from the town centre.”

Proposed Modification MOD 124

Delete the words “and will be restricted to single storey in height above the level of the Leas” from line 7 of paragraph 13.28. Replace with new text “...and will retain views through the site towards the sea”.

Chapter 14 – Monitoring

Recommendation 14.1.8 - Modify the Plan as follows:

Recommendation 14.1.9 - Add to paragraph 14.2 reference to proposals for the publication of and consultation on the results of monitoring, and how the results may inform policy evaluation and adjustment in advance of the next full local plan review.

Response: The Inspector notes that it is good practice to publish the results of the Council’s policy monitoring to enable dialogue and emerging issues to be discussed with the relevant agencies. At present, some of the annual monitoring statistics are already published by Kent County Council in relation to Housing Land Supply and Employment Land Supply. However, the new planning regulations require an Annual Monitoring Report (AMR) to be prepared and published by Local Authorities which will document such annual statistics and any necessary action to be taken. Until a Local Development Framework is prepared for Shepway, the AMR will report on policies in this Local Plan, including the targets set out in Chapter 14. It is therefore agreed that text be added to explain this.

Proposed Modification MOD 125

Add new text to end of paragraph 14.2 to read: “An Annual Monitoring Report will be published by the Council, which will include the results of this monitoring and detail any action required to the Plan and it’s policies”.

Recommendation 14.1.10 - Add to paragraph 14.4 reference to Plan, Monitor and Manage and set out clearly the Council’s methodology and indicators for assessing the managed release of housing sites.

Response: The Council’s Plan, Monitor and Manage approach to the phased release of housing sites is set out in paragraphs 3.27 – 3.29 of the Plan. However, it is acknowledged that the monitoring of housing land supply is an essential part of the Local Plan and therefore an additional indicator is proposed.

Proposed Modification MOD 126

Add new text to end of paragraph 14.4 to read: “Where the Annual Monitoring Report shows that a significant gap is developing between the numbers of dwellings planned for and what is being delivered, the Local Planning Authority will consider releasing sites from a later phase. These

changes will be based on the search sequence in PPG3 and consulted upon through Supplementary Planning Guidance.”

Add new indicator to read:

5. To annually monitor the level of housing land supply to ensure the 2001-2006 and 2006-2011 phasing targets as set out in Chapter 3 are appropriate and to manage sites between phases if necessary.

Recommendation 14.1.11 - Include an indicator relating to provision for gypsies in paragraph 14.4.

Response: Paragraph 3.55 of the Plan states that the demand for permanent gypsy sites will be kept under review and that proposals or a need for an allocated site will be judged against Policy HO16. It is therefore agreed that an additional indicator should be added to the Monitoring chapter.

Proposed Modification MOD 127

Add new text to end of paragraph 14.4 to read: “Consultation with the KCC Gypsy Unit will monitor the evidence of need for a permanent gypsy site”.

Add new indicator to read:

6. To keep under review the need for a permanent gypsy site, in consultation with the KCC Gypsy Unit.

Recommendation 14.1.12 - The Council should consider whether indicators 14.6(1), 14.9(2) and 14.14(1) provide an adequate benchmark for assessing whether the underlying aims of policy are being met.

Response: The indicators 14.6(1) and 14.14(1) relate to the implementation of key development sites in Folkestone. These sites form an essential part of the regeneration of the town centre and seafront areas and their implementation is therefore crucial to the achievement of the Plan’s aims. However, it is agreed that the wording could be made more explicit and 14.6(1) could be deleted as it repeats the Folkestone Town Centre indicator. The indicator 14.9(2) will need to be re-worded in line with the changes to Policy BE12 (see MOD72).

Proposed Modification MOD 128

Delete indicator 14.6(1)

Amend indicator 14.9(2) by deleting the words “low-density areas” and replacing with “Areas of Special Character”

Delete indicator 14.14(1). Replace with new indicators to read:

“1. Development of a comparison goods shopping centre at Bouverie Place, Folkestone, including the provision of a minimum 16,000sqm floorspace and 425 car parking spaces.

2. Redevelopment of land at Payers Park, Folkestone to include residential uses and retain 100 public car park spaces.

3. Redevelopment of Folkestone seafront area to include a mix of uses, including at least 700 residential units, major leisure uses, at least 100 public car park spaces and an improved access up to the Leas.”

