2 March 2012

Dear Mr Hetherington

Re: Core Strategy Examination – Response to Further Questions 17.2.12

Thank you for your note dated 17 February 2012. I have given it close consideration and welcome the opportunity to clarify the range of evidence supporting policy areas you have identified.

I will address the specific questions raised in turn and am confident many of them can be satisfactorily answered, particularly in relation to communication with national agencies which has been reflected in the Core Strategy.

I should also state that Shepway District Council expresses regret if our technology or data handling has contributed to complexities or any undue delay that you have encountered in accessing the necessary information/internet links. I trust this is being rapidly resolved through the Programme Officer in liaison with council officers.

For the avoidance of doubt, document reference numbers in the latest Schedule of Documents (V3 now on the website) are included in square brackets below.

1. Folkestone Racecourse (Policy SS8)

1.1 It has been a long term objective of Shepway District Council to ensure that the leisure and tourism potential of Folkestone Racecourse is fully realised, and its future safeguarded. This is reflected in the inclusion of policy LR7 within the Shepway District Local Plan to 2001 (Adopted October 1997) and Policy LR5 within the Shepway District Local Plan Review (Adopted March 2006) [G6].

1.2 Former policy LR7 supported “the intensification of uses at Folkestone Racecourse involving the development of additional leisure and recreation facilities.....” and was intended to help support the provision of infrastructure and upgrades to the Racecourse itself. Policy LR5 later expanded on this to include reference to “tourism and exhibition facilities” and to specify various development criteria. Therefore the general principle of intensification and expanded use (but not featuring residential development) has been supported in the statutory development plan for Shepway for 15 years. No development of this kind has occurred despite this encouragement and favourable economic conditions for most of that duration.

1.3 Given that the redevelopment of Folkestone Racecourse had not come forward, despite this being supported by local plan policy, the district council in developing the Shepway LDF Core Strategy, considered the option of the redevelopment of Folkestone Racecourse being facilitated through the provision of enabling residential development.
1.4 In addition, the Shepway Housing Land Availability Assessment (SHLAA) identified the Folkestone Racecourse site as suitable for residential development following assessment based on criteria agreed in the SHLAA Kent Protocol [A4], subject to the development of the site providing an improved level of community infrastructure to serve the development and the surrounding area. In essence, the ‘developability’ of the site in SHLAA conclusions reflected the location’s sustainability due to its good public transport links and the prospect of significant new on-site service provision.

1.5 Shepway District Council has worked with Arena Leisure, and their consultants RPS, to consider the options for the redevelopment of the site and to agree the scope and nature of the information required to produce a positive framework for delivery of a sustainable development at Folkestone Racecourse.

1.6 On 28 July 2010 the District Council’s Cabinet agreed a process for further assessing the potential strategic sites [CR5] identified for the Core Strategy Preferred Options consultation stage. This required the developer/landowner to undertake public consultation and to submit a masterplan proposal to the District Council by 1 October 2011. The selection criteria were based on guidance and advice set out in Planning Policy Statement 12: Creating Strong and Prosperous Communities through Local Spatial Planning and the Plan Making Manual prepared by the Planning Advisory Service (PAS).

1.7 The potential strategic site submissions were then assessed by officers and the results of that assessment report to Cabinet on 13 April 2011 [CR1] at which point it was resolved that the Folkestone Racecourse proposal be included as a strategic site allocation within the Core Strategy. A summary of the evaluation undertaken and the findings is set out in Appendix 3 of that report [A41].

1.8 In accordance with the process outlined above, Arena Leisure undertook consultation with the local residents, the local business community and local stakeholders and provided the District Council with a suite of documents dated 1 October 2010 that formed the basis of the Council’s assessment. This included a document entitled ‘Folkestone Racecourse – The economic benefits of the redevelopment of Folkestone Racecourse’, that considered future options and the need for housing as enabling development.

