Attachment to letter dated 14.2.2012 from Shepway (C. Lewis) to Inspector (M. Hetherington): Points in relation to Policies SS1-SS4 & SS7(g)

This attachment responds to detailed points in the Inspector’s Preliminary note dated 9th February 2011.

The attachment notes some policy editing that is considered unlikely by Shepway to be main modifications (on a case-by-case basis). These have been addressed as they feature in communication from the Inspector, albeit it is recognised the Preliminary note is not intended to be comprehensive. Reference is made to the Inspector’s Interim Note dated 9 February, the Core Strategy, and references in the January 2012 “Editing for Core Strategy Submission Document Schedule 1 (Policy) of 2” e.g. S1.

This attachment is provided for information only as officer opinion, and does not represent a formal submission by Shepway District Council. The Inspector will determine the nature of necessary Core Strategy content via the Examination in Public.

**SS1 District Spatial Strategy**

The Inspector’s interim note highlights potential amendment S4: This potential amendment puts forward two additional references to landscape in relation to provisions for the North Downs part of Shepway. These are adding “and without material impact on its setting” in relation to the AONB, and adding a sub-clause to the sentence that states “[accommodating] development that protects or enhances the landscape”.

Other potential editing constitutes: Paragraph ordering (S1), Slightly more detailed reference to provisions made in the plan for Hythe (S2), Replacement of word (S3), Deletion of unnecessary word “Market” (S5) in relation to towns, and Factual correction (S6).

The consideration of Shepway officers is that SS1 editing on this basis would not be a main modification in its own right to the July 2011 Core Strategy as it is de minimis or arises purely from maintaining consistency with the plan elsewhere – notably the more extensive expansion of Green Infrastructure policy.

**SS2 Housing and the Economy Growth Strategy**

The Inspector’s interim note highlights potential amendments S8 & S11. This forms paragraph ordering, and potential use of the word “approximately” in relation to a housing target figure.

SS2’s ultimate housing requirement is set out in the first paragraph of the July 2011 policy [“minimum of 350 dwellings per annum”; and the brownfield target]. No changes of any kind have been proposed to this.

The policy operates with the headline ‘target’ as a minimum average rate of 350 dwellings per year over the full plan period (2030/31). 350 dwellings per year is the absolute (minimum) requirement, or ‘guaranteed’ level at which the planning system will deliver i.e. the base level from which actions will be triggered on an ongoing basis to ensure this minimum average delivery (See section 5.3/appendix 3 of the July 2011 document).

However the policy provides extra guidance to provide certainty of outcome but without minimising the level at which housing is planned, and this is where minor editing has been put forward for clarity and consistency. This states that – to give extra information as a guideline additional to the ‘minimum’– there is support for achievement of a level of 400 dwellings per year on average, at least as far as the period to 2026/27 is concerned. There is therefore flexibility but without unnecessary vagueness of intent.

The phrasing could more closely reflect the practicality of how this will work out in future. It is contended that it is inappropriate to imply that a process of assessing sustainable land allocations can result in hitting an exact target as it will depend on the capacity estimate of those parcels of land deemed suitable and therefore it is valid (and consistent with other uses) to see the provision as “approximate” (Table 4.1 of the Core Strategy).
Other potential editing constitutes: Replacement of word (S7), Calendar years changed to applicable financial years [“inclusive”] (S9), Substitution of 1 word for 3 (S10); and inclusion of latest housing completion figures as part of generic updating.

The consideration of Shepway officers is that SS2 editing on this basis would not be a main modification to the July 2011 Core Strategy as it is de minimis. ‘The housing target’ as used in common parlance is a minimum of 350pa but as it is expressed as a minimum and given the nature of the district it is considered appropriate to have supplementary practical guidance that is ‘approximate’.

SS3 Place Shaping and Sustainable Settlements Strategy

The Inspector’s interim note highlights flooding and potential amendment. The flooding criterion was the third point in the July 2011 Core Strategy however proposed editing point S12 suggests this clause best sits at the end (becoming point f) as it is the lengthiest.

No changes of any kind have been proposed to the text on flooding. The consideration of Shepway officers is that moving the clause is not a main modification.

SS4 Priority Centres of Activity Strategy

The Inspector’s interim note highlights potential amendments S17 and S19. This primarily concerns the definition of applicable uses in this policy. Potential editing suggests the second sentence of “Major commercial development, including A and B class uses…” could change with the substitution of “Major trip generating…” for “Major commercial…..”. Similarly the first bullet point of SS4 could change from “Potential town centre activities or those creating significant transport demand including retail, leisure and major offices should…..” to “Potential town centre activities including retail and uses should…..”

This policy seeks to integrate in a positive policy the beneficial role of places such as town centres and business clusters in terms of their contribution to the economy and vitality. The changes would therefore state “major trip generating” at the outset in relation to the whole policy, and in applying the defined network of centres, which is more consistent with its purpose than the more confusing/narrow reference to ‘commercial’. This moves the reference to transport demand from the later bullet point. It also allows for a more concise policy as the bullet point on the sequential test is clarified as focusing town centre activities including retail/leisure. Therefore consistency is enhanced with minimal alteration.

The consideration of Shepway officers is that SS4 editing on this basis would not be a main modification to the July 2011 Core Strategy as it is for clarity purposes only and better reflects the intent of policy.

SS7(g) Spatial Strategy for Shorncliffe Garrison, Folkestone

The Inspector’s interim note highlights potential amendment S37. This suggests the inclusion of provisions on heritage analysis within the policy (as opposed to the supporting text in the last sentence of paragraph 4.162 of July 2011 Core Strategy).

Site-specific provisions are often of particular interest. In this case, the potential editing expands the policy provisions on urban design within the proposal (7th bullet point) with an explicit requirement for the historic environment – consistent with the first paragraph of this section (para 4.152 of the July 2011 Core Strategy). The intent, as explained in the document, is unchanged but for clarity is considered to potentially better sit within the policy.

The consideration of Shepway officers is that SS7 “(g)” editing on this basis would not in itself be a main modification to the July 2011 Core Strategy as it arises purely from making explicit for the purposes of certainty expectations at a policy level.