Dear Mr Hetherington

Re: Core Strategy Examination: Preliminary Note

Thank you for your preliminary note dated 9th February.

I have given it close consideration and welcome the opportunity to outline our current preferred way forward.

On behalf of Shepway District Council I would like at the outset, to confirm the following:-

1) The Examination should be carried out and based on the published *July 2011 Core Strategy* document.

2) The Council do wish to request modifications under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended).

3) The Council would welcome your advice in advance of the Examination as to the process for identifying those changes that need to be dealt with as main modifications under section 20(7C).

4) The Council note your advice that you are not able to recommend substantive changes other than those that are main modifications. However, it is also noted that the Localism Act 2011 amends section 22(2) and (3) of the Planning & Compulsory Purchase Act so that a Local Authority may adopt the document with main modifications and additional modifications if the additional modifications (taken together) do not materially effect the policies that would be set out in the document if it was adopted with the main modifications but no other modifications. The Council consider that the smaller changes introduced in the January 2012 document, which are not main modifications, could be considered at adoption stage under this provision of the Act if the plan is considered sound. It is fully appreciated this would be contingent on the above issues being resolved to your satisfaction.

It is important to record that Shepway’s Cabinet confirmed on 13th July 2011 (decision 11/015 item 3) that it considered the plan sound and that this remains the case.

Notwithstanding the above, I would like to start by expressing what is considered to be relevant background on the preparation of the Shepway Core Strategy.
Shepway District Council started in 2007 - and has continued - with the aim of looking afresh at the district and forming a spatial strategy in a responsive and positive way. The Core Strategy can be considered as evidence led in many respects. It has responded to both pressing sustainable development needs, as found in an objective reassessment of social, environmental and economic characteristics distinctive to Shepway, and local input from a range of sources. These sources include not only a wide range of technical studies but also engagement with consultees within the district, statutory agencies, other organisations; and additionally further forms of strategic planning advice such as via the Planning Advisory Service.

I believe this responsiveness to external input and local characteristics is apparent in the evidence base, and is demonstrated through the rounds of consultation leading up to the preparation of the publication Core Strategy in 2011 (as outlined in the Regulation 30[1]d document, Statement of Engagement Update).

In terms of the general approach to delivering a Core Strategy, Shepway District Council believes the plan has progressed steadily and positively. Public participation has extended beyond the requirements of regulations and Statement of Community Involvement specifications. The changes introduced in the January 2012 document were a continuation of this responsive process that sought to take account of the representations received in connection with the Shepway Core Strategy Proposed Submission Document July 2011 and improve the plan still further. In general, Shepway District Council has strived to maintain progress on the Core Strategy and to not allow restructuring of the planning system to unnecessarily distract from the sustainable development needs of Shepway being addressed.

The attention to Shepway-specific needs (and contrasting needs within the district itself) has been with the grain of recent changes to the planning system. However by drawing in evidence and opinion from outside Shepway, the Core Strategy has been produced in collaboration with other plans for the sub-region. This is summarised in the Record of Co-operation produced in recognition to the new Duty to Co-operate. Similarly, the plan has evolved consistent with the general direction of change in national policy that has been monitored and applied throughout. In these respects, Shepway District Council considers it has planned positively and aimed to fully reflect procedural requirements.

This demonstrates that the Core Strategy has evolved on a consistent basis (it has not sought to avoid difficult decisions; or indeed procedural uncertainties that have arisen) and we believe it appropriate that its evolution now culminates in formal examination.

Turning to the detailed matters of process raised in your note, I will now seek to outline our understanding of the issues around them. Following the representations made on the published July 2011 Core Strategy document, Shepway District Council submitted two Editing Schedules of potential amendments in January 2012. Schedule 1 solely concerns specific refinements to policy provisions (labelled S1-S40 and C1-C28 in relation to the spatial strategy and core strategy delivery policies respectively). This is complemented by Schedule 2, which concerns non-policy text, diagrammatic, and general presentational issues, and is also labelled. The implications of applying these to the July 2011 Core Strategy are illustrated in the Core Strategy document dated January 2012.
Shepway District Council acknowledges that, in complete aggregate, the volume of potential editing set out in the two Schedules is not inconsiderable. However we remain sincere in our belief that the overall content of these amendments is not intended to be materially significant to the strategic nature of the plan.

