

1. INTRODUCTION, GENERAL AND PROPOSALS MAP

INTRODUCTION

Objections

210/3	1.2	Mr R D Holgate Goodliffe Estates Ltd David Hicken Associates Ltd	INQUIRY
738/2	1.2	Mr M Ebbs, Dover District Council	NFS
95/5	1.2	Mr J Rapley Charlier Construction Ltd David Hicken Associates Ltd	W/R
210/2	1.15	Mr R D Holgate Goodliffe Estates Ltd David Hicken Associates Ltd	INQUIRY
738/3	1.15	Mr M Ebbs, Dover District Council	NFS
95/4	1.15	Mr J Rapley Charlier Construction Ltd David Hicken Associates Ltd	W/R
412/3	1.15	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
871/1	Gen	Mike Lutken-Simmonds The Lutken-Simmonds Consultancy	nfr
748/18	1.17	Kent County Council Peter Cooper	Cond WD

Further Proposed Change: PC2

Issues

Should the Plan period be extended to 2013 or 2016, and is the timetable for the production of the Plan realistic.

Whether the requirements of PPG3 are adequately reflected in the chapter with particular reference to the preparation of an Urban Capacity Study.

Whether the Introduction chapter as amended provides an adequate strategy for the plan.

Inspector's Reasoning and Conclusions

1.1.1 The Kent Structure Plan runs to 2011. I consider it sensible that the emerging Local Plan runs for the same period, even though this may amount to only some 7 years after the date of adoption, less than the 10 years recommended in PPG12. However PPG12 also emphasises that the development plan process should be speedy and that it should offer continuity and certainty to those involved in development. The Structure Plan Fourth Review (SPFR), to 2016, was at only an early stage when the Local Plan was placed on deposit. I do not consider that it would have been reasonable to delay the production of the Local Plan to accommodate the emerging Structure Plan, especially as the period of the existing adopted Local Plan expired at 2001. Updating to 2016 and integration with the policies of the SPFR may be left to a future review of the Local Plan. The timetable for the local plan review process at the end of Chapter 1 may be updated as necessary.

1.1.2 An Urban Capacity Study (UCS) (CD1.08) was carried out in 2002 before the publication of the Revised Deposit Draft, and its findings have been used to update Table 2 which follows paragraph 3.14 of the RDD. I am satisfied that the Local Planning Authority properly carried out an assessment of housing allocations in the light of the results of the UCS and in accordance with the search sequence in PPG3, and a number of greenfield sites were deleted. These matters are fully explained in Chapter 3 of the Plan, and I do not consider that further reference need be made to PPG3 or the UCS in the Introduction.

1.1.3 Paragraphs 1.16 and 1.17 now set out the Council's overall aims and the general strategy of the Plan, and draw together its main elements. Together with the aims and objectives of individual topic chapters, and the section on Monitoring and Review subject to my recommendations, I consider that the Introduction gives a clear guide to the Council's vision of what would be achieved through the implementation of the Plan. In particular, aim (g) of paragraph 1.16, although it does not refer to sustainability specifically, meets several objections by linking the fulfilling of social and economic needs to the protection and enhancement of the environment and of resources for leisure, arts and other activities. Further Proposed Change PC2 develops the theme of the link between sustainability and the provision and enhancement of social and community facilities, as an amendment to the wording of paragraph 1.17(g).

RECOMMENDATIONS

1.1.4 Modify the Plan in accordance with PC2.

1.1.5 Modify the Plan by updating the timetable for the local plan review process, at the end of Chapter 1, as necessary.

GENERAL

Objections

571/1	GEN	Go Folkestone	INQUIRY
412/52	GEN	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
727/2	GEN	Ms Fiona Fraser Boulton The Countryside Agency	W/R
727/3	GEN	Ms Fiona Fraser Boulton The Countryside Agency	W/R
757/1	GEN	NHS Executive, SE Region, Mr Stephen Harness	W/R
727/4	GEN	Ms Fiona Fraser Boulton The Countryside Agency	W/R
759/1	GEN	Ms Kerry Culbert Ashford Borough Council	nfs
765/1	GEN	Kent Constabulary	nfs
875/4	GEN	Mr Leigh Herington, Kent County Council	NFS
738/1	GEN	Mr M Ebbs, Dover District Council	NFS
748/15	GEN	Kent County Council Peter Cooper	Cond WD
544/1	GEN	Mr D P Johnson	nfs
565/6	GEN	Kent Rural Community Council	nfs
586/2	GEN	Mr(s) E J Allett Union Railways (South) Ltd	NFS

Further Proposed Change: PC1

Issues

Would a standard form of wording for Plan policies be useful.

Whether the Plan deals adequately with issues of healthcare, crime, flooding, and derelict and empty properties.

Whether the plan should be amended to reflect the contents of the Rural White Paper.

Should "Railtrack" be amended to "Network Rail" throughout, and should the Glossary include entries for CTRL Safeguarding and Directions.

Inspector's Reasoning and Conclusions

1.1.6 Policies should give a clear indication of the circumstances in which planning

permission will, or will not, be granted. There may be several equally valid ways of expressing this. As long as the overall aims of clarity and certainty are achieved I see no overriding advantage in using a standard form of wording.

1.1.7 The question of whether development allocated in the Plan can be adequately served by the William Harvey Hospital is a matter for the East Kent Hospital Trust. Neither the Trust nor the NHS Executive South East Region have raised objections to the Plan in that regard.

1.1.8 There are no specific allocations of land for healthcare facilities in the Plan. However the provision of new social or community facilities, which paragraph 10.5 makes it clear may include healthcare facilities, is encouraged by Policy SC2. The loss of such facilities through redevelopment is restricted by Policy SC3, and Policy SC1 states that the Council will seek developer contributions towards the provision of social or community facilities in new housing development.

1.1.9 Paragraph 12 of Circular 5/94, *Planning Out Crime*, states that crime prevention is one of the social considerations to which regard must be given in development plans. Local Plans should establish design principles including for residential areas and town centres, which aim to deter crime and increase the risk of detection, thus providing people with a safer and more secure environment. Paragraph 13 adds that development plans can be used in a positive way to encourage the provision of leisure and social facilities for the young. Section 7 of *Kent Design* (CD4.12) is also concerned with securing a safe, healthy and secure environment for people and property. Paragraph 8.7 of the RDD refers to the guidance available in *Kent Design*, but there is no explicit reference in the Plan to designing out crime. In my view the best way of ensuring full consideration of these matters is to add wording to paragraph 8.7 and to Policy BE1, rather than amending the broad aims and strategy of Chapter 1, and I recommend accordingly under that heading.

1.1.10 I do not consider that it is necessary to have a policy in the Local Plan limiting the number of late-night outlets in Folkestone town centre, and the Tontine Street and Harbour area in particular. Separate legislation controls the issue and renewal of Licenses and Special Hours Certificates. The modification to Policy BE1 which I have recommended would allow a balance to be struck between concentrating late-night uses in such areas, where they would contribute to the vitality and viability of the centre and would have a limited impact on the wider community, and restricting the excessive proliferation of licensed premises that might give rise to problems of public order.

1.1.11 The Plan has no policy concerning empty or derelict properties. However, the enhancement of the environment is a key aim of the Plan, and policies in general do not restrict the appropriate re-use or redevelopment of buildings. The Council has few powers to force the repair of derelict unlisted buildings, unless dangerous, and cannot insist on the occupation or re-use of empty buildings that are private property. Local Authority resources are limited and compulsory purchase powers are used sparingly. I agree with the Council that a more effective approach would be to support the improvement of the local economy and environment through Local Plan policies and other Council initiatives, such that it becomes an attractive and viable proposition for property owners to repair, restore and bring into use their buildings. Of the two sites mentioned by objectors, 26-30 Tontine Street has planning permission for 9 dwellings and is included in the list of housing land supply sites of Appendix 2. Nos.76-80 are not included in the list in appendix 2, which includes only sites with planning permission or those carried forward from the existing adopted Local Plan. In my view the site is too small to be designated as a housing allocation under Policy HO2, but it may of course come forward as a windfall site within the Plan period.

1.1.12 The Plan, at paragraph 9.19 and elsewhere, recognises the importance of global warming and its effects on coastal defence and flooding. Policy U5 and its reasoned justification were extensively amended in relation to government advice on flooding set out in PPG25. I am satisfied that, subject to my recommendations, the policies and allocations of the Plan now reflect that advice.

1.1.13 The Rural White Paper of 2000 emphasises the importance to the rural community of market towns that provided a range of services for their hinterlands. I consider that this is recognised in the Plan, for example in the settlement hierarchy of Policy CO2 that designates towns such as Lydd and New Romney as being suitable for development in excess of minor development. Rural development must be sustainable however, and the sequential approach of PPG3 seeks to ensure that development is directed first to larger urban centres, that have a greater range of shops and services and better access to public transport. Nevertheless the Plan does not concentrate exclusively on urban areas, and Policies HO8, E6A and S8 aim to support housing for local needs in or adjoining villages, and jobs and facilities in rural areas.

1.1.14 I agree that, in accordance with Further Proposed Change PC1, "Railtrack" should be changed to "Network Rail" throughout the Plan. The nomenclature may of course change again before adoption, and the Council should carry out any further amendments as far as is reasonable.

1.1.15 The term safeguarding is used in a different way in Policy TR4, where it refers to an allocation of land for rail use on the Proposals Map, and in paragraph 11.14. In the latter the term has a particular statutory meaning within Directions issued by the Secretary of State, concerning the route of the CTRL itself. I consider however that the difference is clear from the text of paragraph 11.14. The Plan should be concise, and should not include details of parallel legislation. I consider therefore that there is no need to include within the Glossary an entry for CTRL Safeguarding or details of the Directions. The reader with further queries about the details or planning implications of the route of the CTRL is urged, rightly, to pursue specific enquiries at the Civic Centre.

RECOMMENDATION

1.1.16 *Modify the Plan in accordance with PC1.*

PROPOSALS MAP

Objections

633/1	Prop Map	Nickolls Quarries Ltd David Jarman	W/R
543/1	Prop Map*	Mr C W Auld, Clerk Lyminge Parish Council	W/R
586/	Prop Map*	Mr(s) E J Allett Union Railways (South) Ltd	NFS
487/3	Prop Map	Save Lyminge Forest Action Group Earth Rights Solicitors	Cond WD

Further Proposed Change: PC13

Issue

Should the Proposals Map be revised to include corrections in regard to issues raised by objectors.

Inspector's Reasoning and Conclusions

1.1.17 *I am satisfied that the RDD meets these objections, as noted in the list of alterations to the Proposals Map on page 208. I recommend below that alterations to the CTRL Safeguarding Areas be carried out.

1.1.18 The Proposals Map should also be amended to reflect the alterations to the list of sites in Appendix 2 in the RDD, and to correct the numbering of sites at New Romney.

1.1.19 I deal with the objection of Nickolls Quarries Ltd under the heading of Policy HO2F, and that of the Save Lyminge Forest Action Group under Paragraph 6.11.

RECOMMENDATIONS

1.1.20 Modify the Proposals Map in accordance with PC13.

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

2. SUSTAINABLE DEVELOPMENT

POLICY SD1

Objections

748/16	SD1	Kent County Council Peter Cooper	Cond WD
752/2	SD1	Mr Gavin Bloomfield RSPB	W/R
843/1	SD1	Local Agenda 21 Shepway Community Forum	INQUIRY
771/1	SD1	Greensword David Plumstead	INQUIRY
755/4	SD1	Councillor B Walsh	NFS
386/1	SD1	Mr Simon Humphrey	nfs
747/1	SD1	Luminar Leisure Drivers Jonas	nfs
730/4	SD1	Mrs M Weaver Lydd Town Council	nfs

Issues

Whether policy SD1 provides an adequate basis for assessing the sustainability of development proposals.

Inspector's Reasoning and Conclusions

2.1.1 Policy SD1 sets the scene and provides a robust framework for the remaining policies of the Plan. Together with the Council's Sustainability Appraisal (CD1.10), it ensures that environmental protection and the concept of sustainable development are an integral part of the development plan process. The central role of the Local Plan with regard to sustainable development is acknowledged in the Local Agenda 21 Strategy for the District for 2000-2005.

2.1.2 The sustainable development objectives of the Plan however go beyond the more limited aim of Principle 4 of the Rio Declaration on Environment and Development (made at the 1992 UN Rio Earth Summit). They include economic and social objectives as well as environmental ones under the overall aim of a better quality of life for all, in accordance with guidance in paragraph 4.1 of PPG12. Maintenance of high and stable levels of economic growth and employment, social progress which recognises the needs of everyone, protection of the environment and prudent use of natural resources are the four broad objectives of the Government's sustainable development strategy *A Better Quality of Life: a Strategy for Sustainable Development in the UK* (1999). They are repeated in paragraph 4.1 of PPG12 and are reflected in the sustainable development objectives set out in paragraph 2.5 of the Plan.

2.1.3 The provision of access to adequate housing, employment and social and community facilities are among important factors which contribute to the quality of life, in addition to the protection of the environment, the efficient use of natural resources and the reduction of the need to travel. Pursuit of the concept of sustainability does not mean that no growth or change should take place in town or countryside, or that no greenfield site should be developed. Rather, it seeks to ensure that the social and environmental implications of economic growth are fully considered in an holistic manner, as indicated in paragraph 4.3 of PPG12. This may often require a balancing exercise where environmental, economic and social objectives conflict.

2.1.4 I am satisfied that the housing policies of the Plan reflect the aim of PPG3 that previously-developed land in urban areas be developed before greenfield sites. The Urban Capacity Study (CD1.08) shows that there is insufficient brownfield land in urban areas to fulfil the total Structure Plan housing requirement over the Plan period, and the development of some greenfield sites in sustainable locations will be required. Policy SD1, amongst others, would ensure that appropriate mitigation is secured against adverse effects of development, and Policy SC1 states that the Council will seek contributions from developers towards new social or community facilities in appropriate cases. However, the Council has no powers to include policies in the Local Plan that would give financial incentives to developers to use brownfield sites. Initiatives such as reductions in Council Tax could be considered under other strategies of the Council.

2.1.5 I consider that the alternative wording of criterion (a) of the policy, suggested by objectors, places undue emphasis on public transport and would not properly reflect government advice in PPG3 and PPG13, which seeks to reduce the need to travel overall. The Plan wording also recognises the potential of other non-car modes such as travel on foot or by bicycle, which the suggested wording does not.

2.1.6 "Where possible" should be deleted from the second sentence of criterion (k)(iii) of the policy, as it has been in paragraph 2.11 and criterion (b) in the RDD, as it is vague and introduces uncertainty. The operation of S.54A would allow sufficient flexibility in that it would allow other material considerations to be weighed in the balance in considering an application for planning permission. There is no need to refer in policy wording to a need to comply with PPGs, as it is a statutory responsibility for a Local Planning Authority to have regard to such government advice in decision making.

2.1.7 I see no advantage in adding "effectively" to various criteria in the policy. Either a proposal will serve to protect, maintain or enhance the particular matter of interest of that criterion or it will not. In relation to criteria (c) and (g), it is not the role of the Council through the Local Plan to judge whether a community or residents' group is *bona fide* or not. It is the effect of the development not the credentials of the site owner or operator which is the proper subject of Local Plan policies. Areas of conservation which have a formal designation will receive protection under Policies CO8-10, and areas, habitats or features which have no formal

designation would be protected under Policies CO1 and CO11-13. I do not find that the suggested alterations to Policy SD1 in this regard would add anything of significance to this protection. In relation to suggested additions to criterion (e), the Council has a duty to take into account any relevant provisions of the Structure Plan, and it is not necessary to state that in policy.

2.1.8 It would be over-prescriptive to specify minimum garden sizes in the Plan, as suggested for criterion (f). New residential development should take place at a density of at least 30 dwellings per hectare in accordance with PPG3. Whilst particularly large gardens would be difficult to achieve for individual dwellings at this density, good design, required by the guidance, should ensure that buildings and the spaces around them are well related. I agree that gardens provide an important wildlife resource, but I have no evidence that smaller gardens are significantly less effective in that regard than larger ones. The allowance of adequate sunlight to gardens is also a matter of detailed design to be considered at the development control stage.

2.1.9 Criterion (g) strongly supports the re-cycling and re-use of materials, and Sections (1) and (2) of *Kent Design* encourage the involvement of the local community and the seeking of environmentally sustainable solutions through innovative design. The Local Plan should confine itself to the principles that are to guide development. I consider that the details of how Policy SD1(g) is to be implemented, such as the incorporation of sufficient space in new domestic and commercial development for the storage of sorted waste, would be best expressed through Supplementary Planning Guidance.

2.1.10 There is now no reference in the Plan to planning permission for development in Lyminge Forest (see objections to paragraph 6.11). Public open space is protected by Policy LR9 as well as by criterion (i) of Policy SD1. Landscape features, which could include trees and hedgerows, would be protected under Policy CO1, among others. I do not consider that the suggested wording would add significantly to that protection. I apply the same comment to proposed additional wording to criterion (j) of Policy SD1. Water resources including groundwater would be protected by Policies U4, U8 and U9.

2.1.11 Fully sustainable development will not be achieved overnight. Current Structure Plan and other commitments, including planning permissions, fix the broad pattern of development over the next 5-10 years. Policy SD1 however seeks to ensure that full account will be taken of the long term welfare of the environment in land use planning in the District. The statement in paragraph 1.4 of the Sustainability Appraisal that a cornerstone of the Plan is to "work towards" the goal of sustainable development is therefore reasonable, in my view, and does not represent an avoidance of responsibility.

2.1.12 The introduction of increased residential densities and mixed forms of development, encouraged by PPG3 and PPG13 and a key element of sustainable development, may have implications for the amenity of existing or future residents. In turn, the presence of housing near to potentially incompatible uses in mixed development may affect the operation or viability of commercial occupiers due to complaint. I consider however that the quality of life of residents would be adequately protected by criterion (k) of Policy SD1, as well as by other policies of the Plan, and that no further change is required.

2.1.13 The provision of community facilities can make an important contribution to the quality of life, as recognised in objective 3 of paragraph 2.5. Reference to every factor which could make such a contribution would make the policy unwieldy however. I consider that the need to maintain and enhance the provision of community facilities is addressed adequately by the policies in Chapter 10 of the Plan, *Social and Community Facilities*, and the addition of a further criterion to Policy SD1 is unnecessary.

RECOMMENDATION

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

3. HOUSING

AIMS AND OBJECTIVES, OTHER GENERAL MATTERS

Objections

388/16	3.3	Pentland Homes Ltd Charles Evans	NFS
870/1	3.3	Folkestone Development Company Ltd Jennifer Owen Associates	NFS
873/17	3.3	Mr/s M Walker Jennifer Owen Associates	NFS
727/6	3.6	Ms Fiona Fraser Boulton The Countryside Agency	W/R
488/6	3.6 (6)	Mr Howard Small Howard Small & Associates	W/R
484/24	3.6 (7)	Mr P Garber, Planning Director George Wimpey UK	nfs
751/37	3.6 (7)	Ms Claerwyn Lock, The Environment Agency	NFS
763/2	3.6 (7)	The Bucknell Trust Ian Elliott	NFS
748/14	3.6 (8)	Kent County Council Peter Cooper	NFS
388/15	3.6 (8)	Pentland Homes Ltd Charles Evans	NFS
671/1	Gen	Mr E Pettinger	NFS
543/2	Gen	Mr C W Auld, Clerk Lyminge Parish Council	W/R

Issue

Whether the wording of the aims and objectives of the housing chapter are appropriate.

Inspector's Reasoning and Conclusions

3.1.1 I consider that the main objections to paragraph 3.3, that there was no, or insufficient, reference to urban capacity and existing housing land supply in the FDD, have been overcome in the RDD by extensive additions and alterations to form paragraphs 3.11-3.15. The Council suggest that these matters were not included in paragraph 3.3 because that text refers to the setting of housing requirements at the national, regional and county level. However, I find no reference to that in the wording. If the paragraph is intended to refer to target-setting above District level then it should be amended accordingly to make that clear. Otherwise, for completeness, the second bullet point should include reference to existing housing land supply and the Urban Capacity Study.

3.1.2 The need for the design and layout of new housing to make a positive contribution to the character of its location is implicit in objective 3.6(5), and is referred to in more detail in the objectives of the Built Environment chapter. The amendments to objective 3.6(2) in the RDD now refer specifically to new residential development in villages. Other parts of the Plan confirm that this should be carried out in a sustainable manner and I do not find that there is need to add more to 3.6(2). I do not consider it right to add “across the District” to objective

3.6(6). The search sequence of PPG3 indicates that development should not be evenly spread but should indeed be concentrated, within or at the edge of the main urban areas which will offer the best access to services, facilities and public transport. Objective 3.6(7) has been amended in the RDD along the lines suggested by the Environment Agency. PPG25 does not preclude development in areas of flood risk, as long as it complies with certain criteria. I do not consider it necessary to refer specifically to PPG25 and its sequential test in paragraph 3.6, as the Plan should be read as a whole and those matters are dealt with in the Utilities chapter and its policies.

3.1.3 The words "by car" were added to the end of objective 3.6(8) in the RDD. However, I consider that this gives an incomplete message. Paragraph 4 of PPG13 sets out the objectives of that guidance, which include reducing the need to travel, *especially* by car. This aim is correctly reflected in paragraph 11.2(1) of the Transport chapter of the Plan, and in Policy SD1(a). I recommend accordingly below. I do not consider that the fuller wording suggested by the objector would offer substantial advantages, as the relationship between housing development and the provision of services is set out in chapters 3 and 10 of the Plan. I consider however that the deletion of "as far as possible" from 3.6(8) would add certainty, and would be in line with the form of expression of the other objectives.

3.1.4 I note the changes in patterns of rainfall which are taking place in the UK and in other parts of the world. However, Southern Water and the Environment Agency have been fully consulted about water supply and drainage matters during the Local Plan process. I am satisfied that the policies and allocations of the Plan take their comments into account, subject to any relevant recommendations in this report.

3.1.5 Lyminge Parish Council propose that a new Housing policy be added to ensure that developers assume some responsibility for the provision of new or improved education, religious or community facilities. However, I consider that this matter is adequately covered by Policy SC1 and paragraph 10.5, with supplementary guidance in Appendix 10. General housing Policy HO1 also refers to Policy SC1.

RECOMMENDATIONS

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

3.1.7 *Modify paragraph 3.6(8) by deleting "as far as possible," and by adding, after "travel", "especially".*

HOUSING LAND SUPPLY

Objections

388/7	3.7	Pentland Homes Ltd Charles Evans	NFS
412/31	Table 1	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
412/55	Table 1	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
412/79	Table 1	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman	INQUIRY

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		Warren	
412/56	3.8	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
412/78	3.11	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
488/4	3.11	Mr Howard Small Howard Small & Associates	W/R
727	3.11	The Countryside Agency	nfs
388/14	3.12	Pentland Homes Ltd Charles Evans	NFS
412/77	3.12	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
412/8	3.12	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
871/2	3.12	Mr Mike Simmonds Michael Simmonds Associates	NFS
903/3	3.12	Persimmon Homes (South East) Ltd Anna Bloomfield Town Planning Consultancy	NFS
210/5	3.13	Mr R D Holgate Goodliffe Estates Ltd David Hicken Associates Ltd	INQUIRY
388/13	3.13	Pentland Homes Ltd Charles Evans	NFS
412/76	3.13	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
412/9	3.13	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
870/5	3.13	Folkestone Development Company Ltd Jennifer Owen Associates	NFS
873/13	3.13	Mr/s M Walker Jennifer Owen Associates	NFS
903/1	3.13	Persimmon Homes (South East) Ltd Anna Bloomfield Town Planning Consultancy	NFS
95/2	3.13	Mr J Rapley Charlier Construction Ltd David Hicken Associates Ltd	W/R
388/12	3.14	Pentland Homes Ltd Charles Evans	NFS
412/74	3.14	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
870/6	3.14	Folkestone Development Company Ltd Jennifer Owen Associates	NFS
873/12	3.14	Mr/s M Walker Jennifer Owen Associates	NFS
412/75	Table 2	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
484/25	Table 2	Mr P Garber, Planning Director George Wimpey UK	nfs
875/5	Table 2	Mr Leigh Herington, Kent County Council	NFS
914/2	Table 2	Mr/s Wimble Jennifer Owen Associates	W/R
		HO	
412/73	3.15	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
739/9	3.18	Mr Chris Kneale Southern Water	NFS
210/4	3.19	Mr R D Holgate Goodliffe Estates Ltd David Hicken Associates Ltd	NFS
388/11	3.19	Pentland Homes Ltd Charles Evans	NFS
412/10	3.19	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
873/11	3.19	Mr/s M Walker Jennifer Owen Associates	NFS
875/2	3.19	Mr Leigh Herington, Kent County Council	NFS
729/13	3.20- 3.22	Mr Ralph Dickens Government Office for the South East	NFS
388/22	3.23	Pentland Homes Ltd Charles Evans	Cond WD
484/26	3.23	Mr P Garber, Planning Director George Wimpey UK	nfs
875/6	3.23	Mr Leigh Herington, Kent County Council	NFS
412/81	3.27	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
756/13	3.27	House Builders Federation	NFS

412/71	3.28	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
484/27	3.28	Mr P Garber, Planning Director George Wimpey UK	nfs
412/69	Table 3	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
484/29	Table 3	Mr P Garber, Planning Director George Wimpey UK	nfs
730/5	HO1	Mrs M Weaver Lydd Town Council	nfs
738/7	HO1	Mr M Ebbs, Dover District Council	NFS
875/1	HO1	Mr Leigh Herington, Kent County Council	NFS
903/2	HO1	Persimmon Homes (South East) Ltd Anna Bloomfield Town Planning Consultancy	NFS
906/1	HO1	Mr C Scragg Marston Hotels Mike Simmonds	W/R
162/1	HO1	Mr John Evans (see under Appendix 2)	nfs
	APP2		
48/1	HO1	Mr/s Austin (see under Appendix 2)	nfs
	APP2		
210/6	HO2	Mr R D Holgate Goodliffe Estates Ltd David Hicken Associates Ltd	INQUIRY
39/3	HO2	Mr Roger Joyce Roger Joyce Associates	NFS
727/7	HO2	Ms Fiona Fraser Boulton The Countryside Agency	W/R
738/6	HO2	Mr M Ebbs, Dover District Council	NFS
747	HO2	Luminaire Leisure Ltd Drivers Jonas	nfs
756/2	HO2	House Builders Federation	Cond WD
765/2	HO2	Kent Constabulary	
870/7	HO2	Folkestone Development Company Ltd Jennifer Owen Assocs	nfs
871/3	HO2	Mr Mike Simmonds Michael Simmonds Associates	NFS
95/3	HO2	Mr J Rapley Charlier Construction Ltd David Hicken Associates Ltd	W/R
95/8	HO2	Mr J Rapley Charlier Construction Ltd David Hicken Associates Ltd	W/R

Further Proposed Changes: PC3, PC4

Issues

Scale of Housing Provision

Whether housing provision over the plan period 2001-2011 is likely to depart from the Structure Plan target, taking into consideration:

- a) *Whether the assumptions that underpin the Large Site Supply figures of Table 2 and Appendix 2 are robust, in the absence of the results of the 2002 Housing Land Supply study*
- b) *Are the assumptions concerning the likely contribution to the supply from windfall sites sound*
- c) *Is the housing strategy over-optimistic about the deliverability of Large Site Supply housing, windfall sites and housing allocations within the plan period*
- d) *Should a non-implementation allowance be introduced*
- e) *Will the proposed monitoring arrangements be effective in triggering any necessary changes to the release of housing sites*

Distribution

- a) *Does the wording of Policy HO1 and the spatial distribution of allocations in Policy HO2 adequately reflect the search sequence of paragraph 30 of PPG3*

- b) *Should the search be extended to include potential allocation sites in sustainable locations in rural villages*

Inspector's Reasoning and Conclusions

3.1.8 I consider that significant revisions to the housing supply sections of the RDD meet a large number of objections. The amendments include details of the Urban Capacity Study carried out since the First Deposit Draft, explanation of how the search sequence of PPG3 has been addressed, the introduction of a sequential and phased approach to the release of housing land expressed in dwelling numbers rather than site area, and details of arrangements for monitoring. The oversupply shown in the FDD has been reduced considerably in the RDD. A Glossary now precedes the Appendices in the Plan document, which explains most of the terms used. The Plan should be a concise and focussed document and I consider that it contains a sufficient explanation of methodology. Further details of methodology and calculations are, rightly, confined to the Urban Capacity Study Report (CD1.08) and the Housing Land Supply Topic Report (CD5.01).

Housing Land Supply to 2001

3.1.9 Table 1 has been amended to take account of the 2001 Housing Land Supply survey (HLS) figures, and Further Proposed Change PC3 corrects a typing error so that the Table shows completions from 1991-2001. The deletion of the Large and Small Site Supply figures in the RDD meet some objections. The final 2002 HLS figures were not available before the start of the Local Plan Inquiry. However, the draft 2002 figures had been published by the time of the Housing Land Supply Round Table session, and are used in the Council's Housing Land Supply Topic Report (CD5.01) to monitor and informally update Table 2 and Appendix 2 of the RDD. A housing land supply baseline figure is essentially a snapshot and is by its nature begins to be outdated as soon as it is defined. I consider that Council's approach of using 2001 as the HLS baseline in the RDD and checking progress against the draft 2002 figures would ensure that the Plan is as up-to-date as reasonably possible. I do not consider it necessary to delay the Local Plan process in order to incorporate the final 2002 results.

Housing Land Supply to 2011

3.1.10 There is no disagreement concerning the first part of Table 2, which sets out the Structure Plan requirement for 2001-2011 of 3300 dwellings and the shortfall carried forward from 2001 of 744, leaving a total requirement for the Plan period of 4044 dwellings. However I consider that amendments to Tables 1 and 2 in the RDD have made paragraph 3.11 unclear. The first and second sentences of paragraph 3.11 set out the Structure Plan requirement for 3,300 dwellings in the Plan period. However "This" in the third sentence appears to confuse the SP requirement with the actual provision needed over the Plan period, after taking into account supply and windfalls. The sentence in effect explains Table 2 step by step, and would be clearer if it started with "The total number of dwellings that should be provided over the Plan period is made up from :-" .

Large Site Supply at 2001

3.1.11 The Large Site Supply of 1463 dwellings stated in the second part of Table 2 is taken from the 2001 Housing Land Supply Survey. It consists of sites, with a capacity of 5 or more dwellings, which have planning permission or which are allocations carried forward from the currently adopted Local Plan. They are listed in Appendix 2 of the RDD. The gist of most objections is that the large site supply figure is unrealistically high as many of the sites have lain undeveloped for a number of years and are unlikely to come forward at all by 2011, or not at the rate envisaged in the Plan.

3.1.12 My overall view is that the Plan, Monitor and Manage approach, if rigorously applied, should ensure that completions from HLS commitment sites, windfalls and allocations are balanced in such a way as to deliver the right number of dwellings at the right time, and to implement development on brownfield sites before greenfield ones. This would be achieved by amending the phasing to bring forward allocation sites, if commitments or windfalls are not being implemented as expected, or by holding allocations back to a later phase if more completions are being achieved from commitments or windfalls than was predicted. I recognise that it may be more difficult to bring forward some sites, such as Site HO2F, Nickolls Quarry, or part of Site HO2L at Hawkinge, for infrastructure reasons. However, I consider that the phasing set out in Table 3 of the RDD indicates that there is sufficient flexibility to allow effective management of the delivery of sites.

3.1.13 The rate of housebuilding in Shepway has been slow over most of the period of the existing Local Plan, leading to a substantial shortfall in provision to 2001. The Structure Plan and RPG9 recognise that East Kent in general has been less prosperous than the western part of the County. The area has been hit by a decline in traditional industries, and in Shepway by the loss of the cross channel ferry trade in particular. However, the Market Viability Assessment (CD1.09) points out that the local economy has rallied recently. Unemployment has decreased and house prices have risen significantly since 1999, as they have nationally, although from a relatively low base in Shepway. The price that completed houses may fetch is a main determinant of whether it is profitable, or even viable, for a developer to build on a site and a rising market should improve the rate of implementation.

3.1.14 Appendix 2 includes sites that were identified by the HBF in 1999HLS as being unlikely to come forward. The Council says however that this is not a reliable guide as other sites thus identified by the HBF as being unlikely to be developed have in fact been developed.

Windfalls

3.1.15 PPG3 urges that Councils take a realistic view of windfalls as a source of housing supply. They are, by definition, unexpected additions to supply and therefore difficult to predict. However, I consider that the Council has taken a sufficiently rigorous approach to the estimation of windfalls through application of the results of the UCS and the analysis and projection of past trends, as detailed in CD1.08 and CD5.01.

3.1.16 The majority of objections on the topic of windfalls fall into two groups. Most objectors consider that the number of windfalls has been over-estimated and that many sites are unlikely to come forward during the Plan period. From this they reason that more sites, including some of the larger sites identified in the UCS, should become allocations to allow greater certainty for developers. Others hold that the number has been underestimated due to the concentration of the UCS on Folkestone and Hythe, and that insufficient allowance has been made for windfalls which might arise from the rest of the District. The result, they suggest, is that an over-supply would result if more windfalls come forward than is expected, unless some urban-extension allocations, towards the bottom end of the sequential ladder, are deleted.

3.1.17 I refer to my overall comments above, under the heading of Large Site Supply at 2001, in relation to the Plan, Monitor and Manage approach. I concluded that the effective use of that approach should ensure the delivery of completions in a sequential manner, and that there would be sufficient flexibility in the phasing set out in Table 3 of the RDD to achieve that.

3.1.18 I deal below with objections to details of the treatment of windfalls in the Plan.

Have windfalls been overestimated?

3.1.19 I do not consider that the yield from windfalls over the Plan period has been over-

estimated, for the following reasons.

3.1.20 I deal first with the large sites (over 0.1ha) identified in the UCS. Section 4 of the UCS tells us that the list of sites compiled from all sources used in the study was subjected to a number of sifts in order to eliminate those unlikely to come forward during the Plan period. The first sift examined policy, environmental, highway or other constraints on the sites and resulted in some deletions. The second sift examined the reality of owners' intentions to develop. Although this was necessarily a partial analysis due to the lack of information on ownership in some cases, and the fact that owners' intentions may change over time, I consider that it was an essential step and, in particular, helped to inform phasing. The final sift was an independent market viability analysis by Messrs Cluttons Chartered Surveyors (CD1.09) which assessed the identified sites from the developers' perspective. It took into account a number of commercial factors including abnormal development costs, the level of local house prices and the yield that would be required to make the development attractive to housebuilders. Some sites were discounted as a result. It may well be that the supply of large previously-developed sites as windfalls may decline over time as they are used up. However others may take their place as land in the District is recycled. Objectors produced no firm evidence, apart from reference to past trends of which I say more below, to support their case that the windfall estimate from this or other sources is over-optimistic. Overall, I find that the yield from large sites identified in Table A of the UCS of 512 dwellings over the Plan period is robust and realistic.

3.1.21 The analysis of past trends is the second strand in the assessment of the amount of dwellings likely to be delivered from windfall sites. It both informs the estimate of yield from non-identified windfall sites of 480 dwellings in Table B of the UCS, and provides an overall check of the likely degree of reliability of the total windfall delivery figure of 900 over the Plan period.

3.1.22 Paragraph 4.6 of the Housing Land Supply Topic Report confirms that there were 621 dwelling completions on previously-developed windfall sites in the District over the years 1996-2001. Paragraph 5.4 of the UCS refers to a total of 486 completions on previously-developed windfall sites in Shepway over the same period, an average of 97 dwellings per year. However, in comparison with either, the projected rate in Table 2 of the RDD of 450 windfall completions for each of the 5 year phases of the Plan, or 90 per year on average, is a conservative estimate which would take account of some decline in the number of windfall sites which might come forward. It is also conservative in that the figures in Table 2 are based on analysis of windfalls in Folkestone and Hythe, and other sites may come forward on brownfield land elsewhere in the District, as suggested in Table 4 of the UCS.

3.1.23 Paragraph 4.8 of the Topic Report confirms that the past trend method for predicting completions on small sites, long part of the County's land supply calculations, has been reasonably accurate when averaged out over the 4 years 1998-2001. The projected annual average of completions over that period was 62 dwellings, while the actual annual average of completions was 65.

3.1.24 The recent rise in house prices in the area, to which I refer under the heading of Large Site Supply above, would improve the viability of urban brownfield sites and make them more attractive to developers. In addition, the changes which I recommend to Policy BE12, Low Density Residential Areas, to bring the Plan into line with the density requirements of PPG3 would be likely to give rise to a higher yield from those areas than is anticipated in the RDD.

3.1.25 Paragraphs 3.11 and 3.13 of the RDD now state clearly, following advice in PPG3, that only windfall sites of previously-developed land are taken account of in housing supply assessments, not greenfield windfall sites.

3.1.26 A number of objectors queried why some of the larger sites identified in the UCS, such as Site SH003 at Park Farm, Folkestone, should not be promoted to become allocation sites, thus giving greater certainty to the planning process. However, many of the sites in question have either become allocations or have constraints of various sorts that indicate that they would not merit promotion. Instead they form part of the 900 dwelling windfall allowance for the Plan period. I have in fact recommended the Park Farm site for allocation under the heading of Policy HO2 Omission Sites.

3.1.27 It is right that the Local Plan makes some allowance for windfall sites if they are of previously-developed land, and this is required by PPG3. I see no reason why this would encourage developers to build on sites with no mains drainage, as development must still comply with other policies of the Plan including those concerning drainage.

The Urban Capacity Study

3.1.28 *Tapping the Potential*, the government's good practice guide to assessing urban housing capacity, suggests that all settlements that can contribute to sustainable patterns of development should be included in the area of search of an Urban Capacity Study (UCS). The aim of a UCS is to identify the capacity of the chosen urban areas to provide sustainable sites for new housing, predominantly on previously-developed land, by redevelopment, intensification, change of use or conversion. It could thus reveal potential candidate allocation sites, and provide a guide to the likely yield from windfalls.

3.1.29 I consider that the Council were right to concentrate their search on the main towns of Folkestone and Hythe, two of the 19 Urban Areas of Kent identified in the Structure Plan. I consider however that New Romney should also have been included in the UCS, as the main service centre of Romney Marsh even if, as the Council suspect, the town has few brownfield opportunities. The town has a large employment area, a primary and secondary school, a large supermarket, a good range of shops and services and is reasonably well served by public transport. It therefore represents a small sustainable settlement in its own right that can satisfy many of the requirements of residents of the town and its rural hinterland, thus limiting the need to travel further, or to travel by means other than the car. New Romney is also identified in the table to paragraph 12.7 of the RDD as a town which meets the Structure Plan Policy RS3(a) definition of a settlement which has the potential for development in excess of minor development. The Secretary of State, in paragraph 16 of his December 2002 decision on planning applications at Hawkinge (CD4.06), agreed with the Inspector that the UCS should have included other sites, including in the rural areas of the District. The County Council point out in their objection that although the supply from settlements such as New Romney or Lydd might be small, their contribution should nevertheless be accounted for.

3.1.30 I do not find that the other identified Policy RS3(a) settlements, including Lydd, Greatstone/Littlestone, Dymchurch or St Mary's Bay, have the sustainability credentials of New Romney. Those settlements would not therefore be good candidates for inclusion in the UCS at present, and the Policy RS2 and RS3(b) villages, including Lympne, even less so. The question then arises as to whether the exclusion of New Romney from the UCS has skewed the housing strategy of the RDD. I do not find that it has, as there are few brownfield sites of significant size in the town that have not already been allocated. Potential sites in New Romney were thoroughly assessed in the pre-RDD stages of plan preparation. Paragraph 2.1 of the UCS states that, if required, a further study concentrating on these smaller areas could be conducted at a later stage. I recommend that this is carried out as part of the review of housing supply proposed for 2006.

Non-implementation Allowance

3.1.31 Objectors suggest a 5% or 10% non-implementation allowance in order to allow for delay to or non-completion of allocated sites in the Plan period, or to allow for windfalls not coming forward as expected. The allocations, including my recommendations, would give a slight over-provision of about 100 dwellings or 6%. A non-implementation allowance, or a set of reserve sites, are rather blunt instruments in my view. I consider that proper application of the plan, monitor and manage approach would provide a more flexible response and one which would prioritise the development of brownfield sites and those higher up the search sequence.

Monitoring

3.1.32 A principle tool of monitoring will be the annual Housing Land Supply Study, in which the House Builders Federation are invited to participate. This will give early warning of any potential shortfall in delivery of the housing requirement. The plan monitor and manage (PMM) approach should ensure that sites are brought forward or held back in the programme as appropriate. The process by which any other large changes to the housing strategy are carried out in the future, if indicated by the PMM system as being necessary, are a matter for the Local Planning Authority.

Distribution

PPG3 Search Sequence

3.1.33 I consider that the Local Planning Authority has carried out the search sequence of PPG3 in a satisfactory manner, and that this is documented in a number of Committee Reports and other background papers amongst the core documents of this inquiry, as well as in paragraph 3.23 of the RDD. Folkestone and Hythe are highly constrained by topography, lines of transport, military land, the sea and the AONB and there are few brownfield sites within the settlement boundaries. The great majority of the allocation sites are within, or in the case of Nickolls Quarry, immediately adjacent to, the urban area of Folkestone and Hythe. The new allocation of Herring Hang Field is within the settlement of New Romney which should, in my view, have been included in the UCS and thus should also be classed as an urban area in terms of paragraph 30 of PPG3. The sites at Hawkinge have their own justification in fulfilling a long-standing Structure Plan strategic growth commitment.

Rural Villages

3.1.34 Many objectors consider that allocations should have been made or retained in the District's villages, particularly those in Romney Marsh. However, sufficient sites have been identified in the urban areas, as urban extensions at the edge of urban areas, and at the Structure Plan strategic growth node of Hawkinge, to satisfy the housing requirements for the Plan period. Villages do not appear in the search sequence of PPG3, and their lack of shops, services and facilities and generally poor access to public transport would not make them a sustainable choice for significant amounts of housing development.

Other objections

3.1.35 The Plan should be read as a whole, and I do not consider it necessary to add to Policy HO2 that development on the allocation sites must be in accordance also with Policies U1 and U2. The objections of the Kent Rural Community Council on the need to allocate development to rural villages in order to stem decline are discussed under the heading of Policy HO4. Policy H1 of the Kent Structure Plan does not divide Districts into planning areas with separate targets for housing provision, as used to be the case in the County. I consider that this approach is now superseded by advice in PPG3 that housing sites should be sought first in accordance with the sequential test and only then, if housing provision is still not satisfied, should the search be extended. It is true that paragraph 3.19 of the FDD (now paragraph 3.25 of the RDD) only

refers to PPG3 and not also to PPG13 or PPG25. However, it is implicit that Local Plans are prepared in the light of all government advice; there is no need to mention every relevant source of guidance in relation to each policy.

3.1.36 I consider that other objections have been met by changes in the RDD, as follows. The significant over-supply of housing land indicated in the FDD is now eliminated and the Urban Capacity Study (CD1.08) has been carried out, and is referred to in paragraph 3.14. The reasoned justification which supports Policy HO2 has been substantially revised and expanded, and now explains the methodology and sources of supply sufficiently. Both the Appendix 2 sites and the Policy HO2 allocation sites have their capacity stated in numbers of dwellings as well as by area, and phasing is indicated. Paragraph 3.22 acknowledges that much development in Romney Marsh would have to be co-ordinated with the development of local utility infrastructure. In any event, the Policy HO4 Romney Marsh allocation sites have now been deleted from the Plan, and I recommend elsewhere in this report that those deletions are not modified.

3.1.37 The contribution of development at Hawkinge to the completion of the relief road does not mean that contributions to other social or community facilities would not be possible, under Policy SC1.

3.1.38 Further Proposed Change PC4 consists of a grammatical error and I recommend accordingly.

RECOMMENDATIONS

3.1.39 *Modify the second line of Table 1 in accordance with PC3, to read “Completions 1991-2001”.*

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

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

HOUSING LAND SUPPLY – SUMMARY OF RECOMMENDED ALTERATIONS TO ALLOCATIONS

3.1.42 I have recommended a number of changes to the allocations in Policy HO2, the detailed reasoning for which is given later in this report under appropriate headings. The principle change is the recommendation that Site HO2G, Princes Parade, be deleted. This would leave a shortfall of 100 dwellings, in the period 2006-2011. The shortfall would be made up by the inclusion of PC21 Site HO2S, Herring Hang Field, and, if my recommendations are accepted, by the allocation of land at Links Way, Park Farm Industrial Estate, and a slight enlargement of the housing area at Site HO2L at Barnhurst Lane, Hawkinge through adjustment of the Policy CO24 designation there.

3.1.43 The number of dwellings at Herring Hang Field is proposed as 23 but this stems largely from a previous planning application. The Local Planning Authority should investigate the provision of 36 dwellings on this 1.2ha site, at 30 dwellings per hectare, although I realise there may be constraints on the total achievable. The need to secure flood defence and first-time sewerage works in the area would probably place release of this site in the later phase of the

Plan. Land at Park Farm could accommodate 40 dwellings, and I see no reason why it could not be developed at an early stage. It is difficult to estimate what increase in dwelling numbers might be made possible by recommended alterations at Barnhurst Lane, but I consider that 20 is a conservative minimum. The total yield for these three sites would be in the region of 96 dwellings, approximately the same as the 100 allocated for Princes Parade.

3.1.44 In addition, my recommendation to delete reference to low density development as the main rationale of Policy BE12, a policy outdated by PPG3, would allow sensitive higher density development of brownfield land in those designated areas. This could make a significant contribution to the windfall yield from Folkestone and Hythe, in sustainable locations.

3.1.45 It is unfortunate that the deletion of Princes Parade, a brownfield site, would prejudice the ability of the Local Planning Authority to deliver 60% of the allocations on previously-developed land. Although not previously-developed the Park Farm site is however urban "white land", a category identified as a legitimate source of housing supply in *Tapping the Potential*. Herring Hang Field is an unusual example of agricultural land embedded within urban development. The alteration at Barnhurst Lane is to part of a strategic commitment. I consider therefore that these sites represent sustainable choices and are the best options among the sites put before me.

3.1.46 If my recommendations are not accepted, then the Council may wish to consider the reallocation of land designated for employment use in the light of paragraph 42 of PPG3. There are current proposals to reinforce that advice, although as yet only in the form of a consultation draft and so of limited weight.

POLICY HO1 - NEW RESIDENTIAL DEVELOPMENT

Objections

210/7	HO1	Mr R D Holgate Goodliffe Estates Ltd David Hicken Associates Ltd	INQUIRY
771/2	HO1	Greensword David Plumstead	INQUIRY
843/2	HO1	Local Agenda 21 Shepway Community Forum	INQUIRY
263/3	HO1	Mr P M Allen Godden & Allen Chartered Surveyors	NFS
903	HO1	Persimmon Homes, Anna Bloomfield Town Planning Consultancy	nfs
906	HO1	Marston Hotels, Lutken-Simmonds Consultancy	nfs

Issues

Is the policy too restrictive in relation to urban greenfield sites.

Does criterion (c) adequately reflect the settlement hierarchy of Policy CO2.

Should the policy refer to the high quality Country House of paragraph 3.21 of PPG7.

Does it deal correctly with exceptions to policy, and with other provisions of the development plan, in relation to S.54A.

Inspector's Reasoning and Conclusions

3.1.47 I have concluded under the heading of Policy SD1, Sustainable Development, on residential density and garden size in relation to wildlife and sunlight.

3.1.48 There may be a limited number of sites within the settlement boundaries that are not previously-developed land, in other words urban greenfield sites. Policy HO1 is right to

emphasise the primacy of previously-developed land and buildings, in accordance with PPG3. However, subject to my recommendations below, I do not consider that criterion (a) of the policy would altogether prevent appropriate residential development on urban greenfield sites. Those sites would not be counted as windfalls within the definition in paragraph 35 of PPG3, which refers only to previously-developed land that unexpectedly becomes available. They would thus not be included within the windfall estimate of Table 2 of the Plan for the purposes of housing land supply. However such land might be granted planning permission either as an infill site under criterion (a), or under Policy CO2. I do not consider therefore that the policy is too restrictive.

3.1.49 Criteria (a) to (d) of Policy HO1 are intended to be examples of residential development that may be permitted *in addition* to that on housing allocation and commitment sites. It is right therefore that criterion (c) refers to development in villages, in order to reflect Policy CO2 and its rural settlement hierarchy. I consider that it would be helpful to the general reader to refer specifically to Policy CO2 in the policy wording. Cross-referencing between policies of the Plan is generally unnecessary, but in this case criterion (c) cannot be properly understood without reference to Policy CO2 and its accompanying Table. I find also that “Minor” should be deleted from the beginning of criterion (c), as the settlement hierarchy indicates that more than minor development may be permitted in some rural settlements.

3.1.50 Paragraph 3.21 of PPG7 clearly refers to the isolated Country House, of the highest quality and of truly outstanding design, as being an exception to policy that requires special justification. Provision for such development therefore should not, by definition, be incorporated into policy. Instead, the design qualities of such a proposal should be treated as a material consideration to be weighed in the balance against harm, including harm from conflict with Local Plan countryside policies. I do not find therefore that PPG7 supports the suggested additional wording to criterion (c). My conclusion is based solely on that reasoning, but I note also that draft PPS7, published before the close of the inquiry, omits reference to the concept of the Country House.

3.1.51 A similar conflict of logic lies within the first paragraph of the policy wording as a type of development permitted by policy cannot, by definition, be an exception to that policy. I consider therefore that Policy HO1 would lose none of its force, and would accord with S.54A, if “only” were omitted from the first sentence and “exceptions” omitted from the second sentence.

3.1.52 As a general point, under S.54A it goes without saying that development should comply with Structure Plan or other Local Plan policies. I do not consider it necessary to refer to that in criterion (a), or in criterion (c) if modified subject to my recommendation below.

RECOMMENDATIONS

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

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

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

POLICY HO2 - OMISSION SITES

GENERAL

3.1.56 In earlier sections of this report I have concluded that no more sites need be allocated for housing in the Plan. Sufficient land has been identified, following the search sequence of PPG3, to fulfil the Structure Plan requirements over the Plan period, taking into account windfalls and existing supply. Paragraph 30 of PPG3 indicates that in those circumstances a local authority need extend the search no further. These comments therefore apply to all the omission sites in this section.

3.1.57 I address other points, made by objectors in relation to many of the omission sites, as follows. Most of the villages referred to are RS2 settlements, in which minor development such as infilling may be acceptable under Policy CO2. Others, such as Lydd or New Romney, may be able to accommodate a greater scale of development. These designations would contribute to the provision of an adequate degree of choice of location of housing development in the District, in my view. Housing for local needs, for example for local people who might be priced out of the rural housing market, may be provided under Policy HO8 and would not require an allocation. I discuss the relationship between housing development and support for village shops, services and facilities under the heading of Policy HO4. None of these matters would therefore amount to a strong indication that a site should be allocated in the Plan.

3.1.58 My additional reasoning in relation to each site is confined largely to site-specific matters.

BRENZETT

Ivychurch Road
689/1 HO2

The Crown Estate Cluttons

NFS

Issue

Whether the sites are demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.59 Please refer also to my comments under the heading of Omission Sites – General. The objection sites are 2 parcels of farmland which have been severed from the main agricultural landholding to the north west by the new A2070. However, I have no firm evidence that the land could not continue in some beneficial agricultural use. Severance would not justify allocation of the sites for housing in this village, which has few facilities and would not represent a sustainable location for significant housing development. Allocation of the sites would serve to consolidate an area of diffuse and scattered development in the countryside south east of Brenzett, which would have little relationship with the main built form of the village. I do not find that the land should be allocated for housing development now.

3.1.60 The objectors also promote a proposed addition to Site HO4(P3), in Ivychurch, of land in their ownership. However that allocation is now deleted in the RDD and I support its removal.

RECOMMENDATION

3.1.61 No modification to Policy HO2.

Moore Close

263/4

HO2

Mr P M Allen Godden & Allen Chartered Surveyors

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.62 Please refer also to my comments under the heading of Omission Sites – General. Brenzett is a small village with few facilities and limited public transport. It does not represent a sustainable choice for housing development. I comment under the heading of Policy HO4 on the role of housing development in supporting rural shops and services.

3.1.63 The site is agricultural land north west of Moore Close, enclosed by deep dykes and some hedging. The layout of Moores Close allows access to the land. The size of the original field has been reduced by that development, but I have no good evidence to show why agricultural use of the remainder would be precluded. In any event, the lack of an alternative agricultural use is not a good reason to allocate land for development. Allocation of the site would lead to the extension of Brenzett into the flat open landscape of the Romney Marsh LLA, beyond the current limits set by Moore Close and parallel development along the B2080. I consider that the land has a somewhat better relationship to the built form of the village than other sites discussed in this section, but it would not be so well integrated into the fabric of Brenzett as Site HO4(Q1), now deleted. Development upon it would still represent an incursion into the rural setting of the village and the LLA, on a greenfield site, which is unjustified by need.

3.1.64 I acknowledge that the land may take access from Moore Close, and that it is deliverable. It may be possible to show that it is, or could be, defended appropriately from flood risk. Development would not involve the extinction of an employment use but, as I have already remarked, Site HO4(Q1) is now deleted from the Plan. The relative lack of harm in these matters would not represent positive benefits that would indicate that the site should be allocated. The objector suggests that the land could be used for lower density housing, to balance recent development in Brenzett. However, all new housing development should make the best use of land by adopting the densities set out in PPG3. The latest available figures produced by the Council do not show that there is a significant imbalance in the village in terms of housing tenure or type. In any event I consider that this would rarely be a matter sufficient to override the clear guidance in PPG3. I do not find, therefore, that the site should be allocated for housing now.

RECOMMENDATION

3.1.65 No modification to Policy HO2.

Brenzett Nurseries

432/1

HO2

Mr/s P W Waters

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.66 Please refer also to my comments under the heading of Omission Sites – General. Paragraph 11.53 of the Structure Plan sets out a guideline figure of 800 dwellings to be provided in the Romney Marsh Planning Area after 2001. However this is superseded by government advice in paragraph 30 of PPG3 to follow the sequential test in seeking housing land. Sites in rural villages fall outside this search sequence, and once the housing requirements of the District are satisfied the Council need look no further. Paragraph 7 of KCC's Statement of Conformity of 5 November 2002, on the Revised Deposit Draft, confirms that the deletion of the Policy HO4 sites now meets their earlier concerns. Brenzett is a village where minor development such as infilling may be acceptable under Policy CO2. I consider that this, together with the local needs housing that has been, and could be, provided under Policy HO8 would contribute to the provision of sufficient choice of housing locations in the District.

3.1.67 Brenzett now has fewer facilities than indicated in CD8.02, as the village shop and Post Office have closed. I note that at the time of the Inquiry there were proposals for a mobile Post Office in Brenzett, and that the objector offers part of the omission site for a village shop. However, I have commented under the heading of Policy HO4 on the uncertain relationship between modest levels of population growth and support for local shops and services. I realise that the new A2070 must have removed much passing trade from the Nursery, diminishing its viability. Nevertheless, none of these matters would justify a housing allocation on the land in the absence of need.

3.1.68 The objection site is not well related to the built form of the village, even taking into account that only the nearest, south western, part of the Nursery land is proposed for allocation. The north east side of the main road between the old and new A2070, including the land of Brenzett Nurseries, is firmly rural and agricultural in character. The only buildings are those of the Nursery, a type of development relatively common in the countryside of Romney Marsh. I see no overriding benefit in their removal. The character of this greenfield site contrasts strongly with that of development within the settlement boundary on the opposite side of the road. I find that an allocation on the site would represent an unjustified intrusion into the rural setting of the village and the open landscape of Romney Marsh LLA.

RECOMMENDATION

3.1.69 No modification to Policy HO2.

Various

703/1

HO2

Mr(s) J A Smith

NFS

Issue

Whether the sites are demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.70 Please refer also to my comments under the heading of Omission Sites – General. The

objector proposes a number of sites in Brenzett for housing and industrial allocations, to be phased over the Plan period. Site A is Brenzett Nurseries, Site D is land off Ivychurch Road and Site E is land of Wayside, all of which I discuss elsewhere in this section. Site B is an undefined area of agricultural land on the north west side of the old A2070, north of Brenzett Corner. I consider that the allocation of this large area would lead to development out of scale with this modest village, which has few facilities and is not a sustainable location for significant housing growth. Furthermore an allocation there would encroach on the rural setting of Brenzett and the Romney Marsh Local Landscape Area, and would be likely to produce a ribbon form of development that would threaten the separate identity of Brenzett Green. I do not consider that the benefit of the provision of a cycle path along the old A2070 would justify allocation of this land.

3.1.71 Site C is suggested for industrial use, and consists of an undefined area of arable land south east of the petrol filling station on the A259. However, sufficient employment land has been allocated elsewhere in the District to meet needs over the Plan period, including in New Romney and Lydd which form more sustainable locations for employment development in the Romney Marsh area. Small-scale employment development in or at the edge of villages may be permitted under Policy E6, and I do not find that further allocation of employment land in Brenzett is necessary.

RECOMMENDATION

3.1.72 No modification to Policy HO2.

Wayside

704/1 HO2 Mr(s) T L Smith

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.73 Please refer also to my comments under the heading of Omission Sites – General. Brenzett has few facilities and limited access to public transport and is not a sustainable choice for housing allocations. The site represents about half of the large plot of Wayside, a detached dwelling south east of the village and outside the settlement boundary, in an area of scattered, low-density development. An allocation here would consolidate a detached area of diffuse development that does not relate well to the main built-up form of the village. I do not consider therefore that the site should be allocated for housing in the Plan now.

RECOMMENDATION

3.1.74 No modification to Policy HO2.

BROOKLAND

Pepperland Nurseries

553/1	HO2	Mr W J Walker	nfs
301/1	HO2	Mr Cyril Roger	nfs
20/1	HO2	Mr C Roger P M Allen	INQUIRY
20/2	HO2	Mr C Roger P M Allen	INQUIRY
511/1	HO2	Mr Simon Roger	W/R
720/1	HO2	Mr John Roger	W/R
722/1	HO2	Mr Luke Roger	W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.75 Please refer also to my comments under the heading of Omission Sites – General. Brookland is a small village with few facilities and no shop. Its relatively remote location, limited bus service and distance from the nearest railway station would encourage residents to travel elsewhere for shopping, employment and entertainment, and probably by car. Sufficient housing land has been designated to meet requirements over the Plan period in more sustainable locations in the District, and in those circumstances the Council need look no further for allocation sites. The former Policy HO4 allocations in the village are now deleted from the Plan for that reason.

3.1.76 The site is in agricultural use and, apart from one building used as a B1 workshop. It is not therefore previously-developed land within the definition in Annex C of PPG3. Even if it were, PPG3 indicates that housing provision should be sought first on previously-developed land in urban areas: rural villages do not come within the search sequence of paragraph 30 of that guidance. I have discussed under the heading of Policy HO4 the uncertain role of modest housing growth in supporting village shops and services.

3.1.77 The Nursery lies in a prominent position on the A259 at the entrance to Brookland. Although the site is adjacent to a small number of dwellings on Straight Lane and Boarmans Lane, I saw that the Nursery and its neighbours form a separate area of diffuse development isolated from the main core of the village by intervening land. In my view an allocation of this large site would overwhelm the small village of Brookland, would be intrusive in the rural landscape and would encroach into the open countryside of the Local Landscape Area. In this I share the conclusion of the Inspector in an appeal dismissed in 1998 for a proposed development of 24 dwellings at the Nurseries.

3.1.78 A large proportion of the Nursery site is covered in glasshouses and other buildings and structures. Some of the glasshouses are in poor repair. However, the improvement of the appearance of a site is seldom a sound reason to allocate land for housing. In any event, such agricultural and horticultural buildings are a common feature of the rural landscape. The horticultural use may no longer be fully viable. However, I have no firm evidence that another agricultural use of the site would not be possible. In addition, rural employment development may be permitted in or adjacent to villages under Policy E6. There is also policy support for tourism development in the Plan, and I note that there was an unimplemented planning permission, granted in 1996, for a motel at the site. Alternative uses of the land, that would create employment and support the local economy, may thus be possible.

3.1.79 I note that there is existing access to the land, that the site is deliverable and that it is, or may be, defended to an adequate level in relation to flood risk. The objectors offer a proportion

of affordable housing as part of the proposed allocation, and contributions in relation to educational or community facilities. However the Local Planning Authority may seek these in any event, on qualifying sites, under Policies HO6 or SC1. These matters do not therefore represent overriding benefits that would indicate that the site should be allocated for housing development now.

RECOMMENDATION

3.1.80 No modification to Policy HO2.

Land at The Flots

137/1 HO2 C Ashby David Hicken Associates Ltd

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.81 Please refer also to my comments under the heading of Omission Sites – General. This site is brownfield land in an isolated rural location. Brookland has very limited facilities and although there is an infrequent bus service on the A259 I understand that it does not pass near the site. The Flots would not represent a sustainable location for housing development in my view. Residents would be likely to travel beyond Brookland for work, shopping or entertainment, and probably by car. The sequential test of PPG3 refers to the primacy of previously-developed land in urban areas, not in the open countryside. The greenfield allocations of Policy HO4, which conflicted with advice in PPG3, are now deleted.

3.1.82 The small development suggested would not provide significant support for facilities in Brookland, and I discuss this matter further under the heading of Policy HO4. The removal of the commercial buildings and traffic, and the opportunity to landscape the site, would not represent benefits which would justify a housing allocation in this unsustainable location.

RECOMMENDATION

3.1.83 No modification to Policy HO2.

Straight Lane

690/3 HO2 Charity of the Rev'd Tatton Brockman Cluttons

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.84 Please refer also to my comments under the heading of Omission Sites – General. Brookland has very limited facilities and an infrequent bus service. It does not represent a sustainable location for significant residential development. All the Policy HO4(N) allocations

have now been deleted in the RDD. The provision of sufficient housing land for the Plan period has been identified in locations which accord with the sequential test of PPG3, and the Council need look no further. The suggested allocation would be out of scale with the main core of this modest village, and it would be in a prominent position adjacent to the A2070. I have no evidence that Brookland has an overriding need for public open space, proposed as part of the site. I find that there is no justification for allocating this land for housing now.

RECOMMENDATION

3.1.85 No modification to Policy HO2.

BURMARSH

Old Rectory

858/1 HO2

Mr Dean Mike Simmonds

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.86 Please refer also to my comments under the heading of Omission Sites – General. The Plan has identified those villages that can sustain modest growth, beyond infilling or other minor development in accordance with paragraph 3.19 of PPG7, including New Romney and Lydd. These settlements have a good range of shops and services and reasonable access to public transport. The concentration of significant housing growth at these towns would, overall, provide the best way of reducing the need to travel, particularly by car. I have discussed the role of population growth in relation to the support of shops and services in villages under the heading of Policy HO4. Such research as there is indicates that the amount of growth that would be required to provide effective support would swamp small villages such as Burmarsh. Local needs can be provided for under Policy HO8 without requiring an allocation, and affordable housing would be sought by the Council in any event, on qualifying sites, under Policy HO6.

3.1.87 The Old Rectory is a large site that projects to the north well outside the main built form of the village. An allocation there would represent a substantial incursion into the rural setting of Burmarsh, and the LLA, unjustified by need. It would also extend development, however carefully designed, in ribbon form along Church Road. I recognise that the settlement boundary is tightly drawn in Burmarsh, as in other villages in the District, but I saw that it leaves some opportunities for minor growth and infilling. I find that there is no requirement to allocate this land for housing now.

RECOMMENDATION

3.1.88 No modification to Policy HO2.

Painesfield Close and Sankey Farm

736/1 HO2 St Johns College Carter Jonas (Ref: SJS) W/R
Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.89 Many of the objector's points are addressed in my reasoning on the Old Rectory site above. Please refer also to my comments under the heading of Omission Sites – General. The site adjacent to Painesfield Close, north of Thorndike Road, is an open area of agricultural land clearly unrelated to the built form of the village. Development of the whole or a smaller part would represent a considerable encroachment into the countryside of the LLA, which would have significant visual impact. Deliverability, and the provision of landscaping to form a soft edge to Burmarsh, would not justify a village greenfield allocation for which there is no housing requirement.

3.1.90 The objection also seeks the retention of the deleted Policy HO4(R2) allocation at Sankey Farm, and a small extension of it to the east to line up with the settlement boundary. Although the site contains buildings in a walled enclosure, and the objector states that part is not in agricultural use, the great majority is not previously-developed land as defined by Annex C of PPG3. Allocation of the land would extend residential development in ribbon form along the lane and into the rural setting of the village. The dwellings adjacent to the south of the site already form a northward salient of the settlement boundary and contrast in character with the open countryside to the east and the low density development on the opposite side of the lane. The improvement of the appearance of the site and the provision of a range of housing sizes and types in the village are not good reasons for allocation in the absence of need.

RECOMMENDATION

3.1.91 No modification to Policy HO2.

DENSOLE

Black Horse Field

300/1	HO2	Messrs M J Rowlett Rowlett & Taylor Architectural Services	nfs
2/1	HO2	Mr C Burchett	W/R
429/1	HO2	Mr D C Manyweathers D C Manyweathers & Co	W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.92 Please refer also to my comments under the heading of Omission Sites – General. The site is a large rectangular field in grazing use, opposite a public house. Densole is near to Hawkinge but is a small village with few facilities and a limited bus service. It is not a sustainable location for development, and I have concluded elsewhere in this report that there is no need for further residential allocations.

3.1.93 Development on this site would represent a substantial encroachment into the open plateau countryside that provides the setting for the village, harmful to the natural beauty of the AONB and the Special Landscape Area. It would not relate well to the pattern of development in Densole, but would extend and consolidate ribbon development along Canterbury Road. The west side of the road in the area of the site has a clearly rural character in spite of the presence of street lighting and of the caravan and camping park adjacent to the north of the land. An allocation here would therefore be out of character with the form of the village and the appearance of the countryside that surrounds it.

3.1.94 The objectors suggest, between them, that the land could be dedicated to affordable housing of about 90 dwellings, and could also provide a shop, a doctors' surgery, possibly a nursery or other community facilities and a bus layby. However, a proportion of affordable housing would be provided in any event in a development of that size, under Policy HO6, and contributions to the provision of community facilities would be sought under Policy SC1. In addition, rural housing for local needs may be provided under Policy HO8 without the requirement for an allocation. I have no evidence that there is a particular need in Densole that would indicate that such a large amount of affordable housing would be required in the village. I note that there is no flood risk at the site, and that it is suggested that the development would justify highway safety measures on Canterbury Road including the installation of a pedestrian crossing and a 30mph speed limit. However, I do not find that these or other benefits mentioned would indicate that the site should be allocated for housing now.

RECOMMENDATION

3.1.95 No modification to Policy HO2.

301 Canterbury Road

27/1 HO2 Mr M J Cross

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.96 Please refer also to my comments under the heading of Omission Sites – General. The site is agricultural land adjacent to the settlement boundary, although not currently in regular use. The objectors are seeking an alteration to the settlement boundary so that the site might be used for infill or other minor development under Policy CO2.

3.1.97 The site is part of an area of loose-knit development of rural character south of Densole, which contrasts with the more concentrated built form within the settlement boundary. Although there are some widely spaced dwellings on large plots south of the site, I consider that the inclusion of the land within the boundary would represent the encroachment of development into the countryside rather than a logical rounding-off of the settlement. I saw that access to the land is possible from Minter Avenue, and that house numbering on Canterbury Road allows for a small number of frontage dwellings on the objection site. I understand that the site is deliverable, and that there were once a number of agricultural buildings upon it. However, none of these matters would justify the extension of the settlement boundary to include this greenfield site, in the absence of housing need.

RECOMMENDATION

3.1.98 No modification to Policies HO2 or CO2.

Land adjacent 318 Canterbury Road
224/1 HO2 Mrs Rosemary Davidson

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.99 Please refer also to my comments under the heading of Omission Sites – General. The objector seeks the extension of the settlement boundary to enclose land east of Canterbury Road. The site is part of a large field used for grazing, and is undefined to the east and south east. The land presents a break of considerable size between the frontage residential development within the settlement boundary to the north and the sporadic residential development of rural character to the south. The settlement boundary thus marks a logical edge to the village at present and the proposed alteration would encourage the extension of Densole into the countryside in ribbon form along Canterbury Road, in a manner harmful to its rural setting in the AONB and the SLA. The village is not so densely developed nor its settlement boundary so tightly drawn that reasonable opportunities for infill or minor development under Policy CO2 are precluded. I find that there is no justification to alter the settlement boundary here, in the absence of housing need.

RECOMMENDATION

3.1.100 No modification to Policies HO2 or CO2.

Densole Farm
864/2 HO2 Regency Homes South East Ltd Mike Simmonds

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.101 Please refer also to my comments under the heading of Omission Sites – General.

The objection site is a large area of land east of the village, comprising most of that enclosed by the line of the formerly-proposed Densole bypass. The objectors suggest that this could accommodate a development of some 500 dwellings, many of which would be within 400m of proposed additional village centre facilities. They do not contend that this level of development would be sufficient to fund the bypass but neither, on the other hand, do they state that the bypass would be essential if the development were to take place. There is no evidence that the

allocation would help to make unviable village shops or services viable, and I have no reason to believe that it would be required to help support shops and services in Hawkinge. I comment further on the uncertain role of population growth in supporting rural shops and services under the heading of Policy HO4. Densole is some distance from Hawkinge, clearly separated from it by a belt of countryside, and I do not consider that it would be reasonable to regard the village as an adjunct to that strategic development area. There is no concept within the RDD that Hawkinge will require overspill housing land following its completion. Densole has limited facilities and access to public transport, and rates poorly in sustainability terms in relation to Hawkinge. In my view it is likely that occupiers of the proposed allocation site would travel outside the village, probably by private car, for employment, shopping or entertainment.

3.1.102 The allocation would occupy a large tract of land, which would represent a considerable proportion of the area of the existing village. Its development would be out of scale with the existing settlement and would have a significantly urbanising effect, detrimental to the natural beauty of the AONB and the SLA. I acknowledge that Hawkinge is also within the AONB, but that development represents a long-standing commitment in the Structure Plan. Even if the Densole bypass were a current proposal, it would not justify the filling in of land between the line of the road and the existing village. Similarly, I do not consider that the presence of the woodland to the east would be a good reason to allocate the majority of the land between it and the settlement boundary.

3.1.103 I find that the allocation is not required in terms of the Plan's housing strategy, and no other matters raised would justify its designation.

RECOMMENDATION

3.1.104 No modification to Policy HO2.

Pay Street

530/7

HO2

Kingston Homes Ltd Mr R Stevenson

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.105 Please refer also to my comments under the heading of Omission Sites – General. The objection site is a large area of grazing land of about 8.3ha located between Pay Street and Coach Road. Its allocation would result in a substantial incursion of development into the open plateau landscape of this part of the AONB and SLA, the urbanisation of which would, in principle, have a significantly detrimental effect on its natural beauty. Hawkinge is also in the AONB but allocations there are the culmination of a long-established strategic growth commitment of the Structure Plan. It is based on a village with more facilities and public transport opportunities than Densole, which has limited sustainability credentials and is some distance from Hawkinge. It is suggested that part of the land could be used for public open space in the form of playing fields and equipped play areas. However, even though some openness might be retained, development of this large site would be out of scale with this relatively modest village and would not relate well to its built form. Open space would be

required in any event under Policy LR9. I note that the site has few constraints and that it is deliverable. However I have concluded elsewhere in this report that there is no need for further allocation sites in the Plan, and I do not find that designation of the objection land is justified.

RECOMMENDATION

3.1.106 No modification to Policy HO2.

DUNGENESS

Battery Road

532/1 HO2 Mr S J Richardson John Bishop Associates

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.107 Please refer also to my comments under the heading of Omission Sites – General. I have also discussed under the heading of Policy HO2 the question of the deliverability of proposed allocations and the existing housing commitments listed in Appendix 2 of the RDD.

3.1.108 Dungeness is one of the most isolated spots in the District, with little public transport and few services. It is not a sustainable choice for a housing allocation, and in any event an allocation would not be appropriate for a site which could accommodate only about 2 dwellings. The site is at the western end of a row of dwellings that front the southern side of Battery Road. It consists of shingle with sparse vegetation, typical of the wild and unique maritime landscape of Dungeness. It is not within the SSSI, is not liable to flooding and has no landscape designation, although it is in the Conservation Area. The land is defined on 3 sides by roads or tracks and adjoins a dwelling to the east, but roads are not prominent features in this environment. I consider that development on the site would extend the settlement rather than rounding it off as suggested by the objector. I do not find therefore that an extension of the settlement boundary would be justified.

3.1.109 The objector is associated with the RNLI Lifeboat Station at Dungeness. There is a need in the area, and indeed nationally, for affordable housing for Lifeboat crew, near to their Stations. The demand for second homes is pricing local people out of the housing market in many parts of Romney Marsh. The objector states that the decline of the fishing industry and the lack of local housing means that potential crew have to live and work further from the Lifeboat Station. This in turn threatens response times or may result in the Lifeboat having to go out without a full crew on occasions. I consider therefore that there is a clear local need in this regard. This would be best addressed through a planning application for Policy HO8 housing, coupled with a planning obligation to retain the resultant dwelling/s for the use of Lifeboat crew in perpetuity. I understand that this can create difficulties with mortgage lenders, but private finance is not a planning matter. It is for the Local Planning Authority to consider whether a reasonable condition could be imposed instead which would achieve the same aim.

3.1.110 The alteration of Conservation Area boundaries is a matter carried out under other legislation and is not part of the Local Plan process.

RECOMMENDATION

3.1.111 No modification to Policy HO2.

DYMCHURCH

Land off Marine Avenue

491/1	HO2	Mr E O'Brien	Broadbent Partnership	NFS
491/2	HO2	Mr E O'Brien	Broadbent Partnership	NFS
861/1	HO2	Mr/s Watts	Mike Simmonds	INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.112 Please refer also to my comments under the heading of Omission Sites – General. These objections vary in their details but have as their core the same piece of land to the east of Marine Avenue. That land is allocated for housing as Site 85 in the currently adopted Local Plan but is omitted in the RDD, both from the allocations and from the settlement boundary.

3.1.113 The omission sites are adjacent to an island of development with its own settlement boundary, north east of the main built-up area of Dymchurch. The land is thus in an isolated location some 2.5Km from the limited facilities, shops and services of Dymchurch, and about 5Km from the main urban centre of Hythe to the north east. There is a bus service along the A259. Nevertheless I do not find that the Marine Avenue area represents a sustainable location for development. I consider that residents would be likely to shop, work and seek entertainment elsewhere, and probably by car. The Inspector in the last Local Plan Inquiry endorsed the allocation of Site 85 for housing, but this decision pre-dated PPG3 and the reassessment of the site by the Council in accordance with the sequential test. His decision also pre-dated the publication of PPG25. The Environment Agency confirm that even after the completion of proposed coastal defence works in the area, Dymchurch will be defended to only a 1:100 year standard. It may be that a flood risk assessment might show that the sites are, or could be, defended to the 1:200 year standard. However, sufficient sites are available elsewhere higher up the search sequence in terms of sustainability and flood risk and I do not consider that allocation of any of the sites at Marine Avenue is justified now.

3.1.114 Parts of the objection sites are previously-developed land in the form of the curtilages of existing dwellings. I saw that the sites are adjacent to existing development and I note the conclusion of a previous Inspector in 2002 that difficulties of access to the A259 could be overcome by the use of a Grampian condition on a planning permission. However none of these matters represent benefits that would indicate that the sites should be allocated for housing development.

RECOMMENDATION

3.1.115 No modification to Policy HO2.

ELHAM

Duck Street

7/1

HO2

Mr P Vincent Angela Hirst

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.116 Please refer also to my comments under the heading of Omission Sites – General. This site of about 0.3ha was identified as a possible housing allocation at an early stage of the plan process, but was eliminated, along with other village expansion sites, by the time of the First Deposit Draft. Greenfield sites as extensions to villages, even those with a number of basic facilities such as Elham, do not appear in the search sequence of PPG3 and enough housing land has been allocated, subject to my recommendations, to fulfil the requirement for the Plan period.

