



The Planning  
Inspectorate

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# **Report to Shepway District Council**

**by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 10<sup>th</sup> June 2013**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO SHEPWAY CORE STRATEGY**

**LOCAL PLAN**

Document submitted for examination on 31 January 2012

Examination hearings held between 2 and 10 May 2012 and on 5 March 2013

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## Abbreviations Used in this Report

AA	Appropriate Assessment
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
BAP	Biodiversity Action Plan
CIL	Community Infrastructure Levy
CS	Core Strategy
EA	Environment Agency
ELR	Employment Land Review
GI	Green Infrastructure
GTAA	Gypsy and Traveller Accommodation Assessment
HRA	Habitats Regulations Assessment
HSE	Health and Safety Executive
LAA	London Ashford Airport, Lydd
LDS	Local Development Scheme
LP	Shepway District Local Plan Review 2006
MM	Main Modification
PCA	Priority Centre of Activity
PPTS	Planning Policy for Traveller Sites
RS	Regional Strategy (the South East Plan)
SA	Sustainability Appraisal
SAC	Special Area for Conservation (Habitats Directive)
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SEP	South East Plan
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area (Birds Directive)

## **Non-Technical Summary**

This report concludes that the Shepway Core Strategy Local Plan provides an appropriate basis for the forward planning of the District providing a number of modifications are made to the Plan. The Council has requested that I recommend any modifications necessary to enable them to adopt the Plan. All of the modifications to address this were proposed by the Council. They have been the subject of public consultation as well as assessment under the Habitats Regulations. A revised and updated Sustainability Appraisal has been undertaken. I have recommended the inclusion of these changes after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- Inclusion of a policy to support sustainable development, in line with the National Planning Policy Framework (the Framework);
- Deletion of the Strategic Corridor;
- Clarification of the approach to flood risk to accord with national policy;
- Stronger safeguards in respect of the Area of Outstanding Natural Beauty and international nature conservation sites;
- Updated housing land supply figures, including an assessment of potential delivery from non-identified ('windfall') sites;
- Added flexibility to take account of development viability;
- Clarification of the proposed approach in respect of traveller sites;
- Deletion of the Folkestone Racecourse strategic site; and
- Inclusion of updated master-planning guidance for other strategic sites and broad locations for future development.

## Introduction

1. This report contains my assessment of the Shepway Core Strategy (CS) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (at paragraph 182) makes it clear that to be sound, a Local Plan should be positively prepared; justified; effective; and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for the examination is the CS Proposed Submission Document (July 2011). For the avoidance of doubt, this does not include the further amendments that were included in the submission version of the Plan (January 2012): as was clarified in written exchanges with the Council<sup>1</sup>, such changes had not been subject to public consultation although some were of a material nature. Nevertheless, they have been considered during the examination, along with the additional changes suggested by the Council following the Plan's submission and those changes that have been sought by other parties.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant. They are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act, the Council has requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix and accompanying Annex.
4. The main modifications that go to soundness derive from a schedule of modifications<sup>2</sup> that was prepared by the Council following receipt of my Interim Conclusions paper (18 May 2012). This was the subject of public consultation, a revised Sustainability Appraisal (SA) report and an addendum to the Habitats Regulations Assessment (HRA)<sup>3</sup>, as well as a resumed examination hearing session in March 2013. I have taken the consultation responses into account and have made a number of additional small changes for reasons of clarity only. The main modifications do not include changes proposed by the Council that I consider are not needed for soundness/legal compliance reasons. For the avoidance of doubt, the report makes no comment about the merits of any additional changes recommended by the Council that are not specifically mentioned.
5. My report also takes account of responses to consultations held during the examination period in respect of the National Planning Policy Framework and Planning Policy for Traveller Sites (both March 2012), the February 2013 Ministerial Statement on the revocation of the South East Plan and decisions on the expansion of London Ashford Airport, Lydd (April 2013).

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<sup>1</sup> Notably documents PS01, PS02 and PS03.

<sup>2</sup> Document M1.

<sup>3</sup> Documents M2 and M6 respectively.

## Assessment of Duty to Co-operate

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. The Council comments on this duty in its Record of Co-operation<sup>4</sup>, which describes the activities that it has undertaken with other bodies in order to maximise the effectiveness of Plan preparation. These include bodies such as Kent County Council, neighbouring Borough and District Councils (including councils in East Sussex) and relevant statutory authorities. None of these bodies raises a substantive concern that the Duty to Co-operate has not been met in respect of the Plan. I am satisfied that duty has been complied with.

## Assessment of Soundness

### Main Issues

7. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified several main issues upon which the soundness of the Plan depends. Representations on the Plan have been considered insofar as they relate to its soundness, but they are not reported on individually.

### General Matters

#### ***Has the Plan been positively prepared and, overall, does it accord with the broad thrust of the National Planning Policy Framework?***

8. The National Planning Policy Framework (the Framework) emphasises the importance of encouraging sustainable development through enabling economic growth and promoting housing development. The CS is underpinned by three over-arching strategic needs relating (in summary) to economic, environmental and social factors. It seeks to maintain existing commercial activity and attract new businesses and enterprise, recognising that it is essential that sufficient new development is permitted so as to inject new investment into the District<sup>5</sup>. As set out below, it proposes a housing development rate that is greater than that previously required by the South East Plan. Notwithstanding the matters and concerns discussed in this report, the Plan broadly seeks to give a clear and positive steer to new development, directing this towards existing sustainable settlements, making strategic allocations and identifying broad locations for development. Most CS policies are worded positively, generally seeking to support development subject to criteria: for example, policy CSD1 begins "Development will be allowed ...".
9. Nevertheless, there is a need for the Plan to include a policy that more specifically reflects the Framework's overarching presumption in favour of sustainable development. The Council accepts this and proposes to include additional wording, consistent with the model policy published on the Planning Portal website, within an expanded version of policy CSD10 – which would be moved to a more prominent position near to the start of the document (**MM1-MM4**). Subject to this, I conclude that the Plan has been positively prepared,

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<sup>4</sup> Document G16.

<sup>5</sup> CS paragraph 4.32. References in this report refer to the July 2011 version of the CS.

and that, overall, it accords with the broad thrust of the National Planning Policy Framework. Nevertheless, several specific policy matters arising from the Framework are discussed later in this report: in some cases these require further changes to the Plan to be recommended.

***Have satisfactory provisions been put in place to enable adequate monitoring of the Plan's effectiveness?***

10. CS section 5.3 includes a schedule of major milestones (table 5.1) to provide an overview of progress towards implementing the primary elements of the Core Strategy. Potential risks are examined and contingencies are provided for in table 5.2. Appendix 3 provides a more detailed monitoring strategy, which sets specific targets and explains how each target will be measured. These targets are, in general, clearly expressed and relate specifically to the three over-arching strategic needs already mentioned. Annual updates will be provided in the Council's Annual Monitoring Reports (AMRs). Taking these matters together, I conclude that satisfactory provisions have been put in place to enable adequate monitoring of the Plan's effectiveness.

***Has the Plan been subject to adequate Sustainability Appraisal (SA)?***

11. The Core Strategy contains a number of significant changes from the 2009 Preferred Options version of the Plan. The Strategic Corridor (policy SS1) was introduced (see later in this report), the Plan period was extended from 2026 to 2031 and housing numbers at the three strategic allocations were increased – broadly adding 200 dwellings at Folkestone Seafront (policy SS6), 300 dwellings at Shorncliffe Garrison (SS7) and 420 dwellings at Folkestone Racecourse (SS8). At the same time, some previous allocations were deleted.
12. Local Plan preparation, and its accompanying SA, is an iterative process. It is unlikely that any plan can be progressed without making changes in response to matters such as an evolving evidence base, changing policy context and the need to respond to stakeholder comments. However, among other matters, the submitted Plan must accord with the requirements of the EU Directive (2001/42/EC) on Strategic Environmental Assessment (the SEA Directive), and the Environmental Assessment of Plans and Programmes Regulations 2004 (SI No.1633) which transpose the Directive into domestic legislation.
13. It was confirmed at the hearings that, at submission, the July 2011 SA report<sup>6</sup> comprised the Environmental Report that is required by the 2004 Regulations. Regulation 12(2) states that this 'shall identify, describe and evaluate the likely significant effects on the environment of – (a) implementing the plan or programme; and (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme'. Such an assessment should, of necessity, take account of any changes to alternatives that had been previously presented during the Plan preparation process – including circumstances where previously separate alternatives had been combined.
14. The changes to the number and size of the proposed strategic allocations took place around March-April 2011 – at Stage 4 (out of 5) of the process as described in the July 2011 SA report. They were considered in a 'Strategic Sites SA Commentary' document – which appears as Appendix 4 to a Council

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<sup>6</sup> Document A28.

Cabinet Report (13 April 2011)<sup>7</sup>. However, this document (although publicly available) did not itself form part of the final SA report and, as was clarified at the hearings, was not subject to the consultation that is required by the 2004 Regulations. While a summary was included in the SA report (Appendix IV) this did not present the changes to housing numbers in any level of detail. It failed to itemise the likely significant effects of the increased housing numbers (with the exception of a matrix in respect of policy SS8) and did not explain what, if any, reasonable alternatives to the proposals as revised had been considered.

15. In respect of Shorncliffe Garrison (policy SS7), the July 2011 SA report stated that the scheme would be '700 dwellings by 2026, and 1,200 when complete'<sup>8</sup>. This is at odds with the policy itself which provides for around 1,000 dwellings by 2026 and up to 1,200 by 2031, and had the potential to mislead readers about the intended phasing of development at this site.
16. With regard to Folkestone Racecourse (policy SS8), it was contended by the Council at the hearings that the consideration of alternatives is "implicit" in pages 140-144 of the July 2011 SA report and that its approach in this matter accords with accepted practice. The Council added that, as a site specific proposal, no reasonable alternatives existed. However, even if this were to be the case, this is not a view that is explicitly set out in the SA report. Furthermore, as discussed below, it is unclear to what extent consideration was given to alternative approaches to securing racecourse improvements that might result in a different quantum of housing development at the site.
17. Furthermore, the relevant section of the July 2011 SA report focused solely on the emerging approach to strategic sites that was appraised in April 2011<sup>9</sup>. It did not explore the extension to the Plan period (with the resulting increase in housing provision set out in policy SS2, albeit at the same annual rate). It also failed to consider either the likely significant environmental effects of the Strategic Corridor (policy SS1) or reasonable alternatives to the Strategic Corridor approach. At the hearings, it was the Council's case that the Corridor represents an 'amalgam' of approaches that had been tested at previous stage of the SA process – specifically option 1B at the Issues and Options stage and option SO3 at the Preferred Options. However, both options were materially different from the Strategic Corridor as it is presented in the Plan. Such differences were not articulated in the July 2011 SA Report.
18. For the above reasons, the July 2011 SA Report's approach to the strategic allocations (particularly policy SS8), the extended Plan period and the introduction of the Strategic Corridor did not fully accord with the requirements of the SEA Directive and 2004 Regulations.
19. In response to these concerns, which were raised in my Interim Conclusions paper, a revised SA was undertaken in parallel with the Council's suggested modifications to the Plan. While the modifications themselves were subject to SA, the opportunity was taken to revisit the entire SA document. It was confirmed at the resumed hearing session that the updated SA report (October

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<sup>7</sup> Document CR1.

<sup>8</sup> Document A28, page 140.

<sup>9</sup> Document A28, Appendix IV, 1<sup>st</sup> sentence.

2012)<sup>10</sup> is intended to replace the previous document.

20. Bearing in mind the modifications that the Council has proposed, discussed in more detail later in this report, I am satisfied that the updated SA report addresses the matters described above. However, several parties have raised additional concerns about the substance of the revised document. While there are differences of detail between the two SA reports, for example in the assessment of specific schemes against the sustainability objectives, such differences (as a matter of principle) might be expected given that the SA has been comprehensively revised in the light of more recent information. As already noted, SA is an iterative process. Although some of the detailed assessments in both SA reports (for example in respect of the potential biodiversity impacts of possible development options) are broad-brush in nature, this is broadly consistent with the need to apply a proportionate approach to the evidence base. In respect of biodiversity, a more detailed HRA has been submitted in respect of the Plan's preferred approach.
21. Particular concerns were raised regarding the treatment of two locations in the October 2012 SA report. However, the decision to screen land to the west of Nickolls Quarry, Hythe site out of SA consideration at an early stage is consistent with the Plan's broader approach to development options and locations – as discussed further below. A number of the SA report's detailed assertions relating to Lympne are clearly in dispute. Nevertheless, I am satisfied that, together with other evidence (notably in support of the Plan's settlement hierarchy), the conclusion that Lympne should be neither a specific allocation or a broad location – albeit accepting it has some potential for growth to meet local need and ensure the settlement's sustainability – is adequately justified. Along with Folkestone Racecourse, Lympne performs less well against sustainability objectives than the remaining allocated strategic sites, both of which relate closely to the urban area, and the identified broad locations for development, which are associated with higher level settlements in the table 4.3 hierarchy – also discussed below.
22. Taking all of the above matters together, I conclude that the Plan has been subject to adequate Sustainability Appraisal.

**Issue 1 – Is the Core Strategy's spatial strategy and broad distribution of development sufficiently justified and consistent with the local evidence base and national policy? Has sufficient consideration been given to relevant environmental factors?**

*Strategic Corridor*

23. The Strategic Corridor is a prominent feature of the CS, being mentioned in the opening sentence of the District Spatial Strategy policy (SS1). However, its role and purpose are unclear. Specifically, it is not clear from the Plan whether the Strategic Corridor represents a reflection of development proposals that are justified for other reasons, or whether these proposals derive from the Strategic Corridor's presence. The Council position on this matter at the hearings was not clear. At one point it was stated that the Strategic Corridor was not the justification for these development sites, while

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<sup>10</sup> Document M2.

at a later stage it was stated the Plan "is directing development to the Strategic Corridor" and that "the Strategic Corridor is not a product of the site allocation process, it is the other way round".

24. However, as already noted, the Strategic Corridor was not an explicit proposal at the Plan's Preferred Options consultation stage (2009). It did not appear in the papers supporting the Cabinet Report (13 April 2011) that considered the key decisions prior to finalising the CS for consultation. Appendix 2 to that report ('Strategic Distribution') states that 'at the core of delivering this spatial strategy will be: a settlement hierarchy; a network of town centres and other focal points of commercial activity; a selection of strategic sites for development'<sup>11</sup>. The role of the Strategic Corridor is not mentioned.
25. The boundaries of the Strategic Corridor are not shown on the Policies Map and, as was apparent during the hearings, are disputed. The corridor cuts across the District's three character areas (Folkestone/Hythe; Romney Marsh; and the North Downs), and extends outside the urban area – where policy SS1 recognises that the majority of development will take place. Its central section overlies part of the Kent Downs Area of Outstanding Natural Beauty (AONB), in which great weight is given to conserving landscape and scenic beauty.
26. Furthermore, the CS does not explain how the Strategic Corridor concept would be taken forward into other Local Plans, if at all. While para 4.179 refers to the 'growth objectives of the Strategic Corridor' it is not clear whether such objectives relate to the sites that have already been designated or whether they represent an intention to locate further development in this part of the District. At the hearings, the Council implied that the Strategic Corridor did have a role with regard to future planning (stating that its removal would make "an element of difference"), but this was not clarified further. Specific growth objectives for the corridor, over and above sites such as Folkestone Racecourse and the broad location at Sellindge, are not explicitly articulated in the Plan.
27. In recognition of these concerns, the Council proposes to remove the Strategic Corridor from policy SS1 and supporting text and figures. These changes (**MM5-MM28**) are needed to ensure that the Plan is effective and justified. However, the revised figure 4.1 proposed by the Council contains no extra policy information and is not therefore required for soundness reasons.