1.9 Following further discussion and research, in January 2012 RPS further consolidated site-specific evidence into a single suite of documents. This takes the form of a note (23 January 2012 “Update Statement” [A51]) that provides a summary of the current position and outlines the key technical reports and masterplanning which are presented as appendices [A52-67]. This part reconfirms and part refines the evidence previously presented to the Shepway District Council.

1.10 Accordingly, following this assessment process, I can confirm in response to your first question on Folkestone Racecourse that Shepway District Council support this updated evidence, in particular :-

- The ‘Masterplan’ (2012 diagram) [A52] which Shepway District Council would seek to utilise as possible in any updating of the Core Strategy in 2012.;
- The Sustainability Vision/Report [A67];
- The document “The economic benefits of the redevelopment of Folkestone Racecourse” [A56].
1.11 The latter information is particularly important in articulating the rationale for securing a new and improved Racecourse. Namely: as an important leisure amenity in Kent; the development of business/tourism facilities and employment for the District; significant enhancements to the setting and commercial viability of Westenhanger Castle; and improvements to Westenhanger Station. It also explores alternative ways forward if the Racecourse is not re-developed and re-provided.

1.12 I would also draw your attention to the district-wide evidence prepared for Shepway District Council with a direct connection to the Racecourse and Westenhanger/Newingreen area that is the Shepway Transport Strategy [A12-A21].

1.13 I will now try and address queries raised in relation to the position on securing the reconstruction of the Racecourse, and associated delivery matters.

1.14 The need for some enabling development and other options for securing the future of the Racecourse have been considered in a number of ways. The Shepway LDF Core Strategy - Preferred Options consultation document (2009) [G5] considered some of the limitations of economic development alternatives in the area. Not addressing the site in the Core Strategy would fail to address some important issues (Preferred Options para 11.16/ND2a); alternative commercial development ideas in the vicinity were considered unlikely to address development needs and would potentially harm other strategic objectives (Preferred Options para 11.17/ND2b).

1.15 It is highly salient that this is a site specific opportunity. The landowner has developed the current layout disposition though exploring alternative options and in discussion with Shepway District Council and English Heritage. Over the course of this formulation and review of options, the proposal emerged to reroute the track and shift its general location within Arena Leisure’s land northwards (to the west of Westenhanger Castle, allowing its approach and setting to be improved). Shepway District Council supports the facilitation of a completely new Racecourse as a means to meet objectives and ensure the provision of a quality facility, one with the prestige to raise the profile of Folkestone racing and the profile of Shepway to prospective visitors.

1.16 The Core Strategy seeks to provide a framework that will allow an appropriate scale of residential development considering financial requirements, sustainability, the level of new supporting services required to provide a sense of place, and the need to deliver supporting infrastructure. The most appropriate approach is considered to be a policy providing the certainty of a maximum housing level ("up to...").

1.17 The 820 unit level is supported by the submitted Folkestone Racecourse – Project Viability Update [A55] assessment (dated 5 December 2011). Shepway District Council recognises that - as shown in this document - in the current context up to 820 dwellings may be necessary and suitable to realise the site’s potential and meet plan objectives. This document follows a request by Shepway District Council for additional work to repackage viability work undertaken previously.

1.18 For the purposes of clarity and demonstrating further consideration of options, Shepway District Council is supporting release of this previous document (dated April 2011) [X31] but this should not necessarily be taken as full approval of this viability assessment. It forms Attachment 1 to this letter.
1.19 To summarise on this specific issue (question 2 on the Racecourse) I would reiterate that Shepway District Council supports the provision of up to 820 dwellings as reasonable and necessary on the basis of current information. Nevertheless I would expect that the quantum of residential development should - accompanying any planning application - be directly justified in a subsequent viability assessment, one that would necessarily be more up-to-date and comprehensive than that which is possible to support a preceding allocation.