Appendices

Appendix 2 – Housing Land Supply

Recommendation 15.1.13 - Modify Appendix 2 by changing the description of Site 5 from AL to PP.

Response: This change was picked up at the First Deposit stage but in error, was not altered in the Revised Deposit Plan. It is therefore agreed.

Proposed Modification MOD 129
Amend site description of Site 5 Longford Terrace, Folkestone from “AL” to “PP”

Recommendation 15.1.14 - Modify Appendix 2 by changing the capacity of Site 36, Church Lane, New Romney, from 50 to 60 dwellings. Reassess all sites in Appendix 2 to ensure that the capacity is calculated at a minimum density of 30 dwellings per hectare.

Response: The change in capacity would bring it in line with the recommended density guidelines in PPG3 and is therefore agreed.

All sites with allocated status in Appendix 2 have been re-assessed to ensure a minimum density of 30 dwellings per hectare is achieved but this has not resulted in the need to change any of the site capacities.

Proposed Modification MOD 130
Amend site capacity of Site 36, Church Lane, New Romney to 60 dwellings within phase 2006-2011.

Recommendation 15.1.15 - Modify Appendix 2 by reinstating Site 38, Site of Claverley, Littlestone.

Response: This site was deleted from the list of sites in Appendix 2 because it no longer formed part of the Housing Land Supply. Sites where planning permission lapses were historically retained in the Housing Land Supply for a few years after the permissions expired, in case a renewal application was submitted. However, the last planning application on this site was approved in 1990 and it was removed from the land supply because there had been no interest from the site owner or a developer in submitting a new application. The site is also within the Area at Risk from Tidal Flooding and the area is not protected to the 1in200 year standard. More recently there have been applications for other similar sites in the locality. Due to the need to overcome the flood risk, development schemes on these other sites have proposed the need to raise the existing ground level and usually consisted of flats. Even with these measures, due to the low existing flood protection, the Environment Agency has tended to object in principle to residential development. Therefore, this is also likely to be the case on this site. There are also design issues with a block of flats on this small site due to the relationship with neighbouring single storey development. On

balance, it is not considered that this site should be relied upon to contribute to the land supply and should not therefore be allocated.

The site is within the settlement boundary and previously developed and therefore if a developer were to come forward in the future, with a scheme which resolved the flood protection and design issues, there would be no in principle reason why this could not be a windfall site.

No Proposed Modification

Recommendation 15.1.16 - Modify Appendix 2 by adding column headings "Permission or alloc.", "2001-2006" and "2006-2011" at the top of page 165, and by moving the figures in the Totals row at the bottom of Table A to the right, to fall under the correct columns. Amend the Site number of the Site at 51 Seabrook Road, Hythe, to Site 51 rather than Site 50.

Response: These changes refer to minor typographical errors and are therefore agreed.

Since the Inquiry and during the reporting period, the 2003 Housing Land Supply has been agreed, and therefore the list of sites in Appendix 2 should be updated, so that the plan includes the most up-to-date position. Therefore a new Appendix 2 has been prepared and all the sites have been re-numbered.

Proposed Modification MOD 131

Add column titles "Permission or alloc", "2001-2006" and "2006-2011" to both pages of Appendix 2. Re-align all the total rows to fall under correct headings.

Proposed Modification MOD 132

Update Appendix 2 following 2003 Housing Land Supply (see attached at end of report)

Appendix 4 – HMO's

Recommendation 15.1.21 - Modify paragraph 10 of Appendix 4 as appropriate to bring it up to date with current refuse collection practice.

Response: The Inspector suggests that due to recent changes to the refuse collection service and the provision of wheelie bins and recycling material collections, the standards should be updated. However, due to difficulties in management arrangements, refuse sacks are still used in most cases and there is therefore no need for amendment to the text.

A registration scheme has been set up to ensure houses meet the required standards, and additional wording to advise of the scheme should be added to the Appendix.

Proposed Modification MOD 132

**Add new text to end of Appendix 4 to read:
"13. Registration Scheme**

The Council operates a Registration Scheme for Houses in Multiple Occupation to ensure that such houses meet the required standards, are well managed and do not adversely affect the amenity or character of the area. There are exemptions for certain categories or types of ownership. Enquires should be made to the Council’s Private Sector Housing Team.”