### *Settlement Strategy*

28. As noted above, it is the urban area (and particularly Folkestone) that is intended as the main focus for development. This is made clear by policy SS1, notwithstanding the proposed deletion of the Strategic Corridor, and by the settlement hierarchy referred to in policy SS3 and set out in table 4.3.
29. It was clarified at the hearings that the table 4.3 hierarchy represents the current status of these settlements, rather than reflecting a view as to their future role. The position of specific settlements in the hierarchy is broadly justified by the evidence base – specifically the Rural Services Study and

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<sup>11</sup> Document A90; para 6.5.

Strategic Distribution Report<sup>12</sup>. While Stanford/Westenhanger has the status of a 'tertiary cluster level' in the Rural Services Study's settlement hierarchy information table, the presence of a main line railway station is an important factor supporting its identification as a primary village in CS table 4.3. The proximity of Littlestone-on-Sea to New Romney justifies its inclusion with that settlement: this is proposed by the Council and, although not necessary for soundness reasons, represents a useful clarification.

30. As drafted, the general development criteria in policy SS3 (which include those relating to flood risk, discussed further below) could be considered only to apply to schemes on previously-developed land. This is clearly not the policy's intention, and the Council proposes to reword it and supporting text (included in **MM33**, discussed in more detail below) accordingly. This is necessary for reasons of effectiveness.

#### *Flood Risk and the Romney Marsh Character Area*

31. The CS's approach to flood risk has been informed by the preparation of a Strategic Flood Risk Assessment (SFRA)<sup>13</sup>, updated by a more recent Flood Evaluation document<sup>14</sup>. Consultation with the Environment Agency (EA) has been ongoing, and the Agency does not raise soundness concerns about the Plan. It considers that the SFRA is sufficiently robust to support the CS. While the EA notes that new flood defences at Dymchurch will need to be factored in to the SFRA, this is a matter for subsequent Local Plans – and in any case represents an improved level of protection over that assessed in the SFRA as submitted. I am satisfied that the SFRA, which takes account of climate change implications, adequately underpins the CS's approach to flood risk.
32. Notwithstanding this, it is necessary to consider the CS in the light of national policy on planning and flood risk. Paragraph 100 of the National Planning Policy Framework requires Local Plans to apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and to manage any residual risk, taking into account the impacts of climate change. A substantial part of Shepway District (some 55%) has a high probability of flooding (flood zone 3A<sup>15</sup>). Much of this is concentrated within the low lying Romney Marsh character area.
33. Although the CS does not make any specific allocations in Romney Marsh, it identifies a broad location for development at New Romney (policy CSD8), including around 300 dwellings. While other possible development sites have been identified in the Strategic Housing Land Availability Assessment (SHLAA), these do not equate to land allocations. If they were to be proposed as such in a future plan then their compliance with flood risk policies would need to be assessed at that stage. Nevertheless, the CS's settlement strategy supports the principle of further development within identified settlements in this character area, as long as it is proportionate and consistent with that settlement's position within the above-noted hierarchy. Given the nature of Romney Marsh, it is likely that such development would fall within (or close to) an area with a high probability of flooding.

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<sup>12</sup> Documents B5 and A90 respectively.

<sup>13</sup> Documents A92-A98 (including appendices).

<sup>14</sup> Document A91.

<sup>15</sup> See Table 1 of the Technical Guidance to the National Planning Policy Framework.

34. While policy SS3 applies a sequential approach to development and flood risk, it restricts the application of this approach to the relevant character area. As such, development proposals within Romney Marsh would be assessed against other reasonably available sites within the Romney Marsh character area.
35. It was clarified at the hearings that the EA raises no objection in principle to this approach. Neither the National Planning Policy Framework nor its accompanying Technical Guidance specifies the area to which the sequential test should be applied. However, the need for development to maintain the local sustainability of settlements on Romney Marsh is generally, if not universally, accepted. It is consistent with the Plan's evidence base, which highlights the area's particular social and economic challenges – for example with reference to indices of multiple deprivation<sup>16</sup>. Given the degree of separation between many Romney Marsh settlements and other parts of the District, development outside the Romney Marsh character area would fail to maintain local sustainability. As a result, such development could not realistically be located elsewhere. The approach to sequential testing described above is therefore broadly justified. Indeed, it accords with the Planning Policy Statement 25 Practice Guide<sup>17</sup> (extant at the time of writing), which recognises the particular issues that arise in areas requiring redevelopment or regeneration.
36. Notwithstanding the above, the fact that character area boundaries are not precisely defined in the CS creates some uncertainty about how this approach would work in practice. The Council accepts this and proposes modifications accordingly. The detailed boundaries now put forward are based on established administrative boundaries and broadly accord with the indicative boundaries shown in the Plan as submitted. I am satisfied that they are appropriate for the purposes of this policy. (It should be noted that they are not equivalent to, nor are intended to replace, Local Plan settlement boundaries.) This change (**MM29**) is required for reasons of effectiveness.
37. While this approach relates specifically to development needed to maintain local sustainability, the wording of policy SS3 requires all developments to be tested sequentially within their respective character areas. However, it is implicit from the national policy described above that any substantial scheme of District-wide significance coming forward within any of the Plan's three character areas should more appropriately be tested, in flood risk terms, against reasonably available sites within the District as a whole. This is accepted by the Council and changes have been proposed (**MM30-MM33**) to address this concern. These are needed in order to be consistent with national policy. However, mindful of comments made at the resumed hearing session, I have made a number of minor editing amendments for reasons of clarity.
38. Some parties seek to impose a numeric threshold on the amount of housing that would be acceptable on Romney Marsh. During preparation of the CS, the Council assessed the development needs of the Marsh as a whole as being some 700 dwellings – derived from Preferred Option SO3, informed by demographic evidence<sup>18</sup> and taking into account the flooding constraints.

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<sup>16</sup> Strategic Distribution Report and Romney Marsh Socio-economic Plan (Documents A90 and A106 respectively).

<sup>17</sup> PPS 25: Development and Flood Risk Practice Guide – see paras 4.36-4.38.

<sup>18</sup> Document A88.

However, this is not an absolute figure and it is accepted that further work will need to be undertaken if allocating sites in future plans. As such, the evidence base does not support imposing a threshold within the CS: such an approach would, in any event, be both unduly inflexible and at odds with the general presumption in favour of sustainable development set out in the National Planning Policy Framework. The criteria already set out in the Plan (notably in policy SS3, subject to the above-noted changes) are sufficient to guide development decisions and future plan-making in support of the CS's overarching strategic needs. In this context, I agree with the Council that the evidence base does not justify introducing a specific definition of what constitutes a strategic district-wide development opportunity: such an assessment should be based on the merits of individual proposals, with reference to guidance in the new supporting text (included in **MM31**).

39. Two nuclear power stations (Dungeness A and B) are located on Romney Marsh. Decommissioning of Dungeness A is underway, while that of Dungeness B is programmed. The Council's support in principle for a new Dungeness C station is summarised in CS para 5.113. Concern has been raised about the implications of these nuclear facilities in respect of the amount of development that can be accommodated in the Romney Marsh character area. However, I have seen no evidence that the scale or location of development proposed or allocated in the CS conflicts with any safeguarding or consultation zone in respect of major hazards. The Health and Safety Executive (HSE) has been consulted at various stages during the CS process in line with National Planning Policy Framework paragraph 194: clearly, further consultation will be required in future plan preparation.

#### *Priority Centres of Activity*

40. Policy SS4 identifies the Priority Centres of Activity (PCAs) as focal points for maintaining and developing jobs and services. The identified PCA network relates to settlements and existing employment locations and is broadly justified by the Plan's evidence base – notably the Employment Land Review (ELR) and Strategic Distribution paper<sup>19</sup>. It is broadly consistent with the settlement strategy already described.
41. Nevertheless, the status and definition of the major employment sites could be clearer. The Council explains that no additional sites are proposed for designation through the CS: the relevant sites are those already shown on the Policies Map in respect of LP policies E1, E2 and S3-S7 of the Shepway District Local Plan Review 2006 (LP). These boundaries will be reviewed in future plans. However, the Council proposes modifications to clarify the relationship between policy SS4, figure 4.5 and the Policies Map and to provide more detailed guidance about the location of employment-generating non-town centre uses. These changes (**MM34-MM35**) are needed for reasons of effectiveness.

#### *Environmental Designations*

42. Shepway District contains nationally and internationally important habitats, species and landscapes. Concerns were raised at the pre-submission

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<sup>19</sup> Documents A8 and A90 respectively.

consultation stage by Natural England and others about both the Plan's approach to biodiversity and landscape protection and the robustness of the supporting Habitat Regulations Assessment (HRA) process.

43. In this context, it is not clear from the CS (notably policy CSD4) how developments affecting particular elements of 'green infrastructure' (which is defined as including a range of environmental assets) would be assessed. Specific designations have their own intrinsic purposes and requirements. For example, while the National Planning Policy Framework gives great weight to conserving landscape and scenic beauty in AONBs, the status of the AONB in planning decisions is not reflected accurately in policy CSD4. Furthermore, while the Plan's spatial strategy has rejected further outward expansion of Hawkinge (which lies within the AONB), the inclusion of part of the AONB within the Strategic Corridor creates uncertainty about the potential for future development in that area. That latter concern has been addressed by the Strategic Corridor's deletion (see above). However, it is necessary for policy CSD4 to align more closely to national policy in respect of the AONB.
44. Similarly, it is necessary to adopt a tiered approach to nature conservation designations, recognising that the highest level of protection (with reference to statutory and national policy requirements) should be afforded to protecting the integrity of international sites of nature conservation importance. A number of such sites are located in and around Shepway District, comprising, first, a concentration around Dungeness, Rye and Romney Marsh<sup>20</sup> and, second, several chalk grassland sites<sup>21</sup>. These two groups of sites were addressed by two HRA documents at the pre-submission consultation stage<sup>22</sup>. These were the subject of concerns raised by Natural England (and others) – particularly relating to the importance of maintaining active coastal processes (at Dungeness) and the need to manage the potential effects of any added visitor pressure (on all sites).
45. As a result of these comments, the two HRA documents have been revised<sup>23</sup>. Policy changes have also been proposed by the Council, adding further text in respect of natural coastal processes (in policy CSD5), access management strategies and the hierarchy of nature conservation designations (in policy CSD4). Natural England supports these revisions. While it is accepted that further survey work will be needed in the context of future plan preparation, notably with regard to potential effects on the Dungeness sites, the present information base is sufficient to justify the approach taken in the CS. Although some respondents have sought to add a further reference stating that individual development schemes may be required to undertake HRA, this would be an unnecessary duplication of the relevant statutory requirement. As already noted, an additional update of the HRA has been carried out to take account of the Council's proposed modifications.
46. For the above reasons, the changes proposed by the Council to policies CSD4, CSD5 and supporting text (**MM36-MM53**), along with an added reference to

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<sup>20</sup> Dungeness SAC; Dungeness to Pett Level SPA (and SPA extension); Dungeness, Romney Marsh and Rye Bay potential SPA and proposed Ramsar site.

<sup>21</sup> Folkestone to Etchinghill Escarpment SAC; Parkgate Down SAC; Dover to Kingsdown Cliffs SAC; Lydden to Temple Ewell Downs SAC.

<sup>22</sup> Documents A24 and A25.

<sup>23</sup> Documents A26 and A27.

the AONB's setting in policy SS1 (included in **MM11**), are needed in order for the Plan to be justified, effective and consistent with national policy. Additional references to international nature conservation sites are also proposed in respect of the two remaining strategic allocations – see later in this report.

*Conclusion – Main Issue 1*

47. Taking the above matters together, and subject to the above-noted main modifications, I conclude that the Core Strategy's spatial strategy and broad distribution of development is sufficiently justified and consistent with the local evidence base and national policy. Sufficient consideration been given to relevant environmental factors.

**Issue 2 – Are the Core Strategy's proposals for the provision of new housing and economic development deliverable, clear, sufficiently justified and consistent with the local evidence base and national policy? Does the Core Strategy provide satisfactorily for the delivery of development and enable adequate monitoring of its effectiveness?**

*Housing - General*

48. The CS was prepared and submitted in the context of an extant South East Plan (SEP). As such, the starting point for the Council's assessment of housing need was the evidence base produced in association with the SEP – notably the Strategic Housing Market Assessment (SHMA) for the East Kent sub-region<sup>24</sup>. This has been taken forward by the Council's Strategic Requirement report<sup>25</sup>, which (in association with Kent County Council) undertakes a demographic analysis of social and economic factors.
49. Growth alternatives were explored and tested at the Plan's Preferred Options and Issues and Options stages. The preferred option (a refined version of option SO3) aims to balance the CS's over-arching strategic needs in order to give a positive framework for delivery. It proposes a rate of housing development (a minimum of 350 dwellings per year to 2030/31) that markedly exceeds that set out in the SEP (290 dwellings per year to 2026). Key demographic drivers supporting this increase are a reduction in average household size, a substantially ageing local population (leading to a higher local dependency ratio) and a projected decline in the local labour supply. While some local labour force reduction would occur even under the Plan's preferred growth option, such a loss would be minimised in comparison to adopting the SEP housing delivery rate<sup>26</sup>.
50. Although the CS evidence base largely predates the National Planning Policy Framework's publication, I am satisfied that, taken together, it represents an objective assessment of housing needs as required by the Framework's paragraph 47. I have seen no evidence that the Plan's preferred approach would adversely affect housing delivery elsewhere. Neighbouring local planning authorities raise no concerns in this regard.

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<sup>24</sup> Document A6.

<sup>25</sup> Document A89.

<sup>26</sup> See for example table 6 of Document A89.