2. Lydd Airport

2.1 The spatial strategy for the Romney Marsh character area is set out within Core Strategy policy SS1 (District Spatial Strategy). The delivery of the central plank of this - developing the critical mass of uses, services and infrastructure at New Romney – is set out in policy CSD8. The overall ambition for places within the Marsh is documented in the Core Strategy’s vision and Romney Marsh area future in section 3.2 of the Core Strategy.

2.2 Shepway District Council has set out its clear formal position in relation to the Airport in the 2010 consideration of planning applications. This remains the case; the principle of expansion of the airport at Lydd (London Ashford) is supported.

2.3 The eventual determination of these applications by the Secretary of State is central to planning the future of the Airport; and in the interim it is inevitable that there is a degree of uncertainty. In this context, Shepway District Council considers it appropriate that the existing policy provision for the airport remains in place (Local Plan Review [G6] policy TR15) but that it is reviewed in due course: in light of the Secretary of State’s decisions and progress in delivering the district’s new spatial strategy.

2.4 Shepway District Council has committed to both producing a land Allocations DPD and Development Management DPD (see Local Development Scheme 2011 [G14]). Policy TR15 will be replaced either by a new policy in the Development Management plan or by a new allocation in the Allocations document, depending on the detail of the Secretary of State’s decision.

2.5 The airport is also a unique site and there is no comparable or alternative site in the district or adjoining ones. Nevertheless alternative approaches for the site itself were considered in the Shepway LDF Core Strategy - Preferred Options consultation document (2009) [G5]. Moreover, options have been tested within the wider context of Romney Marsh’s future (for instance see paragraphs 10.7 -10.10 of the Preferred Options Core Strategy). It is not considered there are significant developable alternative opportunities to assist Romney Marsh’s regeneration that are not already supported.

2.6 There is detailed information available regarding unemployment and deprivation on the Marsh and the severe economic and social implications of current and future decommissioning at the Dungeness Nuclear Power Stations; [such as the socio-economic plan A106]. This underscores the problem of loss of scarce skilled/ professional full-time employment on the Marsh. The spatial strategy for the Romney Marsh area will remain applicable whatever decisions are reached on the airport.

2.7 It is evident that the Core Strategy vision and the district spatial strategy are not contingent on whether or not the Airport is expanded, although the Council considers
that if the Secretary of State grants planning permission, that would make an important contribution toward addressing the underlying economic issues on the marsh. Increased employment at the Airport, allied with indirect and induced employment, is considered to offer a significant positive contribution in the context of the small rural economy.

2.8 Shepway District Council would conclude that the Core Strategy’s approach to the Airport is suitable and sufficiently supported in its own right and in the context of wider strategy for Romney Marsh.

3. **Transportation Assessment**

3.1 The Shepway Transport Strategy [A12-20] encapsulates a series of documents first published in February 2011 by URS/ Scott Wilson. It sought to emphasise the opportunities for the implementation of appropriate sustainable transport measures, bringing together travel modes and various potential sources of transport demand generation in Shepway. It includes modelling of the performance of specific aspects of the highway network under differing future growth scenarios, and significant supplementary information on the implications of possible larger sites then under consideration in the emerging Core Strategy.

3.2 It also now includes an update on the Highway Impact Report element, also produced by URS/ Scott Wilson and dated January 2012 [A21] which uses more recent data to replace important outputs in relation to future highway capacity. Using more recent traffic generation figures, it reduces the number of locations in the district projected to reach capacity on a like-for-like basis. (It was initially labelled ‘draft’ by the consultants but was considered complete by Shepway District Council).

3.3 The Highways Agency, Kent County Council (the district’s Highways Authority) and Shepway District Council have shared oversight of the production of this information. The Transport Strategy also benefited from local consultation exercises.