3.1.117 Allocation of this site would encroach into the AONB and the SLA, and would erode their natural beauty and the rural setting of Elham. I note that there is planning permission for one dwelling on the site frontage, but neither this nor the presence of Railway Cottages to the east would justify development in depth as suggested. Frontage development would be a matter for the Local Planning Authority to consider at the planning application stage. I saw that the settlement boundary is tightly drawn around Elham, as it is around most such rural settlements in the Plan. I have no evidence however that the village is so densely developed that there are few opportunities for appropriate infill. I do not consider therefore that the site should be allocated for housing.

RECOMMENDATION

3.1.118 *No modification to Policy HO2.*

ETCHINGHILL

Etchinghill Nurseries

95/6

HO2

Mr J Rapley Charlier Construction Ltd David Hicken Associates Ltd

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.119 Please refer also to my comments under the heading of Omission Sites – General. The site is about 1ha of land of a former nursery, which contains disused glasshouses and other structures. It is clearly not previously-developed land according to the definition in Annex C of PPG3. The site would therefore be unlikely to have been identified in the Urban Capacity Study, even if that study had been extended to cover certain villages. Greenfield sites in villages do not come within the housing land search sequence in PPG3, and I have concluded elsewhere in this report that there is no need for further housing allocations.

3.1.120 The site is close to the centre of the village but Etchingill has no shop, few facilities and limited access to public transport. It does not represent a sustainable location for development. The land is opposite the St Mary's Hospital site. However, there is a sharp change in character at the settlement boundary and the objection site and adjacent fields are unmistakably part of the rural setting of the village. I consider that allocation of the site would represent an incursion into the countryside of the AONB of significant scale. In my view it would not represent a modest rounding-off of the built form of the village such as has occurred at The Orchids. Neither the improvement of the appearance of the site by the clearance of old glasshouses, the possibility of extending the footway along the B2065, nor existing or proposed landscaping or screening, would justify an allocation for which there is no need.

RECOMMENDATION

3.1.121 No modification to Policy HO2.

Land off Teddars Leas Road

388/19 HO2 Pentland Homes Ltd Charles Evans

nfs

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.122 Please refer also to my comments under the heading of Omission Sites – General. This greenfield site lies south of Teddars Leas Road, behind frontage development and between other dwellings and the cutting of a former railway. I have commented on the previous site at Etchingill Nurseries that the village is not a sustainable location for development and that there is no need for further housing allocations. I have also discussed under the heading of Policy HO4 the uncertain contribution that modest population growth would make to the support of local shops or services. The allocation would result in the unacceptable extension of built form into the AONB, for which there is no housing need. I do not find that the site has any benefits or sustainability advantages that would indicate that it should be allocated.

RECOMMENDATION

3.1.123 No modification to Policy HO2.

Land north of Teddars Leas Road

862/1 HO2 Parade Estates Ltd Mike Simmonds

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.124 Please refer also to my comments under the heading of Omission Sites – General. The site is a strip of grazing land which flanks the north side of Teddars Leas Road, bounded mainly by low hedges or post and wire fencing. The road is largely undeveloped on its north side and the site forms part of wide views over the open landscape of the golf course. It is clearly part of the countryside of the AONB and SLA and has little relationship to residential development on the south side of the road. The allocation of the site, or its inclusion within the settlement boundary, would represent an encroachment into the countryside, detrimental to its character and to the natural beauty of the AONB. The ribbon form of development on the south side of the road would not justify the repetition of similar development at the objection site. The village does not need a defensible boundary in this location as the road already provides a firm edge to the settlement. The site may be detached from an agricultural holding but I see no reason why it could not continue to be used for grazing. Even if it were no longer usable for agriculture, neither this nor the fact that the golf club does not require the land are good arguments for its allocation. I do not agree that the settlement boundary is drawn so tightly that there are few opportunities for infill or minor development in the village.

3.1.125 I have commented elsewhere in this report that there is no need for further housing allocations in the District and that there is little evidence that small additions to village populations will provide significant support to local shops or services. Etchinghill has a limited number of facilities or access to public transport and does not represent a sustainable location for development. I do not find that the site should be allocated or the settlement boundary amended.

RECOMMENDATION

3.1.126 No modification to Policy HO2 or to Policy CO2.

FOLKESTONE

Blackbull Allotments

412/1 HO2 Trustees of Viscount Folkestone 1963 Settlement RPS Chapman W/R Warren

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.127 I comment under the heading of Policy LR11 that these non-statutory allotments are well-used, are well-related to nearby dwellings, and that the proposed alternative site north of the A20 would not be a good replacement, for a number of reasons. I conclude that the Policy LR11 allocation on the Blackbull site should remain.

3.1.128 I have concluded under the heading of Policy HO2, and under Omission Sites – General, that further housing land is not required. Planning permission for residential development has been refused twice on this site in the 1990s. However I do not find that the issue of PPG3 since that date would represent a change in circumstance that would indicate that the land should be

allocated. The site is not previously-developed in terms of Annex C of PPG3, and greenfield land in urban areas does not appear in the search sequence of that guidance. Insufficient brownfield sites within the urban area were identified in the Urban Capacity Study to fulfil housing need. However, I have commented elsewhere in this report that there is individual justification for the urban extension greenfield sites which have been included in the allocations. Greenfield sites within the urban area do not automatically have precedence over those outside particularly when, as in this case, there is a strong reason to retain their amenity use.

3.1.129 Much of the neighbourhood of the Blackbull allotments is deficient in play areas, as shown in Appendix 9 of the RDD. The objectors offer open space including a play area as part of the allocation, which they suggest could be for a development of about 54 dwellings. However, that provision would be required in any event under Policy LR9 of the Plan, and would not represent a special benefit of development. I recognise that unrestricted public access to allotments is not welcomed, but I do not class allotments with private domestic garden land in that regard. They are a specialised form of urban amenity space, which has considerable community value. Public views of the allotments through the accesses off Dolphins Road or Downs Road also contribute to the character of the area and its sense of place. In the absence of housing need, I find no justification for the allocation of this site.

RECOMMENDATION

3.1.130 No modification to Policy HO2.

Garden House Hotel

263/8 HO2 Mr P M Allen Godden & Allen Chartered Surveyors

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.131 Please refer also to my comments under the heading of Omission Sites – General. The Garden House Hotel was extensively damaged by fire and has now been demolished under a S.215 notice served by the Council. The site is well placed to serve tourists, in an attractive part of Folkestone and close to The Leas as well as to the town centre, with good access to a choice of public transport routes. Tourism is important to the local economy and the loss of visitor accommodation through redevelopment would be resisted in Policy TM2. The objectors state that redevelopment of the site for a hotel would not be economic. However that is a matter that could be taken into account through the policy, which refers to the provision of suitable accommodation at a reasonable cost, or as a material consideration. I consider that the matter of a change of use of the site would be best addressed at the planning application stage, when detailed evidence concerning viability could be tested. I conclude that the value of the site for tourism use, and the lack of housing need, indicate that the site should not be allocated for housing development now.

RECOMMENDATION

3.1.132 No modification to Policy HO2.

Links Way

412/11 HO2 Trustees of Viscount Folkestone 1963 Settlement RPS Chapman NFR
Warren

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.133 This vacant land of just under 1 hectare is part of the Park Farm Industrial Estate and represents the last undeveloped plot in that area. It is designated for Class B1 and B8 use in the adopted Local Plan, but in the RDD it is outside the Policy E1(c) Established Employment Site and has no designation on the Proposals Map. Although its lack of previous use defines it as an urban greenfield site in terms of Annex C of PPG3, it has no open space or amenity function. Such "white land" sites are identified in *Tapping the Potential* as a legitimate source of housing supply, and the land was appraised as Site SH003 in the Urban Capacity Study. It is adjacent to residential development to the south and west, and access is possible. The site has no significant constraints that cannot be overcome by good design, in my view.

3.1.134 The site has planning permission for 2,000sq m of retail warehousing, and is adjacent to an established core of such units at Park Farm, even though allocated for B1 and B8 use in the adopted Local Plan. However, paragraph 5.8 of the RDD tells us that the focus of retail warehousing there was established before the publication of PPG6, which gives such out of centre sites a low ranking in the search sequence. It was certainly before the CB Hillier Parker Retail Study Update of March 2000 (CD4.09), which concluded that the Bouverie Place development should meet the need for new comparison goods floorspace in Shepway. It also predated a Parliamentary Statement of 10 April 2003, sent to all Local Planning Authorities, concerning the interpretation of government policy in PPG6. It emphasises that where a class of goods is capable of being sold from a town centre location, then that is the preferred location for that development. The First Secretary of State will expect to see flexibility in the scale and format of a proposed development to meet that objective, and a format that can only be provided at an out of town location is not regarded as meeting the requirements of PPG6. In particular he considers that, in terms of bulky goods, it rests with developers and retailers to show that the majority of those goods cannot be sold from town centre stores. I find therefore that further development of retail warehousing at Park Farm, that cannot meet this stringent interpretation of the sequential test, should be restricted. I recommend accordingly in relation to Policy S2.

3.1.135 The Retail Study Update concluded that there was little retail expenditure capacity for additional bulky durable goods floorspace at Park Farm, and that any growth in expenditure should be absorbed through existing floorspace and outstanding commitments. The objection site is one of those commitments but the permission has not yet been implemented, and the Study Update found no evidence from traders of significant demand for additional retail warehouse floorspace in Shepway. If the permission lapses then the Local Planning Authority should consider carefully any resubmission in the light of the Parliamentary Statement of 2003, and the need to concentrate durable goods demand at the key town centre development of Bouverie Place.

3.1.136 In these circumstances I do not give great weight to the Council's view that, as there is

some doubt as to its deliverability for housing because of the extant permission, the site should be regarded as a potential windfall rather than as an allocation.

3.1.137 On balance, therefore, I conclude that the merits of the site are such that it should be allocated for housing and not merely left as a possible windfall. The objectors suggest that about 40 dwellings could be provided on the site, in the first phase of the Plan 2001-2006. I agree with this view, and certainly, to my mind, the site is one that could accommodate development at more than the minimum of 30 dwellings per hectare. Such provision would help to replace the 100 dwellings of Site HO2G, Princes Parade, which I recommend elsewhere should be deleted from the Plan.

RECOMMENDATION

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

Shepway Close

434/3 HO2 Ms Jo Cutler Second Site Property

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.139 Please refer also to my comments under the heading of Omission Sites – General. The Shepway Close recreation area is a private sports ground, although I understand that public organisations use, or used, the facilities. At my visit I saw that the land was surrounded by a security fence and appears to be disused. Former buildings on the site, but not within the Policy LR9 designated area, have now been demolished. I have no firm evidence that the site is no longer capable of use or that it is no longer needed as a sports ground, or that its lawful use has been supplanted by another. It is thus an urban greenfield site, a type of land which does not appear in the search sequence of PPG3. Shepway Close is in an area of relatively dense housing development with few areas of public open space. Appendix 9 of the RDD tells us that the site is within the catchment of a playground and an Area Park, measured in terms of distance, but in terms of population this part of Folkestone does not meet the National Playing Fields Association standard for open space provision.

3.1.140 I recognise that the site is in a sustainable location in the town, and that it is surrounded by residential development. Affordable housing would be provided in any event on larger sites, under Policy HO6, and would not be a special benefit offered by this site. The Local Planning Authority indicate that residential development might be possible on the land formerly occupied by buildings, outside the Policy LR9 designation, but in my view this area is too small to form an allocation site in isolation. In the light of the need for open space in this area it would not be right to allocate the site as a whole for housing now. The balance between competing housing and open space needs on this site is one that should be examined in detail at the planning application stage.

RECOMMENDATION

3.1.141 No modification to Policy HO2.

Westbourne Gardens

263/9 HO2 Mr P M Allen Godden & Allen Chartered Surveyors

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.142 Please refer also to my comments under the heading of Omission Sites – General. I conclude under the heading of Policy BE14 that Westbourne Gardens should retain its designation as a Communal Garden. Its important role in that regard, and the fact that sufficient sites have been identified to meet housing requirement over the Plan period, indicate that the site should not be allocated for housing. The fact that a piece of land is no longer maintained by adjoining property owners and is becoming unkempt is not a good reason for allocating development. I acknowledge that the Gardens are in a sustainable location, that there is high density residential infill development nearby, including at the former Langhorne Gardens, and that the site is deliverable. However, in the absence of need these factors do not justify allocation.

RECOMMENDATION

3.1.143 No modification to Policy HO2.

HAWKINGE

75 The Street

259/2 HO2 Hobbs Parker Surveyors BSF Planning Consultants

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.144 Please refer also to my comments under the heading of Omission Sites – General. The objection site lies within the settlement boundary of Hawkinge, on the north side of The Street. It consists of a dwelling in a large plot with paddock land to the rear. The paddock land is of agricultural appearance but the Local Planning Authority accept that it may be previously-developed land. The northern part of the site is designated as a strategic landscape area under Policy CO24.

3.1.145 Elsewhere in the District, settlement boundaries are generally drawn tightly round settlements to exclude large rear gardens or paddocks like those of the objection site, where they are clearly not part of the built form of the village. In this part of Hawkinge the strategic landscaping designation is used instead, to provide a policy limit to development. This is an

equally valid approach, as it gives a firm indication of where development will, or will not, be acceptable. In principle, if the Policy CO24 designation were absent then the settlement boundary should follow that line, in my view, and I discuss that further below. Development on the narrower southern part of the site, outside the Policy CO24 area, would be likely to amount to infill or minor development, and would not be of a scale to merit an allocation in the Plan.

3.1.146 The wider northern part of the site, within the Policy CO24 area, could accommodate at least 20 dwellings, or perhaps more at the densities advised in PPG3. Whether or not the presence or width of the strategic landscaping belt is reasonable, I consider that a housing allocation on the northern part of the site would represent an intrusion into the countryside of the AONB and the SLA beyond the built confines of the village, for which there is no housing need now. In the absence of need, this intrusion would not be justified by the presence of a playing field to the north or by development at Cricketers Close, which I understand was attended by particular circumstances, or the fact that the site may be nearer to the core of the village than some of the strategic growth areas.

3.1.147 I now turn to consider the merits of the strategic landscaping belt at the site. Paragraphs 12.56 and 12.57 of the RDD tell us that the aim of Policy CO24 is to designate areas of strategic landscape around key development areas in the District in order to ensure a high quality of development, to minimise their impact and to provide new or enhanced wildlife habitat. Appropriate structural landscaping and the retention of important existing landscape features will be required in those areas. The designation at the site is not related to a strategic growth area of Hawkinge, nor does it include existing landscape features of importance which should be preserved such as the woodland in the Policy CO24 area to the west. The area is open paddock land with a somewhat discontinuous hedge at its northern boundary with the playing field. The designation is not therefore performing predominantly a landscape function, but a settlement policy function akin to that of Green Belt policy, of retaining openness adjacent to a built-up area. It is thus stretching the aims of Policy CO24 somewhat. Distance, rather than structural planting, achieves the landscape objective of screening adjacent development. The designation strip is therefore necessarily much deeper than those adjacent to the strategic growth areas, where development can finance planting. It would clearly not be justified however to allow development on the majority of the site merely to ensure the provision of planting on the northern boundary, for which there is no specific landscape need in the absence of development.

3.1.148 I have already concluded that the objection site is not required for an allocation. The alternative to the deletion of the landscape designation would be to relocate the settlement boundary. It would not be sensible however to amend the boundary at the objection site and leave it in situ at the site to the south west, which has similar characteristics. That site has not been the subject of objection however, and an amendment of the settlement boundary there might attract new objections and delay unnecessarily the Local Plan process. Also the settlement boundary in general, east of Canterbury Road, follows a good long-term defensible line in my view. It is lack of current need, together with the application of the search sequence of PPG3, which tells against development within it now. On balance, I find that the Policy CO24 designation is not so unreasonable in its own right that it should be deleted, nor that the settlement boundary should be amended. The situation may of course be reassessed in future revisions of the Plan.

RECOMMENDATION

3.1.149 No modification to Policy HO2, to Policy CO24 or to the Proposals Map.

Land r/o Canterbury Road

596/1 HO2 Messrs N L M Snape & J F G Steed GW Finn & Sons

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.150 Please refer also to my comments under the heading of Omission Sites – General. Area B of the objection site is outside the settlement boundary of Hawkinge and within the designated Ancient Woodland of Killing Wood, protected under Policy CO7. The scarp slope, its skyline and the open wooded pasture of Killing Wood form key landscape features of the AONB, seen on approach to Hawkinge from the south. Inspectors at the last two Local Plan inquiries concluded firmly that the scarp edge should mark the southern boundary of development at Hawkinge. They added that an additional substantial landscaping belt would be required to screen the edge of development from view, due to the sparse nature of Killing Wood (CD4.04 paragraph 35, CD4.03 paragraph 11.157). Area B would be located on the upper scarp slopes, south of and thus outside the Policy CO24 strategic landscaping belt, and development upon it would represent a substantial encroachment into the countryside of the AONB and of the Special Landscape Area. It would project to the south to a much greater extent than The Oaks, almost all of which lies within the settlement boundary of the current Local Plan. I do not consider that existing trees would adequately screen the site, nor that additional planting, nor limitation to single-storey dwellings, would make an allocation acceptable which is inappropriate in principle, in the absence of housing need.

3.1.151 I understand that Area B is not now in active use for grazing, but I do not consider that the difficulties of urban-fringe farming or of finding an alternative use would justify development. The existing play and amenity area is not so remote from the dwellings that overlook it as to cause a safety problem, in my view, in terms of advice in Design Bulletin 32 or *Places, Streets and Movement*. Indeed its location allows for rowdier kickabout play that might give rise to complaint if the area were more closely integrated with dwellings. I do not find therefore that an increase of surveillance of the play area from Area B would be essential, or that it would be a good reason for allocating development here. I understand that reference to the 155m contour line as the proposed edge of development was made at the 1990 Local Plan Inquiry. However, that was not reflected in either the 1991 nor 1997 Local Plans, nor, from what I saw, would it make a more logical boundary to the settlement than the existing edge of development.

3.1.152 Area A is a commercial and industrial site, the loss of which is protected under Policy E6a. It is an established site that offers simple and relatively inexpensive accommodation to smaller firms, and there is no certainty that such occupants would move to the employment allocation of Hawkinge. The land is adjacent to dwellings but the Council have received no complaints about activities there and I see no overriding planning benefit that would justify the loss of this local employment site. The Highways Authority have no objection to the suggested access arrangements, including the use of Area A for an emergency access to Canterbury Road. Neither the lack of harm in that regard, nor the suggested provision of additional planting and public open space in Killing Wood, would amount to benefits that would indicate that the objection site should be allocated for housing or that the settlement boundary of Hawkinge should be amended to include it.

RECOMMENDATION

3.1.153 No modification to Policy HO2.

Land east of Elvington Lane

851/2 HO2 Hawkinge Activity & Adventure Centre Mike Simmonds

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.154 The objectors seek the removal of the Policy TM9 allocation of the site, intended for an extension to the Battle of Britain Museum. Instead, they propose the allocation of the land partly for employment use and partly for housing, or all for housing, or for a mixture of housing and Museum use. I have concluded under the heading of Policy TM9 that the Tourism designation of the site should remain, and under the heading of Policy E2 - Omission Sites, that additional employment land is not required at Hawkinge.

3.1.155 I have found earlier in the report on the Housing Chapter, and under the heading of Omission Sites – General, that there is no need for further allocation sites in the Plan period, subject to my recommendations. I note that there are no highway objections in principle to residential development at the site, nor to the former Officers' Mess site nearby, which I discuss below. Nevertheless, this would not justify the allocation of this site for housing or the other mixes of uses suggested, nor would housing or employment needs override the present requirement for the site for Tourism use.

RECOMMENDATION

3.1.156 No modification to Policy HO2.

Former Officers' Mess Site

851/3 HO2 Hawkinge Activity & Adventure Centre Mike Simmonds

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.157 The site of about 3.2ha is previously-developed land within the settlement boundary. It is opposite recent residential development that lies on the north side of Aerodrome Road, and there are other dwellings adjacent off Elvington Lane. However, I have concluded under the heading of Policy SC4 that the educational designation of this objection site should remain. I have commented, under the heading of Policy HO2 and Omission Sites – General, that no more housing allocations are required, subject to my recommendations. I have no firm evidence that

there is a particular need for accommodation for elderly people in Hawkinge and, even if there were, the objection site is remote from the village's shops or facilities. I do not find therefore that there is justification for overturning the allocation of this site on the Proposals Map.

RECOMMENDATION

3.1.158*No modification to Policy HO2.*

Land at Mill Lane

860/1 HO2 Mrs Hebbes Mike Simmonds

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.159 Please refer also to my comments under the heading of Omission Sites – General. The part of Mill Lane in which the site lies has a strongly rural character, enhanced by this site which is grazing land crossed by a public footpath. There are large areas of new housing development to the north east, but they turn their back on Mill Lane with no frontage or vehicular access in this area. Substantial hedges, and the fact that the Lane may shortly become a quiet cul-de-sac for vehicles, which would terminate at the site, emphasise its rural character and that of the objection land. The site is within the settlement boundary of Hawkinge and is close to the traditional core of the village. It might be a candidate for consideration in a future version of the development plan, but at present there is no need for additional sites and it should not be allocated now.

RECOMMENDATION

3.1.160*No modification to Policy HO2.*

Limuru, Cowgate Lane

845/1 HO2 Mr Bausola Mike Simmonds

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.161 Please refer also to my comments under the heading of Omission Sites – General. Limuru is a dwelling on a large L-shaped plot and is the last house on the eastern side of Cowgate Lane. A sharp change in character takes place at its northern boundary, as Limuru is a large dwelling set well back on its site, with a frontage to Cowgate Lane many times wider than the majority of those nearby. It is a low-density form of development with much mature planting that has more in common with the rural character of the agricultural land beyond than with the pattern of development within the settlement boundary. The settlement boundary as

existing, drawn relatively closely round the dwelling and associated buildings, would allow reasonable infill or redevelopment at the frontage of the objection site without projecting beyond the existing limit of building on that side of the lane.

3.1.162I saw that the settlement boundary is not marked on the ground but I do not see this as determinative. It is the pattern of built form that signals the difference in character between the built-up settlement and the countryside beyond. The presence of a mature tree screen at the southern boundary of the land would not justify development on the whole of the objection site, which would represent a significant encroachment into the countryside of the AONB and of the Special Landscape Area. No alteration to the settlement boundary is required in that area, and for the same reasons and in the absence of need the objection site would not make a good candidate as a housing allocation.

RECOMMENDATION

3.1.163No modification to Policy HO2.

Land on Tighe Lane

857/1 HO2 Mr J Ransley A J Enterprises Mike Simmonds

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.164Please refer also to my comments under the heading of Omission Sites – General. The objection site is within the settlement boundary and allocation site HO2L envelops most of its western end. The western end of the site is set well back from Canterbury Road at the end of a track, and has more in common, in terms of ground level, landform and position, with Site HO2L than with frontage development on the main road. The site would not make a sensible allocation in isolation, but I see no reason why the western end of this previously-developed land should not be included within the allocation site as part of that strategic development. It would make a relatively small impact on the potential yield of Site HO2L in terms of number of dwellings, but would eliminate a slightly incongruous embayment into, and constriction of, the northern part of the site area. The Local Planning Authority's main concern is that there is no agreement yet with developers about finance for the proposed Hawkinge bypass in relation to site HO2L, therefore uncertainty as to implementation, and no current scheme which would include the objection land within a comprehensive development of the allocation site. However, I consider that these are matters that may be addressed at the planning application stage.

3.1.165The paddock which forms the eastern part of the objection site has less in common with Site HO2L in position or landform, and I do not recommend that it be included within the allocation site. It is within the settlement boundary, and a proposal for minor development there may be considered on its merits at the planning application stage.

RECOMMENDATION

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

HYTHE/SALTWOOD/SEABROOK

Botolphs Bridge Road
593/3 HO2 Mrs Clifton Holt Cluttons

nfs

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.167 Please refer also to my comments under the heading of Omission Sites – General. The objection site is an area of open agricultural land south west of Botolph's Bridge Road, on which gravel extraction is expected to commence shortly. I do not consider that the land is as suitable as the Nickolls Quarry site as a housing allocation. It is not of a size that would support the sort of comprehensive scheme of mixed development that would be possible at Nickolls Quarry nor, in my view, would the proposed additional dwellings be needed to justify a new railway halt on the RHDLR. It is also further from Hythe town centre. The site would thus represent an incongruous area of detached residential development, which would be an unjustified incursion into the countryside of the LLA. I do not find that the drainage canal on the south west side of the site would form a more logical or defensible boundary to the built up area than would Botolph's Bridge Road, nor that the designation of a strategic landscaping belt would make an allocation here acceptable.

3.1.168 Gravel extraction has not yet started at the site and I have no firm evidence that it would be worked out in time to deliver housing within the Plan period. I see no reason why assessment of a planning application for the extraction could not include consideration of the possible impact of the operations on proposed housing at Nickolls Quarry, and suitable conditions could be imposed as necessary. The reduction of construction traffic by providing building materials from the objection site to development at Nickolls Quarry is a laudable aim. However it could be achieved without the allocation of the objection site for housing development. In the absence of need, I do not recommend the allocation of this site for housing, and therefore it is not necessary to include it within the settlement boundary of West Hythe or to exclude it from the LLA.

RECOMMENDATION

3.1.169 No modification to Policy HO2.

Land adj. 49 Horn Street
445/2 HO2 Mr Trevor Buss

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.170 Please refer also to my comments under the heading of Omission Sites – General. I note that the site address should be land adjacent to 43 Horn Street.

3.1.171 The site was poultry farm until about 1969, but little now remains. It has been used informally as garden land in recent years, unrelated to any adjacent dwelling. There are fruit trees, soft fruit bushes and a small vegetable patch as well as other planting and boundary screening. However I have no evidence that the agricultural use has been supplanted by another lawful use in planning terms, and the site is therefore not previously-developed land as defined in Annex C of PPG3.

3.1.172 The objection site is adjacent to dwellings within the settlement boundary of Seabrook only at its north east corner. To the south is public open space, separated from the site by a metalled track once used in the construction of the Channel Tunnel. In my view the character of the land is clearly rural. Development upon it would represent an incursion into the countryside of the Local Landscape Area (LLA) and the rural setting of Seabrook, which would be emphasised by the site's elevated position in relation to adjacent houses. The site would not be well integrated into the built-up form of the settlement, and landscaping and screening cannot justify a development that is unacceptable in principle. The objector suggests that development of 1 or 2 dwellings would be appropriate, but an allocation should be at the densities advised in PPG3, which would yield a significantly greater number of dwellings, thus increasing the intensity of the incursion into the countryside.

3.1.173 The settlement boundary near the site marks a detached part of Seabrook, isolated from the shops, services and employment opportunities in Hythe to the south and Cheriton to the north, and which is close only to a public house and a school. There are 2 bus routes on Horn Street, but I do not consider that the Tesco store is within reasonable walking distance. To my mind walking or cycling would not be an attractive prospect on Horn Street which is hilly, narrow and twisting and which carries a significant amount of traffic. Even if further housing allocations were required, this greenfield site would not be a good candidate as a sustainable location for development.

3.1.174 The objection site and the allocation site at Paraker Way are separated not only by distance but by the LLA, functions of which are to retain the special landscape character of the Seabrook valley and to resist the merging of Folkestone and Hythe. Land at Paraker Way is within the settlement boundary and clearly has a strong relationship to the main built-up urban area of Hythe. Development there would be partly on previously-developed land and would round off the settlement pattern of the adjacent roads. I conclude overall that I do not recommend the objection site for allocation.

RECOMMENDATION

3.1.175 No modification to Policy HO2.

The Piggeries, Horn Street
595/3 HO2 Mr Eric Hewlet Gary Lees

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.176 Please refer also to my comments under the heading of Omission Sites – General.

3.1.177 I discuss this site also under the heading of Policy CO2, and conclude there that the land should not be included within the settlement boundary. For the same reasons, I do not consider that The Piggeries should become a housing allocation site. The fact that access could be possible, or that landscaping and screening could be provided, would not justify development. The land is not previously-developed, according to the definition in Annex C of PPG3. The site still has an agricultural use in planning terms, even though vacant or derelict, until superseded by another lawful use.

3.1.178 I have commented, under the headings of those individual allocation sites, on the merits of Nickolls Quarry, Princes Parade and the Sea Front, including on the likelihood of their implementation within the Plan period. I have also commented under Policy HO2K/L on the relationship of development at Hawkinge and the proposed relief road, and under Policy HO2 and Appendix 2 on the commitment sites within the housing land supply. I drew attention in my reasoning concerning the previous objection site, land adjacent to 49 Horn Street, on the differences between that land and the allocation site at Paraker Way. The differences also apply between Paraker Way and The Piggeries, with added force due to the key location of the Piggeries site, in landscape terms, as part of the Seabrook Valley floor. I do not consider that there is a housing shortfall or that, in the absence of need, land at The Piggeries should become an allocation in the Plan.

RECOMMENDATION

3.1.179 No modification to Policy HO2.

Land off New Road and r/o Sandling Road, Hythe

567/3

HO2

Mr & Mrs Mills

Mrs Shelagh M Gray

Hearing

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.180 I note the objectors' careful analysis of both the allocated sites in the Plan and of other omission sites. However, I have concluded under the heading of Policy HO2, and under the heading of Omission Sites – General, that adequate provision for housing has been made in the Plan and that no further sites are needed.

3.1.181 This large area of grazing land of about 2.2ha lies north of Saltwood, adjacent to the settlement boundary but within the Special Landscape Area (SLA). It could yield over 65 dwellings at the densities advised in PPG3, and would thus be a site where affordable housing, and a housing mix, should be provided as a matter of policy rather than as a special benefit to weigh in favour of allocation. The land is on relatively high and rising ground and development of this scale would be evident as an intrusion into the countryside of the SLA, adjacent to the boundary of the AONB. Within built-up areas good design can ensure the successful integration of areas of higher and lower density. However in this case I consider that the low-density and leafy nature of much of the adjacent development would serve to emphasise the intrusive impact of the objection site in the rural setting of Saltwood. I note that present access to the site is from

New Road via The Coppice, which serves two new dwellings and which is akin to a private drive. I have no firm evidence that, in principle, suitable access to such a large development could be achieved.

3.1.182 The nearest part of the site is relatively close to the centre of Saltwood but the centre offers few shops or facilities and has an infrequent bus service. Saltwood station is some distance away, and in my view the hourly train service to London would be likely to attract to the objection site those who choose to work away from the local area, thus increasing the need to travel, in conflict with the aims of PPG3 and PPG13. I note that the land is not liable to flood, but I do not find that this or the other matters mentioned by the objectors would make the site a good candidate for allocation.

RECOMMENDATION

3.1.183 No modification to Policy HO2.

Land off Spanton Crescent, Hythe

870/9 HO2 Folkestone Development Company Ltd Jennifer Owen Associates W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.184 Please refer also to my comments under the heading of Omission Sites – General. The objection site is land outside the settlement boundary, west of Spanton Crescent. Beyond is the wooded course of the Brockhill Stream. The site lies between the stream and Spanton Crescent and is within designations in the Plan as public open space, as a Special Landscape Area (SLA), and as an Area of Nature Conservation Interest, now called a Wildlife Site, under Policy C10.

3.1.185 The objector suggests two alternatives for development. The first is part of a triangular grassy area at the southern end of the objection site. The triangle forms valuable open kickabout space, of which there is little in this part of Hythe. I consider that the allocation of part of the land to residential development would represent a significant loss to that public open space. The northern part of the objection site is in the nature of a shrubby verge on the western side of Spanton Crescent, which slopes down towards the Brockhill Stream. It contains many mature trees, some of which are protected by a TPO. In my view development of that land would be incongruous, and detrimental to its landscape value both as a setting for existing housing and as a green buffer between that and the stream. Development on either part of the site would represent an encroachment into the SLA and the Wildlife Site, unjustified by housing need.

3.1.186 I note that the site was part of a former barracks, the remainder of which was developed for housing. It was therefore previously-developed land at one time, but has been designated as public open space for many years. It is thus no longer previously-developed land in terms of Annex C of PPG3. Furthermore, footnote 2 to Annex C points out that not all open land within a large brownfield curtilage is necessarily suitable for redevelopment. Overall I conclude that allocation of either or both parts of this objection site is inappropriate.

RECOMMENDATION

3.1.187 No modification to Policy HO2.

St Mary's Road, West Hythe

848/1 HO2 Mr A Burborough Longacre Nurseries Mike Simmonds

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.188 Please refer also to my comments under the heading of Omission Sites – General. I discuss a site south of St Mary's Road elsewhere in this report under the heading of Policy CO2, and conclude that its incorporation into the settlement boundary of West Hythe is not justified. For the same reasons, I find that the establishment of a settlement boundary to include the whole of the area of West Hythe south of St Mary's Road would also be unjustified. The objection relates mainly to the promotion of Longacre Nurseries as a site for development. The land is in horticultural use and is not therefore classified as previously-developed. The site is in an area of diffuse development of clearly rural character. It is in a sensitive location within the SLA, adjacent to the Ancient Monument of the Royal Military Canal which is also a Site of Nature Conservation Interest. West Hythe has few facilities and little access to public transport, a fact emphasised by the number of visits by car to the Nurseries at present. In short, I do not find that Longacre Nurseries represents a sustainable choice for a housing allocation.

3.1.189 The Nursery site is almost entirely built up with glasshouses, with little room for expansion. The operators state that to remain competitive they would have to enlarge the proportion of floorspace devoted to sales. The number of visits to the Nursery by car would be likely to increase, especially in the spring peak season, and St Mary's Road is narrow. However, residential development of the site at the densities advised in PPG3 would also generate a considerable amount of traffic. I have no evidence of nuisance caused to residents of St Mary's Road by vehicular movements in connection with the operation of the Nurseries at present. The effects of horticultural development at the site, or of a change of use to another employment activity, would be a matter for assessment at the planning application stage. I do not consider that this matter would justify allocating the site for housing, in the absence of need.

RECOMMENDATION

3.1.190 No modification to Policy HO2.

Trout Farm, Horn Street

776/1 HO2 Mr J M Donoghue

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.191 Please refer also to my comments under the heading of Omission Sites – General. The site lies outside the settlement boundary. It has not been used for agriculture, including fisheries, for some years and is becoming overgrown. However, the site still has agricultural use in planning terms and is thus not previously-developed land as defined in Annex C of PPG3. The former Trout Farm lies at the bottom of the Seabrook Valley and contains many mature trees. It forms a key element in this narrow, linear, landscape feature, which contrasts with the urbanised nature of Springfield Way and the remainder of the main built-up part of Hythe to the west. Development with high quality larger homes at low density as suggested would not comply with PPG3, which requires that new housing be built at densities of at least 30 dwellings per hectare. This large site could accommodate a considerable number of dwellings, which would be severely detrimental to the rural character and appearance of the Local Landscape Area of the Seabrook Valley, and to its role in maintaining the separation between Folkestone and Hythe. The former Trout Farm also occupies a sensitive location in a Wildlife Site, protected under Policy CO10 of the Plan.

3.1.192 I note that improved access might be possible, and that a scheme would include low-cost housing, landscaping and play areas. However, these are features that would have to be provided in any event in development over a certain size, under other policies of the Plan. They do not represent special benefits of developing this site. Neither the prevention of unauthorised uses of the site, nor any other matters mentioned, would justify allocation of this greenfield land for housing in the absence of need.

RECOMMENDATION

3.1.193 No modification to Policy HO2.

IVYCHURCH

Wenhams Lane

5/1	HO2	Mr T Adams	nfr
556/1	HO2	Mr D Suckling Ivychurch Parish Council	nfr
865/1	HO2	Mr Martin & Mr Adam Mike Simmonds	W/R

Issue

Whether the sites are demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.194 Please refer also to my comments under the heading of Omission Sites – General. Ivychurch is a small village in a somewhat isolated position with few facilities, and is not a sustainable location for housing growth beyond infilling or similar minor development, in my view. There are three objection sites proposed on Wenhams Lane. The first is an area of land many times larger than the village of Ivychurch. Most of the site forms an extensive salient to the south into the open countryside of Romney Marsh, unrelated to the form of the village. Development of such a large area would clearly overwhelm the scale of the settlement, would be visually dominant and would be seriously detrimental to the rural character of this part of the Marsh. The objector suggests that not all the area need be developed, that it is not subject to

flooding and would not generate traffic which would require access to a busy road. These matters would not however outweigh my overall conclusion that Ivychurch is suitable for only minor development.

3.1.195 The second site is on a bend of Wenhams Lane in a detached location south of the village. It contains the remains of some agricultural buildings and I understand that it is used as an unauthorised residential caravan site. However, the untidiness of a site or the presence of an unauthorised use is not a good reason to allocate land for development. Other powers exist to deal with breaches of planning control. The development of the land for housing, in this open area, unrelated to the built form of Ivychurch, would be an unjustified intrusion into the rural setting of the village.

3.1.196 The third site is a T-shaped area of land between Wenhams Lane and Ivychurch Road. It adjoins a small length of the settlement boundary. However it would form a large extension of development into the open countryside, which would approximately double the footprint of the main core of the village and extend building along Ivychurch Road in a manner unrelated to the compact form of the settlement. I consider that development of that size, even though phased, designed and landscaped in a sensitive manner, with a mix of dwelling types and sizes, would be out of scale with the village and would be harmful to its countryside setting. I find no overriding reason to allocate this site for housing development now.

RECOMMENDATION

3.1.197 No modification to Policy HO2.

LYDD

Land near to the Cricket Ground
5/2 HO2 Mr T Adams

nfr

Issue

Whether the sites are demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.198 Please refer also to my comments under the heading of Omission Sites – General. The objection concerns three pieces of land near the Cricket Ground. They are all some distance from Lydd and have no relationship with the built up area of the town. Lydd has been identified in the Plan as a Policy RS3(a) settlement which could accommodate more than minor growth. However I consider that the housing provision made at Lydd in the Plan, in accordance with the sequential test of PPG3, is sufficient. In such circumstances the Local Planning Authority need look no further for sites. I note that the land is not liable to flood, and that the size of site 1, the shape of site 2 and the stony nature of sites 2 and 3 make them difficult to use for agriculture. However, none of these matters justify the allocation of land in such an isolated location, in the absence of need.

RECOMMENDATION

3.1.199 No modification to Policy HO2.

Dengemarsh Road

531/1 HO2 Mr Dennis Addy Mr R Stevenson

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.200 Please refer also to my comments under the heading of Omission Sites – General. This site was allocated for housing development in the adopted Local Plan, but was not included in the RDD and was excluded from the settlement boundary following dismissal of an appeal in 2001 concerning residential development on the land. The Inspector's decision turned mainly on the effect on future residents of noise and disturbance, including from gunfire, shouting and helicopter flight, from the Rype Village MoD Public Order training centre opposite. The use of the site has increased significantly in recent years and involves, by its very nature, noisy operations including in the late evening and early morning, and occasionally at night in the summer months. The training centre is in use on seven days per week, for all but a few weeks per year. In 2002 there were 16 complaints about activities there. Taking into account all the noise evidence presented, including proposals for mitigation, the appeal Inspector concluded that night-time noise likely to cause sleep disturbance to occupiers of the proposed development would be a distinct possibility. The Council would have no powers to limit the noise level, timing or frequency of training operations at Rype Village. It is a unique national facility for riot training and I have no evidence that activity there will decrease in the future.

3.1.201 The Inspector in the inquiry on the 1997 Local Plan recommended the objection site for retention as a housing supply site, within the settlement boundary. That however was in the context, at the time, of a shortfall of housing land in the Plan, and pre-dated the publication of PPG3. The Inspector in the 2001 appeal commented that the Local Plan Inspector was not made aware, to the extent that he had been, of concerns about disturbance from the training area when he recommended that no modification should be made to the allocation of the site in the Local Plan.

3.1.202 Lydd is designated under Policy CO2 as a settlement that could accommodate more than minor development, and has a number of shops and services. However, it does not rank as highly in terms of sustainability as Folkestone, Hythe or New Romney. Lydd would not be a first choice of location if further housing sites were needed. I have commented under the heading of Omission Sites – General, that sufficient land has been allocated in the Plan and that the Council need look no further. My conclusions on the individual allocation sites of Policy HO2 are found in relevant parts of this report.

3.1.203 I recognise that the objection site is reasonably well related to the built form of Lydd, and that there is existing housing which is as near to the training centre as is the objection site. However, these are not good reasons to introduce, in principle, a significant number of new residents into an area of poor living conditions. I find no justification therefore for allocating the objection site of for amending the settlement boundary of Lydd to include it.

RECOMMENDATION

3.1.204 No modification to Policy HO2 or to the settlement boundary of Lydd.

Peak UK

847/2 HO2 Mr B Heale Peak (UK) ltd Mike Simmonds

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.205 Please refer also to my comments under the heading of Omission Sites – General. I discuss this site under the heading of Policy CO2, and conclude that the land should not be brought within the settlement boundary. For the same reasons, and in the absence of housing need, I cannot recommend this site as a housing allocation in the Plan.

RECOMMENDATION

3.1.206 No modification to Policy HO2.

Station Yard

590/1 HO2 BRB (Residary) Ltd Evison & Company

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.207 Please refer also to my comments under the heading of Omission Sites – General. I discuss this site under the heading of Policy E1 – Established Employment Sites, and I conclude there that the site should be retained as an employment allocation. I do not therefore recommend it as a housing allocation, in the absence of housing need.

RECOMMENDATION

3.1.208 No modification to Policy HO2.

LYMINGE

Land off Canterbury Road

639/1 HO2 Mr(s) G Dowse Jeanne Taylor

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.209 Please refer also to my comments under the heading of Omission Sites – General. The

site is grazing land on the east side of Canterbury Road. It is visually prominent on a hillside and affords long-distance views over the AONB towards the north east. The site is part of a large area of open or sporadically developed land of strongly rural character on the east side of the road, which contrasts with the built up form of the village within the settlement boundary on the west side. I saw that there is a somewhat isolated area of ribbon development that begins near the crossroads towards the top of the hill. However I do not consider that this would indicate that the objection site would round-off of the settlement pattern, nor that it would justify further ribbon development along Canterbury Road within the site. I find therefore that the allocation of the site would represent an intrusion into the countryside of the AONB and the SLA, and would be detrimental to the rural setting of the village.

3.1.210 Lyminge has a number of shops and facilities, although it has limited access to public transport. However, it does not have the sustainability credentials of Hawkinge or New Romney. I consider that the Council were right to review the settlement hierarchy of the existing Local Plan in accordance with the aims of PPG3. The redesignation of Lyminge as an RS2 village would allow for an appropriate level of continued modest incremental growth there, commensurate with its place on the sustainability ladder. Local needs, including those that might be caused by a dwindling supply of smaller homes in the village, could be addressed under Policy HO8 which would not require an allocation. I note that the site is relatively close to the village centre, that access would be possible and that it is on a bus route. However, none of these matters would justify the allocation of this site, or the redesignation of Lyminge as an RS3(a) village, now.

RECOMMENDATION

3.1.211 No modification to Policy HO2 or to Policy CO2.

LYMPNE

Former Ashford Airport

484/6 HO2 Mr P Garber, Planning Director George Wimpey UK

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.212 This objection proposes an allocation of land for 1,000 dwellings on and adjacent to the site of the former Ashford Airfield, some 600 of which might be built within the Plan period and 400 later. The majority of the land forms part of the original airfield, while 12ha at the north east corner of the site is agricultural. The site includes about 13ha of employment land. This area however forms an employment designation in its own right under Policy E2C of the Plan, which could be implemented independently of the residential development. I do not see it as a particular benefit of the proposed housing allocation.

3.1.213 The objectors agree that the site is not in an urban area, nor does it form an urban extension nor a node in a good public transport corridor. It therefore falls outside the search sequence of PPG3 and there is no housing shortfall in the Plan that it is necessary for the site to

address. It is not identified as a strategic growth area in the Structure Plan, unlike Hawkinge. The housing allocation would therefore represent an unjustified incursion into the countryside that would roughly double the present size of Lympne. The fact that the countryside has no landscape or wildlife policy designation, that there are no significant infrastructure, highway or other constraints and that the site is not at risk from flood, represent a lack of harm rather than positive benefits that would outweigh the sustainability disadvantages of the site.

3.1.214I regard the criteria of paragraph 31 as a secondary sift to refine the choice of candidate sites already identified through the search sequence of paragraph 30, not as matters which might override the primacy of the sequential test. The objectors state that the site is the largest area of brownfield land in the District. The National Land Use Data define the land as brownfield. I agree with the Secretary of State and the Inspector in the 2001 appeal (CD4.05) that the former airfield is previously-developed land, although from what I saw in walking the site its finger-hold on that status is decreasing rapidly over time. However it is previously-developed land in urban areas, not in the countryside, which is the first target in the search sequence, a target which the site fails to hit.

3.1.215The reference in paragraph 32 of PPG3 that previously-developed sites should be developed before greenfield sites does not take precedence over the sequential test of paragraph 30. Paragraph 32 is concerned with the implementation stage of the plan process, the order of release of sites *after* they have been identified in the development plan through the sequential test. In any event, only about 60% of the overall scheme of 1,000 dwellings would be provided on previously-developed land. The objectors rely on the north eastern part of the site, undisputedly greenfield land, to provide the link road to Stone Street to which I refer below, to yield some 40% of the housing total and to provide certainty and critical mass for the continuation of support for the improvement of public transport services beyond an initial period of 5 years.

3.1.216The second criterion of paragraph 31 of PPG3 is concerned with transport by means other than the car, and the potential for improving such accessibility. There is a limited bus service which runs during the day on Mondays to Saturdays, less frequently on Sundays, and the village is on the route of a secondary school bus. A national coach route serves Newingreen. I recognise that developer contributions may support bus services. However, no evidence was presented to the inquiry of a positive commitment from an operator to improve services or to introduce new ones. The station at Westernhanger is beyond ready walking distance from the nearest, greenfield, part of the site. It is considerably further from those parts of the site that are more likely to be developed within the Plan period. I have no firm evidence that rail services to Westernhanger are to be increased in frequency. I understand that ABC Holidays at Newingreen are keen to support a new bus link to Westernhanger station, but there is no evidence that a bus operator is prepared to provide this service.

3.1.217Lympne has only one shop, which is combined with a Post Office. There is also a hairdressers, a school, a village hall, a church and a public house. There is a large employment area at Link Park, which it is proposed to expand under Policy E2C, and further employment at Newingreen. Both centres are at some distance from the village by road and are not well related to it. I note that the suggested master plan would seek to improve footpath and cycle links from the existing village to Link Park, and thus would help to reduce the number and length of journeys to work by car. However I do not consider that this unbalanced provision in the form of a large employment area but few other facilities, however well linked, is enough to qualify Lympne as a well-rounded sustainable settlement in its own right. No evidence has been put before me that would lead me to a different conclusion from that of the Inspector and FSS in 2001, that Lympne would remain a car-dependent village.

3.1.218I turn now to the remaining criterion of paragraph 31, concerning the ability to build communities. I share the view of the Inspector in the 2001 appeal that the proposed link road from Aldington Road to Stone Street would have a powerful effect as a bypass for some of the traffic which passes through the centre of the village. I note the objectors' suggestion that the link could be provided within the Plan period, and that development of the allocation at Nickolls Quarry might increase through traffic in Lymyne. However, there are other traffic measures which could be implemented as part of that allocation that would restrict that effect. I do not find that the benefit of the link road would outweigh the fundamental sustainability flaws of the site. The master plan indicates land for school, community, and public open space use. However I have no reason to believe that this would be more than would have to be provided in any event under policies of the Plan for a development of that size, or that it would fulfil any identified unmet needs in the village. There is little research on the size of the critical mass of population that is required to sustain village shops and services, and no technical evidence was put before me. Occupiers of the 600 dwellings proposed for the Plan period may help to improve the viability of the village shop. However I do not find, overall, that the site performs so well in this regard or in relation to other criteria of paragraph 31 as to merit allocation.

3.1.219A package of junction and other highway improvements formed part of the scheme of the 2001 appeal. The Secretary of State concluded that the measures would enable the local road system to function at least as well as at present (DL13, CD4.05). Nevertheless he dismissed the appeal, in spite of the benefits of the new link road. The proposed master plan scheme would be for approximately double the number of dwellings, unsupported by a fresh traffic assessment, and the Highway Authority have expressed concern in that regard. The traffic implications of the difference, about a 20% increase, may or may not be capable of being addressed successfully through a planning application. However it would be unwise to commit at the Local Plan stage to the first phase a larger scheme of which the highway implications are not known.

3.1.220Part of the site would be set behind the proposed employment allocation area and its Policy CO24 strategic landscaping belt, when seen from distant viewpoints to the north. This would not be the case when seen from other directions, however. Despite marginal screening, the allocation site would fill the substantial open gap between Link Park, as existing and as proposed to be extended, and Lymyne. This gap helps to define the village's separate identity and rural character, and provides open views northwards towards the North Downs. Structural planting is suggested for the margins and interior of the site, and this may help to integrate it, and recent housing development at the northern edge of the village, into the landscape. However, such softening or screening would not justify an allocation that is unacceptable in principle.

3.1.221The existing employment development at Link Park arose through the historical accident of a concentration of former airfield buildings, not because it was well served by public transport. The re-use or redevelopment of such buildings for employment is sustainable and would make a positive contribution to the local economy, in accordance with a general aim of PPG7. The further employment allocation of Policy E2C in the Plan is made because of its relationship to the M20 and because it offers the best site opportunity in the District for a large inward investor. The use of the remaining open area of airfield curtilage for housing is quite a different matter. Annex C of PPG3 points out that the status of a site as previously-developed land does not mean that the whole curtilage should be redeveloped, and indeed gives an airfield as an example. It does not therefore follow, because a free-standing allocation of further employment land has been made at Link Park, and that there are possibilities of improving pedestrian and cycle links to it, that the objection site is a sustainable location for residential development.

3.1.222 Much weight of objection centred on the comparison of the objection site at Lympne with other allocations in the Plan. Overall I do not find that this site performs better than the sites which I have recommended. The fact that Lympne is a small village in a relatively isolated location in the countryside with few facilities or services tells heavily against it as a sustainable location for major growth. I deal with the merits of those sites under their respective headings elsewhere in this report. I summarise below my reasoning on the sites to which the objectors drew particular attention.

3.1.223 I distinguish between Hawkinge and Lympne not only in the former's status as a Structure Plan growth area but because Hawkinge was a much larger village with a considerable number of shops and services even in the early 1990s at the inception of the Development Brief. The presence of a large existing employment area near to Lympne, in the absence of a substantial number of shops and services, would not make the village a good choice in terms of sustainability and certainly not a better choice than Hawkinge. The provision of good pedestrian and cycle links through Hawkinge is an essential element in the creation of a sustainable community in what has already been designated as a strategic growth settlement. The provision of such links in a village with few other facilities would not be sufficient to make it a better location for growth than Hawkinge. Folkestone Seafont is a brownfield urban site and Nickolls Quarry is an urban extension, although greenfield. Both are better related to town centres than Lympne, which as a village does not appear in the search sequence of PPG3. Both are defended, or could be defended, appropriately against flood risk. The fact that a site is free of flood risk does not take precedence over other aspects of sustainability. I have not recommended Princes Parade as a housing allocation, for reasons predominantly to do with the effect of development on the character of the area.

3.1.224 I find that Lympne has no advantages over the sites that I have recommended as substitute allocations. Herring Hang Field is embedded within a built up area and is well related to surrounding development. It is in a settlement that I consider should have been included within the Urban Capacity Study and thus urban in the sense of the search sequence of PPG3. The site at Links Way, Park Farm, is within the main urban area of the District. It is not previously-developed but represents urban white land, a category judged suitable for housing provision in *Tapping the Potential* and thus a good candidate for selection. The third source of housing capacity which would make up for the deletion at Princes Parade is an amendment of Site HO2L at Barnhurst Lane, Hawkinge, which is well related to the centre of the village and is a minor adjustment to a strategic growth area.

3.1.225 I deal with the suggestion that Lympne should revert to being a Policy RS3(a) village under the heading of Policy CO2 – General.

3.1.226 To sum up, therefore, I conclude that the proposed benefits do not outweigh the fundamental flaws of the proposal. The allocation is unjustified in its own right, and is not preferable to other allocations of the Plan, or other sites which I have recommended for inclusion.

RECOMMENDATION

3.1.227 No modification to Policy HO2.

Land South of Aldington Road

852/1

HO2

Aubyn de Margary Gowth Integration Ltd Mike Simmonds

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.228 Please refer also to my comments under the heading of Omission Sites – General. The site is a large area of land south of Aldington Road, which would include Old Lympe, the Church and Castle. The objection seeks the alteration of the settlement boundary to enclose this area, as well as a housing allocation.

3.1.229 Lympe is unusual in that it is near to a large industrial area at Link Park. However, apart from the availability of local employment the sustainability credentials of the village are weak. It has a limited range of facilities and is not well served by public transport. A combined shop and post office has opened since the Council's survey of 2000, but the village's amended score would still set it below Elham, Lyminge, Sellinge and Hawkinge in the sustainability rankings. I deal with other points concerning the Urban Capacity Study and the housing land strategy under the heading of Policy HO2. I do not find that the village would represent a sustainable location for housing development, and sufficient land has been allocated elsewhere to fulfil the housing requirement over the Plan period.

3.1.230 Old Lympe, most of which lies within a Conservation Area, is separated from the rest of the village by open grazing paddocks and the recreation ground. It is quite different from the rest of the village in character, appearance and built form, a difference that is emphasised by its physical separation. That separation does not represent a disadvantage, in my view, nor is it a justification for joining the two parts of the village by residential development. The objection site lies landward of the scarp edge and would not be visible in distant views but I consider that an allocation here would be intrusive in the AONB and particularly in the rural setting of the village and the Conservation Area.

3.1.231 Turning to the settlement boundary, I do not find that the village is so tightly constrained that few opportunities are left for infill or minor development under Policy CO2. I do not consider that there is a case for extending the settlement boundary as proposed since it would include areas of sporadic or isolated development, and open areas which are an important part of the village's character. It would also fail to maintain the separate identities of Old Lympe and the rest of the village. The suggested alteration would therefore conflict with most of the criteria used for drawing up such boundaries, as set out in paragraph 4.2 of CD5.03. I conclude that, in the absence of need, no allocation or alteration to the settlement boundary should be made. I recommend accordingly also under the heading of Policy CO2.

RECOMMENDATION

3.1.232 No modification to Policy HO2.

Shepmead, Berwick Lane
58/1 HO2 Mr John Simmons

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.233 Please refer also to my comments under the heading of Omission Sites – General. The plot of Shepmead and adjoining land form the objection site, which is of about 0.8ha (2 acres). The site lies outside the settlement boundary of Lympe, in the Kent Downs Area of Outstanding Natural Beauty (AONB) and in a Special Landscape Area (SLA). I saw that Berwick Lane marks a sharp change in character between the residential development of Lympe to the west, within the settlement boundary, and the open countryside of the AONB with scattered dwellings to the east. Development on the objection site would therefore represent a considerable intrusion into this area of protected countryside, harmful to its character and to the rural setting of the village. Shepmead has been damaged by fire, but this would not be a sound reason for allocating a significant amount of residential development within the AONB. Lympe has few facilities and limited access to public transport, and would not represent a sustainable location for development. Sufficient housing land has been identified in the Plan and there is no need for further allocations.

3.1.234 The development on the west side of Berwick Lane is within the settlement boundary. It pre-dates government advice in PPG3, which directs local authorities to look first for housing development on previously-developed land within or on the edge of urban areas rather than in villages. I acknowledge that the site has existing access and that it once contained a number of buildings. I see no reason why the site as a whole could not be used for grazing if not required as garden or paddock land for Shepmead. However, none of these matters justify the allocation of the site for housing, in the absence of need.

RECOMMENDATION

3.1.235 No modification to Policy HO2.

NEWCHURCH

Land opposite Westgate Wholesalers
783/2 HO2 Mr P J Baxter

nfs

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.236 Please refer also to my comments under the heading of Omission Sites – General. The site consists of all or part of about 2ha (5 acres) of agricultural land at the north eastern end of Newchurch, opposite the Westgate Wholesalers site. The area forms part of the flat, open landscape of Romney Marsh, and significant development upon it would intrude into the rural setting of the village. The site would be adjacent to allocation site HO4(Q1). However this allocation, as with all the HO4 sites, was deleted from the Revised Deposit Plan. Newchurch is a small village in a relatively isolated rural location, with no local shop, public house or facilities. I do not consider that it is a sustainable location for more than infilling or minor development. Housing for local needs can be provided under Policy HO8 without the need for an allocation, and small-scale employment development within or adjoining villages may be permitted under Policy E6, subject to the policy criteria. I do not find therefore that there is a

need to allocate the proposed site.

RECOMMENDATION

3.1.237*No modification to Policy HO2.*

NEW ROMNEY

Land at Ashford Road, New Romney

54/1 HO2 Mssrs Christ Church Mr Hothi

nfs

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.238 Please refer also to my comments under the heading of Omission Sites – General. The site is a large area of land between Ashford Road and Hope Lane. It is completely detached from the settlement boundary of New Romney. Its allocation would represent a considerable incursion into the flat open agricultural landscape north of the town, detrimental to the rural character of the Local Landscape Area. The possibility of mixed development including employment and/or tourism use would not outweigh the harm of allocating this prominent greenfield site.

RECOMMENDATION

3.1.239*No modification to Policy HO2.*

Land east of Ashford Road, New Romney

761/2 HO2 Mr & Mrs Prior Lee Evans de Moubray

nfs

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.240 Please refer also to my comments under the heading of Omission Sites – General. This large site lies east of Ashford Road and south of Cockreed Lane, outside the settlement boundary. In my view the rear boundaries of houses on Rolfe Lane form a firm northern edge to the built up area of this part of New Romney. Allocation of land beyond this general line would represent a harmful incursion into the rural setting of the town and the Local Landscape Area, which I cannot recommend.

3.1.241 The north western corner of the site is in horticultural use as a garden centre. I understand that adjacent land is used for growing turf for sale in the centre but was in grazing

use at the time of my visit. I saw that there are a number of buildings or structures on the site. However the use of the land is clearly agricultural, in my view, and the site is not therefore previously-developed land in terms of Annex C of PPG3. Such uses are common features in the Kent countryside, outside settlements, and do not signal the presence of an urban form of development. Even if the garden centre itself were to be classed as a retail use, that land occupies only a small part of the objection site and would not justify allocation of the whole.

3.1.242 The definition of the site by roads to the west and north, by development within the settlement boundary to the south and by a line of poplar trees to the east, would not overcome the objections to its allocation which I have noted above.

RECOMMENDATION

3.1.243 No modification to Policy HO2.

Land off Church Road, New Romney
640/2 HO2 Dr P Smith and others

A J Hume

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.244 Please refer also to my comments under the heading of Omission Sites – General. The objection proposes the allocation of several agricultural fields west of Church Road. It would represent a large and incongruous incursion into the countryside west of the town, unrelated to the built form of New Romney. The allocation would thus be severely detrimental to rural character of the Local Landscape Area.

3.1.245 I recognise that New Romney would represent a sustainable location for development, after the main urban areas of Folkestone and Hythe and the Structure Plan strategic growth area of Hawkinge. However, sufficient land has been allocated elsewhere in the town, subject to my recommendations, to meet housing requirements in the Plan period. Most of the objection site is considerably further from the town centre than other allocations in New Romney. Landscaping and community provision or contributions would be likely to be required in any event in a site of this size. Neither these nor the fact that the site is deliverable would represent benefits that would outweigh the disadvantages of the suggested allocation.

RECOMMENDATION

3.1.246 No modification to Policy HO2.

Cockreed Lane and St Mary's Road, New Romney
734/2 HO2 Mr/s B Frith Buchanan Consulting Engineers

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.247 Please refer also to my comments under the heading of Omission Sites – General. The objection concerns two separate pieces of land in agricultural use adjacent to the settlement boundary on the north side of New Romney. A Statement of Common Ground confirms that there are no issues of principle in regard to flooding, highways or archaeology that would hinder allocation of these sites.

3.1.248 In my view, at both sites, the rear boundaries of adjoining houses form a firm northern edge to the built up area of New Romney. In both cases, allocation of land beyond this general line would represent a harmful incursion into the rural setting of the town and the Local Landscape Area, which I cannot recommend.

3.1.249 The Cockreed Lane site has not been farmed actively for some time, but it is still in agricultural use and its greenfield status is not denied by the objectors. It is generally open to view from adjoining roads, with intermittent vegetation, and there is substantial screening only to the south western boundary. I do not consider that the presence of the existing or proposed buildings at the Romney Marsh Potato Company site to the north of the site would effectively screen or enclose the land. The site may not be readily distinguishable against the built up edge of New Romney in longer or middle-distance views, but to my mind that is largely a function of distance and of the flat, open scenery of Romney Marsh. It is precisely because the land shares the characteristics of the Local Landscape Area (LLA), of having little vertical relief, few trees, and enclosure by drainage ditches or roads which are not visually prominent, that makes it a minor component of more distant views. It does not follow that the site makes no contribution to the wider landscape of the LLA or to the rural setting of New Romney. The suggested layout shows substantial boundary planting. However, the provision of landscape screening, or the softening of the edge of existing development, are not good reasons for allocation in the absence of need.

3.1.250 The St Mary's Road site has a substantial screen of mature trees to the north east boundary, but otherwise boundary vegetation is intermittent, as at Cockreed Lane. My conclusions about the role of the Cockreed Lane site in the landscape apply also to the land at St Mary's Road. I saw that the edge of the built up area of New Romney has a rather raw appearance. However, the existing edge of development is firm and defensible. The provision of additional landscaping as part of development is not a good reason to allocate land for housing. The St Mary's Road site relates poorly to the built form of the town, and development upon it would, if anything, be even more evident as an incursion into the countryside than at Cockreed Lane.

3.1.251 I have commented elsewhere in this report on the omission of New Romney from the Urban Capacity Study. I recognise that New Romney would represent a sustainable location for development, after the main urban areas of Folkestone and Hythe and the Structure Plan strategic growth area of Hawkinge. However, sufficient land has been allocated elsewhere in the town and in the rest of the District, subject to my recommendations, to meet housing requirements in the Plan period. Parts of the Cockreed Lane site, though not the St Mary's Road land, are closer to Sainsbury's supermarket than other allocation or Appendix 2 sites. The objection sites offer no other locational advantages in relation to the town centre however, and the land at St Mary's Road is particularly peripheral.

3.1.252 Overall, I do not recommend that either of the sites be allocated for housing now, or that

the settlement boundary or the boundary of the LLA be amended.

RECOMMENDATION

3.1.253 No modification to Policy HO2.

Herring Hang Field, New Romney

210/1 HO2 Mr R D Holgate Goodliffe Estates Ltd David Hicken Associates Ltd INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.254 See under Policy HO2- Allocated Sites, *Further Proposed Change 21 - Site HO2S - land at Herring Hang Field, New Romney.*

Running Waters, New Romney

495/1 HO2 Mr Leonard Phillips INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.255 Please refer also to my comments under the heading of Omission Sites – General. The site is a strip of land of about 0.2ha at the junction of Spitalfield Lane and Lydd Road. It is part of a larger site of about 4.2ha, allocated for a new hotel under Policy TM3 of the Plan. The land is outside the settlement boundary of New Romney, notwithstanding that it is within the administrative area of New Romney Parish Council. The Parish boundary is drawn up purely in relation to local government functions. The objective of the settlement boundary in the Local Plan, however, is to define the break between the built-up town and the countryside beyond and thus to show where different development policies apply. The site is opposite residential development within the settlement boundary to the south. Spitalfield Lane marks a sharp change in character however, between the built form of the town and the open agricultural landscape of Romney Marsh, of which the site clearly forms a part. Allocation of the site would represent an encroachment into this country area, detrimental to its rural character. In this I distinguish the site from Herring Hang Field, which is within the settlement boundary and is surrounded by residential development.

3.1.256 The site is further from the town centre than other recommended allocations, and therefore has no advantage over those sites in that regard. I recognise that flood risk on the land is such that it would not prevent allocation in principle, and that any significant development would have to await the completion of the proposed first-time foul sewer scheme in the area. I note also that the objector has been asked to provide a wayleave across the site in connection

with that scheme, and that he has given land for a footway to Spitalfield Lane. However, neither these matters nor the possibility that development of the site would help to finance hotel development on the rest of the Policy TM3 land, would justify the allocation of this land in the absence of housing need.

RECOMMENDATION

3.1.257*No modification to Policy HO2.*

Lawrence Field, Littlestone, New Romney

209/1 HO2 Mr N Ciccone Neil Hawes & Associates Ltd

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.258 Please refer also to my comments under the heading of Omission Sites – General. The site is agricultural land outside the settlement boundary north of Marlborough Close and The Fairway, and east of the RHDLR. It lies within the Local Landscape Area (LLA) and is typical of the scenery of Romney Marsh, from which it is indistinguishable. Allocation of the site would clearly represent an encroachment of the town into this rural area, harmful to its flat, open and windswept character. The Inspector in his report on the last Local Plan inquiry rejected a version of this site as a housing allocation, and I share his views. I understand that since then, community use of Southlands School has become established and Sainsbury's supermarket has opened. However, the site is not significantly nearer to the supermarket than the other allocations recommended in New Romney, and at 1.5Km from the town centre is further from the main shopping area. I do not consider therefore that it offers advantages over those sites, including deliverability, possibility of access or quality of agricultural land, that would indicate that the site should be allocated as well as, or instead of, those areas. I do not recommend therefore that the site be allocated, or that the settlement boundary or LLA boundary be amended in consequence.

RECOMMENDATION

3.1.259*No modification to Policy HO2.*

Rear of Channon Road, Greatstone

492/3 HO2 P J Brazier & Co Ltd

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.260 Please refer also to my comments under the heading of Omission Sites – General. This rectangular area of land of about 4.2ha lies between the end of Channon, Derville and Prior

Roads and the RHDLR. Romney Sands Holiday Village lies to the north and there is a gravel quarry to the west, beyond the railway line. The surface is mostly of beach shingle, part of the unique and valuable landscape and habitat of Dungeness. It forms part of an area recognised in the Plan not only as a Local Landscape Area but as an SSSI and a Candidate Special Area of Conservation, respectively one of the highest national and international conservation designations. Allocation of the land would therefore represent an encroachment into the open, wild and austere landscape of Dungeness but would erode the wildlife value of part of an area of national and European importance. The presence of existing adjoining development would not justify further significant encroachment in this location, remote from the shops and services of New Romney.

3.1.261 The original scheme for the development of these three roads may have included the objection site, and I saw that the road layout suggests continuation westwards. However, planning policy has changed considerably since then, and completion of the original layout concept would not form a good reason for allocation of the land. The alternative suggestion of 4 individual building plots at the end of Prior Road and Derville Road as a minor straightening of the pattern of development in the area is too small to merit an allocation but could be considered at the planning application stage. Overall I find that neither part of the objection site should be allocated.

RECOMMENDATION

3.1.262 No modification to Policy HO2.

Dunes Road, Greatstone
492/1 HO2 P J Brazier & Co Ltd

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.263 Please see my discussion and recommendation under the heading of Policy CO2.

RECOMMENDATION

3.1.264 No Modification to Policy HO2.

Dunrobin, Greatstone
470/1 HO2 Mr A Coats C Thurlow

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.265 Please refer also to my comments under the heading of Omission Sites – General. This grazing land with stables does not relate well to existing development within the settlement

boundary. Its allocation would represent an incongruous salient of urban development into the open countryside of the Local Landscape Area. The fact that the land has no special ecological designation, or that it may not be of high agricultural quality, would not justify allocation of this site which is remote from the shops and facilities of New Romney.

RECOMMENDATION

3.1.266*No modification to Policy HO2.*

Land behind Merritt Road, Greatstone
98/1 HO2 Mr David Thompson

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.267 Please refer also to my comments under the heading of Omission Sites – General. This agricultural land lies outside the settlement boundary. Its allocation would represent an incursion into the open countryside of the Local Landscape Area, detrimental to the rural setting of Greatstone. The location of the site near to the school would not justify allocation, as the land is otherwise remote from the shops and facilities of New Romney. Affordable housing would have to be provided under Policy HO6 in any event, in developments over a certain size, and would not therefore represent a special benefit of this site.

RECOMMENDATION

3.1.268*No modification to Policy HO2.*

PEENE

Land off Newington Road
388/18 HO2 Pentland Homes Ltd Charles Evans

nfs

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.269 Please refer also to my comments under the heading of Omission Sites – General. The site is a triangular area of grazing land between Newington Road and the heavily-planted boundary of the Channel Tunnel Terminal complex. The objectors suggest that it could accommodate 2 detached dwellings. The village is not far from the edge of Folkestone as the crow flies but is somewhat cut off by the Motorway, the Tunnel Terminal and the railway line. The nearest bus service is on the A20, about 900m away along a narrow lane that has no footway for much of its length. Peene and the nearby village of Newington have no shops and

few facilities, and residents would be likely to be reliant on the car for most day-to-day needs. I do not find therefore that the village represents a sustainable location for a housing allocation. The fact that the site is within both the AONB and the SLA add to my view that the land should not be allocated, nor the settlement boundary amended.

RECOMMENDATION

3.1.270*No modification to Policy HO2.*

OLD ROMNEY

Vine Cottage

5/3 HO2 Mr T Adams

nfs

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.271 Please refer also to my comments under the heading of Omission Sites – General. The site is a very long narrow strip of land that borders the north side of the A259. It is overgrown and contains a small number of derelict agricultural buildings or structures. It has little relationship to even the scattered and sporadic built form of Old Romney, which has no settlement boundary. I note the objector's comments that the land is not liable to flood and that it has planning permission for one dwelling. However, I do not consider that these matters would justify allocation of this site for housing in such an unsustainable location in the open countryside.

RECOMMENDATION

3.1.272*No modification to Policy HO2.*

SELLINDGE

Land rear of Barrow Hill

873/2 HO2 Mr/s M Walker Jennifer Owen Associates

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.273 Please refer also to my comments under the heading of Omission Sites – General. The site is a large area of land west of the detached Barrowhill area of Sellindge, immediately south of the M20 and the railway line. Although a small part lies within the settlement boundary, I consider that the allocation of the site as a whole would be likely to result in a significant

intrusion into the open countryside setting of the village. Sellindge has a number of basic facilities and is on a bus route but in my view its scattered form and limited scale of provision justifies its designation as an RS2 village under Policy CO2, in which only minor development such as infilling is acceptable.

3.1.274 Much of the site is at risk from fluvial flooding. I recognise that the flooding designations on the Proposals Map are indicative, and that a more detailed survey might show that the risk is less than indicated. However the objectors have produced no evidence to show that, in principle, flood risk is less than has been assumed and/or that it can be overcome. I have concluded elsewhere in this report that further allocation sites are not required, and I find no overriding matters that would indicate that the land should be allocated now.

RECOMMENDATION

3.1.275 No modification to Policy HO2.

East of Ashford Road

763/4 HO2 The Bucknell Trust Ian Elliott

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.276 Please refer also to my comments under the heading of Omission Sites – General. I saw that there is a sharp change in character to the pattern of development on the east side of Ashford Road south of the village shop. In this area are houses set well back from the road in large plots with many mature trees to the road frontage, giving a strongly rural character to this approach to Sellindge with which the suggested development of 11 houses would conflict. I note the objectors' points that the site consists of low-grade agricultural land, that there are no environmental designations, that access would be possible and that there would be unlikely to be any impact on the amenity of neighbours. However, these represent an absence of harm rather than positive benefits. Additional allocations are not required and the site has no sustainability advantages over those already included in Policy HO2. It should not be allocated now.

RECOMMENDATION

3.1.277 No modification to Policy HO2.

Elm Tree Farm

489/1 HO2 Folkestone Development Company R Stevenson, John Bishop & Associates

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.278 Please refer also to my comments under the heading of Omission Sites – General. The site is agricultural land adjacent to the settlement boundary of the main built-up area of Sellindge. It is thus a greenfield site at the edge of a village and falls outside the search sequence of PPG3. I have set out at the beginning of this section on Omission Sites, and elsewhere in this report, that sufficient sites have been identified in accordance with the search sequence to satisfy the housing requirement over the Plan period. The local authority need look no further in those circumstances. I have also stated under the heading of Policy HO2 the reasons why I do not agree with objectors' views that some of the allocated or housing supply sites are unlikely to come forward for development before 2011.

3.1.279 Sellindge was identified in the Council's Committee Report CD8.02 as being second only after Hawkinge in the number of facilities available, and the Elm Tree Farm land was among sites suggested for allocation at an early stage of the Local Plan process. However, the site was rejected before the publication of the FDD, and its exclusion was confirmed when the Council reviewed proposed allocations on the publication of PPG3. The site is not subject to environmental constraints and is available for development. However, those matters would not justify allocating Elm Tree Farm in preference to other allocated sites higher up the sequential search ladder.

3.1.280 The land wraps around the Primary School site but it lies beyond the western end of the main part of the village. Its development would extend existing ribbon development along the A20 as well as forming a salient into the open countryside. A smaller version of the site, centred on the A20 frontage, was rejected by the previous Local Plan inquiry Inspector in his report of 1995. There has been a considerable amount of development, implemented or granted planning permission, in Sellindge in the last few years on sites which are, for the most part, better related to the core of the settlement. These developments would yield 67 dwellings or a 10% increase in the housing stock of the village, a significant amount for a village with a relatively limited number of facilities and services. I find that this justifies the retention of Sellindge as an RS2 village under Policy CO2 and I do not consider that the Elm Tree Farm site should be allocated for housing development now.

RECOMMENDATION

3.1.281 No modification to Policy HO2.

Green Acres

637/1 HO2 Mr A D Maryan Simon Bullock

HEARING

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.282 Please refer also to my comments under the heading of Omission Sites – General. The site is a former piggery, now vacant, adjacent to a detached part of the settlement boundary of Sellindge north of the A20. It is not previously-developed land according to the definition in Annex C to PPG3.

3.1.283I understand that the piggery attracted objections when in operation due to smell, and I note that the existing buildings might be difficult to convert as several are low in ceiling height and most are in rather poor condition. However, I see no reason in principle why a different agricultural activity, or an agricultural diversification scheme, could not be carried out at the site. The need to improve the appearance of a site is a poor reason for allocating land in the open countryside for housing. The buildings, structures and hardstandings are low-key features and are typical of many sorts of agricultural use. I note that there has been interest in the land as a gypsy site, but that is a matter that would be assessed in relation to Local Plan policy if an application for that use were to be made.

3.1.284Dwellings would be likely to be greater in height and mass than the existing buildings and thus would be more visually obtrusive in the rural setting of this part of Sellindge. The village has only limited facilities and the site is a significant distance from the main built-up part of the village where most are located. Overall I do not consider that the site should be allocated for housing now.

RECOMMENDATION

3.1.285No modification to Policy HO2.

Leafield and land adjacent to 60 Swan Lane
763/3 HO2 The Bucknell Trust Ian Elliott

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.286Please refer also to my comments under the heading of Omission Sites – General. The sites are predominantly in agricultural use. Taken together, they would form a swathe of land around the south eastern side of the village, near the top of a ridge and on the upper parts of the slope down to the Motorway. There are areas of new residential development near to the sites, but they are all within the settlement boundary and represent modest extensions to the built form of this part of Sellindge. I consider that the allocation of the proposed sites, either together or individually, would lead to a large incursion of development into the rural setting of the village in a prominent position, which is not justified by a need for further allocations. Sellindge has a limited number of shops and services and does not rank highly as a sustainable location. I note the objectors' points that the sites consist of low-grade agricultural land, that there are no environmental designations, that access would be possible and that there would be unlikely to be any impact on the amenity of neighbours. However, these represent an absence of harm rather than positive benefits. Additional allocations are not required and the sites have no sustainability advantages over those already included in Policy HO2. They should not be allocated now.

RECOMMENDATION

3.1.287No modification to Policy HO2.