51. Given the various environmental factors discussed elsewhere in this report (including flood risk and potential effects on international nature conservation sites), the higher growth options that have been discarded by the Council would conflict unacceptably with the Plan's over-arching strategic need B (relating to the District's rich natural and historic assets) and with other relevant policies of the National Planning Policy Framework. Nevertheless, the preferred housing delivery target is supported by the Shepway Water Cycle Study<sup>27</sup>, which considers (among other matters) water supply and water quality issues in the light of the EU Water Framework Directive and provides the background for the water efficiency measures set out in policy CSD5.
52. Indeed, a significantly higher rate of housing development would be at odds with the evidence that is available about development deliverability. The annual housing target set by policy SS2 is greater than recent building rates – a minimum requirement of 350 dwellings per year compared to a six year average completion rate of some 270 dwellings per year (2006/7 to 2011/12)<sup>28</sup>. However, it is in line with delivery rates over a longer term period and does not appear to be unduly constrained by housing land supply. While there has been some recent under-delivery (compared with CS housing targets), a five year land supply (plus 5% buffer) has been maintained. There is no evidence that an additional 20% buffer is required in the terms of the National Planning Policy Framework. The present housing land supply position substantially exceeds five years based on both the SEP and higher CS targets, even taking into account the above-noted recent under-delivery.
53. In the longer term, the evidence suggests that land is available to meet the CS's stated housing requirement. As described elsewhere, the Council's modifications include the deletion of the Folkestone Racecourse allocation (policy SS8), reducing planned housing supply by some 820 dwellings. However, the updated (2012) housing evidence paper<sup>29</sup> shows that supply remains in excess of the long term minimum target to 2030/31.
54. In part, this results from the additional consideration of potential supply from windfall developments. At the resumed hearing, the Council clarified that its estimated annual windfall figure of 75 dwellings relates entirely to small sites (1 to 4 units), which are excluded from the SHLAA. Although this is less than the small sites mean windfall delivery rate over the last six years, that figure has not been discounted to reflect recent changes to the planning policy status of private residential gardens. As such, the Council's estimate may be somewhat optimistic. However, given that garden land has only yielded some 20% of windfall completions (on sites of all sizes) in the last three years, and noting that the Council has not relied on windfall delivery before 2018/19, any over-counting is unlikely to be so serious as to threaten the overall housing land supply position. In any event, Appendix 4 of the 2012 housing evidence paper shows an overall housing land supply (some 9,400 dwellings) that is well in excess of the long term CS target (8,750 dwellings).
55. The Council proposes changes to policy SS2, supporting text and the housing trajectory data in order to reflect the updated housing land supply position,

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<sup>27</sup> Document A31.

<sup>28</sup> See Modifications 2012 Technical Note (Document M7).

<sup>29</sup> Document M7.

the deletion of the Folkestone Racecourse site and the inclusion of a windfall estimate (**MM54-MM58**). These changes are necessary for the Plan to be effective and justified.

### *Employment and Retail*

56. Policy SS2 sets an employment development target of approximately 20 ha (industrial, warehousing and office uses) to 2026. This is derived from the Shepway Employment Land Review 2011 (ELR)<sup>30</sup>. Although greater than the 15 ha figure suggested by the ELR's 'higher growth' scenario<sup>31</sup>, the target takes into account the CS's longer time period (a 2006 start compared to the ELR's 2008 base date) and applies conservative assumptions about likely jobs/floorspace and plot ratios. It represents a positive and aspirational approach to future employment development that builds on recent progress in bringing forward a number of large sites in the District. The assumptions and methodology of the ELR have not been subject to substantive challenge. There is no shortfall in employment land supply and, with the exception of office uses proposed at Folkestone Seafront (policy SS6), no specific employment allocations are made in the CS. As already noted, boundaries of existing LP employment sites will be reviewed in future plans.
57. The CS (figure 4.3) includes an extract from the ELR, showing an independent view of possible development opportunities. These do not represent actual proposals and, as such, the diagram creates a clear potential for confusion. This is accepted by the Council, which proposes its deletion and the amendment of some accompanying text. These changes (**MM59-MM61**) are needed for reasons of effectiveness. They include necessary clarification that employment and retail figures are gross, rather than net. Subject to this, the retail development target (approximately 35,000 sq m) set out in policy SS2 is appropriately justified by the Retail Need Assessment Study (2010) update<sup>32</sup>, the findings and methodology of which have not been disputed in any detail. Indeed, much of the floorspace is already in place. While some representors seek greater support for out-of-centre retail locations, the sequential approach set out in policy SS3 (as modified – see above) is consistent with the National Planning Policy Framework's stance on town centre uses.

### *Transport and Other Infrastructure*

58. Although there is significant local concern about the transport effects of development, including schemes that have already been approved, no substantive objections have been made to the details of the modelling exercise that has been undertaken by the Council<sup>33</sup>. Technical concerns raised by the Highways Agency, including those relating to transport modelling in support of the site at Shorncliffe Garrison (policy SS7) and in respect of the future capacity of the A20/A260 junctions, have now been resolved<sup>34</sup>.
59. Infrastructure planning in general is addressed by CS policy SS5, supported by

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<sup>30</sup> Document A8.

<sup>31</sup> Table 11.1, Document A8.

<sup>32</sup> Document A9.

<sup>33</sup> Documents A11-A22.

<sup>34</sup> See HA/SDC Statement of Common Ground (Document Z84).

a detailed schedule of projects in Appendix 2. In general terms, and subject to comments in respect of specific sites below, these requirements are appropriately justified by the evidence base and (in a broader context) are consistent with the East Kent Local Investment Plan 2011-2026<sup>35</sup>. Viability and deliverability have been assessed through an Economic Viability Assessment<sup>36</sup> – the methodology of which is consistent with relevant guidance. However, in the light of the requirements of the National Planning Policy Framework (notably paragraph 173), the Council accepts that greater flexibility is needed to ensure that development viability is not adversely affected. This is included in changes to specific development proposals set out below and, in respect of policy SS5 itself, in **MM62**.

#### *Affordable Housing and Lifetime Homes*

60. Policy CSD1 includes the Plan's requirements for affordable housing. The proposed thresholds and targets have been tested through the above-noted economic viability assessment. This has considered a range of assumptions in respect of additional infrastructure costs and other development requirements (for example Lifetime Homes standards and various levels of the Code for Sustainable Homes). In some of the scenarios, the study accepts that decisions will need to be made on the relative priorities of particular requirements. Bearing that in mind, and consistent with paragraph 173 of the National Planning Policy Framework, policy CSD1 includes appropriate flexibility in respect of development viability. However, an additional change is needed to enable the provision of affordable housing off-site in appropriate circumstances in line with paragraph 50 of the Framework. This is proposed by the Council (included in **MM63**) and is needed in order to be consistent with national policy.

#### *Traveller Sites*

61. As already noted, the CS was submitted prior to the publication of the national Planning Policy for Traveller Sites (PPTS). The Plan's evidence base, notably the East Kent Gypsy and Traveller Accommodation Assessment (GTAA), suggests that needs in Shepway District are very limited (two private residential pitches in 2007-11 and one social rented pitch in 2012-17)<sup>37</sup>. Nevertheless, the PPTS sets out a number of requirements in respect of forward planning, including the identification of a supply of deliverable and developable sites and the inclusion of criteria-based policies. The very limited consideration that CS policy CSD2 gives to this matter is inconsistent with the PPTS. Additional work is therefore needed to update the evidence base to accord with the PPTS's expectations.
62. Given the timing of the PPTS's publication, and noting the scale of need that is suggested by the GTAA, it would be unreasonable to delay the Plan to address this matter. Nevertheless, it is necessary that the CS explains that the PPTS's requirements will be met in future Local Plans. This is accepted by the Council which proposes a change accordingly (**MM64**) – which is needed in order to be consistent with national policy.

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<sup>35</sup> Document A87 – see page 81.

<sup>36</sup> Document A5.

<sup>37</sup> Document A7, amplified by SDC statement in response to the PPTS (document Z56).

### *Conclusion – Issue 2*

63. Taking the above matters together, and subject to the above-noted main modifications and the comments about specific allocations and broad locations in the remainder of this report, I conclude that the CS's proposals for the provision of new housing and economic development are deliverable, clear, sufficiently justified and consistent with the local evidence base and national policy and that the CS provides satisfactorily for the delivery of development and enables adequate monitoring of its effectiveness.

### **Issue 3 – Are the Core Strategy's proposals for its three strategic allocations (Folkestone Seafront, Shorncliffe Garrison and Folkestone Racecourse) effective, adequately justified and consistent with national policy?**

#### *Folkestone Seafront (policy SS6)*

64. Given their proximity to the town centre and the presence of significant areas of vacant land, Folkestone's seafront and harbour provide clear potential for substantial urban regeneration activity. The need for such improvement, consistent with safeguarding the area's historic heritage and the integrity of nearby nature conservation sites, is generally accepted. Specifically, the opportunity exists to increase and reinforce linkages with the town centre – for example through Folkestone's Creative Quarter.
65. A mixture of uses is proposed, including up to 1,000 dwellings and at least 10,000 square metres of commercial activity. The scale and nature of development is justified by the site's size and waterfront/seaside location. Various alternatives have been tested through the Preferred Options document<sup>38</sup> and the SA process. Further master-planning (since July 2011<sup>39</sup>) has refined the proposed mix of uses: the Council has clarified infrastructure requirements in the light of updated school capacity information and has accepted the need to include a reference to existing traditional maritime activities. Also added are further safeguards in respect of nature conservation sites<sup>40</sup> and amended terminology on heritage assets in order to accord with national policy. These matters are the subject of changes proposed by the Council (**MM65-MM66**), which are needed for reasons of effectiveness. Revisions to the wording of policy SS6 (and the notation of the diagram concerned) – also included in the above-noted changes – explain the status of the information shown on figure 4.7, explaining that these are core principles for master-planning rather than an indicative concept diagram. This greater clarity is needed in order to be effective.
66. Freight and pedestrian traffic between Folkestone and Boulogne ceased a number of years ago (2000). A specific area of concern is whether the CS should include safeguards to allow the reintroduction of cross-channel ferry services and re-establishment of the harbour rail link. Neither is explicitly ruled out by policy SS6 which, for example, retains the rail corridor as a cycle/pedestrian link. However, the Council clarified at the hearing session

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<sup>38</sup> Document G5.

<sup>39</sup> Document A49.

<sup>40</sup> For clarity, I have deleted the word 'local' from the Council's proposed references to Natura 2000 sites. This is an international rather than a local designation.

that development that met this policy's requirements but did not retain the potential for passenger ferries to be reintroduced would be acceptable in principle. As such, the CS proposes the deletion of LP policy FTC4 and its safeguards.

67. I have had regard to the documents submitted by representors supporting these projects. However, in both cases there is no strong evidence that there is sufficient likelihood of either being delivered within the likely development timescale of this site. Although a business plan has been prepared for the reopening of the Folkestone Harbour Branch Railway, key delivery elements (including project funding and the conclusion of negotiations with Network Rail) do not appear to have been secured. Investigations by the owner of Folkestone Harbour and the Mayor of Boulogne concluded that reintroducing the ferry service would be unfeasible for both technical and commercial reasons. While this is disputed by some parties, very little evidence to the contrary has been submitted. For example, a funding package for a resumed ferry service is not in place. Neither project is a national policy requirement. Notwithstanding its revocation, neither scheme was required by the SEP, which (within East Kent) made reference to the Ports of Dover and Ramsgate – identifying the latter as Kent's second cross-channel port.
68. Clearly, the re-establishment of the cross-channel ferry and harbour rail link would accord with sustainable transport objectives. Both would be likely to result in economic benefits. Nevertheless, LP policy FTC4's protection of the potential for a cross-Channel ferry link and the retention of the Harbour Station has failed to deliver either the Port area's regeneration or the implementation of the projects themselves. Bearing in mind both the accepted need for the area's regeneration and the wider housing pressures that apply to the District as a whole (discussed elsewhere in this report), the alteration of policy SS6 in order to perpetuate safeguards for passenger ferry services and the harbour rail link is not needed to make the Plan sound.
69. Subject to the above-noted main modifications, I conclude that the Core Strategy's proposals for Folkestone Seafront are effective, adequately justified and consistent with national policy.

*Shorncliffe Garrison (policy SS7)*

70. The Shorncliffe Garrison site arises as a result of a Ministry of Defence review of land holdings that identifies a need for land consolidation and improvement of retained facilities. Some 70 hectares of land is to be released, a substantial part of which is previously-developed. Forming a transitional area between the town and less built-up land, the site is well integrated with existing settlements – notably Cheriton. As such, the redevelopment proposal is consistent with the Plan's strategic focus on Folkestone's urban area.
71. The Council accepts that the plan shown in the CS (fig. 4.8) is inconsistent with the most recent output of the site's master-planning process<sup>41</sup>, and proposes to amend it accordingly. This change (**MM67**), along with changes to the wording of policy SS7 (**MM68**), also clarifies the status of the relevant information (in a similar way to policy SS6 above) as being more than

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<sup>41</sup> Documents A68-A79, A113 and A114.

indicative. Bearing in mind that significant work has been done to refine proposals in consultation with the local community, and noting that it will be necessary for policy SS7 to guide future master-planning activity for the site, these changes are needed for reasons of effectiveness. The revised wording of policy SS7 also takes account of updated information on infrastructure needs (in the light of new school capacity information) and provides additional safeguards in respect of nature conservation sites and the site's heritage assets – which reflect its long tradition of military occupation and use.

72. While there is some support for the principle of the site's redevelopment, local concerns have been raised about the scale of housing that is now proposed – particularly in respect of the scheme's traffic implications. However, the proposals have been examined in the Shepway Transport Strategy<sup>42</sup> and, for the Ministry of Defence, in the Shorncliffe Transport Strategy<sup>43</sup>. The methodology of these studies has not been substantively challenged. As already noted, the Highways Agency is now satisfied that the site's potential traffic impacts have been considered within the transport evidence base. Critical and necessary infrastructure upgrades (including transport) are set out in CS Appendix 2. Particular analysis has been made of the potential pinch-point of the Horn Street bridge, identifying a viable and deliverable solution.
73. Subject to the above-noted main modifications, I therefore conclude that the Core Strategy's proposals for Shorncliffe Garrison are effective, adequately justified and consistent with national policy.

#### *Folkestone Racecourse (policy SS8)*

74. Folkestone Racecourse – which closed in mid-December 2012 – has been a significant attraction within Shepway District. The proposal set out in policy SS8 is intended to secure investment to retain and improve the venue, which the policy describes as reaching the latter phase of its operational use.
75. As already described, Stanford/Westenhanger is identified as a Primary Village in table 4.3 of the Plan. Nevertheless, the scale of development proposed at the Racecourse (including up to 820 houses) is markedly in excess of what the Plan proposes for other settlements of this size and scale. Indeed, it is considerably greater than the housing numbers assigned by the Plan to settlements with a more favourable position in the settlement hierarchy: for example the approximate 250 dwellings at Sellindge (a Rural Centre) proposed in policy CSD9. This is at odds with the requirement of CS policy SS3(a) that the proposed use, scale and impact of development should be proportionate and consistent with the settlement's status and its identified strategic role within the district (with reference to table 4.3).
76. While part of the site is occupied by the existing racecourse and buildings, policy SS8 would result in substantial development taking place outside existing settlement boundaries. The site's rural and greenfield nature is inconsistent with the priority that the CS gives to previously-developed land in the urban area. Although the site lies within the Strategic Corridor, that element of the Plan fails soundness tests and is to be deleted from the Plan – as already described. The likely visibility of the proposed development from

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<sup>42</sup> Documents A11-A22.