Appendix 6 – Car Parking Standards

Recommendation Modify Appendix 6 by carrying out Proposed Change PC15 and ensuring that the resulting standards comply with PPG3 and PPG13. If KCC revised parking standards are not confirmed in time for the adoption of the Plan, then Appendix 6 should be removed from the Plan document and published as separate SPG once the KCC revised standards are approved.

Response: The KCC Vehicle Parking Standards have been updated and currently in draft form. The consultation for these is being run concurrently with the Kent and Medway Structure Plan Review. Therefore, they are unlikely to be agreed until the County Council considers the report of the Panel following the EIP (which will probably be later than the timetabled adoption of the plan). For these reasons, and because Appendix 6 is out of date, it is agreed that the appendix should be removed from the plan. Once the new standards have been agreed, these can be published as Supplementary Planning Guidance. If the standards are agreed before the plan is adopted, Appendix 6 should remain but updated.

Proposed Modification MOD 134

Amend and update Appendix 6 if new KCC Vehicle Parking Standards are approved before adoption.

Delete Appendix 6 if standards have not been approved in time for adoption of Plan. Publish as Supplementary Planning Guidance once they have been approved.

Amend reference in Chapter 11 paragraph 11.29 to reflect the position

Appendix 10 – Development Contributions

Recommendation 15.1.37 - Modify Appendix 10 in accordance with that part of PC16 which refers to the affordable housing target of 30%.

Recommendation 15.1.38 - Do not modify Appendix 10 in accordance with PC17, to amend the affordable housing target to 35%.

Response: See response to recommendation on Policy HO6.

Proposed Modification MOD 135

Appendix 10 – Affordable Housing Provision

Delete words “a minimum of 20%” and replace with “30%”

Delete words “of 25 or more new dwellings (or over 1 hectare) in urban areas or sites” and “in rural areas”

Delete target number “400” and replace with “500”

Recommendation 15.1.39 - Modify Appendix 10 in relation to that part of PC16

which refers to school site sizes, if the information is not available in an appropriate form elsewhere and if it is unlikely to change over the Plan period.

Response: This change would provide clarity and certainty.

Proposed Modification (MOD 136)

Add new text in Appendix 10 under heading Primary and Secondary School Provision “The size of sites required: Primary school – 1.15ha for one form entry, Secondary school – 2ha for two form entry”.

Recommendation 15.1.40 - Modify Appendix 10 by adding “at no cost to the Local Planning Authority or to the Local Education Authority.” at the end of the last sentence in the section on Education Provision.

Response: This change would provide clarity to the section on educational provision and is therefore agreed.

Proposed Modification MOD 137

Add new text to Appendix 10 Education Provision at end of paragraph to read: “at no cost to the Local Planning Authority or to the Local Education Authority.”

Recommendation 15.1.41 - Modify Appendix 10 by deleting “ten” and replacing with “five” in the second sentence of the section on Maintenance Contributions.

Response: The Inspector considered that a sum equivalent to ten times the annual maintenance cost for open space or play areas was an excessive amount, in light of advice in Circular 1/97. The Circular states that 5 years would achieve the right balance between certainty for the Local Planning Authority and limiting the obligation on the landowner.

Proposed Modification MOD 138

Appendix 10 – Maintenance Contributions

Delete word “ten” and replace with the word “five”

Recommendation 15.1.42 - The Authority could consider adding, to the items on page 199 of the Plan, references to additional information as set out on page 200 and in the November 2002 Committee Report (CD 1.04 pages 253-254). In order to avoid repetition, one overall reference to the Kent Planning Officers’ Good Practice Guide and its Addendum, at the start of the section, should suffice.

Response: The references to additional information under the headings Open Space Provision and Children’s Play Space Provision should have been included in the Revised Deposit Draft but were omitted in error. These should be added to the appendix and one overall reference to the Good Practice Guide is agreed.

Proposed Modification MOD 139

Add new column on second page of Appendix to first two sections to refer to “Additional Information”.

For Open Space Provision this should read “Local Plan Policy LR9 and paragraphs 7.35 – 7.39”,

For Children’s Play Space Provision this should read “Local Plan Policy LR10 and paragraphs 7.39 – 7.43”,

Delete reference on third page to “The Kent Planning Officers Group Development Contributions Good Practice Guide (1999) and Addendum to the Good Practice Guide (2001)”.