Land adjacent to Robrae

263/10 HO2 Mr P M Allen Godden & Allen Chartered Surveyors

NFS

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.288 Please refer also to my comments under the heading of Omission Sites – General. The site lies north of the A20 in an area of intermittent ribbon development west of the main part of Sellindge. It consists of a large field used for grazing, which lies between two detached parts of the settlement boundary that enclose islands of development. I saw that the land has an open rural character and affords wide views to the north. I consider that allocation of the site would lead to consolidation of the sporadic ribbon development along the A20, and would represent an intrusion into a wedge of open countryside that separates constituent parts of the village. I note that the site is within the 40mph speed limit zone, that it has few constraints and is deliverable. However, I do not find that, in the absence of need, it offers sustainability or other benefits that would indicate its allocation. I recognise that Sellindge has a number of facilities and services but its scale, location and pattern of development indicate to me that it is rightly designated as an RS2 village under Policy CO2, within which only minor development such as infilling is acceptable. I discuss under the heading of Policy HO4 the question of the role of rural residential development in supporting village shops and services. I conclude that the site should not be allocated now.

RECOMMENDATION

3.1.289 No modification to Policy HO2.

ST MARY'S BAY

Jenners Way
742/2 HO2 S D Walker BSF Planning Consultants

INQUIRY

Issue

Whether the site is demonstrably more sustainable, less harmful or would bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.290 Please refer also to my comments under the heading of Omission Sites – General. The site is a triangular area of agricultural land of 0.56ha between the New Sewer drainage channel and residential development within the St Marys Bay settlement boundary. The town is designated under Policy CO2 as one that could accommodate more than minor development. This designation, and the substantial existing housing allocations at St Marys Bay, take into account the fact that the town has a number of shops and facilities and that it is on 2 bus routes. I note that a station of the Romney, Hythe and Dymchurch Light Railway is close to the site. However, the range and volume of shop and service provision is limited and scattered and is not comparable to that of towns such as Folkestone and Hythe that are higher up the sequential

ladder. I have no firm evidence that the existing allocations in St Marys Bay, listed in Appendix 2 of the RDD, will not come forward during the Plan period. I do not consider therefore, in the light of the town's place in the sustainability hierarchy, that further allocations are required now.

3.1.291I note that a Housing Association may be interested in developing affordable housing in St Marys Bay. However, housing for local needs may be provided under Policy HO8 without the need for a specific allocation. On larger sites, the provision of a proportion of affordable housing would be required in any event under Policy HO6. The Environment Agency confirm that site is in an area which, even after the completion of proposed coastal defence works, would be defended to only a 1:100 year standard. The objectors have presented no evidence that the site is, or could be, defended to the 1:200 year standard required. I note the objectors' point that development on the site would round off the settlement boundary and would be unlikely to lead to pressure for further building. However, the site's location in the LLA and the question of flood risk reinforce my overall conclusion that an allocation at the site is not required now.

RECOMMENDATION

3.1.292No modification to Policy HO2.

STANFORD

Land east of Stone Street

488/1 HO2 Mrs Carolyn Hardy Howard Small & Associates

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.293Please refer also to my comments under the heading of Omission Sites – General. This roughly triangular site at the northern end of the village between Stone Street and the B2068 is discussed under the heading of Policy CO2 – Settlement Boundaries. I concluded that the settlement boundary should not be amended to take in this site, and for the same reasons I consider that the land should not be a housing allocation in the Plan.

RECOMMENDATION

3.1.294No modification to Policy HO2.

Land Opposite The Drum Inn

850/1 HO2 Mr(s) R Weller Mike Simmonds

W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.295 Please refer also to my comments under the heading of Omission Sites – General. This site is a small paddock on the east side of Stone Street. Its allocation would encourage an isolated and incongruous patch of development on that side of the Street, unrelated to the pattern of development in the village and intrusive in the countryside setting of Stanford. It would form part of the larger site of land East of Stone Street discussed above and under the heading of Policy CO2, and the same observations apply to this site opposite the Drum Inn. I do not consider that recent development at the Inn would justify building on the other side of the road, nor do I find that the village requires consolidation in this area. Organic growth of a scale appropriate to the size and sustainability credentials of the village can take place within its defined boundary. I do not recommend allocation of this site.

RECOMMENDATION

3.1.296 No modification to Policy HO2.

Stone Street				
859/1	HO2	Ms Joanna Ames	Mike Simmonds	W/R

Issue

Whether the site is demonstrably more sustainable, less harmful or bring greater benefits than other sites allocated in the Local Plan.

Inspector's Reasoning and Conclusions

3.1.297 Please refer also to my comments under the heading of Omission Sites – General. This site lies on the east side of Stone Street opposite Yew Tree Farm. It is grazing land which offers views over the countryside to the east and towards the Church and Old Rectory to the north. Its development would represent an intrusion into that open countryside and into the rural setting of Stanford, and would form more than the minor scale of development appropriate to this Policy RS2 village. The site is similar to part of the site entitled Land East and West of Stone Street, discussed under the heading of Policy CO2. I concluded that the settlement boundary should not be amended to take in that site, and for the same reasons I consider that the land of objection 859/1 should not be a housing allocation in the Plan.

3.1.298 I have discussed under the heading of Policy HO4 the uncertain role that housing growth, except growth that is of considerable size, would have in supporting village shops and services. The Council is right to direct allocations first to the District's principal urban areas of Folkestone and Hythe, and then to the main rural towns of New Romney and Lydd which have a good range of shops and services. Stanford on the other hand has no shop and limited facilities and does not represent a sustainable choice for a housing allocation.

3.1.299 The fact that the village is close to the station at Westernhanger, which I understand provides an hourly rail service to London, would be likely to attract to the site those who may wish to live a considerable distance away from their work. This would thus increase the need to travel, in conflict with the aims of PPG3 and PPG13. I acknowledge that the objector offers part of the site as public open space, which would be located near the centre of the village. However, the provision of open space would be required in any event under Policy LR9 as a part of residential development. I do not find that these matters, nor any others mentioned by the objector, would justify allocation of this site.

RECOMMENDATION

3.1.300 No modification to Policy HO2.

POLICY HO2A - FOLKESTONE SEAFRONT

Objections

114/1	HO2 A	Dr David Price	nfs
686/1	HO2 A	Mr Andrew Craven Kent Wildlife Trust	nfs
747/2	HO2 A	Luminar Leisure Drivers Jonas	nfs
754/2	HO2 A	Mr A Ingleston	nfs
388/19	HO2 A	Pentland Homes Ltd Charles Evans	W/R
484/8	HO2 A	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
489/2	HO2 A	Folkestone Development Company R Stevenson, John Bishop & Associates	INQUIRY
530/1	HO2 A	Kingston Homes Ltd Mr R Stevenson	NFS
739/1	HO2 A	Mr Chris Kneale Southern Water	NFS
748/12	HO2 A	Kent County Council Peter Cooper,	W/R
751/38	HO2 A	Ms Claerwyn Lock, The Environment Agency	NFS
824/2	HO2 A	Mrs V Collins	NFS
870/10	HO2 A	Folkestone Development Company Ltd Jennifer Owen Associates	NFS
873/3	HO2 A	Mr & Mrs M Walker Jennifer Owen Associates	NFS
532/2	HO2 A	Mr S J Richardson Mr R Stevenson	nfs
762/12	HO2 A	Sea Containers DPDS Consulting Group	INQUIRY

Issue

Whether the proposed scale and mix of uses is deliverable within the plan period with particular regard to dwelling density, provision of adequate vehicular and pedestrian access and effect of provision of leisure elements on the provision of housing.

Inspector's Reasoning and Conclusions

3.1.301 Policy HO2A builds on the strategies of the Comprehensive Development Framework (CDF) of 2000, produced by the District Council and SEEDA (CD4.07). The Seafront is previously-developed land in what is probably the most sustainable location in the District. It therefore comes at the top of the sequential ladder of PPG3. It is precisely by developing such areas first that the Council will avoid, as far as possible, development on greenfield sites and those of wildlife importance. Government policy requires that the best use be made of urban land, and the Seafront is an area which could accommodate a high density of development. Overall the capacity of Site HO2A may well be in excess of 500 dwellings and this is recognised in both the Urban Capacity Study (CD1.08) (the UCS) and the CDF. The Local Planning Authority hold that the total of 500, and its distribution between the two phases of the Plan, is the optimum deliverable within the Plan period. However I have no firm evidence to show that the total capacity of the site, which could be over 700 dwellings, could not be delivered within that time. In my view setting an unambitious target might prejudice making the best use of this land. In particular I consider that residential use above ground level in the leisure zone, as suggested in the CDF, could add to the vitality of the area as well as contributing to the housing

total, and I recommend on that under Policy FTC6. Adding a phrase such as “at least” or “more than” to the policy, or leaving the exact number to the design of a detailed scheme, would not solve the problem, in my view, as it is vague and gives insufficient certainty to developers. I conclude therefore that the Council should reconsider the total number of dwellings to be provided on Site HO2A, and revise it upwards towards the capacity indicated in the UCS.

3.1.302 I understand that the Council is in negotiation with the various owners of Site HO2A and that there are no significant problems of land assembly or delivery. Planning permission for residential development was granted in 1989 but was not implemented. However that predated the CDF and took place in a different economic climate. There have been several examples nationally of high quality, mixed use coastal or waterside development realised since then and I see no reason why, in principle, the strategy at Folkestone Seafront would not be carried out.

3.1.303 It is likely that a development of this size would generate demand for a number of primary and secondary school places, and there is little capacity nearby. The Local Planning Authority should ensure that adequate provision is made for primary provision on or off site, and secondary provision off site, by means of developer contributions as appropriate. I have no evidence that sewerage capacity in the area is so limited as to preclude development in principle here. This is a matter for further investigation and could also be the subject of developer contributions if necessary.

3.1.304 Existing leisure and parking facilities and the Sunday Market would be replaced by new indoor leisure facilities which will provide year-round benefits for Shepway residents and visitors, together with appropriate parking provision. The Seafront is a key site in the regeneration of the town centre and development of high quality will be required, as emphasised in the CDF. Imaginative design should have no difficulty in both reflecting the coastal situation of the site and enhancing the setting of the listed buildings nearby. Proposals for residential development would have to take into account existing and proposed noise-generating uses, and include schemes for mitigation as necessary. The Plan should be read as a whole, and Policies SD1(k) and U16 would protect the living conditions of residents. A successful relationship between leisure and residential uses should be an important aim of good design in the area.

3.1.305 A habitat survey of the coastal area has been undertaken in connection with the flood defence improvement works currently under way, but has not revealed sensitive ecological issues in the Policy HO2A area. It is important however that the impact, direct and indirect, of development is fully assessed at the planning application stage. It may be that the scale of development would indicate that an Environmental Impact Assessment is required. In any event, the wildlife value of the area would be protected under Policy SD1(d) and (i)-(iii), and by various nature conservation policies of the Plan. The site is not at risk from tidal flooding but the RDD ensures that flood risk matters will be fully taken into account by including, rightly in this case, a cross-reference to the flooding policies of the Plan. Measures to ensure the protection of buildings from wind or wave-borne debris may be incorporated into a development brief for the area and assessed at the planning application stage.

RECOMMENDATIONS

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

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

measures to ensure the protection of buildings from wind or wave-borne debris.

POLICY HO2B - ST MARTIN'S PLAIN, FOLKESTONE

Objections

403/1	HO2 B	Mr S Smith	nfs
481/1	HO2 B	Mr B Wood	nfs
484/12	HO2 B*	Mr P Garber, Planning Director George Wimpey UK	nfs
638/1	HO2 B	Mr Peter Davenport	nfs
388/18	HO2 C	Pentland Homes Ltd Charles Evans	nfs
735/3	HO2 B	Mr P King Defence Estates	nfs
735/8	HO2 B	Mr P King Defence Estates	nfs
786/1	HO2 B	Mr G C Hall	nfs
489/3	HO2 B*	Folkestone Development Company R Stevenson, John Bishop & Associates	NFS.
530/2	HO2 B*	Kingston Homes Ltd Mr R Stevenson	NFS
642/1	HO2 B	Mr/s R A Southow	Cond WD
642/2	HO2 B	Mr/s R A Southow	Cond WD
642/3	HO2 B	Mr/s R A Southow	Cond WD
870/11	HO2 B*	Folkestone Development Company Ltd Jennifer Owen Associates	NFS
873/4	HO2 B*	Mr/s M Walker Jennifer Owen Associates	NFS

Further Proposed Change: PC5

Issue

Whether the site is likely to be developed within the Plan period.

Inspector's Reasoning and Conclusions

3.1.308 St. Martin's Plain has been deleted from the list of housing allocations in Policy HO2 in the Revised Deposit Draft. The MoD do not wish to release the site at present and there is no certainty therefore that it could be developed within the Plan period. *I am satisfied therefore that the RDD meets these objections.

3.1.309 Further Proposed Change PC5 proposes that this site be included within the area allocated under Policy HO5 on the Proposals Map so that, subject to criteria, its development may be considered if it becomes available before 2011. The site is previously-developed land within the urban area and would thus be a first-choice site in terms of the sequential test of PPG3. I have no firm evidence that there are any overriding highway, nature conservation or other reasons which would indicate that it should not be retained as a longer-term development prospect.

RECOMMENDATION

3.1.310 Modify the Plan by carrying out Further Proposed Change PC5.

POLICY HO2C - OLD GAS WORKS SITE, SHIP STREET, FOLKESTONE

Objections

388/17	HO2 C	Pentland Homes Ltd Charles Evans	nfs
434/1	HO2 C*	Ms Jo Cutler SecondSite Property	NFS
434/4	HO2 C	Ms Jo Cutler SecondSite Property	NFS
484/13	HO2 C	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
870/12	HO2 C	Folkestone Development Company Ltd Jennifer Owen Associates	NFS
873/5	HO2 C	Mr/s M Walker Jennifer Owen Associates	NFS

Issues

Whether the site would be likely to come forward during the Plan period, and are there site-specific reasons which would indicate against its implementation.

Is the suggested yield of 70 dwellings reasonable.

Inspector's Reasoning and Conclusions

3.1.311*The last sentence of Policy HO2C has been deleted and I am satisfied that the RDD meets the objection in that regard. I deal with the remaining part of the objection under the heading of Policy LR9.

3.1.312The site is previously-developed land (PDL) within the urban area and is identified in the Urban Capacity Study. It is thus in the first rank of choice in terms of the sequential test of PPG3. Many such sites may have contamination problems but paragraph 32 of PPG3 still advises that previously-developed sites should be developed before greenfield land, and the government is pressing local authorities to deliver 60% of housing provision from PDL. No firm evidence has been put before me that the site is so contaminated that development within the Plan period would be unlikely. Table 3 of the RDD recognises that implementation of some of the dwellings may occur after 2006, and that can be adjusted as necessary through the Plan Monitor and Manage process.

3.1.313Parking provision would be considered at the development control stage. I do not see that there are any overriding parking issues that would indicate that the site should not be allocated. The question of compensation to neighbouring householders for any damage caused during construction would be a private matter between the builders and residents.

3.1.314Table 3 of the RDD indicates that the site could deliver about 70 dwellings over the Plan period. The Urban Capacity Study of 2002 suggests that a total of 54 houses and 80 flats, 134 units in total, could be accommodated on the larger, 1.4ha, part of the site. The Council acknowledge that 70 dwellings is a minimum figure, calculated at a rate of 30 dwellings per hectare, and that a much higher density might be possible. The exact capacity of the land, and the timing of development, would not be known until more detailed site investigation and design work is carried out. In the light of the circumstances of the site I consider that a cautious approach is justified. The Plan, Monitor and Manage process could accommodate changes to the total yield and the timing of the development.

RECOMMENDATION

3.1.315No modification to Policy HO2C.

POLICY HO2D - DEPOT OFF ASHLEY AVENUE, FOLKESTONE

Objection

484/14 HO2 D Mr P Garber, Planning Director George Wimpey UK INQUIRY

Issue

Are there environmental reasons why the site should not be allocated.

Inspector's Reasoning and Conclusions

3.1.316The site is within a Groundwater Source Protection Zone defined on the Proposals Map, and is subject to Policy U4. However, few brownfield sites in urban areas are likely to be unconstrained by environmental considerations. The Environment Agency have made no objection to the allocation. Paragraph 9.16 of the RDD confirms that the Agency will be consulted in relation to proposals for development in the Protection Zones. The land is within a residential area and is a first-choice site in terms of the sequential test of PPG3. I see no reason in principle why the site should not be allocated for housing or why groundwater sources could not be adequately protected by conditions on a planning permission.

RECOMMENDATION

3.1.317No modification to Policy HO2D.

POLICY HO2E - INGLES MANOR, JOINTON ROAD FOLKESTONE

Objections

128/1	HO2 E	Mr Malcolm Wootton	nfs
29/1	HO2 E	Mr Brian Higgleton	nfs
3/2	HO2 E	Mr P Greenstreet	W/R
412/57	HO2 E	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
484/15	HO2 E	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
489/4	HO2 E	Folkestone Development Company R Stevenson, John Bishop & Associates	INQUIRY
530/3	HO2 E	Kingston Homes Ltd Mr R Stevenson	NFS
568/5	HO2 E	Mr L Page, Chairman New Folkestone Society	NFS
746/6	HO2 E	Mr Richard Wallace	INQUIRY
754/1	HO2 E	Mr A Ingleston	INQUIRY
80/1	HO2 E	Mr F W James The Trustees	NFS
81/1	HO2 E	Mrs S Rendall	NFS

Issues

See under Policy FTC3.

Inspector's Reasoning and Conclusions

3.1.318 See under Policy FTC3.

RECOMMENDATIONS

3.1.319 See under Policy FTC3.

POLICY HO2F - NICKOLLS QUARRY, WEST HYTHE

Objections

101/1	HO2 F	Mr N Mosley	nfs
205/1	HO2 F	Mr David Pescod	nfs
234/2	HO2 F	Mr Keith Macey	nfs
235/1	HO2 F	Mr Arthur King	nfs
235/2	HO2 F	Mr Arthur King	nfs
236/1	HO2 F	Ms Tracy Amos	nfs
237/1	HO2 F	Mrs J A E Filby	nfs
316/1	HO2 F	Mr R Allen	nfs
325/1	HO2 F	Mr(s) I P Hodge	nfs
418/1	HO2 F	Mr Colin Howard	nfs
47/1	HO2 F	Mr(s) A Maguire	nfs
515/1	HO2 F	Mr/s J D M'ken	nfs
516/1	HO2 F	Mr(s) J W Cooper	nfs
533/1	HO2 F	Miss H M Pittock	nfs
533/2	HO2 F	Miss H M Pittock	nfs
643/1	HO2 F	Mr R Swandale	nfs
644/1	HO2 F	Captain R Belcourt Hythe Town Councillor	nfs
646/1	HO2 F	Mr(s) T K Peters	nfs
647/1	HO2 F	Mr D Milner	nfs
686/12	HO2 F	Mr Andrew Craven Kent Wildlife Trust	nfs
735/4	HO2 F	Mr P King Defence Estates	nfs
880/1	HO2 F	Mrs D Waitt	nfs
881/1	HO2 F	Mr/s S Ward	nfs
106/1	HO2 F	Mr M Smailes	Cond WD
206/1	HO2 F	Mr J Rapley	NFS
238/1	HO2 F	Mr R Luckhurst	NFS
238/2	HO2 F	Mr R Luckhurst	NFS
239/1	HO2 F	Mr(s) I P Hodge	W/R
296/1	HO2 F	Hythe Civic Society Colin Colson MBE	NFS
312/1	HO2 F	Mr(s) E T Burren	NFS
312/2	HO2 F	Mr(s) E T Burren	NFS
315/1	HO2 F	Mr(s) R Alderton	NFS
323/1	HO2 F	Mr B V Oxford	gone away
388/5	HO2 F	Pentland Homes Ltd Charles Evans	W/R
411/2	HO2 F	Mr(s) J P Medicot	NFS
426/1	HO2 F	Mr(s) C Page	NFS

427/1	HO2 F	Miss M D Arnfield	NFS
473/7	HO2 F	Mr J Kenward	NFS
483/1	HO2 F	Mr/s F E Smith	NFS
484/16	HO2 F	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
489/5	HO2 F	Folkestone Development Company R Stevenson, John Bishop & Associates	INQUIRY
530/4	HO2 F	Kingston Homes Ltd Mr R Stevenson	NFS
633/2	HO2 F	Nickolls Quarries Ltd David Jarman	W/R
727/1	HO2 F	Ms Fiona Fraser Boulton The Countryside Agency	W/R
729/1	HO2 F	Mr Ralph Dickens Government Office for the South East	NFS
739/2	HO2 F	Mr Chris Kneale Southern Water	NFS
748/11	HO2 F	Kent County Council Peter Cooper	Cond WD
75/1	HO2 F	Mrs A Mortimer	NFS
751/32	HO2 F	Mr(s) Claerwyn Lock, The Environment Agency	NFS
772/4	HO2 F	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
82/2	HO2 F	Dr Richard Scarth	NFS
846/1	HO2 F*	Mr & Mrs A Farmer Beach Bank Caravan Park Mike Simmonds	W/R
870/13	HO2 F	Folkestone Development Company Ltd Jennifer Owen Associates	W/R
873/6	HO2 F	Mr & Mrs M Walker Jennifer Owen Associates	NFS
879/1	HO2 F	Cllor Graham Browning Liason Officer, Redoubt Sailing Club	Cond WD

Further Proposed Change: PC6

Issue

Whether this allocation would be the best way to make a major contribution to meeting the housing needs of district. Would the site achieve the right balance between this and harm which could be caused from flood risk, noise and traffic generation in construction phase.

Inspector's Reasoning and Conclusions

3.1.320*I am satisfied that the RDD meets this objection.

PPG3

3.1.321The site is clearly an urban extension in terms of PPG3 as it is immediately adjacent to the settlement boundary of Hythe in the adopted Local Plan, with good existing public transport links to the urban area, to which I refer in more detail later. The form of settlement is linear in that area as western Hythe is squeezed between the sea, MoD land and the steep scarp slopes to the north, and the allocation at Nickolls Quarry would reflect that pattern. I do not find that the visual effect of the bund, or the presence of the lake or proposed recreation area, would sever the site from Hythe to such an extent that it could not be regarded as an urban extension.

3.1.322The land is clearly not previously-developed in terms of Annex C of PPG3 as its planning permission for gravel extraction is subject to restoration conditions. However, neither is it wholly undeveloped at present and its allocation and phasing in the Plan makes it unlikely, in my view, that any substantial agricultural or other use would intervene between the end of extraction and the start of development. In my view this is a material consideration which has some weight when Nickolls Quarry is compared to agricultural greenfield land.

3.1.323The site is about 3.5Km from Hythe town centre. There are two bus routes on the A259, which offer an hourly service from early morning to late evening, Mondays to Saturdays, and a more limited service on Sundays. Buses also serve Dymchurch High Street, a similar distance to the south, which has a supermarket and a range of local shops. The site therefore has a level of public transport now, and a degree of accessibility to shops and services, that other sites such as at Lypne would achieve only after development contributions. In addition there are free

dedicated buses to Waitrose at Hythe and Tesco at Cheriton. There is evidence that an operator has expressed interest, in principle, in extending a bus route into the site and improving the quality of service. The RHDLR passes the northern edge of the site. The operators have confirmed their interest, in principle, in the creation of a new halt near the site for the school train service. The Railway runs daily only in the summer months, and the timetable would not suit morning commuters. However I consider that, with a local halt, the RHDLR has the potential to make a positive contribution to the limitation of school, shopping and recreational trips by car. Improvements to both rail and bus services could be secured through developer contributions.

3.1.324 The urban area of Folkestone and Hythe is heavily constrained. There are not sufficient previously-developed sites in the urban area, or previously-developed land which could form urban extensions, to fulfil the housing requirements of the Plan. I consider that Nickolls Quarry has been properly assessed in relation to the sequential test in PPG3 and that it is, or can be, served appropriately by public transport. I have examined the merits of all sites put before me, elsewhere in this report. As a result, I am satisfied that there are no previously-developed sites within the urban area, or urban extension sites, that are available and which should replace Nickolls Quarry as an allocation. I include New Romney in that analysis as a settlement that should, in my view, have been included within the Urban Capacity Study due to the number and range of its shops and services and its degree of access to public transport.

PPG25

3.1.325 The site is in an area that is currently defended to less than the 1 in 200 year standard for tidal flood risk and is this in Flood Zone 3 of PPG25. The land may be classed as Zone 3(b) as it is sparsely developed. The test, then, is whether the development is essential, and whether alternative options are available in a lower-risk category, consistent with other sustainable development objectives. It is imperative that the Council fulfil the Structure Plan housing requirements for the Plan period. The allocation of Nickolls Quarry would make a substantial contribution to this, which it would be difficult to replace elsewhere.

3.1.326 The Council have not explicitly undertaken and published the results of a sequential test of candidate allocation sites and all others in accordance with PPG25, so that they are ranked in order of flood risk. This should be carried out for future versions of the development plan. However, it is clear, from their evidence, that the Council have taken flood risk into account in assessing both allocated and unallocated sites, and balanced this against other sustainability concerns.

3.1.327 I have reviewed all the sites put before me in accordance with advice in PPG25 and find none, including any at Lympne, that are of lower flood risk but that are not also excluded from allocation by other sustainability matters. The next step is to test whether the site can be adequately defended from flood risk.

3.1.328 The Environment Agency (EA) confirm that fluvial flooding of the site from the Royal Military Canal, even without the bund, is unlikely to be a major concern. A flood risk assessment and a limited breach analysis have been carried out, and mitigation measures proposed. These include the construction of an engineered bund of the order of 5.85m-6.16m AOD. Existing ground levels at the site are generally of the order of 2.0m-4.5m AOD approximately, with higher spots near the entrance. Within the bund a raising of ground levels to between 3.5m and 4.0m AOD is proposed, and a requirement that there should be no ground floor habitable rooms, would protect dwellings. The limited breach analysis shows that the effect of flood volume displaced by the defended development would be minimal. The part of the site to be developed would therefore be defended to the 1 in 200 year level, including the

access to the site, and living accommodation in the dwellings would be above the 1 in 1,000 year tidal level.

3.1.329 The most telling factor, in my view, is that the EA have now no outstanding objections in principle to the allocation, subject to matters that may be addressed at the planning application stage. These include a more detailed breach analysis to define further the design height of the bund and its impact on flooding elsewhere. I am satisfied that the flood envelope in the area is so large that the results of further study would be unlikely to indicate that development should be precluded. Any application should be accompanied by robust arrangements to ensure that the flood defences can be maintained for the life of the development. In the light of the lack of objection in principle from the EA and the lack of sustainable alternative sites identified through the sequential test, I do not consider that the matter of flood risk should prevent the allocation of this site.

Noise

3.1.330 PPG24 advises that, as far as is practicable, noise sensitive developments should be located away from existing sources of significant noise. The noise exposure categories (NEC) of Annex 1 of PPG24 are concerned with the effect of transport noise on dwellings. They should not be applied to the impact of industrial noise except as part of the mixed sources category, because of the varied characteristics of such noise. There is even less justification for applying the NEC categories and noise levels to gunfire. The NEC levels are expressed as $L_{Aeq,T}$ dB, suitable for measuring noise such as of traffic, which tends to be more or less continuous. The surveys at Hythe Ranges measure sound as L_{Amax} , suitable for short intermittent noise events such as gunfire but which does not take account of the effect of silences between events. Comparison of the surveyed noise readings with the NEC levels is therefore of limited assistance. I heard evidence that would indicate that there is a good case for classing the site as Category B. However, assuming as a worst case that the site falls into Category C, then planning permission may be granted for development for which there can be effective noise mitigation and for which there is no suitable alternative location. I conclude in this section and elsewhere under the heading of Policy HO2 that there are no preferable unallocated alternatives to development at Nickolls Quarry. I turn then to examine the existing noise climate and the possibilities of mitigation.

3.1.331 I heard firing from the Hythe Ranges from various locations around the Nickolls Quarry site, on different days and at different times of day including in the evening. The noise is a staccato crackle, intermittent and irregular with frequent gaps, many of which are of considerable length, and longer pauses when firing stops for some minutes or hours. The noise of a shot is of very short duration and bursts of fire, as if from automatic weapons, are also short. The ranges face in different directions, and some have no screening. I heard for myself that the particular ranges in use at any time, and the wind direction, give considerable variations in the noise level perceived from different locations around the site. The noise which I experienced from the ranges opposite the entrance to Nickolls Quarry, which are close to the road and unscreened, was significantly louder than from elsewhere. This is borne out by the noise surveys submitted in evidence. The Council's survey found also that the noise of firing was very directional, and screening at source can be effective.

3.1.332 The Hythe Ranges have been in operation for many years. Relatively dense and continuous frontage residential development for over 1.5Km of the north side of the A259 faces onto the Ranges. The dwellings are separated from the Ranges only by the road, and many are closer to the northern boundary of the military area than the nearest parts of the Nickolls Quarry housing allocation would be. A survey carried out by the Local Planning Authority showed readings from firing of up to 71dB L_{Amax} at unscreened positions in front of existing dwellings

and up to 78dB L_{Amax} by the caravan site. A survey by the objectors showed similar levels of 65-75dB in front of existing dwellings. I understand that only infrequent and isolated complaints about the noise from firing have been received, amounting to 2 in the last 12 years. That is of course no reason to make a bad situation worse.

3.1.333 The worst-case location in each survey was approximately at the entrance to the Quarry, where readings of 80-88 L_{Amax} were recorded. Distance would reduce this to a maximum of about 84 L_{Amax} , without screening, within the site at the location of the nearest part of the proposed housing area. Behind the approximately 5m high existing earth mound near the entrance to the site however, the readings were 71dB L_{Amax} , a reduction of 10dB or more. A survey of traffic noise near the entrance to the Quarry, when firing was not taking place, recorded 77dB L_{Amax} . I conclude on this evidence that screening at the edge of the Nickolls Quarry site has the potential to reduce noise, at the nearest part of the housing allocation area, to levels which are no worse than at frontage dwellings nearby in Hythe and less than L_{Amax} noise level from existing traffic on the A259.

3.1.334 The ranges operate on about 300 days per year. Not all ranges are in operation every day. In September 2003, a month of normal use, 20 of the 30 ranges were in operation, for an average of 11 days each. On average 10 ranges are used each weekday, 6 per day at weekends. All shooting is programmed between 0830 and 2300 hours, but daytime shooting normally ends at 1630 hours. Evening shooting occurs less frequently, on about 8 evenings per month. No firing takes place at night. The use of the ranges is not subject to planning control but I have no evidence that the MoD intend to significantly alter the pattern or intensity of use.

3.1.335 An appeal concerning residential development near the Rype Village MoD national riot control training centre at Lydd was dismissed in 2001. I distinguish between Hythe Ranges and Rype Village, at which many more noisy activities take place in addition to rifle and machine gun fire. These include the use of helicopters at low level, simulated hand grenade and car bomb explosions, shouting and swearing and banging of dustbin lids. That site operates mainly from 0600-2300 hours, but night-time exercises from 2300-0600 hours are also a specific part of training in the summer, when bedroom windows are more likely to be open. It has been the subject of a significant number of complaints from local residents. The site is a unique training area in the UK and its use has increased in recent years, with further investment planned. This site therefore has a broad spectrum of intense and noisy activities with certainty of night time use, at least in summer. It is clear that in dismissing the appeal the Inspector took into account the whole range of activities and their capacity to disturb, and not just the recorded sound levels.

3.1.336 I now turn to consider the possibility of mitigation. The degree of noise reduction provided by the unsophisticated earth mound near the entrance to the site, from 80-88dB L_{Amax} to 71dB L_{Amax} indicates the potential for mitigation that a properly engineered package of measures could offer. These could include the bund, topped as necessary by acoustic fencing and screened overall with planting, the possibility of rearranging uses on the site, together with details of site layout, orientation, fenestration and design of dwellings to minimise the impact of noise on residents. I recognise that the effect of the bund decreases with distance, but then distance provides its own attenuation, and in addition there would be some screening effect from buildings on site. There is also potential for screening the noise at source for the group of unshielded ranges near the entrance to the site, by negotiation with the MoD. There is of course no control over this and I can allow that factor very little weight. However, it is a matter that could be the subject of developer contributions and could be of benefit to the wider area as well as to the allocation site.

3.1.337 I now turn to consider other guidance. There are no directly comparable standards for gunfire such as a Hythe Ranges. The Chartered Institute of Environmental Health publication

Clay Target Shooting: Guidance on the Control of Noise suggests 65dB Mean Shooting Noise Level (SNL) as the level at which noise from that activity is likely to cause annoyance; a similar threshold was found in other research¹. The SNL measure is not exactly comparable to the L_{Amax} results in the Hythe surveys, and the introduction to the study makes it clear that the guidance in it must not be taken as having any application to any other outdoor shooting events.

3.1.338 The other daytime standards, in WHO advice and in BS 8233, are expressed as dB L_{Aeq} and are intended to refer to more or less continuous noise. No dB L_{Aeq} equivalent was calculated for the gunfire at Hythe, but the objectors found that 77dB L_{Amax} , for traffic noise on the main road at the entrance to the Quarry, unshielded, was equivalent to 61dB L_{Aeq} . I note this relationship and I was given no evidence to lead me to conclude that, with mitigation, the daytime WHO standard of 50-55dB L_{Aeq} in gardens, or in bedrooms with the window open, would be unattainable in principle.

3.1.339 If the ranges were to operate at night then mitigation should aim to achieve a night time level of 45dB L_{Amax} within bedrooms (WHO 2000). I note that dwellings are likely to be of 3 storeys, and that sleeping accommodation may therefore be located above bund level. A range of mitigation measures are available and I have no reason to believe that the achievement of a reasonable standard of living conditions for residents would be impossible.

3.1.340 To sum up, I consider that survey measurement in the worst-case location shows that it would be possible, in principle, for mitigation to achieve a noise climate within the development that is, at the very least, no worse than that of residential areas nearby. In my view it would be possible to achieve, or get close to, the other standards mentioned, even though none are applicable to the gunfire at Hythe. The Inspector dismissed the Lydd appeal in relation to a proven night time use, and a wide spectrum of noisy activities including low flying helicopters which in my view have the potential to be more annoying than the intermittent crackle of gunfire. I am aware that a precautionary approach should be adopted, but I do not find that, on balance, and taking into account the lack of suitable alternative sites in the District, the noise climate likely to be achieved after mitigation would indicate that the allocation should be rejected.

Landscape

3.1.341 I do not consider that the proposed bund would represent in principle an unattractive feature in the landscape taking into account existing and proposed ground levels, and the possibility of acoustic fencing to at least part of the perimeter. The bund would provide the opportunity for structural planting, which would be more effective on raised ground. The site is some distance from the sea and is north of the A259. I do not consider that it would affect the perception of the Hythe Ranges as Undeveloped Coast under Policy CO6, even with the possibility of three storey dwellings within the site. The quarry is not within the Local Landscape Area (LLA). The quality of its landscape might, or might not, merit inclusion in the LLA if the land were given over to an agricultural or other open space use following restoration. However, I consider it more likely that restoration would merge seamlessly into development, without an intervening use. I do not find therefore that these matters would indicate that the site should not be allocated.

Fill and deliverability

3.1.342 The Council and objector came to different conclusions about the net amount of fill required to make the site ready for development and to create the bund. The objector calculated that about 1,139,450cu m would be needed, while the Council found that just under half that at

¹ Sorensen and Magnusson, J. of Sound and Vibration 1979 62(3)

542,800cu m would be required. At 1.63t per cu m, the amount of fill needed would be 1,857,300t or 884,760t. The site currently accepts about 183,000t of fill per year. At this rate the fill process would take about 10 years according to the objectors, or 5 years according to the Local Planning Authority. This period should be calculated from January 2003, since which time fill has been continuing as part of ongoing restoration. A fill period of 10 years would mean that little if any housing could be completed by 2011.

3.1.343 However, I consider that this estimate is unduly pessimistic, particularly in regard to the volumes involved in remodelling the lake. The Local Planning Authority's estimate is based on a detailed topographical survey. Development would be likely to be phased, and the bund could be constructed at the same time as dwellings, although occupation would be restricted until flood and noise mitigation is complete. The current site license of 550,000t per year of fill would allow completion of ground works in 2 to 3.5 years at the fill volumes estimated by the parties, and the quarry operators have applied for the license volume to be increased. I have no evidence that suggested sources of material would be insufficient to provide the volume of fill required. I do not consider therefore that, in principle, the process of fill would significantly hinder the deliverability of the site within the Plan period.

Highways and Transport

3.1.344 The County Highway Authority have no objection to the scheme. They draw attention to the fact that the allocation may increase the amount of traffic reaching the M20 through Lympne rather than via the A261. However, drive times indicate that there is little difference between the routes. The narrowness and steepness of Lympne Hill would make it unattractive to heavy goods vehicle drivers in my view and the traffic calming measures on Stone Street in Lympne would act as a deterrent to drivers of all vehicle types. In addition other measures such as the banning of right turns out of the site or turns from the A259 into Botolphs Bridge Road, the improvement of the operation of the Hythe one-way system and further traffic calming measures in Lympne could reinforce the attraction of the A261 as a route to the motorway.

Other Matters

3.1.345 The RDD meets the objections of Nickolls Quarries to criterion (i) and in relation to the development brief. I consider that the suggested wording concerning parking is too detailed for the policy, and may be addressed in the brief. I have dealt with the objection to the choice of industrial uses under the heading of Policy E2F. I have been given no evidence that would support a further reduction of the size of the lake to 13ha. On the contrary, I consider that the lake is an important amenity, sailing, angling and nature conservation resource in the District, which should be protected and enhanced, and I recommend below accordingly. A larger lake area might allow wildlife and recreational interests to coexist more easily.

3.1.346 Further Proposed Change PC6 corrects a minor error in wording by the deletion of "in size" from criterion (v). I recommend accordingly below.

RECOMMENDATION

3.1.347 Modify Policy HO2F in accordance with PC6.

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

POLICY HO2G - PRINCES PARADE, SEABROOK, HYTHE

Objections

119/1	HO2 G	Mr/s R Fryer Alison Graves	nfs
12/1	HO2 G	Mr E B Fancourt	nfs
120/1	HO2 G	Mr/s R Masterson	nfs
121/1	HO2 G	Mr D Moule	nfs
127/1	HO2 G	Mr(s) C S Turnbull	nfs
178/1	HO2 G	Mr/s D McCrory	nfs
203/1	HO2 G	Ms Christine Connell	nfs
214/1	HO2 G	Mr/s Lawless	nfs
321/1	HO2 G	Dr A R Nutbeam	nfs
322/1	HO2 G	Mrs W A Coward	nfs
329/1	HO2 G	Mr/s G C Wyatt	nfs
388/10	HO2 G	Pentland Homes Ltd Charles Evans	nfs
397/1	HO2 G	Dr John Woodward	nfs
399/1	HO2 G	Mr(s) S Musgrave	nfs
400/1	HO2 G	Mr(s) J M Fish	nfs
405/1	HO2 G	Mr/s I Falconer	nfs
406/1	HO2 G	Mr/s M Chatfield	nfs
408/1	HO2 G	Mr/s Watts	nfs
41/1	HO2 G	Mr/s B Gilliland	nfs
413/1	HO2 G	Ms M Little	nfs
419/1	HO2 G	Mr Norman Buckley	nfs
423/1	HO2 G	Mrs K Todd	nfs
435/1	HO2 G	Mr J K Seddon Mrs A Graves	nfs
45/1	HO2 G	Mr(s) M R Steel	nfs
50/1	HO2 G	Mrs A B E Martin	nfs
500/1	HO2 G	Mr F T Moore	nfs
501/1	HO2 G	Mr/s P Banbury	nfs
535/1	HO2 G	Mr G L Gillett	nfs
538/1	HO2 G	Mr/s L A Clarke	nfs
558/1	HO2 G	Mr(s) R H Critchley	nfs
559/1	HO2 G	Mr/s Pound	nfs
560/1	HO2 G	Ms Philippa Burden	nfs
638/2	HO2 G	Mr Peter Davenport	nfs
643/2	HO2 G	Mr R Swandale	nfs
645/1	HO2 G	Mrs R M Singleton	nfs
651/1	HO2 G	Mr(s) P A Pemberton	nfs
653/1	HO2 G	Mr/s J Reed	nfs
655/1	HO2 G	Mr Kenneth Tee	nfs
660/1	HO2 G	Mr/s R K Arnold	nfs
661/1	HO2 G	Ms Kandy Wellens	nfs
662/1	HO2 G	Mrs E Deakin	nfs
665/1	HO2 G	Mr(s) R D Popkins	nfs
666/1	HO2 G	Mrs N Chapman	nfs
667/1	HO2 G	Mr P Chapman	nfs
669/1	HO2 G	Mr John Bridge	nfs
670/1	HO2 G	Mrs Beryl Bridge	nfs
677/1	HO2 G	Ms Belinda Cheriton	nfs
678/2	HO2 G	Miss E Spark	nfs
686/2	HO2 G	Mr Andrew Craven Kent Wildlife Trust	nfs

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766/1	HO2 G	Ms Sue Moore	nfs
781/1	HO2 G	Mr Richard Simmonds Ms Samantha Perks	nfs
88/1	HO2 G	Mr/s B Daynes	nfs
9/1	HO2 G	Mr and Mrs M Harper	nfs
96/1	HO2 G	Mr(s) S Hughes	nfs
102/1	HO2 G	Mr David Lay	INQUIRY
103/1	HO2 G	Mr/s H J Adams	NFS
109/1	HO2 G	Mrs H McCabe	NFS
126/1	HO2 G	Mr George Binns	INQUIRY
133/1	HO2 G	Mr Fred Willmott & Ms Marie Willmott	W/R
135/1	HO2 G	Capt A W Kensett	W/R
136/1	HO2 G	Mr/s E Hards	NFS
173/1	HO2 G	Mr/s G Maxted	NFS
204/1	HO2 G	Miss J A Senter	NFS
213/3	HO2 G	Mr Roger Heald	NFS
226/1	HO2 G	Mr/s Whybrow	NFS
296/3	HO2 G	Hythe Civic Society Colin Colson MBE	NFS
299/1	HO2 G	Mr/s A W Boud	W/R
30/1	HO2 G	Ms Isobel Anderson	NFS
304/1	HO2 G	Mr S G Karpetas	NFS
314/1	HO2 G	Mr(s) J T Davies	W/R
32/1	HO2 G	Mr A Setter	NFS
326/1	HO2 G	Dr P McGuckin	NFS
39/7	HO2 G	Mr Roger Joyce Roger Joyce Associates	NFS
401/1	HO2 G	Mr/s J M J Darke	NFS
402/1	HO2 G	Mr C Pike	NFS
404/1	HO2 G	Mrs Norma Kensett	W/R
407/1	HO2 G	Miss Rita Ericson	NFS
411/1	HO2 G	Mr(s) J P Medlicot	NFS
420/1	HO2 G	Mrs Betty Allan	NFS
421/1	HO2 G	Mr G H Allan	NFS
426/2	HO2 G	Mr(s) C Page	NFS
433/1	HO2 G	Miss C Banner	NFS
439/1	HO2 G	Mr C Young	NFS
476/1	HO2 G	Mrs J Hanks	NFS
477/1	HO2 G	Mr J Hanks	NFS
478/1	HO2 G	Mr W G Leyton	NFS
480/1	HO2 G	Mrs E Spicer	NFS
484/17	HO2 G	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
489/6	HO2 G	Folkestone Development Company R Stevenson, John Bishop & Associates	INQUIRY
497/1	HO2 G	Miss Harris	NFS
498/1	HO2 G	Mr F H Bromley	NFS
530/5	HO2 G	Kingston Homes Ltd Mr R Stevenson	NFS
537/1	HO2 G	Mr(s) P Rivers	NFS
649/1	HO2 G	Ms Denise Maskell	INQUIRY
650/1	HO2 G	Mr/s P Rowe	NFS
652/1	HO2 G	Mr M Jaros	NFS
654/1	HO2 G	Ms Rose Grigsby	NFS
654/2	HO2 G	Ms Rose Grigsby	NFS
656/1	HO2 G	Mr Angus Macmaster	NFS
657/1	HO2 G	Ms Julie Goodall	NFS
658/1	HO2 G	Mr/s P J Oliver	NFS
659/1	HO2 G	Mr/s B Twist	NFS

663/1	HO2 G	Mrs Gladys Cockell	NFS
664/1	HO2 G	Mr/s J Atkins	Cond WD
672/1	HO2 G	Mrs J Pettinger	NFS
673/1	HO2 G	Mr/s J Hall	NFS
674/1	HO2 G	Mr/s G Dunn	NFS
676/1	HO2 G	Mr/s Mike Pratt	NFS
678/1	HO2 G	Miss E Spark	NFS
724/6	HO2 G	Mrs Linda Rene-Martin Sandgate Society	INQUIRY
751/33	HO2 G	Mr(s) Claerwyn Lock, The Environment Agency	NFS
82/3	HO2 G	Dr Richard Scarth	NFS
824/1	HO2 G	Mrs V Collins	NFS
831/1	HO2 G	Mr J A Gill	INQUIRY
870/14	HO2 G	Folkestone Development Company Ltd Jennifer Owen Associates	NFS
873/7	HO2 G	Mr/s M Walker Jennifer Owen Associates	NFS
94/1	HO2 G	Mr F Whittaker	NFS

Issue

Would the allocation achieve the right balance between the housing needs of the District, the environmental, historic and tourism value of the area and the need for open space.

Inspector's Reasoning and Conclusions

3.1.349 To my mind the prospect eastwards along Princes Parade from the vicinity of the Hythe Imperial Hotel is one of the finest vistas in the District. The main characteristic of the area is its grassy openness coupled with public access to the seafront, somewhat akin to the clifftop open space of The Leas and rare elsewhere in the District. The character, appearance and historical interest of the area is enhanced by the Royal Military Canal (RMC) which separates it from the built-up part of Hythe to the North. The view is closed to the east by the high ground of Sandgate, and inland by tree clad slopes rising towards the AONB. The sharp contrast revealed in travelling westwards between the closely-developed nature of Sandgate, constrained by topography, and the sudden openness of the Princes Parade area, adds to its character and strong sense of place.

3.1.350 In my view dwellings on the site, particularly if of 4 or 5 storeys, would be unacceptably disruptive and harmful to the attractive open character of Princes Parade and its long vistas, particularly in looking eastwards. The opportunity to provide high quality and high density modern coastal architecture would not outweigh that harm. The loss of openness is as important as visual impact this key site. The suggested layout shows dwellings at the shore edge, and Princes Parade diverted inland for a significant proportion of its length. Such matters are purely indicative at the Local Plan stage, but there are few options on this shallow site. I consider that the diversion of the road away from the seafront would erode its attraction and integrity as a unified seaside drive from all the way from Sea Point to the Imperial Hotel, whilst compromising the quiet setting of the Canal, an Ancient Monument. The other main alternative of leaving Princes Parade in place and locating dwellings towards the north of the site would, the Local Planning Authority agrees, be even more likely to adversely affect the character of the RMC. I am aware that various forms of mitigation could be secured at the development control stage, but in I find that the harm from residential development would be so fundamental that I cannot recommend it, in principle, for this site.

3.1.351 I agree therefore with the Inspector in his report on the previous Local Plan inquiry that residential development would be out of character with the site's open nature (CD4.03, paragraph 5.56). This part of Seabrook is deficient in every sort of public open space, according to the plans in Appendix 9 of the RDD, and the tourism industry is of great importance in

Shepway. To my mind the site is best suited to low-key recreation or tourism use, that would take advantage of and enhance the unique appearance, setting and recreational value of both the seafront and the Canal. A severely limited amount of building might be possible, if essential for those uses and if it would retain the attractive character and openness of the area. I consider that development of the scale of a hotel would be unlikely to meet these requirements, and I recommend that this site be deleted from Policy TM3. The previous Inspector mentioned hotel development somewhat tentatively. He clearly did not consider that hotel use was such a strong contender on this site that it should be included in his recommendation, nor did it feature in the 1997 Local Plan.

3.1.352 It is unfortunate that the site is one of the District's few significant areas of previously-developed land within the urban area, although that status arises from the lack of a restoration condition on the old planning permission for landfill use. There is no doubt that it is a sustainable location for housing and that it ranks in the top category of the search sequence of PPG3. Its deletion as a housing allocation would make it more difficult for the Local Planning Authority to achieve its target of 60% of dwellings on previously-developed land in the Plan period, although I do not consider that this is determinative. However, I find that this is one of the rare occasions where the need to preserve the open character of a site, and its relationship to both the sea and the Canal, is so important that it outweighs the imperatives of PPG3.

3.1.353 I recognise that good design would be a prerequisite of housing development on this site, and that a narrow belt of Policy LR9 land would provide a buffer between development and the Canal. I note also that the previous Inspector made his comments in the climate of an over provision of housing land at the time, and before the publication of PPG3. The Environment Agency (EA) confirm that there is no risk at the site from fluvial flooding. A flood risk assessment has been carried out which indicates that, because of its history of landfill, the site surface is above the 1 in 1,000 year flood level. This affords protection from tidal flooding considerably in excess of the 1 in 200 year standard required by PPG25. The EA have yet to comment on the detailed assumptions and calculations which underlie the assessment, but from the evidence presented I consider it unlikely that lack of defence from flood risk would prevent housing development, in principle, at Princes Parade. As with many brownfield sites there is some contamination, but a range of reclamation treatments are available. A preliminary investigation of ground conditions shows no reason to suppose that a more detailed survey would reveal levels of contamination that would preclude development. I have taken into account the fact that housing development could help to finance the provision of recreational facilities and landscaping on the Policy LR9 land. Developer contributions could also help towards the provision of any necessary social, community or transport infrastructure, and a development of 100 dwellings would yield a proportion of affordable housing under Policy HO6. I saw that at present the site is somewhat untidy and is not open space to which the public have access. However, I find that none of these matters, nor any others put before me, are enough to outweigh my overall conclusion that this site should not be allocated for housing or for hotel use.

3.1.354 The removal of Site HO2G would leave the housing supply short of 100 dwellings in the second part of the Plan period. I have recommended elsewhere in this report the allocation of replacement land for housing at Herring Hang Field New Romney, at Links Way on Park Farm, Folkestone and at Site HO2L at Barnhurst Lane, Hawkinge, which would replace that shortfall. Full reasoning is found under those headings and in the section on Policy HO2 and Policy CO24.

3.1.355 I consider that the Policy HO2G allocation should be replaced on the Proposals Map by washing the Policy LR9 designation over that site. Alternatively the Council may wish to

consider a mixed low-key tourism/recreation use on the land, supported by a new policy and reasoned justification in Chapter 6 of the Plan.

RECOMMENDATIONS

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

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

POLICY HO2H - LAND OFF ROMNEY AVENUE, FOLKESTONE

Objections

295/1	HO2 H	Mr T Bull	nfs
409/1	HO2 H	Mr P M Baker	nfs
496/1	HO2 H	Ms Emma Santer	nfs
199/1	HO2 H	Mr Peter Farrell	NFS
213/1	HO2 H	Mr Roger Heald	INQUIRY
42/1	HO2 H	Mr A R Watson	NFS
514/1	HO2 H	Mr(s) R Taylor	NFS
60/1	HO2 H	Mrs Kate Amor	NFS
679/1	HO2 H	Mr David Kesby The Ramblers Association	INQUIRY

Issue

Whether this allocation is the best way of contributing to meeting the housing needs of the District having regard to the issues of surface water drainage, access and the Green Walk.

Inspector's Reasoning and Conclusions

3.1.358 The site is on steep land of the Enbrook Valley. It is overgrown with scrubby vegetation and a number of large trees which may be important in restricting surface and ground water flows. I understand that there have been instances of flooding in the area, and problems arising from certain private foul drains. However I consider that there are satisfactory engineering solutions to questions of foul and surface water drainage, and land stability, which could be addressed at the planning application stage. The Council confirms that off-street parking would be provided and there are no access or other highway objections to the proposed allocation. There is no right in planning law to a private view, and I am satisfied that design, height and massing would be matters that the Local Planning Authority would consider carefully as part of any planning application for this hillside site.

3.1.359 The land is designated in the currently adopted Local Plan as public open space under Policy LR12, but there is no practical public access to it due to its overgrown state. It was identified many years ago as part of a Green Walk from Sandgate to Shorncliffe Road but that part through site HO2H was not implemented, and land ownership issues may make the

continuation of the Green Walk northwards difficult. Development would not affect the public footpath, and has the potential to leave open the steeper parts of the site. These slopes and their vegetation make a positive contribution to the character and appearance of the neighbourhood, and probably also to the stability and groundwater characteristics of the site. I conclude therefore that their potential should be maximised, and the provision of some linear public access considered, in the light of the current designation of the site and as some recognition of what remains of the Green Walk concept.

RECOMMENDATION

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

POLICY HO2I - LAND OFF PARAKER WAY, SEABROOK, HYTHE

Objections

422/1	HO2 I	Mr & Mrs Masterson	nfs
118/1	HO2 I	Mr Neil Routh	NFS
484/18	HO2 I	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
649/2	HO2 I	Mrs Denise Maskell	INQUIRY

Issue

Whether this allocation is the best way of contributing to meeting the housing needs of the District, having regard to the issues of woodland, wildlife and traffic on the local roads.

Inspector's Reasoning and Conclusions

3.1.361 Part of the site is previously-developed land, although the majority is undeveloped. Both parts are however within the settlement boundary and are identified in the Urban Capacity Study (UCS), and thus occupy a high rank in the sequential test of PPG3. Much of the site is overgrown, and is enclosed on the northern boundary by substantial shrubs and trees. I do not consider therefore that the implementation of the allocation would represent an encroachment into the countryside.

3.1.362 The land is outside both the Local Landscape Area and the Site of Nature Conservation Interest designated on the Proposals Map. It is no nearer to the Ancient Woodland to the west than are existing properties on Paraker Way. I have been given no firm evidence of the presence of Protected Species on the site itself, although I understand that there may be a badger sett in the area. The local badger protection group have not objected to the allocation. The nature conservation interest of the site, and any Protected Species, would be safeguarded and enhanced under Policies CO11 and CO12. The overgrown nature of much of the site did not indicate to me that the land is extensively used for informal recreation. The indicative sketch scheme prepared as part of the UCS shows the retention of a footpath link with the countryside and with the existing public open space nearby to the north, where youngsters can let off steam.

3.1.363 There is no proposal in Policy HO2I to link Paraker Way and Springfield Way, and both roads would thus remain as culs-de-sac. The suggested sketch layout scheme of the UCS shows 10 proposed dwellings with their own on-site parking, grouped round 2 shared private drives, one off the end of each cul-de-sac. Each drive would thus serve up to about 5 dwellings. The

turning head at the end of each cul-de-sac would be preserved. I note that local residents value the quiet nature of the culs-de-sac but I do not consider that the allocation would worsen the on-street parking or road safety situation in the existing roads. I am aware of the current development under way on Hospital Hill, the characteristics of Horn Street and its relationship to the M20, Tesco and a local school. I do not find however that the allocation would add significantly to the amount of vehicle movements in the area, and there are no access or other highway objections from Kent Highways.

RECOMMENDATION

3.1.364*No modification to Policy HO2I.*

POLICY HO2J - LAND OFF CHERITON COURT ROAD, CHERITON

Objections

313/1	HO2 J	Mr G M Barton	nfs
484/19	HO2 J	Mr P Garber, Planning Director George Wimpey UK	nfs
638/3	HO2 J	Mr Peter Davenport	nfs
680/1	HO2 J	Mr/s L Gerrard	nfs
735/9	HO2 J	Mr P King Defence Estates	nfs
117/1	HO2 J	Mr D L Taylor & Miss J L McCarthy	NFS
424/1	HO2 J	Mr Thomas Wilson	NFS
438/1	HO2 J	Mr/s J F A Williams	NFS
536/1	HO2 J	Miss Valerie Wilson	NFS
787/1	HO2 J	Mr C D Beswick	NFS
91/1	HO2 J	Mrs D Carter	NFS

Issue

Whether this allocation is the best way of contributing to meeting the housing needs of the District, having regard to the search sequence of PPG3 and the aims of the Local Landscape Area.

Inspector's Reasoning and Conclusions

3.1.365 The site is shown in the Revised Deposit Draft as deleted from the list of housing allocations in Policy HO2. On completion of the Urban Capacity Study, sufficient sites were identified, following the search sequence in PPG3, to meet housing requirements. The objections listed above are therefore met in that regard.

3.1.366 The land is not within the operational areas of Shorncliffe or Risborough Barracks or St Martin's Plain and so would not come within the ambit of Policy HO5. It is a greenfield site at the apex of the Local Landscape Area, and in the absence of housing need should not be allocated for development now.

RECOMMENDATION

3.1.367*No modification to Policy HO2.*

**POLICY HO2K – HAWKINGE - REMAINDER OF AERODROME &
POLICY HO2L – HAWKINGE - LAND NORTH OF BARNHURST LANE**

728/5	3.31	The Queens College Oxford James Williams	W/R
263/12	HO2 K	Mr P M Allen Godden & Allen Chartered Surveyors	INQUIRY
263/11	HO2 L	Mr P M Allen Godden & Allen Chartered Surveyors	INQUIRY
484/7,19	HO2 K/L	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
727/8	HO3	Ms Fiona Fraser Boulton The Countryside Agency	W/R
738/8	HO3*	Mr M Ebbs, Dover District Council	NFS
756/3	HO3*	House Builders Federation	Cond WD
870/16	HO3	Folkestone Development Company Ltd Jennifer Owen Associates	W/R
873/1	HO3	Mr/s M Walker Jennifer Owen Associates	NFS
728/1	HO3 3.21	The Queens College Oxford James Williams	W/R
729/3,4	HO3 K/L*	Mr Ralph Dickens Government Office for the South East	Cond WD

Issue

Whether the proposed allocation is the best way of helping to meet the housing needs of the district.

Inspector's Reasoning and Conclusions

3.1.368* The Plan now includes the housing yield for each site, details of phasing and an explanation of the Local Planning Authority's site selection process in accordance with the sequential test of PPG3. I am satisfied that the RDD meets these objections in relation to those matters.

3.1.369 Policy HO3 and paragraph 3.31 have been deleted in RDD and replaced by allocations HO2K and HO2L.

3.1.370 The allocation sites at Hawkinge fall entirely within the AONB. The Plan should be read as a whole and I do not consider it necessary to refer in paragraphs 3.18 or 3.19 to a need for proposals to comply with Policy CO3. The sites' location in the AONB was fully taken into account when Hawkinge was first identified as a strategic growth area in the Structure Plan, and has been endorsed since by two Local Plan Inspectors and by the FSS on appeal. In 1990 the Inspector found that the impact of strategic development at Hawkinge would be acceptable provided that it did not extend beyond the scarp slope and was contained within a long-term boundary (CD4.04). The Inspector at the 1995 inquiry endorsed the concept of defining that long-term boundary with substantial landscaping belts under Policy CO21, within which development would be acceptable without harming the AONB (CD4.03). Those strategic landscaping areas were carried forward to the RDD, and were supported by the FSS when he considered sites the equivalent of HO2K and HO2L following a S.77 inquiry in 2002 (CD4.06). He refused permission because residential density on both sites would be below the minimum set in PPG3, and because the proposal for land at Site A, on the aerodrome, would not meet the requirements of the strategic landscape Policy CO21 and thus would be harmful to the AONB. The principle that strategic development at Hawkinge, if carried out within the landscape buffers defined in the Plan, would not be harmful to the AONB has therefore been established for a considerable time and at the highest level.

3.1.371 The justification for the allocation of the sites at Hawkinge stems from the settlement's long-term identification as a County strategic growth area through Policy EK3 of the Structure Plan. Paragraph 3.63 of the explanatory memorandum to the Structure Plan makes it clear that Hawkinge is to be regarded as a development node of Folkestone, as the further expansion of

that town is restrained by the North Downs. Much of the planned development at Hawkinge has taken place, and the proposed allocations would round off the long-term strategy for the village and support the completion of the relief road, the highways need for which has been justified at inquiry. I accept that Hawkinge is neither an urban area, an urban extension nor a good public transport node. However, failure to complete the strategy for the settlement would not only conflict with the Structure Plan but would prejudice the provision of the full range of social, community and other benefits, including the bypass, needed to support existing as well as future residents.

3.1.372I recommend an amendment to the structural landscaping area at Site HO2L, under the heading of Policy CO24. There may be scope to increase the housing yield for that site in consequence, and I recommend accordingly.

RECOMMENDATION

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

POLICY HO2M - LAND AT ASHFORD ROAD, NEW ROMNEY

Objections

165/1	HO2 M*	Mr(s) D Stapleton	nfs
222/1	HO2 M*	Mr(s) G P Kirkland	nfs
223/1	HO2 M*	Mr(s) J T Richardson	nfs
388/6	HO2 M*	Pentland Homes Ltd Charles Evans	nfs
398/1	HO2 M*	Mr(s) R P Webb	nfs
482/1	HO2 M*	Mrs M Kirkham	nfs
484/20	HO2 M*	Mr P Garber, Planning Director George Wimpey UK	nfs
493/1	HO2 M*	Mr A J Coxhead	nfs
517/1	HO2 M*	Mr(s) name unknown	nfs
519/1	HO2 M*	Mrs K Gabriel	nfs
520/1	HO2 M*	Mr(s) E A Duell	nfs
521/1	HO2 M*	Mr(s) G A Duell	nfs
522/1	HO2 M*	Mrs A L Ovenden	nfs
523/1	HO2 M*	Mr(s) name unknown	nfs
527/1	HO2 M*	Mr/s T Gearing	nfs
528/1	HO2 M*	Miss C M Nicol	nfs
55/1	HO2 M*	Mr B R Bemtom New Romney Bowls Club	nfs
668/1	HO2 M*	Mr R Gillham	nfs
682/1	HO2 M*	Mr Southerden	nfs
683/1	HO2 M*	Mr(s) A R White	nfs
685/1	HO2 M*	Mr/s N Barratt	nfs
734/1	HO2 M*	Mr/s B Frith Buchanan Consulting Engineers	nfs
742/3	HO2 M*	S D Walker BSF PlanningConsultants	nfs
817/1	HO2 M*	Mr(s) name unknown	nfs
820/1	HO2 M*	Mr(s) name unknown	nfs
176/1	HO2 M*	Mr(s) J Gasson	NFS
216/1	HO2 M*	Mr(s) D C Newing	Cond WD
387/3	HO2 M*	Ms Louise Maxwell Barton	NFS
473/1	HO2 M*	Mr J Kenward	NFS

494/1	HO2 M*	Mr/s D Alderton	Cond WD
52/1	HO2 M*	Mrs E P Parker	W/R
526/1	HO2 M*	Mrs P Brown	Cond WD
640/1	HO2 M*	Dr P Smith A J Hume	NFS
684/1	HO2 M*	Mrs U Piper	NFS
687/1	HO2 M*	Mr(s) M F Patterson	NFS
73/1	HO2 M*	Colonel G F Smythe Ore	Cond WD
751/34	HO2 M*	Mr(s) Claerwyn Lock, The Environment Agency	NFS
838/1	HO2 M*	Mrs V Tully, T. Clerk Cinque Port Town of New Romney	NFS
870/15	HO2 M*	Folkestone Development Company Ltd Jennifer Owen Associates	Cond WD
495	HO2 M	Leonard Phillips	nfr
729/2	HO2 M	Mr Ralph Dickens Government Office for the South East	Cond WD

Issue

Whether this allocation is the best way of contributing to meeting the housing needs of the District, having regard to the search sequence of PPG3.

Inspector's Reasoning and Conclusions

3.1.374The site is shown in the Revised Deposit Draft as deleted from the list of housing allocations in Policy HO2. The objections marked * are met.

3.1.375Mr Phillips' objection in relation to adjacent land is dealt with under the heading of Policy HO2 Omission Sites.

3.1.376The objection from GOSE relates mainly to the lack of an explicit reference in the FDD to the sequential test of PPG3 in relation to the selection of housing allocation sites. Between the First and Revised Deposit stages the allocations were reviewed by the Council in the light of PPG3 and the Urban Capacity Study, and substantial amendments were made to the allocations and to text in Chapter 3. I consider that the objection is met, and refer to further discussion of this matter under the heading of paragraphs 3.20-3.22.

RECOMMENDATION

3.1.377No modification to the deletion of Policy HO2M.

DELETION OF SITE HO2M - LAND AT ASHFORD ROAD, NEW ROMNEY

Objection

780/2	HO2 M	Romney Marsh Potato Company Ltd	Michael Simmonds	W/R
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Consultancy

Issue

Are there any site-specific or other reasons why Site HO2M should be restored to the list of housing allocations of the RDD.

Inspector's Reasoning and Conclusions

3.1.378I recognise that the land is relatively close to the centre of the town, with its facilities and services. I have no evidence that development of the site would be needed in order to provide a sufficient number of dwellings to trigger the implementation of the proposed New Romney first-time main foul drainage scheme. I do not consider that it relates particularly well to the built-up form of New Romney, being land predominantly in grazing use and surrounded by open countryside and by relatively low-density residential development. On completion of the Urban Capacity Study, sufficient sites were identified, following the search sequence in PPG3, to meet housing requirements. The site is no longer needed and I do not find any overriding site-specific benefits that would indicate that it should be allocated for development now.

RECOMMENDATION

3.1.379No modification to the deletion of Policy HO2M.

FURTHER PROPOSED CHANGE PC21

SITE HO2S - LAND AT HERRING HANG FIELD, NEW ROMNEY

Objection to Omission

210/1 HO2 Mr R D Holgate Goodliffe Estates Ltd David Hicken Associates Ltd W Reps

Counter Objections to PC21

73/02	PC21	Col. GF Smythe	Nfr
209/03	PC21	Mr N Ciccione Neil Hawes & Assocs Ltd	Nfr
222/01	PC21	Mr GP Kirkland	Nfr
387/01	PC21	Louise Barton	Nfr
412/07	PC21	The Viscount Folkestone (1963) Settlement RPS	Nfr
436/01	PC21	St Mary in the Marsh Parish Council	Nfr
493/01	PC21	Mr AJ Coxhead	Nfr
838/04	PC21	Cinque Port Town of New Romney	INQUIRY
932/01	PC21	Mrs J Wirt	Nfr
933/01	PC21	KR & JA May	Nfr
934/01/02	PC21	Ms PM Palmer	Nfr
935/01	PC21	BT & AG Fuggle	Nfr
936/01	PC21	Mrs V Edwards	Nfr
937/01	PC21	Mrs IM Aston	Nfr
938/01	PC21	Mrs N Avery	Nfr
939/01	PC21	Mr & Mrs G Sargent	Nfr
940/01	PC21	DA Pocock	Nfr
941/01	PC21	Mrs F Dodge	Nfr
942/01	PC21	Mr B Clark	Nfr
943/01	PC21	Ms J Gray	Nfr
944/01	PC21	Mr M Budd	Nfr
945/01	PC21	Ms G Rawlins	Nfr
946/01	PC21	Mr I Sowden	Nfr
947/01	PC21	Mr & Mrs V Hutchens	Nfr
948/01	PC21	Mr & Mrs R Pike	Nfr
949/01	PC21	Mr P Farley	Nfr
950/01	PC21	Mrs C Egan	Nfr
951/01	PC21	HM Hutchens	Nfr
952/01	PC21	Mr & Mrs L Whiteman	Nfr

953/01	PC21	Mr J Blackett	Nfr
954/01	PC21	Mr & Mrs J Tilbury	Nfr
955/01	PC21	Mr & Mrs Warren	Nfr
956/01	PC21	JW Wooding	Nfr
957/01	PC21	CPRE Shepway Committee Prof. I Lucas	Nfr
958/01	PC21	KW Chrystal	Nfr
959/01	PC21	Mrs E Crooks	Nfr
960/01	PC21	Mr & Mrs RJ Gooderham	Nfr
961/01	PC21	Mr GS Walton	Nfr
962/01	PC21	AM Howie & SAP Thompson	Nfr
963/01	PC21	RAM & WD Foord	Nfr
964/01	PC21	Mr & Mrs G Cox	Nfr
965/01	PC21	Mr & Mrs P McKay	Nfr
966/01	PC21	CH Davies	Nfr
967/01	PC21	Residents' Group, New Romney	INQUIRY
968/01	PC21	Mr & Mrs K Joy	Nfr
969/01	PC21	Mr & Mrs G Cassam	Nfr

Issue

Should the site be allocated in the Plan under Policy HO2, in the light of advice in PPG3 and PPG25.

Inspector's Reasoning and Conclusions

3.1.380 The site was considered as an allocation as part of the Local Plan Review process but was not designated in the FDD due to constraints on drainage and access. A planning application for 23 dwellings was dismissed on appeal in 2001. I share the Inspector's view that, if there is a need for further land releases in the area, the location of the site within the settlement boundary and the fact that it is surrounded on all sides by dwellings makes it an obvious candidate for consideration. The Inspector concluded however that permission would be premature pending wider consideration of flood risk, and of the District's housing needs, as part of the Local Plan process.

3.1.381 The site is not previously-developed, but it lies within the settlement boundary of New Romney. It is therefore urban "white land", which the government publication *Tapping the Potential* indicates is a valid source of housing supply. The Urban Capacity Study (CD1.08) examined only the urban areas of Folkestone and Hythe. I have commented elsewhere in this report that New Romney, as the main settlement in the District next in rank in terms of its number of shops and services, and the main service centre for Romney Marsh, should also have been included. I find therefore that New Romney is an urban area in terms of the sequential test of PPG3, and that the objection site is a sustainable choice for housing provision.

Foul and Surface Water Drainage

3.1.382 Objectors to PC21 submitted photographic and anecdotal evidence of surface water flooding at the site, and referred to consequent contamination by seepage into and out of cess pits or septic tanks in the area. The latter problem would be overcome by the New Romney first-time foul drainage scheme, the completion of which is anticipated within the Plan period. The Local Planning Authority make it clear that they would permit no development of significant size in the area affected until the scheme is completed.

3.1.383 The Environment Agency (EA) have considered a Flood Risk Assessment submitted by Goodliffe Estates Ltd. The Assessment drew attention to the contribution to surface water

flooding in the area from the lack of maintenance of, and encroachment into, the ditches surrounding the site. The Assessment proposed a number of engineering works. These include on-site flow control and storage measures, a new connection to the Wallingham Sewer and a surface water pumping station as necessary. The EA added that a developer must also demonstrate that there is sufficient existing capacity within the New Sewer to accept the additional flow, or that they should propose measures to increase the capacity if necessary. The Assessment is robust in my view. The EA confirm that the site is defended to the 1 in 200 year standard from risk of tidal flooding. The EA conclude that, subject to the proposed engineering operations including their further recommendations concerning the New Sewer, all of which could be secured by condition, they would have no objection in principle to development. The cost of the engineering solutions is a matter for the developer. I have no firm evidence that the costs would be so great as to make the allocation incapable of being delivered within the Plan period.

3.1.384 My recommendation elsewhere in this report raises the need for allocations for 100 dwelling to replace Site HO2G at Princes Parade, in the second part of the Plan period. Of the sites put before me that I have not recommended for allocation, there are no sites which rank higher than Herring Hang Field in the sequential test of PPG25 that do not have other overriding factors which indicate that they should not be allocated in the Plan.

Highways and Traffic

3.1.385 There is no record of accidents on Sussex Road or at its junction with other roads. Parking would be provided on site and I see no reason why development should increase the amount of on-street parking in nearby roads. The Council's Highways Department have no objection in principle to development, including in relation to traffic generation from 23 dwellings and the proposed access to Sussex Road. Subject to detailed consideration of the increase in dwelling numbers that I recommend, I see no good highways or road safety reasons why the site should not be allocated. I do not consider that the trees protected by a Tree Preservation Order that might be affected by the proposed accesses are so valuable in their own right, or as part of the character of that part of the town, that the risk of their loss would prevent development. The effect on the trees could be addressed as part of landscaping proposals at the planning application stage.

Other matters

3.1.386 No firm evidence has been put before me of significant deficiencies in local services. The County Education Department confirm that there are sufficient secondary school places in the area to serve the allocation site. Primary care facilities are a matter for the local NHS Trust and no objection to PC21 has been received from that body. Policy SC1 seeks to ensure that developer contributions can be used towards the provision of primary school places or other social facilities. The site has no wildlife designation, and species and habitats would be protected under other policies of the Plan as well as, for certain species, by national legislation. I have no firm evidence of the presence of protected species or habitats to indicate that the land should not, in principle, be allocated. Development often changes the outlook of nearby dwellings, but there is no right in planning law to a view. Government advice in PPG3 indicates that land within built-up areas should be developed first, before countryside on the edge of towns, and such development is often within view of existing dwellings. Policy U10a of the Plan would ensure that no development could take place before an assessment of contamination is carried out and appropriate measures to treat or contain it are agreed and undertaken. The site has no historical or archaeological designation. Paragraph 8.20 of the Plan makes it clear that, where there may be archaeological remains on a site, developers will be required to submit an archaeological assessment. Excavation and recording can be required as part of a S.106

obligation, where justified, in accordance with government advice in PPG16. I consider that the matters discussed in this paragraph are ones that may be addressed at the planning application stage and would not, in principle, indicate that the land should not be allocated.

3.1.387PC21 allocates 23 dwellings to the site, which reflects the planning application that was refused on appeal in 2001. The Goodliffe Estates' objection proposes 36 dwellings on this 1.2ha site, in accordance with the minimum density advised in PPG3. I consider that this should be the target yield of Site HO2S, in accordance with government policy, subject to detailed consideration at the planning application stage of capacity constraints including those of access and surface water drainage provision.