<sup>43</sup> Documents A72-A76.

the nearby AONB is disputed: nevertheless, the submitted landscape and visual assessment<sup>44</sup> accepts that local views would be affected, in contrast to their presently open character. Irrespective of potential effects on the AONB, the introduction of housing of the scale envisaged would have a markedly urbanising effect on the existing locality. For all of the above reasons, the Racecourse proposal represents a departure from the Plan's overall strategy that requires particular justification.

77. Policy SS8 requires that residential development is provided only as a necessary part of a comprehensive approach for reconstructing the racecourse facility as a high quality visitor attraction. It is accepted that some benefits, such as improvements to the setting of Westenhanger Castle, could result from the scheme. While such benefits were not explored in detail in the initial evidence base<sup>45</sup>, which relied to a significant extent on an industry-wide report and on evidence from other racecourse developments that do not necessarily relate to the specific circumstances at Folkestone, further information has subsequently been submitted by the Racecourse's owners in response to the Council's proposed modifications<sup>46</sup>. Nevertheless, neither document fully quantifies the viability of current operations at the Racecourse, and a detailed cost-benefit analysis of options is not available. These factors reduce the weight that can be attached to the scheme's stated advantages.
78. The required improvements to the Racecourse are set out in the initial paragraph of policy SS8. However, the evidence base relates to one specific scheme to secure such an outcome – in essence, a proposal by the site's landowner – and does not explore alternatives in any level of detail. For example, while it appears that other access options were considered<sup>47</sup>, these are not described further. The evidence base tests one access proposal<sup>48</sup> – a scheme that the Council later accepted requires more refinement. Similarly, while a range of cost estimates for the scheme have been provided<sup>49</sup> these do not test different options for the improvement of racecourse facilities. Given that the construction costs of any such scheme bear heavily on total costs – and, as a result, the level of 'enabling' development that would be required – this is a significant weakness in the scheme's justification. I have already commented above about failings in the treatment of this site within the Plan's overall SA process.
79. A further concern relates to the detailed justification for the 820 dwelling figure set out in policy SS8. Although presented as a maximum, it was the Council's case at the hearings that this represents a realistic total. However, while various viability exercises have been undertaken<sup>50</sup>, all take their respective housing figures as inputs rather than outputs. For example, the Indicative Development Timeline and Cashflow Projections document<sup>51</sup> serves to demonstrate what profit would accrue to the developer from a scheme comprising 820 dwellings, rather than to show what level of dwelling numbers

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<sup>44</sup> Document A58.

<sup>45</sup> Document A56.

<sup>46</sup> Economic Benefits Assessment (December 2012): Nathaniel Lichfield and Partners.

<sup>47</sup> Document A56, page 24.

<sup>48</sup> Document A57.

<sup>49</sup> Documents S6 and S6.1.

<sup>50</sup> Notably in documents A55 and S5.

<sup>51</sup> Document S5.

would be required in order to deliver the stated improvements – as is usual practice in schemes relating to 'enabling' development.

80. In addition, it is clear from the evidence base<sup>52</sup> that the profit level that is anticipated from this exercise would comprise two elements. First, a 20% return is anticipated on the total racecourse cost. Such a level of return appears, in principle, broadly appropriate given the level of risk involved, and has not been substantively challenged. Second, a return is expected in association with the land element of the project. It is stated that 'it would not be equitable for [the developer] to be expected to bring forward a racecourse and in so doing 'forego' 25ha of potential development land where they are simply receiving a return on cost for the 'construction element' of the new racecourse'<sup>53</sup>. However, it is clear from the terms of policy SS8, as described above, that the development potential of the land concerned derives from the racecourse reconstruction – for which the developer risks are accounted for by the 20% return already noted. In order to generate an additional level of return, additional houses would be required over and above those needed to meet the costs of the racecourse development itself.
81. While it was the Council's view, as stated at the hearing, that this is what the landowner requires in order to bring the scheme forward, the above approach goes further than the necessary justification set out in policy SS8. Indeed, it appears at odds with the importance that the landowner attaches to securing the necessary improvements: these are presented as being vital for the Racecourse's future viability<sup>54</sup>. On the evidence, it appears clearly, and strongly, in the landowner's interest to secure improvements on their own merits. Bearing in mind that a reasonable rate of return would also accrue from such a proposal, and that this rate of return has taken into account the requirements identified for affordable housing, infrastructure and associated costs in line with National Planning Policy Framework paragraph 173, it is unclear why an additional return is required in order to ensure deliverability. Taking these matters together, the 820 dwelling figure has not been fully justified. This fails the Framework's soundness requirements.
82. In the light of the above concerns, which were set out in my Interim Conclusions paper, the Council proposes to delete policy SS8 and other CS references to the Racecourse proposal. The existing LP policy (policy LR5) is no longer proposed for deletion.
83. In response to the Council's proposed changes, the Racecourse's owner suggests that policy SS8 should be amended to a criteria-based policy rather than deleted. I have given this suggestion careful consideration. However, such a policy, which would refer to residential development without stating numbers, would derive from a similar evidence base as is discussed above – with similar faults, notably in respect of the consideration of alternatives. As already stated, substantial residential development in this location would conflict with the Plan's overall spatial strategy. Furthermore, the suggested wording that the scale of residential development should be 'proportionate' to the need to meet the financial requirements of Racecourse improvements

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<sup>52</sup> Document A55.

<sup>53</sup> Document A55, paragraph 3.6.

<sup>54</sup> Document A56, page 6.

would, to my mind, be less rigorous than policy SS8's requirement that residential development at Folkestone Racecourse is provided 'only as a necessary part of' a comprehensive approach for racecourse reconstruction. Such a change would not make the Plan sound. While I understand the urgent nature of the Racecourse owner's concerns, the CS is a long term plan for the District as a whole. Although the National Planning Policy Framework supports positive planning, the Council has demonstrated (as already described) that the District's objectively assessed development and infrastructure needs can be met by the CS without the inclusion of policy SS8.

84. For the reasons set out above, I conclude that the Core Strategy's proposals for Folkestone Racecourse are not adequately justified. This concern would not be overcome by the alternative wording for policy SS8 that has been suggested by the Racecourse's owner. Accordingly, the changes proposed by the Council (**MM69-MM75** and changes included in **MM10**, **MM11** and **MM16**) are needed in order to make the Plan sound in respect of this matter.

**Issue 4 – Are the Core Strategy's proposals for other identified Areas of Strategic Change (policies CSD6 to CSD9) effective, adequately justified and consistent with national policy?**

85. The role of policies CSD6 to CSD9 was discussed at the hearings. The Council confirmed that while none of the policies represent specific allocations, all are intended to guide development within the identified areas of strategic change at the subsequent plan-making stage.

*Central Folkestone Strategy (policy CDS6)*

86. The need to co-ordinate the regeneration potential of Central Folkestone is not disputed. The supporting evidence base includes the Folkestone Town centre Spatial Strategy<sup>55</sup>, as well as the availability of sites in the SHLAA and ELR. The National Planning Policy Framework (at paragraph 23) recognises that residential development can play an important role in ensuring the vitality of centres. As such, the Council proposes to amend policy CSD6 in order to give a more positive steer to residential schemes where they can deliver mixed use development to enable the area's full commercial potential to be realised. This change (**MM76**) is needed to be consistent with national policy.
87. Bearing in mind that site allocation is a matter for a subsequent Local Plan, the identification of specific development opportunities on figure 5.5 is both premature and unsupported by the evidence base. The Council accepts this and proposes a change accordingly (**MM77**), which is needed in order to be justified and effective. While some concerns have been voiced about the proposed deletion of a number of central Folkestone site allocations lying outside the policy SS6 allocation, it is accepted that policy CSD6 (along with other relevant CS policies) provides an updated strategic context to guide any developments coming forward in advance of the Site Allocations Local Plan.

*Hythe Strategy (policy CSD7)*

88. Taking into account a recent major planning permission including residential and employment uses at Nickolls Quarry to the south-west of the town, the CS

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<sup>55</sup> Document A10.

does not propose additional major development within Hythe. In view of the District's overall housing and employment land supply position already described, this approach is justified.

89. Policy CSD7 seeks to provide a strategic context for future plan preparation, consistent with the town's position in the Plan's settlement hierarchy and its particular and important historic heritage. Although figure 5.6 identifies development opportunities (albeit not on an exact map base), the Council has clarified that these show the current position in respect of existing planning permissions and extant allocations: as such, they do not represent extra policy guidance. While the Council proposes minor changes to update this policy and supporting diagram, these are not required for soundness reasons.

#### *New Romney Strategy (policy CSD8)*

90. The identification of New Romney as the most sustainable location for growth on Romney Marsh is justified by its concentration of services and transport links<sup>56</sup>. Parts of the town are at a comparatively lower risk of flooding than much of the remainder of the Marsh. A sequential assessment of sites in New Romney was undertaken, based on the hazard maps contained in the District-wide SFRA. These represent the hazards associated with flooding in respect of flood depth and water velocity, deriving from a modelling exercise that considered a range of scenarios involving potential flood defence breaches and wave overtopping. Climate change effects have been included.
91. Land at Cockreed Lane was proposed for allocation at the Plan's Preferred Options stage, and was the subject of a wide range of local objections. Nevertheless, the above-noted assessment suggests that this is the most realistic location to accommodate housing of this scale in the settlement. Subject to the inclusion of a reference to the Shepway SFRA (see below), the EA does not object to policy CSD8. A feasibility study has been undertaken in respect of the Cockreed Lane site<sup>57</sup> and consultation has been carried out<sup>58</sup>.
92. As a result of these factors, it is appropriate for the CS to indicate that land at Cockreed Lane is likely to be allocated for development, leaving matters such as site boundaries and more specific infrastructure requirements to be determined at a later stage. While greater certainty could have been achieved if the site had been progressed as a CS allocation, the approach of identifying a broad location for development is consistent with the National Planning Policy Framework. The Council proposes a number of changes to policy CSD8 (**MM78**), including the above-noted requirement to accord with the Shepway SFRA and more qualified references to infrastructure requirements, which are needed for reasons of effectiveness.

#### *Sellindge Strategy (policy CSD9)*

93. The Council supports the development of locally-led proposals for Sellindge. While some concerns have been raised about the level of such local involvement, the evidence suggests<sup>59</sup> that a significant amount of consultation

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<sup>56</sup> Strategic Distribution report (Document A90).

<sup>57</sup> Document S10.

<sup>58</sup> Documents A80 and A81.

<sup>59</sup> For example, Documents A83 and A84.

and engagement has taken place. Although a specific land allocation was proposed at the Plan's Preferred Options stage, there is general support for the present approach of identifying Sellindge as a broad location. This would enable detailed master-planning to continue at the local level – potentially in the context of a Neighbourhood Plan. As such, the red line boundary shown in CS figure 5.8 is both misleading and unduly prescriptive.

94. The Council proposes to replace figure 5.8 with a diagram showing the key features of policy CDS9 in schematic form. This leaves flexibility in respect of the exact boundaries of the potential core development area and the siting of any additional residential development (if required). This change (**MM79**), along with an associated change to the wording of policy CSD9 (**MM80**) is needed for reasons of effectiveness.
95. Objections have been raised to the housing total (of approximately 250 dwellings) set out in policy CSD9 – both that it is too high and that it is too low – and to the proposed location of the core area for residential development. However, the housing figure derives from assessments of deliverability and likely infrastructure provision undertaken through the master-planning process to date. It is also broadly consistent with the settlement's position in the hierarchy set out in CS table 4.3. The location of the core development area responds to both the settlement's existing built form and the clear local wish to create a new village green/open space area in a central position. On balance, these elements of policy CSD9 are adequately justified.

#### *Conclusion – Issue 4*

96. Taking the above matters together, and subject to the above-noted main modifications, I conclude that the Core Strategy's proposals for other identified Areas of Strategic Change (policies CSD6 to CSD9) are effective, adequately justified and consistent with national policy.

#### **London Ashford Airport (LAA), Lydd**

97. The expansion of London Ashford International Airport (LAA) at Lydd was the subject of a substantial public inquiry held in 2011 before the CS's submission. Consideration of the specific merits of this scheme was therefore outside the scope of the CS examination. In April 2013, planning permission was granted, subject to conditions, for two applications relating to (1) the construction of a runway extension and a 'starter extension' to the north/south runway and (2) the erection of a passenger terminal together with a car park on the existing Bravo apron comprising a car park at LAA, Lydd<sup>60</sup>. At the time of writing, the decisions of the Secretaries of State<sup>61</sup> are subject to legal challenge.
98. As these decisions were announced after the close of the examination's resumed hearing sessions, I initiated a further consultation exercise to seek comments on their implications, insofar as they were relevant to the CS examination. I have taken these comments into account in this report.
99. The CS deals with the matter of LAA at paragraphs 5.115-5.117. It does not

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<sup>60</sup> Applications APP/L2250/V/10/2131934 & 2131936 – Document LA1.

<sup>61</sup> The Secretary of State for Communities and Local Government and the Secretary of State for Transport.

contain a specific policy in respect of the airport, but refers to saved LP policy TR15. During the examination, it was suggested that this policy should be incorporated into the CS. However, given that it already forms part of the development plan, this would serve no additional planning purpose. Calls have been made to delete policy TR15 and amend other CS policies in the light of the above-noted decisions. However, irrespective of the outcome of the ongoing legal challenge, policy TR15 reflects the Council's continued support for airport expansion. Such a change is not sought by the Council<sup>62</sup>. The main potential infrastructure implication associated with the expansion of LAA (the Hammonds Corner A259/B2075 junction upgrade) is addressed in CS Appendix 2.

100. Taking these matters together, no substantive change to the CS in respect of LAA, Lydd is required for soundness reasons. There is however scope for the Council to make minor non-material alterations prior to adoption in order to provide a factual update about the status of the airport applications, as is suggested by the footnote to CS paragraph 5.116.

### **Other Matters**

101. Appendix 4 of the CS includes five maps (maps 6.4 to 6.8) showing allocations in the adopted Kent Minerals and Waste Local Plans. These are not linked to CS policies and it is not necessary for them to be included within the CS document. While their deletion is proposed by the Council, this matter is outside the scope of my recommendations, which can relate only to the soundness of the CS and its compliance with relevant legal requirements.

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<sup>62</sup> Shepway DC consultation response (not numbered).

## Assessment of Legal Compliance

102. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS (November 2011) which sets out an expected submission date of January 2012. The content and timing of the CS are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in September 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed changes.
Sustainability Appraisal (SA)	Subject to the comments in the main body of this report, SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	HRA has been carried out, including HRA of the Council's proposed changes, and is adequate.
National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The Core Strategy is in general conformity with the South East Plan, insofar as this remains extant.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the East Kent Local Strategic Partnership SCS (2009).
2004 Act (as amended) and 2012 Regulations.	The Core Strategy complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

- 103. The Plan has a number of deficiencies in relation to soundness and legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
- 104. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix (and accompanying Annex) the Shepway Core Strategy Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*M J Hetherington*

INSPECTOR

This report is accompanied by the Appendix and Annex containing the Main Modifications.

## Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and **bold** for additions of text.

The paragraph numbering below refers to the July 2011 version of the Local Plan, and do not take account of the deletion or addition of text.

Ref	Policy/ Paragraph	Main Modification
MM1	New para 2.50a	<b>Development will be sustainably delivered in the Core Strategy and in line with national policy as set out in the following policy:</b>
MM2	New policy DSD	<p><b>When considering development proposals Shepway District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</b></p> <p><b>Planning applications that accord with the policies in this plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</b></p> <p><b>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</b></p> <ul style="list-style-type: none"> <li><b>• Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</b></li> <li><b>• Specific policies in that Framework indicate that development should be restricted.</b></li> </ul> <p><b>Shepway District Council will implement the policies and proposals of the Core Strategy to meet milestones and seek to ensure that essential infrastructure to support regeneration is secured through Policy SS5 and by:</b></p> <p><b>a. Working with partner organisations on local plans delivery and in development management of planning applications;</b></p> <p><b>b. Producing further local plans with a focus on specific sites, delivery/funding arrangements and detailed planning</b></p>

Ref	Policy/ Paragraph	Main Modification
		<p><b>policies;</b></p> <p><b>c. Preparing AMRs to review the effectiveness of policies and the collection of resources for infrastructure projects</b></p> <p><b>d. Undertaking pre-application discussions with developers and involving partner organisations where appropriate;</b></p> <p><b>e. Negotiating legal agreements and obligations as suitable, utilising other powers and non-planning capabilities;</b></p> <p><b>f. Taking a corporate lead in place-shaping through aligning with Shepway District Council's own activities and internal strategies.</b></p> <p><b>Shepway District Council will collaborate with partners on the sustainable development of the area in accordance with the statutory Duty to Co-operate.</b></p>
MM3	New para 2.50b	<b>Provisions for Core Strategy implementation are set out in Section 5.3.</b>
MM4	Policy CSD10	<i>Delete policy.</i>
MM5	Para 4.1	<p>Shepway's appeal is primarily based on its connectivity and wide variety of towns, <del>and</del> <b>villages and rural environments</b>. <del>The district's</del> <b>The heart of the North Downs and Romney Marsh areas</b> <del>are either AONB or Grade 1 classified agricultural land</del> <b>(respectively). Both of which have a rich and diverse landscape character. Accordingly, Shepway's</b> rural character needs to be maintained as a key part of its attractiveness. <del>Moreover the landscape and agricultural contribution of much of the district's open countryside chimes with longstanding popular images of the English countryside (the heart of Shepway's hinterlands</del> Allied to this is the historic influence of the coast on the evolution of settlements and on current perceptions <b>of the district.</b></p>
MM6	Para 4.2	<p>Maintaining positive rural and coastal attributes <del>has to</del> <b>will</b> be highly influential to any spatial strategy for the future. Nevertheless, towns are the places where most people in Shepway live and work and strategy has to address the needs of these places and neighbourhoods, alongside villages and the rural context. <del>The concept of the Strategic Corridor depicts the centre of Shepway</del> <b>which</b> is critical in respect of population and economic centres, and has been the focus of major transport upgrades in previous years, <del>as illustrated in Figure 4.1.</del></p>
MM7	Fig 4.1	<i>Delete figure.</i>
MM8	Table after para 4.3; 3 <sup>rd</sup> bullet	<del>Elsewhere in the Strategic Corridor, promote development at the largest and best served communities and close to economic development opportunities such as Folkestone Racecourse, in less sensitive environments.</del>
MM9	Para 4.16	In the context of this and the identified strategic needs, a geographically selective strategy is necessary backed by a focus on deliverable sustainable development opportunities. A fresh

Ref	Policy/ Paragraph	Main Modification
		<p>approach is adopted through a <i>spatial</i> strategy that confirms a wider zone of interest, the strategic corridor, as well as recognising specific urban (and rural) regeneration capacity, seeking to influence the nature of places and how they function. This approach is underpinned by the physical make-up of the district, its relatively dispersed communities, varied environment and external transport links. The resulting locational emphasis is considered consistent with principles reflected in adjoining districts, and can be seen as a clear evolution of policy that responds the features found within Shepway that are identified as the primary spatial elements of the South East Plan.</p>
MM10	Fig 4.2	<p><i>Delete figure and replace with version in attached Annex.</i></p>
MM11	Policy SS1	<p>Major new development will be delivered <del>within the Strategic Corridor</del>, with priority given to previously developed land in the <del>Urban Area</del>. Accordingly, the majority of Shepway's commercial floorspace and the majority of the <del>Urban Area's</del> housing development will take place in Folkestone, to enhance its role as a sub-regional centre.</p> <p>Development to meet strategic needs will be led through <del>Strategically</del> allocated developments at Folkestone Seafront and Shorncliffe Garrison, Folkestone; and the delivery of strategic mixed-use development at Hythe.</p> <ul style="list-style-type: none"> <li><del>• Strategic allocation of mixed use redevelopment at Folkestone Racecourse, Westenhanger, in the Strategic Corridor, additional to the urban extensions above.</del></li> </ul> <p>Additionally, development should be focused on the most sustainable towns and villages as set out in Policy SS23. <b>Development in the open countryside and on the coast (defined as anywhere outside of settlements within Table 4.3 the Settlement Hierarchy) will only be allowed exceptionally, where a rural/ coastal location is essential (Policy CSD3).</b></p> <p>This is supported by the following strategic priorities for the three character areas of the district:</p> <ul style="list-style-type: none"> <li>• The future spatial priority for new development in the <b>Urban (Folkestone and Hythe) Area</b> is on promoting the development of vacant previously developed land, central Folkestone and the north of the town, and other locations within walking distance of Folkestone Central railway station; securing new accessible public green space, plus regenerating western Hythe.</li> <li>• The future spatial priority for new development in the Romney Marsh area is on accommodating <del>new</del> development at the towns of New Romney and Lydd, and at sustainable villages; improving <del>transport</del> <b>communications</b>; protecting and enhancing the coast and the many special habitats and landscapes, especially at Dungeness; and avoiding further co-joining of settlements and localities at the most acute risk to life and property from tidal flooding.</li> <li>• The future spatial priority for new development in the North Downs area is on accommodating <del>major new</del> development</li> </ul>

Ref	Policy/ Paragraph	Main Modification
		<p><del>within the Strategic Corridor</del> outside of the AONB <b>and without material impact on its setting</b>; consolidating Hawkinge's growth; and sensitively meeting the needs of communities within the AONB at better served settlements.</p> <p><del>Additional to the focus on the Strategic Corridor, t</del>The long-term <b>strategic</b> growth of New Romney is also supported to allow the market town to fulfill its potential to sustainably provide for the bulk of the housing, community infrastructure and commercial needs of the Romney Marsh area. Development will also be planned at other identified settlements in line with the settlement hierarchy sufficient to ensure the achievement of growth requirements. In particular, development which helps to maintain and support the local role of the market town of Lydd, and <del>the rural centres</del> <b>including</b> Sellindge, <del>in the Strategic Corridor</del> can meet priority needs. <del>Development in the open countryside and coast, and other rural places (defined as anywhere outside of settlements within the Settlement Hierarchy) will only be allowed exceptionally, where a rural/coastal location is essential (policy CSD3).</del> Within other identified settlements, development as agreed by the local community in formal plans will be encouraged where well related in scale and location to the settlement hierarchy, <b>and in line with Shepway Local Plan aims.</b></p> <p>In all locations throughout Shepway, development should be designed to directly contribute to the sense of place and sustainable design as set out policy SS23.</p>
MM12	Para 4.20	<p>The <del>strategic corridor underpins the</del> long-term potential of Shepway <b>for significant sustainable development is focused on</b> offering a range of development opportunities, starting within the urban area. Shepway's existing population, jobs, shops and higher order public facilities are predominantly found in <b>Folkestone and Hythe.</b> <del>this corridor as are t</del>The major transport connections <b>which are now a feature of the district</b> (including High Speed 1 services), the Channel Tunnel terminus and the M20/A20, <b>open up central and northern Folkestone and north/west and central Hythe as accessible locations for investment.</b></p>
MM13	Para 4.21	<p><del>This spatial concept,</del> <b>These characteristics</b> when considered as a whole, <b>and set alongside the overall attractiveness and competitiveness of locating or living in Shepway,</b> <del>has have</del> the potential for transforming the economic performance of the district. <b>This will be driven by a coastal economy that</b> offers appeal to external investors and employers of a critical mass and choice of premises, markets, supporting facilities and working /living environments; all well served by <b>regional,</b> national and international transport connections.</p>
MM14	Para 4.23	<p><del>The strategic corridor cuts across local administrative boundaries, urban/rural divides, and includes contrasting towns and villages.</del> <b>In and around Folkestone and Hythe</b> <del>t</del>The <b>character and</b> quality of the natural environment also varies significantly, but includes part of the AONB and other valuable features. This is an asset as there are opportunities <del>within the Corridor</del> for a range of targeted improvements, not only housing and jobs, but also developing networks of connected multi-functional green infrastructure in</p>

Ref	Policy/ Paragraph	Main Modification
		proximity to the bulk of the district's population. As set out in later policies, current military training land at Seabrook Valley is well placed to both Folkestone and Hythe, the AONB, and can be a catalyst for improved management of the urban/rural fringe.
MM15	Para 4.24	<del>The strategic corridor embraces nearly all the Urban area, and part of the North Downs area.</del> <b>Maintaining the environmental quality and vitality of places in rural Shepway must be allied with the delivery of substantial regeneration of towns in the district.</b> The spatial strategy therefore prioritises substantial opportunities in central Folkestone (including the Seafront and on other central sites near High Speed 1 railway stations) and at Shorncliffe Garrison. These developments now provide the most feasible means to secure major new community services in Shepway for all residents.
MM16	Para 4.26	The main area of future change in the North Downs area is expected to be <del>within the Strategic Corridor,</del> outside of the AONB. <del>Folkestone Racecourse, located next to</del> <b>The protection of open countryside, recognising its intrinsic character and beauty, in policy SS1 (and policies such as CSD3 and CSD4) will be significant to sustainable development in this Shepway character area.</b> <del>In the west,</del> Westenhanger mainline railway station <b>plus regular rural bus services provide a valuable public transport connections to nearby towns</b> <del>presents an opportunity to renew Kent's only racecourse and to build on and</del> <b>sustainable access to</b> the cluster of employment and visitor attractions in the Lympne and Stanford area. Opportunities may exist in other <del>Strategic Corridor</del> villages, although new development should be well integrated within the heart of settlements and local community activity, to protect the countryside and AONB and to enhance their sense of place. Elsewhere in the North Downs/ AONB development will be limited; at Hawkinge some specific sites remain available for various uses including employment, community services, housing and tourism.
MM17	Para 4.27	The Romney Marsh area <del>lies outside the Strategic Corridor,</del> but has its own particular <b>strategic</b> development needs. These should be addressed in the context of widespread potential flood risk and infrastructure availability. Rural transport is a priority, especially along the coastal route to benefit from <b>services in and around Folkestone and Hythe</b> <del>the Strategic Corridor</del> (for example development at Nickolls Quarry). Its coast and distinctive environmental features need to be protected, most notably at Dungeness. To this end, the spatial strategy seeks to focus new development at New Romney to serve both the town and the wider area, complemented by actions to address regeneration needs at Lydd. At better served Romney Marsh villages, there may be potential for some sensitive modest development to create more sustainable village clusters.
MM18	Para 4.28	Change is also inevitable in places outside of these towns and villages, but the spatial strategy <del>for development in</del> <b>seeks active environmental management of</b> the countryside <del>sets out to</del> <b>for green infrastructure and sustainable agricultural, coastal and tourism purposes and to restrict unnecessary and inappropriate proposals. Countryside protection will also allow a</b> focus on local community, rural business, affordable housing, and other activities where a countryside location is

Ref	Policy/ Paragraph	Main Modification
		essential. Specific criteria are set out in other Core Strategy policies including CSD3 and CSD4.
MM19	Paras 2.33, 2.34, 2.35; fig 2.10	<i>Delete paragraphs and figure.</i>
MM20	Para 5.44	'Natura 2000' series habitats benefit from specific protection under the Habitats Regulations (Appropriate Assessment), but spatial planning for GI purposes can still offer benefits through setting out positive and integrated management provisions. These district-wide features, along with the GI assets of <del>the Strategic Corridor</del> <b>central Shepway</b> suggest priorities in approaching the delivery of network improvements.
MM21	Para 4.36	To achieve this, and in response to competition from growing commercial floorspace at Ashford and Dover, a supportive commercial environment is necessary to bring forward sufficient new employment premises. Demand is sustained in the spatial strategy both by competing for investment using the advantages of recent infrastructure improvements, and by planning sufficient accommodation (residential and commercial) to maintain affordability for existing industry and key local employers. As <b>is the case</b> for residential development, the majority of employment provision will be in the <del>Strategic Corridor</del> <b>central area of Shepway.</b>
MM22	Para 4.45	From dwellings already completed, and identified potential housing locations in the Core Strategy, the following features of the 8,750+ dwellings to 2030/31 should guide future planning: <ul style="list-style-type: none"> <li>• At least c. 7,500 dwellings will be on previously developed ('brownfield') land.</li> <li>• Approximately 2,000 -2,500 dwellings will be affordable housing (see CSD1).</li> </ul> <p>Approximately <b>6,500</b> - 7,000 dwellings will be in the <del>Strategic Corridor</del><b>Urban Area.</b></p>
MM23	Para 5.31	Rural parts of Shepway offer a range of attractions from Stelling Minnis in the AONB through to Dungeness at the southern tip of the district. Shepway's high quality natural environment can be the basis of further appeal through growing 'footloose' enterprises, existing tourist accommodation, and opportunities for new small-scale high quality accommodation and marketing of local food, drink, craft and natural produce. The North Downs <del>part of the Strategic Corridor</del> offers particular opportunities for investment in existing tourist facilities, including Folkestone Racecourse and Westenhanger Castle ( <del>policy SS8</del> ) and Port Lympne Wild Animal Park, subject to sympathetic consideration of the natural and historic attributes of rural Shepway that underpin the district's appeal.
MM24	Para 4.57	Previously developed 'brownfield' land provides many of the most important and feasible office/ industrial development opportunities in and around Shepway's urban economies. Intervention to ensure a positive market framework is required to promote the delivery of this land, especially former heavy industrial sites compared to less complex - and often less sustainable/ essential - sites nearby. <del>The</del>