The presentation of potential refinements to policy separate from potential refinements to the rest of the document i.e. Schedules 1 and 2, provides one clear means of distinction between changes. Similarly, as recognised in the ‘rationale’ column of the Schedules, other distinctions can be drawn, such as that between general clarity/flow and minor additions primarily in response to specific representations. The latter potential editing reason reflects a desire – if procedurally possible - to capitalise on valid comments that do not appear to relate to points of controversy and thereby allow what should widely be seen as enhancements to the document to be secured. It must be added that this potential editing also relates to the relatively disparate nature of representations received as noted in the Regulation 30[1] e document, Summary of Issues Raised.

I am grateful for your Note providing an initial perspective on the elements of the Schedules that “potentially represent material amendments”. I recognise that no comment is implied on the merit or otherwise of the refinements, but an Attachment to this letter explains our view that many of these potential changes are highly unlikely to constitute potential material amendments.

It is considered that the implications of Schedule 2 are – although more numerous – by and large negligible other than to enhance the document in an appropriate factual/explanatory manner. Notwithstanding this, Shepway District Council is aware that some editing in this respect will be more ‘high profile’ than the rest, whether in terms of content, or form (for instance diagrams may be prominent although not necessarily accorded any status in the policy) and I would be able to also discuss this further, if this is helpful.

In terms of Schedule 1 (Policy) editing, I recognise the need to consider not only spatial strategy policies highlighted in your Note, but also other policies. It is readily apparent that the single main issue here pertains to editing prompted by Natural England and related parts of some other representations, and focused on CSD4 on Green Infrastructure (Reference C6-C9 in Schedule 1). In terms of the volume of text this is clearly significant as there was an insistence by Natural England on making fully explicit various issues relating to the relative status of different designations, hierarchical protection and monitoring/management of green infrastructure with an expansion of the associated explanation in the supporting text. Natural England support this instead of the policy primarily concentrating on positive provisions supported by policy protection provided elsewhere (namely in development management and national/statutory policies). Naturally this topic of biodiversity and landscape coverage also features heavily in Schedule 2 e.g. reference Z16-Z28, and elsewhere.

The sustainability Appraisal (SA) was carried out on the Shepway Core Strategy Proposed Submission Document July 2011 and as this is the document to be examined, presumably it does not require a refresh to take account of changes in the January 2012 document. The Council would note they have also considered the proposed changes set out in the January 2012 document with regard to SA objectives and believe there to be positive implications (but did not form an initial opinion that an updated SA was likely to be necessitated). If changes to policy CSD4 and or other policies are to be treated as a main modification and this requires a
refresh of the SA, then the Council would welcome this advice at the earliest opportunity in order to commission the work with urgency.

Overall we consider that the potential editing set out in the January 2012 document collectively offers a means of further improving the plan in a practical sense particularly in relation to its ‘usability’ i.e. degree of explanation and articulation of its cohesiveness.

Although not formally consulted on and not to be seen as a formal part of the process, it would appear to Shepway District Council that there may be other advantages - including those of transparency and clarity - in the council having already set out in the Core Strategy document labelled ‘January 2012’ its aspirations as to how the already sound 2011 plan may be improved further in some specific respects. It could therefore perhaps be treated as a ‘shadow’ document that could be of some use in relation to the examination process but without formal status as a submission document.

In conclusion, Shepway District Council confirms that it is formally requesting, under the new section 20(7C) of the Planning & Compulsory Purchase Act 2004 as amended, that you make Core Strategy modifications to the July 2011 Shepway Core Strategy document as required. We look forward to expediting the process and to soon clarifying with you the process of confirming focal main modifications, and further steps towards Examination in Public.

Yours sincerely

Christopher Lewis
Head of Planning Services