RECOMMENDATION

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

POLICY HO4 - SITES IN ROMNEY MARSH VILLAGES

Objections

215/1	HO4	Mr(s) J C Hooker	NFS
387/2	HO4	Ms Louise Maxwell Barton	NFS
388/8	HO4	Pentland Homes Ltd Charles Evans	NFS
436/1	HO4	The Clerk St Mary in the Marsh Parish Council	nfs
473/2	HO4	Mr J Kenward	NFS
484/5	HO4	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
488	HO4	Mrs Carolyn Hardy OBE Howard Small Assocs	nfs
489/8	HO4	Folkestone Development Company R Stevenson, John Bishop & Associates	INQUIRY
530/6	HO4	Kingston Homes Ltd Mr R Stevenson	NFS
565	HO4	Kent Rural Community Council	nfs
727/9	HO4	Ms Fiona Fraser Boulton The Countryside Agency	W/R
742/4	HO4	S D Walker BSF Planning Consultants	nfs
761/3	HO4	Mr/s Prior Lee Evans de Moubray	nfs
764/2	HO4	CPRE Kent	nfs
765/3	HO4	Kent Constabulary	nfs
871/4	HO4	Mr Mike Simmonds Michael Simmonds Associates	NFS
875/3	HO4	Mr Leigh Herington, Kent County Council	NFS
112/1	HO4 N	Mrs E Smeed	nfs
132/1	HO4 N	Mr/s C Wolfe	nfs
134/1	HO4 N	Mr(s) J L K Jessup	nfs
138/1	HO4 N	Mr Brian Riches Brookland Parish Council	NFS
170/1	HO4 N	Mr David Cottington	nfs
171/1	HO4 N	Mrs J Lambert	nfs
217/1	HO4 N	Mr Michael Glazier	NFS
225/1	HO4 N	Mr K F Knight	Cond WD
228/1	HO4 N	Mr Donald Williams	nfs
24/1	HO4 N	Mrs J Abrey	nfs
305/1	HO4 N	Mrs K Colman	W/R
307/1	HO4 N	Mrs M Barnes	nfs
308/1	HO4 N	Mr Adrian Barnes	nfs
310/1	HO4 N	Mr M L Coleman	nfs
317/1	HO4 N	Mr/s K Abrey	NFS

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34/1	HO4 N	Mr Tim Chambers	nfs
36/1	HO4 N	Mrs Anne Wilkinson	nfs
37/1	HO4 N	Mr Roy Wilkinson	nfs
416/1	HO4 N	Mr Ernest Tinton	NFS
417/1	HO4 N	Ms Pamela Tinton	NFS
44/1	HO4 N	Mr/s Gordon Pope	nfs
46/1	HO4 N	Mrs Y Atkins	nfs
472/1	HO4 N	Mrs D Christie	nfs
475/10	HO4 N	Mr E Roberts	nfs
49/1	HO4 N	Mr Robert Pope	nfs
502/1	HO4 N	Mr/s E Ovenden	NFS
503/1	HO4 N	Mr K Butler	NFS
506/1	HO4 N	Mrs S McAllen	nfs
507/1	HO4 N	Mr/s Checksfield	nfs
508/1	HO4 N	Mr Sean McAllen	nfs
512/1	HO4 N	Mr Richard Hartley	Cond WD
553/2	HO4 N	Mr W J Walker	nfs
562/1	HO4 N	Mrs A D Highwood	nfs
563/1	HO4 N	Mr C S Highwood	nfs
564/1	HO4 N	Ms Christine Knight	Cond WD
65/1	HO4 N	Mr J J Hews	nfs
66/1	HO4 N	Mrs P A Hews	Cond WD
67/1	HO4 N	Mr(s) R F Stickels	nfs
68/1	HO4 N	Mr K Hepburn	nfs
688/1	HO4 N	Mrs B Paine	nfs
69/1	HO4 N	Mrs M Morris	nfs
690/1	HO4 N	Charity of the Rev'd Tatton Brockman Cluttons	W/R
70/1	HO4 N	Mr R K Pegge	nfs
71/1	HO4 N	Mrs S K Pegge	nfs
711/1	HO4 N	Mr J Bailey	gone away
712/1	HO4 N	Mr/s H Noakes	nfs
714/1	HO4 N	Ms Yvonne Bates	nfs
715/1	HO4 N	Mr Howard Bates	nfs
716/1	HO4 N	Mr J B Anderson	NFS
718/1	HO4 N	Ms Anne Furnival	nfs
719/1	HO4 N	Mr/s A King	NFS
72/1	HO4 N	Mrs D R Cooper	nfs
721/1	HO4 N	Mr/s Hyman	nfs
722/2	HO4 N	Mr Luke Roger	W/R
723/1	HO4 N	Mr(s) J Jefferies	nfs
729/9	HO4 N	Mr Ralph Dickens Government Office for the South East	NFS
751/27	HO4 N	Mr(s) Claerwyn Lock, The Environment Agency	NFS
785/1	HO4 N	Mrs J D A Luby	NFS
807/1	HO4 N	Mr James Corrin	nfs
816/1	HO4 N	Mr(s) R W Gardner	nfs
822/1	HO4 N	Ms Maureen Akers	nfs
85/1	HO4 N	Mr T Smeed	nfs
89/1	HO4 N	Mr A Gill	nfs
201/2	HO4 N	Mr Clive Apps Bax Thomas French	W/R
110/1	HO4 N/S	Mr/s Simpson	gone away
116/2	HO4 N/S	Mr(s) R S Pile	NFS
100/1	HO4 O	Mr M Kerr	nfs
131/1	HO4 O	Mr E A O'Gelsby	Cond WD
16/1	HO4 O	Mrs Brissenden Mrs Barkett	nfs

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229/1	HO4 O	Mr J V Hope	nfs
303/1	HO4 O	Mr Brian Dunlop	Cond WD
309/1	HO4 O	Mrs P Wellsted	NFS
318/1	HO4 O	Mr I E Wellsted	NFS
35/1	HO4 O	Mrs G Gilbert	NFS
414/1	HO4 O	Mrs C E Buse	nfs
415/1	HO4 O	Mr P Buse	nfs
505/1	HO4 O	Mr David Allen	nfs
509/1	HO4 O	Mr(s)	nfs
513/1	HO4 O	Brenzett Parish Council	nfs
53/1	HO4 O	Mrs Linda Ramzan	NFS
56/1	HO4 O	Mr David Ramzan	NFS
688/2	HO4 O	Mrs B Paine	nfs
693/1	HO4 O	Mrs J Webb	nfs
694/1	HO4 O	Mrs Dunlop	NFS
695/1	HO4 O	Mr L Webb	nfs
700/1	HO4 O	Mr Colin Woolland	nfs
701/1	HO4 O	Ms Jean Stafford	nfs
702/1	HO4 O	Mr Ernest Stafford	nfs
703/2	HO4 O	Mr(s) J A Smith	NFS
729/5	HO4 O	Mr Ralph Dickens Government Office for the South East	NFS
751/26	HO4 O	Mr(s) Claerwyn Lock, The Environment Agency	NFS
784/1	HO4 O	Miss A L Rabson	nfs
825/1	HO4 O	Mr A Wellsted	NFS
829/1	HO4 O	Ms Kathryn Hollings	nfs
111/1	HO4 P	Mr C D Jones	nfs
169/1	HO4 P	Ms Margaret Button	nfs
18/1	HO4 P	Mrs D Conway	nfs
207/1	HO4 P	Mr(s) N J Tupper	nfs
208/1	HO4 P	Mr(s) P W C Healey	nfs
232/1	HO4 P	Mr/s Richard Curl	nfs
233/1	HO4 P	Mr/s N Reynolds	nfs
28/1	HO4 P	Ms Laura Hoffman	nfs
297/1	HO4 P	Ms Sandra Chapman	nfs
425/1	HO4 P	Mr/s R Bowles	nfs
430/1	HO4 P	Ms Joanne Quinn	nfs
540/1	HO4 P	Mrs F A Somerfield	W/R
552/1	HO4 P	Mr A V Thorpe	NFS
555/1	HO4 P	Mr(s) D I J Graves-Moore	NFS
556/3	HO4 P	Mr D Suckling Ivychurch Parish Council	nfs
691/1	HO4 P	Mr/s P Southerden	Cond WD
729/6	HO4 P	Mr Ralph Dickens Government Office for the South East	NFS
751/25	HO4 P	Mr(s) Claerwyn Lock, The Environment Agency	NFS
792/1	HO4 P	Mr(s) R D Button	nfs
821/1	HO4 P	Mr/s F StanfordParker	nfs
99/1	HO4 P	Mr/Mrs B J Donnelly	nfs
108/1	HO4 Q	Mr/s Grist	NFS
197/1	HO4 Q	Mr N Rabson	nfs
198/1	HO4 Q	Mrs V Rabson	nfs
330/1	HO4 Q	Mrs Sally Waitson	nfs
331/1	HO4 Q	Mr Bernard Waitson	nfs
431/1	HO4 Q	Mr A Gaynor	nfs
705/1	HO4 Q	Mr Jenkinson	Cond WD
706/1	HO4 Q	Newchurch Parish Council	nfs

729/7	HO4 Q	Mr Ralph Dickens Government Office for the South East	NFS
751/29	HO4 Q	Mr(s) Claerwyn Lock, The Environment Agency	NFS
788/1	HO4 Q	Mr(s) J Nelson	NFS
914/1	HO4 Q	Mr/s Wimble Jennifer Owen Associates	W/R
139/1	HO4 Q1	Mr Dennis Peebles	nfs
31/1	HO4 Q1	Mr/s P Prentice	nfs
105/1	HO4 R	Mr Mark Steeple	nfs
107/1	HO4 R	Mr/s D E Rutter	nfs
113/1	HO4 R	Mr David Little	NFS
166/1	HO4 R	Mr/s H E Hills	nfs
167/1	HO4 R	Mr Richard Hills	nfs
168/1	HO4 R	Mr/s Carmichael	nfs
196/1	HO4 R	Mr/s Bob Jefferson	nfs
218/1	HO4 R	Mr/s Elvy	nfs
220/1	HO4 R	Dr C O'Neill	nfs
221/1	HO4 R	Mr/s P J Biggin	nfs
23/1	HO4 R	Mr Colin Henderson	nfs
302/1	HO4 R	Mr/s N Owen	nfs
306/1	HO4 R	Mrs L Croft	nfs
311/1	HO4 R	Mr/s C Verman	nfs
319/1	HO4 R	Mr/s L Cottington	nfs
324/1	HO4 R	Mrs B Mayers	NFS
327/1	HO4 R	Mr/s Hughes	nfs
328/1	HO4 R	Mrs R Musk	NFS
410/1	HO4 R	Mr(s) A Beer	nfs
428/1	HO4 R	Mr Paul Swain	nfs
437/1	HO4 R	Mr Malcolm Wood	nfs
510/1	HO4 R	Mrs B Dorman	NFS
61/1	HO4 R	Mr Pat Currie	nfs
729/8	HO4 R	Mr Ralph Dickens Government Office for the South East	NFS
74/1	HO4 R	Ms Wendy David	nfs
751/28	HO4 R	Mr(s) Claerwyn Lock, The Environment Agency	NFS
815/1	HO4 R	Mr/s R Pegg	nfs
86/1	HO4 R	Mr Charlie Frisby	nfs
90/1	HO4 R	Ms Lynn Metcalfe	nfs
93/1	HO4 R	Mr Peter Leonard, Clerk Dymchurch Parish Council	nfs

Issue

Whether the deletion of sites in the Romney Marsh villages is in accordance with national advice in PPG3, and with Structure Plan policy.

Inspector's Reasoning and Conclusions

3.1.389 The great majority of the objections are satisfied in full or in part by the deletion of Policy HO4 in the RDD. I discuss the remainder below.

3.1.390 I deal under the heading of Policy HO2, Omission Sites, with the objection that proposes the inclusion in Policy HO4 of a site at Stanford.

3.1.391 The Kent Rural Community Council (KRCC), and others, comment that only major housing growth in rural villages is likely to provide effective support to local services and facilities and thus halt rural decline. However, that scale of rural settlement growth would be outside the search sequence of PPG3 and would thus run counter to the aims of sustainability. It would also conflict with Structure Plan rural settlement policy. Paragraph 69 of PPG3 envisages

the accommodation of only a limited amount of housing in villages. This would be allowed for under Policy CO2 of the Plan, for certain settlements. Paragraph 70 refers to the support of local services, but still only in the context of modest village growth. The Plan has identified sufficient land to meet housing needs for the Plan period, and paragraph 30 of PPG3 states that local planning authorities need look no further.

3.1.392The KRCC suggest that the number of dwellings in all villages, not just those in Romney Marsh, should be allowed to grow by 5% every 10 years. They propose that settlements identified under Policy CO2 should also be allowed to grow, by agreement, to a greater extent than that provided for in the Plan. Other objectors also made general expressions of support for village expansion. However, this “pepper-potting” of growth throughout the rural area would conflict with the advice in PPG3 to which I have referred in the paragraph above, and with Structure Plan rural settlement policy. I consider that the levels of growth that would be permitted through Policy CO2 would achieve the right balance between the need to support rural services and to provide a range of housing choice on the one hand, and sustainability in terms of minimising the need to travel and the use of greenfield land on the other. Furthermore, the allocation of significantly greater growth in certain rural settlements than that indicated in Policy CO2 should be carried forward as part of a future review of the development plan rather than through a Parish Plan or similar process.

3.1.393The objection from GOSE relates mainly to the lack of an explicit reference in the FDD to the sequential test of PPG3 in relation to the selection of housing allocation sites. Between the First and Revised Deposit stages the allocations were reviewed by the Council in the light of PPG3 and the Urban Capacity Study, and substantial amendments were made to the allocations and to text in Chapter 3. I consider that the objection is met, and refer to further discussion of this matter under the heading of paragraphs 3.20-3.22.

RECOMMENDATION

3.1.394No modification to the deletion of Policy HO4 and paragraph 3.22.

DELETION OF POLICY HO4 - ROMNEY MARSH VILLAGES

Objections

210/8	3.22	Mr R D Holgate Goodliffe Estates Ltd David Hicken Associates Ltd	INQUIRY
565/8	3.22	Kent Rural Community Council	nfs
914/5	3.22	Mr/s Wimble Jennifer Owen Associates	W/R
20/3	HO4	Mr C Roger P M Allen	INQUIRY
201/3	HO4	Mr Clive Apps Bax Thomas French	W/R
263/13	HO4	Mr P M Allen Godden & Allen Chartered Surveyors	INQUIRY
432/2	HO4	Mr/s P W Waters	INQUIRY
736/7	HO4	St Johns College Carter Jonas (Ref: SJS)	W/R
902/2	HO4	Mr Geoffrey Boot Roundwood Estates	nfs
903	HO4	Persimmon Homes Anna Bloomfield Town Planning Consultancy	nfs
905/2	HO4	Ms Diana Balcomb	W/R
905/1	HO4	Ms Diana Balcomb	W/R
914/3	HO4	Mr/s Wimble Jennifer Owen Associates	W/R
201/1	HO4 N	Mr Clive Apps Bax Thomas French	W/R
907/1	HO4 P	Mr J Goldsmith Volksworld Mike Simmonds	nfs
904/2	HO4 Q	Mrs K Smith David Hicken & Associates	NFS

912/1	HO4 Q	Mrs J M Kingsnorth Days Solicitors	nfs
736/8	HO4 R	St Johns College Carter Jonas (Ref: SJS)	W/R
858/2	HO4 R	Mr Dean Mike Simmonds	W/R

Issue

Whether the deletion of sites in the Romney Marsh villages is in accordance with national advice in PPG3, and with Structure Plan policy.

Will the deletion of the Policy remove the possibility of support for village shops and services.

Inspector's Reasoning and Conclusions

3.1.395 Following the publication of the FDD it became apparent that the completion of the Hawkinge relief road, linked to the development of sites HO2K/L, had become a realistic possibility. The inclusion of the two Hawkinge sites in the housing allocations would result in a large over-supply of land during the Plan period. For this reason, and in response to objections including from GOSE and Kent County Council to allocations in rural villages, the housing allocations of the FDD were reassessed in the light of the sequential test of PPG3 and of the results of the Urban Capacity Study. The review of allocations resulted in the identification of sufficient land to meet the Structure Plan requirement within or at the edge of urban areas, following the search sequence of PPG3, together with sites at Hawkinge, without the need to include the Policy HO4 sites. Paragraph 30 of PPG3 confirms that a Local Planning Authority need look no further once sufficient capacity to meet the agreed housing requirement has been identified.

3.1.396 A number of objections contend that the Urban Capacity Study should have looked beyond the main towns of Folkestone and Hythe to other urban areas that could contribute to sustainable patterns of development, including those in Romney Marsh. Other objectors question whether it was right to allocate Sites HO2K and HO2L at Hawkinge, thus supplanting sites of Policy HO4. These matters are discussed under Policy HO2, housing strategy, and under the heading of Policies HO2K/L. My overall conclusion is that, even if sufficient land to meet the requirement had not been identified elsewhere, their location, low level of facilities provision and limited access to public transport would make the villages of Policy HO4 a poor choice in sustainability terms in relation to the aims of PPG3 and PPG13.

3.1.397 I recognise that there is a strong local feeling that new life should be breathed into the Romney Marsh villages. However, the deletion of Policy HO4 does not mean that no growth may take place in rural settlements. There are rural housing commitment sites which contribute to housing land supply in Appendix 2 of the Plan, and infilling or minor development would be permitted in certain villages and towns under Policy CO2. In addition, housing for identified local needs, outside the allocations of the Plan, may be provided under Policies HO1 and HO8, in accordance with paragraph 18 of PPG3, and affordable housing under Policy HO6. I consider that this raft of policies would allow a degree of choice of residential locations in the District while seeking to ensure that housing needs for local people are met in Romney Marsh villages.

3.1.398 Paragraph 3.19 of PPG7 comments that new housing can help to sustain villages by providing support for local services. However, paragraph 70 of PPG3 takes a more robust approach by requiring a demonstration that proposals for significant amounts of additional housing would support local services that would become unviable without some modest growth. This is a relatively strict test. There is little evidence that the modest levels of growth envisaged in Policy HO4 would make a strong contribution to the maintenance of local services. Such research as there is, discussed in CD7.07 and CD8.02, indicates that a minimum population of the order of at least 1,000 and probably 1,800-2,000 would be required to support facilities such

as a local shop. This is clearly greatly in excess of the estimated populations of the villages of Policy HO4, none of which exceeded 500 in 1991 (Table X, CD8.02). The Kent Rural Community Council (KRCC) agree that only major housing growth in rural villages is likely to provide effective support to local services and facilities. That scale of growth would conflict with Structure Plan rural settlement policy and with advice in PPG3, and would have a considerable impact on the character of the Policy HO4 villages and their rural settings. I consider that the Council is right to concentrate opportunities for housing development in New Romney, the service centre of Romney Marsh, which has a significant range of shops and services and is relatively well served by public transport.

3.1.399 Furthermore, reasons for the loss of local facilities are complex and there is little evidence that the mere provision of *open market* housing in villages is effective in saving local shops and services from closure (CD7.07 and CD8.02). National decisions outside the planning system, such as those that affect the retention of rural Post Offices and sub-branches of banks in villages, can play an important part. Country living is attractive and incomers from urban areas may out-bid local people in the market for new open market housing. Consumer preference, price competition from supermarkets and uncertain loyalty to the village store may lead such new village residents, and indeed local people, to shop elsewhere, and probably by car, thus adding little to the local economy and increasing the overall amount of travel. In my view the vitality of villages is better served by policies which encourage appropriate rural employment, and by community action and other rural development initiatives, outside the Local Plan system, which can provide more direct support for the provision or retention of village shops and services.

3.1.400 Most of the sites identified in Policy HO4 are greenfield land, a factor which further diminishes their sustainability credentials. Greenfield sites in villages fall completely outside the search sequence of PPG3. I note that part of Site HO4(Q1) in Brenzett, in relation to the coach depot, is brownfield land. However, it is a rural employment site protected under Policy E6a. Part of Site HO4(Q1) is within the settlement boundary and the criteria of Policy E6a might allow residential redevelopment there in certain circumstances. However, that is a matter for consideration at the development control stage; it would not indicate that the site should be allocated for housing in the Plan. I have no firm evidence that Site HO4(R2), whether or not extended as suggested, is previously-developed land. However, paragraph 41 of PPG13 confirms that the availability of previously-developed land in villages is not in itself a sufficient reason for developing in locations that otherwise fail to meet the sustainability requirements of PPG3.

3.1.401 Some objections listed in this section include the promotion of sites that were not allocated under Policy HO4. Those which are also the subject of objections to Policy HO2, as Omission Sites, I deal with under that heading. Other non-HO4 sites, including at Brookland, Burmarsh and Ivychurch, not discussed elsewhere in this report. However I have no evidence that their allocation would bring overriding benefits or would raise site-specific issues that would outweigh the arguments against the allocation of further housing land in any of the Policy HO4 villages now, whether mentioned in this section or not.

3.1.402 The settlement boundary is tightly drawn around Ivychurch, as around most Romney Marsh villages. I am satisfied that this is necessary in the light of the Council's housing strategy and in regard to the designation of most of the Marsh as a Local Landscape Area. The boundaries enclose the main core of the built-up area of the village in each case, within which it would be reasonable to allow infilling in principle, omitting peripheral areas of more diffuse or scattered development. Subject to my recommendations under the headings of Policy CO2 and Policy HO2 Omission Sites, I do not consider that any further review of the settlement

boundaries of the Romney Marsh villages is required at this stage.

3.1.403I deal with the suggestion of the KRCC that the settlements designated in Policy CO2 be allowed to grow by 5%, or more, over each 10 year period, under the heading of Policy HO4-Romney Marsh Villages.

RECOMMENDATION

3.1.404*No modification to the deletion of Policy HO4 and paragraph 3.22.*

POLICY HO5 - LAND REQUIREMENTS BEYOND 2011

Objections

732	HO5*	Sport England Alex Abbott	nfs
735/1	HO5	Mr P King Defence Estates	nfs
735/5	HO5	Mr P King Defence Estates	nfs
388/9	HO5	Pentland Homes Ltd Charles Evans	INQUIRY
738/5	HO5	Mr M Ebbs, Dover District Council	NFS
771/3	HO5	Greensword David Plumstead	INQUIRY
843/3	HO5	Local Agenda 21 Shepway Community Forum	INQUIRY
870/8	HO5	Folkestone Development Company Ltd Jennifer Owen Associates	NFS
873/9	HO5	Mr/s M Walker Jennifer Owen Associates	NFS
39/16	3.25	Mr Roger Joyce Roger Joyce Associates	NFS

Further Proposed Change: PC5

Issues

Should criterion (a) be clarified in relation to open space policies, and should the Policy HO5 designation be removed from a piece of Policy LR9 land off Pound Hill Road.

Should Policy HO5 land be regarded as windfall land, and taken account of in the housing supply.

Is it wrong to refer in the Plan to development after 2011.

Would this and other housing policies of the Plan result in cramped development inimical to wildlife and unable to address the need for affordable housing.

Is there need to refer to PPG13 and PPG25 in the policy, and should the reasoned justification mention the change of use of the Garrison Church.

Should various additional parts of the MoD estate be included within Policy HO5.

Should a new policy be added concerning the relationship between Crown development and countryside policies.

Should the Policy HO2B land at St Martins Plain be redesignated under Policy HO5.

Inspector's Reasoning and Conclusions

3.1.405*I am satisfied that the RDD meets this objection in relation to changes to criterion (a) of Policy HO5 concerning Policies LR9 and LR12.

3.1.406Land that becomes available within the Plan period under Policy HO5 would clearly be a

windfall site, if previously-developed. I do not consider that there is any need to refer specifically to that in the policy wording however. The situation of an oversupply of housing land, identified in the FDD, has been corrected in the RDD. Policy HO5 land would consist predominantly of brownfield sites adjacent to the main urban area of Folkestone, which would fall squarely within the search sequence of PPG3. The plan, monitor and manage approach should ensure that delivery from windfalls and other sources is reviewed regularly, that previously-developed land is released before greenfield sites and that phasing is adjusted accordingly.

3.1.407 It is reasonable that the Council include a strategy for the treatment of these significant areas of land, if they become available before the end of the Plan period. This is not the same as making policy for development beyond 2011, which would clearly be wrong. Any land which did come forward for development through Policy HO5 would be subject to other policies of the Plan, including Policy HO6 which aims to secure a proportion of affordable housing. PPG3 requires that the most efficient use be made of urban land, and encourages residential densities of 30 dwellings per hectare or more, in order to save greenfield sites from development. This is a highly sustainable approach to housing provision, and I have no evidence that smaller gardens cannot provide as significant a wildlife resource as larger ones.

3.1.408 Government advice is an important material consideration to be taken into account in the assessment of all applications for planning permission. There is no need therefore to state in the Plan that development on Policy HO5 land would have to comply with PPG13 or PPG25. I note that the former Garrison Church has been sold and is now in use as a theatre, but I do not find any need to refer to that in the policy or its reasoned justification. The Policy is intended to refer to the release of significant areas of land, for housing.

3.1.409 The land to the rear of dwellings on Royal Military Avenue is within the settlement boundary and, in principle, may be used for residential development subject to other policies of the Plan. Policy HO5 however refers to operational MoD land that may not become available before the end of the Plan period. It would not be right, therefore, to extend the Policy HO5 designation onto the land at Military Avenue. Land at the Stadium and Napier/Lequesne Sports Fields, and land to the east of the Cavalry Grounds, is protected under Policy LR9. It would not be right, by including it within a Policy HO5 designation, to imply that residential development on that land might be possible in the future. Land at St Martins Plain and Cheriton Court is discussed under the headings of Policy HO2B and HO2J respectively.

3.1.410 Crown development does not require planning permission but is subject to a consultation procedure with local planning authorities. The countryside policies of the Structure Plan and Local Plan indicate that development for which the particular rural location is justified may be acceptable, and in my view MoD development where the operational need is justified may well fall into that category. A Local Planning Authority must have regard to other policies of the Plan however, including other policies of restraint, such as those concerning landscape or wildlife designations, where relevant. The possibility of delay in referring some proposals to the Secretary of State should be balanced with the need to fully, fairly and openly consider all issues. I do not find that the form of wording suggested would be helpful in that regard or would introduce any greater degree of certainty.

3.1.411 The MoD confirm that the Policy HO2B site at St Martins Plain is unlikely to be released before 2011, and I agree therefore that it should be reallocated under Policy HO5, in accordance with PC5. In spite of the Council response to the Sport England objection, the Policy HO5 designation has not been removed on the Proposals Map from a piece of Policy LR9 land east of Pound Hill Road. This may be an oversight and I recommend accordingly.

RECOMMENDATIONS

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

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

POLICY HO6 AND PARAGRAPHS 3.36 - 3.41 - AFFORDABLE HOUSING

Objections

758/1	3.28-3.34	Mr(s) R W Hobson, Clerk Newington Parish Council	NFS
412/12	3.30	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
556/2	3.32	Mr D Suckling Ivychurch Parish Council	
412/13	3.32	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
736/5	3.32	St Johns College Carter Jonas (Ref: SJS)	W/R
412/80	3.38	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
412/67	3.40	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
908/1	3.40	Mr Tony Sleap Mike Simmonds	W/R
565/2	HO6	Kent Rural Community Council	
873/20	HO6	Mr/s M Walker Jennifer Owen Associates	
296/2	HO6	Hythe Civic Society Colin Colson MBE	NFS
388/23	HO6	Pentland Homes Ltd Charles Evans	W/R
412/14	HO6	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
412/66	HO6	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
434/5	HO6	Ms Jo Cutler SecondSite Property	NFS
484/28	HO6	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
492	HO6	PJ Brazier & Co Ltd	nfs
566/10	HO6	BT Plc RPS Chapman Warren	NFS
566/12	HO6	BT Plc RPS Chapman Warren	NFS
736/6	HO6	St Johns College Carter Jonas (Ref: SJS)	NFS
756/12	HO6	House Builders Federation	NFS
756/4	HO6	House Builders Federation	NFS
757/12	HO6	Department of Health, Mr Stephen Harness	W/R
762/11	HO6	Sea Containers DPDS Consulting Group	W/R
762/2	HO6	Sea Containers DPDS Consulting Group	W/R
902/1	HO6	Mr Geoffrey Boot Roundwood Estates	INQUIRY
913/6	HO6	Mr David Jarman BSF Planning Consultants	NFS
914/4	HO6	Mr/s Wimble Jennifer Owen Associates	W/R
915/1	HO6	Pentland Homes Ltd F P D Savills	INQUIRY
Counter	Objections	to PC17 and PC18	
299	PC17/18	Mr & Mrs AW Boud	
484	PC17/18	Mr P Garber, Planning Director George Wimpey UK	nfs
492	PC17/18	PJ Brazier & Co Ltd	nfs
566	PC17/18	BT Plc RPS Chapman Warren	nfs
756	PC17/18	House Builders Federation	nfs

Further Proposed Change: PC17, PC18

Issues

Will the definition of affordable housing and reliance on low-cost market dwellings be helpful in delivering affordable homes.

Does the policy address specific needs for Key Worker and Special Needs Housing.

Should there be reference to an overall target of 400 affordable homes over the Plan period.

Is the threshold of 15 dwellings and the target of 30% or 35% for the provision of affordable housing justified by an up-to-date Housing Needs Survey.

Is the target of 30% or 35% too high, so that sites may not come forward for development.

Whether the dispersal of affordable housing over a site, in blocks of up to 4 dwellings, is an effective way of providing balanced communities.

Should the policy seek to provide low density starter homes for first time buyers.

Inspector's Reasoning and Conclusions

Definition of affordable housing

3.1.414 Paragraph 9a of Circular 6/98 requires that policy for affordable housing provision should define what the Local Planning Authority regards as affordable, and that this should include both low-cost market and subsidised housing. The definition should be based on the relationship between local incomes and house prices or rents in the area. However it is evident from the Shepway Housing Needs Survey (HNS) 2003 (CD4.08) that the purchase of even the lowest cost open market homes, without any form of subsidy, would be beyond the means of about 85% of new households. Mortgage rates are the lowest for 40 years and people who cannot enter the market under these circumstances may never be able to do so (HNS paragraphs 1.10.1 and 1.3.6). Even the smallest open market starter homes do not therefore represent affordable housing, including for many key workers, in the current or foreseeable economic climate. The difficulty presented by paragraph 9a of the Circular is widely recognised. I consider the addition of "without subsidy" to the definition in paragraph 3.37 of the RDD would clarify matters and I recommend accordingly.

3.1.415 Paragraph 3.40 of the RDD states that the Council will seek half of the provision of affordable housing on individual sites as social rented and half as low cost market housing. I note that this is qualified by reference to local needs. However, I find this proportion too detailed and prescriptive, with little justification in the 2003 HNS. Furthermore, I have already commented that unsubsidised low cost market housing does not represent affordable housing. I recommend an amended wording below, which refers to a mix of social rented and other forms of affordable housing. The last sentence of the paragraph will not be required if the recommended modifications to paragraph 3.38 are carried out. The amended definition of affordable housing should be added to the Glossary in the Plan.

Does the policy address specific needs for Key Worker and Special Needs Housing.

3.1.416 Paragraph 13 of PPG3 refers to key workers, the elderly and the disabled as among specific groups whose needs should be assessed. Key worker housing was not an issue highlighted in the conclusions of the 2003 Study. Respondents were asked if they were employed in various parts of the Public Sector, but little analysis using those variables appears in the report. The Council state that they have no Key Worker Strategy as there is no apparent demand from employers. Nevertheless, in my view there may be hidden need even though local

employers do not appear to have concerns about recruitment. I consider that the data of the 2003 HNS should be revisited in order to identify whether or not there is a specific need for key worker housing in the District, and the extent of that need if present.

3.1.417 I find that Policy HO6 is sufficiently flexible and robust to enable the Council to negotiate for particular forms of affordable housing on individual sites as necessary, if supported by evidence for that need. Furthermore I consider that the adjustment of the definition of affordable housing which I recommend would assist those, including key workers, whose incomes might place them just out of reach of purchase of the cheapest low-cost open market housing. I consider that this matter should be kept under review but no alteration to Policy HO6 is required at present.

3.1.418 The 2003 HNS highlights the need for a delivery strategy to address the needs of the elderly and frail elderly, and of people with disabilities, including through the provision of supported and sheltered housing. These issues would be addressed mainly through Policies HO13-HO15. I see no reason why some types of this housing, for example that specially adapted for independent living for elderly people or those with disabilities, might not be provided as part of affordable housing under Policy HO6, if the need is demonstrated. However, no alteration to the policy would be required to enable such provision.

Overall target of 400 affordable homes

3.1.419 The target of 400 affordable homes is proposed to be deleted from Policy HO6, as part of PC18. However, paragraph 9b of Circular 6/98 and paragraph 15 of PPG3 require local authorities to indicate how many affordable homes should be provided throughout the plan area, and this is reflected in paragraph 3.38 of the RDD. Without such a target it would be difficult to monitor progress towards meeting the need. I recommend therefore that the target should *not* be deleted from Policy HO6 as proposed in PC18.

3.1.420 The target of 400 affordable homes was derived from the 1998 HNS, which indicated that about 10% of households in the District were defined as in housing need (CD5.02 paragraph 3.3). That proportion was then applied to the total housing requirement of 4044 from Table 2 of the RDD. The results of the 2003 HNS are expressed in a different way and no single figure that is directly comparable to the 10% need defined as in the 1998 study has been put before me. The target of 400 homes does not appear to have been reassessed in the light of the new survey. I consider that such a reassessment would be unlikely to result in a lower overall target. The 2003 HNS shows a high and continuing level of current need for affordable homes. It also shows a considerable backlog from previous years in which delivery was slow in a sluggish housing market, coupled with the effects of an undemanding Local Plan policy, a matter drawn to the attention of the local authority by the Audit Commission in 2002 (CD5.02 paragraph 3.8). I recommend therefore that the target of 400 units should be reassessed in the light of the results of the 2003 HNS and expressed as a minimum. The rationale for the target number chosen should be clearly stated in the reasoned justification.

3.1.421 Consequential amendments to various parts of paragraph 3.38 are required, to replace the results of the 1998 HNS with those of the 2003 survey. I consider also that reference to allocated sites should be removed from the last sentence of the paragraph, as provision may also come from windfalls and from the sites of Appendix 2 that do not already have planning permission. The 2003 HNS (table, page 84) also shows that the area of greatest need is now Hythe rather than Folkestone, with 89% of new or concealed households unable to afford market housing, and paragraph 3.39 should be amended accordingly.

Are the provisions of Policy HO6 supported by an adequate and up-to-date Housing Needs Survey.

3.1.422 The 2003 Housing Needs Survey was published after the RDD but before the opening of the Inquiry. It was carried out in accordance with the ODPM publication *Local Housing Needs Assessment: a Guide to Good Practice* and provides a robust analysis based on a sample of more than adequate size. It gives up to date information against which the assumptions and provisions of Policy HO6 may be assessed, would thus meet many objections in that regard. The survey has been designed so that it may be readily updated by the Local Planning Authority, and I suggest that this takes place at least every 3-5 years.

3.1.423 *Is the threshold of 15 dwellings (or 0.5ha) in PC18 justified.*

3.1.424 The RDD follows the requirements of Circular 6/98 in setting a two-tier threshold of 25 dwellings or more (or 1ha or more) in urban areas and 15 dwellings or more (or 0.5ha or more) in rural settlements of up to 3,000 population. PC18 proposes that the lower threshold of 15 dwellings/0.5ha be applied to all sites, and is derived from the conclusions of the 2003 HNS (CD4.08 paragraph 1.15.6).

3.1.425 Circular 6/98 states in paragraph 10 that local planning authorities may adopt a threshold as low as 15 dwellings/0.5ha, if justified by exceptional local constraints. The key word is exceptional, in my view. Plans of affordability in the South East produced by the DTLR Affordable Housing Unit 2002 are included in Appendix 1 of the Council's Affordable Housing Topic Report (CD5.02). They show that, for nurses or teachers, Shepway is in the lowest, in other words the most favourable, category regionally in terms of the size of the gap between the average price of a small home and the average mortgage for that group. The 2003 HNS demonstrates that the proportion of households in the District earning more than the national average income is slightly higher than the UK average, and that the average price of terraced dwellings in Shepway is less than that for Kent as a whole (CD4.08 paragraph 4.4.7 and Table 3-2). The demand for affordable housing in the District is great but not exceptional, in my view.

3.1.426 The profile of size of sites likely to come forward in the Plan period might represent an exceptional constraint to supply, if relatively few sites of over 25 dwellings/1ha are available. Lowering the threshold to 15 dwellings would bring in only Site HO2H, land at Romney Avenue, as an additional source amongst the allocated sites of Policy HO2. Seven sites in Appendix 2 would be brought in by the proposed change, not counting those noted as already started or with planning permission. The total additions would amount to a pool of about 153 dwellings, from which the potential extra yield of affordable homes at 30%-35% would be approximately 45-53 over the Plan period. The additional yield from windfall sites of between 25 and 15 dwellings (1ha-0.5ha) is difficult to assess. However few of the sites subject to full site appraisal in the Urban Capacity Study (CD1.08), and not already identified as allocations, fall within that size category; most are smaller. I have no evidence therefore of a shortage of large sites over 25 dwellings/1ha, or a significant bulge of identified smaller sites that would represent missed opportunities for provision if the threshold stayed at 25 dwellings.

3.1.427 I conclude that although the HLS shows that the need for affordable housing in the District is great, it does not indicate that there is an *exceptional* need at Shepway, in terms of Circular 6/98 that would justify a reduction of the threshold to 15 dwellings/0.5ha now. The Ministerial Statement of 17 July 2003 emphasises the government's commitment to ensuring the delivery of affordable homes. It draws attention to the publication *Influencing the Size, Type and Affordability of Housing*, which proposes a universal site threshold of 0.5ha or 15 dwellings. However, this is at present in consultation draft form and I can allow it only limited weight. If that provision becomes an amendment to PPG3 accompanied by the cancellation of Circular 6/98, as proposed, then it will become an important material consideration in assessing planning applications and the policy could be amended in a future version of the development plan.

What percentage target should be set for the proportion of affordable housing on qualifying sites?

3.1.428 Some objectors urge a return to the 15% target of paragraph 3.32 of the FDD. However, I consider that the level of need indicated in the 2003 HNS, and the limited success of the current Local Plan policy, indicate that 15% would be too low. It would fall far short of the relatively modest overall target provision of 400 affordable homes over the Plan period, even taking into account contributions from Appendix 2 sites (CD5.02 Table page 6).

3.1.429 Other objectors consider that there should be indicative targets for specific sites subject to negotiation, in accordance with paragraph 9b of Circular 6/98, and no overall percentage. The Circular does not say that an overall percentage is wrong, but it emphasises that there should be a flexible approach to individual sites. It is clear from Policy HO6 that the element of affordable housing to be provided on a qualifying site will be subject to negotiation, depending on local affordable housing needs, and on market and site conditions. Paragraph 3.39 also states that the economics of provision will be taken into account in assessing sites for affordable housing. This approach is endorsed in paragraph 16 of PPG3. It is right that there should be some flexibility to negotiate for provision above or below 30%, on a site-by-site basis according to particular circumstances. I consider that the policy would fulfil the aims of the Circular in that regard. I do not find that alternatives suggested by objectors would add significantly to the clarity or flexibility of the wording.

3.1.430 PC17 and PC18 propose a minimum of 35% provision on qualifying sites, as recommended in the 2003 HNS (paragraph 1.15.5). There is no clear reasoning in the HNS which links the survey results to the particular percentage chosen, or to the threshold of 15 dwellings/0.5ha recommended in paragraph 1.15.6, except for the overall finding that the expressed need is over 15 times more than the amount of affordable housing delivered in recent years. This would represent 905 units per year, considerably more than the total Structure Plan requirement, and would not be economically deliverable or sustainable for the Local Planning Authority to meet in full.

3.1.431 The Council estimate that raising the limit to 35% would yield an additional 50 dwellings on allocated sites over the Plan period (Cabinet Report C/03/03). The additional yield from qualifying Appendix 2 sites that do not already have planning permission, and from larger windfalls, would be likely to produce a total provision well in excess of the overall target of 400 affordable homes. I realise that a higher percentage could help to make up for other sites where the negotiated proportion may be less, and that the authors of the HNS have had experience in Kent of successful negotiations of an element of affordable housing in the region of 35%. However, in the light of the housing market in Shepway, which although improving is still somewhat fragile, I consider that this would be a step too far and would tend to discourage implementation. On balance, I do not consider that the benefit of these potential extra dwellings would outweigh the risk that fewer sites might come forward. The increase might therefore be counter-productive, and I recommend that the proportion be retained as 30% as in the RDD.

3.1.432 The affordable proportion is a matter for negotiation either upwards or downwards depending on local need and market and site conditions. I do not therefore favour the expression of 30% as either a maximum, using "up to", or as a minimum, and I recommend accordingly.

Affordable Housing in Villages

3.1.433 The deletion of the Policy HO4 Romney Marsh village sites in the RDD would satisfy a number of objections to the provision of affordable housing on the allocation sites in those villages, which have few facilities and limited public transport. On the other hand, the Kent

Rural Community Council propose that the threshold in rural villages be lowered to 10 or more dwellings, and that the proportion of affordable housing sought there should be 50%. The settlement boundaries of the villages in the District are tightly drawn and large sites are scarce. I have no evidence that rural windfall sites for 10 dwellings within those settlement boundaries are significantly more numerous than sites for 15. The change in threshold size there would therefore make little difference in the total yield of affordable dwellings, even at 50%. I consider that the specific needs of local people in rural areas who have difficulty in entering the housing market would be best met by Policy HO8. Under this policy development may take place on land which would not normally be released for housing, and the affordable dwellings could be reserved specifically for local rather than for District-wide needs.

Whether the dispersal of affordable housing over a site, in blocks of up to 4 dwellings, is an effective way of providing balanced communities.

3.1.434I agree that the dispersal of affordable housing units through a development site is a sound concept and a good starting point for encouraging the growth of balanced communities. I understand that the figure of 4 dwellings has been arrived at after consultation with Registered Social Landlords (RSLs) and reflects successful schemes elsewhere. However, in my view the limit of 4 dwellings is somewhat arbitrary and inflexible. It would work well in relation to short terraces of 4 houses but could be unduly restrictive in terms of the provision of small blocks of flats, which might for example contain 6 units. The HNS 2003 indicates that both the need and preference of newly forming households is for flats, and that flats are significantly under-represented in the housing stock (CD4.08 Paragraph 1.9.3). A limit of 4 units may thus be inappropriate for a considerable proportion of affordable housing provision. Whilst I welcome the Council's assurance that the limit of 4 dwellings would be applied flexibly, to my mind there is little point in setting a policy target which, by being too low, is likely to generate many reasonable exceptions. I find therefore that the limit of 4 units would be best kept as an informal rule of thumb to form a starting point for negotiations, and that the policy wording be amended as recommended to allow greater flexibility.

Low density starter homes

3.1.435PPG3 is clear that the best use should be made of housing land and that residential densities should be of at least 30 dwellings per hectare. There should be no place in the Plan for policies which require development to be at densities lower than this. Good, imaginative design should ensure that such development will integrate well with its surroundings. I have concluded earlier in this section that unsubsidised low-cost open market starter homes do not represent affordable housing, as they are out of reach for many people.

Other Matters

3.1.436I consider that it is right that the HNS aims to eliminate the existing backlog of about 580 affordable homes over 5 years, in accordance with the *Good Practice* guidance. I see no overriding advantage in discounting the backlog over the whole Plan period.

3.1.437I do not consider that increasing the total number of allocations in the Plan in order to generate more affordable housing provision is a sound approach. My reasons for broadly endorsing the housing strategy of the Plan are given under the heading of Policy HO2.

RECOMMENDATIONS

3.1.438*Modify the first sentence of paragraph 3.37 by adding, after "market", ", without subsidy."*

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

Folkestone.”.

3.1.440 Do not modify paragraph 3.40 in accordance with PC17.

3.1.441 Modify paragraph 3.40 by deleting the first sentence and replacing with “The provision of affordable housing on individual sites will be the subject of negotiation. Dependent on the particular local need, the Council will seek an appropriate mix of social rented and other forms of affordable housing.” Delete the last sentence of the paragraph. Retain the reference to 30%.

3.1.442 Do not modify Policy HO6 in accordance with PC18.

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

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

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

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

POLICY HO7 - MIX OF DWELLING TYPES

Objections

412/15	HO7*	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
566/11	HO7	BT Plc RPS Chapman Warren	NFS
727/11	HO7*	Ms Fiona Fraser Boulton The Countryside Agency	NFS
756/11	HO7	House Builders Federation	NFS
757/11	HO7	Department of Health, Mr Stephen Harness	W/R
762/3	HO7	Sea Containers DPDS Consulting Group	W/R
771/4	HO7	Greensword David Plumstead	INQUIRY
843/4	HO7	Local Agenda 21 Shepway Community Forum	INQUIRY
913/9	HO7	Mr David Jarman BSF Planning Consultants	NFS

Issues

Should the viability of a project be a determinant of the policy.

Does the removal of the threshold of 25 dwellings/hectare, set in the FDD version of the policy, make it too inflexible.

Inspector's Reasoning and Conclusions

3.1.447*I am satisfied that the RDD meets these objections, which request the removal of the threshold.

3.1.448I do not consider that it is necessary to add to the policy that the choice of housing mix should depend on the viability of the development project. The objector has in mind the effect on viability of abnormal development costs on brownfield sites. However in my view this would be part of the site conditions referred to in the policy and would be taken into account in assessing applications for planning permission.

3.1.449The policy in the RDD relates to all new housing developments, regardless of size, and reflects a key aim of government policy expressed in paragraph 2 of PPG3. It is clearly impossible to create a housing mix in a development of one dwelling. However I see no reason why some variety of dwelling sizes and types could not be introduced in schemes of 2 or more dwellings, depending on market and site conditions. The characteristics of the area will also be a factor to be taken into account, through other policies of the Plan. The policy therefore allows some flexibility and the housing mix referred to should not be confused with affordable housing, the provision of which can have significant economic implications for developers and which is rightly confined to larger sites. No further change to the policy is required.

3.1.450I deal with those objections which refer to key worker and special needs housing, and to the limited amount of existing affordable housing in the District, under the heading of Policy HO6.

RECOMMENDATION

3.1.451No modification to Policy HO7.

POLICY HO8 - LOCAL NEEDS HOUSING IN RURAL AREAS

Objections

771/5	HO8	Greensword David Plumstead	INQUIRY
843/5	HO8	Local Agenda 21 Shepway Community Forum	INQUIRY

Issue

Whether the policy is an effective way of meeting local needs for housing in rural areas.

Inspector's Reasoning and Conclusions

3.1.452The objectors comment that too little low-cost housing has been provided in the past. Development containing an excessive proportion of more expensive properties has only served to draw people in from outside the District without providing for local needs, particularly for those with limited incomes. However, I consider that Policy HO8 provides a robust framework for providing for those local needs in rural areas. Such provision would be in addition to the housing allocations of the Plan, and in addition to policy that seeks to secure affordable housing on development sites. It would apply to land that would not normally be released for housing, and would be based on the results of a survey of local need. Criteria of the policy seek to ensure that such housing would be available to those with proven links to the local area, and who are unable to find accommodation nearby at an affordable cost. Subsequent occupation of the accommodation would be controlled so that it would remain available in perpetuity to meet those needs. The application of Policy HO8, together with Affordable Housing Policy HO6,

would therefore address the problems to which the objectors draw attention and no change is necessary.

RECOMMENDATION

3.1.453*No modification to Policy HO8.*

POLICY HO10 - SUB-DIVISION OF PROPERTIES INTO FLATS

Objections

263/2	HO10	Mr P M Allen Godden & Allen Chartered Surveyors	NFS
751/31	HO10*	Ms Claerwyn Lock, The Environment Agency	NFS

Issues

Will the policy lead to increased risk to life in the event of tidal flooding.

Whether the policy conflicts with PPG3 with regard to parking provision, and is it too restrictive.

Inspector's Reasoning and Conclusions

3.1.454*I am satisfied that the RDD meets this objection by the addition to criterion (g) of the policy.

3.1.455Please see also the reasoning and recommendations in relation to car parking under the heading of Appendix 6 – Parking Standards. Policy HO10 requires the provision of off-street parking in accordance with Kent County Council (KCC) standards, unless sufficient on-street parking is available. However, the 1999 County standards, given in Appendix 6 of the Plan, pre-date PPG3 and PPG13 and conflict with paragraph 62 of PPG3. The Council indicate that the standards are maxima, but this is not stated in Appendix 6. Explanatory text added to criterion HO10(d) in the RDD gives some flexibility, but I consider that, without the recommended modification to Appendix 6, Policy HO10 would be too restrictive and would fail to comply with government advice.

3.1.456The 2003 Housing Needs Survey (HNS) drew attention to the lack of affordable housing in the District, particularly in Hythe and Folkestone. These towns are a likely source of larger properties that could be converted to flats. Paragraphs 1.9.3. and 1.10.1 of the HNS point out that about 85% of newly forming households are unable to buy in the open market and that the preference and need is for flats, which currently form a relatively small proportion of the housing stock in Shepway. The need for privately rented and subsidised low cost market flats should be weighed against harm arising from parking, in assessing applications for planning permission.

RECOMMENDATION

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

POLICY HO11 – SUB-DIVISION OF PROPERITIES - PARKING

Objection

724/7 HO11 Mrs Linda Rene-Martin Sandgate Society INQUIRY

Issue

Whether the inclusion of the roads specified by the objector in the list in the policy is the most appropriate way of protecting the amenity of local residents and the vitality of local shops.

Inspector's Reasoning and Conclusions

3.1.458The objector suggests that Castle Road and Radnor Cliff Crescent to be added to the list of roads in the policy. I saw that there is little on or off-street public parking in Sandgate, and that Wilberforce Road and The Crescent, Sandgate, designated in the policy, are particularly narrow and closely developed. However, I also saw that Castle Road and Radnor Cliff Crescent do not share these characteristics, and in my view would not merit inclusion in Policy HO11. If those roads develop significant on-street parking problems, then they would fall to be considered under the restrictions of the last paragraph of the policy in any event, even though unlisted. I do not find therefore that the policy need be amended as suggested.

RECOMMENDATION

3.1.459No modification to Policy HO11.

POLICY HO12 AND PARAGRAPH 3.49 - HOUSES IN MULTIPLE OCCUPATION

Objections

747/3	3.49	Luminar Leisure Drivers Jonas	nfs
543/2	3.49	Mr C W Auld, Clerk Lyminge Parish Council	W/R
729/10	HO12	Mr Ralph Dickens Government Office for the South East	NFS

Issue

Should “normally” be deleted from the policy.

Inspector's Reasoning and Conclusions

3.1.460It is right that “normally” should be removed from policy wording as it leads to uncertainty. I then consider whether the deletion would restrict unreasonably the number of Houses in Multiple Occupation (HMOs) in the District, as they can provide a valuable resource in the form of cheap living accommodation for those at the lower end of the housing market. The Council state that there may be circumstances where new HMOs would be acceptable, and it is a key aim of government policy in paragraph 2 of PPG3 that the housing needs of the whole community shall be met.

3.1.461I recognise that a concentration of poorly-managed HMOs in an area can give rise to social and environmental problems. I am aware that there is the potential for such

concentrations to form in some parts of Folkestone, where there are neighbourhoods of large older houses which may no longer be suited to single family occupation. Some control is justified, therefore. I consider that the best approach is to add a criterion to the policy that permission may be given if the applicant can show firm and substantial evidence of local need for that form of accommodation. The Council should also consider whether the policy should not be District-wide, but should apply only to certain areas, in which an existing or potential concentration of HMOs may give rise to environmental problems.

3.1.462 Paragraph 3.49 of the first Deposit Draft, which refers to landscaping and amenity provision in new housing development, is now paragraph 3.56 of the RDD. I report on those objections under that heading.

RECOMMENDATIONS

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

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

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

POLICY HO13 - SUPPORTED ACCOMMODATION

Objections

729/11	HO13*	Mr Ralph Dickens Government Office for the South East	NFS
751/30	HO13*	Ms Claerwyn Lock, The Environment Agency	NFS
756/5	HO13	House Builders Federation	NFS
757/10	HO13	Department of Health, Mr Stephen Harness	NFS
872/1	HO13	Lothorien Community Ltd Jennifer Owen Associates	NFS

Issues

Is the policy clear.

Whether the degree of detail and prescription is justified.

Does the policy achieve the right balance between providing for the special accommodation needs of vulnerable members of the community, and the protection of the character of neighbourhoods.

Inspector's Reasoning and Conclusions

3.1.466* I am satisfied that the RDD meets these objections.

3.1.467 The scope of the policy is unclear. The reference in the first sentence of the policy to other institutional uses within Class C2 of the Use Classes Order 1987 could include hospitals, boarding schools and other residential training establishments. Some criteria of the policy, including that concerning car parking, would clearly be inappropriate for such uses. I recommend below that “similar” be inserted between “other” and “institutional uses” in the first sentence of the policy, as in the sentence which follows criterion (e).

3.1.468 The Council indicate that the wording of criterion (b) of the first part of the policy is meant to refer not only to accommodation for resident staff, but also to the provision of any staff rest rooms. Such rest room provision, and the provision of communal sitting and dining areas in criterion (e), is a matter of the detailed internal layout of the building which should not normally be the concern of Local Plan policy. Such provision is also the subject of other legislation or control in several types of Class C2 use. It is not therefore a planning matter, in my view, although I can see that there may be some land-use implications for the size of site or building required. The Inspector in his report following the last Local Plan Inquiry endorsed the wording, but this predated the 1999 version of PPG12, which strongly encourages concise and focussed policies that are not over-prescriptive. I recommend that the Council delete that part of (b) which relates non-residential staff, and that they consider the deletion of the whole criterion, together with that part of criterion (e) which refers to communal sitting and dining areas.

3.1.469 The second part of the policy is unnecessarily restrictive. Paragraph 3.50 states that the proportion of elderly people in the District's population, although above average, has in fact fallen from 1991 to 1997 and is not expected to grow significantly to 2011. The reasoned justification would not therefore support such a restrictive District-wide policy, which the Council indicate was originally formulated in response to a local problem of intensification at Littlestone. Paragraph 3.50 does not give any rationale for the choice of thresholds, which appear arbitrary and excessive, particularly those in criterion (i). There also appear to be missing words or typographical errors in that criterion, which make it unclear. Furthermore, the test in criterion (a) that the development should result in no change to the character of a neighbourhood is too severe. The test should be whether such change is harmful. I consider that the policy would be effective in protecting the character of neighbourhoods, and would be clearer and more concise if reworded as recommended below.

RECOMMENDATIONS

3.1.470 *Modify Policy HO13 as follows:*

3.1.471 *add "similar" before "institutional uses" in the first sentence of the policy;*

3.1.472 *delete all wording after "will apply the following criteria:" and replace by the following:*

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

residents which meets their needs

POLICY HO14 - SHELTERED HOUSING

Objection

756/1 HO14 House Builders Federation NFS

Issue

Will the policy ensure that adequate provision is made for sheltered housing.

Inspector's Reasoning and Conclusions

3.1.473I agree with the objector that the policy is worded in an unnecessarily negative manner, in contrast to Policy HO13 and many others. The restrictive approach is not supported in the reasoned justification in paragraph 3.50, which indicates that the proportion of elderly persons in the District has fallen between 1991 and 1997 and is not expected to increase significantly up to 2011. I recommend amended wording accordingly.

RECOMMENDATION

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

POLICY HO15 – SPECIAL NEEDS ANNEXES

Objections

729/12 HO15 Mr Ralph Dickens Government Office for the South East NFS
751/36 HO15 Mr(s) Claerwyn Lock, The Environment Agency NFS

Issue

Whether the policy is sufficiently clear, and whether it would secure sufficient protection from flood risk for occupiers of such annexes.

Inspector's Reasoning and Conclusions

3.1.475Policies should give a clear indication of the circumstances in which planning permission will, or will not, be granted, through the use of criteria as necessary. The wording of Policy HO15 in the RDD replaces the vague phrase “ will give favourable consideration to” with “will permit”, and leads firmly to the policy criteria. No further change is required.

3.1.476Elderly people or those with special needs may have difficulty in reacting quickly to an emergency situation and may be at particular risk from flooding events, especially from tidal flooding. I note that the wording of Policy HO15(e) in the RDD is as suggested by the EA. However, I consider that it is unnecessarily restrictive in the light of the reasonable requirement for a bedroom on the ground floor, for those with limited mobility. In my view the standard of

protection of the area should also be taken into account, as in similar criteria in Policies HO13, HO16 and U5, and I recommend accordingly.

RECOMMENDATION

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

POLICY HO16 - GYSPY SITE PROVISION

Objections

730/6	HO16	Mrs M Weaver Lydd Town Council	nfs
765/4	HO16	Kent Constabulary	nfs
751/35	HO16	Mr(s) Claerwyn Lock, The Environment Agency	NFS
755/6	HO16	Councillor B Walsh	NFS

Issue

Whether the criteria-based policy will provide adequately for the needs of gypsies, in the absence of authorised sites in the District.

Inspector's Reasoning and Conclusions

3.1.478 The Kent Constabulary are concerned that consultation should take place with the Police and KCC Gypsy Unit over the siting, access and layout of proposed gypsy sites, to ensure safe management. Paragraph 3.55 of the RDD includes such a requirement and no further change is needed.

3.1.479 Due to lack of demand, there are no authorised sites in the District following the closure of a site at Runningwater Gate, Lydd. There is local concern that unauthorised encampment and trespass might occur as a result. The need for gypsy sites can fluctuate and this is a matter that the Council should keep under review through the monitoring process. I recommend that the Council ensure that annual monitoring and review takes place, as part of housing indicator 14.4(4) of Chapter 14, Monitoring and Review. Such information would be a material consideration in the assessment of applications for gypsy sites, or in determining whether a specific allocation may be required at some future date.

3.1.480 Caravan occupiers are particularly vulnerable to risk from tidal flooding. Policy U5 refers only to new residential development and I consider it reasonable that the RDD now incorporates a criterion in Policy HO16 which refers to tidal flood risk at gypsy sites, as requested by the Environment Agency. No further change is required.

RECOMMENDATION

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

PARAGRAPH 3.56 – NEW HOUSING DEVELOPMENT – LANDSCAPING

AND AMENITY PROVISION

Objections

747/3	3.49	Luminar Leisure Drivers Jonas	nfs
543/2	3.49	Mr C W Auld, Clerk Lyminge Parish Council	W/R

Issues

Should the paragraph become a policy.

Should the paragraph/policy refer to mitigation where new residential development would be adjacent to existing or proposed commercial uses.

Inspector's Reasoning and Conclusions

3.1.482 Paragraph 3.49 of the first Deposit Draft, which refers to landscaping and amenity provision in new housing development, is now paragraph 3.56 in the RDD.

3.1.483 The provision of adequate amenity space and landscaping as an integral part of new housing schemes can be an important contributor to the quality of the environment. However, I find that such matters are dealt with comprehensively in Policies BE15 and BE16 and associated text, and in Chapter 9 on Leisure and Recreation, to which paragraph 3.56 refers. The Plan should be read as a whole, and should avoid unnecessary repetition. I do not consider therefore that an additional policy to refer specifically to amenity provision and landscaping in housing development is needed.

3.1.484 Paragraphs 49-51 of PPG3 promote mixed-use development, in which dwellings may be sited near to existing or proposed commercial uses. The objector is concerned that such development proposals should include mitigation measures to overcome the potential effects of commercial operations on residential amenity, and that these should be required by policy. However, a local plan forms the framework within which development control decisions may be made. It should not aim to provide policy for every eventuality. In my view Policy SD1(k) would address effectively the situation which the objector envisages, with Policy U16 which refers to new residential or other noise sensitive development near to existing or proposed noise-generating uses. Policies HO10 and HO1(b), concerning the conversion of buildings into flats, also contain clauses which seek to protect the living conditions of residents.

RECOMMENDATION

3.1.485 *No modification to the Plan.*

4. EMPLOYMENT

PARAGRAPH 4.6 – EMPLOYMENT LAND SUPPLY

Objection

772/1	4.6	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
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Issue

Whether the quantity of employment land identified in the Plan is appropriate to meet the needs of the District over the Plan period.

Inspector's Reasoning and Conclusions

4.1.1 The District has significant problems of slow economic growth, structural decline in key areas and relatively high unemployment. It also has Intermediate Assisted Area Status and the whole of Romney Marsh is a Rural Development Area. The table in paragraph 4.6 carries forward the employment floorspace provision guidelines for Shepway that are set out in Structure Plan Policy ED1. The floorspace is required to meet the needs of the District during the Plan period, and to offer a choice of sites in sustainable locations. The objector puts forward no firm evidence that the level of provision is excessive, and I recommend accordingly. I discuss this matter in more detail under Policy E2 – General.

RECOMMENDATION

4.1.2 No modification to paragraph 4.6.

POLICY E1 - ESTABLISHED EMPLOYMENT SITES

Objections

635/1	E1	H S Jackson & Son Fencing Ltd Richard Daniels Associates	nfs
262/3	E1*	Ms Noreen Banks Railtrack Property	Cond WD
412/17	E1	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
412/18	E1	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
854/1	E1/*	Hawkinge Vehicle Services Mike Simmonds	INQUIRY
	TM9		
590/4	E1	BRB (Residary) Ltd Evison & Company	W/R

Issue

Are the employment sites identified in the plan sufficient and in the right location to meet the needs in the district over the plan period.

Inspector's Reasoning and Conclusions

4.1.3 *I am satisfied that the RDD meets these objections. The Hawkinge Vehicle Services site is a small one. The small-scale expansion of existing firms may be permitted under Policy E6, without the need for a specific allocation under Policy E1 or E2. The same comments would apply to the Jackson Fencing site.

4.1.4 I consider that the RDD also meets the points of objector 412. The table at paragraph 4.11(e) now refers to B1 use in general at Ingles Manor, with consequent changes to Policy FTC3(e) to eliminate an inconsistency. I do not consider that a B8 use allocation in the Plan would be appropriate at Ingles Manor, in view of its close relationship to existing and proposed residential development. The GPDO would however allow the change of use of a limited amount of B1 floorspace to B8 as permitted development.

4.1.5 I now turn to consider the designated Station Yard employment site at Lydd. The RDD removes an inconsistency by the addition of a note to the table in paragraph 4.11, which states that the established employment sites include vacant and part vacant sites. I recognise that the

site has been allocated for B1, B2 and B8 use for several years but that the land has been used only intermittently, and for low-key activities. However, in spite of some reduction in unemployment levels the District has significant problems of slow economic growth, structural decline in key areas and relatively high unemployment. It also has Intermediate Assisted Area Status and the whole of Romney Marsh is a Rural Development Area. In my view the policy approach of the retention of the Policy E1 established employment sites is right. The sites of Policies E1 and E2 have been allocated in relation to the Structure Plan employment guidelines, to meet the needs of the District during the Plan period, including for local needs, and to offer a choice of sites in sustainable locations. The allocations in the RDD represent a total of B2 and B8 floorspace slightly less than the Structure Plan requirement to 2011, so there is no justification in terms of oversupply at the District level for removing further land from that designation.

4.1.6 The Inspector in his Local Plan Inquiry report of 1995 recommended against the inclusion of a proposed omission site, which would form an extension to the Kitewell Lane employment site designated in the draft Local Plan. He found that further enlargement of an allocation was unnecessary in the context of the supply of employment land in Lydd at the time. However, matters have changed since then, not least in the form of the adoption of the current Structure Plan employment floorspace guidelines. I understand that a number of vacancies on allocated sites in Lydd have been taken up and, on the supply side, the Kitewell Lane site in the RDD is smaller than that allocated in the 1997 Local Plan. There is now significant passenger and freight activity at Lydd Airport. The Station Yard site is well placed in relation to the Airport, at which development that is not directly connected with commercial and recreational flying use would be restricted under Policy TR14. I do not therefore share the objectors' view that there is little chance that the Station Yard site would be developed for employment use within the Plan period.

4.1.7 The land is visually prominent at the entrance to Lydd from the north. Nevertheless, I do not consider that, in principle, a well designed and landscaped employment development would be detrimental to the character or appearance of the area, which is one of mixed uses, or that a residential scheme would necessarily be less visually harmful. Overall I do not find that the removal of the employment allocation from the site is justified now. I conclude under the heading of Policy HO2 on the merits of the land as a housing site.

RECOMMENDATION

4.1.8 No modification to Policy E1.

POLICY E2 – GENERAL, AND OMISSION SITES

Objections

731/1	E2	Saltwood MSA Ltd TPC Ltd	nfs
54/2	E2	Christ Church, Mr Hothi	nfs
854/2	E2	Hawkinge Vehicle Services Mike Simmonds	INQUIRY
851/4	E2	Hawkinge Activity & Adventure Centre Mike Simmonds	INQUIRY
727/13	E2	Ms Fiona Fraser Boulton The Countryside Agency	NFS
727/14	E2	Ms Fiona Fraser Boulton The Countryside Agency	NFS
633/4	E2	Nickolls Quarries Ltd David Jarman	W/R
741/1	E2, 4.14	The Silver Spring Mineral Water Company Ltd BSF	INQUIRY

Planning Consultants

Issues

Would allocation of the objection sites be the best way of helping to achieve the employment aims of the Plan.

Does Policy E2 conflict with PPG7 and the aim of the Plan to protect the AONB.

Does the employment chapter lack an overall strategy, and does it take into account sufficiently the needs of the Rural Development Area.

Should there be more emphasis on the encouragement of economic development, particularly at the Shearway Business Park.

Inspector's Reasoning and Conclusions

4.1.9 The siting of the Motorway Service Area (MSA) designation, to the south west of Junction 11 of the M20, in a visually prominent and relatively remote countryside location is justified because of its special role in serving motorway users. This special justification would not apply to a general B1, B2 or B8 use of all or part of the land. Sufficient employment land in locations that are equally, or more, sustainable has been identified in the RDD, and I see no reason to alter the allocation of the MSA site.

4.1.10 The site between Cockreed Lane, Hope Lane and Ashford Road, New Romney, lies north of the town in Local Landscape Area protected under Policy CO5. It is part of the flat and open agricultural landscape, typical of Romney Marsh, laced by drainage ditches and low hedges. The site lies well outside the settlement boundary with little or no visual or physical relationship to the town. Development upon it would represent a substantial intrusion into the countryside. The housing allocation site nearby at Ashford Road has now been deleted from the Plan, and the presence of the designated hotel land at Running Waters, Lydd Road, would not justify development of the objection site for employment and/or housing. New Romney has a substantial employment site at Mountfield Road with room for expansion over the Plan period. Additional land for employment or mixed use is not required to fulfil local or District-wide needs.

4.1.11 I have noted elsewhere that the buildings which are in employment use, which are adjacent to the Battle of Britain Museum at Hawkinge, have now been deleted in the RDD from the Policy TM9 designation on the Proposals Map. Sufficient land has been allocated for employment use in the Plan, including the large site E2E in Hawkinge. I recognise that some small local firms may have difficulty in relocating or expanding onto sites that generate premium rents. However, Policy E6 encourages the expansion, within settlements, of existing firms that are outside designated Policy E1 or E2 employment sites. The expansion needs of local firms and those of the Museum would be matters to be weighed in the balance at the development control stage. I do not consider therefore that it would be necessary to specifically reallocate part of the Policy TM9 land to employment use.

4.1.12 I recognise that the owners of the objection site, a Registered Charity, are obliged by the Charities Act 1993 to realise the best price for the land if sold, and that an employment or residential value would be likely to be greater than one for a tourism use. However such private financial matters should not outweigh planning considerations. I do not find that the loss of its open airfield context or the capacity to fly historic aeroplanes would be fatal to the attraction of the Museum, which is recognised as being of at least regional importance and is cramped on its present site. The size of the TM9 allocation would allow a landscaped setting to be provided for the Museum, as a buffer to housing development nearby and in order to incorporate the existing

structures that are amongst the few remaining of the historic airfield. I consider that there is a realistic chance that the Museum would be able to expand during the Plan period. These matters reinforce my view that part of the Policy TM9 site should not be reallocated for employment use now.

4.1.13 Employment site E2(E) at Hawkinge West and part of site E2(B) at Cheriton Parc lie within the AONB. No specific mention is made of that in the employment chapter. However the Plan should be read as a whole. Proposals for development within those sites must also comply with Policies CO3 and SD1, which aim to protect and enhance the natural beauty of the landscape of the AONB. Paragraph 4.8 of PPG7 does not say that no development should take place within AONBs. The test in paragraph 4.5 of the guidance, which also applies to AONBs, refers to proposals only for major development, and is adequately reflected in Policy CO3 of the RDD. As the Plan should be read as a whole, it is not necessary to insert cross-references between policies. I consider therefore that the allocations would not conflict with advice in PPG7, and the policies of the Plan would give sufficiently robust protection to the natural beauty of the AONB in those areas.

4.1.14 In regard to the general points made by the Countryside Agency, I do not agree that the employment chapter lacks a coherent strategy. The underlying economic situation in the District and the aims of employment policy are clearly set out at the beginning of the chapter. Paragraph 4.8 of the RDD confirms that total employment floorspace provision in the RDD would exceed the Structure Plan guideline for the Plan period, but this would be by only a small amount, with in fact a shortfall in the supply of B2 and B8 floorspace. Detailed figures are given in the Employment Land Topic Report (CD5.04) and it is not necessary to repeat them in the Plan. The role of the Local Plan is to set out policies concerning the use and development of land. Devising promotional and financial measures to encourage the take-up of employment land, and to support economic activity in the area, should be the subject of other Council strategies. Detailed consideration of the special skills, needs and potential of the Rural Development Area (RDA) in relation to the mix of uses specified for the employment allocation sites would be a matter for the Employment Topic Paper rather than the Plan itself, in my view. However the designated sites in the Romney Marsh area between them provide for a full choice of B1, B2 and B8 uses. Policies E6 and E6A support the retention and expansion of rural businesses, and Policies CO16 and CO19, respectively, encourage farm diversification and the employment re-use of rural buildings. I consider that this would provide an effective raft of policies to support the rural economy in the RDA.

4.1.15 Sufficient land is allocated in the RDD for employment use over the Plan period, and the addition of a new site based on the existing Nickolls Quarry depot and headquarters site at Stone Street, Newingreen, would not be necessary to meet the needs of the District. The fact that the land would be available for immediate development, that it is well related to the primary road network and that it would complement suggested commercial development at the Racecourse, would not be sufficient to justify allocation of the objection site. I recognise that some relocation of activities from Nickolls Quarry to the objection site might be required in the future. However, I consider that policies of the Plan, particularly Policy E6, would be adequate to deal with such a proposal, without the need for a specific allocation of employment land at the objection site.

4.1.16 Wording has been added to paragraph 4.15 in the RDD to emphasise that the District Planning Authority will encourage development at Shearway Business Park, and will work with SEEDA and others to achieve that end. I consider that the RDD meets that part of the objection. It would not be right, however, to use words such as *support* or *encourage* within the policy wording, as that would lead to uncertainty. Local Plan policies should be limited to land use

rather than promotional matters, should state firmly the circumstances in which planning permission will, or will not, be granted.

RECOMMENDATION

4.1.17 No modification to Policy E2 or to paragraph 4.14.

POLICY E2 ALLOCATED SITES - GENERAL

Issue

Whether the RDD allocates an excessive amount of employment land for the needs of the District over the Plan period.

Inspector's Reasoning and Conclusions

4.1.18 Objectors to the sites allocated under Policy E2 make a number of common points in relation to employment land supply. To avoid repetition I respond as follows, so that generally only site-specific matters need be dealt with under the sub-headings to the policy.

4.1.19 Shepway, as with many East Kent coastal districts, has experienced the effects of structural changes in traditional industries, particularly in the holiday trade and in cross-channel ferries, coupled with a perception of remoteness (paragraph 12.23 of Regional Planning Guidance for the South East, RPG9). Strong support for the regeneration of the economy of East Kent is a feature of Regional and Structure Plan policy. Key aims of policy are not only to improve the quality of life of those living in the area through increased employment and job security, but also to enable the sub-region to compete vigorously against international competition. In Shepway this is encouraged through the granting of Intermediate Assisted Area Status, the designation of Folkestone and area as a Priority Area for Economic Regeneration (PAER), and the allocation of Romney Marsh as a Rural Development Area. Unemployment in Shepway has declined over recent years but this is no cause for complacency as the rate remains higher than that of the average for Kent or the South East (paragraph 6.1, CD 5.04). Other economic indicators also illustrate the relatively poor performance of Shepway in comparison with County or national figures (paragraph 6.4, CD 5.04) and indicate the need for continued support.

4.1.20 There are currently significant areas of vacant employment land in parts of the District. Paragraph 4.8 of the RDD tells us that total provision at mid-2000 represented a high proportion of the Structure Plan guideline figure for 2011. However, the tables in Appendix 1 to the Council's Employment Land Topic Report (CD 5.04) show that, over the Plan period, there would be a total land supply of committed and allocated sites only 6% in excess of Structure Plan (SP) guidelines for 1991-2011. The 6% surplus hides a small shortfall in the provision of B2 and B8 floorspace. SP Policy ED1(b)(v) states that modest increases over the floorspace guidelines may be appropriate in the East Kent coastal districts in order to meet the objectives of the Plan. Paragraphs 7.7 and 7.13 of the SP recognise the importance of the provision of an ample quantity, range and choice of employment sites in order to encourage economic diversification, the expansion of local firms and new inward investment in such areas. I do not consider therefore that there is a significant oversupply of employment land in the RDD.

4.1.21 I recognise that the take-up of employment land through the 1990s has been relatively slow, and the presence of vacant employment sites and buildings reinforce a perception of

current excess provision. I acknowledge also that PPG13 and PPG3 urge that employment land should not be retained where it cannot realistically be taken up during the Plan period. However in 2001-2002 there was a marked net increase in completions on employment land of all categories. This may be a reflection not only of the improving economic climate locally and nationally but also the fact that since 1999-2000 all the sites allocated in the currently adopted Local Plan have been serviced and are now available for development. The creation of SEEDA, assistance from external funding and, in particular, the completion of the Channel Tunnel Rail Link, are likely to have considerable beneficial effects on the economic well being of Shepway in the long term. The District should be ready with a good choice of well-served employment sites in order to take advantage of opportunities for future growth. I see no reason therefore, in principle, that the land would not be taken up over the Plan period, or that the number or size of allocated employment sites in the RDD should be restricted.

RECOMMENDATION

4.1.22 No modification to Policy E2.

POLICY E2A - SHEARWAY BUSINESS PARK, FOLKESTONE

Objection

33/1 E2A Mr J M Ludlow The Silver Spring Mineral Water Co. Ltd INQUIRY

Issue

Whether the allocation achieves the right balance between employment, housing and open space needs of the District.

Inspector's Reasoning and Conclusions

4.1.23 The objection seeks the replacement of part of the E2A designation by a mixed use allocation on 4.6ha of land west of Caesar's Way. Employment use is proposed on the northern part of the site and housing and public open space on the southern part, with reduced areas of strategic landscaping.

4.1.24 I have commented on the land supply aspects of the objection under the heading of Policy E2 Allocated Sites – General. The loss of employment land that would result from the scheme suggested in the objection might represent only a small proportion of the total allocation for the District, or for Folkestone and Hythe. However site E2A is a key employment site, within the built up area of Folkestone and with good access to a workforce and to motorway and rail links. It is likely to have one of the best prospects in the District for attracting inward investment as well as for the growth of local firms, and loss of employment land there should be resisted.

4.1.25 The agreed level of vacancies at the Park Farm Industrial Estate, of 7 units out of a total of 88, does not appear to me to be excessive or to indicate a lack of demand for employment floorspace in the area. The objector may be right that some newly completed industrial units at Caesar's Way have not found an occupier because they are larger than required by local firms. However, I see no reason why part of Site E2A could not be developed for smaller units of say 75sq m as suggested, on the objection land or elsewhere.

4.1.26 I recognise that the site is mostly previously-developed land within an urban area and thus a sustainable location for residential development. It could provide a proportion of affordable housing to meet local needs. However, I have recommended under Policy HO2 that there is no need for additional housing allocations beyond those set in the RDD. The allocations that I have recommended for retention are justified for the reasons that I have set out in that section of the Report, and the objection site offers no substantial advantages that would indicate that it should replace allocated housing land. The objection site is not in an area where there is an overriding need for public open space that would justify the proposed loss of employment land. The 30m deep Policy CO24 strategic landscaping belt at the western end of the objection site would allow for the growth and retention of large trees, as part of a buffer between the employment land and school land to the west. A belt reduced to 10m in depth would not fulfil that function so effectively. Overall I find no good reason why the allocation of the objection site should be altered as suggested, and I recommend accordingly.

RECOMMENDATION

4.1.27 No modification to Policy E2A.

POLICY E2C - LINK PARK, LYMPNE

Objections

272/1	E2 C	Mr & Mrs Newington	nfs
57/1	E2 C	Mr M Kemp	nfs
389/1	E2 C	Mr& Mrs D C Uden	INQUIRY
271/1	E2 C	Mr E G Medley	INQUIRY
122/1	E2 C	Cllor C Hunter, Chair Lympne Parish Council	INQUIRY
385/1	E2 C	Councillor Mrs S Newlands	INQUIRY
484/21	E2 C	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
390/1	E2 C	Mr M P Boulton	NFS
76/1	E2 C	Ms Wendy Jacques	W/R

Issue

Whether the proposed allocation of land for employment as an extension to Link Park, will achieve the right balance between employment needs of Shepway, environment and amenity or residents.

Inspector's Reasoning and Conclusions

4.1.28 I have commented above under the heading of Policy E2 Allocated Sites – General on the fragile economic position of Shepway, and the fact that a large proportion of the Structure Plan employment land requirement for the District to 2011 is available now. The provision of an ample quantity, range and choice of employment sites is important in order to encourage economic diversification, the expansion of local firms and new inward investment. I concluded that there is no significant oversupply of employment land in the RDD. There is indeed a slight shortfall of B2/B8 land in the supply over the Plan period. Link Park would form an important source of this type of employment land, well related to the M20. Its size would help to attract inward investment from firms that need large sites, which few if any other employment sites in the District could accommodate. Paragraph 45 of PPG13 encourages the location of development such as distribution and warehousing, particularly of bulky goods, away from

congested central and residential areas and towards sites with good access to trunk roads.

4.1.29 Class B8 warehousing uses may not create a high density of employment in relation to floorspace but can make a significant contribution to the local economy both directly and indirectly. Adequate land is identified at New Romney and Lydd to meet the employment needs of the Romney Marsh area. Transfer there of the Link Park allocation would create an excess of employment land in an area more remote from the main centres of population of the District and not so well related to the trunk road system.

4.1.30 The site is brownfield land and represents further development of the industrial area originally based, in a sustainable manner in accordance with PPG7, on the old airfield buildings. The allocation would still leave much of the former airfield undeveloped, in accordance with Annex C of PPG3. Otterpool Lane forms a firm boundary and the development of an equivalent area of land on the western side of the lane would represent a substantial encroachment into the countryside, unrelated to the existing industrial estate or to the main form of the airfield.

4.1.31 I have seen the allocation site from near and distant views, including from the vicinity of the Racecourse and from Farthing Common. The clear gap between the allocation and Lympne would to my mind ensure the separate identity of the settlement. It would also ensure the continuation of attractive views from Aldington Road north towards the North Downs.