Ref	Policy/ Paragraph	Main Modification
		<del>spatial strategy provides support through the positive commercial environment in the Strategic Corridor, however this will need to be addressed in the implementation of policies including SS4.</del>
MM25	Para 4.126	Communication networks are at the heart of Shepway's future growth. In relation to transport, the district is fortunate to have benefited from major investment in the <del>Strategic Corridor</del> <b>transport infrastructure</b> connecting Shepway nationally and internationally.
MM26	Para 4.127	To fully capitalise <del>benefit</del> <b>benefit</b> from this economically, and to address social inclusion and environmental objectives, a focus is now needed on the linkages that serve the interchanges and allow movement from strategic infrastructure to and from local residents and businesses. This applies <del>both within the Strategic Corridor, and to elsewhere in</del> <b>across</b> Shepway (most notably along the coastal route to the Romney Marsh from the Urban Area). Accordingly, in implementing the travel infrastructure priorities featured here and in Appendix 2, a spatial focus is advantageous, potentially on the <del>Strategic Corridor and</del> <b>M20 corridor</b> and its connections by a variety of modes to Romney Marsh.
MM27	Para 4.163	The site is well placed in the district, <del>within the Strategic corridor and</del> with motorway and high speed rail services nearby. The provision of day-to-day services on site (such as the primary school) will limit overall traffic generation for key activities. However in line with policy SS5, close attention is needed to the package of upgrades and contributions necessary to offset travel impacts generated by new residents, especially connections to strategic transport routes. A list of junction improvements, including tackling the existing limitations of Horn Street railway bridge and critical upgrades on Cheriton High Street (notably the highway near the M2 junction approach, where it may be appropriate for other developments to contribute) are outlined in Appendix 2.
MM28	Para 5.25	Improved communications, particularly electronically, can improve the competitive offer of rural east Kent economies. Rural Shepway has particular infrastructure and communication needs (many recognised within Appendix 2) particularly to address regeneration requirements in places like Romney Marsh. More immediate benefits to business from upgrades such as High Speed 1 rail are most likely to be felt in Folkestone/ <del>the Strategic Corridor</del> <b>the M20 corridor</b> but competitive advantages accrue in 'access dependent' sectors elsewhere (for example tourism).
MM29	Policies Map	<i>Add Urban, North Downs and Romney Marsh Character Area boundaries to Policies Map, as shown in attached Annex.</i>
MM30	Para 4.74	<del>PPS25 categorises the vulnerability of uses to flooding. 'More vulnerable' uses include dwelling houses, care homes and many community uses. Given this, local characteristics, and the frequency of developments involving dwellings, specific provisions are set out in Policy SS3 below drawing from the Shepway SFRA in relation to proposals such as replacement dwellings. Although often necessary, these will require close consideration, and</del> <b>Moreover, for safety reasons</b> it is unlikely that single storey dwellings are appropriate in areas of flood risk. Similarly, particularly close attention will be necessitated for 'high vulnerability' proposals in flood zones, including caravans and mobile homes used for permanent residential purposes.

Ref	Policy/ Paragraph	Main Modification
MM31	New para 4.74a	<b>This plan has considered and made provision for strategic district wide development opportunities by applying national policy, and the strategy includes policies guiding proposals in selected locations. However other new major proposals could potentially emerge after the adoption of this plan. If the nature of such proposals (including development scale, uses or form) addresses strategic district needs (or wider) - and not purely local issues arising from within the applicable Shepway character area - then these developments should be considered on a district wide flood risk basis and in full satisfaction of national policy.</b>
MM32	New para 4.74b	<b>To promote sustainable, secure and vital places, development will be promoted in Policy SS3 by the guiding locational principles of protection of cherished and vital uses/places, the avoidance of hazards, and the designing-in of adaptation; operating in the context of sustainable development options within the three character areas of Shepway. This will be delivered through an insistence on high quality and sustainable design; by protection of the countryside and natural and historic environments; the application of a sequential approach for developments at risk of flooding or at risk of impacting adversely on viability; and the efficient mixed use of land that is well related to settlements, previously developed land, or well served by a choice of transport modes.</b>
MM33	Policy SS3	<p>Development within Shepway is directed towards existing sustainable settlements to protect the open countryside and the coastline, in accordance with Policy SS1. Change in settlements will be managed to occur in a form that contributes to their role within the Settlement Hierarchy (<b>Table 4.3</b>) and local place shaping objectives, to promote the creation of sustainable, vibrant and distinct communities.</p> <p>The principle of development is likely to be acceptable on previously developed land, within defined Settlements <b>provided it is not of high environmental value. All development must also meet</b> where the following requirements are met:</p> <p>a. The proposed use, scale and impact of development should be proportionate and consistent with the settlement's status and its identified strategic role (see table 4.3) within the district;</p> <p>b. Consideration should be given to site selection and <b>of alternative options within the appropriate area should be evident</b>, with a sequential approach taken as required <b>for applicable uses set out in line with national policy, for example to inform decisions against clause (c) below on flood risk.</b> In considering appropriate <b>site</b> options, proposals should consider <b>identify</b>-locational alternatives with regard to addressing the need for sustainable growth <b>applicable for</b>-within the Romney Marsh <b>Area, or</b> Urban Area and the <b>or</b> North Downs <b>Area</b>;</p> <p>c. For development located within zones identified by the Environment Agency as being at risk from flooding, or at risk of wave over-topping in immediate proximity to the coastline (within 30 metres of the crest of the sea wall or equivalent) site specific evidence will be required in the form of a detailed flood risk assessment. This will need to demonstrate that the proposal is safe</p>

Ref	Policy/ Paragraph	Main Modification
		<p>and meets with the sequential approach within the applicable character areas of Shepway of the three identified, and (if required) exception tests set out in national policy. It will utilise the Shepway Strategic Flood Risk Assessment (SFRA) and provide further information. Development should also meet the following criteria as applicable:</p> <ul style="list-style-type: none"> <li>i) no residential development, other than replacement dwellings should take place within areas identified at "extreme risk" as shown on the SFRA 2115 climate change hazard maps; or</li> <li>ii) all applications for replacement dwellings, should, via detailed design and the incorporation of flood resilient construction measures, reduce the risk to life of occupants and seek provisions to improve flood risk management.</li> <li><b>iii) Strategic scale development proposals should be sequentially justified against district-wide site alternatives.</b></li> </ul> <p><i>Sections d, e and f of policy SS3 remain unchanged.</i></p>
MM34	Fig 4.5	<i>Delete figure and replace with version in attached Annex.</i>
MM35	Policy SS4	<p>In focal points for maintaining and developing jobs and services, as represented by the Priority Centres of Activity, development will be encouraged where it complies with national policy (<del>PPS4</del>) and contributes to continued centre viability. Major commercial development, including A and B-class uses, should be located in accordance with the Priority Centres of Activity network <b>as shown on the Policies Map</b> and should reinforce the role of the centre. Development in Priority Centres of Activity will <del>only</del> be allowed where it does not result in a net loss of on-site of B-Class uses, and it does not in any way jeopardise the identified commercial purpose of the areas set out in the Priority Centres of Activity network (<b>see Table 4.4</b>).</p> <p>Strategic objectives will be delivered through the following principles:</p> <ul style="list-style-type: none"> <li>• A 'town centre first' policy will operate for applicable uses in line with national policy. Potential town centre activities or those creating significant transport demand, including retail, leisure and major office uses should be located sequentially looking firstly at locations within town centres, then on the edge of centres, and only then out of centre; and with regard to their impact on the vitality and viability of the defined town, district and local centres.</li> <li>• For other employment generating (non-town centre) activities, investment should alternatively be directed to designated Major Employment Sites. If <del>no</del> suitable sites <b>is are shown to be unavailable and unfeasible</b> within any Priority Centre of Activity, <b>development for</b> employment generating uses may only be acceptable in <b>accordance with policies SS1, SS3 and CSD3 and where demonstrated to be in</b> locations suffering longstanding deprivation <del>to stimulate local economic activity,</del> <b>(and subject to directly contributing to local workforce up-skilling, sustainable transport provisions and an positive acceptable environmental impact on the locality).</b></li> </ul>

Ref	Policy/ Paragraph	Main Modification
		<i>No change to the remainder of policy SS4.</i>
MM36	Para 5.35	This policy covers <b>Shepway's varied and extensive green and open spaces.</b> the green and open spaces that come in a multitude of forms. In order to provide clarity and tTo enable a strategic approach across environments, a 'green infrastructure' (GI) approach <b>perspective</b> is used. <b>It complements the fundamental objectives of countryside protection and urban regeneration; and the policy's GI principles can also apply to the district's water features and coast.</b>
MM37	Para 5.37	Natural and open spaces, including inland aquatic environments, underpin the character of rural Shepway and the quality of the district's towns and villages. These spaces and their varied functions are far from being mutually exclusive, and this multi-functional dimension has underpinned the concept of planning for an integrated 'green infrastructure'. For example, forests can produce fuel, define a landscape, hold recreational value, and play a positive role in biodiversity and contribute to combating climate change. <b>Climate change is a major issue that will affect land use and development particularly around the coast. The GI approach offers land management and site specific opportunities to co ordinate local mitigation and adaption; parallel with spatial strategy measures to reduce Shepway's carbon emissions such as through more sustainable modes and patterns of travel.</b>
MM38	Para 5.38	Nationally and internationally recognised landscapes and habitats such as those within the AONB, Romney Marsh and Dungeness are prominent in Shepway (illustrated previously in Figure 2.8) and, along with Biodiversity Action Plan habitats and species, are essential for protection and improved management especially in the context of climate change (4)The other major land element below in Figure 5.1 is a 'strategic and local green infrastructure wash' across various other smaller parts of Shepway. This background layer has been developed in East Kent capturing all green infrastructure features under 'biodiversity' 'civic amenity' and 'linear features' groupings (5). <b>Climate change and associated flood risks are one example whereby GI provisions should be read in close conjunction with the following policy (CSD5) on water and the coastline.</b>
MM39	Para 5.39	The Romney Marshes were highlighted in the South East Plan (policy NRM5) as an 'Area of Strategic Opportunity' in relation to delivering improved biodiversity. Similarly at the local level, specific Biodiversity Opportunity Areas (BOAs) are shown on Figure 5.3 to inform the delivery of habitat creation. Some linear features, including other habitats and the coastal environments and watercourses (notably the Royal Military Canal) are also of major significance due to their multi-functional and cross-boundary nature. Whatever the form of individual features, the concept of a network will transcend distinctions whether they be physical (e.g. urban-rural, land-water) or administrative. The spatially cross-cutting nature of key GI aspects are illustrated in Figure 5.3, alongside the vast extent GI opportunities within Shepway. <b>Natural and open spaces, including inland aquatic environments, enhance Shepway's character and the quality of its towns and villages. These spaces and their varied</b>

Ref	Policy/ Paragraph	Main Modification
		<p><b>functions are far from being mutually exclusive, and this multi-functional dimension has underpinned the concept of planning for an integrated 'green infrastructure'. For example, forests can produce fuel, define a landscape, hold recreational value, play a positive role in biodiversity and contribute to combating climate change.</b></p>
MM40	Para 5.40	<p><del>Shepway District Council will seek to lead efforts to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and access to, green infrastructure within the district. A Green Infrastructure Network can help promote the appropriate management of features of major importance for wild flora and fauna; and shape the improvement of urban open spaces and guide investment in the urban/rural fringe.</del> <b>It does not hold however that in all instances all facets of GI are necessarily equally sustainable or suitable on GI land; this is contingent on the nature of the asset. Some sites have a recognised primary function and may be sensitive to other functional uses and warrant strong protection for that sole purpose, and their future sustainable management should be based on a precautionary principle.</b></p>
MM41	Para 5.41	<p><del>The green infrastructure approach requires management actions of a variety of forms, and action throughout the planning system across bodies with responsibility for environmental management including councils, national bodies including Natural England and the Environment Agency, and several critical local partners, especially from the voluntary sector. This particularly applies at the management of the most significant localities, as confirmed by the Appropriate Assessment of Dungeness and its Natura 2000 series habitats of importance, detailed after the policy below:</del> <b>Notable within Shepway is a range of internationally protected habitats, including the Dungeness/ Romney Marsh complex, with the UK's largest shingle structure at Dungeness (demonstrating the most diverse and extensive examples of stable vegetated shingle in Europe) and the grassland sites at Folkestone-Etchinghill Escarpment, and Park Gate Down.</b></p>
MM42	New para 5.41a	<p><b>The international Natura 2000 series sites in Shepway (shown in blue in Figure 2.8) are protected by the Habitats Regulations. Following assessment of the Core Strategy's compliance with these Regulations, Shepway District Council has committed to work with partners and to take actions towards ensuring the integrity of international habitats (areas outside the boundaries of international sites where these support the species for which an international site has been selected will also be protected). Key principles in this regard are set out below for Dungeness.</b></p>
MM43	New para 5.41b	<p><b>As a funder of the Romney Marsh Countryside Partnership, Shepway District Council has long supported work to sustainably manage tourism and recreation at Dungeness and will continue to do so. By working with stakeholders including Natural England, RSPB, the Environment Agency, landowners and neighbouring authorities, the Council will also explore new opportunities to develop a formal sustainable access strategy needed for the area – which it is envisaged would include proposals to support sustainable</b></p>

Ref	Policy/ Paragraph	Main Modification
		visiting and to monitor impacts on the Dungeness Natura 2000 series sites. Given the breadth of its membership and its cross-boundary geographical scope the Romney Marshes Living Landscape project, or similar grouping, would appear to offer a good vehicle to achieve such a strategy.
MM44	New para 5.41c	<b>With regard to the internationally important calcareous grassland improved GI management and evidence gathering, including site monitoring, is specifically recognised as a necessary part of the future sustainable development of Shepway and is highlighted in Appendix 2. This applies district-wide. As at Dungeness, Shepway District Council has long supported work to sustainably manage the Downs in Shepway and will continue to do so through working with partners including the White Cliffs Countryside Partnership, Natural England and the Kent Downs AONB Unit, to explore new opportunities to monitor impacts and manage the Folkestone - Etchinghill international habitat.</b>
MM45	New para 5.41d	<b>After internationally designated sites, protection and enhancement will apply to green infrastructure district-wide, but guided through recognising a hierarchy of sites such as national SSSIs, and then sub-national designations (for example Kent Biodiversity Action Plan (BAP) habitats and geological sites and Local Wildlife Sites).</b>
MM46	New para 5.41e	<b>Other areas of strategic opportunity for biodiversity improvements exist in Shepway and will be addressed through green infrastructure strategy, with action complementing ongoing management of development by the planning system. At the local level, specific Biodiversity Opportunity Areas (BOAs) are shown on Figure 5.3 to inform protection, increase connectivity and the delivery of habitat creation. Some linear features, including other habitats and the coastal environments and watercourses (notably the Royal Military Canal) are also of major significance due to their multi-functional and cross-boundary nature.</b>
MM47	New para 5.41f	<b>In short, Shepway District Council will co-ordinate efforts to secure opportunities to conserve, enhance and restore biodiversity and geological diversity and to increase provision of, and sustainably managed access to, green infrastructure within the district. This policy will support continuous development of a holistic and joined-up programme of action on critical sites in Shepway between partners from across administrative boundaries. To verify this, green infrastructure, in particular the condition of key sites and the implications of developments, will be a focus of increased monitoring (see Appendix 3).</b>
MM48	New para 5.41g	<b>The district's coastal environment is clearly a defining factor of Shepway green infrastructure, as acknowledged in this plan's place shaping objectives and Figure 5.3. In addition to marine-related habitats, the coast provides outdoor recreation for residents and visitors. The general multifunctional principle of green infrastructure needs careful consideration in this respect, as development of these functions may not be mutually complementary. However a tailored green infrastructure approach recognises</b>