3.4 The Transport Strategy therefore shaped and supported the July 2011 publication Core Strategy. In response to this, the Highway Agency’s representation sought confirmation on some specific issues (rather than the adequacy of the modelling work undertaken), and Shepway District Council replied on 21 December 2011 to the effect that it considers the Transport Strategy offers the relevant assurances and that Shepway’s understanding was that it was not aware of any outstanding issues remaining that are not addressed in the Core Strategy in relation to the trunk route network. This email was included in the bundle of correspondence submitted 31 January 2012 in a composite document on post representations discussions titled “Supplementary Correspondence Core Strategy Submission- January 2012” [Y1].

3.5 Shepway District Council can confirm that it had not received a response from the Highways Agency on the date of Core Strategy submission (31 January 2011), but had continued to discuss specific highway and planning issues with the Agency in the interim.

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1 For the avoidance of doubt, in the intervening period since the original Transport Strategy two notes were produced which have been effectively subsumed summarised in the January 2012 update [A21]: The June 2011 Addendum Supplementary Junction Modeling Briefing Note [A11], that updated development quotas; and the December 2011 Spreadsheet Model Update [A104], a technical exercise which led to the January 2012 update.
3.6 The Highways Agency (HA) has recently - 21 February 2012 - considered Shepway’s email and have expressed an interest in a Statement of Common Ground as “an appropriate way of dealing with most of our representations... [with the Shepway’s] 21 December 2011 e-mail [part of Y1] as an excellent starting point.” The HA’s confirmation is Attachment 2 to this letter [Z3]. Shepway District Council will be actively exploring this option with the Highway Agency (along with the County Council) and how it may accord with Examination deadlines.

3.7 A Statement of Common Ground could include: confirming that the January 2012 update [A21] part of the Transport Strategy is agreed as satisfactory, noting that it does not have material implications on the Core Strategy above and beyond provisions made in July 2011, and clarifying that it can be finalised in the substantive form it has been published in.

3.8 It is Shepway District Council’s belief that the evidence base, Transport Strategy and Core Strategy provisions (including Appendix 2 Critical Infrastructure projects) are robust, and that any residual queries by the Highways Agency can be resolved prior to the Examination and demonstrated in a Statement of Common Ground or other discussions.

4. Flood Risk

4.1 The application of national and local policy on flood risk in the district has been discussed on an ongoing basis with the Environment Agency both in relation to planning and determining planning applications. It is considered that these have been productive in addressing the sustainable development needs of areas at risk of flooding in Shepway and in applying national policy. This is reflected in the Environment Agency’s representation and unambiguous support for the July 2011 Core Strategy policy SS3 which deals with strategic flood risks and the application of the sequential test.

4.2 One example of this wide-ranging communication is the Minutes from 25 January 2010 (Attachment 3 [A112]) which were agreed by the Environment Agency (on 11 March 2010). Minute 3.2.3 and 3.2.4 reflect consensus that it is necessary and appropriate to apply the sequential test robustly, generally within “internal areas” as has been accepted in local circumstances elsewhere.

4.3 The Core Strategy flows from and is supported by the Shepway Strategic Flood Risk Assessment (SFRA) which was funded by the Environment Agency and has been rigorously applied by them and Shepway District Council. The SFRA [A92 – A98] has examined Shepway’s flood risk and development options in detail. In relation to the sequential test it finds (section 3.4):

“*The objectives of this test are to steer new development away from high risk areas towards those at lower risk of flooding. However, in some areas where developable land is in short supply there can be an overriding need to build in areas that are at risk of flooding. In such circumstances, the application of the Sequential Test is used to ensure that the lower risk sites are developed before the higher risk ones.*

*PPS25 states that the Sequential Test should be applied at all stages of the planning process and that generally the starting point is the Environment Agency’s flood zone maps. These maps and the associated information are intended for guidance, and do not provide details for individual properties. They do not take into account other*
considerations such as existing flood defences, alternative flooding mechanisms and detailed site based surveys....