4.1.32 Part of the allocation is outside the bund that at present defines the eastern edge of the industrial area, but such a feature could be incorporated into the Policy CO24 landscaping belt that would surround the allocation, as necessary. I have seen the visual impact of the Dockspeed building from various viewpoints. I agree with the Inspector in the 2001 appeal on the site (CD4.05) that it is an unfortunate example of a lapse of concentration by the Local Planning Authority in assessing the impact of a utilitarian building when making a planning decision. I also note that the northern end of the site starts to slope downwards from the plateau level, thus increasing the potential for the visual exposure of buildings there. However, the proposed landscaping belts are substantial and the scope for the incorporation of raised ground levels at the bund could increase the impact of planting and make it more effective at an earlier date.

4.1.33 A robust assessment of the effect of noise from the industrial allocation area on existing housing in the village was undertaken in 1997 (CD4.10), the most recent of several acoustic reports. The overall conclusion was that, subject to appropriate conditions and with land outside the existing bund used only for B2 and non-refrigerated B8 uses, the increase in sound emissions would be considerably less than 5dBA above existing levels, by day or night. This would equate to being of less than marginal significance in terms of BS 4142: 1997. Criterion (iv) of Policy E2C, and Policy U16, require that the noise impact of development must be acceptable, a matter for consideration at the planning application stage.

4.1.34 I recognise that noise from one existing unit at the Lympne Industrial Park has been a constant problem for residents who live immediately adjacent to it, although not to the main village. I acknowledge also that wind borne peak noise such as the abrupt dropping of a heavy load, or warning signals from reversing vehicles, can be an unpleasing reminder of major activity close to the village. There may also be occasional disturbance due to human error or the failure of systems. The Inspector in his report on the appeal in 2001 (CD4.05) found that, in spite of such caveats, and the fact that he was considering new residential development close to the edges of the employment allocation area, the issue of noise would not be sufficient in itself to justify dismissal of that appeal. I share his view in relation to the employment allocation and existing development, subject to the preparation of a development brief as discussed below.

4.1.35 Some firms on the allocation site are likely to operate for 24 hours a day, and I recognise that outdoor lighting in the countryside can have greater impact than in a built up area. However

in recent years a number of technical solutions to the problem of light pollution from external lighting have been developed. Policy U15 seeks to restrict light spill, and paragraph 4.21 draws attention to that policy. I do not find therefore that the potential use of outdoor lighting should indicate that the site should not be allocated.

4.1.36 Access to the site would be only from Otterpool Lane. Subject to the implementation of a number of junction improvements, to be provided under Policy E2C(ii), I consider that the allocation would not give rise to significant problems of traffic generation or highway safety. I understand that a number of heavy goods vehicles occasionally use Stone Street, possibly by mistake as suggested by objectors. However, I consider that the indirect route to the M20 that this would provide, and the traffic-calming measures now in place, would make this an inconvenient choice for HGV drivers. I recognise that the site is poorly served by public transport and that many employees at Link Park are likely to go to work by car. The development brief referred to in paragraph 8.40 of the Plan should encourage the use of green travel plans as described in PPG13, in order to reduce reliance on the private car.

4.1.37 There is a Site of Special Scientific Interest to the north and a Wildlife Site designated under Policy CO10 to the west, but I have no firm evidence that the industrial allocation would be harmful to either, including in terms of hydrology. There is no public footpath across the site, and the land has no landscape or conservation designation. Its biodiversity value could be enhanced through the creation of new or improved habitats in the strategic landscaping areas, which are of substantial size and could provide a wildlife corridor. The land is not in an area of flood risk, and the presence of a spring can be taken account of in development. There is evidence of Bronze Age occupation on the existing industrial site, and remains on the airfield in connection with its 20th century history. Conditions to ensure the proper excavation, recording and conservation of any remains found, to ensure adequate drainage and to protect the wildlife interest of the site, could be considered at the planning application stage.

4.1.38 I consider that the early preparation of a new development brief for Link Park, as referred to in paragraph 8.40 of the Plan, is important to ensure that all the issues discussed above are properly addressed in planning applications, and to give greater certainty for developers. In particular the noise limitation measures referred to in section 5 of CD4.10 should be incorporated, including the restriction of refrigerated B8 units to the western part of the site. Among other important topics a landscaping strategy for the interior as well as for the periphery of the site should be included, and a scheme for developer contributions to ensure that the structural landscaping, and other matters, are properly funded. The brief should also state the design parameters to be used especially in relation to the scale, height, design and materials of buildings, and measures to reduce reliance on the private car.

RECOMMENDATION

4.1.39 No modification to Policy E2C.

POLICY E2D - MOUNTFIELD ROAD, NEW ROMNEY

Objections

484/10	E2 D	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
387/1	E2 D	Ms Louise Maxwell Barton	NFS
838/2	E2 D	Mrs V Tully, T. Clerk Cinque Port Town of New Romney	NFS

473/3

E2 D

Mr J Kenward

NFS

Issue

Whether the allocation will achieve the right balance between the employment, housing and environmental needs of Shepway.

Inspector's Reasoning and Conclusions

4.1.40 I saw that the existing industrial estate at Mountfield Road is not fully occupied. However I do not consider that the allocation of further employment land at the site is excessive as it is to cater for requirements up to 2011, not just for existing needs, and for incoming investment as well as for the expansion of local firms. I have set out under the heading of Policy E2 – Allocated Sites, General, the reasons why I consider that the employment land strategy of the Council is sound. Adequate housing and employment land in sustainable locations has been allocated in the RDD and I do not find that the deletion of site E2D, or the replacement of half or more of the area with housing, would be right. The visual impact of dwellings on the open vistas of Romney Marsh would not necessarily be less than that of a well-designed and landscaped industrial area. The Local Plan must deal only with matters that have direct land-use implications. The encouragement of tourism and job creation schemes, including IT-based projects, which are appropriate to the character of Romney Marsh, would be better addressed through other strategies of the Council.

4.1.41 The area is at risk from tidal flooding but the Environment Agency have made no specific objection to the allocation. A flood risk assessment would be required to accompany a proposal for employment development on the site, which must show that at least the minimum standard of flood defence, including suitable warning and evacuation measures, can be maintained for the lifetime of the development.

4.1.42 I recognise that the allocation might result in an increase in traffic in New Romney High Street and on the A259 generally. However there are no highway safety or road network capacity objections to site E2D, subject to the improvements at the junction of Mountfield Road and Station Road as specified in (ii) of the Policy. A new link road from Mountfield Road to Hammonds Corner is not considered necessary on highway grounds.

RECOMMENDATION

4.1.43 *No modification to Policy E2D.*

POLICY E2E - HAWKINGE WEST

Objections

484/22	E2E	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
388/1	E2E	Pentland Homes Ltd Charles Evans	INQUIRY
260/1	E2E	W M Morrison Supermarkets Plc Miss Cassie Holland	NFS

Issues

Would site E2E represent an unjustifiable encroachment into the AONB.

Does the policy achieve the right balance between the employment, retail and community needs of the district and of Hawkinge.

Should the policy include the word “normally”.

Inspector's Reasoning and Conclusions

4.1.44 Hawkinge is a strategic development commitment carried forward from Policy EK3 of the Structure Plan. The policy seeks to stimulate and diversify the local economies of East Kent, including those of Folkestone and Hythe. The provision of economic development opportunities at Hawkinge would be an essential part of this strategy, to help meet the employment needs of Shepway and to assist in producing a balanced community in the interests of sustainability. The relationship of West Hawkinge to the AONB would be softened by the extensive use of strategic landscaping. Site E2E is within the settlement boundary of the village and would not represent an unjustified extension of built form into the protected countryside that would significantly harm the natural beauty of the AONB.

4.1.45 I deal with the objection from WM Morrison Supermarkets Plc under the heading of Shopping Policy S – General. That reasoning applies also to the objection by Pentland Homes, which seeks to amend the policy to allow ancillary employment uses on site E2E, such as retail and leisure, which would serve local residents. In short, site E2E is needed to help fulfil the employment objectives of the Plan, as discussed under the heading of Policy E2 Allocated Sites – General. The recent planning permissions for non-employment uses on part of site E2E were granted on their merits as exceptions to policy, due to particular circumstances at the Hawkinge Community Hall site. The underlying employment designation should remain however, to safeguard employment land in the longer term and in case the permissions are not implemented.

4.1.46 The use of “normally” leads to uncertainty and should not be added to the policy. Sufficient flexibility is allowed through S.54A under which other material considerations may be weighed in the balance against development plan policy.

RECOMMENDATION

4.1.47 No modification to Policy E2E.

POLICY E2F - NICKOLLS QUARRY, WEST HYTHE

Objections

632/1	E2 F	Councillor Mrs K T Belcourt	nfs
484/23	E2 F	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
473/4	E2 F	Mr J Kenward	NFS
633/3	E2 F	Nickolls Quarries Ltd David Jarman	W/R
534	E2 F	Mrs JV Beard	NFS

Issues

Would the employment allocation generate an excessive volume of HGV traffic.

Are alternative brownfield sites available in the area.

Is Use Class B1 the right designation.

Inspector's Reasoning and Conclusions

4.1.48 Many of the objections are, in effect, to the Nickolls Quarry development as a whole, with which the Policy E2F employment allocation is inextricably linked. To avoid repetition I deal with common issues of flood risk, transport, loss of mineral reserves and the effect on the landscape under the heading of Policy HO2F, and discuss here only those parts of the objections that relate solely to the employment allocation.

4.1.49 Use of the employment allocation site would generate HGV traffic, but this should be balanced against the volume of HGV movements from the current operation of the Quarry, and the associated landfill and reclamation activity, which would take place whether or not the site were developed. Kent County Council as Highway Authority have no objection in principle to the residential and employment allocations, subject to a number of matters. These include the provision of appropriate junctions onto the A259, commitment to sustainable means of transport including improved public transport and the provision of pedestrian and cycle links, and mitigation of the impact of additional traffic en route to the M20, particularly through Lympe. I am satisfied that these matters are capable of being addressed successfully at the planning application stage. In particular I consider that the choice of Lympe, rather than the A261, as a route to the M20 would be unattractive for HGV drivers because of its narrow and twisting character and the steep climb up Lympe Hill. It could be made even less attractive by a number of highway measures including further traffic calming in Stone Street, Lympe, improvements to the Hythe gyratory system and the limitation of turning movements into Botolph's Bridge Road. I do not consider therefore that there are good highway reasons to delete the employment allocation at Nickolls Quarry.

4.1.50 I have no firm evidence that there are other brownfield sites in the area, closer to Hythe, which could accommodate the 6ha of employment land of Policy E2F within the Plan period. The reduction in dependence on the private car, which the objector seeks, would be helped by the integration of housing and employment on the site and the support for sustainable means of transport to which I have referred to in a previous paragraph in this section.

4.1.51 The proposed employment area is designated for B1 uses under Policy HO2F including light industry, which can by definition be carried out in a residential area without giving rise to nuisance. In addition, Policy E5 would ensure that the living conditions of nearby residents are protected. Policy HO2F(v) confirms that a local centre would be provided at the Nickolls Quarry development, to include a shop, post office, community hall and primary school, which would provide additional local employment. Public open space, structural landscaping and wildlife areas would be retained or provided under the Policy. I do not find that B2 and B8 uses would be best suited to site E2F because of its proximity to residential areas. Applications for such uses could be considered at the development control stage but should not be the subject of a policy designation now.

RECOMMENDATION

4.1.52 No modification to Policy E2F.

POLICY E3 - OFFICE DEVELOPMENT IN TOWN CENTRE

Objection

753/1

E3

Folkestone Town Centre Management

nfs

Issue

Whether the policy is clear, free of conflict and sufficiently flexible.

Inspector's Reasoning and Conclusions

4.1.53 The amendment in the RDD to the last sentence of the policy, so that it does not apply to ground floor accommodation in the defined Primary and Secondary Shopping Areas of Folkestone, provides the clarification requested and removes conflict with Policy FTC2(f). The policy would therefore allow change of use to B1(a) or A2 offices, at first floor level or above, in the designated Shopping Areas, including those that adjoin the Bouverie Place Policy FTC1 site. At ground floor level Policies S3 and S4 rightly seek to secure a preponderance of retail use in those areas in order to maintain and enhance the viability of the Town Centre, including the proposed Bouverie Place development. No further change to the policy is necessary.

RECOMMENDATION

4.1.54 No modification to Policy E3.

POLICY E4 - PROTECTION OF EMPLOYMENT LAND

Objections

737/1	E4	B&Q Plc TownPlanningConsultancy Ltd	nfs
772/2	E4	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
566/9	E4*	BT Plc RPS Chapman Warren	NFS

Issues

Should alternative use be encouraged for employment sites that may not come forward during the Plan period.

Should a floorspace threshold be introduced.

Inspector's Reasoning and Conclusions

4.1.55 *I am satisfied that the RDD meets the aims of this objection.

4.1.56 The District has significant problems of slow economic growth, structural decline in key areas and relatively high unemployment. It also has Intermediate Assisted Area Status. In my view the policy approach of support for the protection of employment land is right. The sites of Policies E1 and E2 have been allocated in relation to the employment guidelines handed down from the Structure Plan, to meet the needs of the District during the Plan period. I have not concluded on those policies that any of the designated sites would be superfluous. However, the Local Plan should be responsive to changing circumstances. If an allocation ceases to meet the aims of policy then the Council may reassess the situation and introduce changes in the next version of the development plan if necessary. Meanwhile S54A would allow other material considerations to be weighed in the balance in assessing planning applications, which could include the employment generating benefits of uses outside Class B of the Use Classes Order.

4.1.57 I do not consider that the introduction of a floorspace threshold would be useful in relation to the loss of office floorspace in Folkestone Town Centre. "Significantly" relates to the degree of impact including the quality, and perhaps the context, of the accommodation rather

than just the size of the premises. The policy approach is therefore more, rather than less, flexible than the one suggested. The policy also allows flexibility in that the alternative route to compliance may be chosen, that of demonstrating the positive benefits of a proposed alternative use.

RECOMMENDATION

4.1.58 No modification to Policy E4.

POLICY E5 - CONTROL OF DEVELOPMENT

Objections

871/5	E5	Mr Mike Simmonds Michael Simmonds Associates	NFS
412/20	E5*	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R

Issue

Whether criterion (i) is unduly restrictive.

Inspector's Reasoning and Conclusions

4.1.59 *I am satisfied that the RDD meets this objection.

4.1.60 I do not consider that criterion (i) of the policy would have the effect of preventing any B2 or B8 uses from occupying allocated, or other, employment sites. The B1 test in the Use Classes Order is much more stringent, in that no detriment must be caused to residential amenities by reason of noise, vibration and so on. Criterion (i) refers, rightly, only to "excessive" degrees of harm. "Excessive" is a light test, particularly for development in areas where an employment allocation or established use indicate that, in principle, permission should be granted. The criterion would however allow control of development that would have an excessive impact even in relation to its industrial context, or where it would be in a particularly sensitive location.

RECOMMENDATION

4.1.61 No modification to Policy E5.

POLICY E6 - DEVELOPMENT OUTSIDE ALLOCATIONS

Objections

833/7	E6*	G W Finn & Sons	NFS
488/3	E6	Mrs C Hardy Mr Howard Small Howard Small & Associates	W/R

Issue

Should there be a new policy to deal specifically with rural employment issues.

Inspector's Reasoning and Conclusions

4.1.62 *I am satisfied that the RDD meets the aims of this objection.

4.1.63 The approach suggested by the objector, that the Plan should identify certain rural settlements where employment growth may take place, would imply that in other villages little or no growth would be permitted. In my view this would not accord with the aims, either of the Plan, PPG7 or the Rural White Paper, to support the local rural economy. In my view Policies E6 and E6A would provide flexible support for rural employment uses within or adjacent to settlements, or for farm diversification schemes, over the whole District. It would be for the applicant to emphasise the particular locational, mixed use or other benefits of their proposed development at the planning application stage. I do not consider that a new policy or allocations on the Proposals Map are necessary.

RECOMMENDATION

4.1.64 No modification to Policy E6.

POLICY E6A - LOSS OF RURAL EMPLOYMENT USES

Objections

913/5	E6A	Mr David Jarman BSF Planning Consultants	NFS
566/13	E6A	BT Plc RPS Chapman Warren	NFS
911/1	E6A	Mr Derek Bulimore and Colin Gammon Mike Simmonds	INQUIRY
907/2	E6A	Mr J Goldsmith Volksworld Mike Simmonds	INQUIRY
909/1	E6A	Mr I Record Top Centre Mike Simmonds	INQUIRY
847/3	E6A	Mr B Heale Peak (UK) ltd Mike Simmonds	INQUIRY

Issues

Whether the policy is the best means of achieving the protection of rural employment sites.

Should the policy be deleted and instead should certain existing rural employment sites be allocated under Policy E4.

Inspector's Reasoning and Conclusions

4.1.65 Shepway suffers from structural decline in key areas of the local economy. It has relatively high unemployment levels and has Intermediate Assisted Area Status. Much of the District is a Rural Development Area. I consider therefore that a policy to limit the loss of existing employment uses in rural areas is a reasonable adjunct to Policy E6, which encourages small-scale business development outside the employment sites designated on the Proposals Map. In addition, Policy E6A would contribute to the achievement of a sustainable form of development by retaining local employment opportunities, and would help to reduce demand for new building in the countryside in accordance with paragraph 3.14 of PPG7. I have no evidence that the policy would distort demand for new business premises.

4.1.66 S.54A would also allow flexibility in that other material considerations, such as the special circumstances of rural automatic telephone exchanges, may be taken into account at the development control stage. It is not therefore necessary to mention in the policy wording that there may be exceptions to its provisions, nor that the policy should refer only to B1, B2 or B8 uses.

4.1.67 Policies may occasionally pull in different directions, necessitating a balancing exercise. However, I do not see a significant conflict between the last paragraph of Policy E7 and criterion (ii) of Policy E6A, as the former refers to the special case of bad neighbour development. It may be that, within or at the edge of a village, an existing employment site or premises relates so poorly to its surroundings that an alternative non-employment use would be acceptable. Such a change of use could therefore comply with both policies.

4.1.68 The criteria of Policy E6A offer two alternative routes to compliance. The policy is thus neither unreasonably restrictive nor does it amount to a total embargo on development of existing industrial sites in rural areas. The policy is relatively new and I am confident that any early misunderstandings of its aims would soon be resolved, particularly if tested at appeal.

4.1.69 Policy E6A does not duplicate Policy E4, as that operates only on the established and new employment opportunity sites designated on the Proposals Map. Objectors suggest that what they term the "best and most valuable" individual employment sites in rural areas, not already designated on the Proposals Map, should also be separately identified and allocated under Policy E4 and that Policy E6A should then be deleted. However, apart from the practicalities of such an exercise when some sites are very small in scale, I consider that this would introduce excessive complexity without adding significantly to the effectiveness of the existing raft of employment policies of the RDD.

4.1.70 There are two minor typing errors in the policy and I recommend accordingly.

RECOMMENDATION

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

POLICY E7 - BAD NEIGHBOUR DEVELOPMENT

Objections

727	E7	Ms Fiona Fraser Boulton The Countryside Agency	NFS
729/14	E7*	Mr Ralph Dickens Government Office for the South East	NFS

Issue

Should sites vacated under Policy E7 be safeguarded for employment use.

Inspector's Reasoning and Conclusions

4.1.72 *I am satisfied that the RDD meets this objection.

4.1.73 I do not consider that it would be right for sites vacated under the policy to be safeguarded for further employment use. A site might have such a poor relationship to its surroundings that almost any employment use would be harmful, and the land might thus be more suitable for an alternative form of development. Furthermore the policy does not require that the site be lost to employment use following the ending of the bad-neighbour activity. Indeed a different employment user within the same Use Class might occupy the site without the need for planning permission, in some circumstances. The need to retain local employment opportunities, especially in rural areas, is recognised in paragraph 4.32 of the RDD and in new Policy E6A. For all those reasons I consider that the need to provide for local employment

would not be compromised by Policy E7.

RECOMMENDATION

4.1.74 No modification to Policy E7.

POLICY E8 – OPEN STORAGE

Objection

772/3 E8 Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents NFS

Issue

Is the policy too restrictive.

Inspector's Reasoning and Conclusions

4.1.75 The policy seeks to restrict only large-scale open storage. Smaller-scale open storage may be acceptable in some circumstances, subject to other policies of the Plan. I consider that the policy approach is reasonable in the light of the impact that large-scale open storage activity may have on the landscape, and because such uses tend to generate few jobs in relation to their site area. I am also mindful of the aim of Structure Plan Policy ED3 to direct major distribution and transshipment development in general to other more suitable locations in East Kent. I find that no modification is required.

RECOMMENDATION

4.1.76 No modification to Policy E8.

5. SHOPPING

POLICY S - GENERAL

Objection

260/2 S W M Morrison Supermarkets Plc Miss Cassie Holland NFS

Issue

Whether the suggested allocation of land for a district centre for Hawkinge would achieve the right balance between the employment needs of the District and the needs of Hawkinge residents for a district centre.

Inspector's Reasoning and Conclusions

5.1.1 A retail study has identified a requirement for a new convenience store of about 1,000 sqm for local needs in Hawkinge. No need has been identified for a district centre based on a food superstore however, as proposed by the objectors. It is likely that such a store would attract shoppers from outside Hawkinge, who would probably travel by car, in conflict with the sustainability aims of PPG6, PPG3 and PPG13.

5.1.2 There is a clear requirement for the allocated employment land at Hawkinge at site E2E, of which the objection site forms a part. This must be balanced against the need for some additional local shopping provision and the fact that the Council's preferred site for that provision, near the traditional core of the village, has been largely taken up by other community uses. In my view, to replace part of the employment allocation with a district centre designation in the Plan, there should be firm evidence of need for the facilities, and that the 2.8ha site proposed is the right size and in the best position to serve the village as a whole. Such evidence is lacking.

5.1.3 Land at the objection site has recently been granted planning permissions for a convenience food store, a children's nursery, a public house, hotel, medical centre and restaurant. The permissions were granted as an exception to the employment land allocation, on their own merits in relation to the loss of the preferred site elsewhere. However, if the planning permissions are not implemented then the underlying employment use allocation, for which there is a proven need, would remain. I am firmly of the view that proposed additions to the shopping or service provision at Hawkinge should be sought first at sites within or at the edge of the traditional village core, in accordance with advice in PPG6.

5.1.4 I therefore recommend no change to the employment allocation at present. In the light of changed circumstances I suggest that the Council review the provision of local shopping and community facilities in Hawkinge, assessing all potential sites in the area which might serve the existing village and the new housing areas. See also under objection 260 to Policy E2E.

RECOMMENDATIONS

5.1.5 No modification to site E2E.

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

POLICY S2 - OUT OF CENTRE

Objections

753/2	S2	Folkestone Town Centre Management	nfs
737/2	S2	B&Q Plc TownPlanningConsultancy Ltd	nfs
39/18	S2	Mr Roger Joyce Roger Joyce Associates	NFS
772/5	S2	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issue

Whether the policy and its reasoned justification reflect accurately the requirements of PPG6 and the sequential test.

Inspector's Reasoning and Conclusions

5.1.7 Policy S2 and its main reasoned justification in paragraph 5.6 fail to set out explicitly the sequential test required by PPG6, or to convey the rigour with which the government expects this policy to be applied. The third sentence in paragraph 5.6 gives edge of centre and out of town retail locations equal weight, whereas the latter should have no place in the search sequence. Out of centre locations which are accessible by a choice of means of transport should occupy the lowest rung of the sequential ladder. The last sentence in the paragraph appears too permissive, in my view. Policy S2 applies criteria only to out of centre sites, whereas PPG6 makes it clear that all sites which are not in town centres, including edge of centre sites, must pass the sequential test. I recommend below amended wording to paragraph 5.6 and to the first part of Policy S2.

5.1.8 Criterion (c) of Policy S2 requires that retail development should not prejudice the supply of land identified for industrial or other needs. However, these matters are dealt with under other policies of the Plan, including Policy E4. The Local Plan should be read as a whole and the criterion is therefore unnecessary and should be deleted.

5.1.9 The last sentence of Policy S2 defines the term *edge of centre sites*. It relates directly to the rest of the policy and is not merely descriptive. It should not therefore be removed to the reasoned justification, as suggested. The definition is clear and sufficient and I do not agree that such areas should be designated on the Proposals Map, which rightly concentrates on the designation of town centres and primary and secondary shopping frontages.

5.1.10 I do not consider that reference to Park Farm should be removed from the end of the policy and relegated to the reasoned justification, as there is no other policy in the chapter which sets out the Council's intentions for retail warehouse development for the sale of bulky goods. However, I do not consider that the policy is sufficiently rigorous in its approach to the sequential test in regard to retail warehouses, in the light of the Parliamentary Statement of April 2003 concerning PPG6. I refer to this in detail under the heading of the Policy HO2 Omission Site at Links Way, Park Farm. As a result, I recommend additional wording in the policy, and in paragraph 5.9 of the reasoned justification.

5.1.11 The provision of positive Council help to encourage retail opportunities in the Town Centre would fall outside the Local Plan process and would be better addressed through the commercial support activities of the Council. I am satisfied that the retail policies of the Plan, if modified as recommended, would support the primacy of town centres and no further amendment is required beyond the recommendations below.

RECOMMENDATIONS

5.1.12 Modify paragraph 5.6 as follows:

- (a) Add to the end of the second sentence in paragraph 5.6 “, in accordance with the sequential approach of PPG6.”;**
- (b) Delete the third and fourth sentences of paragraph 5.6. Replace with “Developers should be able to demonstrate that all potential town centre options have been thoroughly assessed before less central sites are considered for development. In applying the search sequence of the sequential test the first preference should be for town centre sites, where suitable sites or buildings suitable for conversion are available, followed by edge-of-centre sites, district and local centres and only then out-of-centre sites that are accessible by a choice of means of transport.”**

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

5.1.14 *Modify criterion (a) of Policy S2 by deleting and replacing by “It can be demonstrated that there is a need for the development, and that alternative sites higher up the search sequence have been thoroughly investigated.”*

5.1.15 *Modify Policy S2 by deleting criterion (c).*

5.1.16 *Modify the paragraph which follows criterion (e) of Policy S2 by deleting all after “criteria” and by replacing with “ and if developers and retailers can demonstrate that the majority of the goods cannot be sold from town centre stores.”*

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

POLICY S3 – FOLKESTONE TOWN CENTRE PRIMARY SHOPPING AREA

Objection

757/9	S3	Department of Health, Mr Stephen Harness	Cond WD
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Issue

Whether the policy should encourage the provision of healthcare facilities in the primary shopping area.

Inspector's Reasoning and Conclusions

5.1.18 PPG6 indicates that town centres as a whole should contain a range of uses that need to be accessible to a large number of people. However, the guidance also distinguishes between primary and secondary shopping frontages within centres. In primary frontages there should be a high proportion of retail facilities, particularly in Class A1 of the Use Classes Order. I consider therefore that the policy should not encourage the dilution of the retail function of the primary shopping frontage and no modification is required.

RECOMMENDATION

5.1.19 *No modification to Policy S3.*

POLICY S4 AND PARAGRAPH 5.19 – FOLKESTONE TOWN CENTRE SECONDARY SHOPPING AREA

Objections

753/3	S4	Folkestone Town Centre Management	nfs
757/8	S4	Department of Health, Mr Stephen Harness	Cond WD
772/6	S4/5.19	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

566/2

S4

BT Plc RPS Chapman Warren

NFS

Issues

Whether the policy should encourage the provision of healthcare facilities in the secondary shopping area.

Does the policy allow sufficient flexibility in relation to non-A1 uses.

Inspector's Reasoning and Conclusions

5.1.20 In my reasoning on Policy S3 above I draw attention to the fact that guidance in PPG6 distinguishes between primary and secondary shopping frontages within centres. In primary frontages there should be a high proportion of retail facilities, particularly in Class A1 of the Use Classes Order, whereas in secondary frontages there may be more flexibility. The need for flexibility is expressed adequately in Policies S4-S7 in the threshold of 3 or more non-A1 units, and in the permissive phrasing of the last paragraph of the policy, which appear in the RDD. The policy wording would also allow for the consideration of proposals for healthcare facilities of an appropriate scale. The apparent conflict between the first and second paragraphs of the policy is also overcome. I consider that the relevant objections are met thereby.

5.1.21 Tontine Street is not within the defined Folkestone town centre shopping area, and to that extent the objection to paragraph 5.19 is met. I consider it right to retain the Old High Street and Rendezvous Street within the designation however, as they provide a focus for specialist shops, form part of the character of the town centre and provide a link to the Harbour area. No further modification is required.

5.1.22 There is a minor typographical error in "appropriate".

RECOMMENDATION

5.1.23 Modify Policy S4 by correcting the minor typographical error in "appropriate" in the last sentence of the policy.

PARAGRAPHS 5.22 – 5.25 – HYTHE AND NEW ROMNEY TOWN CENTRES

Objection

727/65

5.22 & 5.25

Ms Fiona Fraser Boulton The Countryside Agency

NFS

Issue

Should reference be made to the Market Town Healthcheck currently being carried out by the Countryside Agency and SEEDA.

Inspector's Reasoning and Conclusions

5.1.24 A sentence has been added to paragraphs 5.22 and 5.25 of the RDD, which meets the objection.

RECOMMENDATION

5.1.25 No modification to the Plan.

POLICY S5 - HYTHE TOWN CENTRE

Objections

757/7	S5	Department of Health, Mr Stephen Harness	Cond WD
772/7	S5	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Whether the policy should encourage the provision of healthcare facilities in Hythe town centre.

Should the policy include reference to out of centre development.

Inspector's Reasoning and Conclusions

5.1.26 For my reasoning on the Department of Health objection see the relevant paragraph under Policy S4 above. No modification is required.

5.1.27 The objector comments that the Waitrose/Somerfield development has had a serious impact on foot flow in Hythe High Street. However, I consider that Policies S1 and S2, if modified as recommended, would provide adequate protection for the retail function of the town centre.

5.1.28 There is a minor typographical error in "appropriate".

RECOMMENDATION

5.1.29 Modify Policy S5 by correcting the minor typographical error in "appropriate" in the last sentence of the policy.

POLICY S6 - NEW ROMNEY TOWN CENTRE

Objections

726/1	S6	Sainsbury's Supermarkets Ltd Fisher Wilson Planning Ltd	nfs
757/6	S6	Department of Health, Mr Stephen Harness	Cond WD

Issues

Whether the policy should encourage the provision of healthcare facilities in New Romney town centre.

Should the designated Shopping Area in New Romney be extended to include the Sainsbury's store.

Inspector's Reasoning and Conclusions

5.1.30 For my reasoning on the Department of Health objection see the relevant paragraph under Policy S4 above. No modification is required.

5.1.31 The aim of the policy is to protect the retail uses in the core of the town centre. The

Shopping Area boundary is thus tightly defined to indicate the application of policy and not merely to reflect current uses. The Sainsbury's store lies at the edge of the centre and I see no policy advantage in extending the designation. The existence of the store is acknowledged in paragraph 5.25 of the RDD and no further modification is needed.

5.1.32 There is a minor typographical error in "appropriate".

RECOMMENDATION

5.1.33 Correct the minor typographical error in "appropriate" in the last sentence of the policy.

POLICY S7 - LOCAL SHOPPING AREAS - CHERITON

Objection

757/5	S7	Department of Health, Mr Stephen Harness	Cond WD
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Issue

Whether the policy should encourage the provision of healthcare facilities in Cheriton Local Shopping Area.

Inspector's Reasoning and Conclusions

5.1.34 For my reasoning on this objection see the relevant paragraph under Policy S4 above. No modification is required.

5.1.35 There is a minor typographical error in "appropriate".

RECOMMENDATION

5.1.36 Correct the minor typographical error in "appropriate" in the last sentence of the policy.

POLICY S8 - VILLAGE SHOPS

Objections

565/10	S8	Kent Rural Community Council	nfs
757/4	S8	Department of Health, Mr Stephen Harness	Cond WD
772/8	S8	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Should the reference in the reasoned justification to the last remaining shop or pub in a village be incorporated into the policy wording.

Whether the policy should encourage the provision of healthcare facilities in village centres.

Is the policy too restrictive.

Inspector's Reasoning and Conclusions

5.1.37 The reference to the last pub or shop in the village has now been incorporated into the policy wording and the objection is met.

5.1.38 For my reasoning on the Department of Health objection see the relevant paragraph under Policy S4 above.

5.1.39 PPG6 recognises the vital economic and social role that village shops play in rural areas, and I consider that the same applies to village pubs. It is reasonable therefore that the policy should seek to prevent any unjustified loss of the last shop or pub, and that applicants be made aware of the sort of evidence that they would have to produce to support their case for a change of use. I do not consider that the policy is too restrictive, therefore, and no change is required.

RECOMMENDATION

5.1.40 *No modification to the Plan.*

6. TOURISM

POLICY TM - GENERAL

Objection
871/7 TM Mr Mike Simmonds Michael Simmonds Associates NFS

Issue
Should there be a new policy to guide the future of the Leas Cliff Hall.

Inspector's Reasoning and Conclusions

6.1.1 The Local Plan deals with policies concerning the development and use of land. It cannot directly promote tourism, a function that would be carried out under other corporate strategies of the Council. Policy TM1 and paragraph 6.10 aim to support the upgrading and diversification of tourism facilities in the District, which could include the Leas Cliff Hall. I do not therefore see the need for a specific policy to guide the future of that venue, which has now been refurbished and was re-opened during the Inquiry.

RECOMMENDATION

6.1.2 *No modification in the form of an additional policy for the Leas Cliff Hall.*

PARAGRAPH 6.4 - AIMS AND OBJECTIVES

Objection

412/23 6.4 Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren W/R

Issue

Is the paragraph unbalanced in referring mainly to tourism development at Folkestone seafront.

Inspector's Reasoning and Conclusions

6.1.3 The text of paragraph 6.4 was updated in the RDD to relate to the Council's current tourism strategy. The paragraph mentions the harbour area and the rural hinterland, in addition to Folkestone seafront, as marketing and product themes in the strategy. I do not consider therefore that tourism development at the seafront is given undue emphasis, and no further amendment is necessary. No doubt the Council will wish to consult widely on any developing tourism strategy, but that is a matter outside the Local Plan process.

RECOMMENDATION

6.1.4 No modification to paragraph 6.4.

POLICY TM1 - NEW TOURISM FACILITIES

Objections

487/2	TM1	Save Lyminge Forest Action Group Earth Rights Solicitors	Cond WD
39/2	TM1	Mr Roger Joyce Roger Joyce Associates	NFS

Issues

Should environmental matters be given greater emphasis in the policy.

Whether the policy should refer to a need to secure funding for certain projects.

Inspector's Reasoning and Conclusions

6.1.5 The listing of considerations in the policy implies no ranking or sequential test. Environmental matters are in fact mentioned first in the policy, and are referred to more frequently than any other criterion. I do not find therefore that there is insufficient emphasis on the environment in the policy.

6.1.6 The second objection urges an integrated and pro-active approach to secure funding for the support and promotion of the Napoleonic defence works of the coastal area, as an important tourism resource. However, the Local Plan must deal only with the development and use of land. Matters of promotion, funding and finance may be addressed more appropriately by the Council's tourism strategy. The Council may wish to consider adding the District's Napoleonic heritage to the themes supported in that strategy, but that is a matter outside the Local Plan process. I refer to this matter also in my reasoning under objections to paragraph 8.4 of the Built Environment chapter.

RECOMMENDATION

6.1.7 No modification to Policy TM1.

PARAGRAPH 6.10 - MAJOR DEVELOPMENTS

Objection

39/1 6.10 Mr Roger Joyce Roger Joyce Associates

NFS

Issue

Should the Council seek to promote the establishment of a major tourist attraction based on the work of William Harvey.

Inspector's Reasoning and Conclusions

6.1.8 There is no current proposal for such a project, which the objector suggests could draw on the experience of the Turner Centre at Margate. However the concept at present has no site or land use implications, which are the proper concern of the Local Plan. I refer to my comments in relation to Policy TM1, and conclude that such promotional and funding matters should be addressed under other corporate strategies of the Council.

RECOMMENDATION

6.1.9 No modification to paragraph 6.10.

PARAGRAPH 6.11 - NEW TOURIST DEVELOPMENT

Objections

The objections to paragraph 6.11 are numerous and are listed at Annex D to this Report.

Issue

Whether it is right to refer to planning permission being granted for a holiday village at West Wood, Lyminge.

Inspector's Reasoning and Conclusions

6.1.10 The permission has lapsed and paragraph 6.11 is deleted in the RDD. There are no policies in the RDD which allocate land for such a use, nor any TM1 designation in the West Wood area on the Proposals Map. I consider that the objections are met in that regard. I note comments that the proposed scheme would have had the benefits of increasing public access to the woodland and supporting the local economy. However, any future planning application would be judged on its merits in relation to the development plan policies of the time and any other material considerations. It would be wrong for the Local Plan to pre-judge or comment on whether or not any similar scheme, as yet unknown, would fulfil the aims of Policy TM1.

RECOMMENDATION

6.1.11 No modification to reasoned justification to Policy TM1.

POLICY TM2 - RETENTION OF VISITOR ACCOMMODATION

Objections

263/5	TM2	Mr P M Allen Godden & Allen Chartered Surveyors	INQUIRY
541/1	TM2	South East England Tourist Board Kember Loudon Williams	NFS
541/6	TM2	South East England Tourist Board Kember Loudon Williams	NFS
571/10	TM2	Go Folkestone	NFS

Issues

Should the policy include specific reference to hotels that are damaged or derelict, particularly the Garden House Hotel, Folkestone.

Is the viability test in criterion 1 sufficiently robust.

Does criterion 2 take sufficient account of the need to protect rural self-catering units.

Is there sufficient reference to the need to consult local tourism organisations.

Should a criterion be added concerning the viability of caravan and camp sites.

Inspector's Reasoning and Conclusions

6.1.12 The policy refers to the redevelopment as well as the change of use of visitor accommodation sites. In my view the phrase in criterion 1 "is, or could be provided at reasonable cost" would include the assessment of the viability of refurbishment of a hotel which has become derelict or which has been damaged, for example by fire, such as the Garden House Hotel. I do not find therefore that additional policy wording would be necessary to cover that situation, or to refer in particular to the Garden House Hotel.

6.1.13 The policy does not define "reasonable cost". However I consider it right, in the interests of producing a concise Local Plan, that details of the evidence which will be required from applicants are given in supplementary planning guidance (SPG) rather than in the wording of the policy itself. The Council has produced SPG that sets out the financial information required in support of an application that would involve the loss of visitor accommodation, and applicants' attention is drawn to it in paragraph 6.14 of the RDD.

6.1.14 I note that in the copy of the SPG supplied to me the word should has been amended by hand to could, in all sentences which list the items of evidence required. That amendment, if indeed it represents the final version of the SPG, weakens the guidance considerably and thus directly affects the force of the policy. I recommend that the Council consider reinstating the word should in the SPG. Taken together, I consider that the policy and its guidance, if amended as suggested, would be sufficiently robust.

6.1.15 The main aim of criterion 2 is to protect hotels and guest houses in core tourist areas of Folkestone and Hythe, whilst not unreasonably preventing the change of use of premises which are poorly located or are unable to meet the changing demands of the tourism market. The criterion has been carried forward from Policy TM5 of the current Local Plan and does not fully reflect the broader base of RDD Policy TM2, which includes self-catering accommodation and caravan and camp sites. I agree with the objector that, under the policy as written, the Council would find it difficult to resist the loss of self-catering accommodation in the countryside, which would almost by definition be away from main tourist areas or routes, even if the accommodation is viable and suitable. Rural tourism is an important theme in the Council's

tourist strategy. I consider that the difficulty would be overcome by the addition of "In the case of hotels and guest houses" to the start of criterion 2.

6.1.16 I note that the SPG, dated 1997, may need some further review. The policy number should be updated, and the guidance reflects the limited scope of Policy TM5 of the current Local Plan. The Council should consider amending the SPG accordingly.

6.1.17 Paragraph 6.14 states that hotel and tourist organisations will be consulted when applications are assessed, and the SPG specifically refers to the South East England Tourist Board in that regard. No further amendment is necessary.

6.1.18 The addition of criterion 4 to the end of the policy in the RDD meets the objector's point that the viability test should be applied also to caravan and camp sites.

6.1.19 I consider that Go Folkestone's objection is mainly to Policy TM3 and I deal with it under that heading.

RECOMMENDATIONS

6.1.20 Modify Policy TM2 by deleting "The" from the start of criterion 2 and replacing by "In the case of hotels and guest houses, the".

6.1.21 That the Council consider the review and updating of the SPG to reflect the title and broader scope of Policy TM2, and to replace "could" in section 6 of the guidance (Financial Information) with "should".

POLICY TM3 AND PARAGRAPH 6.15 - NEW HOTELS

Objections

54/3	TM3	Christ Church College Mr Hothi	nfs
636/1	TM3, 6.15	Miss J Bessell, Clerk Saltwood Parish Council	nfs
727/26	TM3	Ms Fiona Fraser Boulton The Countryside Agency	NFS
39/6	TM3	Mr Roger Joyce Roger Joyce Associates	NFS
729/15	TM3	Mr Ralph Dickens Government Office for the South East	NFS
541/3	TM3	South East England Tourist Board Kember Loudon Williams	NFS
751/22	TM3	Ms Claerwyn Lock, The Environment Agency	NFS
751/23	TM3	Ms Claerwyn Lock, The Environment Agency	NFS
751/24	TM3	Ms Claerwyn Lock, The Environment Agency	NFS
751/21	TM3	Ms Claerwyn Lock, The Environment Agency	NFS
910/1	TM3	Mr A Shrestha Gurkha Enterprises Mike Simmonds	W/R
543/3	TM3	Mr C W Auld, Clerk Lyminge Parish Council	W/R
412/30	TM3	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
412/29	6.15	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
571/10	TM3	Go Folkestone	NFS

Issues

Should sites at The Leas, Bouverie Place or New Romney be added to the list of allocations under the policy.

Is the allocation of sites for new hotels at Beachborough Park, Junction 11 of the M20, the Sands Motel, Running Waters, Princes Parade or at Lydd Airport the best way of achieving the tourism aims of the Plan.

Would the removal of "normally" from the policy make it too inflexible.

Inspector's Reasoning and Conclusions

6.1.22 Objectors propose a number of additions to the list of locations for new hotel development. The Leas Cliff Hall has recently been refurbished and reopened as a conference and entertainment venue, and objectors draw attention to the lack of first-class hotel accommodation nearby. However I consider that the Bouverie Place site should be reserved predominantly for retail development in accordance with Policy FTC1, in order to meet the shopping objectives of the Plan. Policies FTC6 and FTC8 identify the Seafront and the Overcliff as areas which could contain hotel development; these could serve the new conference centre. Proposals for other sites such as land immediately below the Leas Cliff Hall, and locations on The Leas such as Clifton Gardens and Terlingham Gardens, would be assessed in accordance with Policy TM1 and other policies of the Plan. I comment further on the Clifton Gardens and Terlingham Gardens sites under Policy BE14. I do not consider that specific wording should be introduced to the policy to encourage new hotel development at The Leas in general or those sites in particular.

6.1.23 An objector proposes land at Ashford Road, New Romney, for mixed-use development, possibly including new tourism development. However, in the Plan a site for a new hotel is allocated nearby at Running Waters. I have no evidence of demand for a further hotel site in the area that would justify an additional allocation. Any proposals for hotel or other tourism use of the site would be assessed against Policy TM1, amongst others.

6.1.24 The Council confirm that the hotel allocation site at Beachborough Park reflects a planning permission granted in 1995 and renewed in 2001, in accordance with Local Plan policies in force at the time. The designation boundary is drawn tightly around existing buildings. I do not find therefore, in principle, that the allocation would be fundamentally at odds with RDD Policies CO10 (Sites of Local Wildlife Importance), BE5 (Listed Buildings) or BE18 (Historic Parks and Gardens). Hotel development at the site is indicated as being acceptable in principle under Policy TM3, which would thus override Policy TM7 to some extent. However the Plan should be read as a whole and any proposals at Beachborough Park would have to have regard also to policies concerning highways, built environment and countryside matters, among others.

6.1.25 The allocated sites at Running Waters, New Romney, and at Lydd Airport, are in areas at risk of flooding but are defended to the required 1 in 200 year standard. Wording concerning additional measures to ensure the safety of occupants, and that a flood risk assessment may be required, meet the objections of the Environment Agency (EA).

6.1.26 The site allocated for hotel development at the former Sands Motel, St Mary's Bay, is directly behind the sea wall and is protected to only the 1 in 100 year standard. This would be the case even after the completion of the proposed coastal defence improvement works for the area. However the EA have stated that they would have no objection in principle to development at the site, if flood defences to the 1 in 200 year standard are provided and maintained or the life of the development and living and sleeping accommodation is set at the appropriate height above the 1000 year tide level. Means to secure adequate surface water drainage would also be required. A flood risk assessment would be required. These measures would meet the requirements of PPG25, and I have been given no reason to believe that they are

not capable of being carried out.

6.1.27 I have recommended under Policy HO2G that the residential allocation be removed from Princes Parade. I also recommend below that the site be removed from the list of hotels in Policy TM3, and my reasoning is to be found under the heading of Policy HO2G.

6.1.28 There are two sites allocated for new hotel development near to Junction 11 of the M20. The Local Planning Authority states that planning permission for both has been implemented through the construction of accesses. The sites are in the countryside remote from any settlement, and that north of the motorway is less well related to the proposed Motorway Services Area (MSA) designated under Policy TR10. Hotels within or adjoining MSAs can have an important role in serving motorway users. However I have no evidence which indicates that demand is so strong that two are required at Junction 11. The fact that a site has planning permission, especially one that may pre-date current policy, does not necessarily mean that it merits an allocation in the Plan. In the light of the importance of tourism to the District and of the aim to attract users of cross-channel services to stay in the area, I consider that the allocations should remain in the Plan. However, the Council may wish to reconsider at the next development plan review whether two hotel site allocations are required near to Junction 11.

6.1.29 I find that the amended wording in the RDD makes it clear that "further hotel development within the M20 corridor" means sites other than those listed in the first paragraph of Policy TM3. I also consider it clear that the listing of certain allocations would not preclude new hotel development on sites elsewhere, subject to compliance with Policy TM1 among others, and the limitations on further provision in the M20 corridor.

6.1.30 The extent of the M20 corridor is not defined on the Proposals Map, but I see no practical difficulty in a common-sense approach, at the development control stage, in identifying whether or not an area is closely related to the Motorway. I do not consider it necessary that the policy should guide applicants as to what evidence would be required to demonstrate the need for a particular hotel location in the M20 corridor, outside those allocated, or to prove that sites elsewhere are unavailable. Such detail would be better placed in the reasoned justification to the policy or in supplementary planning guidance. It is up to the applicant to support their case with substantial and convincing evidence if they wish to succeed.

6.1.31 The M20 passes through or near to the AONB. The second paragraph of Policy TM3 emphasises the environmental sensitivity of the area, and that environmental considerations are to be taken into account in assessing proposals under that policy. Proposed development would also be subject to other policies of the Plan, including Policy CO3, and to relevant policies of the Kent Structure Plan. I do not find therefore that there need be specific reference to the AONB in Policy TM3, nor is there a need to add other criteria.

6.1.32 The removal of "normally" meets the objection of GOSE. The Tourist Board, on the other hand, object to the deletion and consider that it would result in a policy that is too rigid. However, planning applications are assessed in the light of the development plan and all other material considerations, an approach that allows sufficient flexibility in my view.

RECOMMENDATION

6.1.33 *Modify Policy TM3 by deleting "and Princes Parade" from the second sentence.*

ACCOMMODATION

Objections

751/50	6.18	Ms Claerwyn Lock, The Environment Agency	NFS
387/7	TM4	Ms Louise Maxwell Barton	NFS
541/5	TM4	South East England Tourist Board Kember Loudon Williams	NFS
729/16	TM4	Mr Ralph Dickens Government Office for the South East	NFS

Issues

Should a flood risk assessment be submitted for all proposed new touring caravan and camp sites.

Should the policy include a restriction on site capacity and on the conversion of touring caravan sites to static ones.

Would the removal of "normally" from the policy make it too inflexible.

Inspector's Reasoning and Conclusions

6.1.34 Paragraph 6.18 points out that applicants may be required to submit a flood risk assessment as part of an application for new touring camp or caravan sites. I am aware of the particular danger of flooding to occupiers of such sites, especially in the case of sudden tidal inundation. However, some sites may be adequately defended, and I note that criterion (i) of Policy TM5 restricts the operation of new touring sites to the summer months. The Council consult the EA on all applications within the flood risk zone, and will be advised as to whether a flood risk assessment is necessary. I do not consider therefore that it necessary to make an assessment mandatory for all such applications.

6.1.35 A proposal to upgrade an existing static caravan or chalet park, or the creation of a new static site by the conversion of one for touring caravans, would be subject to the criteria of Policy TM5. The criteria seek to protect the character and appearance of the countryside and the living conditions of residents in nearby dwellings, amongst other matters, and would include consideration of the effect of any increase in site capacity. I do not find that additional wording is required.

6.1.36 The removal of "normally" in the RDD meets the objection of GOSE. The Tourist Board, on the other hand, object to the deletion and consider that it would result in a policy that is too rigid. However, static caravan or chalet sites can have a greater visual and environmental impact, particularly in the countryside, than sites for touring caravans due to their greater degree of permanence. The District is well provided with existing static sites in accordance with PPG21, and the Structure Plan encourages the upgrading of existing static sites rather than the provision of new ones. Paragraph 6.20 of the RDD indicates that upgrading could include the limited extension of existing sites. I consider that this approach would therefore allow sufficient flexibility.

RECOMMENDATION

6.1.37 No modification to Policy TM4.

POLICY TM6 - UPGRADING OF CARAVAN SITES

Objections

751/18	TM6	Ms Claerwyn Lock, The Environment Agency	NFS
43/1	TM6	Sotuta Ltd Charles F Jones & Son	NFS

Issues

Is the policy too restrictive of extensions to existing static caravan or chalet sites.

Does the policy reflect the special vulnerability of tents, chalets and caravans to flood risk.

Inspector's Reasoning and Conclusions

6.1.38 Policy TM6 of the First Deposit Plan has been deleted. The RDD now deals with the upgrading and, through paragraph 6.20, the minor extension of holiday parks for static caravans or chalets in Policies TM4 and TM5. I consider that this would allow sufficient flexibility to assess proposals to improve space standards and layouts on existing sites and no further amendment is required. I find that reference to flood risk in paragraphs 6.18 and in Policies TM4 and TM5 would meet the objections of the EA.

RECOMMENDATION

6.1.39 No modification to Policy TM6.

POLICY TM7 - RURAL TOURISM

Objections

541/2	TM7	South East England Tourist Board Kember Loudon Williams	NFS
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Issues

Is the policy unreasonably restrictive in referring only to small-scale rural tourist attractions and holiday accommodation.

Should the policy allow for the replacement of existing rural buildings with new tourism development.

Inspector's Reasoning and Conclusions

6.1.40 Much of Shepway's countryside is within the AONB, or subject to other landscape or wildlife designations, and is protected for its own sake under Policy CO1. The removal of "small-scale" would widen the application of this permissive policy to development of any size, which could have a considerably greater impact on the environment and in terms of sustainability. "Small scale" is not defined in the policy or reasoned justification, which thus allows some flexibility. I am satisfied that larger-scale tourism projects would be assessed better under Policy TM1 and other policies of the Plan and the retention of "small-scale" in Policy TM7 is not therefore unnecessarily restrictive.

6.1.41 The second sentence of the policy allows for small-scale purpose-built tourist accommodation, if well related to an existing building complex. This could therefore include the replacement of an existing building with new construction that would meet the criteria of

Policy TM7, subject also to Policy CO19 and others. The replacement of the whole of an existing group of buildings with new tourism development, however, may well go beyond the scope of "small-scale" and thus would fall to be judged under other tourism policies of the Plan. Material considerations in the form of positive planning benefits that might be generated by a development are taken into account in assessing any planning application. This does not need to be written into policy.

6.1.42 The second sentence of the policy refers only to tourist accommodation. The objector is right in that the provision of new tourist attractions is therefore limited to the re-use of existing rural buildings. In the light of the strong support for rural tourism in the Plan, I see no reason why a small-scale purpose-built new tourist attraction, if well related to an existing building complex and subject to the other criteria of the policy, would be unacceptable in principle in the countryside. I recommend an addition to the policy wording accordingly.

RECOMMENDATION

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

PARAGRAPHS 6.25 - 6.26 - PRINCES PARADE

Objections

39/19	6.25	Mr Roger Joyce Roger Joyce Associates	NFS
478/2	6.25	Mr W G Leyton	NFS
127/2	6.26	Mr(s) C S Turnbull	nfs

Issue

Whether the Princes Parade site should include provision for a hotel.

Inspector's Reasoning and Conclusions

6.1.44 I recommend under Policy HO2G that the site at Princes Parade be allocated neither for housing nor for a hotel. The reference to a hotel in paragraph 6.25, and the whole of paragraph 6.26, should therefore be deleted.

6.1.45 My recommendation under Policy HO2G is that the housing allocation become Policy LR9 public open space. If that is adopted then there would be no allocated tourism use at Princes Parade and both paragraphs 6.25 and 6.26 should be deleted. I suggest however that the former Policy HO2G land could become a low-key mixed recreation and tourism use. My reasoning there emphasises that the scale of any building should be severely limited, and that should be reflected in the text.

6.1.46 If the Council wish to take up that recommendation then consequential amendments should therefore be carried out to the remaining parts of paragraph 6.25 and a new site-specific policy added as necessary.

RECOMMENDATION

6.1.47 Modify paragraph 6.25 by deleting in the fourth sentence "(which could include a hotel)", and delete paragraph 6.26.

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

POLICY TM8 - SANDS MOTEL SITE

Objections

436/3	TM8	The Clerk St Mary in the Marsh Parish Council	nfs
870/17	TM8	Folkestone Development Company Ltd Jennifer Owen Associates	Cond WD
751/17	TM8	Ms Claerwyn Lock, The Environment Agency	NFS

Issues

Does the policy provide adequately for the recreational needs of local residents as well as of visitors.

Should the policy refer to residential development on the site, which is subject to risk from tidal flooding.

Inspector's Reasoning and Conclusions

6.1.49 The policy refers to a proposed community facility on part of the Sands Bay Motel site, and paragraph 6.24 refers to the provision of open space. New parking facilities for the beach would form part of the enhancement of the A259 roadside corridor. I consider therefore that the changes incorporated in the RDD would cater for local residents as well as for visitors. It would be up to the applicant to show how these requirements could be satisfied.

6.1.50 I deal with the EA's comments on flooding under Policy TM3 above.

RECOMMENDATION

6.1.51 *No modification to Policy TM8.*

POLICY TM9 - BATTLE OF BRITAIN MUSEUM SITE

Objections

15/1	TM9	Mr M P Sambucci	nfs
854/1	TM9	Hawkinge Vehicle Services Mike Simmonds	INQUIRY
851/5	TM9	Hawkinge Activity & Adventure Centre Mike Simmonds	INQUIRY

Issue

Whether the allocation under Policy TM9 is the best way of helping to achieve the tourism aims of the District.

Inspector's Reasoning and Conclusions

6.1.52 There is no public right of access to the site allocated on the Proposals Map for the extension of the Battle of Britain Museum, even though the land may have been used by local

people for informal recreation for some time. There are several new areas of public open space designated in western Hawkinge under Policy LR9, including one east of the Museum. There is therefore no overriding need for public open space on the site, sufficient to justify changing the allocation.

6.1.53 The existing commercial uses between the Museum and Aerodrome Road have been removed from the allocation site. This meets the objection of occupiers in that regard and no further change is necessary. The objections which promote a residential use, or part residential and part employment use, of the amended allocation site are dealt with under Policy E2 and Policy HO2 - Omission Sites.

6.1.54 The Museum is a popular attraction of more than local significance. It celebrates the important role of Hawkinge in the Battle of Britain and contributes to the sense of place of the village. The Museum complements the Memorial at Capel-le-Ferne, which provides for quiet contemplation. The present premises are somewhat cramped and there is little space for storage. The allocation site is one of the few parts of the original airfield that contains wartime remains. It would help to provide an area for expansion and a landscaped setting for existing or proposed Museum buildings and artefacts. I recognise that at the time of the Local Plan Inquiry there were no fully costed plans for expansion nor details of funding for such a project. However, there is also no evidence that such development could not take place within the Plan period. I do not consider that the severance of the airfield is fatal to the historical interest of the Museum, nor that the designation in the RDD would give rise to uncertainty for the current owners of the allocation site, who are themselves a charity. No further change is required.

RECOMMENDATION

6.1.55 No modification to Policy TM9.

7. LEISURE AND RECREATION

POLICY LR - GENERAL

Objections

875	LR	Kent CC Land Use & Transport Policy Unit	nfs
773/1	LR	Mr Andrew Hay KCC Youth Worker	nfs
774/2	7.9	Mr Andrew Burton	nfs
39/15	7.1, 7.7-7.14	Mr Roger Joyce	nfs

Issues

Does Chapter 7 reflect recent advice in PPG17 (2002).

Whether the Plan meets the needs of those who wish to take part in skateboarding, skating and biking.

Inspector's Reasoning and Conclusions

7.1.1 Chapter 7 does not refer to advice in PPG17 (2002) and its companion guide, Assessing Needs and Opportunities, nor does it demonstrate how the Plan responds to that advice. The guidance discourages reliance solely on national standards. It requires that local authorities should undertake robust local assessments of need for all sectors of their population, including those who work in and visit the area, and audits of the quality and accessibility as well as the quantity of existing provision. Some of these matters are touched on in reasoned justification, and in Policies LR9 and LR10, but are not stated clearly and comprehensively. The studies referred to in paragraph 7.7 of the RDD either appear to be somewhat out-of-date, or incomplete in that they do not consider the needs of the whole District or do not fully take into account the quality or accessibility of provision. The Plan process should not be delayed while the assessments and audits are undertaken. However, so that the Plan may be up-to-date, paragraph 7.7 should show how the requirements of paragraphs 1-5 of PPG17 will be carried out, and how the result of such surveys will inform the way in which the policies of the Plan are implemented. If the results show that new standards or strategies, more responsive to local needs, are required then this could be dealt with by means of an Alteration to the adopted Plan at a later stage.

7.1.2 Paragraph 7.13 states that it aims to investigate options for upgrading existing facilities, including for older children, where the provision of equipped play areas in the District fails to meet NPFA standards. New provision is dealt with under Policy LR10. However in my experience skateboarding, skating and biking are often carried out by young people over the age of 14, a group which is not readily accommodated in the NPFA hierarchy of play areas. In addition, such activities are not always best located as close to dwellings as are Local and Neighbourhood Equipped Areas for Play, and separate provision may be more appropriate. Paragraph 2(vi) of the Annex to PPG17, Planning for Open Space, Sport and Recreation, refers to provision for teenagers, such as skateboard parks and outdoor baseball hoops, as among the open spaces which may be of public value. No specific sites are allocated for such uses, and indeed in the interests of a concise Local Plan it would not be appropriate to set out policies or designate sites for every sport and activity. However, the Council may wish to consider the needs of older teenagers and young people in the needs assessment and audit required by PPG17. Meanwhile I recommend below that the wording of paragraph 7.13 and Policy LR10 should be strengthened so that the needs of this older group are fully taken into account.

RECOMMENDATIONS

7.1.3 *Modify paragraph 7.7 to show how the requirements of paragraphs 1-5 of PPG17 will be carried out, and how the result of such surveys will inform the way in which the policies of the Plan are implemented.*

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

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

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

PARAGRAPH 7.13 - ASSESSMENT OF SPORTS PROVISION

Objection

913/7

7.13

Mr David Jarman BSF Planning Consultants

NFS

Issue

Should the policy require new development to make good existing deficiencies.

Inspector's Reasoning and Conclusions

7.1.7 I do not agree that the paragraph, and related Policy LR10, give the impression that new development will be required to make provision beyond the needs specifically generated by the development itself. The policy specifies a minimum provision only where there is existing deficiency. No further change is required apart from a minor typographical matter.

RECOMMENDATION

7.1.8 *Modify paragraph 7.13 by deleting the apparent quotation mark at the end of the second sentence.*

POLICY LR4 AND PARAGRAPH 7.19 – SPORTS CENTRE DEVELOPMENT

Objections

391/3	LR4	Mr W J Hewson	nfs
571/4	LR4	Go Folkestone	INQUIRY
754/4	LR4	Mr A Ingleston	INQUIRY
746/2	LR4	Mr Richard Wallace	NFS
551/2	LR4	Mr(s) A P Bennett	NFS
751/15	LR4*	Ms Claerwyn Lock, The Environment Agency	NFS
412	7.18	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
732	LR4	Alex Abbott, Sport England	nfs

Issues

Whether the policy supports the provision of flagship facilities at the Sports Ground and Sports Centre, based on an adequate assessment of needs.

Would the policy allow the unacceptable loss of playing field capacity at the Cheriton Road Sports Ground.

Does the policy give sufficient consideration to the amenity value of the Pent Stream.

Inspector's Reasoning and Conclusions

7.1.9 * I am satisfied that this objection is fully met by the RDD.

7.1.10 The objections of Go Folkestone and others appear to be based mainly on speculation that the golf course to the rear of the Folkestone Sports Centre is to be developed for housing. This land is not allocated for housing in the adopted Local Plan or the RDD and such a proposal is not before me. A planning application for such development would have to be assessed against the development plan in force at the time, and other material considerations. Policy LR4 and paragraphs 7.19-7.20 make it clear that the Cheriton Road Sports Ground and the Folkestone Sports Centre are facilities of strategic importance, which are to be enhanced. The policy would therefore support the provision of the sort of flagship facilities that objectors seek.

7.1.11 Paragraph 7.7 of the RDD tells us that a sports and recreation needs analysis has been prepared for Folkestone and Hythe, and identified deficiencies are set out in paragraphs 7.9-7.13. I recommend above under Policy LR - General that this should be supplemented by the full needs assessment and audit for the whole District which is advised in PPG17. Policy LR9 offers strong protection against the loss of open space, which would include non-school playing fields, and this is supplemented by advice in paragraph 15 of PPG17. The Council would therefore assess any proposals for the provision of indoor sports facilities at Cheriton Road in the light of those considerations. No further amendment to the policy is required.

7.1.12 The Council confirm that paragraph 7.21 does not represent a proposal to culvert the Pent Stream. The amenity and environmental interest of the Stream would be protected under Policies LR4, BE15 and BE16. The legal powers for the creation of new public rights of way are outside the planning system but proposals for a Green Way along the Pent Stream could be considered under Policy LR2 and others.

RECOMMENDATION

7.1.13 No modification to Policy LR4.

POLICY LR5 AND PARAGRAPH 7.22 - FOLKESTONE RACECOURSE

Objections

577/1	7.22	Mr John Walker	nfs
791/1	7.22	Mrs C E Getcliffe	nfs
575/1	7.22	Mr/s Pendo-Castro	nfs
790/1	7.22	Mr Charles Getcliffe	nfs
78/1	7.22	Mr J De Wolf	NFS
97/3	7.22	Mrs D Bultitude, Clerk Stanford Parish Council	NFS
79/1	7.22	Mr R Needham	NFS
394/1	7.22	Mr C Neesham	NFS
177/1	7.22	Mr John Dadswell	W/R
444/1	7.22	Mr P J Tomlin	W/R
125/1	7.22, 7.21	Miss C Zielinski	nfs
124/1	7.22, 7.21	Mr T Bartolo	nfs
581/1	7.22, 7.21	Mr Peter Locks	nfs
268/1	7.22, 7.21	Mr(s) P J Bebbington	nfs
104/1	7.22, 7.21	Mr/s M G Ing	NFS
770	LR5*	Ms Wendy Rogers, KCC Heritage Conservation Unit	NFS
751/16	LR5*	Ms Claerwyn Lock, The Environment Agency	NFS

Issues

Is residential development acceptable in principle at Folkestone Racecourse.

Should the reasoned justification refer to a particular planning application of 1994.

Inspector's Reasoning and Conclusions

7.1.14 * I am satisfied that these objections are fully met by the RDD.

7.1.15 Paragraph 7.23 of the RDD refers to the possibility of permitting new housing on the site, just south of Westernhanger Station. The concept reflects a package of leisure, recreational

and residential development proposals in a planning application of 1994, for which planning permission has not been issued and which is not now referred to in the RDD. The emphasis of government advice has changed considerably since 1994 with the issue of PPG3. At the planning application stage an element of housing as enabling development might be considered, as an exception to policy, as suggested in paragraph 7.23. However the promotion in the Plan of housing at the Racecourse, in principle, even when hedged about with the caveats in paragraph 7.23, is a different matter and is straying too far from advice in PPG3, in my view. I therefore recommend the deletion of relevant text in paragraph 7.23.

RECOMMENDATION

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

POLICY LR6 - LOWER LEAS COASTAL PARK

Objection

746/1 LR6 Mr Richard Wallace

INQUIRY

Issue

Whether the policy gives sufficient protection to the Lower Leas Coastal Park, in the light of adjacent proposals for development.

Inspector's Reasoning and Conclusions

7.1.17 The objector fears the erosion of the Coastal Park by the encroachment of uses, particularly car parking, associated with the adjacent development of the Seafront and Harbour area under Policies FTC4-8. However the Policy LR6 and FTC designations on the Proposals Map are mutually exclusive, apart from a very small area of overlap with Policy area FTC8. The Council confirmed at the Inquiry that it is intended that Policy LR6 would allow new or improved facilities in the Park only if they are of appropriate scale and reinforce its existing character as a place for informal and formal recreation in an essentially open landscaped setting. The fact that the Park is in a Conservation Area offers additional protection. The character of the Park is, and is proposed to be, fundamentally different from that of the adjacent Seafront area, which is allocated for development of significant scale. However, I agree that this difference is not clearly expressed in Policy LR6. I recommend below that the policy should refer to the character of the Park, and that its character should be described briefly in paragraph 7.30. Policy LR6 offers more specific protection to the Coastal Park than would Policy CO5, which is concerned only with Local Landscape Areas. I see no overriding benefit in including the Park in a Policy CO5 designation.

RECOMMENDATIONS

7.1.18 Modify Policy LR6 by adding, after "Park's", "character, its".

7.1.19 Modify paragraph 7.30 by adding to the end of the second sentence "in an open landscaped setting".

PARAGRAPHS 7.31-7.34 – COASTAL ACCESS

Objection

39/14 7.31-7.34 Mr Roger Joyce Roger Joyce Associates NFS

Issue

Whether Policy LR7 should encourage sea access at Sandgate and Seabrook.

Inspector's Reasoning and Conclusions

7.1.20 Sandgate and Seabrook are excluded from the Dover-Folkestone Heritage Coast Management Plan referred to in paragraph 7.32, but this coastal strategy is not part of the Local Plan. Policy LR7 however has been expanded in the RDD to include “other suitable coastal locations”, which could thus encompass Sandgate and Seabrook. Paragraph 7.31 emphasises that Hythe has the potential to provide improved facilities for pleasure sailing. I consider that the objection is met.

RECOMMENDATION

7.1.21 No modification to Policy LR7 or paragraphs 7.31-7.34.

POLICY LR9 - PROTECTION OF OPEN SPACE

Objections

565/1	LR9*	Kent Rural Community Council	nfs
749/1	LR9	Kent County Council Peter Cooper,	Cond WD
383	LR9	Hythe Town Council	NFS
434/2	LR9	Ms Jo Cutler Second Site Property	NFS
736/2	LR9	St Johns College Carter Jonas (Ref: SJS)	NFS
445	LR9*	Councillor Trevor Buss	nfs
569/3	LR9	Mr Neil Hilkene Kent County Council	NFS

Issues

Does the policy reflect the requirements of PPG17.

Is there confusion between Policies LR9 and LR12, and should Policy LR9 be split into two separate policies.

Are the LR9 designations on the Proposals Map accurate, and is the Shepway Close designation the best way of providing for the open space needs of the area.

Does the policy unnecessarily require new provision or commuted payments.

Inspector's Reasoning and Conclusions

7.1.22 * I am satisfied that these objections are fully met by the RDD.

7.1.23 The current NPFA standards are under review but should form the starting point of assessment until new standards are issued. I comment and recommend above, under the heading of LR Policy – General, on KCC's objection that the Plan does not fully take account of recent advice in PPG17 (2002). In particular the Plan does not refer to the robust local assessments of need for all sectors of the population, and audits of the quality and accessibility as well as the quantity of existing provision, which the government will require local authorities to undertake. The Local Plan should be as up-to-date as possible but the process should not be held up unnecessarily to await the results of the PPG17 assessment and audit, nor the publication of emerging NPFA standards. I consider therefore that any changes to LR Policies, that may be required in consequence, may be accommodated in future versions of the development plan.

7.1.24 Policy LR12 has been amended in the RDD to refer specifically to school playing fields, and reasoned justification in paragraph 7.40 has been altered accordingly. I consider therefore that this overcomes the objection on the grounds of confusion between Policies LR9 and LR12. I find that although Policy LR9 deals with both the protection and provision of open space, the two parts of the policy are clear and little would be gained by dividing it into separate policies.

7.1.25 The land designated LR12 on the Proposals Map at Eversley Road is subject to an agreement to allow public use. The predominant use is however as a school playing field and the LR12 designation is therefore appropriate. The Shepway Close recreation area is certainly capable of improvement but lies in a part of Folkestone that is deficient in open space. The allocation should remain. I deal with this objection also under Policy HO2.

7.1.26 Policy LR9 and paragraph 7.39 make it clear that open space provision or commuted payment will not be sought unless there is an existing or potential need or deficiency. The basis of assessment of the amount of open space provision that may be required is given in paragraph 7.41 and in Appendix 9 of the Plan. General guidance on developer contributions, and sources of additional information, are given in Appendix 10. In the interests of producing a concise and up-to-date Plan it would be better to include in separate advice the details of the basis of the calculation of commuted sums. No further change to the Plan is necessary.

7.1.27 There appears to be a typing error at the beginning of paragraph 7.40 and I recommend accordingly.

RECOMMENDATION

7.1.28 Modify paragraph 7.40 by deleting "7.38" at the start of the first sentence.

POLICY LR11 AND PARAGRAPH 7.44 - ALLOTMENTS

Objections

823/1	LR11	Mr A W M Newland	nfs
576/2	LR11	Ms Fiona Starling	NFS
583	7.44*	Mr Richard Eccles	
383	LR11	Hythe Town Council	NFS
439	LR11	Mr MC Young	nfs
412/49	LR11	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
	7.44		

Issues

Should the policy prevent the closure of the Twiss Road allotments.

Are all allotments operated by Hythe Town Council shown on the Proposals Map.

Does the policy apply to all allotment land, and does it adequately reflect the needs of local users.

Inspector's Reasoning and Conclusions

7.1.29 * I am satisfied that this objection is fully met by the RDD.

7.1.30 The development of allotment land at Twiss Road, Hythe, which did not meet the policy criteria, could be refused under Policy LR11. The policy cannot be applied to the Twiss Road site however until a planning application is submitted. It cannot be used to prevent the closure of allotments by the land owners in the absence of any proposals for development. In the assessment of such a planning application other material considerations would be taken into account, including the presence of any protected species. No further amendment is required.

7.1.31 Land west of Lucy's Walk, Hythe, has been deleted from notation LR11 and included within a Policy LR9 designation as public open space. Allotment land at Longbridge Terrace and Eaton Lands has been added to the Policy LR11 designation. These alterations in plans appended to the RDD meet the objections of Hythe Town Council in that regard. Some sites, including land at Deedes Close and Horn Street, may be too small to be effectively shown on the Proposals Map. It is clear from the wording of Policy LR11 that it is to apply to all allotment land, whether owned by the District Council or others.

7.1.32 I saw that the Blackbull Road allotments are well used and are closely related to nearby dwellings. Taking into account my comments on the site under Policy HO2, I see no reason to delete these allotments from the LR11 designation, even if a housing development on the land could contain some compensatory open space. The objectors offer replacement land north of Churchill Avenue, at the foot of Sugarloaf Hill. Although adjacent to dwellings on one side, the land is severed from the main built-up area of Folkestone by the busy A20, with access including through a subway at some distance from the site. The land is about 500-600m from the Blackbull Road allotments, but is in a peripheral and less accessible location. It is also in the countryside and within the AONB. The objectors make the case that the land is screened by hedges on some sides and that its use for allotments may not need planning permission. However ancillary buildings and structures may well do, and it would be unreasonable to prevent, in principle, any such development that is normally an integral part of allotment use. There is no evidence of an overriding need for more allotment land in that part of Folkestone.

RECOMMENDATION

7.1.33 No modification to Policy LR11.

POLICY LR12 - SCHOOL PLAYING FIELDS

Objections

749/3	LR12	Kent County Council Peter Cooper	NFS
529/2	LR12	Ms Shan Mullett Folkestone School for Girls Tim Campbell Consultancy	NFS
732/9	LR12	Alex Abbott, Sport England	W/R
749/7	LR12	Kent County Council Peter Cooper	W/R

Issues

Does the policy achieve the right balance between the need to protect playing fields and other open spaces on school sites, and the need for educational development.

Is the policy necessary, and is it clear.

Are the LR12 designation boundaries necessary, and are they accurate.

Inspector's Reasoning and Conclusions

7.1.34 To be successful, an application involving the loss of playing fields or other open space on a school site need comply with only one of the criteria of Policy LR12. However I consider it essential that the question of local need and the possibility of alternative or replacement provision be addressed, in line with advice in paragraph 15 of PPG17 and as required by Policy LR9 for non-school sites. A scheme assessed under the policy, as written, need only demonstrate an educational need. I recommend below that proposed development be subject to both criteria.

7.1.35 I do not consider that the policy is unduly restrictive for schemes where educational expansion is proposed, nor is it necessary for land to be removed from a Policy LR12 designated area to facilitate development. If the policy were deleted then such development would fall to be assessed under Policy LR9 which gives educational need no special policy status, although it may be taken onto account as a material consideration. It is for the applicant to demonstrate that the educational objectives cannot reasonably be met in any other way, and that the benefits of the development would outweigh any harm, including any harm from the loss of open space in areas that are, or would be, deficient.

7.1.36 The policy, its title and paragraph 7.47 have been clarified in the RDD by reference to school playing fields. Such areas are protected by separate legislation, but this does not exactly reflect the aims of Policy LR12 or advice in PPG17. The loss of school playing fields and open space can be a land-use planning issue of importance in the District and it is right for the Council to include relevant policy in the Plan. Schools are indeed social and community facilities but I find that the Leisure and Recreation chapter, rather than Chapter 10, is a more appropriate place for a policy that deals with the loss of playing fields. The Plan should be read as a whole but some overlap between policies may be justified if it adds clarity. The size and location of school playing fields means that they often make an important contribution to local environmental quality, and it is right that this should be addressed in Policy LR12.

7.1.37 I consider that the inclusion of designated areas on the Proposals Map, rather than leaving LR12 as a purely criterion-based policy, adds certainty for users of the Plan. The Council have noted that some designation boundaries have been shown incorrectly and the Proposals Map has been amended by means of appended plans. The Council may wish to consider undertaking a final check of the accuracy of boundaries with KCC before printing the adopted version of the Proposals Map.

RECOMMENDATIONS

7.1.38 Modify Policy LR12 by deleting the words "at least one of" and replacing with "both".

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

POLICY LR13 - DUAL USE OF SCHOOL FACILITIES

Objections

729/17	LR13*	Mr Ralph Dickens Government Office for the South East	NFS
732	LR13	Alex Abbott Sport England	nfs

Issue

Whether the policy should be widened to include multiple use of non-school facilities.

Inspector's Reasoning and Conclusions

7.1.40 * I am satisfied that this objection is fully met by the RDD.

7.1.41 The inclusion of reference to multiple use of non-school facilities, for example those of private businesses or higher and further education, should encourage wider use. The RDD meets the objections in those regards, but I consider that the title of the policy should be amended to reflect its wider scope.

RECOMMENDATION

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

POLICY LR15 - AMUSEMENT FACILITIES

Objection

871/8	LR15	Mr Mike Simmonds Michael Simmonds Associates	NFS
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Issue

Should the Plan distinguish between amusement centres and amusement arcades.