Ref	Policy/ Paragraph	Main Modification
		<p>that the varied nature of the coast (indeed all water assets as covered in policy CSD5) can manage stretches of coastline sustainably. A positive and integrated approach can relieve potential pressures on sensitive elements of green infrastructure, through absorbing and managing activities such as coastal recreation in places best served for that purpose; enabling enhanced protection of other key natural environments.</p>
MM49	New para 5.41h	<p><b>It is particularly important for GI that development is consistent with coastal management plans. Proposals must not adversely affect dynamic coastal processes and should avoid unnecessarily exacerbating 'coastal squeeze' impacts as recognised in the Habitat Regulations Assessment and elsewhere.</b></p>
MM50	Policy CSD4	<p>Improvements in green infrastructure (GI) assets in the district will be actively encouraged and an increase in the quantity of GI delivered by Shepway District Council working with partners <b>and developers</b> in and around the sub-region, <del>Development for GI (including natural networks and public open spaces, recreation and sports facilities) will be acceptable where in a suitable location/sustainable transport improvements are provided, and a sufficient and proportionate contribution is made to the provision and management of networks of multi-functional greenspace.</del> <b>including through pursuing opportunities to achieve net gains in biodiversity, and positive management of areas of high landscape quality or high coastal/recreational potential.</b></p> <p><b>Green infrastructure will be protected and enhanced and the loss of GI uses will not be allowed, other than where demonstrated to be in full accordance with national policy, or a significant quantitative or qualitative net GI benefit is realised or it is clearly demonstrated that the aims of this strategy are furthered and outweigh its impact on GI. Moreover:</b></p> <ul style="list-style-type: none"> <li>• <b>Development must avoid a net loss of biodiversity.</b></li> <li>• <b>The highest level of protection in accordance with statutory requirements will be given to protecting the integrity of sites of international nature conservation importance.</b></li> <li>• <b>A high level of protection will be given to nationally designated sites (SSSI and Ancient Woodland) where development will avoid any significant impact.</b></li> <li>• <b>Appropriate and proportionate protection will be given to habitats that support higher level designations, and sub-national and locally designated wildlife/ geological sites (including Kent BAP habitats, and other sites of nature conservation interest).</b></li> <li>• <b>Planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations. Elsewhere development must not jeopardise the protection and enhancement of the distinctive and diverse local landscapes in Shepway</b></li> </ul>

Ref	Policy/ Paragraph	Main Modification
		<p><b>(especially where these support the setting of the AONB), and reflect the need for attractive and high quality open spaces throughout the district.</b></p> <p>The <b>Shepway's</b> GI network <b>shown in Figure 5.3 and other strategic open space</b>, will be managed with a strategic focus on:</p> <ul style="list-style-type: none"> <li>• Adapting to and managing climate change effects, and maintaining and improving biodiversity and providing opportunities for adaptation to climate change effects.</li> <li>• <del>Avoiding development which results in the fragmentation or isolation of natural habitats.</del></li> <li>• <b>Protecting and enhancing biodiversity and access to nature, particularly in green corridors and other GI Strategic Opportunities in Figure 5.3, with appropriate management of public access (including a Sustainable Access Strategy for Dungeness and together with a strategic approach to the international sites as detailed above); and also avoiding development which results in significant fragmentation or isolation of natural habitats.</b></li> <li>• Identifying opportunities to expand the GI functions of greenspaces and their contribution to a positive sense of place (including enhancements to <b>public open spaces</b> and outdoor sports facilities) with a priority on the Strategic Corridor.</li> <li>• Tackling network and qualitative deficiencies in the most accessible, or ecologically or visually important GI elements, including a focus on corridors with the potential to link urban green spaces and rural and urban fringe. <b>improving the GI strategic fringe zones in Figure 5.3 through landscape improvements or developing corridors with the potential to better link green spaces and settlements.</b></li> </ul> <p><del>Major development on the edge of settlements should provide green and open space with landscaping and biodiversity provisions on-site, unless demonstrated to be not viable or feasible, to enable a sympathetic visual and functional connection between urban and rural areas.</del></p> <p><del>Developments are expected to take into account the need for continued protection and enhancement of the district's ecological, biological, geological and recreational assets (and water features in line with policy CSD5). The loss of GI uses will not be allowed, other than where a significant quantitative or qualitative net GI benefit is realised and it is clearly demonstrated that strategic aims of this plan are furthered.</del></p>
MM51	Para 5.49	<p><del>As the primary area of change in the spatial strategy, the Strategic Corridor also offers several opportunities for tackling qualitative deficiencies, especially as the bulk of the urban/rural fringe is within or nearby AONB land. GI interventions in this area also may productively address popular GI uses, including area parks and parks currently in relatively poor condition, sports pitch deficiencies, playspaces in deprived areas, and allotments. One good example of the potential for GI improvements in the Strategic Corridor, where major multi-functional benefits may be realised including visitor infrastructure improving accessibility is the Seabrook Valley (see policy SS7).</del></p>

Ref	Policy/ Paragraph	Main Modification
		<p><b>In and around urban areas, development should be planned to deliver multiple GI benefits, involving provision and upgrading of public parks, remediation of deficiencies in sports provision, provision of play spaces in deprived areas and encouragement for the provision of allotments. An example of potential improvements to GI that could be delivered under the Core Strategy is the Seabrook Valley (see Policy SS7).</b></p>
MM52	Para 5.50	<p>Shepway District Local Plan Review saved polices hereby deleted: LR2, LR6, LR14, <b>CO7, CO8, CO9, CO10</b>, CO12.</p>
MM53	Policy CSD5	<p>Development should contribute to sustainable water resource management which maintains or improves the quality and quantity of surface and ground water bodies, and where applicable, the quality of the coastal environment and bathing waters.</p> <p>This will be achieved by protecting or enhancing natural water reserves through sustainable design and construction, managing development in relation to wastewater infrastructure, and promoting long term resilience to climatic pressures on the coast and water systems. Proposals must be designed to contribute to the maintenance of a sustainable supply of water resources in the district and the achievement of water management plans for the district <b>and the maintenance of coastal ecological habitats (through seeking to avoid the inhibition of natural coastal processes).</b></p> <p>Development will be permitted where the following criteria are met:</p> <ul style="list-style-type: none"> <li>• All developments should incorporate water efficiency measures appropriate to the scale and nature of the use proposed. Planning applications for the construction of new dwellings should include specific design features and demonstrate a maximum level of usage of 105 litres per person per day, or less.</li> <li>• New buildings and dwellings must be delivered in line with wastewater capacity, and designed so as to ensure that peak rate and surface water runoff from the site is not increased above the existing surface water runoff rate; incorporating appropriate sustainable drainage and water management features. The quality of water passed on to watercourses and the sea must be maintained or improved, and flood risk must not be increased by developments within the district.</li> </ul> <p>Water reserves and the coastal environment will be maintained and enhanced through Shepway District Council working with partners to manage development and upgrade water infrastructure and quality, and through green infrastructure provisions (policy CSD4).</p>
MM54	Para 4.38	<p>The housing trajectory shows that there is expected to be an increase in dwelling delivery rates up to approximately <del>5,000</del> <b>2,500</b> dwellings in the <del>±0</del> <b>5</b> year period after plan adoption (2013/14 - <del>2022/23</del><b>17/18</b>). This period shows a relatively high level of delivery reflecting both the build out of housing sites in the planning system prior to the Core Strategy, and the development</p>

Ref	Policy/ Paragraph	Main Modification												
		<p>pipeline introduced by this plan (broken down on a year-by-year basis in the first two charts in Appendix 1). It is underpinned by a pool of specific potential locations capable of accommodating five dwellings or more identified in the SHLAA. There is <del>no reliance on</del> <b>an allowance in the later part of the plan period for unidentified 'windfall' sites totaling 75 dwellings per year.</b></p>												
MM55	Policy SS2	<p>The core long-term <del>aim</del> <b>objective</b> is to ensure the delivery of a <i>minimum</i> of 350 dwellings (Class C3) per annum on average until 2030/31 (<b>inclusive</b> from 2006/7). This is an achievable rate and can address strategic needs. To promote sustainable development and prioritise urban regeneration, a target is set for at least 65% of dwellings to be provided on previously developed ('brownfield') land by <b>the end of 2030/31.</b></p> <p>To support this <del>positive trajectory</del> for housing delivery, a target is set to <del>aim</del> <b>provide</b> for <b>approximately 8,000</b> dwellings by the end of 2025/26. This equates to an initial target average delivery of <del>approximately 400</del> dwellings per annum. This trajectory is set out to provide impetus to the transformation of the district's economy sought in the district spatial strategy, and to promote a good rate of delivery of new employment land and infrastructure.</p> <p>Allied to this rate of housing delivery, business activity and the provision of jobs will be facilitated through supporting town centres, the protection of sufficient employment land across the district, <del>strategic</del> allocations and concerted efforts to deliver rural regeneration (especially in the south and west Shepway).</p> <p>A balance of development will be secured, as follows <del>for 2026/7:</del></p> <table border="1" data-bbox="544 1216 1437 2007"> <thead> <tr> <th data-bbox="544 1216 735 1335">Use</th> <th data-bbox="735 1216 1059 1335">Target amount of <b>additional</b> development 2006/7 to 2025/26 (<b>inclusive</b>)</th> <th data-bbox="1059 1216 1437 1335">Delivery over the plan period</th> </tr> </thead> <tbody> <tr> <td data-bbox="544 1335 735 1713">Housing (Class C3)</td> <td data-bbox="735 1335 1059 1713">Target <b>approximately 8,000</b> (minimum 7,000) dwellings</td> <td data-bbox="1059 1335 1437 1713"><i>How/when:</i> In accordance with provisions set out in this policy, a rolling requirement is set that deliverable land for 1,750 dwellings <b>and a sufficient buffer</b> be continuously identified for the forthcoming five year period. Completions total <del>1,282</del> <b>1,621</b> dwellings in first <del>4</del> <b>6</b> years of plan period.</td> </tr> <tr> <td data-bbox="544 1713 735 1832">Industrial, warehousing and offices (B classes)</td> <td data-bbox="735 1713 1059 1832">Approximately 20ha <b>gross</b></td> <td data-bbox="1059 1713 1437 1832"><i>How/when:</i> Target to be monitored and to inform Allocations Development Pplan Ddocument.</td> </tr> <tr> <td data-bbox="544 1832 735 2007">Goods retailing (Class A1)</td> <td data-bbox="735 1832 1059 2007">Approximately 35,000sqm <b>gross</b></td> <td data-bbox="1059 1832 1437 2007">Approximately 7ha B-class <b>employment land</b> and 28,000 sqm of A1 retail have been achieved in the first 4 years <b>of the plan period.</b></td> </tr> </tbody> </table>	Use	Target amount of <b>additional</b> development 2006/7 to 2025/26 ( <b>inclusive</b> )	Delivery over the plan period	Housing (Class C3)	Target <b>approximately 8,000</b> (minimum 7,000) dwellings	<i>How/when:</i> In accordance with provisions set out in this policy, a rolling requirement is set that deliverable land for 1,750 dwellings <b>and a sufficient buffer</b> be continuously identified for the forthcoming five year period. Completions total <del>1,282</del> <b>1,621</b> dwellings in first <del>4</del> <b>6</b> years of plan period.	Industrial, warehousing and offices (B classes)	Approximately 20ha <b>gross</b>	<i>How/when:</i> Target to be monitored and to inform Allocations Development Pplan Ddocument.	Goods retailing (Class A1)	Approximately 35,000sqm <b>gross</b>	Approximately 7ha B-class <b>employment land</b> and 28,000 sqm of A1 retail have been achieved in the first 4 years <b>of the plan period.</b>
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		<p>Table 4.1</p> <p>Provisions to ensure the effective implementation of this policy are detailed in section 5.3.</p>												
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MM57	Para 4.46	<p>With the development of strategic allocations, and other <b>urban regeneration</b> opportunities in the district it is appropriate for Shepway to seek to exceed <del>PPS3's national a</del> Previously Developed 'brownfield' land target of <del>60</del><b>5</b>% of dwellings. As shown in Appendix 1 figure 6.3, approximately two-thirds or more of dwellings will be on previously developed 'brownfield' land. This chart also shows the overall rate of delivery against targets on a cumulative basis.</p>												
MM58	Figs 6.1, 6.2 & 6.3	<i>Delete figures and replace with versions in attached Annex.</i>												
MM59	Para 4.55	<i>Delete paragraph.</i>												
MM60	Fig 4.3	<i>Delete figure.</i>												
MM61	Para 4.56	<p><del>4.56 Significant land for employment uses was identified in the previous Shepway Local Plan Review (policies E1 and E2) and provided for existing key employers</del> <b>Shepway has a wide range of existing business premises and locations, with recent progress having been made on bringing forward large sites (including Shearway Business Park in Folkestone, and Link Park at Lympe). These have been brought forward by maintaining a plentiful supply of potential office/industrial land to aid development delivery, especially to provide a good choice of smaller/ medium sized modern office units in the urban area. These premises will allow start-up firms and local company expansions to complement inward</b></p>												

Ref	Policy/ Paragraph	Main Modification
		<p><b>investment, realising growth from Shepway's points of comparative advantage. Planning positively for commercial and employment needs requires a sufficiently flexible framework is set to ensure suitable development is delivered, without losing viable land to other uses on the basis of shorter-term profit pressures.</b> <del>across much of Shepway. This helped deliver a significant amount of business space in the first few years of the plan, although recent rates of development have been slower.</del></p>
MM62	Policy SS5	<p>Development should provide, contribute or otherwise address Shepway's current and future infrastructure needs. Infrastructure that is necessary to support development must exist already, or a reliable mechanism must be available to ensure that it will be provided at the time it is needed., <del>in accordance with the principles of spatial planning set out in PPS12</del></p> <p>The Community Infrastructure Levy (CIL) will be introduced to ensure that resources are in place sufficient to meet the infrastructure needs of the district in line with the growth provisions of this strategy. CIL will apply to all qualifying forms of development across Shepway, and a meaningful proportion of levy revenues raised in each neighbourhood will be used to deliver infrastructure within that neighbourhood. Developer contributions via specific legal agreements will be negotiated <b>taking appropriate account of the development's viability for required</b> <del>necessary</del> local infrastructure (including facilities essential for development to take place or to mitigate the immediate impact of development), and in all instances prior to the introduction of CIL in Shepway, on the basis of this policy.</p> <p><i>The subsequent paragraphs of policy SS5 remain unchanged.</i></p>
MM63	Policy CSD1	<p>Development <b>resulting in new housing (class C3) will be allowed in line with policy SS3 (optimising</b> <del>will be allowed where it contributes to the optimisation of the distinctiveness, appeal, sustainability and accessibility of places in Shepway)-</del> <del>Development resulting in new housing (class C3) will be permitted where allocated or within a recognised settlement, and where it contributes to the creation of balanced and popular neighbourhoods through high quality design proposals which address identified affordable housing needs.</del></p> <p>All housing development should, subject to viability, include a broad range of tenures (incorporating market housing for sale, shared equity and other forms of intermediate housing, and affordable rented) wherever practicable. This requirement includes:</p> <ul style="list-style-type: none"> <li>• Development proposing (or land capable of accommodating) 5 to 9 dwellings (net gain) should provide at least one affordable dwelling on-site, subject to viability.</li> <li>• Development proposing (or land capable of accommodating) 10 to 14 dwellings (net gain) should provide at least two affordable dwellings on-site, subject to viability.</li> <li>• Development proposing (or land of 0.5ha or more in size) 15 or more dwellings (net gain) should provide 30% affordable dwellings on-site, subject to viability.</li> </ul> <p><b>Provision should be made on-site (unless off-site provision</b></p>