To date the Sequential Test has presented the Council with a significant challenge because, as discussed above, over half of the entire District lies within Zone 3a. It has therefore been one of the primary objectives of the SFRA to sub-divide the area within this flood zone so that the Sequential Test can be applied within Shepway’s extensive Zone 3a area.” [SDC emphasis]

4.4 The SFRA thus facilitates a practical risk based approach supported in national policy. It focuses on actual local hazard in terms of resulting risk to life and property not the more generalized picture of EA flood zones. In turn this enables the needs of Romney Marsh (where no developable land lies outside of Zone 3a) to be appropriately considered. To prohibit development in Zone 3a would prohibit the sustainable development of all of the south and west of Shepway, which includes half of the district's towns, and is a regarded distinct area in its own right on most bases other than Local Planning Authority administrative boundaries.

4.5 Policy SS3 also meets the aims of national policy by preventing additional residential development in areas at extreme hazard, as defined in the SFRA.

4.6 On the issue of the weight to be attached to the SFRA, Shepway District Council considers that there has been no material change in circumstances that would justify lessening the weight given to the evidence. The Environment Agency confirm they are normally regarded as 'living documents' and that it is appropriate for review to be ongoing. The SFRA 2009 is still in full use by the Environment Agency and Shepway District Council in informing the determination of planning applications.

4.7 The SFRA consultants recommended a standardised period for review. Shepway District Council confirms it has not published new SFRAs in April 2010 and 2011, although it has considered the necessity for such action. There has been no major flood event in Shepway in the period, and it is not considered new information has come to light that diminishes the suitability of Core Strategy development proposals.

4.8 However with the prospect of the culmination of changes to national policy on the horizon, it may soon be more appropriate for a review of applicable parts of the SFRA and this is being actively explored; but it is contended that the 2009 evidence nevertheless forms a suitable basis for Core Strategy decision making.

4.9 No allocation for the Core Strategy is proposed in Romney Marsh, but the proposed broad location at New Romney has been considered against national policy and in relation to more detailed options for flood alleviation on-site. This is documented in the Potential Strategic Sites Evaluation Part 2 (page 64 onwards) [A40] published in associated with the decisions taken by Shepway District Council's Cabinet in April 2011. The evaluation notes, amongst more detailed consideration: “What can be identified with a good degree of certainty is that the location is within close walking distance of many local public and retail facilities, and that it by and large performs well in terms of minimizing relative flood risk within the Marsh.... The focus on this general vicinity at Preferred Options reflected a commitment by Shepway to make appropriate provisions to ensure future options for sustainable development in Romney Marsh.”

4.10 As Romney Marsh is the single most important area of concern in relation to flooding, and as it has evident development needs, a sequential assessment was
published in 2009 [C4] which found that the SFRA supported a focus on north/ west of New Romney town centre, as opposed to anywhere else in the Marsh.

4.11 Consideration of flooding policy requirements and strategic site proposals across Shepway was completed in 2011 to inform the publication Core Strategy, using the SFRA and other sources. I can confirm that the January 2012 Core Strategy Flood Evaluation [A91] was produced incorporating Environment Agency comments and they are satisfied with its conclusions. 2

4.12 Shepway District Council considers the approach to flooding in the Core Strategy is supported by robust evidence, accords with policy and has the support of the Environment Agency.

I trust this explanation is of assistance and resolves the questions to your satisfaction. We look forward to facilitating progress towards the Examination hearings under your direction.

Yours sincerely

Christopher Lewis
Head of Planning Services

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2 This evidence incorporates very limited changes - including a more appropriate title - to the document “Core Strategy Flood Risk Assessment” [X24] (this was published and made available in July 2011 alongside the Core Strategy but unfortunately not directly referenced).
ATTACHMENTS

Attachment 1:
QUOD’S 1ST GO AT RACECOURSE VIABILITY –

Attachment 2

HA EMAIL

Attachment 3

Minutes of Meeting with Environment Agency 25.1.2010