Inspector's Reasoning and Conclusions

7.1.43 I am satisfied that this objection is fully met by the RDD.

RECOMMENDATION

7.1.44 No modification to Policy LR15 or paragraph 7.52.

8. BUILT ENVIRONMENT

POLICY BE – GENERAL, AND PARAGRAPH 8.4 – AIMS AND OBJECTIVES

Objections

39/12	BE - Gen	Mr Roger Joyce Roger Joyce Associates	NFS
39/13	8.4	Mr Roger Joyce Roger Joyce Associates	NFS

Issues

Are the aims and objectives of paragraph 8.4 expressed in the policies of the Plan.

Should there be reference to the promotion and interpretation of the Napoleonic heritage of Shepway.

Inspector's Reasoning and Conclusions

8.1.1 Chapter 8 contains specific policies through which the built environment aims and objectives are expressed, including policies concerning ancient monuments and archaeological sites. The objector's particular interest is the promotion, conservation, maintenance and interpretation of the Napoleonic coastal fortifications of Shepway, as an integrated whole, including the Martello towers, the Royal Military Canal and other structures. The concept of treating the Napoleonic heritage holistically is a good one, in my view. However, the role of the Local Plan is to set out policies for the use of land. The individual elements of the system of fortifications, and their settings, are protected under Policies BE5 and BE7. Proposals for research into, and the acquisition, promotion, funding and interpretation of such features are not directly related to land use and are better addressed through other Council corporate strategies. I refer to this matter also in my reasoning on Policy TM1.

RECOMMENDATION

8.1.2 *No modification to the Plan in relation to this objection.*

POLICY BE1 - GENERAL LAYOUT AND DESIGN

Objections

747/4	BE1	Luminar Leisure Drivers Jonas	nfs
871/20	BE1	Mr Mike Simmonds Michael Simmonds Associates	NFS
772/36	BE1	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
543/4	BE1*	Mr C W Auld, Clerk Lyminge Parish Council	W/R

Issues

Should the policy refer to environmental and amenity issues in relation to new development, as well as to design and appearance.

specifically to the relationship between new residential development and existing non-residential uses.

Should there be explicit thresholds for the submission of design statements.

Whether it is right for the policy to insist upon higher standards for the design for new development than that of the surrounding area.

Inspector's Reasoning and Conclusions

8.1.3 *I am satisfied that the RDD meets this objection.

8.1.4 Policy BE1 does not specifically refer to the environmental or amenity effects of new development on the neighbourhood nor, the objector's principal concern, with the effect of existing uses on new development, nor the need for suitable mitigation measures in either case. However, good design is not merely concerned with appearance but should take into account the whole relationship between proposed development and the surrounding area, including the potential for environmental conflicts. The paragraph which follows the policy states that for sensitive sites, which could include those which are near existing uses which generate noise or raise other environmental issues, design statements will be required. This would ensure that such issues are explicitly and fully taken into account in considering an application for planning permission. In addition, the Plan should be read as a whole and Policy SD1(k), together with Policy U16 and paragraph 9.50, would provide effective tools to deal with such potential conflicts. There is no need to replicate these provisions in Policy BE1.

8.1.5 The phrase "large, complex or sensitive" is not defined in the reasoned justification to Policy BE1. However the provision of clear guidance to an applicant for planning permission should be balanced with the requirement to produce a Plan that is succinct and not over-prescriptive. The question of whether a design statement is needed to accompany a particular application may often depend on the context of the site and the scale and type of development proposed, as much as on cruder measures such as site area or floorspace. I consider therefore that guidance in Annex A of PPG1 and in *By Design*, together with pre-application consultation with the Local Planning Authority as necessary, would be more helpful than the introduction by policy of rigid thresholds for the provision of design statements.

8.1.6 In paragraph 8.3 the Plan sets out the Council's aims to improve the functioning and appearance of the built environment. The quality and character of the environment are important not only to the quality of life of residents and visitors but also in order to attract and encourage investment. It would be wrong therefore for policy to state that the standards of design of new development need be no better than that of the surrounding area, otherwise improvement would be difficult to achieve.

8.1.7 I discuss, under the heading of Section 1.2 – General, the importance of designing out crime. I recommend below additional wording to Policy BE1 and to its reasoned justification in paragraph 8.7.

RECOMMENDATIONS

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

8.1.9 *Modify paragraph 8.7 by deleting "and landscaping." and adding "landscaping and designing out crime."*

POLICY BE2 AND PARAGRAPH 8.8 - PUBLIC ART

Objections

570/2	8.8	Mr Tim Brinton	NFS
871/9	BE2	Mr Mike Simmonds Michael Simmonds Associates	NFS
772/37	BE2	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
566/8	BE2	BT Plc RPS Chapman Warren	NFS
746/4	BE2	Mr Richard Wallace	NFS
570/1	BE2	Mr Tim Brinton	NFS

Issues

Should the policy promote the arts in general as an important element of the quality of life.

Is it reasonable to require the provision of public art in developments.

Whether the policy should be widened to cover smaller and more diverse developments.

Inspector's Reasoning and Conclusions

8.1.10 The role of the Local Plan is to give guidance and set out policies for the use of land. Only matters that relate directly to land-use, as for example the siting of an artwork in a development, can form part of policy. The Local Plan cannot be a vehicle for the promotion of the arts in general or for the publication of statements of intent which have no direct land-use implications; those are matters for other Council strategies, including the Strategy for the Arts. I feel confident that the appropriate department of the Council would welcome the objector's suggestions for various forms of public art and poetry.

8.1.11 Pages 26-29 of *By Design* confirm that works of art, integrated into the design of public areas, give identity, legibility and enhance the sense of place. Such installations can thus make an important contribution to the quality of the built environment while supporting the skills of artists and craftspeople. Policy BE2 makes it clear that provision would be the subject of negotiation with developers, for schemes which involve some public use or which would have a major impact in the townscape. The vehicle would be likely to be a condition or a S.106 planning obligation, particularly if a financial contribution towards off-site provision were required. The concept of the provision of public art in development is well established in government advice and I see no reason in principle why conditions or an obligation attached to permission for an appropriate scheme could not meet the tests of Circular 1/97.

8.1.12 There would certainly be opportunities to incorporate some form of public art into smaller schemes, including housing or office developments, which could make a positive contribution to the quality of life of residents, workers and visitors. However, I consider that it would not be right to require provision in principle, through Local Plan policy, in developments where there is no element of public access or where the scheme is not prominent in the townscape. Provision of artwork in schemes that fall outside Policy BE2 could be encouraged or promoted through other strategies of the Council.

RECOMMENDATION

8.1.13 No modification to Policy BE2 or paragraph 8.8.

POLICIES BE3, BE4 AND PARAGRAPH 8.11 - CONSERVATION AREAS

Objections

769/1	8.11	Mr David Wiseman, Clerk Postling Parish Council	nfs
385/3	BE3	Councillor S Newlands	nfs
412	BE3	Trustees of Viscount Folkestone (1963) Settlement	RPS WR
724/1	BE3	Mrs Linda Rene-Martin Sandgate Society	INQUIRY
439/2	BE4	Mr C Young	NFS
566/1	BE4	BT Plc RPS Chapman Warren	NFS
772/38	BE4	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Should the boundaries of certain Conservation Areas in the District be reassessed.

Should Conservation Areas, particularly the recreation ground off South Road, Hythe, be protected from any built development.

Is Policy BE4, especially criterion (d), too restrictive.

Whether "normally" should be added to the first sentence of Policy BE4.

Inspector's Reasoning and Conclusions

8.1.14 The designation of Conservation Areas, including any alteration to boundaries, is carried out under separate legislation and is not a matter for the Local Plan. The role of the Local Plan is to include policies to guide development within Conservation Areas, once designated. The objections to paragraph 8.11 and to Policy BE3 consist of requests to reconsider the boundaries, or the inclusion, of various Conservation Areas. I understand that the Council is undertaking a review of Conservation Areas in the District; that is the proper vehicle for such representations.

8.1.15 The recreation ground off South Road, Hythe, is within a Conservation Area. It is not the aim of Conservation Area policy to prevent any new building within the Area from taking place, but to ensure that any development preserves or enhances the character or appearance of that Area. The recreation ground has the additional benefit of protection under Policy LR9, which restricts the loss of open space. I do not consider that further protection is justified.

8.1.16 Unlisted buildings and structures in Conservation Areas may be modest in themselves and unworthy of listing but their materials, features or details may make a strong contribution to the character or appearance of the Area as a whole. In my view criterion (d) of Policy BE4 does no more than carry forward the duty in S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 regarding that character or appearance. Existing features which make no positive contribution would not be protected under the policy. There is nothing in the policy which would prevent new development of an imaginative high quality design, which respects its context in accordance with the criteria, along the lines advised in paragraphs 4.16 and 4.17 of PPG15. I do not find therefore that the policy is unduly restrictive.

8.1.17 The addition of the word normally to the first sentence of Policy BE4 would not increase clarity. Under S.54A of the Town and Country Planning Act 1990 the provisions of the development plan prevail unless other convincing reasons outweigh them and justify a contrary decision. The fact that such a balancing exercise may take place does not need to be incorporated into policy wording. Normally has been removed from other policies of the Plan following an objection from GOSE at the first Deposit stage.

8.1.18 Under the heading of Policy BE14 I set out reasoning and conclusions in relation to objections concerning the loss of verges to vehicular accesses and domestic front gardens to

parking, particularly in Conservation Areas. I recommend below accordingly.

RECOMMENDATIONS

8.1.19 No modification to Policy BE3 or to paragraph 8.11.

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

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

POLICY BE5 AND PARAGRAPH 8.15 - LISTED BUILDINGS

Objections

263/1	BE5	Mr P M Allen Godden & Allen Chartered Surveyors	NFS
568/1	BE5	Mr L Page, Chairman New Folkestone Society	NFS
475/3	BE5	Mr E Roberts	W/R
772/39	BE5	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
475/9	8.15	Mr E Roberts	nfs

Issues

Whether the policy is too restrictive and inflexible.

Should the policy prevent the installation of satellite dishes, and should it refer to the use of enforcement action in that regard.

Does the policy refer to listed buildings of all periods.

Whether the policy should refer to the statutory controls available to the Council in relation to neglected and derelict buildings.

Inspector's Reasoning and Conclusions

8.1.22 Mr Allen’s objection appears, by implication, to propose the deletion of criterion (e) but I consider it essential that the policy should include reference to development that might adversely affect the setting or character of a listed building. The objector proposes the replacement of “refuse applications” by “there will be a strong presumption against” in criteria (g) to (m). As there is a statutory presumption in favour of the protection of listed buildings, their settings and features, it is right that Policy BE5 should have a restrictive tone. Section 54A of the Town and Country Planning Act 1990 allows some flexibility in relation to applications for planning permission, in that other material considerations may be taken into account. No further change is required.

8.1.23 The regulations concerning the need for planning permission and/or listed building consent for the installation of a satellite dish are somewhat complex. It may be that many dishes seen on listed and unlisted buildings in Folkestone represent permitted development under the Town and Country Planning (General Permitted Development) Order 1995. The District Planning Authority has the opportunity to take enforcement action against dishes that are installed without permission or consent, and a member of the public may draw their attention to any that they consider may meet this description. However that is a matter outside the Local Plan process and does not need to be mentioned in the Plan. It is better to set specific criteria,

against which applications for planning permission will be assessed, in policy itself rather than by tying the policy to information leaflets prepared by bodies outside the Council, as they may become out of date or withdrawn during the life of the Plan. I recognise that satellite dishes have become more prevalent since the existing Local Plan was adopted but I consider that criterion (e) of Policy BE5, together with Policy U11, offers sufficient protection. The Plan should be read as a whole and it is not necessary to include cross-references between policies.

8.1.24 Policy BE5 applies to listed buildings of all periods.

8.1.25 Paragraph 8.15 sets out clearly the Council's approach to the repair and maintenance of listed buildings. I do not consider it necessary for the paragraph to include details of relevant legislation for the control of neglected or derelict listed or unlisted buildings. Such powers exist independently of the Local Plan process, to be called on by the Council as required.

8.1.26 There is a typing error in criterion (i), upon which I recommend below.

RECOMMENDATIONS

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

8.1.28 No modification to paragraph 8.15.

POLICY BE6 - OTHER BUILDINGS OF SPECIAL CHARACTER

Objections

729/18	BE6*	Mr Ralph Dickens Government Office for the South East	NFS
571/2	BE6	Go Folkestone	INQUIRY
568/2	BE6	Mr L Page, Chairman New Folkestone Society	NFS
772/40	BE6	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Whether the policy should refer to the statutory controls available to the Council in relation to neglected and derelict buildings.

Should the policy prevent the installation of satellite dishes, and should it refer to the use of enforcement action in that regard.

Whether the policy should be omitted as being unnecessary and superfluous.

Inspector's Reasoning and Conclusions

8.1.29 *I am satisfied that the RDD meets this objection.

8.1.30 The role of the Local Plan is to include policies and proposals for the use of land, against which applications for planning permission will be assessed. Neglected or derelict sites or buildings may indeed have a significant effect on the quality of the environment but the Local Plan cannot include, as policy, statements of intent or matters that are not directly related to planning. These are better expressed in other corporate strategies of the Council, along the lines that objectors suggest. I have commented in the section on listed buildings above that I do not consider it necessary to include in the Plan details of relevant legislation for the control of neglected or derelict buildings. Such powers exist independently of the Local Plan process, to

be called on by the Council as required.

8.1.31 I deal with satellite dishes in relation to listed buildings in my reasoning under Policy BE5 above. The same conclusions would apply to the similar objection to Policy BE6 concerning unlisted buildings. In addition, Policy BE6 refers to the use of "other development control powers". These could include an Article 4 Direction to remove permitted development rights in a particular area, where justified, thus making all satellite dishes in that area subject to planning control. Article 4 Directions are referred to in paragraph 8.12 of the RDD. No further alteration is required.

8.1.32 I have some sympathy with the view that policies such BE6 add a further complication to the planning process, in that buildings either merit listing or designation within a Conservation Area or they do not. However, the policy is carefully worded such that it would not dilute the special protection for listed buildings and Conservation Areas. It would accord with the government's emphasis on the need for good design everywhere and with the aims of paragraph 8.3 to improve the quality of the built environment. I cannot fault the Council for wishing to provide additional policy guidance where that quality needs particular respect, and I consider that the policy should remain.

RECOMMENDATION

8.1.33 No modification to Policy BE6.

POLICY BE7 - ARCHAEOLOGY

Objections

772/41	BE7	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
729/19	BE7*	Mr Ralph Dickens Government Office for the South East	NFS

Issue

Whether "normally" should be added to the first sentence of Policy BE7.

Should the onus be on the developer to protect the archaeological interest of the site.

Inspector's Reasoning and Conclusions

8.1.34 *I am satisfied that the RDD meets this objection.

8.1.35 I refer to my conclusions on a similar objection under Policy BE4. The addition of the word normally would be ambiguous and is against GOSE advice.

8.1.36 Part B of PPG16, Archaeology and Planning, makes it clear that archaeological considerations should be taken into account from the earliest stage of the planning process, so that the needs of archaeology and planning may be reconciled and the potential for conflict reduced. The guidance emphasises that the onus is on the applicant to submit with the planning application an assessment of the archaeological value of the site, and to carry out a field investigation before the application is determined, if the site is of importance. Paragraphs 29-30 of PPG16 advise on the use of conditions concerning the developer's responsibility to secure an agreed programme of archaeological work. I consider therefore that the policy meets national guidance and no modification is required.

RECOMMENDATION

8.1.37 No modification to Policy BE7.

POLICY BE8 - BUILDING EXTENSIONS

Objections

772/42	BE8	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
729/20	BE8*	Mr Ralph Dickens Government Office for the South East	NFS

Issues

Should "except in areas where there is a predominance of such architecture" be added after the first sentence of the policy.

Whether the second sentence should be deleted.

Inspector's Reasoning and Conclusions

8.1.38 *I am satisfied that the RDD meets this objection.

8.1.39 Examples of similar development in the area can be a material consideration in assessing an application for planning permission, but the concept of precedent should not be incorporated into policy wording. Furthermore, if the design of existing roof extensions in the neighbourhood is poor, in relation to the character of the buildings or of the streetscene, then that is seldom a good reason for repeating it. I consider therefore that the proposed addition to the end of the first sentence is unnecessary, and would be damaging to the aim of the policy.

8.1.40 The second sentence imposes a requirement, justified in my view, that roof extensions which face a highway should respect the streetscene as well as the character of the building. The sentence should be retained and no amendment is required in response to either issue.

RECOMMENDATION

8.1.41 No modification to Policy BE8.

PARAGRAPH 8.22 - SHOPFRONTS

Objection

758/4	8.22	Mr(s) R W Hobson, Clerk Newington Parish Council	NFS
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Issue

Would the paragraph stifle innovative design that would support and improve the vitality of retail businesses.

Inspector's Reasoning and Conclusions

8.1.42 Paragraph 8.22 does not condemn modern design as a whole but refers only to those

shopfronts that have severely detracted from the character and appearance of an area. I agree that the paragraph does not positively encourage new and innovative designs but neither does it rule them out. Bad design can have a harmful effect whether it is modern in style or a poor interpretation of traditional forms. I consider that the deletion of the word "modern" in the second sentence would provide a more balanced introduction to Policy BE9.

RECOMMENDATION

8.1.43 Modify paragraph 8.22 by deleting "modern" in the second sentence.

POLICY BE10 - ADVERTISEMENTS

Objection

475/2	BE10	Mr E Roberts	nfs
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Issue

Whether the policy should also control the provision of advertisements in telephone kiosks, especially in Conservation Areas.

Inspector's Reasoning and Conclusions

8.1.44 At present advertisements on telephone kiosks need express consent under the Town and Country Planning (Control of Advertisements) Regulations 1992. Such advertisements would therefore be subject to Policy BE10 and paragraph 8.26, and I do not consider that additional policy wording would be necessary to deal with kiosks as a special case. The 1992 Regulations are under review but have not yet been superseded and I see no overriding reason to modify Policy BE10 at this stage.

RECOMMENDATION

8.1.45 No modification to Policy BE10.

POLICY BE11 - HOUSING DENSITY

Objections

762/1	BE11	Sea Containers DPDS Consulting Group	INQUIRY
566/6	BE11	BT Plc RPS Chapman Warren	NFS
488/2	BE11	Mr Howard Small Howard Small & Associates	W/R

Issues

Is it right to apply the policy to the Folkestone Seafront and Harbour areas.

Does the policy reflect government advice in PPG3.

Inspector's Reasoning and Conclusions

8.1.46 The context and character of the Folkestone Seafront and Harbour area, and the proposals of Policies FTC5-FTC8, clearly indicate density and design considerations different from those of a normal residential neighbourhood. The Local Plan should be read as a whole and these site-specific matters do not need to be repeated in Policy BE11.

8.1.47 Paragraph 56 of PPG3, that "Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality." does not mean that proposals need be an exact match of the housing and densities to be found in the area. Paragraph 54 requires local planning authorities and developers to think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment. It is clear therefore that the "wider context" referred to in paragraph 56 should be addressed through the quality of the design and layout, and not by reducing densities below those sought in paragraph 58 in order to match surrounding development. Paragraph 8.4.5. of Kent Design (CD4.12) points out that respecting local character does not mean simply replicating surrounding layouts, but drawing clues from these surroundings as to the range of new densities that may be appropriate. The importance that the ODPM attaches to the question of density is underlined by the Town and Country Planning (Residential Density) (London and South East England) Direction 2002. This empowers the ODPM to intervene in planning applications for residential development of less than 30 dwellings per hectare, for sites of 1 hectare or more, in local authority areas including that of Shepway District Council.

8.1.48 I agree therefore with objectors that Policy BE11 does not reflect advice in PPG3, in that it specifically ties the density of new development to that of the surrounding area. It is the effect of development on the overall character and quality of the area that is important, not just its density. I recommend accordingly.

8.1.49 I also recommend consequent changes to the reasoned justification in paragraph 8.27. Paragraph 58 of PPG 3 advises that the best use of land is made everywhere, at densities of 30 dwellings per hectare or more, not just in urban areas close to facilities and public transport, although such locations may be able to accommodate a greater intensity of development. The tying of the density of new housing development to that of the surrounding area, with increased density only as an exception to policy in the case of affordable or social housing, is not the approach of PPG3. I consider that the recommended wording would give clearer guidance to applicants while conforming with government advice.

RECOMMENDATIONS

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

8.1.51 Modify Policy BE11 by deleting "unless the density reflects" from the first sentence, and replacing it with "which would cause significant harm to".

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

POLICY BE12 - LOW DENSITY RESIDENTIAL AREAS

Objections

744/1	BE12*	Andrew Beggs BSF Planning Consultants	Cond WD
729/26	BE12, 8.28	Mr Ralph Dickens Government Office for the South East	NFS
871/10	BE12	Mr Mike Simmonds Michael Simmonds Associates	NFS
566/7	BE12	BT Plc RPS Chapman Warren	NFS
567/1	BE12, 8.28	Mr/s Mills Mrs Shelagh M Gray	INQUIRY
724/2	BE12	Mrs Linda Rene-Martin Sandgate Society	INQUIRY
567/2	BE12	Mr/s Mills Mrs Shelagh M Gray	INQUIRY

Issues

Does the policy reflect government advice in PPG3 concerning density.

Should the boundaries of the existing policy areas be extended in parts of Sandgate, and at The Pleasance, Sandling Road, Saltwood, Hythe.

Whether the height of development in Sandgate should be limited to 3 storeys, including roof accommodation.

Inspector's Reasoning and Conclusions

8.1.53 *I am satisfied that the RDD meets this objection.

8.1.54 I have commented above on Policy BE11 in relation to PPG3, and the same observations apply in regard to Policy BE12. In the light of advice in PPG3, a policy which designates areas solely or mainly on the grounds of residential density or plot ratio should have no place in a local plan. The importance that the ODPM attaches to the question of density is underlined by the Town and Country Planning (Residential Density) (London and South East England) Direction 2002. This empowers the ODPM to intervene in planning applications for residential development of less than 30 dwellings per hectare, for sites of 1 hectare or more, in local authority areas including that of Shepway District Council.

8.1.55 The government places great emphasis on the importance of good design. In my view there is a case for deleting both Policy BE11 and BE12 and replacing them by a strong, positively-worded criteria-based design policy for all development, along the lines of those suggested on page 57-58 of Better Local Plans. However, in a District that takes pride in the quality of its built environment, I cannot fault the Council for wishing to provide additional policy guidance where that quality merits particular respect. Nevertheless the policy should focus attention not just on density but on all the key elements that make an area into one of special character, including topography, views in and out, skyline features, continuity and enclosure, massing, vegetation and everything else that contributes to local distinctiveness. In my view an analysis of those key elements, for each area, would be helpful both to applicants and to decision-makers. This could take the form of supplementary planning guidance, which could include illustrative material and examples of good and bad practice. I therefore recommend below that the title of the policy be changed to "Areas of Special Character", and that the overriding emphasis on density in the policy and in paragraph 8.28 be reduced.

8.1.56 Undercliff, Wilberforce Road and The Crescent in Sandgate are within a Conservation Area, which offers the character and appearance of the neighbourhood, including trees not covered by a Tree Preservation Order, a greater degree of protection than would Policy BE12. I do not consider therefore that it is necessary to include those areas within the Policy BE12

designation. Encombe is neither within the Conservation Area nor the Policy BE12 boundary. The objector draws attention to a number of buildings of architectural and historical interest in this part of Sandgate, which the Council confirm that they will take into account in the current review of Conservation Areas. I walked through Encombe, Sunnyside Road and Brewers Hill. I do not consider however that the character of Encombe is of such a special nature that it should be designated under Policy BE12, and I do not support its inclusion. Policy BE11 would meanwhile protect the character of that part of Sandgate.

8.1.57 I saw that there is a marked change in the built form of Saltwood at the eastern boundary of the Policy BE12 designated area. Between The Green and the objection site, including New Road, buildings are generally terraced or semi-detached, modest in size and located near to the highway, resulting in a close-knit pattern of development. Within the policy boundary dwellings are larger and detached, informally arranged on substantial plots and set back at varying distances from the road. The amount of mature landscaping including many trees, the landform, the narrowness and sinuosity of Sandling Road and the lack of a footway for much of its length add to the rural character of the area. The policy area thus forms a zone of transition between the denser core of Saltwood and the open countryside of the AONB and the Special Landscape Area to the west. I consider that, although there is substantial mature vegetation to the west boundary of The Pleasance, the existing eastern boundary of the designated area is a more realistic reflection of the change in character and forms a firmer edge to the designation. I note that there has been some development at The Orchard, off New Road, and that the rear of the objection site could be accessed via that lane. I do not consider those factors, nor the relative proximity of the site to the centre of Saltwood nor the potential for the site to contribute to the total of housing achieved through windfalls, would justify a change to the policy boundary now. The efficient use of urban land is a material consideration that may be taken into account at the development control stage.

8.1.58 I do not find that a storey height restriction, as suggested, would be warranted for the whole of Sandgate. In my view the hilly terrain and varied character of the area would enable sensitive designs of a variety of heights and styles to be integrated successfully.

RECOMMENDATIONS

8.1.59 Modify Policy BE12 as follows:

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

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

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

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

POLICY BE13 - URBAN OPEN SPACE

Objection

724/4 BE13 Mrs Linda Rene-Martin Sandgate Society

INQUIRY

Issue

Should reference to the extent of public use of and access to the site be deleted from the policy.

Inspector's Reasoning and Conclusions

8.1.63 The policy refers to areas of amenity open space in built-up areas, which are not the substantial recreation grounds, playing fields or allotments covered by Policies LR9, LR11 or LR12. I recognise that, particularly in hilly areas such as Sandgate, some areas of open space may be of high public visual amenity value but access may be limited for some members of the community, such as elderly people, because of the steep slopes. It does not follow that the amenity value of such land would thus be given a lesser weight: rather the reverse as the last sentence of paragraph 8.29 confirms that in some areas it is the value of the land in terms of visual amenity that is of most importance. The policy wording emphasises that all the public benefits of a site are to be taken into account in assessing an application for development. I consider that the protection of these areas of urban open space would be weakened if the policy wording were deleted as suggested. No modification is required.

8.1.64 There is a minor typing error, on which I recommend below.

RECOMMENDATION

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

POLICY BE14 AND PARAGRAPH 8.30 - COMMUNAL GARDENS

Objections

412/39	8.30	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
263/7	BE14	Mr P M Allen Godden & Allen Chartered Surveyors	INQUIRY
412/40	BE14	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
571/3	BE14	Go Folkestone	INQUIRY
551/1	BE14	Mr(s) A P Bennett	NFS
475/7	BE14	Mr E Roberts	W/R

Issues

Should the policy be made more flexible, and should Clifton Gardens, Terlingham Gardens and Westbourne Gardens be excluded from the designation.

Whether the Council should actively manage the Gardens.

Whether this policy, or another, should include protection for grass verges and their trees.

Inspector's Reasoning and Conclusions

8.1.66 The communal gardens of western Folkestone make an important contribution to the quality of the townscape and the special identity of this part of the town. They are also of historic interest in that they form an integral part of the comprehensively planned Victorian resort development of the West End, including The Leas. In my view they are thus of key importance to the integrity of the character and appearance of the area as a whole, and the Council are right to phrase Policy BE14 firmly. The Inspector in the last Local Plan inquiry came to different view about the equivalent policy, BE12. He recognised that the communal gardens may merit additional detailed policy, but suggested that this be set out in supplementary planning guidance (SPG). However, that conclusion pre-dated the publication of recent key government planning objectives and guidance, particularly in *By Design*, which emphasises the importance of the urban renaissance and good urban design including greater consideration of local distinctiveness and the quality of the public realm. It also pre-dated PPG12 of 1999, which advises that the Plan should not delegate policy or criteria, on which decisions on planning applications might turn, to SPG. In my view this altered emphasis, together with evidence of the historic planned nature of the West End, justifies the retention of Policy BE14.

8.1.67 The Policy BE14 is not more restrictive than the equivalent adopted Policy BE12. The deletion of the word “normally” is advised by GOSE as it introduces uncertainty. Section 54A would allow sufficient flexibility by enabling other material considerations, such as economic benefits from a proposal for high quality tourism or other development, to be weighed against policy-related and any other harm. This balancing exercise is universal and would not need to be incorporated into policy wording as suggested. The proposed wording would also introduce ambiguity by suggesting that some, undefined, parts of the gardens make a lesser contribution to local amenity.

8.1.68 I recognise that the tourism industry is of great importance in Shepway, including the attraction of international transit users to stay in the District, that new employment opportunities should be encouraged in East Kent to counter declining economic activity and that such matters should be balanced against environmental objectives. Conservation Areas often contain employment uses, and their designation does not mean that no change can take place within their boundaries. I acknowledge that Clifton Gardens and Terlingham Gardens are well-related to the town centre and that users of the suggested developments would be likely to support the shops, services and attractions of central Folkestone. However, I have no evidence that a 5-star hotel is needed in Folkestone rather than elsewhere in the District, or that parts of the Gardens, although deliverable and physically easy to develop, would be the best place for such development. Existing screening, the reinforcement or replanting of over-mature landscaping and the possibility of development enabling the provision of improved public recreation facilities on undeveloped parts of the Gardens, and other points made by the objectors, may be taken into account at the planning application stage. I do not find that, in principle, all or part of Clifton Gardens and /or Terlingham Gardens should be allocated for hotel use, or that one or both should be removed from the Policy BE14 designation.

8.1.69 Westbourne Gardens have become somewhat unkempt. However, that is a matter for the owners and is not a good reason to justify development. I acknowledge that the Gardens are in a sustainable location, that there is high density residential infill development in the area, including at the former Langhorne Gardens, and that the site is deliverable. I discuss the merits of the Gardens as a housing omission site under Policy HO2, and will not repeat the reasoning

here. Although one of the smaller of the Communal Gardens, I find no evidence that Westbourne Gardens has no further possibility of fulfilling its role in the fabric of the Conservation Area, or that its importance in that regard is overridden by housing need. I consider therefore that its Policy BE14 designation should remain.

8.1.70 The communal gardens of Policy BE14 are in private ownership and the Council has little control over their maintenance apart from powers under S.215 of the Town and Country Planning Act 1990. I comment below in relation to verges that policies concerning maintenance cannot be included in the Local Plan. I agree with the Council that the strength of Policy BE14 should help to discourage the neglect of gardens, by limiting the prospects for development.

8.1.71 Grass verges, and the trees which they may contain, can make an important contribution to the quality of the townscape and to the character and appearance of an area. This may be so not only in Conservation Areas but also in more modest streets in neighbourhoods which otherwise have limited open space. Where planning permission is required, the effect of development on a verge or its trees may be assessed against general design policy BE1 and, in urban areas, against Policy BE13 which deals with incidental open space. I saw that verges are of importance to the character and appearance of several Conservation Areas in Shepway, and I consider that the addition of verges to criterion (f) in Policy BE4 is justified.

8.1.72 The formation of a vehicular access across a verge, or the creation of a hardstanding for car parking in a front garden, does not always require planning permission. Article 4 Directions, which have the effect of removing such permitted development rights, should be imposed only in exceptional circumstances. They are a form of regulation outside the Local Plan process and do not need to be referred to in policy before their introduction can be considered. However, as paragraph 8.12 already sets out the Council's intentions regarding Article 4 Directions in Conservation Areas I consider it reasonable to broaden the scope of the paragraph, in the light of the effect that some permitted development may have on the character and appearance of those Areas. I recommend accordingly under Policy BE4.

8.1.73 Trees of amenity value in Conservation Areas are protected even if they are not subject to a Tree Preservation Order, and are already referred to in Policy BE4(f). Outside Conservation Areas trees affected by development would be protected under Policy BE16. No further change is necessary. Policy BE14 is specific to the communal gardens of western Folkestone, and I do not consider that its focus should be diverted by general reference to verges. It would certainly be unreasonable to extend its control to domestic gardens, even in Conservation Areas. Local Plan policy guides the use and development of land, and cannot deal with operational matters such as verge maintenance. These matters are addressed through other Council strategies.

RECOMMENDATION

8.1.74 No modification to Policy BE14 or paragraph 8.30.

POLICIES BE15 AND BE16 - LANDSCAPE AMENITY

Objections

772/43	BE15	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents
746/5	BE16	Mr Richard Wallace

NFS
INQUIRY

Issues

Is Policy BE15 too restrictive.

Whether Policy BE16 should include reference to trees not subject to TPOs, and to the promotion of community woodland and greenways.

Inspector's Reasoning and Conclusions

8.1.75 Policy LR12 of the adopted Local Plan, now Policy LR9 in the RDD, has aims different from those of Policy BE15. Policy LR9 is concerned with the provision of leisure and recreational public open space, based on the NPFA standards. Policy BE15 is concerned with broader aspects of open space provision in the form of landscaping as part of the fabric of the built environment, including its function as wildlife habitat. Both policies are therefore necessary. The government places considerable weight on quality in urban design, to which landscaping and a variety of open spaces can make an important contribution. The closing words of the policy emphasise that these matters should be integral to the overall concept and design process of a development from the beginning. I consider therefore that the wording reflects government advice such as in *By Design*, and is not too restrictive.

8.1.76 Trees worthy of retention in development, which are not covered by a Tree Preservation Order (TPO), would be protected under Policy BE16. The policy requires proposals for development to retain important existing landscape features, which would include trees, which would then be identified in the plan of existing landscaping which is required to be submitted with all full or detailed planning applications. The Council confirmed at the Inquiry that they routinely apply conditions to planning permissions that require the protection of trees while construction is under way, and I do not consider that it is necessary to add this to policy. Paragraph 8.31 and Policy BE15, as well as Policy CO11, refer to wildlife habitat which is not covered by a special conservation designation. I do not find therefore that the policy wording proposed by the objector would offer significant advantages over that of Policies BE15-BE17 and paragraph 8.32. The suggested approach, that all trees should be protected from development until they are assessed as being inappropriate candidates for a TPO, goes beyond government advice and is too onerous, in my view.

8.1.77 There is nothing in Policy BE16 that would prevent the creation of community woodlands or greenways in development, should such proposals come forward. Policies should be concise and should focus on giving clear direction to applicants concerning the circumstances in which planning permission will, or will not, be granted. It is not necessary for the policy to list every type of landscaping initiative that might be included in a scheme, and the general promotion of initiatives such as greenways or community woodlands is better addressed by other strategies of the Council. Under such strategies the Council has carried out a number of larger-scale projects akin to those suggested, including the woodland and stream walk of the Enbrook Valley. Hawkinge may indeed be among the areas where such larger-scale landscaping features could be considered, similar to the community woodland at Ashford, cited by the objector, which is being created to mitigate harm from a particular development and is subject to a S.106 undertaking. No further change to the Policy is therefore required.

RECOMMENDATION

8.1.78 No modification to Policies BE15 or BE16.

POLICY BE17 AND PARAGRAPH 8.32 - TREE PRESERVATION

ORDERS

Objections

569/1	BE17*	Mr Neil Hilkene Kent County Council	NFS
412	BE17	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
475/8	BE17	Mr E Roberts	W/R
746	8.32	Mr Wallace	nfr

Issues

Should the amenity value of candidate TPO trees, and the benefits of proposed development, be taken into account.

Whether grass verges should be protected and reference made to the protection and replacement of trees that are not subject to a TPO.

Inspector's Reasoning and Conclusions

8.1.79 * The word “normally” is not included in policies as it leads to uncertainty as to the circumstances under which planning permission would be granted or refused. I am satisfied that the RDD meets the remainder of this objection.

8.1.80 The amenity value of the trees is taken into account when the making of a TPO is being considered. Policy BE17 balances the benefits of proposed development against the amenity value of TPO trees.

8.1.81 I have dealt with the objection that relates to the protection and maintenance of grass verges and their trees under the heading of Policy BE14. Local Plan policy is predominantly to guide applicants for planning permission. The maintenance arrangements for verges, including replacement of any trees damaged by maintenance workers or by any other means, which does not require planning permission, is a matter for other strategies of the Council. My conclusions on the objection to paragraph 8.32 are found under the heading of Policies BE15 and BE16.

RECOMMENDATION

8.1.82 No modification to Policy BE17 or paragraph 8.32.

POLICY BE18 AND PARAGRAPH 8.34 - HISTORIC PARKS AND GARDENS

Objections

814/1	8.34	Mr Steve Williams, English Heritage	W/R
729/21	BE18*	Mr Ralph Dickens Government Office for the South East	NFS
39/11	BE18	Mr Roger Joyce Roger Joyce Associates	NFS
543/5	BE18	Mr C W Auld, Clerk Lyminge Parish Council	W/R

Issue

Whether Encombe and Enbrook, and Westernhanger Castle, should be listed in the policy.

Inspector's Reasoning and Conclusions

8.1.83 *I am satisfied that the RDD meets this objection.

8.1.84 The Historic Parks and Gardens protected by this policy are those listed in the document referred to in paragraph 8.34. I understand that Port Lymyne and Sandling Park are also on the English Heritage Register of Parks and Gardens of Special Historic Interest in England. Both lists have been compiled following extensive research and I have no evidence that the gardens of Encombe and Enbrook, which have been partially developed and altered over the years, meet the requirements for inclusion.

8.1.85 Westernhanger Castle and its grounds have special protection under separate legislation concerning listed buildings, ancient monuments and their settings.

RECOMMENDATION

8.1.86 No modification to Policy BE18 or paragraph 8.34.

PARAGRAPH 8.40 - DEVELOPMENT BRIEFS

Objection

39/10

8.40

Mr Roger Joyce Roger Joyce Associates

NFS

Issue

Should there be reference to a need to update the Hawkinge brief.

Inspector's Reasoning and Conclusions

8.1.87 I agree with the objector that the 1990 development brief for Hawkinge is now out of date. Several major changes have taken place since that date, including the proposal to implement the northern part of the Bypass, and those consequent on the decision to make the community hall in the existing village centre larger than anticipated. Furthermore, there have been fundamental changes in government advice in the last 13 years, particularly in PPG3, PPG13 and PPG17, which should be reflected in the brief. If firm guidance is not given to the implementation of the closing stages of this strategic development then there is some danger, already apparent, of ad-hoc planning taking place through the lottery of planning application submissions. I recognise that the Council has resource constraints but I strongly suggest that consideration is given to the updating of the Hawkinge brief in the near future.

8.1.88 The Council have no commitment to carry out such a review of the brief at present, and I do not find therefore that a review should be mentioned in paragraph 8.40. There will continue to be a Hawkinge brief for the lifetime of the Plan, whether the 1990 edition or a revised version. I consider however that "and remain valid" should be deleted as unnecessary.

RECOMMENDATIONS

8.1.89 Modify paragraph 8.40 by deleting "and remain valid" from the last sentence.

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

9. UTILITIES

POLICY U - GENERAL

Objections

739/4	U*	Mr Chris Kneale Southern Water	NFS
751/14	U*	Ms Claerwyn Lock, The Environment Agency	NFS
751/2	U*	Ms Claerwyn Lock, The Environment Agency	NFS
545/1	U	Mr F Scrivener	INQUIRY

Issue

Should there be a policy response to surface water and flooding problems at St Marys Bay.

Inspector's Reasoning and Conclusions

9.1.1 *I am satisfied that the RDD meets these objections.

9.1.2 The Jesson Outfall at St Marys Bay takes surface water drainage from a wide area including from the New Cut Sewer. There has been considerable residential development in the area since the New Cut was built in the 18th century as an agricultural land drain, resulting in an increase in runoff. The objector states that the sea wall at that point is in poor condition, exacerbated by shingle loading as part of tidal flood defence measures and by excessive flows of surface water drainage from the Jesson Outfall. However, Policy U5 would ensure that any proposal for residential development in that area would be subject to a flood risk assessment, and the provision and maintenance of appropriate flood defences, together with any other safety measures that might be required. The Environment Agency is consulted on any planning applications in areas subject to flood risk and is aware of the situation regarding the Jesson Outfall, the New Cut Sewer and the sea defences at St Marys Bay. I comment further on development at St Marys Bay under the HO policies and under Policy TM3. I do not consider that modification of the Plan is required in response to this objection.

RECOMMENDATION

9.1.3 No modification to the Plan.

PARAGRAPH 9.5 - AIMS AND OBJECTIVES

Objection

751/8	9.5	Ms Claerwyn Lock, The Environment Agency	NFS
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Issue

Whether there should be an additional aim concerning flooding.

Inspector's Reasoning and Conclusions

9.1.4 An aim relating to flooding has been added in the RDD. The second part of the wording suggested by the objector amounts to policy, and is dealt with in Policy U5 and its reasoned justification.

RECOMMENDATION

9.1.5 No modification to paragraph 9.5.

POLICY U1 - CESSPOOLS

Objection

739/5 U1* Mr Chris Kneale Southern Water

NFS

Issue

Whether the second part of Policy U1 is unnecessary

Inspector's Reasoning and Conclusions

9.1.6 *I am satisfied that the RDD meets this objection.

RECOMMENDATION

9.1.7 No modification to Policy U1.

PARAGRAPHS 9.8 AND 9.9 - CONSTRAINTS ON ROMNEY MARSH

Objection

751/9 9.9* Ms Claerwyn Lock, The Environment Agency

NFS

Further Proposed Change: PC9

Issue

Whether it would be helpful to include an explanation of the need to gain Environment Agency consent for discharges to controlled waters.

Inspector's Reasoning and Conclusions

9.1.8 *I am satisfied that the RDD meets this objection.

9.1.9 It would be sensible to amend paragraph 9.8 as necessary before publication of the

adopted Plan to provide the latest estimated date of implementation of the proposed New Romney foul sewer system, and I recommend accordingly.

RECOMMENDATION

9.1.10 Modify paragraph 9.8 in accordance with PC9.

POLICY U4 AND PARAGRAPHS 9.15 - 9.17 - SURFACE WATER AND GROUNDWATER

Objections

751/11	9.15*	Ms Claerwyn Lock, The Environment Agency	NFS
751/12	9.16*	Ms Claerwyn Lock, The Environment Agency	NFS
751/13	9.17*	Ms Claerwyn Lock, The Environment Agency	NFS
751/10	U4*	Ms Claerwyn Lock, The Environment Agency	NFS

Inspector's Reasoning and Conclusions

9.1.11 *I am satisfied that the RDD meets these objections.

9.1.12 The relevant paragraph numbers in the RDD are now 9.17, 9.18 and 9.19 respectively.

RECOMMENDATION

9.1.13 No modification to Policy U4 or to paragraphs 9.17 to 9.19.

PARAGRAPHS 9.18-9.21 - AREAS AT RISK FROM FLOODING

Objections

758/5	9.18	Mr(s) R W Hobson, Clerk Newington Parish Council	NFS
489/10	9.19-9.21	Folkestone Development Company R Stevenson, John Bishop & Associates	NFS
913/8	9.21	Mr David Jarman BSF Planning Consultants	NFS

Issues

Should the Council instigate a district-wide programme of drainage improvement.

Do the paragraphs adequately reflect advice in PPG25.

Inspector's Reasoning and Conclusions

9.1.14 Paragraphs 9.19 to 9.21 now closely reflect guidance in PPG25. The guidance does not say that no development may take place in areas of flood risk. Instead, a flood risk assessment must be submitted with a planning application for development in areas of class 2 or 3 of Table 1 to PPG25. Details of any defence measures and safety procedures required must also be submitted. The Council reviewed its housing allocation sites after the publication of PPG25 and many were deleted, particularly in Romney Marsh. Flood risk and Environment Agency advice

have been taken into account in the allocation of the remaining housing sites in the RDD, where relevant, and I conclude on those sites under the HO policies of this report.

9.1.15 Paragraph 9.18 of the first Deposit Draft is now is now paragraph 9.22 of the RDD. When a planning application is submitted the District Planning Authority can take into account the surface water drainage effects of the proposed development, under Policies U1a and U7. It has no powers through Local Plan policy to instigate a District-wide forward programme of surface water drainage improvement in problem areas, as suggested by the objector.

9.1.16 I agree that it is unnecessary to reproduce sections of PPG guidance in a Local Plan. However I consider that the first 2 sentences of paragraph 9.21 do not do that, but provide a useful and concise justification for the Council's approach to flood risk. I find no overriding reason for their removal.

RECOMMENDATION

9.1.17 No modification to Policy U7 or to paragraphs 9.21-9.22.

POLICIES U5 AND U6 - FLOOD RISK

Objections

545/1	U	Mr F Scrivener	INQUIRY
730/1	U5	Mrs M Weaver Lydd Town Council	nfs
489/9	U5	Folkestone Development Company R Stevenson, John Bishop & Associates	nfs
739/7	U5	Mr Chris Kneale Southern Water	NFS
387/8	U5	Ms Louise Maxwell Barton	NFS
756/10	U5	House Builders Federation	NFS
751/1	U5	Ms Claerwyn Lock, The Environment Agency	NFS
751/3	U	Ms Claerwyn Lock, The Environment Agency	NFS
727/40	U5	Ms Fiona Fraser Boulton The Countryside Agency	W/R
873/18	U5	Mr/s M Walker Jennifer Owen Associates	W/R
383	U5	Hythe Town Council Mrs J McCormick	W/R
531	U5	Mr D Addy John Bishop & Associates	INQUIRY
873/19	U6	Mr/s M Walker Jennifer Owen Associates	W/R

Issues

Does Policy U5 and its reasoned justification adequately reflect advice in PPG25.

Whether the policy should specifically mention PPG25, and should it refer only to areas of high flood risk.

Are the areas liable to flood shown accurately on the Proposals Map, and is their inclusion unreasonable in regard to potential blight to existing residential areas.

Inspector's Reasoning and Conclusions

9.1.18 Policy U5 and its reasoned justification have been extensively amended in the RDD to reflect advice in PPG25, including reference to the risk-based sequential approach and the relationship between flood risk, standard of defence and additional safety measures. PPG25 does not say that no development should take place in areas of flood risk. Instead it says that, in

developed areas, areas of high flood risk (class 3a of Table 1 to PPG25) may be suitable for residential and other development provided that a flood risk assessment is carried out and the appropriate minimum standard of flood defence, including suitable safety measures, exist or can be provided, and maintained. The circumstances of the individual site, as expressed in the flood risk assessment, will help to determine what is appropriate.

9.1.19 Paragraph 9.20 of the RDD points out that a flood risk assessment will usually be required for development in areas of flood risk, or where there is likely to be a significant increase in surface water runoff. Full flood risk assessments will not be required to accompany all planing applications. Paragraph 58 of PPG25 confirms that householder applications for minor alterations or extensions are unlikely to raise significant flood issues, except in particular circumstances noted in the guidance.

9.1.20 Policy U5 does not differentiate between areas of low to medium risk of flooding (class 2 in Table 1 of PPG25) and areas of high risk (classes 3a-3c). However, even for low to medium risk areas the guidance refers to the need for appropriate flood risk assessment, defence and safety procedures. It is only in areas of little or no risk (class 1) that such measures will be unnecessary. The policy wording therefore, rightly, covers both classes 2 and 3, and reference only to areas of high risk would be incorrect.

9.1.21 I do not consider that PPG25 needs to be mentioned specifically in the policy wording. It is referred to extensively in the reasoned justification. Paragraph 9.21 of the RDD now refers to consultation with the Environment Agency on applications for development in areas of flood risk.

9.1.22 The areas at risk from flooding shown on the Proposals Map are those identified by the Environment Agency, who are the national authority in that field. The Environment Agency plans, on which the information on the Proposals Map is based, are only indicative. They show where risk exists and therefore where the Agency should be consulted on development proposals. A flood risk assessment may be required for many proposed developments, which would take into account the particular circumstances of the site and give a more accurate view of flood risk at that location. The designation of flood risk areas on the Proposals Map may have some effect on property values, but that is not a matter for the Local Plan. Such information is, in any event, publicly available from the Environment Agency.

RECOMMENDATION

9.1.23 No modification to Policies U5 or U6.

POLICY U7 - SUSTAINABLE URBAN DRAINAGE

Objections

751/7	U7*	Ms Claerwyn Lock, The Environment Agency	NFS
756	U7*	House Builders Federation	Cond WD
739/8	U7	Mr Chris Kneale Southern Water	NFS

Issues

Are SUD systems the best way of dealing with surface water drainage in new developments.

Should the policy require that arrangements for the maintenance of SUD systems are secured.

Inspector's Reasoning and Conclusions

9.1.24 *I am satisfied that the RDD meets these objections.

9.1.25 Southern Water are concerned that SUD systems may not be appropriate for all situations, and that it is difficult for local authorities to assess SUD proposals in the absence of national design standards. Some systems have failed through the lack of adequate arrangements for ongoing maintenance. However, Policy U7 retains flexibility as it allows alternative methods to be agreed. The policy now ensures that schemes for the future maintenance of systems will be included in development proposals.

RECOMMENDATION

9.1.26 No modification to Policy U7.

POLICY U8 - WATER SUPPLY

Objection

569/5	U8*	Mr Neil Hilkene Kent County Council	NFS
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Issue

Should "river flows" be amended to "water flows".

Inspector's Reasoning and Conclusions

9.1.27 *I am satisfied that the RDD meets this objection.

RECOMMENDATION

9.1.28 No modification to Policy U8.

POLICY U9 - CONSERVATION OF WATER SOURCES

Objections

751/51	U9	Ms Claerwyn Lock, The Environment Agency	NFS
729/25	U9*	Mr Ralph Dickens Government Office for the South East	NFS

Further Proposed Change: PC7

Issue

Whether "encouraged" or "permitted" in the second sentence of the policy strike the right note.

Inspector's Reasoning and Conclusions

9.1.29 The principal role of the Local Plan is to give clear guidance to applicants for planning permission as to the circumstances in which permission will be granted. Words such as "encouraged" are too vague, and the substitution of "permitted" in the RDD is not quite correct

as it is the planning applications themselves that are permitted or refused. I consider that "sought" in Further Proposed Change PC7 is appropriately firm and clear.

9.1.30 *I am satisfied that PC7 meets this objection.

RECOMMENDATION

9.1.31 Modify Policy U9 in accordance with PC7.

PARAGRAPHS 9.28-9.30 – WASTE DISPOSAL AND RECYCLING

Objection

569/6	9.28-9.30	Mr Neil Hilkene Kent County Council	NFS
569/15	9.34	Mr Neil Hilkene Kent County Council	NFS

Issue

Whether the paragraphs are out of date, and whether reference should be made to the proposed SWERF near Canterbury.

Inspector's Reasoning and Conclusions

9.1.32 Paragraphs 9.28-9.30 of the DD are now paragraphs 9.32-9.34 in the RDD.

9.1.33 Amended and additional wording in the RDD would meet KCC's first DD objection. However new paragraph 9.34 of the RDD goes a little too far. Sustainable treatment of waste or recyclable materials may sometimes require solutions that involve co-operation between neighbouring Authorities. However, reference to a specific proposal for a recycling centre outside Shepway, which had not received planning permission at the time of the objection, should be deleted as premature and because it is not a matter within the District's control. I recommend accordingly. A principal role of the Local Plan is to provide guidance to applicants for planning permission for uses of land for waste management and recycling, and Policy U10 properly focuses on this matter. Applicants seeking further details of how the Authority propose to implement national and county-wide targets for waste should be directed to the Council's waste strategy, outside the Local Plan, which is referred to in paragraph 9.34.

RECOMMENDATION

9.1.34 Modify paragraph 9.34 by deleting sentences 4-6, from "One main proposal..." to "...waste from landfill."

POLICY U10 - RECYCLING FACILITIES

Objections

843/6	U10	Local Agenda 21 Shepway Community Forum	INQUIRY
771/6	U10	Greensword David Plumstead	INQUIRY

729/22 U10* Mr Ralph Dickens Government Office for the South East NFS

Issue

Does the policy reflect the Council's sustainability aims for the District.

Inspector's Reasoning and Conclusions

9.1.35 *I am satisfied that the RDD meets this objection.

9.1.36 Objectors propose that land be found in or near each settlement for rural and other community recycling schemes. These would deal with community-based doorstep collections of source-separated household and commercial waste, including waste for composting. It is up to any community group interested in such a scheme to identify a suitable site for a recycling centre and propose it to the Council either as a Local Plan allocation or to submit the scheme as a planning application. Policy U10 states that in appropriate locations planning permission will be given. This is one of the most concise and positive policies in the Plan. Paragraphs 9.32-9.34 of the Plan strongly support recycling and Policy SD1(g) also encourages the re-use and recycling of materials, as does the Kent Waste Local Plan. However, the Council cannot designate land in the Local Plan for sites for private recycling centres unless there is some firm proposal in each case and an indication that the scheme would be implemented within the Plan period.

9.1.37 The purpose of the Local Plan is to contain policies for the use of land. It cannot deal with operational systems of the Council, such as refuse collection, apart from aspects of those activities that have a direct land-use implication such as the siting of a composting or recycling centre. The promotion and funding of recycling and methods of collection, including encouraging community initiatives, are matters for the District's waste and recycling strategies.

9.1.38 I consider it reasonable, in view of the Council's strong commitment to sustainability and recycling, to include in development proposals consideration of the need to store recyclable and other waste materials. There may be implications for the size of proposed bin stores, particularly in developments for flats. I therefore recommend additional wording to Policy U10.

RECOMMENDATION

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

POLICY U10A - CONTAMINATED LAND

Objection

751/52 U10A Ms Claerwyn Lock, The Environment Agency NFS

Further Proposed Change: PC8

Issue

Whether the policy should also refer to "land that has been used for the purpose of waste disposal" in the first sentence.

Inspector's Reasoning and Conclusions

9.1.40 Further Proposed Change PC8 meets this objection.

RECOMMENDATION

9.1.41 Modify Policy U10a in accordance with PC8.

POLICY U11 - TELECOMMUNICATIONS

Objections

475/1	U11	Mr E Roberts	W/R
733/1	U11	Orange Personal Communication Svce Adams Holmes Ass'ciates	NFS

Issues

Should the policy be strengthened in relation to satellite dishes on residential buildings.

Whether Policies U11 and U12 should be combined.

Is the reference to residential amenity unreasonable.

Inspector's Reasoning and Conclusions

9.1.42 I consider that Mr Roberts' concerns are addressed in my reasoning on Policy BE5 and related BE policies. The Plan should be read as a whole, and there is no need to include cross-reference to other policies.

9.1.43 The inclusion of "and other telecommunications development" in Policy 11 means that Policies U11 and U12 overlap, which gives rise to ambiguity and unnecessary duplication. I do not agree that the policies should be merged into one, as the issues concerning domestic satellite dishes and of non-domestic telecommunications development can be different. In my view it would be better if the policy regarding satellite dishes stood alone, as does Policy U8 of the currently adopted Plan. However, Policy U11 should also cover other domestic telecommunications development, such as amateur radio aerials, as this is excluded from policy U12 by the last sentence of paragraph 9.42. I recommend therefore that "domestic" be inserted into the first sentence of Policy U11.

9.1.44 The reference to persons who would not benefit from the installation has been rightly deleted from criterion (c) in the RDD. However the effect of satellite dishes on the amenities of local residents is a material consideration and I do not agree to the deletion of the whole criterion.

9.1.45 PPG8, Telecommunications (2001), was published since the first Deposit of the Plan. It advises at paragraph 40(ii) that Local Plans should include policies which give details of the circumstances in which the local authority might intervene to seek the relocation of an antenna installed under permitted development rights, in order to minimise the effect on the external appearance of a building. This topic is the subject of objection under various Built Environment policies. I recommend that those circumstances be set out Policy U11, supported by reasoned justification as necessary.

9.1.46 There are a number of editorial amendments to which I would like to draw the Authority's attention. The last sentence of paragraph 9.39 is rather confusing, as Policy U11 no

longer follows it. Page 12 of Better Local Plans advises that it is better to refer to planning applications in the singular, to avoid the implication that the policy only applies to multiple applications, or applications for multiple items. There is a minor typing error in the third criterion of the policy. I recommend accordingly on those points.

9.1.47 I invite the Council to consider redrafting the policy so that it gives clearer guidance to applicants as to the circumstances under which planning permission will, or will not, be granted. The phrase "regard will be given" is vague and gives rise to uncertainty. A better approach is that of Policy U12, which states firmly that planning permission will be granted if certain criteria are met.

RECOMMENDATIONS

9.1.48 *Modify paragraph 9.39 by deleting "the following policy" in the last sentence and replacing with "Policy U11". End the sentence with a full stop.*

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

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

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

9.1.52 *As an alternative to the recommendation concerning the first sentence of Policy U11, I invite the Council to consider redrafting the policy so that it gives firm guidance to an applicant as to the circumstances under which planning permission would be granted. The first sentence could read "Planning permission will be granted for the installation of a satellite dish or other domestic telecommunications development where the following criteria are met:". The criteria should then be reworded to fit with this approach.*

POLICY U12 - TELECOMMUNICATIONS

Objections

164/1	U12	Messrs Crown Castle UK Ltd	nfs
384/1	U12	Vodafone Ltd Tony Thorpe Associates	nfs
566/5	U12	BT Plc RPS Chapman Warren	NFS
733/2	U12	Orange Personal Communication Svce Adams Holmes Ass'ciates	NFS
841	U12	T-Mobile (UK) Ltd Norman Gillan	NFS

Further Proposed Change: PC10

Issues

Is the policy too negative, vague, over-prescriptive or inflexible, and does it repeat unnecessarily other provisions of the Plan.

Does the policy and reasoned justification reflect advice in PPG8.

Should the cost of alternative proposals be considered.

Is there undue emphasis on the public's concerns about safety.

Should there be a specific link between the aims of and telecommunications policy in relation to reducing the need to travel.

Is the reference to the possibility of a mast at the Eurotunnel correct.

Should all telecommunications development be given weight as being a public service.

Whether sites for major telecommunications development should be allocated.

Inspector's Reasoning and Conclusions

9.1.53 The government makes clear in PPG8 that it aims to facilitate the growth of new and existing telecommunications systems while keeping their environmental impact to a minimum. Policy U12 reflects this aim in that it is a criteria-based policy, expressed positively.

9.1.54 Cost is not a planning matter and should be deleted from the first sentence of criterion (a). I consider that Proposed Further Change PC10, which adds "where appropriate" before "alternative sites" in the second sentence of criterion (a), is reasonable.

9.1.55 I agree that in criterion (b) the word "acceptable" is imprecise. I consider that the wording recommended below would be more helpful to applicants and would more closely reflect advice in paragraph 40 of PPG8, Telecommunications (2001). In the light of that advice, a sentence should be added to the reasoned justification in paragraph 9.42 of the Plan that technical and operational requirements will be taken into account in assessing proposals for development.

9.1.56 Paragraph 94 of PPG8 states that it is not for the Local Planning Authority to seek to replicate through the planning system controls under the health and safety regime. Paragraph 98 adds that in the government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority, in processing an application for planning permission or prior approval, to consider the matter further. Public concern about health matters may be widely felt and can be a material consideration in determining applications for planning permission, but it is for the decision maker to decide what weight to attach to such concerns in each case. The amenity of residents is protected under Policy SD1(k). The Council consider that the retention of the criterion would be a way of securing the submission of statements of compliance with ICNIRP regulations. However, such statements are submitted in any event in response to the Code of Best Practice and I therefore recommend below that criterion (b)(iii) is deleted.

9.1.57 I do not consider it necessary, for the same reason, that a new criterion should be added requiring the submission of such a statement. PPG8 contains full advice on supporting evidence and Policy U12 would be over-detailed and cumbersome if all were to be incorporated.

9.1.58 Amended paragraph 9.42 of the RDD acknowledges that a mast on the Eurotunnel would meet only local needs, and the objection is met in that regard. Arrangements for financing such a development are not a matter for the Local Plan. Sustainable development is a key aim of the Plan as a whole, and of the transport policies of Chapter 11. I recognise that telecommunications, including the Internet, can contribute to the achievement of that aim by reducing the need to travel. I do not consider however that an objective explicitly linking those aims would be of significant assistance in submitting or assessing applications for telecommunications development.

9.1.59 I do not consider that the telecommunications development of commercial companies is provided as a public service, in the same way as is that of the Fire or Ambulance service for example. I do not find that it would be helpful for the reasoned justification to refer to such matters. I consider that the allocation of sites where major telecommunications development could take place would be too inflexible in a period of rapid change, and is a matter best dealt with at the planning application stage. Criterion (a) of the policy already emphasises the need for mast-sharing, which could include major installations.

9.1.60 If modified as recommended, I do not consider that the policy would be over-prescriptive or that it would repeat unduly other provisions of the Plan. Other wording suggested would not offer substantial advantages.

RECOMMENDATIONS

9.1.61 Modify Policy U12 in accordance with PC10.

9.1.62 Modify Policy U12 by:

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

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

deleting criterion (b)(iii).

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

POLICY U13 - OVERHEAD CABLES

Objections

584/2	U13	Ms C Lowe The National Grid Company Plc Malcolm Judd & Partners	W/R
584/3	U13	Ms C Lowe The National Grid Company Plc Malcolm Judd & Partners	W/R

Issues

Should the second sentence of paragraph 9.29 refer to "local distribution".

Inspector's Reasoning and Conclusions

9.1.64 Following negotiation a number of amendments were agreed at the pre-Inquiry stage, which was helpful in saving Inquiry time. I consider that the amended wording of the first sentence of the policy would provide an appropriately flexible approach. Nationally designated nature conservation sites merit special consideration and it is right that the policy reflects that. The additional criterion concerning housing areas is justified on the grounds of the potential visual impact on residents. Agreed amendments to the final paragraph of the policy provide a more realistic approach to the placing underground of high voltage lines. I recommend accordingly on these points.

9.1.65 Criterion (5), concerning the effect on sites used for formal or informal recreation, remains in dispute. The Council have agreed to shorten the criterion so that it refers only to "areas used for formal recreation, parks and public open space" but the objectors would like the criterion to apply only to formal recreation areas. I look to the main aim of the policy, which is to prevent the proliferation of visually intrusive power lines, such as the existing extensive network on Romney Marsh, over the rest of the District particularly in environmentally sensitive areas. I share the view of the Inspector in the City of Durham Local Plan Inquiry that the inclusion of recreation-based sites is justified in a list of areas where particular regard should be had to the effects of overhead lines, coupled with a requirement for mitigation, rather than in a list of areas which such lines should avoid if possible. I note the aim of Chapter 7 of the Plan to give long-term protection to existing leisure and recreation facilities, and I consider that the visual quality of parks and public open space is as or, sometimes, more important than that of formal recreation areas. However to my mind it is the sensitive areas listed in criteria (1) to (4) that deserve particular protection in the policy. I therefore recommend below a criterion relating to recreation areas that would reflect that approach.

9.1.66 The amended wording to paragraph 9.25 (now paragraph 9.29 of the RDD) has been incorporated into the RDD and that part of the objection is satisfied. To avoid confusion "high voltage" in the second sentence of the paragraph should be replaced by "local distribution".

RECOMMENDATIONS

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

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

Areas of Outstanding Natural Beauty and Special Landscape Areas;

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

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

Areas close to existing or allocated residential development.

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

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

9.1.68 Modify paragraph 9.29 by deleting "high voltage" in the second sentence and replacing by "local distribution".

POLICY U14 - RENEWABLE ENERGY

Objections

569/4	U14	Mr Neil Hilkene Kent County Council	NFS
752/6	U14	Mr Gavin Bloomfield RSPB	W/R
727/46	U14*	Ms Fiona Fraser Boulton The Countryside Agency	NFS

Issues

Does the policy imply a presumption in favour of windfarm development at Dungeness and Romney Marsh.

Should the policy give stronger support to environmental issues, the sequential approach to development and the encouragement of community based schemes.

Inspector's Reasoning and Conclusions

9.1.69 Dungeness and Romney Marsh is a flat, windy area of relatively low population density to which paragraph 9.48 directs the attention of applicants for windfarm technology development. However, I do not consider that this amounts to a presumption in favour of such development. The paragraph emphasises the importance of the area for nature conservation and this is reflected in the wording of Policy U14. There is further support from Policies CO8-CO11, and Policy CO14.

9.1.70 *I am satisfied that amended criterion (2) in the RDD meets the relevant part of this objection. The Plan should be read as a whole. Proposals for renewable energy development would be subject to Policy SD1, criterion (e) of which sets out a sequential approach. The role of the Local Plan is to set out policies for the use of land. The promotion of initiatives such as community regeneration or diversification programmes is best addressed under other Council strategies.

RECOMMENDATION

9.1.71 No modification to Policy U14.

POLICY U16 – NOISE POLLUTION

Objection

758 Mr(s) RW Hobson, Newington Parish Council nfs

Issue

Should there be a policy concerning noise pollution.

Inspector's Reasoning and Conclusions

9.1.72 *I am satisfied that the RDD meets this objection.

RECOMMENDATION

9.1.73 No modification to the Plan.

10. SOCIAL AND COMMUNITY FACILITIES

POLICY SC - GENERAL

Objections

261/1	SC	South Kent Community Church Mr Vincent Oliver, Executive Chairman	NFS
725/1	SC	H M S Prison Service Paul Dickinson & Associates	W/R

Issues

Whether the Plan should refer specifically to places of worship.

Whether there is a need for a specific policy or allocation for a new prison.

Inspector's Reasoning and Conclusions

10.1.1 Policy SC2 is phrased in a positive and permissive way. The provision of new or improved facilities, which could be by a change of use as suggested by the objector, would be permitted subject to criteria. It is clear from paragraph 10.5 and Appendix 10 that social and community facilities would include places of worship. I do not find therefore that there is a need for additional wording in the reasoned justification, or to refer specifically to places of worship in relevant policies of Chapter 10.

10.1.2 I recognise the national importance of prison development, expressed in Circular 3/98 and the related Ministerial Statement, and the current difficulties caused by overcrowding and outdated facilities. I acknowledge also that prison development can generate jobs and make a positive contribution to the local economy. The Circular identifies London as among the areas where new provision is most needed, and HM Prison Service include Shepway as within a broad area of search for sites to satisfy that need. However, the Service put forward no specific site nor do they produce evidence that provision in Shepway, rather than locations closer to Greater London, would best serve the needs of prisoners and their visiting families. In the context of such a wide area of search the locations of new prisons should ideally be determined at strategic level, through the Structure Plan process. In the absence of that strategic framework, or of a specific site, new prison development would fall to be considered under Policy SC2 of the Plan, among others. The site required, of 8-16 hectares, would be substantial and the District is subject to many environmental and other constraints. However, Policy SC2 is written in a permissive manner and the Plan would provide an adequate policy framework for the consideration of an application. I do not find therefore that the need for certainty and speed in bringing forward prison proposals, emphasised in Circular 3/98, would be ill-served by the Plan, nor that an additional specific policy or allocation is required.

RECOMMENDATION

10.1.3 No modification to the Plan.

POLICY SC1 AND PARAGRAPHS 10.4 AND 10.5 - DEVELOPMENT CONTRIBUTIONS

Objections

748/10	10.4*	Kent County Council Tony Blackman	Cond WD
748/9	10.5*	Kent County Council Peter Cooper	Cond WD
748/7	10.7*	Kent County Council Tony Blackman, Peter Cooper	nfr
754/3	SC1	Mr A Ingleston	nfs
772/44	SC1	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
871/12	SC1	Mr Mike Simmonds Michael Simmonds Associates	NFS
412/41	SC1,10.4	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
757/3	SC1, 10.5*	NHS Executive SE Region, Mr Stephen Harness	Cond WD

Issues

Do developer contributions represent merely a tax on housing leading to higher house prices.

Is the basis on which contributions may be sought sufficiently clear.

Is enough account taken of abnormal development costs for previously-developed sites.

Inspector's Reasoning and Conclusions

10.1.4 * I am satisfied that the RDD meets these objections.

10.1.5 The principle of seeking contributions from developers towards the provision of social facilities and infrastructure by means of planning obligations is a well-established feature of government policy. Circular 1/97 points out that such obligations may enhance the quality of the environment and enable proposals to go ahead which might otherwise be refused. Any effect on house prices is a matter for the developers and their clients. Used effectively through Policy SC1, developer contributions may produce substantial public benefits.

10.1.6 New Appendix 10 of the RDD, and additional wording in paragraphs 10.6 and 10.7, clarify the basis on which developer contributions may be sought. The text sets out the Authority's approach to abnormal development costs or infrastructure requirements that might be generated by schemes on previously-developed land. I do not consider that a new policy or reasoned justification is necessary.

10.1.7 The Council recognise an oversight in omitting to add reference to Appendix 10 in the reasoned justification to Policy SC1. I recommend accordingly below.

RECOMMENDATION

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

POLICY SC3 - LOSS OF SOCIAL AND COMMUNITY FACILITIES

Objection

757/2	SC3	NHS SE Region, Mr Stephen Harness	W/R
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Issue

Would the policy prevent the change of use of surplus healthcare land.

Inspector's Reasoning and Conclusions

10.1.9 I recognise that the modernisation of the NHS may involve the disposal of surplus sites as well as the acquisition of new ones over the Plan period. However Policy SC3 would not unduly restrict the re-use of surplus healthcare sites, as it requires compliance with only one of the two criteria. The applicant should demonstrate either that the change of use would lead to the provision of equal or better facilities in the area, or that there is no need for the existing, or an alternative, social and community use. Paragraph 10.10 makes it clear that the Authority will consult with the service provider in regard to the assessment of need and other matters.

RECOMMENDATION

10.1.10 No modification to Policy SC3.

POLICY SC4 AND PARAGRAPHS 10.11-10.13 - EDUCATION AND HAWKINGE SECONDARY SCHOOL

Objections

750/1	10.11*	Kent County Council Tony Blackman	Cond WD
749/5	10.13, SC4	Kent County Council Tony Blackman	NFS
851/1	SC4	Hawkinge Activity & Adventure Centre Mike Simmonds	INQUIRY
39/9	SC4	Mr Roger Joyce Roger Joyce Associates	NFS

Further Proposed Change: PC11

Issues

Whether the allocation under Policy SC4 is the best way of helping to achieve education provision in the District.

Inspector's Reasoning and Conclusions

10.1.11 *I am satisfied that the RDD meets this objection.

10.1.12 Kent County Council have reservations about the allocation of the former Officers' Mess as a site for a secondary school. The County Council have carried out no systematic site search in the area, the site is off-centre in relation to the rest of Hawkinge and is too small for a 6 form entry school, with no certainty that additional land nearby would become available. There may be problems of soil contamination, although in view of the former use of the site as an Officers' Mess, any contamination is unlikely to be so serious as to prevent development. The Education Authority prefer an alternative site between Aerodrome Road and the proposed northern bypass, adjacent to the Cemetery. However, it is merely a suggestion by the County at this stage, and is not the result of a systematic search and evaluation of sites to serve the secondary education needs of this part of East Kent. This peripheral land is unallocated in the Proposals Map and is outside the settlement boundary. I do not find that there is sufficient evidence of need or of the systematic appraisal of a number of sites to justify making an

allocation in the Plan now for education use in that area, west of the bypass.

10.1.13 It is likely that the objection site, of 3.2ha approximately, would be enough to accommodate the main bulk of the buildings and incidental open space of a new County Secondary School. About 3ha of additional land would have to be found for playing fields. I consider that this figure, from the County Council, is more likely to be typical of what would be required than the much larger site suggested by the objector, which is not reflected in secondary school sites elsewhere in the District. I have been given no reason to believe that there would be insuperable site assembly problems in the area. Another school has expressed an interest in the Officers' Mess site, if the County Council does not require it. The size, site requirements, characteristics and catchment area of that school would be significantly different from that of a County Secondary School.

10.1.14 Overall, I find that the possibility of educational use of the land, by the County Council or others, is sufficiently strong to justify the retention of the allocation in the Plan, at least as a holding position. If, within the Plan period, it is found that the land is no longer required for school use then the situation may be reassessed and an Alteration to the Plan undertaken, or a change incorporated in a future version of the development plan.

10.1.15 I comment on other suggested uses for this site under Policy HO2 – Omission Sites.

10.1.16 The Key to Sheet 1 of the Proposals Map clearly relates the notation on the former Officers' Mess site to Policy SC4. It is not necessary therefore to add "SC4" to the designation on the Proposals Map itself.

10.1.17 Further Proposed Change PC11 calls for clarification, in due course, of paragraph 10.12 in relation to the provision of funds for school improvements in Shepway, when further details are known. I do not consider that it is essential to include details of the financing of such improvements in the Plan, unless they have a direct land use implication. I do not consider it necessary therefore to carry out PC11.

RECOMMENDATIONS

10.1.18 No modification to Policy SC4 or to paragraphs 10.11 or 10.13.

10.1.19 No modification to paragraph 10.12 in regard to PC11.

PARAGRAPH 10.15 - LIBRARIES

Objection

749/4 10.15* Kent County Council Peter Cooper

Cond WD

Issue

Does paragraph 10.15 accurately reflect the current situation in regard to Grace Hill Library, Folkestone.

Inspector's Reasoning and Conclusions

10.1.20 *I am satisfied that the RDD meets this objection.

RECOMMENDATION

10.1.21 No modification to paragraph 10.15.

PARAGRAPHS 10.21-10.23 - SOCIAL SERVICES

Objection

758/6	10.21-10.23	Mr(s) R W Hobson, Clerk Newington Parish Council	NFS
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Issue

Does the Plan make sufficient provision for home support services.

Inspector's Reasoning and Conclusions

10.1.22 The purpose of the Local Plan is to contain policies for the development and use of land. Services which take place in people's homes would not therefore be reflected in a particular land-use allocation, unless related site-specific proposals were envisaged such as for a new day-care centre. Strategies and policies for home care are developed by Kent County Council with the NHS and other agencies, rather than in the Local Plan.

RECOMMENDATION

10.1.23 No modification to paragraphs 10.21-10.23.

PARAGRAPH 10.24 - COMMUNITY HALLS

Objections

565/3	10.24*	Kent Rural Community Council	nfs
773/3	10.24	Mr Andrew Hay KCC Youth Worker	nfs
775/1	10.24	Ms Ruby Fox	nfs

Issue

Does the Plan deal adequately with the need to provide Youth facilities in Folkestone.

Inspector's Reasoning and Conclusions

10.1.24 *I am satisfied that the RDD meets this objection.

10.1.25 The Local Plan sets out policies and identifies sites for different land uses. However without a firm proposal for a site, for example for a new Youth Centre in the Shorncliff area or in East Folkestone as proposed by objectors, it would be difficult to allocate land in the Local Plan. As no specific site is allocated, proposals for such development would be considered at the planning application stage under Policy SC2, under which the Authority would grant planning permission for new or improved facilities that meet the policy criteria. The provision of new youth facilities would not therefore depend on the allocation of a specific site in the Plan. Policy LR9 protects the recreation use of the Shepway Close site and any proposals for housing development on that land would have to be judged against that policy.

RECOMMENDATION

10.1.26 No modification to paragraph 10.24.

POLICY SC7 - SEAPOINT CENTRE, SEABROOK

Objection

749/2	SC7	Kent County Council Peter Cooper	NFS
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Issue

Is the protection offered by the policy justified.

Inspector's Reasoning and Conclusions

10.1.27 This former Magistrates Court and Police Station building has housed a number of social and community uses over the years. I understand that the Canoe Centre, which occupies part of the property, is well used and draws participants from the wider area as well as from the local community. The Centre has the benefit of a unique location in the District, with close access both to the sea and to the Royal Military Canal, important for less experienced canoeists. A Youth Club no longer occupies the premises, and I note that there is a Youth Centre in Hythe some two miles away. However Seabrook itself is served only by a mobile youth work unit that operates during the summer. Social and community facilities such as the Seapoint Centre are difficult to replace and once gone are likely to be lost to the community forever. There are currently no firm proposals to supply another site for such uses. In the absence of a robust assessment of need and provision in the area, I consider that the protection offered by Policy SC7 is justified to limit the erosion of the social and community infrastructure of the District.

RECOMMENDATION

10.1.28 No modification to Policy SC7.

PARAGRAPH 10.33 - CEMETERIES

Objections

730/13	10.33	Mrs M Weaver Lydd Town Council	nfs
755/3	10.33	Councillor B Walsh	NFS

Issue

Whether the Plan should include further consideration of the need for cemetery provision in Romney Marsh.

Inspector's Reasoning and Conclusions

10.1.29 There is sufficient cemetery provision over the District as a whole but the RDD recognises the relative lack of provision in Romney Marsh, and that it is important to have burial grounds well related to local populations. There is planning permission for a new cemetery in

New Romney, and paragraph 10.33 confirms that the Council will support appropriate proposals that enhance existing provision. I do not consider that additional policy or further change to the Plan is needed.