Ref	Policy/ Paragraph	Main Modification
		<p><b>through a financial contribution of broadly equivalent value can be robustly justified).</b></p> <p><i>The final two paragraphs of policy CSD1 remain unchanged.</i></p>
MM64	Policy CSD2 (last para)	<p><i>The preceding paragraphs of policy CSD2 remain unchanged.</i></p> <p>The accommodation needs of specific groups will be addressed based on evidence of local need, including appropriate provision for Gypsies, Travellers and Travelling Showpeople., <del>through the safeguarding or allocation of sites as required in national policy.</del> <b>Policies will be included in local plans to provide criteria and make allocations for Traveller sites in line with national policy.</b></p>
MM65	Fig 4.7	<p><i>Delete figure and replace with version in attached Annex.</i></p>
MM66	Policy SS6	<p>Folkestone Seafront area is allocated for mixed use development, providing a <del>variety of dwellings (up to 1,000 homes),</del> <b>in the region of 10,000sqm of floorspace</b> comprising small shops and retail services (A use classes), <del>and</del> offices (class B1) <b>and other community and leisure (C1, D1, D2 and sui generis) uses; totaling at least 10,000sqm;</b> together with enhanced <del>beach</del> sports and <del>cultural</del> <b>sea sport</b> facilities and <b>with</b> associated <del>and</del> <b>improved</b> on- and off- site community and physical infrastructure.</p> <p>Planning permission will only be granted where:</p> <ul style="list-style-type: none"> <li>• Proposals clearly support the delivery of planned incremental redevelopment for a distinctive, unique and high quality seafront environment; with a mix of uses providing vitality for the whole site and Folkestone.</li> <li>• The proposals directly contribute to the regeneration of Folkestone by reconnecting the town centre to the Seafront, and enhancing the attractiveness of <del>the central Folkestone</del> and its appeal as a cultural and visitor destination, <del>through the provision of an offer that is complementary to the Creative Quarter</del> <b>and existing traditional maritime activities.</b></li> <li>• Development is appropriately phased to ensure benefits can be fully realised, with infrastructure improvements delivered at a <del>suitably early</del> <b>appropriate</b> stages to ensure on <del>and off</del> site facilities are available to <del>foster</del> <b>create</b> a new sense of place and community, and to manage environmental <del>impacts</del> <b>improvements</b> in relation to infrastructure capacity.</li> <li>• Sufficient contributions, <b>are made to</b> highways, <b>public transport</b> and parking arrangements <del>are made to improve the so as to provide sustainable connectivity of between</del> the Seafront <b>development</b>, <del>to</del> the town centre and central and eastern Folkestone, <del>opening up new direct</del> <b>including improved</b> pedestrian, cycle and bus links and according with SS5.</li> <li>• <b>Appropriate financial contributions are provided to meet additional school pupil places generated by the development.</b></li> <li>• <del>The</del> <b>Design</b> is of very high quality, <del>and</del> <b>preserving</b> the setting of the key <b>heritage assets and</b> archaeological <del>and</del> heritage features of the site, <del>and</del> is sympathetic to the landscape and coastal character of the area including the retention of the Inner Harbour Bridge.</li> </ul>

Ref	Policy/ Paragraph	Main Modification
		<ul style="list-style-type: none"> <li>• The layout is planned to achieve sufficient ground floor active/commercial uses in and around the Harbour and at the Pier Head Quarter to ensure a sense of vitality can be maintained fully utilising the setting, and also featuring a <del>restored Marine Parade promenade</del> <b>central avenue</b> and a range of open and enjoyable coastal environments.</li> <li>• Development delivers 300 affordable housing dwellings for central Folkestone, subject to viability (or if the total residential quantum is less than 1,000 units, a 30% contribution).</li> <li>• Residential buildings <b>must</b> achieve a <b>minimum</b> level of water efficiency of 90 litres/person/day <del>or better</del>, plus Code for Sustainable Homes level 3 or higher, <del>and a</del> <b>All development must be designed and constructed to achieve high standards of environmental performance</b>, and buildings <b>should be</b> designed to allow convenient waste recycling.</li> <li>• All development is located within the site in accordance with national policy on the degree of flood risk and compatibility of specific use and, where necessary, include design measures to mitigate flood risk.</li> <li>• <b>Development proposals include an appropriate recreational access strategy to ensure additional impacts to Natura 2000 site(s) are acceptably mitigated against, in accordance with Policy CSD4.</b></li> </ul> <p>Any detailed planning application submitted in relation to any of the site will only be granted if it is supported by and consistent with <b>either</b>:</p> <ul style="list-style-type: none"> <li>• <del>Either a</del> <b>A</b> masterplan for the whole site produced in line with this policy, or</li> <li>• An outline/detailed planning application for the whole site that provides satisfactory masterplanning in line with this policy, including phasing proposals <b>and necessary viability assessments.</b></li> </ul> <p><b>Masterplanning for the site should accord with the core principles shown in Figure 4.7.</b></p>
MM67	Fig 4.8	<i>Delete figure and replace with version in attached Annex.</i>
MM68	Policy SS7	<p>The Shornccliffe Garrison complex is allocated for a predominantly residential development of around 1,000 dwellings to 2026 (up to 1,200 by 2031) and an improved military establishment, together with a hub of new community facilities, associated enhancements to sports and green infrastructure, and on- and off- site travel infrastructure upgrades.</p> <p>Planning permission will also only be granted where:</p> <ul style="list-style-type: none"> <li>• Residential development is shown to be part of a comprehensive approach to modernisation and consolidation of military land within Shepway.</li> <li>• Development is appropriately phased to ensure benefits can be fully realised, with infrastructure improvements delivered at a <del>suitably early</del> <b>appropriate</b> stages to ensure <del>military operations can continue</del>, on <b>and off</b> site facilities are available to <del>foster</del> <b>create</b> a new sense of place and community, and to manage environmental impacts in relation to infrastructure capacity.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Significant transport improvements are delivered including appropriate contributions for critical junction upgrades, and other highway improvements, and a contribution is made to <b>improved and</b> extended bus services and further sustainable travel measures for walking and cycling (including connections to Cheriton High Street and Folkestone West railway station) in accordance with policy SS5.</li> <li>• The proposal includes on-site provision of appropriate community infrastructure including land and possible contributions towards a <del>two form entry</del> new primary school (<b>up to two form entry</b>) and health/care facility (and/or delivery of a community/public facility of equal social value).</li> <li>• The proposal incorporates high quality green infrastructure at the design stage, with sports and public open space usable for active recreation retained in line with national policy; and improved changing facilities provided at 'The Stadium'.</li> <li>• Land at Seabrook Valley <b>as shown in Figure 4.8</b> is released from military use for public and natural open space purposes and a management strategy is in place to enhance biodiversity and to increase accessibility to the countryside where appropriate. <b>Development proposals shall include an appropriate recreational access strategy to ensure additional impacts to Natura 2000 site(s) are acceptably mitigated against, in accordance with policy CSD4.</b></li> <li>• The design and layout of development should form a legible network of streets, drawing on the scale and pattern of surrounding development so as to enhance connectivity from east to west with a strong new south to north pedestrian/cycle axis, through the site. <b>Townscape, heritage and archaeological analysis should be undertaken prior to the demolition of any buildings. This should ensure good place making through the retention of important features, including heritage assets and reference to former uses on the site.</b></li> <li>• Development design integrates fully and sensitively with the existing residential neighbourhoods of Cheriton and with the Seabrook Valley landscape.</li> <li>• Development delivers 360 affordable housing dwellings for the <del>Urban</del> area subject to viability (or if the total residential quantum is less than 1,200 units, 30%)</li> <li>• Residential buildings <b>must</b> achieve a <del>minimum</del> level of water efficiency of 90litres/person/day <del>or better</del>, plus Code for Sustainable Homes level 3 or higher, <del>and a</del> <b>All development must be designed and constructed to achieve high standards of environmental performance</b>, and buildings <b>should be</b> designed to allow convenient waste recycling.</li> <li>• A programme is agreed for the satisfactory remediation of the land.</li> </ul> <p>Any detailed planning application submitted in relation to any of the site will only be granted if it is supported by and consistent with <b>either</b>:</p> <ul style="list-style-type: none"> <li>• <del>Either a</del> <b>A</b> satisfactory masterplan for the whole site produced in line with this policy, or</li> <li>• An outline/detailed planning application for the whole site that</li> </ul>

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		<p>provides satisfactory masterplanning in line with this policy, <b>including phasing proposals and necessary viability assessments.</b></p> <p><b>Masterplanning for the site should accord with the core principles shown in Figure 4.8.</b></p>
MM69	Fig 4.6	<i>Delete figure and replace with version in attached Annex.</i>
MM70	Paras 4.173 to 4.192	<i>Delete paragraphs.</i>
MM71	Fig 4.9	<i>Delete figure.</i>
MM72	Policy SS8	<i>Delete policy.</i>
MM73	Appendix 4 Map 6.3	<i>Delete proposed change to Policies Map.</i>
MM74	Appendix 2 Table 6.1	<i>Amend Appendix 2 as shown in attached Annex.</i>
MM75	Fig 5.3	<i>Delete figure and replace with version in attached Annex.</i>
MM76	Policy CSD6	<p><i>The first two paragraphs of policy CSD6 remain unchanged.</i></p> <p>Within the Central/West Development Arc there are opportunities for mixed use development providing major new office and retail businesses or other services that will contribute to the wider regeneration of the district and East Kent. Some residential development may be supported, provided <del>can be justified by enabling it</del> <b>delivers genuinely mixed use development or it enables</b> the full commercial potential of the area to be realised, and: <b>Furthermore:</b></p> <ul style="list-style-type: none"> <li>• New development should be of very high quality design that contributes to and improves the existing character and townscape of the area.</li> <li>• It is appropriate for development to support delivery of public realm and transport improvements within and to the north of the arc.</li> <li>• Development will need where appropriate to detail the delivery of measures, or contribute to improvements in skills/training in nearby deprived areas.</li> </ul> <p>The <i>Seafront/Creative Quarter Regeneration Arc</i>, provides major opportunities for development to contribute to strategic needs and to upgrade the fabric of the town drawing from its past and potential sense of place:</p> <ul style="list-style-type: none"> <li>• Further development by the charitable sector and others through conversion and re-use of derelict land promoting cultural, educational uses, visitor attractions, and other small-scale active uses will be encouraged.</li> <li>• Within this Arc development must maximise wider benefits to the Town Centre through <b>improved connectivity and transport links</b> <del>overcoming physical barriers to movement</del> and providing uses that attract pedestrian footfall, and proposals within the boundary set out in Appendix 4 must be in accordance with Policy SS6 (Folkestone Seafront allocation).</li> </ul>

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		<p>Across these arcs, and within central or deprived places in the town, development bringing investment for schools, new education/training provision and workforce development measures that increase the skills attainment of local people in priority economic sectors, will be acceptable.</p>
MM77	Fig 5.5	<i>Delete figure and replace with version in attached Annex.</i>
MM78	Policy CSD8	<p><i>The first three paragraphs of policy CSD8 remain unchanged.</i></p> <p>Development of the broad location should meet the following criteria:</p> <ul style="list-style-type: none"> <li>• The development as a whole should provide around 300 dwellings (Class C3) and a range and size of residential accommodation, including 30% affordable housing, subject to viability.</li> <li>• Pedestrian/cyclist linkages southwards to the town centre should be improved and prioritised from the central area of the development, in preference to linkages around the periphery of the site.</li> <li>• Land proposed for residential development must have a sufficient level of internal connection through providing a new movement link through the site, appropriately designed to 20mph, and/or through a cycleway/footpath to provide a secure and attractive green corridor.</li> <li>• Proposals should incorporate <b>as necessary</b> a minimum of 0.7ha of <del>KCC</del> land for the upgrade of St Nicholas' Primary School playing facilities on a consolidated area <del>adjacent to the southern site boundary.</del></li> <li>• Archaeological constraints need to be examined and associated mitigation will be required to be provided at an early stage, in order to inform the masterplan, development strategy and quantum of development.</li> <li>• Flooding and surface water attenuation for the overall site should be concentrated in the lowest areas of the site, <b>recommendations of the Shepway SFRA must be followed</b>, and measures should also provide visual and nature conservation enhancement for the benefit of the site and local community.</li> <li>• Appropriate off-site mitigation measures must be identified, including to ameliorate highway impacts and manage drainage demands;</li> </ul> <p>Any planning application for the broad location should be preceded by, and consistent with, a single masterplan, addressing these objectives and produced in consultation with the local community, the District Councils and key stakeholders.</p> <p><b>Development of the broad location is within must aim to integrate with the physical environment, including addressing the natural boundary which is currently defined by Cockreed Lane, as well as neighbouring previously developed land to the north east of Cockreed Lane currently in commercial use, as shown in Figure 5.7.</b> In addition, if the objectives of this policy cannot be met within the scope of this area, consideration</p>

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		<p>may be given to <del>additional development</del> land to the southwest of Ashford Road, subject to further discussions <del>with the landowner</del> and any environmental or other constraints being addressed.</p> <p>Development <b>at the town</b> should <del>also seek to</del> consolidate and improve the market town/service centre function of New Romney through contributing <b>as relevant</b> to the public realm and other priorities for investment in the High Street in line with SS5 including:</p> <ul style="list-style-type: none"> <li>• Providing additional crossing points in the High Street to increase the ability of shoppers and visitors to circulate along the retail frontage,</li> <li>• Improving the setting of historic buildings and minimising the environmental impact of through traffic within the High Street</li> <li>• Contributing towards community facilities required to serve the needs of the town</li> </ul> <p>Development will need where appropriate to detail the delivery of measures, or contribute to improvements in skills/training in Romney Marsh area.</p>
MM79	Figure 5.8	<i>Delete figure and replace with version in attached Annex.</i>
MM80	Policy CSD9	<p><i>The first two paragraphs of policy CSD9 remain unchanged.</i></p> <p><del>Permission for private residential development sites outside of the defined settlement boundaries and not considered in the Rural Masterplanning Project will be refused in line with policy SS1.</del></p>