Add new text to end of first paragraph of Appendix 10 to read: “Further information can also be found for all types of contributions listed below in the two publications; The Kent Planning Officers Group Development Contributions Good Practice Guide (1999) and Addendum to the Good Practice Guide (2001).”

Amended Appendix 2 of Revised Deposit Draft

Housing Sites (5+ units) shown on the Proposal Map

These sites form part of the Housing Land Supply 2003 but include only sites where construction has not started

For sites where construction has started but site has not been completed, details of remaining no. of dwellings is shown in table B.

Codes – AL = Allocation carried forward from Shepway District Local Plan

PP = Detailed planning permission

PO = Outline planning permission

Table A		Permission Or alloc.	2001- 2006	2006- 2011
Folkestone				
1	Payers Park, Folkestone	PP		50
3	29-33 Old High Street, Folkestone	AL		6
4	Langhorne Gardens, Folkestone	PP	40	
5	Longford Terrace/Cheriton Place, Folkestone	PP	-	32
6	East Station Goods Yard	AL		9
9	79-83 Radnor Park Road, Folkestone			
10	1-5 Marine Crescent, Folkestone	PP	18	
11	Land west of Enbrook Road, Folkestone	PP	22	
12	Land west of Enbrook Road, Folkestone	PP	30	
18	11&12 Marine Crescent, Folkestone	PP	0	12
19	13&14 Marine Crescent, Folkestone	PP	8	
46	87-91 Sandgate Road, Folkestone	PP	11	
48	26-30 Tontine Street, Folkestone	PP	9	
49	Grace Hill Annex, Folkestone	PP	5	
Hythe				
21	Builders Yard, Windmill Street, Hythe	AL	-	
23	85 Seabrook Road, Hythe	PP	5	
24	Land at 16a Douglas Avenue, Hythe	PP	5	
Northern rural area				
26	West of St Lukes Walk, Hawkinge	AL		38

Table A		Permission Or alloc.	2001- 2006	2006- 2011
53	408 Canterbury Road, Densole	PP	5	
New Romney				
34	Land rear of Old School, New Romney	AL		25
36	Land at Church Lane, New Romney	AL		60
37	Junc. Blenheim Road and Marine Parade, Littlestone	AL		15
Romney Marsh				
42	St Mary's Bay holiday camp, Dymchurch	AL	-	-
54	JH Young, St Mary's Rd, Dymchurch	PP	5	
44	Former Sands Motel site, St Mary's Bay	AL		50
45	68 Jefferstone Lane, St Mary's Bay	PP		6
New sites from 2002 HLS				
	The Cedars site, Sellindge	PP	22	
	Gough Road, Sandgate	PP	6	
	Land adj. 5 Victoria Road, Folkestone	PP	11	
	15-17 St Leonards Rd, Hythe	PP	22	
	27 Guildhall Street, Folkestone	PP	10	
	11-13 Trinity Crescent, Folkestone	PP	13	
New sites from 2003 HLS				
	92 Harbour Way, Folkestone	PP	7	
	241-243 Cheriton Road, Folkestone	PP	6	
	Salvation Army Hall, Folkestone	PP	15	
	1-3 High Street, Hythe	PP	10	
	Page Farm, Postling	PP	6	
	Osbourne House, Littlestone	PP	7	
Totals			298	303

Development on sites which have commenced (but shown for completeness as outstanding development contributes to Housing Land Supply – 2003)

Table B	2002- 2006	2006- 2011
Market Site, Rendezvous Street, Folkestone	24	
Hospital Hill, Sandgate	120	
10 Lennard Road, Folkestone	8	
Church Hill, Hythe	5	
5 High Street, Hythe	6	
Dykeside Farm, West Hythe	1	

Table B	2002- 2006	2006- 2011
Spitfire Leisuredrome, Hawkinge	22	
West of the Bypass, Hawkinge	42	
Land south of The Street and East of Mill Lane, Hawkinge	89	24
Hawkinge Aerodrome (north of Terlingham Manor Farm)	15	
Land at Lourdes Manor, Swan Lane, Sellindge	10	
North of Meehan Road and Armada Court, Littlestone	26	
Gas House Field, Lydd	29	
Harden Road, Lydd	23	
	420	24