RECOMMENDATION

10.1.30 No modification to paragraph 10.33.

11. TRANSPORT

PARAGRAPH 11.2 AND 11.3 - AIMS AND OBJECTIVES

Objections

772/27	11.2	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
772/28	11.3	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issue

Do the aims fully reflect the need to encourage sustainable patterns of travel.

Inspector's Reasoning and Conclusions

11.1.1 Aim (5) of paragraph 11.2 conflicts with aim (1) and with the overriding aim of the Plan to encourage sustainable patterns of development. Sometimes conflict between aims is unavoidable and different policies of the Plan will pull in different directions, necessitating a balancing exercise when applications for planning permission are assessed. However in this case the promotion, in effect, of travel by private car runs too far from government advice and the main theme of the Plan. The second part of the sentence contains a valid point that, particularly in the more remote rural areas poorly served by public transport, there may be few practical alternatives to the private car. However that should be a comment in the reasoned justification rather than an aim of policy. I consider that the point is already covered in paragraph 11.4 and I recommend accordingly below.

11.1.2 Objective (3) of paragraph 11.3 relates car parking provision to the aims of sustainability. This is the approach advised strongly in paragraphs 49-51 of PPG13, Transport and is justified in the Plan, in my view. The Council recognise in paragraph 11.4 that in some rural areas the car is the only realistic choice for travelling to work, shops or school. However, paragraph 49 of PPG13 points out that the availability of car parking has a major influence on the means of travel that people choose, and that the control of parking should be an essential part of a package of measures to promote sustainable travel choices. No further amendment is required.

RECOMMENDATION

11.1.3 Modify paragraph 11.2 by deleting aim (5). No modification to paragraph 11.3.

PARAGRAPH 11.8 - TRANSPORT STRATEGY

Objection

82/1 11.8 Dr Richard Scarth NFS

Issue

Whether the Plan should include provision for traffic calming, and for the enforcement of traffic restrictions.

Inspector's Reasoning and Conclusions

11.1.4 Improving safety on the roads for all, including pedestrians, is a key principle of the County's Transport Strategy. The Plan makes no specific proposals for traffic calming but those, and similar, road safety initiatives would be supported under Policy TR1. The proposal and implementation of individual schemes under that policy would be carried out under other strategies of the Council and would not be a matter for the Local Plan. Similarly, the number of police officers on the beat, and the enforcement of speed restrictions is a matter for the Police and not the Local Plan.

RECOMMENDATION

11.1.5 No modification to paragraph 11.8.

POLICY TR1 - TRAFFIC MANAGEMENT

Objections

589/1 TR1 Mr David Marlow Rother District Council NFS
729 TR1 Mr R Dickens, Government Office for the South East

Further Proposed Change: PC12

Issue

Whether highway safety on the A259 is adequately addressed.

Inspector's Reasoning and Conclusions

11.1.6 There are no major road schemes currently identified in the County Council or national programmes. However, paragraph 11.23 of the RDD now addresses the need for traffic safety improvements on the A259, and I consider that the objection is met.

11.1.7 Further Proposed Change PC12 clarifies the policy by replacing "support" by "permit", and by removing unnecessary reference to the highway authority.

RECOMMENDATION

11.1.8 Modify the Plan in accordance with PC12.

PARAGRAPH 11.10 - PUBLIC TRANSPORT

Objections

730/11	11.10	Mrs M Weaver Lydd Town Council	nfs
758/3	11.10	Mr(s) R W Hobson, Clerk Newington Parish Council	NFS

Issue

Whether the paragraph requires strengthening in relation to the integration of public transport and the improvement of facilities at bus and rail stations.

Inspector's Reasoning and Conclusions

11.1.9 Improved interchange facilities can help to encourage travellers to use public transport for part of their journey and enable flexible, convenient transfer between services. The provision of an integrated transport network is one of the key aims of Chapter 11. The comfort and safety of passengers is addressed in point (1) of paragraph 11.10 but not, in my view, the opportunities to integrate different public transport services such as bus and rail, or to integrate public transport with walking or cycling. The importance of this is emphasised in paragraphs 72-74 of PPG13. I recognise that the Council has no direct control over the routes or timetables of bus or rail companies, and that much transport-related development does not need planning permission. Paragraph 11.11 states that the Council will liaise with bus and rail operators to support improvements to services. This could include ensuring that buses stop at rail stations, and that the timing of services helps to improve access by public transport to hospitals, shops or evening entertainment. Nevertheless, I consider that the matter is so fundamental to the concept of sustainable travel that additional wording should be added to paragraph 11.10.

RECOMMENDATION

11.1.10 Modify paragraph 11.10 by adding a new point (1) "Identifying the potential for improved integration between different public transport services, and between public transport, walking and cycling." Re-number the following points accordingly.

POLICY TR2 - BUSES

Objection

772/29	TR2	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
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Issue

Whether 100 dwellings is too low a threshold for seeking the provision of bus services in development sites.

Inspector's Reasoning and Conclusions

11.1.11 100 dwellings or an area of 5 hectares is a development of considerable size. There are

few housing allocations in the RDD that are of 100 dwellings or more. In my view an increase of the threshold to 200 dwellings or 10 hectares would severely limit the opportunity to integrate new public transport services into housing developments through Local Plan policy. It would not be in line with the main aim of this part of the Plan, which is to seek the development of a sustainable transport system.

RECOMMENDATION

11.1.12 No modification to Policy TR2.

POLICY TR3 AND PARAGRAPH 11.12 - LYDD STATION

Objections

262/2	11.12	Ms Noreen Banks Railtrack Property	NFS
590/3	TR3	BRB (Residuary) Ltd Evison & Company	NFS
262/5	TR3	Ms Noreen Banks Railtrack Property	NFS

Issue

Whether land should be safeguarded at Lydd Railway station to secure the possibility of its future use for passenger traffic.

Inspector's Reasoning and Conclusions

11.1.13 Policy TR3 seeks to safeguard the possibility of the reuse of Lydd station. I have no evidence that such reuse would affect the rail freight service to Dungeness. The Council confirm that any proposals for reopening the line would be subject to consultation with all interested bodies. No further amendment is required.

11.1.14 The objection of BRB (Residuary) is mainly to the use of that part of the station yard that might not be required for rail development. I deal with the objection under the headings of Policies HO2 and E1.

11.1.15 The government is committed to encouraging the movement of goods by rail, where feasible, in order to reduce the volume of road freight, as expressed in paragraphs 45-47 of PPG13. The presence of the Channel Tunnel Terminal and the port of Folkestone indicate that rail freight movements are of importance in the District. The Council state that no operators or others have come forward with proposals for rail freight development which could lead to the identification and allocation of sites in the Local Plan. I do not consider therefore that the allocation of sites would be sensible in the absence of evidence that they would be taken up within the Plan period. However, paragraph 11.12 of the Plan seeks to secure the protection of railway routes and facilities, and their re-use for transportation purposes where necessary. Policy T9 of the Kent Structure Plan would permit development proposals that encourage the transfer of freight traffic from road to rail. I consider therefore that there is sufficient policy and guidance for the Council to be able to defend robustly any proposals for inappropriate use of rail routes or sites, and to permit applications involving rail freight subject, of course, to other policies of the Plan. I do not consider therefore that additional policy concerning rail freight is necessary.

RECOMMENDATION

11.1.16 No modification to Policy TR3 or to paragraph 11.12.

POLICY TR4 AND PARAGRAPHS 11.13-11.16 - CHANNEL TUNNEL RAIL LINK

Objections

586/1	11.13-1.16	Mr(s) E J Allett Union Railways (South) Ltd	NFS
586/3	11.14	Mr(s) E J Allett Union Railways (South) Ltd	NFS
475/11	11.16	Mr E Roberts	nfs
599/2	11.16	Mr/s Philip Carter	nfs
772/30	TR4	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
590/2	TR4	BRB (Residary) Ltd Evison & Company	NFS
571/6	TR4	Go Folkestone	NFS
474/2	TR4	Mr Stephen Nash	NFS
475/4	TR4	Mr E Roberts	W/R

Further Proposed Change: PC14

Issue

Whether Policy TR4 provides adequate guidance on the provision of facilities and safeguarding of land for the needs arising from the construction of the Channel Tunnel Rail Link.

Inspector's Reasoning and Conclusions

11.1.17 The objections which propose a number of factual corrections to paragraphs 11.13 to 11.16 have been incorporated into the RDD, apart from a reference to Railtrack Group in paragraph 11.15. I am satisfied that the objections have been met in that regard. I consider that, in the interests of preparing a concise and focussed Plan, much of the text of that paragraph is unnecessary as it gives construction, ownership and operational details which are of little assistance in the interpretation of Policy TR4. Also, such details can soon become out of date, as illustrated by Further Proposed Change PC14 which amends a reference from Railtrack Group to Network Rail. However, the CTRL is an important feature in Shepway and the background information would be of general interest. I urge the Council to consider the omission of such background detail in future revisions of the Plan.

11.1.18 Further corrections to the CTRL Safeguarding area shown on the RDD Proposals Map and I recommend accordingly.

11.1.19 I do not support the objections that request the inclusion of details of rail franchise holders, that urge the reorganisation of railway operation in Kent and suggest various improvements to existing and proposed services. These are operational rather than land-use matters, which should not form part of Local Plan policy. Paragraph 11.11 confirms that the Council will liaise with rail operators to support the improvement of services within the District. This will be carried out under other corporate strategies of the Council.

11.1.20 Folkestone East and Folkestone West stations are within the built-up area of the town and are thus a more sustainable choice for rail development than Westernhanger station, which lies in countryside relatively remote from larger settlements. Nature conservation interests can be taken into account in any scheme for rail development at Folkestone West, under other

policies of the Plan. Both East and West stations would be required, the former for improvements to the passenger service and the latter for operational railway development. No change to the policy is necessary.

RECOMMENDATIONS

11.1.21 Modify paragraph 11.15 in accordance with PC14.

11.1.22 Modify the Proposals Map to reflect correctly the CTRL Safeguarding Directions.

POLICY TR5 AND PARAGRAPH 11.17 - CYCLING

Objections

10	11.17*	Mr R Burchett	nfs
772/31	TR5	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issue

Whether the Plan should include details of proposed cycle routes, and of the size of developer contributions.

Inspector's Reasoning and Conclusions

11.1.23 *I am satisfied that the RDD meets this objection by the inclusion of reference to consultation with local cycling groups.

11.1.24 The cycling strategy and cycle networks referred to in paragraph 11.17 have not yet been defined and will be the subject of consultation. Details cannot therefore be included in the Plan yet, although they could be set out in a future Review. Meanwhile the Council's proposed cycling strategy would be likely to be a more helpful form of presentation of such matters, and could include further guidance for developers on the type of facilities that might be provided. The amount of developer contribution would depend on the scale and circumstances of the proposed development.

RECOMMENDATION

11.1.25 No modification to Policy TR5 or to paragraph 11.17.

POLICY TR6 - WALKING

Objection

82/4	TR6	Dr Richard Scarth	NFS
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Issue

Whether the policy gives a high enough priority to the needs of pedestrians.

Inspector's Reasoning and Conclusions

11.1.26 The objection focuses on examples of conflicts between cyclists and pedestrians in Hythe. However the Plan aims to encourage cycling as well as walking, including by providing safe routes for cycling, away from other road traffic. I saw that Princes Parade and Marine Parade, Hythe, would be wide enough to accommodate cyclists and pedestrians without difficulty. I recognise that inconsiderate behaviour can sometimes be dangerous and difficult to enforce against. However, matters such as the designation of a route for pedestrians only, the number of police officers and the size of fines for cycling offences are not under the control of the District Planning Authority, nor are they matters for the Local Plan. I do not consider that strengthening of Policy TR6 is necessary.

RECOMMENDATION

11.1.27 No modification to Policy TR6.

POLICY TR7 – A260 HAWKINGE BY-PASS

Objection

484/11

TR7

Mr P Garber, Planning Director George Wimpey UK

INQUIRY

Issue

Whether it is appropriate to include the A260 by pass scheme as a proposal in the Plan.

Inspector's Reasoning and Conclusions

11.1.28 Hawkinge is a strategic location for housing and employment development, identified in Policy EK3 of the Kent Structure Plan and on the Key Diagram. I acknowledge that a Structure Plan adopted after PPG3 and PPG13 were published might have taken a slightly different approach. I also recognise that the proposed northern part of the by-pass is unlikely to receive central government funding, following the shift of policy away from that of building roads to cope with increased traffic. However, Hawkinge still represents the most sustainable location for development outside the urban areas of Folkestone and Hythe, and I consider that the completion of the planned strategic expansion is justified. I comment in greater detail on this topic, and on the objection as it relates to Lympne, under the heading of Policy HO2.

11.1.29 The proposed northern section of the by-pass will now depend on developer contributions for its completion, but I have no reason to suppose that this could not be implemented within the Plan period. It is therefore reasonable to protect the line of the by-pass on the Proposals Map and no modification is required.

RECOMMENDATION

11.1.30 No modification to Policy TR7.

POLICY TR8 AND PARAGRAPH 11.22 – FOLKESTONE HARBOUR ACCESS AND A259

Objections

772/32	11.22	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
25	11.22	Dr J D Burton	NFS
93/2	TR8	Mr Peter Leonard, Clerk Dymchurch Parish Council	nfs
93/3	TR8	Mr Peter Leonard, Clerk Dymchurch Parish Council	nfs
25/3	TR8	Dr J D Burton	NFS

Issue

Whether the policy and text adequately deals with the issues of safety and environmental improvements.

Inspector's Reasoning and Conclusions

11.1.31 The Council confirm that proposals to make Tram Road two-way, to improve access to Folkestone Harbour, can be carried out without loss of the railway line. Loss of the line would be a serious blow to the potential to provide sustainable means of transport to the area. The need to provide a free flow of traffic on Tram Road should be balanced with local parking needs, and would be assessed as part of a detailed scheme for the project. I do not consider that the inclusion of such detail in the Local Plan is necessary.

11.1.32 Policy TR8 is concerned with improving the environmental quality of the A259 corridor, including through landscaping and public art. Environmental improvements could include schemes for improving access for the disabled and wheelchair users to the beach and seawall from car parks and residential areas near to the A259. This would be supported under Policy BE1 and does not need to be written in to Policy TR8. The details of such environmental improvement schemes would be developed outside the Local Plan process, through initiatives such as the Landscaping and Public Art Master Plan.

11.1.33 The Council is also committed to improving safety on the roads for all users, which is expressed in Policy TR1 and paragraph 11.18. The Plan should be read as a whole and that aim does not need to be repeated in Policy TR8. Measures to improve safety would not necessarily involve the removal of existing characteristics such as S-bends, which act as natural traffic-calming features. The A259 is a busy road but harm from congestion must be weighed against the benefits of road safety. It is no longer government policy to deal with congestion by carrying out more road building, but rather to reduce the need to travel, particularly by the private car. It is thus highly unlikely in my view that by-passes for Dymchurch or New Romney would be built during the Plan period.

RECOMMENDATION

11.1.34 No modification to Policy TR8 or to paragraph 11.22.

POLICY TR9 - ROADSIDE SERVICES

Objection

727/64	TR9	Ms Fiona Fraser Boulton The Countryside Agency	NFS
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Issues

Whether the policy is strong enough in relation to the AONB.

Inspector's Reasoning and Conclusions

11.1.35 I consider that the policy follows the approach of paragraph 4.8 of PPG7 and Structure Plan Policy ENV3 in that, although the environmental effects of proposals in the AONB will be a major consideration, it is also appropriate to have regard to the economic and social well being of the area. The suggested alternative wording for the last paragraph of the policy is weaker in some respects than that of the RDD which, even in areas outside the AONB, requires the need to be significant, and one that cannot be satisfied elsewhere. Requirements for the minimisation and mitigation of the effects of development are found in criteria (b) and (c), and in criteria (k)(ii) and (k)(iii) of Policy SD1. The AONB is also protected by Policy CO3, which has been strengthened in the RDD. The Plan should be read as a whole, and there is no need to repeat matters that are dealt with by other policies, or to include cross-references to them. The sequential approach underlies the whole Plan, and would be secured under Policy SD1. In my view the suggested requirement that development be small in scale and within or on the edge of a settlement is unnecessarily restrictive. Overall I do not consider that the suggested wording offers overriding advantages.

RECOMMENDATION

11.1.36 No modification to Policy TR9.

PARAGRAPH 11.25 - OPERATION STACK

Objection

772/33 11.25 Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents NFS

Issue

Whether the paragraph deals adequately with the issue of finding an alternative to Operation Stack.

Inspector's Reasoning and Conclusions

11.1.37 Operation Stack is an emergency procedure, which does not directly affect land use or development. The Operation, or any replacement, should not therefore be a matter for the Local Plan unless there are some land-use implications, for example the allocation of a site for emergency parking for cross-channel lorry traffic. The matter would be pursued under other strategies of the Council. The Local Plan should include firm policies rather than statements of intent, and I consider that the District Planning Authority has gone as far as it can in paragraph 11.25.

RECOMMENDATION

11.1.38 No modification to paragraph 11.25.

POLICY TR10 - MOTORWAY SERVICES

Objections

727/51	TR10	Ms Fiona Fraser Boulton The Countryside Agency	W/R
731/2	TR10	Saltwood MSA Ltd TPC Ltd	nfs

Issues

Whether the policy should allow for additional uses if part of the allocated site is not needed for the MSA.

Inspector's Reasoning and Conclusions

11.1.39 The Motorway Service Area (MSA) allocated in the Plan is near to but outside the AONB. Policy TR10 has been amended in the RDD to limit development to within the designated area, and I consider that the objection is met in that regard. The Plan should be read as a whole and there is no need to provide cross-references to other policies, including to Policy CO3.

11.1.40 I find no overriding reason for allocating part of the site for Policy E2 employment use, if the whole of the designated land is not required for MRA development. Sufficient land is allocated elsewhere for employment uses and I have no evidence of a special need for such development at Junction 11. The site is in the countryside and close to the AONB. Development upon it under Policy TR10 has a special justification, to serve the needs of motorway users, and I see no necessity to amend the policy as suggested.

RECOMMENDATION

11.1.41 No modification to Policy TR10.

POLICY TR12 - CAR PARKING

Objections

588/1	TR12	Mrs P Webborn, Director Bargrove Farm Management Company	NFS
772/34	TR12	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issue

Whether there is a need for the policy to be more specific on requirements for coach parking.

Inspector's Reasoning and Conclusions

11.1.42 All development proposals, including those which contain an element of car or coach parking, will be judged against relevant policies including Policy SD1 and the countryside policies of the Plan, which between them seek to protect the urban and rural environment. Paragraph 11.38 draws attention to parts of Folkestone in which there is need for coach parking provision, but away from those key areas need is more diffuse and sporadic. I do not consider therefore that further specific provision is necessary, nor that coaches need special mention in Policy TR12. The provision of parking, including at leisure and recreation venues, is determined not by peak demand but is assessed against the parking standards of Appendix 6, which are maxima. Policies LR2 and LR3 carry forward a general aim of the Plan to reduce travel by private car. The Plan should be read as a whole and there is no need to repeat the provisions of other policies.

11.1.43 In my view it would not be right to quantify the size of developer contributions in the Local Plan, including in relation to the provision of car or coach parking, as they will vary greatly with the scale of development proposed and local circumstances. Such contributions are not intended to discourage development. In a number of cases they may enable development to proceed, which might not otherwise be permitted.

RECOMMENDATION

11.1.44 No modification to Policy TR12.

POLICY TR13 AND PARAGRAPH 11.31 - PARKING STRATEGY

Objections

258/2*	11.31	National Car Parks Ltd Robert J B Dorin Chartered Surveyor	NFS
258/1	11.31	National Car Parks Ltd Robert J B Dorin Chartered Surveyor	NFS
772/35	TR13	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
566/4	TR13	BT Plc RPS Chapman Warren	NFS
762/4	TR13	Sea Containers DPDS Consulting Group	W/R

Issue

Whether the Plan provides adequate guidance on car parking in Folkestone Town Centre.

Inspector's Reasoning and Conclusions

11.1.45 *I am satisfied that the RDD meets this objection, by the deletion of reference to the Bouverie Place development in paragraph 11.31.

11.1.46 The main purpose of the Local Plan is to provide policies and provisions in relation to the use and development of land, to guide applicants for planning permission. The Council confirm that the parking policy referred to in paragraph 11.31 would be concerned mainly with operational matters including safety, and pricing versus free parking. Such matters often do not directly involve the use of land. Where they have land use implications, then paragraph 5.15 of PPG12 states that it is only those direct land use implications that should appear in the Plan. If significant land use implications arise from the proposed parking strategy, then the Council may wish to consider them in the preparation of the next Local Development Framework, which would be subject to public consultation in the normal way.

11.1.47 Paragraph 86 of PPG13 tells us that it would be inappropriate for a local authority to seek commuted payments based solely around a lack of parking on the site. Sums may be sought for other initiatives that would be likely to influence travel patterns, especially by modes other than the private car. I consider that the policy covers the point adequately. A requirement for new parking provision, or for a commuted sum, would arise only from a proposal for a new use or development on the site that would generate a need for parking. The policy states, rightly, only that the local authority may seek a commuted sum. The amount of provision would be assessed in accordance with the parking standards of the Plan. I do not find that the suggested alternative wording would bring significant advantages.

11.1.48 As a corollary to the above objections, the Council may wish to consider the introduction of a requirement, for development which is likely to have significant transport implications, to submit a travel plan with the planning application as advised in paragraphs 87-

91 of PPG13.

RECOMMENDATIONS

11.1.49 *No modification to Policy TR13 or to paragraph 11.31.*

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

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

PARAGRAPHS 11.33 AND 11.34 - PARKING IN SANDGATE

Objection

39/8 11.33 Mr Roger Joyce Roger Joyce Associates NFS

Issue

Whether the Plan deals adequately with the issue of parking problems in Sandgate.

Inspector's Reasoning and Conclusions

11.1.52 I consider that the main part of the objection is met by the replacement wording to paragraph 11.34 in the RDD. The signing and management of car parks, and the de-trunking of the A259, are matters outside the Local Plan that can be addressed by other initiatives of the Council.

RECOMMENDATION

11.1.53 *No modification to paragraphs 11.33 and 11.34.*

PARAGRAPH 11.35 - PARKING IN ROMNEY MARSH

Objection

25/1 11.35 Dr J D Burton NFS

Issue

Whether the Plan deals adequately with the issue of parking on and off street, in the Romney Marsh area.

Inspector's Reasoning and Conclusions

11.1.54 I refer the objector to my conclusions on his objection to Policy TR8. The A259 is a busy road and a balance should be struck between congestion, safety, the convenience of free parking for residents and visitors and the government's overriding aim to reduce the need to travel, especially by the private car. Parking charges and the enforcement of parking restrictions are matters outside the Local Plan process, which may be addressed by other strategies of the Council. I do not consider that further modification to the paragraph is necessary.

RECOMMENDATION

11.1.55 No modification to paragraph 11.35.

POLICY TR14 AND PARAGRAPH 11.40 - LYDD AIRPORT

Objections

735/7	11.40	Mr P King Defence Estates	nfs
13/1	TR14	Councillor MJ Walsh	nfs
755/8	TR14	Councillor B Walsh	NFS
752/18	TR14	Mr Gavin Bloomfield RSPB	
837/1	TR14	Ms Anna Bloomfield, General Aviation Awareness C'cil	NFS

Issue

Whether the policy strikes the right balance between the economic benefits resulting from the operation of the airport, and the need to safeguard the environment and internationally important wildlife.

Inspector's Reasoning and Conclusions

11.1.56 London Ashford (Lydd) Airport Ltd support Policy TR14. I have no evidence that they consider that industrial development on part of the Airport land is necessary to finance airport growth or improvement, or that parts of the site may not be needed for airport-related development in the longer term. The site is constrained by nature conservation and landscape designations and any proposals for expansion beyond the present boundary would have to be weighed against these important factors. I recognise that improvements to the A2070 have decreased the journey time to Ashford, and that there is the possibility of reopening the railway line to Lydd station. However, the allocated employment site at Lypne is closer both to the main settlements of Folkestone and Hythe, and to the M20. I do not consider that the Lydd Airport site offers overriding advantages over the current Policy E2 allocation at Lypne.

11.1.57 I consider that Policy TR14 and its reasoned justification safeguard the Airport, and support Airport expansion subject to certain criteria. The additional wording to paragraph 11.40 of the RDD would ensure that the impact on flying activities of development near the Airport would be taken into account.

11.1.58 The Plan should be read as a whole and an application for a flying site elsewhere would be assessed in relation to development plan policy, balancing harms with any economic, employment or other benefits of a scheme. The suggested policy wording merely repeats that, in essence. The Local Plan does not need to provide a policy for every sort of development, and I do not find that a new general policy concerning the development of flying sites is necessary.

11.1.59 The military training operation at Lydd Ranges is important, as is the expansion and improvement of facilities at Lydd Airport. I have been given no reason to suppose that they cannot co-exist. It would be for the Defence Estates to demonstrate why a particular proposed development at the Airport would be unacceptably harmful to activities at Lydd Ranges or, on the other hand, why benefits of a proposed development at the Ranges would outweigh any harm to the Airport. I do not consider that a presumption in favour of military development should be written into policy.

11.1.60 The effect of Airport development on nature conservation interests would be fully taken into account under Policy SD1 and under Countryside policies of the Plan. The environmental importance of the area is also referred to in paragraphs 11.39 and 11.40 and does not need to be repeated in Policy TR18.

RECOMMENDATION

11.1.61 No modification to Policy TR14 or to paragraph 11.40.

PARAGRAPH 11.41 - FERRY OPERATIONS

Objections

917/1	11.41	Mr C Conn	W/R
571/5	11.41	Go Folkestone	NFS
762/5	11.41*	Sea Containers DPDS Consulting Group	Cond WD

Issue

Whether the Plan adequately safeguards land at Folkestone in order to allow for the reinstatement of a passenger and/or freight ferry operation.

Inspector's Reasoning and Conclusions

11.1.62 *I am satisfied that the RDD meets this objection.

11.1.63 Policy FTC4 and paragraph 13.13, as well as paragraph 11.41, refer to the need to protect part of the Port area of Folkestone for a cross Channel passenger ferry link, and a cross reference to the Folkestone Town Centre Chapter has been added to paragraph 11.41 in the RDD. I consider that the policy needs no further strengthening in that regard.

11.1.64 The objections are mainly to the omission of consideration of freight operations at the port. Government guidance in PPG13 is supportive of movement of freight by water. However, the Structure Plan assesses all the Kent ports, and identifies those where expansion or diversification will be encouraged. Paragraphs 10.28 and 10.29 of the Structure Plan set out the chequered history of freight operations at Folkestone, and the limitations of the single roll-on-roll-off berth and the relatively small vessels that operated. Structure Plan Policy P7, which concerns the port of Folkestone, states that development proposals that will support the maintenance of cross-Channel services will be permitted. The policy also, uniquely among the port policies of the Structure Plan, acknowledges the possibility that a cross-Channel link may not be maintained at Folkestone and indicates that comprehensive redevelopment of the port area may be considered. Since then the port of Folkestone has felt the full force of competition from the opening of the Channel Tunnel and the strengthening of the port of Dover, and all cross-Channel ferry services have ceased. I consider therefore that Policy FTC4 represents a

realistic response to the current situation. I find therefore that no further modification to the Plan is necessary.

RECOMMENDATION

11.1.65 No modification to paragraph 11.41.

12. COUNTRYSIDE

POLICY CO AND PARAGRAPH 12.3 - GENERAL

Objections

727	12.3	Ms Fiona Fraser Boulton the Countryside Agency	nfs
727	new policy	Ms Fiona Fraser Boulton the Countryside Agency	nfs
771/8	CO	Greensword David Plumstead	INQUIRY
843/8	CO	Local Agenda 21 Shepway Community Forum	INQUIRY
543	new policy	Mr CW Auld, Lyminge Parish Council	

Issues

Whether Aim 2 is sufficiently positive.

Whether policies in the Plan adequately protect the countryside, including the urban fringe, from harmful development.

Inspector's Reasoning and Conclusions

12.1.1 Paragraph 4.8 of PPG7 emphasises that it is appropriate to have regard to the economic and social well-being of AONBs. I consider that the suggested wording would support a more integrated and proactive approach to achieving a balance between protecting the countryside and encouraging the viability of communities in rural areas, and I recommend accordingly.

12.1.2 Settlement boundaries in Shepway are reasonably tightly drawn, and the urban fringe is therefore covered by the countryside policies of the Plan. I recognise that the area may be subject to pressures different in kind or intensity from those that operate in more remote rural places. However, I consider that the policies of the Plan are sufficiently robust and flexible to take into account the special character and problems of that part of the countryside immediately adjacent to settlements, and that an additional policy is not necessary.

12.1.3 Greensword and the Community Forum are concerned that the application of housing policy to development in the countryside will result in excessive residential densities. I comment in detail on that objection within the Housing Chapter. However, the main aim of government policy to increase residential densities and to follow the sequential test of PPG3, which is carried forward in the policies of the Plan, is precisely to avoid encroachment on greenfield land and on the countryside in general. The permitted development rights to which the objector refers are those under The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO). The rights allow only limited extensions and alterations to dwellings, or other restricted forms of development, to take place before planning permission is required. By definition, such permitted development is unlikely to have a significant effect on the character or appearance of the countryside. The removal of permitted development rights by an Article 4 Direction is done only in exceptional cases where there is strong justification for such action, where otherwise there would be serious adverse environmental effects on an area. I find that no modification to the Plan is required.

12.1.4 Lyminge Parish Council suggest that policies be added to the Plan to protect against fly-tipping and the abandonment of cars, particularly in the countryside. However, these concerns are subject to other legislation and are not matters of land use policy that may be addressed through the Local Plan.

RECOMMENDATION

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

POLICY CO1 - DEVELOPMENT IN THE COUNTRYSIDE

Objections

565/4	CO1	Kent Rural Community Council	nfs
569/8	CO1	Mr Neil Hilkene Kent County Council	NFS
772/16	CO1	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
395/1	CO1	Mr D Holt	NFS
270/3	CO1	Great British Holiday Parks Ltd Charles F Jones & Son	NFS

Issue

Does the policy help to carry forward County and national aims for the countryside.

Inspector's Reasoning and Conclusions

12.1.6 Text has been added to paragraph 12.1 of the RDD to meet part of the KCC objection, although “Countryside Commission” should be amended to “Countryside Agency”. I agree that the deletion of “where possible” from criterion (iii) would strengthen the policy. The inclusion of such phrases introduces uncertainty, as does “normally”. Sufficient flexibility would be provided by S.54A, which would allow other material considerations to be weighed in the balance at the planning application stage. I conclude in a similar manner in relation to Policy SD1 and, for the sake of consistency, in regard to Policies CO3, CO4 and CO5.

12.1.7 I do not consider that it is necessary to define, within the policy, what would constitute an overriding social or economic need. Such matters will vary with the circumstances of each

application. There are already mechanisms for the local rural community to comment on proposed development in response to a planning application, through individual or group submissions or through their elected Parish or District Council Members.

12.1.8 Policy CO1 carries forward Structure Plan Policy ENV1, and government advice in PPG7 paragraph 2.14, in seeking to protect the countryside for its own sake. The phrase should be retained. The Council are certainly obliged to look first to development plan policy, including that concerning the settlement hierarchy in Structure Plan Policy S6 and RDD Policy CO2, in assessing development proposals.

12.1.9 The objection by Great British Holiday Parks is addressed under Policy CO2, Greatstone and Littlestone.

RECOMMENDATION

12.1.10 Modify paragraph 12.1 by deleting "Commission" in the second sentence and replacing with "Agency".

12.1.11 Modify Policy CO1 by deleting "where possible" from criterion (iii).

POLICY CO2 - CHANGES TO SETTLEMENT BOUNDARIES - GENERAL

Objections

758/2	12.7	Mr(s) R W Hobson, Clerk Newington Parish Council	NFS
871/11	CO2	Mr Mike Simmonds Michael Simmonds Associates	NFS
470/4	CO2	Mr A Coats C Thurlow	NFS
772/17	CO2	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
95/7	CO2*	Mr J Rapley Charlier Construction Ltd David Hicken Associates Ltd	W/R
593/4	CO2	Mrs Clifton Holt Cluttons	nfs
595/2	CO2	Mr Eric Hewlet Gary Lees	NFS
849/2	CO2	Mr D Holt Mike Simmonds	NFS

Issues

Would the policy result in high-cost and high-density infill housing which will not serve the needs of villages.

Are the aims and functions of the settlement boundaries adequately explained.

Does the policy allow for appropriate small scale development in hamlets and groups of rural buildings outside settlement boundaries.

Should Lyminge, Sellindge and Lypne be include within the list of Policy RS3(a) settlements.

Inspector's Reasoning and Conclusions

12.1.12 *I am satisfied that the RDD meets this objection. Objection 595 in relation to The Piggeries, Horn Street, is dealt with under the heading of Policy HO2 – Omission Sites. Objections 593 and 849 in relation to land at Yew Tree Farm, Stanford, are dealt with under the sub-heading of Stanford within this section.

12.1.13 Policy CO2 confirms that infill development would be acceptable in Newington. Government advice states that such development must make the best use of land, and should be at the minimum densities set in paragraph 58 of PPG3. However the advice also states that good design should ensure that development at these densities would not compromise the quality of the environment. It is not necessary for infill to be at a low density in order for it to make a positive contribution to the character and appearance of a village. The effects of development would be controlled by other policies of the Plan, including Policy BE1. In terms of low-cost starter homes for local people, Policies HO7 and HO8 would ensure that an appropriate mix of housing to meet local needs could be provided.

12.1.14 The aims of the settlement hierarchy policy are stated in paragraph 12.7. They are to promote sustainability, and to minimise the use of fresh land. I consider that it is clear from Policy CO2 that the purpose of the settlement boundaries defined on the Proposals Map is to indicate what areas make up the settlements designated in the hierarchy, as opposed to land that is countryside in policy terms. I do not consider that further explanation is necessary.

12.1.15 Policies CO1 and CO2 rightly offer robust protection to the countryside and are well-founded on Structure Plan policy and government advice in PPG7 and elsewhere. However, there is some scope for development in hamlets without settlement boundaries, or in association with small groups of buildings in the countryside, to fall within policy, for example under Policies CO16-18 or HO8. No further change is needed.

12.1.16 Lyminge, Sellindge and Lymyne do not have the sustainability credentials of Lydd and New Romney in terms of shops, services and facilities and I consider it right that they should be classified as settlements where only minor development should take place.

RECOMMENDATION

12.1.17 No modification to Policy CO2 or to paragraph 12.7.

12.2 POLICY CO2 - CHANGES TO SETTLEMENT BOUNDARIES – SPECIFIC SITES

Dymchurch and St Mary's Bay

856/1 CO2 Mr & Mrs R Hollands Mike Simmonds W/R

Issue

The effect of the proposed change to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations.

Inspector's Reasoning and Conclusions

12.2.1 I saw that land of Mallards and The Furze on Coast Drive differs sharply in character from that further north, within the settlement boundary. Despite recent alterations and extensions, the dwellings clearly represent an area of low density development beyond the main built form of St Mary's Bay. The Springs has also been extended, but the developed part of that site lies predominantly within the settlement boundary. The proposed alteration of the boundary would make a large area subject, in principle, to more than minor development under Policy

CO2. I do not consider that this would be right in this environmentally and visually sensitive location adjacent to the coast, the LLA and the SSSI.

RECOMMENDATION

12.2.2 No modification to the Proposals Map.

Elham

546/1	CO2	Mr N P Fisher	gone away
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Issue

The effect of the proposed change to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations.

Inspector's Reasoning and Conclusions

12.2.3 This objection is for the same site as an objection to Policy HO2, which has been unconditionally withdrawn. The objection in relation to the settlement boundary still exists however. Extension of the settlement boundary to include this site would represent an intrusion into the countryside of the AONB and the SLA, and the rural setting of Elham, which I could not support.

RECOMMENDATION

12.2.4 No modification to the Proposals Map.

Greatstone and Littlestone

270/1	CO2	Great British Holiday Parks Ltd Charles F Jones & Son	NFS
490/1	CO2	Colonel Charles Moorhouse Littlestone Golf Club	NFS
492/2	CO2	P J Brazier & Co Ltd	NFS
855/1	CO2	Hazeldene Ltd Mike Simmonds	W/R

Issue

The effect of the proposed changes to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations.

Inspector's Reasoning and Conclusions

Romney Sands Holiday Village

12.2.5 This large area of land is in tourism use, predominantly for holiday chalets and mobile homes. It performs a useful function in providing holiday accommodation at reasonable cost, the loss of which is resisted by tourism policies of the Plan. The land differs markedly in character and appearance from the remainder of Greatstone, particularly in regard to the relatively low density of development and predominantly seasonal occupation of the site. It does not therefore represent part of the main built form of the settlement, and projects further west than adjacent parts of Greatstone. Its inclusion within the settlement boundary would imply that a significant amount of development could take place on the site, and the proposed alteration would not represent merely a minor rounding-off of the boundary. Development of dwellings for permanent occupation would also be likely to bring additional pressure to bear on the

adjoining SSSI, Candidate Special Area of Conservation, RAMSAR Site and Special Protection Area. Although Greatstone is a settlement that may accommodate more than minor development under Policy CO2, I consider that these factors, and the relative remoteness of the site from the core of New Romney, do not indicate that it would be a good candidate for inclusion. The site was rejected by the Inspector at the last Local Plan inquiry and I do not find any change in circumstances which would indicate a different recommendation.

Littlestone Golf Club

12.2.6 The site is the car park of the Golf Club, and fronts onto St Andrews Road. It is adjacent to residential development to the east and west and to some extent represents an incongruous embayment of the settlement boundary. However, its inclusion within the boundary would bring some expectation of the possibilities of development, and an alternative site would have to be found for the car park elsewhere within the Golf Club grounds. The rest of the grounds form an important part of the open landscape of the LLA to the north, and the proposed alteration would therefore be likely to result indirectly in encroachment onto that area. I do not consider therefore that the site should be included within the settlement boundary now.

Land at Ballard Road, Greatstone

12.2.7 I understand that the site is part of the Greatstone Dunes Estate, developed over the last 50 years, and one of the last areas of that scheme to be left unbuilt. I saw that accesses lead onto the land from Ballard Road and from Baldwin Road and that there are dwellings on 3 sides of the site. However circumstances have changed since the first implementation of the Masterplan of the Estate. Development at the densities advised in PPG3 would result in a considerable number of dwellings on the land, which could be a source of pressure on the adjacent SSSI, Candidate Special Area of Conservation and National Nature Reserve. The site is remote from the core of New Romney and its limited access to public transport would mean that occupiers would be likely to travel some distance by car for shopping, work or entertainment. Most of the site is within an area at risk from tidal flooding, and no evidence has been presented that, in principle, it could be capable of being defended to the required extent.

12.2.8 I have some sympathy with the objector's point that although Greatstone is designated under Policy CO2 as a settlement that could accommodate more than minor development, the settlement boundary is drawn so tightly that few opportunities are possible. However, I consider that the Council's approach in maintaining a tightly-drawn boundary is justified, particularly round the elongated southern part of Greatstone. The unusual shape of the settlement makes most of it relatively remote from the shops, services and facilities of New Romney, and it occupies a sensitive position sandwiched between a number of conservation designations of national importance. I do not find therefore that the site should be included within the boundary now.

Dunes Road, Greatstone

12.2.9 This narrow plot at the end of Dunes Road is likely to be suitable only for a single dwelling. The character and appearance of the site contrast with that of the open agricultural landscape beyond the end of the road. Although clearly too small for a housing allocation I consider that it would be logical to amend the settlement boundary to include this plot, which would round off development on the southern side of the road. I recognise that there are other infill plots in the area but I do not see it as essential, in a settlement that may accommodate more than minor development under Policy CO2, that they be used up before such a small alteration to the boundary is carried out.

RECOMMENDATIONS

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

12.2.11 No modification to the Proposals Map in response to objections that relate to sites at Romney Sands Holiday Village, Littlestone Golf Club or land at Ballard Road, Greatstone.

Hawkinge and Densole

596/2	CO2	Messrs N L M Snape & J F G Steed GW Finn & Sons	INQUIRY
864/1	CO2	Regency Homes South East Ltd Mike Simmonds	INQUIRY
863/1	CO2	Mr Westgarth Mike Simmonds	W/R
728/2	CO2	The Queens College Oxford James Williams	W/R

Issue

The effect of the proposed changes to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations.

Inspector's Reasoning and Conclusions

Land rear of Canterbury Road, Hawkinge

12.2.12 This objection relates mainly to the promotion of a housing allocation site, and I discuss it under the heading of Policy HO2 – Omission Sites.

Hope Farm, Hawkinge

12.2.13 Hope Farm is a large land holding east of Hawkinge of over 24ha. Its inclusion within the settlement boundary would clearly imply some expectation of development, and the objection is also proposing a substantial housing allocation of over 700 dwellings. My conclusions here relate to the objection in regard to Hope Farm under Policy HO2 as well as Policies CO2 and CO4. I have concluded in regard to Policy HO2 that there is no need for further housing land to be identified in the Plan. Sufficient has been found, following the search sequence of PPG3, to fulfil the Structure Plan requirements over the Plan period, and in those circumstances a local authority need search no further.

12.2.14 The objectors suggest that Hope Farm is to be preferred over either site HO2F at Nickolls Quarry or the Shorncliffe Barracks site. The latter is not of course an allocation in the Plan and is subject to Policy HO5. I have dealt elsewhere in this report, under Policy HO2, with points concerning the deliverability of allocation sites, and objections to Nickolls Quarry. In the light of these comments I do not find that Hope Farm has significant advantages over site HO2F or any of the other allocation sites that I have recommended.

12.2.15 I consider that it would be difficult for contributions from development at the objection site to fulfil the tests of Circular 1/97 in relation to the provision of the bypass on the other side of Hawkinge. The Inspector in his report on the First Alteration to the Folkestone and Hythe Local Plan in 1990 considered the merits of Hope Farm. He found that the objection site would not have a more significant effect on the AONB than development of the aerodrome. Nevertheless he concluded that there are no matters on which the Queen's College site is to be preferred to the aerodrome site. The objection site is outside the long term settlement boundary established at Hawkinge in the currently adopted Shepway District Local Plan to 2001. I do not find that the provision of a substantial landscaping belt under Policy CO24 would justify an allocation for which there is no need. I do not consider therefore that the land should be included

within the settlement boundary or allocated for development now, and I have not found that the inclusion of a list of reserve sites in the Plan would be appropriate.

Densole Farm, Densole

12.2.16 The settlement boundary cuts through the former farmyard of Densole Farm. It excludes an area that at one time contained storage and cattle buildings, now demolished so that only their concrete bases remain. However agricultural buildings are part of the character of the rural setting of villages such as Densole, and do not represent previously-developed land. I do not consider that, even if they were still present, the buildings would provide a good reason for an alteration to the settlement boundary. The extension of the boundary to include the area of the former farmyard buildings would result in the potential for an unjustified salient of development into the countryside of the AONB and the SLA, detrimental to its natural beauty, rather than a logical rounding-off of the settlement. The village is not so tightly constrained that a relaxation of the boundary is required to allow for reasonable infilling or minor development, or to support local services. Planning permission has been implemented for new dwellings and a change of use to residential on that part of the former farmyard within the settlement boundary. I recommend below that the Council ensure that the boundary reflects this recent development in a sensible manner. Other than that, no alteration is required.

Little Densole Farm, Densole

12.2.17 The extension of the settlement boundary as proposed would result in an incongruous incursion into the countryside of the AONB and of the SLA, unrelated to the settlement pattern of Densole. No alteration of the boundary is required.

RECOMMENDATIONS

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

12.2.19 No modification to the Proposals Map in relation to objections concerning land rear of Canterbury Road, Hawkinge, Hope Farm, Hawkinge, or Little Densole Farm, Densole.

Hythe, Saltwood and Seabrook

593/2	CO2	Mrs Clifton Holt Cluttons	nfs
743/1	CO2	The Swallow Group BSF PlanningConsultants	INQUIRY
745/1	CO2	Mrs E St John-Cooper BSF PlanningConsultants	INQUIRY
597/1	CO2	Mr(s) P M Surrage	NFS
595/2	CO2	Mr Eric Hewlet Gary Lees	NFS
595/4	CO2	Mr Eric Hewlet Gary Lees	NFS
853/1	CO2	Ms Wyatt Mike Simmonds	W/R
591/1	CO2	Mr/s P Checksfield O T Croft	W/R

Issue

The effect of the proposed changes to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations.

Inspector's Reasoning and Conclusions

Land at Botolph's Bridge Road

12.2.20 My reasoning concerning this objection is found under the heading of Policy HO2 – Omission Sites.

Land rear of Heronswood, West Hythe Road

12.2.21 The settlement boundary includes the long rear gardens of houses to the east of Heronswood. The objection site is adjacent. I have no evidence that it is other than greenfield land, in a location that would be remote from shops, facilities and services, and poorly served by public transport. The site is in a sensitive location adjacent to the Royal Military Canal, which is an Ancient Monument and a Site of Nature Conservation Interest. There is no current requirement to develop the area adjacent to the objection site, within the settlement boundary. Even if there were, I have no reason to believe that the proposed addition would be essential to enable a comprehensive scheme of development to go ahead. I see no good reason, therefore, to extend the settlement boundary in this sensitive and unsustainable location.

Sunnyside House, Burmarsh Road

12.2.22 The objection site is the southern part of the large garden of Sunnyside House. It is in an area of sporadic, low-density development of strongly rural character, which contrasts with the built-up nature of Burmarsh on the other side of the road, within the settlement boundary. The amendment of the settlement boundary to take in the objection site would represent an intrusion into the countryside of the Special Landscape Area that I could not support.

Land between Studfall Villas and Sandyridge, West Hythe Road

12.2.23 I saw that the pattern of development of West Hythe west of Studfall Villas, outside the settlement boundary, differs from that within the main built form of the village to the east. Within the boundary the village has a relatively tightly-knit, linear form, to which infill has contributed. On the objection site, on the other hand, dwellings are widely spaced and at differing distances from the road frontage. There is a considerable amount of openness between the dwellings, which affords views of the scarp slope of the AONB to the north. This scattered and informal pattern of development has a strongly rural character, which is emphasised by the agricultural landscape on the south side of West Hythe Road opposite most of the site. The extension of the settlement boundary as proposed would therefore encourage, in principle, the consolidation of this scattered pattern of development as an intrusion of built form into the countryside, even if only by individual examples of infilling. West Hythe has no shops and few facilities, and poor access to public transport. It is not within safe or convenient walking distance of proposed development at Nickolls Quarry, which could be reached only along narrow and winding country lanes. The objection site would not be a sustainable location for such a large additional area for infill, which cumulatively could amount to significantly more than minor development of this settlement.

12.2.24 Since the settlement boundary was first defined in 1985 planning permission has been granted for 7 dwellings at Dykeside Farm, 6 of which have been completed. Also, at The Firs, permission has been granted for a replacement dwelling and a new bungalow. However, particular circumstances attended those proposals, which weighed against policy and which would not necessarily be repeated on other parts of the objection site. I understand that development at Dykeside Farm was permitted before the emergence of current government advice in PPG3. Furthermore, the dwellings at both sites exist, and my remarks about the diffuse and rural character of this part of West Hythe take them into account.

12.2.25 I acknowledge that, if the boundary were amended as proposed, an individual development within it would still have to be weighed against Policy CO4 that seeks to protect

and enhance the natural beauty of the Special Landscape Area. It may be that on individual sites the improvement of the appearance of the SLA by replacing unsightly or non-conforming development might be a material consideration to be taken into account in assessing an application for planning permission. This would be so whether or not the boundary were to be amended. However, at the Local Plan stage I have to consider the broader strategic question of the balance between the built-up area, as defined by settlement boundaries, and the countryside, in the interests of sustainability and of protecting the countryside for its own sake. Overall I consider that the alteration of the settlement boundary as proposed would lead to unjustified consolidation of this area of diffuse development which is an important part of the rural setting of West Hythe.

Land south of St Mary's Road, West Hythe

12.2.26 Development along St Mary's Road is of scattered dwellings and a nursery, arranged along a narrow country lane that eventually becomes a track. This area of diffuse development is of clearly rural character and is separated by the Royal Military Canal from that part of West Hythe within the settlement boundary. The objection site is predominantly agricultural land to the east of the nursery, beyond the developed part of St Mary's Road and even further from the main concentration of development of West Hythe which lies south of the Canal. The land is in a sensitive location within the SLA, adjacent to the Ancient Monument which is also a Site of Nature Conservation Interest. West Hythe has few facilities and little access to public transport and the proposed extension of the settlement boundary in this relatively remote location is not justified.

Former Piggeries, Horn Street

12.2.27 The former Piggeries has two adjacent areas of buildings and structures at the northern end of the land, the more northerly of which was included in the settlement boundary in the adopted Local Plan and in the FDD, but excluded in the RDD. The objections seek the restoration of the northern area, and the inclusion of the southern area of buildings, within the settlement boundary. The Piggeries have been vacant for some time and the land is becoming overgrown. However, the site still has agricultural use in planning terms and is thus not previously-developed land as defined in Annex C of PPG3, whether or not the buildings upon it are starting to blend into the landscape.

12.2.28 The Seabrook Valley east of Horn Street in the area of the objection sites is relatively deep and narrow, enclosed by woodland and the scarp edge which cut off views of development beyond. It has an untamed, leafy and rural character that contrasts with the urbanised nature of Springfield Way and other development to the west. Seabrook Vale projects into this area, a residential cul-de-sac in an isolated and slightly incongruous position on the east side of Horn Street north of The Piggeries, which does not relate well to the pattern of development of the rest of Seabrook. The inclusion of either or both of the objection sites within the settlement boundary would bring pressure to extend that salient of development into the countryside, part of which is designated as a Local Landscape Area. This would be detrimental to the rural character of this part of the Seabrook Valley, and would erode its function as a green buffer between Folkestone and Hythe. I therefore do not support the inclusion of either of the sites within the settlement boundary.

Philbeach Nursing Home, Tanners Hill, Saltwood

12.2.29 The objection proposes the alteration of the settlement boundary to include Philbeach and Mulberry Court on the Nursing Home site, together with 7-11 Station Road and Bridge Cottage. The proposed boundary would be tightly drawn around the buildings and a car park of the Nursing Home complex, excluding its open lawned grounds to the north.

12.2.30 I viewed the area both from within the grounds of Philbeach and from the public footpath which crosses the valley to the north. I agree with the Inspector in her decision on the 2001 appeal at the site that, from the footpath, rural views to the south are firmly interrupted by built form at Philbeach. I saw that, both from the footpath and from Tanners Hill, the substantial development of Mulberry Court, built since the first designation of the settlement boundary, and the imposing building of Philbeach itself, clearly form part of the built up area of Saltwood. To my mind the key change in character from built up area to countryside occurs at the north and east boundaries of the objection site. Here there is a sharp contrast in openness between built development and the land beyond, in the form of the agricultural landscape of the Mill Lease valley and the open lawns of Philbeach.

12.2.31 The south eastern corner of the Philbeach site, with its mature landscaping, forms a short gap in the frontage development of Station Road. However, in my view the gap does not interrupt the pattern of development to such an extent that inclusion within the settlement boundary of land to the north or east would be unjustified. I concur with the analysis of the Inspector in 2001, who distinguished between the character of the maintained grounds of the south eastern part of the Philbeach site and the rustic qualities of the countryside to the north and of the nearby wedge of valley to the east. I note that her decision turned largely on the scale and mass of the proposed development and the dominant effect that it would have in the street scene.

12.2.32 The inclusion of the objection site within the settlement boundary would imply some pressure for development. The area is relatively close to Hythe town centre and is a sustainable location for development. The south eastern part of the Philbeach grounds is the only area of significant size in the objection site which is not already developed. The leafy appearance of this area, and the positive contribution which it makes to the sylvan setting of Philbeach and the neighbourhood as a whole, would be an important matter to be taken into account in assessing an application for planning permission, whether or not the land were to be included within the settlement boundary. I do not consider however that that factor weakens the overall argument that the objection site should be included within the boundary.

RECOMMENDATION

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

Ivychurch

907 CO2 Mr J Goldsmith Mike Simmonds NFS

Issue

The effect of the proposed changes to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations

Inspector's Reasoning and Conclusions

12.2.34 The recently completed Oast House Field development now forms part of the compact built up core of the village, and I consider that it would be logical to include it within the settlement boundary to reflect that fact. I do not support the inclusion of the employment site to the south west, however. The existing buildings on it are well-established and are typical of rural industrial or agricultural workshop use on the edge of a village. Further employment

development, or a re-use of existing buildings, might take place on that site under other policies of the Plan without the need to include it within the boundary. Inclusion would encourage hopes of residential development on the land, in a small village with few facilities and poor access to public transport, which has recently received housing development of significant scale. General residential development upon the site would represent a salient of development into the open agricultural countryside, unjustified by local social or economic need.

RECOMMENDATION

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

Lydd

847/1 CO2 Mr B Heale Peak (UK) Ltd Mike Simmonds NFS

Issue

The effect of the proposed change to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations.

Inspector's Reasoning and Conclusions

12.2.36 I saw that the railway line at Lydd forms a firm northern boundary to the town. Beyond that, development is limited and is more diffuse. The settlement boundary therefore reflects the built form of the town, and is not so tightly drawn that few opportunities are left for development. Extension of the boundary north of the railway line, in either of the alternatives suggested, would encourage intensification of the existing loose ribbon development along Romney Road. This would represent a projection of development into the countryside that forms the rural setting of the town, harmful to its character. I note that there are vacancies at other industrial sites in Lydd, that much of the Peak UK site is no longer needed by the firm and that no alternative occupiers have been found. However, this would not justify its inclusion within the settlement boundary. Other employment development, or re-use of the buildings, could take place under other policies of the Plan without the need to bring the site within the boundary. I do not consider that the Peak UK site is so unsightly or incongruous that it mars significantly the appearance of the northern entrance to the town, nor that it justifies the incorporation of the objection site into the settlement boundary. I find therefore that I cannot support extension of the settlement boundary in either of the forms proposed.

RECOMMENDATION

12.2.37 No modification to the Proposals Map.

Lyminge

592/1 CO2 Cllor David Monk nfs
594/1 CO2 Mr J C Ridley-Day NFS

Issue

The effect of the proposed changes to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations.

Inspector's Reasoning and Conclusions

12.2.38 The objections propose the extension of the settlement boundary of Lyminge up Longage Hill, up to and including Longage Farm. However, I do not consider that such an alteration would be justified. Development at Sibton Park, a holiday property complex, is clearly separated from the built up part of the village by open land including the cricket field. There is a further gap formed by a paddock of rough grazing between the northern end of that development and Longage Farm, which offers wide views to a sweeping valley to the west. This diffuse and interrupted pattern of development is rural in character and does not relate well to built form of Lyminge. The incorporation of the area into the settlement boundary would encourage the intensification of this ribbon form of development, detrimental to the character of the countryside and to the rural setting of the village. There is no need to balance development at Brady Road by taking up greenfield sites in the countryside in the manner proposed. I appreciate that development might take place without loss of trees, and I understand that the Sibton Park complex does not give rise to traffic problems in the area. I understand also that development at St Mary's, Etchingill, was of a former hospital site, and therefore represented specific circumstances that are not repeated at Longage Hill. None of these matters would therefore form good reasons for extending the settlement boundary as proposed.

RECOMMENDATION

12.2.39 No modification to the Proposals Map.

Lympne

484/2	CO2	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
852/2	CO2	Aubyn de Margary Gowth Integration Ltd Mike Simmonds	W/R

Issue

The effect of the proposed changes to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations.

Inspector's Reasoning and Conclusions

12.2.40 The objection of George Wimpey UK relates mainly to the promotion of a Policy HO2 housing objection site on the former airfield land. I conclude on that site under that heading, and as a consequence I do not recommend that the settlement boundary of Lympne be altered to incorporate it. The village has few facilities and limited access to public transport and I do not support its suggested redesignation or restitution as a Policy RS3(a) settlement, which could accommodate more than minor development.

12.2.41 The second objection relates to a large area of land south of Aldington Road, roughly equivalent to Old Lympne. It represents an area of sporadic and open development of rural and historic character, which contrasts with the more densely developed form of the village within the settlement boundary, north of the road. For the reasons more fully discussed under the heading of Policy HO2 – Omission Sites, I do not recommend either that this site is allocated for housing, or that it is included within the settlement boundary.

RECOMMENDATION

12.2.42 No modification to the Proposals Map.

Newington and Peene

21/1 CO2 Mr Dennis Walby W/R

Issue

The effect of the proposed change to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations.

Inspector's Reasoning and Conclusions

12.2.43 The settlement boundary of Peene excludes the objection site, the bungalow of Peene Garden Nursery, in the RDD as in the adopted Local Plan of 1997. The site lies outside and immediately west of the boundary, adjacent to the former nursery site. I agree with the objector that the exclusion of the frontage bungalow, while the open land to the rear where glasshouses once stood is included, seems somewhat incongruous. It appears to me that the dwelling, excluding the western part of its site, is closely related to the boundary and forms a full stop to the built form of the village in that direction. Its inclusion would not affect the possibility of appropriate infill development on the nursery site, which could be carried out at present, in principle, under Policy CO2. The shallower western part of the L-shaped objection site however clearly projects beyond the built form of the village. Development upon it would not qualify as infill as there is no building beyond, and minor development would represent an incursion into the countryside of the AONB and the rural setting of Peene. I recommend therefore the inclusion of the objection site within the settlement boundary, as suggested but omitting the western part of the site.

RECOMMENDATION

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

Sellindge

489/7	CO2	Folkestone Development Company R Stevenson, John Bishop & Associates	INQUIRY
396/1	CO2	Union Railways Ltd David Hicken Associates Ltd	NFS
763/1	CO2	The Bucknell Trust Ian Elliott	NFS
542/1	CO2	Miss J Shilton	W/R

Issues

Should Sellindge be a Policy RS3(a) village.

The effect of the proposed changes to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations.

Inspector's Reasoning and Conclusions

Should Sellindge be a Policy RS3(a) village

12.2.45 Several objectors state that Sellindge should be upgraded to a Policy RS3(a) village under Policy CO2, in which more than minor development may take place. My reasoning in regard to these objections is found under the heading of Policy CO2 – Changes to Settlement Boundaries – General.

Elm Tree Farm

12.2.46 I set out my reasoning, under the heading of Policy HO2 – Omission Sites, why this site should not become a housing allocation under the Plan. For the same reasons I do not recommend that the settlement boundary be extended to include the objection site at Elm Tree Farm.

Land at Barrow Hill

12.2.47 The objection site consists of the rear gardens of dwellings on the east side of the A20 at Barrow Hill. The land is previously-developed. I do not agree however that the site is not “fresh land” in the meaning of paragraph 12.7 of the RDD and as defined in the Glossary of Terms in the Structure Plan. The definition relates to land outside the existing confines of built-up areas, not with planning permission nor already allocated for new built development. The site is outside the settlement boundary and thus meets all three parts of the definition. Sellindge, although it has more shops and facilities than many villages, has limited sustainability credentials and has received a considerable amount of housing development recently. The objection site is in an isolated part of the village, at some distance from its core. I do not find therefore that an expansion of the settlement boundary in this location in order to accommodate more infill or minor development would be a necessary or sustainable choice.

12.2.48 Criterion (d) of paragraph 4.2 of Topic Report CD5.03 states that an aim of the methodology for drawing up settlement boundaries is to exclude extensive areas of back gardens where these are clearly more related to the surrounding countryside than to the built up area. I saw that this is the case at the objection site, and the severance of these large rear gardens is justified in my view. I recognise that the land backs onto the Folkestone Racecourse, which Policy LR5 allocates for an intensification of leisure, recreation or tourism uses. However, the Racecourse is a large site, the main focus of which is at its eastern end. If development on the Course were to affect significantly the semi-rural character of the rear gardens in question, then this no doubt would be a material consideration to be taken into account in any application for planning permission at the objection site. I do not see it as a justification for altering the settlement boundary now.

Land at Rhodes House and east of Swan Lane

12.2.49 The objection site forms a large swathe of land bordering the south eastern edge of the main part of Sellindge, including land east of Ashford Road. The inclusion of the land within the settlement boundary would bring pressure for growth. The development of such a large area would be of the scale of a housing allocation in the Plan, and would represent much more than the sort of minor development which might be permitted at Sellindge as a Policy RS2 village. The village has a somewhat limited range of shops and services and does not have the sustainability credentials of larger towns such as New Romney or Lydd. The objection site would not be a sustainable choice for that scale of development.

12.2.50 Development on the site would represent a significant incursion into the countryside south east of the village. I do not agree that the topography would minimise the visual impact of development. On the contrary, much of the objection site is part of an open rolling agricultural

landscape that generally slopes down towards the Motorway. The land at and near Rhodes House on Ashford Road is different in character, with much mature planting. However, an extension of the boundary there would encourage ribbon development along the A20. The fact that much of the site may be of low grade agricultural land, or that access would be possible, would not justify the alterations requested.

12.2.51 My reasoning concerning the housing strategy of the Plan and the allocated sites is found under the heading of Policy HO2. I am satisfied that, in forming their housing strategy, the Council has properly taken into account the search sequence of PPG25, and the deliverability both of Appendix 2 sites and of the northern part of the Hawkinge bypass. I do not find that the objection site offers advantages that would indicate that the settlement boundary should be amended as suggested.

Chislett Close

12.2.52 I understand that development at Chislett Close was granted planning permission as an exception to policy. However, I saw that the dwellings of the Close now form part of the built up area of the village. I consider that an extension of the settlement boundary as proposed, if closely drawn round the dwellings to exclude areas of rear garden which project into the countryside, would comply with the criteria for the definition of such boundaries, found in paragraph 4.2 of CD5.03. It would represent a small addition to the area of the village of a scale that, in principle, could accommodate infilling or other minor development without significant harm to the aims of Policy CO2. The suggested alteration would reflect the present pattern of development, and I recommend modification accordingly.

RECOMMENDATION

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

Stanford

385/2	CO2	Councillor S Newlands	nfs
395/2	CO2	Mr DT Holt	NFS
488/5	CO2	Mrs C Hardy OBE Howard Small & Associates	W/R
849/1	CO2	Mr D Holt Mike Simmonds	NFS
396/2	CO2	Union Railways Ltd David Hicken Associates Ltd	NFS

Issues

The effect of the proposed changes to the settlement boundary on the aims of policy to protect the countryside and to direct development to the most sustainable locations.

Should part of Stanford be designated as a Conservation Area.

Inspector's Reasoning and Conclusions

Land east and west of Stone Street

12.2.54 The site is a broad swathe of land west of Stone Street together with a smaller area to the east of the road. The objections state that development could help to generate provision of new or improved social facilities for Stanford, including a Primary School, Nursery School and Village Hall. However, Circular 1/97 requires that such contributions from developers shall be

related to the scale and nature of the development proposed. Development large enough to generate significant developer contributions would be likely to be out of scale with this small village. The suggested settlement boundary would more than double the size of Stanford. It would take up a large amount of greenfield land and would be a very considerable intrusion into the Special Landscape Area and Local Landscape Area, harmful to the countryside and to the rural setting of the village.

12.2.55 Stanford is designated under Policy CO2 as a village in which only minor development such as infilling, meaning the filling of a small gap in an existing built up frontage, is acceptable. The Council has rightly followed government guidance in PPG3 that housing development should be directed first to the larger urban centres, such as Folkestone and Hythe, and to a lesser extent New Romney and Lydd, which have a range of shops and services and good access to public transport. This would help to fulfil a key aim of government policy to reduce the need to travel, especially by private car. Stanford has no shop and very limited facilities, and performs poorly in the search sequence of PPG3. I consider that occupiers of new housing at Stanford would be likely to travel elsewhere for employment, shopping and entertainment, and probably by car. I note that the village is within easy walking distance of Westernhanger Station, and that there is a bus route on the B2068, but this does not justify an alteration to the settlement boundary as proposed.

12.2.56 The designation of Conservation Areas is carried out under separate legislation. The suggestion of a Conservation Area to cover an area including Stanford Church and Westernhanger Castle should be discussed with the Council outside the Local Plan process.

Land east of Stone Street

12.2.57 The objection proposes a planned development on land east of Stone Street and north of the Church. A mix of house types is suggested, with features including a playing field and equipped play area, a village hall, employment units and a shop and Post Office. Landscaping and pedestrian and cycle routes would be incorporated into the design.

12.2.58 However, for the reasons set out in relation to the previous objections concerning land on both sides of Stone Street, I do not consider that the village represents a sustainable location for development. The presence of a village shop and a small amount of business development would still mean that most residents, in my view, would travel elsewhere to fulfil main shopping, employment and leisure needs, and probably by car. The existence of good access to the M20 would be likely to encourage trips by car rather than the reverse. I have discussed under the heading of Policy HO4 the limited effect that anything other than major population growth in villages is likely to have on the viability of local shops. The potential employment generators represented by the proposed Motorway Service Area and development at Folkestone Racecourse do not yet exist and the timing of their implementation is uncertain. Many of the features suggested for the development, such as a housing mix and the provision of public open space, would be required to be provided in any event under other policies of the Plan.

12.2.59 The development would encroach into the countryside of the Special Landscape Area and Local Landscape Area, and the rural setting of the village. I do not support either the extension of the settlement boundary as proposed, or the reclassification of Stanford as a Policy RS3(a) village in which more than minor development would be acceptable.

Yew Tree Farm

12.2.60 The First Deposit Draft (FDD) objection proposes the enlargement of the settlement boundary to include all the buildings of Yew Tree Farm. The objection at the Revised Deposit Draft (RDD) stage resists an amendment to restrict the settlement boundary to include only the

buildings on the east side of the farm complex.

12.2.61 I consider first the FDD objection. The main purpose of the rural settlement policy is to indicate where housing may be accommodated in a sustainable way, whilst minimising the use of fresh land. The proposed expansion of the boundary would bring pressure for residential development on a considerable area of agricultural land that is, by definition, not previously-developed. In my view the scale of development implied by the incorporation of such a large area would go beyond what is minor, in terms of the village's Policy RS2 classification. The suggested boundary would project well beyond the present built form of Stanford. It would encroach into the countryside of the Special Landscape Area and Local Landscape Area, and the rural setting of the village, to the detriment of both. I do not consider that the incorporation of the whole of the farm complex within the settlement boundary is necessary to improve the setting of Mill Lane, as farm buildings in the centres of villages are a typical feature of the countryside. Policies E6 and CO19 of the Plan would, in principle, permit the redevelopment or re-use of such rural buildings for employment use, subject to the policy criteria, even if outside the settlement boundary. I therefore do not support that objection.

12.2.62 I now turn to consider the RDD objection. The line of the boundary as shown in the FDD and the currently adopted Local Plan would be similar to the general depth of development within the settlement boundary on that side of Stone Street to north and south of the objection site, and is as defined in the existing adopted Local Plan. It would exclude the largest of the modern agricultural buildings on the site. I recognise that the village is not a sustainable location for more than minor development. Nevertheless I consider that the limited area of farmyard enclosed within the boundary shown in the FDD would be unlikely to accommodate more than minor development. Good design could ensure that the linear form of the village would not be unduly disturbed by shallow development to the rear of the frontage buildings, which could reflect its farmyard context. I agree with the Council that the traditional brick buildings at and near the Stone Street frontage make a strongly positive contribution to the appearance of Stanford, and that their business use is a sustainable part of the economic life of the village. I see no reason why development to the rear need imply their removal or change of use, or that additional building could not be of mixed use such as live-work units. Such matters could be the subject of a development brief which would ensure the retention of the physical and economic features of the site that the Local Planning Authority values.

Land south of the M20

12.2.63 That part of Stanford between the Motorway and the railway line is isolated from the rest of the village, in spite of the footbridge link. It may well have formed part of the main built form of Stanford before the coming of the M20, but circumstances have changed since then. The objection site includes a considerable area of open land to east and west of existing dwellings, which if included within the settlement boundary could accommodate more than the minor development appropriate to this Policy RS2 village. I have no firm evidence that such open land is other than greenfield land, and fresh land in terms of the Structure Plan Glossary. The settlement boundary is a policy rather than a landscape designation and the proposed alteration would represent an intrusion into the countryside, notwithstanding the fact that it may be adjacent to the M20, the CTRL and the Motorway Service Area site. Stanford lacks a shop and has few amenities. The proximity of the objection site to Westernhanger Station would not outweigh its limited sustainability credentials. I recognise that an element of residential development at Folkestone Racecourse is suggested in paragraph 7.23 of the Plan, but only the minimum amount that may be required as enabling development as described in the text. I do not find that this or other matters mentioned by the objector would justify the boundary alteration as proposed.

RECOMMENDATION

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

POLICY CO3 - AONB

Objections

484/3	CO3	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
771/7	CO3	Greensword David Plumstead	INQUIRY
843/7	CO3	Local Agenda 21 Shepway Community Forum	INQUIRY
913/1	CO3	Mr David Jarman BSF Planning Consultants	NFS
387/5	CO3	Ms Louise Maxwell Barton	NFS
727/53	CO3	Ms Fiona Fraser Boulton The Countryside Agency	W/R
727/54	CO3	Ms Fiona Fraser Boulton The Countryside Agency	W/R

See also objections to paragraph 6.11

Issues

Does the housing allocation at Hawkinge conflict with the aims of AONB policy.

Does the policy give appropriate weight to economic and social benefits, and is it sufficiently robust.

Whether the policy should prevent the submission of applications for non-forestry development in Lyminge Forest.

Inspector's Reasoning and Conclusions

12.2.65 Hawkinge is within the AONB but it is an area identified for strategic growth in the Structure Plan, the policies of which are carried forward in the RDD. I discuss this objection more fully under the heading of Policy HO2.

12.2.66 I consider that the policy goes beyond advice in PPG7 and Structure Plan Policies ENV1 and ENV3 in the use of the word "exceptional" in criterion (i). Paragraph 4.5 of PPG7 tells us that it is appropriate to have regard to the economic and social well being of areas within the AONB. It does not say that such benefits have to be exceptional before they can outweigh any harm. The relative weight to be given to particular harms and benefits will depend on the circumstances of the individual development, and is for the decision maker to determine. However this need not be written into policy except in relation to major development, as in criterion (ii) of the policy, which follows advice in paragraph 4.5 of PPG7 (as amended²).

12.2.67 I am satisfied that Policy CO3 in the RDD meets the aims of the Countryside Agency's suggested alternative wording. The policy states that proposals should protect or enhance the natural beauty of the AONB, and I do not consider that it is necessary to refer specifically to social or economic benefits in the policy wording.

12.2.68 I agree with their approach in the omission of "where possible". The inclusion of such

² Speech of Minister Nick Raynsford on 12 June 2000, in which the government confirmed that the protection afforded to National Parks from major development, in paragraph 4.5 of PPG7, should also apply to AONBs.

phrases weakens policy and introduces uncertainty, as does “normally”. Sufficient flexibility would be provided by S.54A, which allows other material considerations to be weighed in the balance in considering an application for planning permission. The Plan should be read as a whole and the requirement for the minimisation and/or mitigation of the effects of development is set out in Policy SD1.

12.2.69 I understand that there is now no existing planning permission for leisure development in Lyminge Forest. It would be unlawful to include wording in the policy that specifically prohibits the consideration of a planning application for non-forestry development there. I consider that Policy CO3, modified as recommended, together with other relevant provisions of the Plan, would provide sufficient policy support for the District Planning Authority to refuse planning permission for inappropriate development in the Forest.

RECOMMENDATION

12.2.70 *Modify Policy CO3 by omitting “where possible” from the second sentence and “exceptional” from criterion (i).*

POLICY CO4 – SPECIAL LANDSCAPE AREAS

Objections

387/4	CO4	Ms Louise Maxwell Barton	NFS
727/55	CO4	Ms Fiona Fraser Boulton The Countryside Agency	W/R

Issue

Is the policy sufficiently robust.

Inspector's Reasoning and Conclusions

12.2.71 I recommend the deletion of “where possible” from the last paragraph of the policy, for the same reasons as set out for Policy CO3. I am satisfied that Policy CO4 in the RDD meets the aims of the Countryside Agency’s suggested alternative wording.

RECOMMENDATION

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

POLICY CO5 - LOCAL LANDSCAPE AREAS

Objections

727/56	CO5	Ms Fiona Fraser Boulton The Countryside Agency	NFS
387/6	CO5	Ms Louise Maxwell Barton	NFS
772/18	CO5	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
569/11	CO5	Mr Neil Hilken Kent County Council	NFS

Sites:

209/2	CO5	Mr N Ciccone Neil Hawes & Associates Ltd	NFS
470/2	CO5	Mr A Coats C Thurlow	NFS
470/3	CO5	Mr A Coats C Thurlow	NFS
593/1	CO5	Mrs Clifton-Hill & AA Ltd Cluttons	nfs
593/5	CO5	Mrs Clifton-Hill & AA Ltd Cluttons	nfs
743/2	CO5	The Swallow Group BSF Planning Consultants	INQUIRY
595/1	CO5	Mr Eric Hewlet Gary Lees	NFS
529/1	CO5	Ms Shan Mullett Folkestone School for Girls Tim Campbell Consultancy	W/R
412/45	CO5	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R

Issues

Is the policy sufficiently robust.

Should Policy CO5 be less strongly worded than Policy CO4, to reflect the hierarchy of landscape protection.

Is there sufficient rationale in the Plan for the designation of each LLA.

In all site specific cases: whether the site should be excluded from the LLA.

Inspector's Reasoning and Conclusions

12.2.73 I recommend the deletion of “where possible” from the last paragraph of the policy, for the same reasons as set out for Policy CO3. I am satisfied that Policy CO5 in the RDD meets the aims of the Countryside Agency’s suggested alternative wording.

12.2.74 I consider that the hierarchy of landscape policies, and the weight to be given to landscape quality in each, is clearly expressed in Policies CO4 and CO5. The former relates to landscape of countywide importance, and the latter to that of local importance.

12.2.75 Appendix 8a of the RDD gives a brief description of the factors that characterise the Local Landscape Areas (LLAs) defined under Policy CO5 and which make them worthy of designation. I find that this, together with the other landscape analyses listed in paragraph 12.12, would form a clear basis for assessing proposals for development within the designated areas, including Romney Marsh.

Site Specific Objections: General

12.2.76 The aim of the policy is not to preclude development within the LLAs but to ensure that development will fulfil the aims of Policy CO5 protect or enhance the special character of the local landscape, and to maintain green buffers within or adjoining urban areas that contribute to local environmental quality or identity.

Lawrence Field, New Romney

12.2.77 The land at Lawrence Field flows virtually seamlessly, in landscape terms, into the open windswept former marshland to the north. The character of the site contrasts strongly with that of the built up area of New Romney, which forms a firm edge to the south. I do not consider that the presence of the RHDLR or the golf course detract from the special character of the expansive and flat landscape, threaded with drainage ditches, of the LLA. I see no overriding justification for removing land at Lawrence Field from the LLA designation. The site is discussed further under Policy HO2.

Land North of Dunes Road, Greatstone

12.2.78 The site is discussed further under Policy CO2.

Land West of Botolph's Bridge Road, West Hythe

12.2.79 The site is discussed further under Policy HO2.

Former Piggeries, Horn Street

12.2.80 I have concluded on this site under the headings of Policy HO2 and Policy CO2. I note that in the Council's response to the Policy CO2 objection at the FDD stage, it was recommended that the settlement boundary be amended to exclude the Piggeries site, and that the LLA be extended accordingly. The change to the settlement boundary has been incorporated into the RDD at pages 208 and 260, but not the consequential change to the LLA boundary. I see no significant difference in landscape terms between the various parts of the Piggeries site and I consider it right that all should be included within the LLA.

Philbeach Nursing Home, Tanners Hill, Hythe

12.2.81 The objection site and its landscape merits are discussed under the heading of Policy CO2. I recommended in that section that it should be included within the settlement boundary. For the same reasons, and because I do not consider that the objection site plays a significant part in the important role of the Mill Lease Valley in forming a green gap or buffer, I recommend that the area be excluded from the LLA as a consequential amendment.

Land at Folkestone School for Girls

12.2.82 The issues concerning this site are discussed further under Policy LR12.

RECOMMENDATIONS

12.2.83 Modify Policy CO5 by deleting "where possible" from the first sentence of the last paragraph.

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

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

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

POLICY CO6 - HERITAGE COAST

Objection

727/57

CO6

Ms Fiona Fraser Boulton The Countryside Agency

NFS

Issue

Is the reference in policy to "exceptional overriding need" justified.

Inspector's Reasoning and Conclusions

12.2.87 S.54A obliges Local Planning Authorities to make decisions in accordance with the development plan unless material considerations dictate otherwise. It is not necessary, therefore, to write into policy that occasionally overriding exceptions may occur, just as it is unnecessary to use *normally* or *usually* in policy wording. Furthermore, I consider the policy does not fully reflect advice in paragraph 1.17 of PPG20 that an objective of the Heritage Coast is to take account of the needs of agriculture, forestry and fishing, and the social and economic development needs of those who live and work in the designated coastal areas. Those needs are recognised in paragraph 12.16 of the Plan, but the policy itself sets an unduly hard test for such matters. I consider that the policy would lose no flexibility or force if the last part of the first paragraph were omitted.

RECOMMENDATION

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

POLICY CO7 - ANCIENT WOODLAND

Objections

543/6	CO7	Mr C W Auld, Clerk Lyminge Parish Council	W/R
64/1	CO7	Mr Ed Pomfret The Woodland Trust	W/R
913/4	CO7	Mr David Jarman BSF Planning Consultants	NFS
727/58	CO7	Ms Fiona Fraser Boulton The Countryside Agency	W/R
686	CO7	Mr Andrew Craven The Kent Wildlife Trust	nfs

Issues

Whether hedges should also be protected under the policy.

Is the policy sufficiently robust and clear.

Inspector's Reasoning and Conclusions

12.2.89 Ancient Woodland deserves special protection because of its relative rarity and the difficulty of replacement. The purpose of the policy would be confused if it were to refer to hedges in general as well. Hedges affected by development would be taken into consideration under Policies BE16, CO1 and CO11, and some also have protection under separate legislation. No further change is necessary.

12.2.90 I have commented, in reasoning under Policies CO3-6, and elsewhere, that reference to exceptions to policy is unnecessary and I recommend accordingly.

12.2.91 I agree with the objector that the use of “priority” is confusing. I consider that the policy would give clearer assistance to applicants for planning permission if it were worded as recommended below. Woodland not designated under this policy would be protected under other provisions of the Plan, including Policy CO1. The RDD meets that part of the objection in relation to deletion of reference to good arboricultural practice.

RECOMMENDATION

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

PARAGRAPH 12.21 - NATURE CONSERVATION

Objection

569/10 12.21 Mr Neil Hilkene Kent County Council NFS

Issue

Whether the Plan should clarify that the designated nature conservation areas listed in the Plan are those extant at November 2001.

Inspector's Reasoning and Conclusions

12.2.93 I am satisfied that Paragraph 12.21 and Appendix 8 of the RDD meet the objection.

RECOMMENDATION

12.2.94 No modification to paragraph 12.21.

POLICY CO8 - SITES OF INTERNATIONAL IMPORTANCE

Objections

913/10 CO8 Mr David Jarman BSF Planning Consultants NFS
752/8 CO8 Mr Gavin Bloomfield RSPB W/R

Issue

Is the policy sufficiently robust.

Inspector's Reasoning and Conclusions

12.2.95 I have commented, in reasoning under Policies CO3-6, and elsewhere, that reference to exceptions to policy is unnecessary in the light of S.54A and I recommend accordingly. Because of the international importance of these areas I consider that "should", in the first sentence of the last paragraph of the policy, should be changed to "must". This would ensure that the policy is at least as robust as those relating to areas lower in the conservation hierarchy, which states that measures "will" be taken to minimise the impact of development and compensate for remaining adverse effects. It would also carry forward the requirements of Regulations 49 and 53 of the Conservation (Natural Habitats &c.) Regulations 1994.

RECOMMENDATION

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

POLICY CO9 - SITES OF NATIONAL IMPORTANCE

Objections

569/16	CO9*	Mr Neil Hilkene Kent County Council	nfs
751/42	CO9	Mr(s) Claerwyn Lock, The Environment Agency	NFS
752/9	CO9*	Mr Gavin Bloomfield RSPB	NFS
270/2	CO9	Great British Holiday Parks Ltd Charles F Jones & Son	NFS

Issues

Is the policy sufficiently robust and should it refer to the use of conditions or planning obligations to secure protection of wildlife interests.

Is the policy right in referring to development near an SSSI, and should Romney Sands Holiday Village be mentioned as an exception.

Inspector's Reasoning and Conclusions

12.2.97 *I am satisfied that the RDD meets these objections.

12.2.98 The use of conditions or planning obligations to secure the protection, enhancement and future management of nature conservation sites would apply to several CO policies. I consider it sensible therefore that, to avoid repetition, the wording has been incorporated into Policy CO12 and paragraph 12.26 of the RDD, rather than into the individual policies.

12.2.99 Policy CO9 follows the approach of paragraph 27 of PPG9, which emphasises that the effect of development on land near to, as well as within, SSSIs must be taken into account in assessing applications for planning permission. Only if the scheme failed to comply with the criteria would Policy CO9 prevent development in or near an SSSI. The presence of existing development at a site, such as the Romney Sands Holiday Village, would be a material consideration that could be taken into account in assessing a proposal for development, and would not need to be written into the policy.

RECOMMENDATION

12.2.100 *No modification to Policy CO9.*

POLICY CO10 - SITES OF LOCAL IMPORTANCE

Objections

916/1	CO10	Mrs D Gilbert Curteis Farm Michael Bax	nfs
8/2	CO10	Mr R H R Latham	INQUIRY
751/43	CO10*	Mr(s) Claerwyn Lock, The Environment Agency	NFS
752/10	CO10*	Mr Gavin Bloomfield RSPB	NFS
918/1	CO10	Mrs B Boot Roundwood Hall Golf Club	NFS
902/3	CO10	Mr Geoffrey Boot Roundwood Estates	W/R

Issue

Are the boundaries of the Wildlife Site designations on the Proposals Map reasonable.

Inspector's Reasoning and Conclusions

12.2.101 *I am satisfied that the RDD meets these objections.

12.2.102 The remaining objections are to the inclusion of various parcels of land in the Policy CO10 local Wildlife Site (formerly known as Sites of Nature Conservation Interest)

designations, mostly near Stowting. However the designation of such sites is not a matter for the Local Plan. It is the Kent Wildlife Trust that designate the sites the boundaries of which, as notified to the Council by the Trust, are shown on the Proposals Map. The Trust confirms that in the case of objection 902, and at other sites in the District, there may be draughting errors in the boundaries, which will be checked and adjusted as necessary. I understand that the Trust intend to resurvey the area in general within the next two years and reassess the designations. Any changes to boundaries may be incorporated in a future version of the development plan.

RECOMMENDATION

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

POLICY CO11 - OTHER NATURE CONSERVATION RESOURCES

Objections

686/8	CO11	Mr Andrew Craven Kent Wildlife Trust	nfs
569/7	CO11*	Mr Neil Hilkene Kent County Council	NFS
913/11	CO11	Mr David Jarman BSF Planning Consultants	NFS
751/44	CO11	Mr(s) Claerwyn Lock, The Environment Agency	NFS

Issues

Should the policy state that legal protection for some species and habitats would override planning permission.

Inspector's Reasoning and Conclusions

12.2.104 *I am satisfied that the RDD meets this objection. I consider that the amended and additional wording in the RDD, including that of paragraphs 12.22, 12.26 and Policy CO12 as well as of Policy CO11, meet the aims of the Environment Agency's objection.

12.2.105 I consider that Policy CO11 gives due emphasis to protected species and habitats, and indicates that some have separate protection under the law. I do not find that it is necessary to add that the legal protection can override planning permission.

12.2.106 I have commented in preceding CO policies on the use of "exceptional" or "exceptionally" and I recommend accordingly below.

RECOMMENDATION

12.2.107 *Modify Policy CO11 by deleting "exceptional" in the first sentence of the last paragraph.*

POLICY CO12, PARAGRAPHS 12.23, 12.26 - CONDITIONS

Objections

686/9	CO12*, 12.23 12.26*	Mr Andrew Craven Kent Wildlife Trust	nfs
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752/11	CO12*	Mr Gavin Bloomfield RSPB	NFS
772/19	CO12	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Is the threshold of 0.5 hectares in Policy CO12 appropriate.

Is the policy sufficiently robust in its approach to planning obligations.

Should it be more positive in helping to implement the Kent Biodiversity Action Plan.

Inspector's Reasoning and Conclusions

12.2.108 *I am satisfied that the RDD meets these objections. Paragraph 12.26 now includes reference to green corridors. The first sentence of Policy CO12, added in the RDD, applies to sites of all sizes, not just those of 0.5 hectares or more, and refers to provision for future management. Any size threshold must be arbitrary to some extent, but I consider that 0.5 hectares is a reasonable minimum size for the establishment of the sort of conservation group involvement envisaged in the policy.

12.2.109 I consider that Policy CO12 is correctly worded in that a Local Planning Authority can only seek to secure a planning obligation from an applicant, it cannot demand one. If a satisfactory obligation is not forthcoming, and is essential for the development to be acceptable, then the authority may consider refusing planning permission.

12.2.110 The Local Plan has a restricted role in the implementation of the Kent Biodiversity Action Plan, in ensuring that development that requires planning permission protects nature conservation interests. The carrying forward of relevant policies of the Plan into detailed objectives for habitat management, restoration and creation, especially those that have no direct land-use implications, would be better expressed through other biodiversity initiatives and strategies of the District or County Council. The Plan does seek the positive enhancement of nature conservation interest, as well as ensuring the minimisation of harm. This is clearly set out including in Policy CO12 and in objective (2) of Chapter 12.

RECOMMENDATION

12.2.111 *No modification to Policy CO12 or to paragraphs 12.23 or 12.26.*

POLICY CO13 - FRESHWATER ENVIRONMENT

PARAGRAPH 12.29 – LOCAL NATURE RESERVES

Objections

686/10	CO13*	Mr Andrew Craven Kent Wildlife Trust	nfs
751/45	CO13	Ms Claerwyn Lock The Environment Agency	NFS
724/9	12.29	Mrs Linda Rene-Martin Sandgate Society	INQUIRY

Issues

Whether the policy is sufficiently robust.

Whether there should be additions to the designated area of the Encombe Wood Local Nature Reserve.

Inspector's Reasoning and Conclusions

12.2.112 *I am satisfied that the RDD meets this objection and, with wording slightly different from that suggested, that of the Environment Agency.

12.2.113 The objector proposes that the existing Encombe Wood Local Nature Reserve (LNR) be expanded to include the whole of the Sandgate Escarpment and the Enbrook Valley area. Paragraph 12.29 states that the Council will seek to declare further LNRs as the opportunity arises. However, I understand that the Council does not own all the land identified in the objection. The necessary legal interest in the land would therefore have to be in the form of a nature reserve agreement with the landowner(s), a matter which would take some time and which would not justify delay to the Local Plan process. The Local Plan should contain firm policies and not merely statements of intent. I consider therefore that no modification of the Plan is necessary now, but that, if the nature conservation interest of the area is of sufficient importance, the Council may investigate the area for addition to the Encombe Wood Local Nature Reserve. Meanwhile the nature conservation interest of the area is protected by Policy CO5 and by Policies CO1, CO11 and CO12.

RECOMMENDATION

12.2.114 *No modification to Policy CO13 or to paragraph 12.29, but the Council may wish to consider whether the Sandgate Escarpment and the Enbrook Valley might be a suitable candidate for addition to the Encombe Wood Local Nature Reserve.*

PARAGRAPHS 12.32-12.33 - RURAL LANE AND ROADSIDE VERGES

Objections

769/2	12.32	Mr David Wiseman, Clerk Postling Parish Council	nfs
769/3	12.33	Mr David Wiseman, Clerk Postling Parish Council	nfs

Issues

Whether the list of Roadside Nature Reserves in Appendix 8e should be expanded.

Inspector's Reasoning and Conclusions

12.2.115 Kent Wildlife Trust designates the Roadside Nature Reserves listed in Appendix 8e of the Plan, a matter outside the Local Plan process. Suggestions for the inclusion of other areas suggested in the objection should be addressed to the Trust. Verges and lanes not so designated would still be protected under Policy CO11, as well as under Structure Plan Policy ENV13. Paragraph 4.35 of the Structure Plan states that local planning authorities may identify in Local Plans those lanes protected by Policy ENV13. The Council have not identified such lanes on the Proposals Map, but confirm in paragraph 12.33 of the Plan that they will apply Policy ENV13 to protect the character of important rural lanes. I do not consider that modification is required in response to either objection.

RECOMMENDATION

12.2.116 *No modification to paragraphs 12.32 or 12.33.*

POLICY CO14 AND PARAGRAPHS 12.35-12.36 - DUNGENESS

Objection

569/9 CO4, 12.35-12.36 Mr Neil Hilkene Kent County Council NFS

Issue

Whether the policy is sufficiently clear and robust.

Inspector's Reasoning and Conclusions

12.2.117 Dungeness is protected by a number of national and international, as well as local, nature conservation designations, and by Policies CO8-CO11. Policy CO14 merely draws these matters together, and is to some extent unnecessary. I do not consider that an additional Policy CO14 designation on the Proposals Map would be helpful in these circumstances and in fact would be confusing. I consider that the policy is sufficiently clear as written, and is explained and justified by paragraphs 12.35 and 12.36. No further change is required.

RECOMMENDATION

12.2.118 *No modification to Policy CO14 or to paragraphs 12.35-12.36.*

POLICY CO15 AND PARAGRAPH 12.39 - AGRICULTURE

Objections

569 12.39 Mr Neil Hilkene Kent County Council NFS
772/20 CO15 Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents NFS

Issues

Whether reference to nature conservation should be included in paragraph 12.39.

Should the policy exclude grade 3a agricultural land.

Inspector's Reasoning and Conclusions

12.2.119 Paragraph 2.17 of PPG7, as amended by the Ministerial Parliamentary Answer of 21 March 2001, includes biodiversity among examples of sustainability considerations that might weigh against the development of lower-quality agricultural land before that of higher quality. I consider therefore that the inclusion of "nature conservation" in the penultimate sentence of paragraph 12.39 is justified.

12.2.120 The best and most versatile agricultural land is defined in PPG7 as being grades 1, 2 and 3a. I do not consider that the Plan should depart from that definition.

RECOMMENDATION

12.2.121 *Modify paragraph 12.39 by adding "nature conservation" after "such as" in the penultimate sentence.*

POLICY CO16 - FARM DIVERSIFICATION

Objection

833/1 CO16 G W Finn & Sons NFS

Issue

Whether the policy should include a criterion concerning traffic generation.

Inspector's Reasoning and Conclusions

12.2.122 Paragraph 43 of PPG13 urges local planning authorities not to reject a proposal for farm diversification on the grounds of a modest increase in traffic generation. I do not consider that the Plan, which should be read as a whole, conflicts with this guidance. The Plan concentrates, rightly in my view, not on traffic generation in general but directly on the harm that might arise from it, in terms of the safety and congestion issues of a new or more intensively used access. Policy TR11 allows the option of supporting the proposal with a traffic impact study. To my mind this would need to be only of a scale appropriate to that of the proposed development, and might be of use if there were thought to be wider highway network impacts in terms of safety or delays from increased traffic generation. I do not therefore fault the lack of a traffic generation criterion, especially as PPG13 may be called upon as a material consideration in assessing proposed development.

RECOMMENDATION

12.2.123 *No modification to Policy CO16.*

POLICY CO17 - AGRICULTURAL DWELLINGS

Objection

772/21 CO17 Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents NFS

Issue

Should the policy include a clause relating to agricultural occupancy conditions.

Inspector's Reasoning and Conclusions

12.2.124 When a need is proven to provide accommodation to enable agricultural workers to live near their work, it is reasonable to ensure that the accommodation remains available for that special use. This approach is supported in paragraph I17 of PPG7. The relevant clause in Policy CO17 should remain.

RECOMMENDATION

12.2.125 *No modification to Policy CO17.*

POLICY CO19 - RE-USE AND ADAPTATION OF RURAL BUILDINGS

Objections

778/1	CO19	Mr Stephen Craigie	nfs
566/3	CO19	BT Plc RPS Chapman Warren	NFS
833/2	CO19	G W Finn & Sons	NFS
772/22	CO19	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Does the policy reflect advice in PPG7.

Should the policy include a clause relating to traffic generation.

Inspector's Reasoning and Conclusions

12.2.126 Paragraph 12.45 of the RDD provides reasoned justification for criterion (e) of the policy. It refers to the benefits of the re-use of rural buildings for commercial and other uses in terms of the creation of new employment opportunities in rural areas. This is an approach supported in paragraphs 3.14-3.17 of PPG7, which favours the conversion of rural buildings to business re-use before residential re-use. Paragraph 3.15 of PPG7 emphasises that “especially” in areas where the creation of local employment is a priority should the employment re-use test come into play. It does not state that the test should be used only in those areas. In any event, the District has Assisted Area status, and Romney Marsh is a Rural Development Area, and so rural employment is indeed a local issue. Additions to the policy and paragraph 12.45 in the RDD allow some flexibility.

12.2.127 Finn and Sons’ objection in regard to traffic generation is essentially the same as that to Policy CO16, to which I draw attention for my reasoning and conclusions. The objection of Mr Beggs is actually to paragraph 12.48 and I report on it under that heading.

RECOMMENDATION

12.2.128 *No modification to Policy CO19.*

POLICY CO20 AND PARAGRAPHS 12.47-12.48 - REPLACEMENT DWELLINGS

Objections

772/23	CO20, 12.48	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
871/13	CO20	Mr Mike Simmonds Michael Simmonds Associates	NFS
913/2	CO20	Mr David Jarman BSF Planning Consultants	NFS
833/3	CO20*	G W Finn & Sons	NFS
913/3	12.47	Mr David Jarman BSF Planning Consultants	NFS

Issue

Is the policy and reasoned justification the best way of securing appropriate development in the form of replacement dwellings in the countryside.

Inspector's Reasoning and Conclusions

12.2.129 *I am satisfied that the RDD meets the aim of this objection, and that of Mr

Simmonds in regard to reference, in the FDD, to the “original dwelling” and to a 50% increase in footprint. Subject to the recommendations below, and taking into account that the Plan should be read as a whole, I do not consider that the relevant Ashford Borough Local Plan policies offer significant advantages in wording over Policies CO20 and CO21 of the RDD.

12.2.130 I realise that the examples given in paragraph 12.47 in the RDD are limited and merely illustrative. However I consider that the apparent reliance on the degree of isolation as a determining factor gives a distorted message which conflicts to some extent with Policy CO20. In my view it would be better for the reasoned justification to explain “context” in terms of what the policy aims to achieve. This could include consideration of the effect that the proposed extension or replacement dwelling would have on its immediate setting, its impact in the landscape and the extent to which the scale and massing would differ from the existing dwelling. It does not follow that all extensions to, or replacements of, isolated houses in the countryside should amount to only a very small increase in size. I recommend accordingly. Criterion (c) strikes the right note, to my mind, in concentrating on potential harm and in the use of “substantially”, which emphasises that development should be modest but which allows some flexibility.

12.2.131 The subject of sustainable construction is complex one. The government considers it an important factor in the achievement of national and international sustainability targets, including for greenhouse gases. Replacement dwellings can be considerably more sustainable than existing houses which have been extended, as the whole building would have to meet current standards in terms of insulation and thus of energy saving. On the other hand demolition can place demands on landfill sites and resource use, even with the recycling or re-use of building materials. Overall, I consider that there is a balance to be struck and that the issues are not as clear-cut as are implied in paragraph 12.48 of the RDD. I do not find therefore that criterion (d) of Policy CO20, or the submission of the statement required by paragraph 12.48, are justified. I recommend accordingly.

12.2.132 I do not consider that it would be right to add “four years” to criterion (a) of Policies CO20 or CO21, as in both cases the criteria aim to cover the question of abandonment, to which the four-year rule does not apply.

RECOMMENDATIONS

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

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

12.2.135 *Modify Policy CO20 by deleting criterion (d).*

POLICY CO21 - EXTENSION AND ALTERATION TO DWELLINGS

Objections

871/14	CO21	Mr Mike Simmonds Michael Simmonds Associates	NFS
833/4	CO21*	G W Finn & Sons	NFS
772/24	CO21	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Is the policy and reasoned justification the best way of securing appropriate development in the form of extensions to dwellings in the countryside.

Inspector's Reasoning and Conclusions

12.2.136 *I am satisfied that the RDD meets the aim of this objection.

12.2.137 Mr Beggs' and Mr Simmonds' objections are very similar to those to Policy CO20 and its reasoned justification, and I deal with them under that heading.

RECOMMENDATION

12.2.138 *No modification to Policy CO21.*

POLICY CO22 - HORSE KEEPING

Objections

833/5	CO22	G W Finn & Sons	NFS
751/41	CO22*	Ms Claerwyn Lock, The Environment Agency	NFS
772/25	CO22	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Should criterion (f) be deleted.

Whether a criterion relating to traffic generation should be included.

Inspector's Reasoning and Conclusions

12.2.139 *I am satisfied that the RDD meets the aims of this objection.

12.2.140 Jumps can be brightly coloured and visually prominent in the landscape, and are designed to be readily demountable. Criterion (f) is not therefore unreasonable, and it meets advice in paragraph F2 of PPG7. GW Finn and Sons' objection is essentially the same as that to Policy CO16, and I refer to my reasoning and conclusions under that heading. No further change is required in response to these objections.

RECOMMENDATION

12.2.141 *No modification to Policy CO22.*

POLICY CO23 - FARM SHOPS

Objections

20	CO23	Mr P M Allen Godden & Allen Chartered Surveyors	NFS
565/5	CO23	Kent Rural Community Council	nfs
833/6	CO23	G W Finn & Sons	NFS

Issues

Would the policy allow the right balance to be achieved between the need for farm diversification and the need to restrict inappropriate retail growth outside village centres.

Inspector's Reasoning and Conclusions

12.2.142 The definition of agriculture also includes horticulture. I do not consider therefore that it is necessary to refer specifically to horticultural units in the policy.

12.2.143 The policy aims to allow reasonable farm diversification whilst restricting inappropriate retail growth in the countryside, away from settlements. Farm shops therefore have special justification, which the introduction of “predominantly” to criterion (a) would dilute. A proposal for the introduction of the sale of non-farm goods, for example to change a farm shop to a general shop to serve local needs, could be assessed under shopping Policy S8, the provisions of which do not need to be repeated in Policy CO23. I consider that the retention of the last part of criterion (a), relating to the viability of shops in nearby rural settlements, is reasonable. The Plan aims to encourage the retention and improvement of existing retail areas, including village shops and centres, and to limit development in less sustainable locations.

RECOMMENDATION

12.2.144 *No modification to Policy CO23.*

POLICY CO24 - STRATEGIC LANDSCAPING

Objections

259/1	CO24	Hobbs Parker Surveyors BSF Planning Consultants	INQUIRY
930/2	CO24	Mr N Snape GW Finn & Sons	INQUIRY
388/3	CO24	Pentland Homes Ltd Charles Evans	INQUIRY
596/3	CO24	Messrs N L M Snape & J F G Steed GW Finn & Sons	INQUIRY
388/2	CO24	Pentland Homes Ltd Charles Evans	INQUIRY
772/26	CO24	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
471/1	CO24	W T Lamb Properties Ltd Charles Evans	W/R
728/3	CO24,12.57	The Queens College Oxford James Williams	W/R

Issue

Are the designations the best way of achieving the aim of the Policy; should they be amended in some areas.

Inspector's Reasoning and Conclusions

12.2.145 The benefits of landscaping are identified in paragraph 12.56 as helping to secure quality in development, minimising environmental impacts such as noise, and providing new and enhanced wildlife habitats. Appropriate structural landscaping and the retention of existing important landscape features will be required in the areas designated on the Proposals Map under Policy CO24, and the policy states that development will not normally be permitted in those areas. In line with GOSE's objection to the use of “normally” in policies, as lacking in clarity and being unnecessary in the light of S.54A, I recommend that the word be deleted.

Shearway Business Park

12.2.146 The northern boundary of the Shearway Business Park follows closely the southern edge of the M20. Only in the area of the objection site is there a Policy CO24 strategic landscaping designation to the northern edge of the Business Park. This coincides with a more visually exposed area where the ground level is only a little lower than the M20, where buildings and structures are much closer to the boundary and screening is thin or absent. Some softening is justified to improve the quality of the development, and is indicated in the Biggins Wood Industrial Estate Development Brief. However, the designated landscape belt is of considerable depth, and takes up much of the exiting operational area of two concrete batching plants, and of a vacant site adjacent. The wording of the policy in the RDD would unreasonably restrict development on these relatively small sites. The proposed policy wording which I recommend below would overcome this concern however, whilst allowing appropriate screening to be generated by future development.

Killing Wood, Hawkinge

12.2.147 Development has been permitted in the strategic landscaping area near Killing Wood in Hawkinge, but I saw that its design, height, additional planting and relationship to the edge of the scarp slope mean that the objectives of the Policy CO24 area are not significantly compromised. However, the designation should remain to ensure that this situation continues.

Hope Farm, Hawkinge

12.2.148 I have concluded elsewhere in this report under the heading of Policy CO2 that land at Hope Farm should not be allocated for housing development in the Plan. It follows, therefore, that it is not necessary to define a strategic landscaping belt to set a limit to development in this area.

75 The Street, Hawkinge

12.2.149 I deal with all aspects of this objection under the heading of Policy HO2 Omission Sites.

Gibraltar Lane, Hawkinge

12.2.150 This objection proposes the realignment of the eastern end of the Gibraltar Lane landscaping belt, and its continuation for some distance to the south east. The objector suggests that the amendment would offer better screening to the housing areas to the north and east, and to the relief road cutting. I have carefully observed the area from a number of viewpoints, and conclude that the proposed alteration will not offer significant advantages over the designation shown on the Proposals Map, especially as planting in the bypass cutting matures and grows in height and effectiveness. The relocation would enlarge the allocated employment area to the north unnecessarily and I do not recommend the amendment.

Gibraltar Lane and Barnhurst Lane, Hawkinge

12.2.151 At the inquiry the objectors confirmed that they do not wish to pursue the objection in relation to Gibraltar Lane (Site HO2K). I see little advantage in the amended designation boundary suggested and I do not recommend any change to the Proposals Map in that area. An amendment to the policy wording is suggested, to the effect that the extent of the landscaping areas in detail would be determined at the planning application stage. I consider that this is a sensible approach and would not hamper the ability of the Local Planning Authority to defend robustly the aims of the policy. I have omitted "generally" from the wording as it brings uncertainty. I agree with the Inspector in the last local plan inquiry (CD4.03 paragraph 11.167) that the nature as well as the extent of the landscaping areas should be a matter for

determination at the planning application stage. I recommend accordingly.

12.2.152 The main aims of the strategic landscaping belts at Hawkinge are to protect the AONB and to create a firm edge to development. At Barnhurst Lane the issue is whether it is necessary for structural planting to take place west of the bypass, to screen the road as well as residential development from the AONB and, if so, whether it should be at the expense of the Policy CO24 area east of the bypass.

12.2.153 I have considered carefully views of Site HO2L from Pay Street, from the Cemetery and from the footpath that runs nearby. The relief road would be approximately at surface level in that area. Planting in the Policy CO24 belt could provide effective screening to the housing, but the road would dilute that effect by presenting a harsh edge to the development, in a prominent position on the plateau. The Inspector at the 2002 inquiry was considering a proposal for planted 3m high bunds on both sides of the relief road, with the possibility of some additional off-site planting west of the bypass in the form of a small wood and hedgerow. The MoD are to carry out, independently, further planting of small copses and some hedgerows on adjoining land. I agree with his conclusion that, over time, the effect of planting on both sides of the bypass would combine to provide a satisfactory edge to Hawkinge, although there might be a need to consider further planting near the cemetery (CD4.06 paragraphs 318-320). I consider therefore that the designated policy area would not, on its own, afford sufficient protection. Off-site planting would be required, west of the bypass, and between the bypass and Canterbury Road as proposed by the objectors, to provide a fully sympathetic soft interface between Hawkinge and the AONB and to define the development. I do not find that the opportunity for drivers on the relief road to enjoy clear views of the AONB would outweigh the need to screen the development as a whole, including the road.

12.2.154 The second question is whether the suggested off-site planting should replace or be in addition to the Policy CO24 area. In my view the off-site planting would assume the bulk of the strategic role, but structural screening and softening at the east side of the bypass would still be required to support that function and to enhance the quality of the housing area. It is clear that the Inspector in 2002 considered that planting on both sides of the bypass would be required to provide a fully effective interface with the AONB, and the FSS agreed with his recommendation in that regard. I find therefore that the Policy CO24 area around Site HO2L should be deleted and replaced by a requirement, in a development brief, for structural planting there of a non-strategic scale to achieve the objectives which I have mentioned. The removal of the policy designation might allow for a small increase in the housing yield on this site, which would contribute towards making good the deletion of Site HO2G at Princes Parade. The Barnhurst Lane site is closer than Site HO2K to the traditional core of the village and to bus routes, and represents a sustainable location for a small increase in the number of allocated dwellings.

12.2.155 The objectors indicate that the off-site planting is deliverable as the land is predominantly in their ownership or subject to an option. I conclude that the Policy CO24 designation should be replaced west of the bypass, and between the bypass and Canterbury Road, roughly along the lines suggested in the objectors' plan HDA6.

Other Matters

12.2.156 The District Planning Authority should indeed consider the use of a planning obligation to secure matters including the planting and management of an area of strategic landscaping, in accordance with Circular 1/97. It is right that this is mentioned, either in the policy wording or in reasoned justification.

RECOMMENDATIONS

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

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

POLICY CO25 - COMMON LANDS

Objection

729/23 CO25* Mr Ralph Dickens Government Office for the South East NFS

Issue

Is “protect” vague and unclear.

Inspector's Reasoning and Conclusions

12.2.159 *I am satisfied that the RDD meets this objection.

RECOMMENDATION

12.2.160 *No modification to Policy CO25.*

PARAGRAPH 12.64 – NEW BUSINESS DEVELOPMENT IN THE COUNTRYSIDE

Objection

20 12.64 Mr P M Allen Godden & Allen Chartered Surveyors NFS

Issue

Should the paragraph support a new policy.

Inspector's Reasoning and Conclusions

12.2.161 The Plan should be read as a whole, and it is not necessary to provide a policy for every eventuality. I consider that Policy E6 and others, together with paragraph 12.64, provide sufficient support for proposals for appropriate rural employment development in the District. I

do not consider that a new policy is necessary.

RECOMMENDATION

12.2.162 *No modification to the Plan.*

13. FOLKESTONE TOWN CENTRE

POLICY FTC1 - BOUVERIE PLACE

Objections

475/5	FTC1	Mr E Roberts	nfs
730/7	FTC1	Mrs M Weaver Lydd Town Council	nfs
753/4	FTC1	Folkestone Town Centre Management	nfs
551/4/5	FTC1	Mr(s) A P Bennett	NFS
39/17	FTC1	Mr Roger Joyce Roger Joyce Associates	NFS
571/9	FTC1	Go Folkestone	NFS
39/5	FTC1	Mr Roger Joyce Roger Joyce Associates	NFS
543/9	FTC1	Mr C W Auld, Clerk Lyminge Parish Council	NFS
871/15	FTC1	Mr Mike Simmonds Michael Simmonds Associates	NFS

Issues

Should the policy refer to mixed uses in the redevelopment.

Does the policy pay sufficient regard to design.

Would current parking at the site limit development.

Should the site area be extended to include Guildhall Street.

Would the policy be redundant in the face of a planning application.

Inspector's Reasoning and Conclusions

13.1.1 Many objectors propose that the Bouverie Place development should be of mixed use, not just retail. Suggestions include a hotel, commercial, art and leisure uses, affordable or general housing, and open space possibly in the form of a roof garden. However, the main aim of the Bouverie Place redevelopment is to provide a substantial area of new comparison goods shopping floorspace, essential to help revitalise the town centre and to make it more competitive in relation to rival centres at Canterbury and Ashford. Features and uses that would support that aim, and thus the vitality and viability of the town centre, could form part of a scheme, and would not be precluded by Policy FTC1. No change to the policy is necessary.

13.1.2 The redevelopment of Bouverie Place represents an outstanding opportunity to secure a

building of high design quality in this key location in the town centre, in an area that has limited visual appeal at present. Paragraph 2.33 of PPG6 emphasises that town centres must provide a high quality environment if they are to continue to be places where people wish to come, and the DETR publication *By Design* shows how good urban design can help to create successful spaces and improve the quality of life. However Policy FTC1 and its reasoned justification make no mention of good design and its role in assisting town centre regeneration. Good design should be sought everywhere and is the object of Policies SD1(f) and BE1. Whilst the Plan should be read as a whole, I consider that the special importance of this key site, and objective 13.5(3) of the Town Centre chapter, justify additional emphasis on design in Policy FTC1 and in paragraph 13.6.

13.1.3 There is only temporary planning permission for car parking at Bouverie Square and Alexandra Gardens, which should not therefore hinder the redevelopment of the area. I have no evidence that demand could support retail floorspace in excess of the 16,000sqm identified in the policy, in order to extend the Bouverie Place development towards Guildhall Street. I understand that there are other environmental improvement schemes proposed by the Council that would help to revitalise that part of the town centre. I understand that a planning application may have been submitted for Bouverie Place, but Policy FTC1 should remain to guide development in that area over the Plan period.

RECOMMENDATIONS

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

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

POLICY FTC2 - PAYERS PARK

Objections

753/5	FTC2	Folkestone Town Centre Management	nfs
789/1	FTC2	Mr J H Bricknell Rowlands Confectionery	nfs
772/9	FTC2	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Is the requirement for 100 public car parking spaces on the site too restrictive and would it threaten the deliverability of a redevelopment scheme for the site.

Should a link such as an escalator or lift between Tontine Street and Rendezvous Street be considered in the policy.

Would the allocation affect 17 Old High Street.

Is there conflict between Policy E3 and Policy FTC2.

Inspector's Reasoning and Conclusions

13.1.6 The provision of public car parking spaces at Payers Park will help to serve the eastern

end of the town centre where alternatives, including parking at the harbour, are limited. Paragraph 13.10 of the Plan tells us that planning permission has been granted at the site for a scheme with a total of 246 parking spaces. I find therefore that a policy target of 100 public spaces is reasonable. The need for public parking should also, however, be balanced with the need to deliver a sufficient number of dwellings in sustainable locations, an important aim of the Plan. Payers Park, as urban brownfield land close to the town centre, is one of the most sustainable sites that have been identified. The effect of parking provision on the deliverability of housing on this site, with its difficult terrain, could therefore be an important material consideration to be taken into account, under S.54A, in the assessment of a planning application. I consider that this approach would allow sufficient flexibility, and the figure of 100 spaces is not therefore too restrictive.

13.1.7 The policy supports the development of attractive pedestrian links between Tontine Street, Old High Street and Rendezvous Street. To my mind an attractive link must include one which addresses the gradients involved. I understand that the access to the rear of 17 The Old High Street for goods vehicles is outside the Policy FTC2 boundary and so would not be directly affected by development at Payers Park. Any effect on this access would be a matter for consideration at the planning application stage. I do not find that Policy FTC2 conflicts with Policy E3 in the matter of ground floor uses. In the case of potential conflict between general policies, such as E3 or S4, and a site-specific policy such as Policy FTC2, in my view the site-specific policy should carry greater weight. No alteration of the policy is required.

RECOMMENDATION

13.1.8 No modification to Policy FTC2.

POLICY FTC3 AND PARAGRAPH 13.11 - INGLES MANOR

Objections

269/1	FTC3	Ms K Stay	nfs
599/1	FTC3	Mr/s Philip Carter	nfs
412/60	FTC3	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	nfs
753/6	FTC3	Folkestone Town Centre Management	nfs
571/8	FTC3	Go Folkestone	INQUIRY
746/3	FTC3	Mr Richard Wallace	NFS
39/4	FTC3	Mr Roger Joyce Roger Joyce Associates	NFS
568/4	FTC3	Mr L Page, Chairman New Folkestone Society	NFS
3/1	FTC3	Mr P Greenstreet	W/R
475/6	FTC3	Mr E Roberts	W/R
412/47	FTC3	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
412/2	FTC3	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R
412/46	13.11	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R

Issues

Is the loss of the garden centre acceptable.

Is the total number of dwellings allocated to Area A, and their phasing, right in the light of the sensitivity and constraints of the site.

Whether the policy achieves the right balance between housing and employment uses.

Should the policy refer to the preparation of a development brief.

Should uses other than those in Class B1 be designated for Area B.

Inspector's Reasoning and Conclusions

13.1.9 Ingles Manor was the manor house for an extensive farm holding west of Folkestone, and has been owned by the Folkestone Estate since the 17th century. It is a Grade II listed building, and is noted as being of group value with a number of barns to the south west. One of these, unfortunately destroyed by fire in 2001, was also listed. The southern part of the site, and the north eastern boundary, are in the Folkestone Leas and Bayle Conservation Area, and the whole site once formed part of the Folkestone Pleasure Gardens. There are a number of trees on the site which are protected by a Tree Preservation Order (TPO) and I saw that those near the northern and eastern boundaries, and along the internal avenue, are particularly fine. The site is clearly of a sensitive nature. However, in my view Policy FTC3, if modified as recommended, together with other relevant policies of the Plan, would ensure robust protection of the listed building and its setting, the Conservation Area and the leafy character of the site.

13.1.10 In view of the complexity and sensitivity of the site I consider it essential that the District Planning Authority, in consultation with the landowners, prepare a development brief. The Folkestone Estate has produced a draft brief but amendment may be necessary to incorporate modifications that follow my recommendations. A sentence to that effect should be added to paragraph 13.11 rather than to the policy wording. It is not appropriate that policy should state that development must be in accordance with such supplementary planning guidance, as such guidance would not form part of the development plan for the purposes of S.54A.

13.1.11 The existing garden centre at Ingles Manor is a retail use, and neither this nor the rest of the site therefore greenfield land. The whole site represents previously-developed land close to the town centre, to bus routes and to the railway station. It is therefore a highly sustainable choice for housing development, in accordance with PPG3. The delivery of the required amount of housing in a sustainable manner is a key aim of the Plan. I consider that the Ingles Manor site would make a valuable contribution to the achievement of that aim. The criteria of Policy FTC3 would ensure that any development upon the site would have to respect the special features and designations of the site to which I have referred.

13.1.12 The garden centre, with its café and informal park-like grounds, makes an attractive location for a visit. However, it is private land and not public open space, and has an established and viable commercial use. In the absence of Policy FTC3 there would be nothing, in principle, to prevent this or another retail use from building on the open grounds of the garden centre. I recognise that the garden centre is a valued feature and creates some local employment. There is no reason why it may not remain, however, on the western part of the site, at least until the termination of the current lease. I appreciate that informal green spaces within towns, such as the Ingles Manor site, can be greatly valued by residents and visitors. However there is a considerable amount of public open space in this part of Folkestone, including at Kingsnorth Gardens on the other side of Shorncliffe Road. There is ramped access to the Gardens, they are accessible to the elderly, those with pushchairs or to people with disabilities, and there is ample seating. I have no evidence of need for further public open space or leisure uses in this part of Folkestone, including for the extension of Kingsnorth Gardens into the Ingles Manor site via a

footbridge, or the establishment of a new concert venue as an alternative to the Leas Cliff Hall. The need for play areas in residential development would be taken into account under Policy LR10. There has been no objection to the policy from the Kent Wildlife Trust. I do not consider therefore that the retention of the private open space at the garden centre would outweigh the identified need for sustainable housing and, to a lesser extent, employment development in the area.

13.1.13 I have concerns about the number of dwellings to be provided, in relation to the area to be allocated for residential and employment uses. The policy specifies that 100 dwellings, including flats, be provided on the eastern part of the site (Area A), the phasing of which is shown in Policy HO2E. It is right that development on this site should be at relatively high density, and with limited car parking provision, in view of its position at the edge of the town centre and close to public transport routes. However, in principle, and taking into account the indicative sketch layout submitted by both the Council and the landowners, I consider that it would be difficult to achieve a development of 100 dwellings on Area A without setting it uncomfortably close to existing trees. In my view this goes to a matter of principle rather than to a problem of detail that may be overcome at the planning application stage. It is of key importance because of the special sensitivity and character of the site. The target of 100 dwellings could be reduced. However in my view the best approach would be to amend the designation of the northern part of Area B to residential, in order to allow more flexibility for a layout that would fully respect the character of the site. This may also allow the possibility of delivering slightly more than 100 units, depending on the details of design, although this should not be the main aim of the redesignation.

13.1.14 The designation of the northern part of Area B, as an extension to the established employment site at Ingles Manor, is not easy to justify when paragraph 4.8 tells us that there is a surplus of A2/B1 land over the Plan period, in relation to Structure Plan guidelines. I recognise that the regeneration of Shepway's economy is an important aim of the Plan, and that the Council feel that the provision of a plentiful supply of employment land will help to attract investment. However, paragraph 42 of PPG3 urges local authorities to consider the use of surplus employment sites for housing, particularly on previously-developed land. I consider therefore that, on balance, the best use of the northern part of Area B would be as part of the housing allocation, if or when the garden centre use ceases on termination of the lease.

13.1.15 I now turn to consider the phasing of residential development on Area A. The current use on Area A would indicate that the southern part of the housing site would be likely to be developed first, for about 25 dwellings. If the policy allocation area is altered as recommended, I see no reason why the enlarged northern part of Area A should not accommodate about 75 dwellings. If not, then I see difficulty in accommodating the bulk of the allocation of 100 dwellings on the northern part of Area A, which is heavily constrained by trees. The Urban Capacity Study indicated that about 50 dwellings could be accommodated on an unspecified part of the garden centre site. If Area A is not to be enlarged then not only should the target of 100 dwellings be reduced but the proportion allocated to the northern part of the site, in the later part of the Plan period, should be reconsidered.

13.1.16 I comment on other points made in objections as follows. The reference to redevelopment as well as development in the first paragraph of the policy is reasonable as a number of buildings on the site, such as those of the garden centre, have no special protection. I understand that the listed barn, sadly destroyed by fire, is beyond restoration. An application to rebuild the barn would be assessed according to the criteria of the policy, which would ensure that the character of nearby buildings and the sensitive nature of the site are taken into account. Most of the trees on the perimeter of the site are protected by a TPO, and criterion (b) of the

policy would ensure that other trees of importance to the appearance of the site would be retained. There is no need for a detailed landscaping scheme at this stage, as only the principles of development are for consideration in the Local Plan. I am confident that the Council would ensure that a thorough survey of all trees on the site is carried out, and would update the existing TPO as necessary, as part of the preparation of a development brief. There is no reason why a Green Way should not be provided through the site as part of a landscaping scheme. This would be a matter for the planning application stage.

13.1.17 Kent Highways have no objection to the policy on highway grounds, subject to a number of matters including improvement to the Jointon Road/Shorncliffe Road junction and the prevention of the formation of a "rat run" through the site for cars. There is no requirement for the site owners or occupiers to demonstrate that any of the existing uses are unviable before the site may be allocated under Policy FTC3. The provision of adequate foul and surface water drainage would be an essential feature of any development on the site.

13.1.18 The broadening of criterion (e) in the RDD, to include general residential development as well as flats or apartments, would meet an objection. I do not consider however that other Class B uses, apart from those in Class B1, would be right on this site due to its close relationship to existing and allocated residential development. I do not find therefore that the phrase "or other employment use compatible with the character of the site and its surroundings" should be reinstated. I have no reason to believe that the allocation of part of the site for employment uses would inevitably result in the development of a single large office block, similar to the Civic Centre, on Area B. Development would have to comply with the robust criteria of the policy, which seek to protect the character of the area.

RECOMMENDATIONS

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

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

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

PARAGRAPH 13.12 - SEAFRONT SITES

Objections

871/18	13.12	Mr Mike Simmonds Michael Simmonds Associates	NFS
762/6	13.12	Sea Containers DPDS Consulting Group	W/R

Issue

Should there be new road links to the seafront and harbour.

Whether the Plan should be updated by reference to the current lack of cross-Channel ferry services at the port.

Inspector's Reasoning and Conclusions

13.1.22 Objective 3 of paragraph 13.5 supports the improvement of vehicular and pedestrian links in the town centre, which would include the port and seafront areas. I have no evidence of the need for a new bridge from Harbour Street to the former ferry terminal, or that this would be the best solution to improving accessibility to the seafront and harbour. No modification is required.

13.1.23 I consider it sensible to update the Plan by adding, to start of paragraph 13.13, that both passenger and freight ferry operations have now ceased since the publication of the Comprehensive Development Framework.

RECOMMENDATION

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

POLICY FTC4 - PORT OF FOLKESTONE

Objections

753/7	FTC4	Folkestone Town Centre Management	nfs
747/5	FTC4	Luminar Leisure Drivers Jonas	nfs
762/8	FTC4	Sea Containers DPDS Consulting Group	INQUIRY
772/10	FTC4	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
474/1	FTC4	Mr Stephen Nash	W/R

Issues

Has the effect of noise on future residents been fully taken into account in the seafront policies.

Should improved access be provided to the port and seafront through new road links.

Is the allocation of land for the possibility of the return of a passenger-only ferry service realistic; should the Plan also provide for a freight ferry operation.

Inspector's Reasoning and Conclusions

13.1.25 There are no specific residential provisions within Policy FTC4; such proposals are found in Policies FTC5-8. Both existing and proposed residential areas would be adjacent or near to the leisure zone at the eastern end of policy area FTC6, and may be adjacent to other leisure uses elsewhere in the town centre. Any proposals for residential development would have to take into account the potential effect of noise-generating uses, both existing and proposed, and include proposals for mitigation as necessary. The Plan should be read as a whole, and Policies U16 and SD1(k) would protect the living conditions of residents.

13.1.26 I have no evidence that removal of the railway line would improve access to the port and harbour area. On the contrary, it would limit the ability of the area to be served by public transport, in conflict with the fundamental aims of government guidance in PPG3 and PPG13, and of the Plan. In my view the railway viaduct is a striking and valuable element of the character of the port and harbour area, and part of the heritage of Folkestone and objectors have shown no overriding benefit in its removal.

13.1.27 Several objections focus on whether or not a passenger-only, or passenger-and-car/freight, cross-Channel ferry operation should be encouraged at the port, and that land be reserved for it in the Plan. Government guidance in PPG13 is supportive of movement of freight by water. However, the Structure Plan assesses all the Kent ports, and identifies those where expansion or diversification will be encouraged. Paragraphs 10.28 and 10.29 of the Structure Plan set out the chequered history of freight operations at Folkestone, and the limitations of the single roll-on-roll-off berth and the relatively small vessels that operated. Structure Plan Policy P7, which concerns the port of Folkestone, states that development proposals that will support the maintenance of cross-Channel services will be permitted. The policy also, uniquely among the port policies of the Structure Plan, acknowledges the possibility that a cross-Channel link may not be maintained at Folkestone and indicates that comprehensive redevelopment of the port area may be considered.

13.1.28 Since then the port of Folkestone has felt the full force of competition from the opening of the Channel Tunnel and the strengthening of the port of Dover. All cross-Channel ferry services have ceased, although I saw that the port still has some use by small coastal trading vessels. It may be that the actions of port landowners have done little to encourage the maintenance of a freight, or indeed any, ferry service, but that is a matter over which the Council have little control. Folkestone is the second-closest port to Europe but that is not an overriding factor. The objectors acknowledge that a considerable amount of investment would be needed to make the port attractive to a freight operator, and that the links between the port and the M20 are poor in comparison with those of Dover. I consider therefore that Policy FTC4 represents a realistic response to the current situation, and is in conformity with the port strategy of the Structure Plan. It would allow the port and harbour to have a continuing and important role in the regeneration of the local economy, while not excluding commercial shipping uses.

13.1.29 The Local Plan must confine itself only to matters that have a direct bearing on land use. The Council may be able to encourage a ferry operator to start a new cross-Channel service from Folkestone through other Council initiatives, but their financial and legal powers in relation to fostering port operations and development are quite different from those of French local and regional authorities quoted in objections. It is right however that the option of resuming at least a passenger-only operation should be kept open, through the land use allocations of Policy FTC4. If it is found in the future that there is no reasonable possibility of any resumption of a cross-channel service, then the policy may be reassessed at within the next version of the development plan. I find therefore that no further modification to the Plan is necessary.

RECOMMENDATION

13.1.30 No modification to Policy FTC4.

POLICY FTC5 AND PARAGRAPHS 13.16-13.17 - MARINA AND SOUTH QUAY

Objections

762/9	FTC5	Sea Containers DPDS Consulting Group	INQUIRY
751/46	FTC5	Ms Claerwyn Lock, The Environment Agency	NFS
772/11	FTC5	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
762/7	13.16-3.17	Sea Containers DPDS Consulting Group	INQUIRY

Counter Objection
931/1 PC19, PC20 Mr & Mrs Irving

WR

Further Proposed Changes: PC19, PC20

Issues

Is the policy too restrictive, and is reference to the vitality and viability of the town centre unnecessary.

Is the deletion of the restriction on storey height justified.

Inspector's Reasoning and Conclusions

13.1.31 I consider it reasonable that the policy should give guidance on the number of pontoon berths that would be acceptable, especially in view of the need to keep much of the harbour clear for fishing operations. The provision of a new public slipway, boat trailer parking and a relocated yacht club would support the leisure role of the harbour, and that wording should be retained in the policy. I see no advantage in adding a reference to D2 use. Landmark buildings of excellent design at South Quay would enhance the quality and attractiveness of the harbour area. Criterion (b) of the policy states that residential use will be acceptable on South Quay, and no further emphasis is required. The Plan should be read as a whole, and the environmental impacts of the proposals of Policy FTC5 would be taken into account under other policies, including Policy SD1.

13.1.32 The wording of criterion (b) in the RDD is now more direct and meets an objection in that regard. It is clear to me that development on South Quay should support or be supported by the proposed marina. Unrelated development would represent a wasted opportunity to enhance the leisure aspects of the harbour in a comprehensive way, which could be a significant element in the regeneration of the area. The quality of the ambience of the marina and of development at South Quay, and indeed of the whole seafront area, are mutually dependent in my view. In this I distinguish between the marina proposal and the suggested hotel at Gunwharf Quays, Portsmouth. I do not find that the policy is over-prescriptive in terms of the form that the support for the marina should take nor, as there is no objection to the marina in principle, is the policy wrong to refer firmly to its inclusion. No amendment is required.

13.1.33 Criterion (b)(iii) would repeat provisions of PPG6. However it is justified in this instance to reinforce the policy focus that uses at the harbour, including retail, should complement its leisure and marine role and should not prejudice the vitality and viability of the town centre and the Bouverie Place development.

13.1.34 PC19 and PC20 would relax the limit on storey height at the harbour only, and would not apply to the seafront in general. I consider that there is scope for a landmark building of excellent design at the harbour entrance, which would enhance the character and appearance of the area and strengthen its sense of place. The emphasis on quality in the policy wording should be paramount however in this important and visually prominent location, and is strongly supported in government advice. The Further Proposed Changes would allow some flexibility, whilst Policy BE1 would seek to ensure a high quality of design, supported by a design statement. I am confident that the Local Planning Authority will take into account views from The Leas and other elevated parts of Folkestone, as an important factor in assessing the acceptability of a scheme.

RECOMMENDATION

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

PARAGRAPH 13.19 - LEISURE ZONE

Objection

598/1	13.19	Mr J Godden Rotunda Amusement Park	nfs
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Issue

Should a casino be added to the list of examples in paragraph 13.19.

Inspector's Reasoning and Conclusions

13.1.36 I am satisfied that the RDD meets this objection.

RECOMMENDATION

13.1.37 No modification to paragraph 13.19.

POLICY FTC6 - LAND SOUTH OF MARINE PARADE

Objections

830/1	FTC6	Mr Russell Reilly	nfs
774/1	FTC6	Mr Andrew Burton	nfs
773/2	FTC6	Mr Andrew Hay KCC Youth Worker	nfs
747/6	FTC6	Luminar Leisure Drivers Jonas	nfs
762/10	FTC6	Sea Containers DPDS Consulting Group	INQUIRY
772/12	FTC6	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Has the effect of noise on future residents been fully taken into account in the seafront policies.

Has the need to retain cheap family entertainment been ignored in the policy.

Should buildings north of Marine Parade be used for the new leisure zone, allowing the retention of the Rotunda and amusement park.

What assurance is there that the design of the leisure zone would be of high quality.

Inspector's Reasoning and Conclusions

13.1.38 I have dealt with the objection about the relationship between residential development and noise generating uses under the heading of Policy FTC4.

13.1.39 The policy proposes that the entertainment for families and young people, provided at reasonable cost by the Rotunda and amusement park at present, would be replaced and expanded by the facilities in the leisure zone. A Family Entertainment Centre is envisaged as well as other

more specialised attractions such as ten-pin bowling, and Policy LR15 identifies the bottom end of Tontine Street and the Old High Street as an area for new amusement centres. The new uses would provide employment to replace that provided by the existing activities.

13.1.40 The houses of Marine Crescent or Marine Terrace are listed and would not be a good location for conversion to a large-scale entertainment facility such as a laser world. In my view it is right that leisure uses be concentrated south of Marine Parade, and that the listed buildings remain in, or be converted to, residential use.

13.1.41 Criterion (a) of Policy FTC6, and other policies of the Plan, would ensure that the design of the leisure zone buildings would be of a high quality, a prime requirement of the regeneration project which bears repeating for each policy. I do not find that the list of uses for the Leisure Zone in criterion (a)(ii) is over-prescriptive. The objector in relation to Policy FTC5 invokes the use of "should" as being appropriately flexible. I consider however that it is right to include an element of residential use at upper levels in the Leisure Zone, as suggested in the Comprehensive Development Framework, to add to the vitality of the area, to provide a true mix of uses and contribute to the housing target for Policy HO2A. I recommend accordingly.

13.1.42 I do not find that criterion (b) is too detailed. It merely indicates a pedestrian route strategy, which is essential to the success of the scheme to my mind.

13.1.43 Some form of vertical pedestrian transport up and down the Leas Cliff would be an essential feature of the Seafront redevelopment concept as a whole, in my view. It would encourage pedestrian movement between the Seafront area and the town centre, especially for those of limited mobility, and would reinforce the perception of the Seafront as an integral part of the attractions of central Folkestone. It is not right for policy to explicitly require financial contributions however, and I recommend amended wording to criterion (c).

13.1.44 If the recommendation in relation to criterion (a)(ii) is accepted there is no need to refer to residential use also in criterion (e), which deals mainly with ground floor frontage uses. I do not find that criterion (f) is too detailed. A reference to density is essential and the remainder sets out broad indications of what would be required, to be fleshed out in a development brief.

13.1.45 There was much discussion at the inquiry about the viability of the Seafront and Harbour developments. I have taken all the evidence into account. I note that there is a revival of the housing market in general in Shepway and renewed interest in high-density quality residential development in the town centre, to which the forthcoming completion of the CTRL is likely to contribute whether or not trains stop at Folkestone. Such waterfront schemes have a particular attraction and have been successful elsewhere on the south coast. I see no reason why, in principle, the Seafront and Harbour sites would be unviable and thus undeliverable in the Plan period.

RECOMMENDATIONS

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

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

POLICY FTC7 - UNDERCLIFFE SITE

Objections

747/7	FTC7	Luminar Leisure Drivers Jonas	nfs
772/13	FTC7	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Has the effect of noise on future residents been fully taken into account in the seafront policies.

Would sea views from Marine Crescent be preserved.

Inspector's Reasoning and Conclusions

13.1.48 I have dealt with the objection about the relationship between residential development and noise generating uses under the heading of Policy FTC4.

13.1.49 I consider that the preservation of views of the sea from Marine Crescent would be secured by criterion (f) of Policy FTC6, and by the emphasis on the requirement for a high quality of development that runs through all the seafront site policies. Buildings at Marine Crescent are listed, which will afford further protection to the setting of this important part of the seafront townscape.

RECOMMENDATION

13.1.50 No modification to Policy FTC7.

POLICY FTC8 - OVERCLIFFE SITE

Objections

772/14	FTC8	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS
571/7	FTC8	Go Folkestone	NFS
871/19	FTC8	Mr Mike Simmonds Michael Simmonds Associates	NFS

Issues

Could the policy include a science park featuring William Harvey.

Is it right to limit development on the cliff top to single storey.

Inspector's Reasoning and Conclusions

13.1.51 Criterion (a)(ii) of the policy would permit leisure and tourism uses at the site, which could include an attraction such as a science park featuring William Harvey. Alternatively such a use might be suitable for the leisure zone at the eastern end of policy area FTC6.

13.1.52 Policy area FTC8 is at a key location between the town centre, including the Bouverie Place development, and the seafront sites. Criterion (c) of the policy would provide for a new vertical link up the cliff, which could indeed involve a novel form of public transportation such as a cable car. This would be the only place along the cliff top, apart from at the Leas Cliff Hall, where there would be building between The Leas and the cliff edge. It should therefore be

treated with particular sensitivity. To my mind the key aims of policy should be to maintain the strong relationship between The Leas and the sea by retaining public views through the site, as well as to preserve the setting of the War Memorial and to provide a focus to draw people down to the seafront from the town centre. A simple limitation of storey height would not necessarily secure the fulfilment of these aims, and in fact an uninterrupted stretch of single storey development at the cliff edge might fail to achieve any of them. To this end therefore I consider that a limited part of the cliff top development could be of more than one storey in height, in the form of a landmark or gateway feature, and that a more flexible form of wording should be incorporated in the policy as recommended below, with consequential amendment to paragraph 13.28.

RECOMMENDATIONS

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

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

POLICY FTC9 - HOTEL BURSTIN

Objections

747/8	FTC9	Luminar Leisure Drivers Jonas	nfs
772/15	FTC9	Mr Andrew Beggs, Chairman Local Assoc. of Estate Agents	NFS

Issues

Has the effect of noise on future residents been fully taken into account in the seafront policies.

Would the opening of Lower Sandgate Road and Marine Terrace to two-way traffic be harmful to Marine Crescent.

Inspector's Reasoning and Conclusions

13.1.55 I have dealt with the objection about the relationship between residential development and noise generating uses under the heading of Policy FTC4. The same comments would apply to hotel or other tourist accommodation.

13.1.56 I consider that the removal of traffic from the area east of the Burstin Hotel would allow the opportunity for considerable enhancement of the setting of the harbour and the reinforcement of pedestrian links between the seafront and the lower part of the town centre. I have no evidence that the opening of Lower Sandgate Road and Marine Terrace to two-way traffic would be harmful to the setting of Marine Crescent or the environmental improvement of the area.

RECOMMENDATION

13.1.57 *No modification to Policy FTC9.*

14. MONITORING AND REVIEW

Objections

758/7	14.1- 14.14	Mr(s) R W Hobson, Clerk Newington Parish Council	NFS
756/7	14.4	House Builders Federation	NFS
751/47	14.10	Ms Claerwyn Lock, The Environment Agency	NFS

Issues

Whether the indicators and supporting text of chapter 14 are the best means of assessing the success of policies and their effectiveness in achieving stated objectives.

Inspector's Reasoning and Conclusions

14.1.1 I do not agree with objectors that the indicators in chapter 14 are not tangible or measurable although in my view some, such as 14.6(1), 14.9(2) or 14.14(1), would be less helpful than others in showing how the underlying objectives of policy are being met.

14.1.2 Text has been added to paragraph 14.2 of the RDD that briefly sets out when monitoring will take place and how the results will be used in the next local plan review. However, the government encourages a flexible approach to ensure that policies continue to be up-to-date and relevant. If a policy is not achieving the results expected of it, or there are difficulties in interpretation, it may be right to consider the publication of supplementary planning guidance or a small formal alteration of the local plan. The possibility of the adjustment of policy before the next version of the development plan should therefore also be mentioned in paragraph 14.2.

14.1.3 It is considered good practice to publish main monitoring and assessment findings annually for consultation, in order that emerging issues can be detected and discussed with other councils, agencies or groups at an early stage to inform the evaluation and review process. Proposals for such consultation should be referred to in paragraph 14.2.

14.1.4 There is no reference in paragraph 14.4 or its indicators to the Plan, Monitor and Manage approach to the delivery of housing encouraged in PPG3 and in Planning to Deliver. This is a major defect. A more rigorous treatment of housing indicators is required and the Council's methodology for quantifying and assessing the managed release of residential sites should be clearly stated. I recommend accordingly.

14.1.5 Although the 5 year housing land supply is no longer a yardstick in PPG3, it is a useful indicator and is still relevant in relation to meeting Structure Plan policy. No modification is necessary in that regard.

14.1.6 An indicator relating to flood risk has been added to the RDD at paragraph 14.10(4) which meets the objection of the Environment Agency.

14.1.7 I have referred to the need to monitor provision for gypsies in my comments on Policy

HO16, and repeat the recommendation below for completeness.

RECOMMENDATIONS

14.1.8 Modify the Plan as follows:

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

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

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

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

15. APPENDICES

APPENDIX 2 - HOUSING LAND SUPPLY

Objections

48/2	APP 2	Mr/s Austin	nfs
734/3	APP 2	Mr/s B Frith Buchanan Consulting Engineers	nfs
436/2	APP 2	The Clerk St Mary in the Marsh Parish Council	nfs
14/1	APP 2	Mssrs Smith Woolley & Perry	Cond WD
412/59	APP 2	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	INQUIRY
213/2	APP 2	Mr Roger Heald	INQUIRY
484/4	APP 2	Mr P Garber, Planning Director George Wimpey UK	INQUIRY
492/3	APP 2	P J Brazier & Co Ltd	NFS
062	APP 2	Mr AP Pettit	nfs
762	APP 2	Mr John Evans	nfs
838/3	APP 2	Mrs V Tully, T. Clerk Cinque Port Town of New Romney	NFS

Issues

Does the list of sites in Appendix 2 represent an accurate and realistic picture of the Housing Land Supply at 2001. In particular;

have the Council reassessed adequately the sites in Appendix 2 in accordance with the search sequences of PPG3 and PPG25;

should the sites be reassessed when the Housing Land Supply Survey of 2002 is published; and whether various sites should be deleted, amended or reinstated for site-specific reasons.

Inspector's Reasoning and Conclusions

15.1.1 Wimpey UK consider that the LPA has not adequately assessed uncommitted sites in Appendix 2, in other words those without planning permission, in the light of the search sequences of PPG3 and PPG25. I am satisfied that the Council carried out an adequate assessment of housing sites in accordance with the sequential test of PPG3, before the publication of the First Deposit Draft. I can find no record in the Core Documents of a systematic analysis of housing sites in relation to the sequential test of PPG25, which was published just before the RDD went on Deposit. However, it is clear, from the wording of policies and reasoned justification in the RDD, that guidance in PPG25 has been taken on board. It is also clear from CD 9.08 and CD 10.01 that the advice of the Environment Agency had been sought and acted upon in carrying out major revisions to the section on flooding in the RDD.

15.1.2 Appendix 2 and the Plan's housing strategy were based on the Housing Land Supply figures for 2001, as those for 2002 were not available. The baseline of the Plan was therefore determined according to the best evidence available at the time. Proper implementation of the Plan Monitor and Manage approach would ensure that the housing supply figures are reviewed regularly and that the release of housing land is adjusted accordingly. I do not consider therefore that the Plan process should be delayed to take account of 2002 data.

15.1.3 Objectors are concerned about Sites 34-39 at New Romney, and Sites 42 and 44 at Dymchurch and St Mary's Bay, in relation to flood risk. Site 35 at Craythornes, New Romney and Site 38 at Claverley, Littlestone, have been deleted in the RDD and those objections are met in that regard. Section (3b) of Table 1 to PPG25 advises that high risk sites in developed areas may be suitable for residential or other development provided that an appropriate minimum standard of flood defence could be provided and maintained for the life of the development. These matters, and the effect on drainage dykes nearby, would form part of a flood risk assessment that would be submitted with a planning application for development of those sites. Policy U7 of the Plan requires that development will only be permitted if it includes for the provision and maintenance of a suitable surface water drainage scheme. I have no evidence that development at Sites 34 or 36 would be unacceptable in principle in relation to the surface water drainage system around New Romney. The Environment Agency have not objected to the designation of the sites of Appendix 2 for housing, with the exception of Site 44, the Sands Motel Site, St Mary's Bay.

15.1.4 The Council state that Site 38 at Claverley, Littlestone, was deleted mainly because planning permission upon it had lapsed some time ago, with no indication of intentions to develop since then. However, this could be said of a number of sites in Appendix 2. Site 38 is classed in Appendix 2, both of the currently adopted Local Plan and the RDD, as an allocation, not as a site with planning permission. I see no overriding reason why the development of the land within the Plan period would be unlikely, and recommend that the site be reinstated.

15.1.5 Access to the rear of premises on Rendezvous Street, Folkestone, would be a matter for consideration at the planning application stage in regard to Site 1, Payers Park. I have no evidence that the inclusion of the site within Appendix 2 would, in principle, prevent such access.

15.1.6 The Council agreed to meet the First Deposit objection to Site 5, Longford Terrace and Cheriton Place, Folkestone, by changing its description from AL to PP. This change was not in fact carried out in the RDD. I recommend accordingly.

15.1.7 Policy U7 requires that in development schemes, particularly near the Enbrook Stream and other watercourses, full account is taken of surface water drainage matters. I do not consider that the deletion of Sites 11 and 12 on those grounds is therefore justified.

15.1.8 Site 28, south of The Street and east of Mill Lane, Hawkinge, is also previously-developed land within the settlement boundary and is an allocation carried forward from the currently adopted Local Plan. I have no evidence that would justify the deletion of this site on the grounds of traffic hazard or lack of open space.

15.1.9 Site 42, St Mary's Bay Holiday Camp, a former residential caravan site, is previously-developed land within the settlement boundary and is an allocation carried forward from the currently adopted Local Plan. It is therefore a suitable location for housing in principle. Planning legislation allows no right to a private view from a dwelling. The site has no specific wildlife designation, but protected species and important nature conservation resources would be protected under Policies CO11-CO13. I have discussed the site in relation to flood risk in an earlier paragraph in this section.

15.1.10 The number of units proposed at Site 43, the former Sands Motel site at St Mary's Bay, has been reduced to 50 in the RDD and the objection is met in that regard. I deal with other aspects of the objection under the heading of Policy TM3.

15.1.11 Site 36 at Church Lane, New Romney is 2ha in area and so the notional capacity should be 60 dwellings at 30 dwellings per hectare (dph), the minimum density advised in paragraph 58 of PPG3. I recommend that modification below, and also that the capacity of the remaining sites in Appendix 2 should be reassessed accordingly at 30dph.

15.1.12 The column headings at the top of page 165 in Appendix 2 have been omitted, and the figures in the Totals row at the bottom of Table A should be moved to the right to fall under the appropriate columns. The Site at 51 Seabrook Road, Hythe, should be Site 51 not Site 50. I recommend accordingly.

RECOMMENDATIONS

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

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

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

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

APPENDIX 3 - CONVERSION STANDARDS

Objection

756/8

APP 3

House Builders Federation

NFS

Issues

Should Appendix 3 form part of the Plan, as it deals with matters subject to other legislation.

Should there be a reference to the Appendix in policy, or in the supporting text of the Plan.

Inspector's Reasoning and Conclusions

15.1.17 Paragraph 1.4 of the Plan makes it clear that the Appendices are to be regarded as Supplementary Planning Guidance (SPG). Such guidance carries more weight if it has been subject to public consultation, and adoption by a resolution of the Council. It would therefore be sensible to carry that out as part of the Local Plan process, even though the guidance is not part of the Plan itself for the purposes of S.54A. It would not be right to include detailed reference to other legislation in the statutory part of the document, particularly in policy wording. However, as SPG, I consider that Appendix 3 offers useful advice to the applicant and need not be deleted. The drawback of this approach is that the advice cannot be so readily updated as it would be in a separate SPG document, as illustrated by the objection to Appendix 4 below.

15.1.18 New wording in the RDD now directs the reader to Appendix 3.

RECOMMENDATION

15.1.19 No modification to Appendix 3.

APPENDIX 4 - HMOs

Objection

543/7 APP 4 Mr C W Auld, Clerk Lyminge Parish Council W/R

Issue

Is paragraph 10 of Appendix 4 out of date.

Inspector's Reasoning and Conclusions

15.1.20 I understand that the Council has recently introduced refuse collection by wheelie bins, and some limited collection of materials for recycling. Paragraph 10 should therefore be updated as appropriate. I refer above to the problem of inflexibility that can result from including Supplementary Planning Guidance within the Plan document.

RECOMMENDATION

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

APPENDIX 6 - PARKING STANDARDS

Objections

729/24 APP 6 Mr Ralph Dickens Government Office for the South East NFS
757/13 APP 6 Department of Health, Mr Stephen Harness NFS

Further Proposed Change: PC15

Issue

Are the parking standards in Appendix 6 out of date, and too rigid.

Inspector's Reasoning and Conclusions

15.1.22 The parking standards in Appendix 6 are outdated and conflict with PPG3 and PPG13, in particular with paragraph 62 of PPG3. I understand that the standards in the Appendix are being applied through development control as maxima. However, this fundamental point is not stated in the Appendix. Proposed Change PC15 would ensure that the Appendix will be updated to take account of the revisions to the County Council's parking standards. If such revisions are not completed by the County in time for the adoption of the Plan, then either the Council should unilaterally amend its standards to comply with advice in PPG3 and PPG13. Alternatively the Appendix should be removed from the Plan document and published as separate SPG once the KCC revised standards are confirmed, with consequential amendments to other parts of the Plan such as Policy HO10.

15.1.23 The provision of a sustainable and integrated transport system is a key aim of the transport policies of the Plan. It provides the overall context for the improvement of access to health care, and other public facilities, that the NHS seek. The production of travel plans for individual NHS sites, particularly in order to manage staff travel, and support for key worker housing, would help to achieve this aim. The Council recognise that the parking standards in Appendix 6 are too rigid and are out of date. I consider that, subject to the recommendation below, the application of maximum standards would allow appropriate flexibility when applied to health care or special needs housing sites. It is up to the applicant to draw attention to any special circumstances at such sites, to be taken into account as material considerations at the planning application stage.

RECOMMENDATION

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

APPENDIX 9 - OPEN SPACE

Objection

543/8 APP 9 Mr C W Auld, Clerk Lyminge Parish Council W/R

Issue

Should Lyminge Forest be identified in Appendix 9 as an area of major open space.

Inspector's Reasoning and Conclusions

15.1.25 Lyminge Forest is a privately owned commercial forest. Although it has public footpaths running through it, it is not a public open space like the sites identified in Appendix 9 and should not be included.

RECOMMENDATION

15.1.26 No modification to Appendix 9.

APPENDIX 10 - DEVELOPMENT CONTRIBUTIONS

Objections

756/9	APP10	House Builders Federation	NFS
748/17	APP10	Kent County Council Peter Cooper	W/R
388/24	APP10	Pentland Homes Ltd Charles Evans	W/R
412/58	APP10	Trustees of Viscount Folkestone 1963 Settlement RPS Chapman Warren	W/R

Further Proposed Changes: PC16, PC17

Issues

Does the Plan reflect the requirements of Circular 1/97, Planning Obligations.

Is Appendix 10 over-prescriptive, or on the other hand does it have insufficient detail.

Should it encourage the greater use of conditions to achieve planning benefits, and early consultation with service providers.

Inspector's Reasoning and Conclusions

15.1.27 Further Proposed Change PC17 postdates PC16 and proposes an increase in the affordable housing target to 35%. PC17 was the subject of public consultation during the course of the Local Plan Inquiry and was endorsed by the Council on 25 June 2003. My reasoning for recommending in favour of the 30% target is given under the heading of Policy HO6, and I recommend accordingly.

15.1.28 I note the reference to the very detailed standards for developer contributions provided in an appendix to the emerging Dartford Local Plan. However such detail is helpful only if it remains up to date through the Plan period. Rigid formulae are inappropriate, in the light of paragraph B17 of Circular 1/97. In my view the more flexible approach in Appendix 10 is the right one. The guidance is coupled with a note of where to find more detailed information, in this case in the Kent Planning Officers' Good Practice Guide (GPG) and its Addendum, advice which can be updated periodically outside the Local Plan process and which should be subject to public consultation.

15.1.29 Some objectors consider that the Appendix is too prescriptive and inflexible. However, Policy SC1 and paragraphs 10.4 and 10.5, between them, set out the tests of Circular 1/97. The RDD indicates that the Authority may seek contributions only where relevant to planning, where the need for a facility is directly related to the development proposed, where it is in proportion to the scale and nature of the development and where it is necessary, that is, it would allow development to go ahead which might otherwise be refused. These points are repeated in the Appendix, and I do not therefore support the objections. The Appendix has been subject to public consultation at both Deposit stages, and I do not find that policy requirements have been concealed within it.

15.1.30 Paragraph B10 of Circular 1/97 tells us that local authorities may seek educational contributions, among others. Paragraph B12 states that an obligation may be sought where it would overcome an existing constraint that would be materially exacerbated by the proposal. It

would therefore be reasonable for the Council to seek contributions towards remedying an existing educational deficiency if the development would significantly worsen the situation, and all the other test are met. I note the submitted survey evidence about pupil travel distances and other demographic details. However the educational section of Appendix 10 states that contributions will be sought only where developments of 10 or more new dwellings would create a need for the additional school places. The Council confirms that the guideline figures are a starting point for negotiation. It is up to the applicant to demonstrate that the particular characteristics of the development, of the neighbourhood or of local educational provision should indicate a different outcome.

15.1.31 I do not consider that the equivalent of 10 years' annual maintenance costs for open space or play space is akin to a demand for the provision of maintenance in perpetuity. I note that the Appendix states that other options may be appropriate. However, in my view a period of 10 years is excessive in the light of Annex C of Circular 1/97. Paragraph C4 of the Circular indicates that 5 years would achieve the right balance between providing certainty for the Local Planning Authority and limiting the obligation of the landowner. This period would be similar to the length of time over which, commonly, a landscaping condition would operate which requires the replacement of trees that are lost or damaged. I find therefore that a requirement for 5 times the annual maintenance cost would be a reasonable target for negotiation, and I recommend accordingly.

15.1.32 In regard to the second part of PC16, there is no information on school site sizes in the copy of the GPG submitted to me. I consider it sensible to include that information in Appendix 10 for that reason, and because it has a direct land-use implication. Nevertheless the Council should first satisfy themselves that the information is not already available elsewhere in a comprehensive and updateable form, giving site areas for a relevant range of sizes of school. For clarity, I agree that a reference to school site provision at zero cost should be added to the end of the section of the Appendix on Education Provision.

15.1.33 Paragraph B20 of Circular 1/97 tells us that conditions should be used instead of S.106 obligations where there is a choice. However Policy SC1 and Appendix 10 deal with financial contributions which, paragraph 83 of Circular 1/95 confirms, cannot be the subject of a condition. It would not be right therefore to insert reference to planning conditions in the first bullet point of Appendix 10. An LPA must comply with the requirements of paragraph B20 of Circular 1/97 and it is up to the applicant to show that the provision sought could be delivered through the use of a condition rather than an obligation.

15.1.34 I consider it right that formal consultation with service providers on requirements for developer contributions should be conducted and co-ordinated by the Local Planning Authority as part of the planning application process, especially where there may be a need to balance the requirements of various providers. Developers may of course open their own dialogue with providers at an earlier stage, but I do not find it necessary that this should be written into the Appendix.

15.1.35 The Council recognise an oversight in omitting reference to Appendix 10 in the Social and Community Facilities chapter. I recommend accordingly under the heading of Policy SC1.

15.1.36 The references to additional information, present on page 253 of the November 2002 Committee Report (CD 1.04), are missing from the right hand side of the table on page 199 of the RDD. For the sake of uniformity the Authority should consider adding the references. In order to avoid repetition, one overall reference to the Kent Planning Officers' Good Practice Guide and its Addendum, at the start of the section, should suffice.

RECOMMENDATIONS

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

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

15.1.39 *Modify Appendix 10 in relation to that part of PC16 which refers to school site sizes, if the information is not available in an appropriate form elsewhere and if it is unlikely to change over the Plan period.*

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

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

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

