Matter 1
Spatial Strategy, Development
Distribution & Environment
(Policies SS1, SS3, SS4, CSD4)

Shepway District Council Response

Reference is made to the document codes in the Programme Officer’s ‘Schedule of Documents’.

The following abbreviations are used throughout: CS (Core Strategy), SA (Sustainability Appraisal), SHLAA (Strategic Housing Land Availability Assessment), SHMA (Strategic Housing Market Assessment).
Is the Core Strategy’s spatial strategy and intended distribution of development sufficiently justified and consistent with the local evidence base and national policy? Has sufficient consideration been given to relevant environmental factors?

SUMMARY RESPONSE:
The spatial strategy is justified against specific evidence and is the most reasonable approach. Its positive provisions accord well with national policy and form an effective and flexible strategy for local sustainable development; with close regard for Shepway’s environmental and geographic characteristics.

Key Evidence Documents
- [A8]: Employment Land Review 2011
- [A90]: Strategic Distributions Report, 13th April Cabinet Appendix 2
- [A91]: The Shepway Core Strategy flood evaluation
- [A92-98]: Strategic Flood Risk Assessment 2009
- [B5]: Rural Services Study 2011
1.1
Is the Strategic Corridor proposed in policy SS1 robustly defined and adequately justified – specifically in respect of the Kent Downs Area of Outstanding Natural Beauty (AONB)?

1.1.1 The Core Strategy (CS) includes the “strategic corridor” in the provisions of two Core Strategy policies: the District Spatial Strategy (SS1) and the Green Infrastructure (GI) policy (CSD4). SS1 states “Major new development will be delivered within the strategic corridor, with priority given to previously developed land in the urban area.” Further provisions in the policy focus on the district character areas (Urban and North Downs Areas covering the strategic corridor) and individual settlements. CSD4 seeks inter alia an expansion of GI, with a priority on the strategic corridor.

1.1.2 The strategic corridor is a factual recognition of the environmental/geographic structure of Shepway. It is of importance to long-term plan making as it includes all the critical elements needed for the sustainable functioning of the district.

1.1.3 Previous local plans (e.g. G6: Shepway District Local Plan Review para. 1.17b) also recognised the pattern of central urbanisation ‘constrained’ by areas of flood risk and landscape value to the south and north. The strategic corridor makes this relationship between sustainable opportunities explicit and provides a framework to address strategic infrastructure.

1.1.4 The importance of the strategic corridor has been reinforced by improved accessibility in central/urban Shepway. The M20 and the Channel Tunnel are now complemented by High Speed rail services. Paragraphs 4.20-4.24 of the Strategic Distributions Report [A90] provide the justification for the spatial approach including options in its non-urban (North Downs) part.

1.1.5 The general coverage of the strategic corridor is clear in CS Figures 4.1 and 2.10. The AONB is highly influential to its extent. As shown in Appendix 1.1 the strategic corridor’s boundaries are pre-existing ones, mostly following major physical features and ‘natural boundaries’. As a spatial concept and not an allocation, there could be – if necessary – some flexibility in its precise delineation; although its extent is fixed.
1.1.6 The inclusion of part of the AONB - that which forms a narrow strip to the west / north of Hythe and Folkestone - highlights the spatial priority for active GI improvements in the landscape of the urban/ rural fringe and specific opportunities such as Seabrook Valley MoD land (SS7). It is also supported by the presence in the AONB of major transport infrastructure that underpins the strategic corridor.

1.1.7 To confirm, the strategic corridor excludes all of the district's low-lying (Romney Marsh) area, and the heart of Shepway's AONB designated land (the exception being AONB land near Hythe). The strategic corridor does not cover isolated rural areas.

1.1.8 The strategic corridor includes a generally rural (non AONB) area within which there are likely to be some locations that could be more sustainable than other areas outside the settlements and the urban area. However, it does not form an exemption for development in the western part of the strategic corridor from the fundamental countryside protection policies of SS1.

1.1.9 The Sustainability Appraisal [A28] recognises the baseline significance of the main flood risk and landscape designations [A28; figure 4.1] and verifies the suitability of the spatial strategy against the predefined SA countryside/historic environment objectives (section 8.3).

1.1.10 It is recognised that this spatial notion is a strategic concept rarely found in traditional local plans and it is acknowledged that representations sought additional clarification. Accordingly, a number of potential minor changes are acceptable to the council for the purposes of enhanced clarity [A118; Changes X49 – X51 highlight the AONB for instance, and Y3 and Y15 –Y17 explicitly confirm it is not a broad location policy, the potential scope for landscape improvements and so on. Diagrams are important and potential changes D10 and D8 could be considered].

1.1.11 The strategic corridor is robust, defined and justified in the submitted CS. It is supported by factual evidence and is an element of the most appropriate development strategy for Shepway.
1.2

Is the Settlement Hierarchy (table 4.3) adequately justified by the local evidence base?

1.2.1 A90 recommends a hierarchy after examining the range of population, environmental, regeneration and access considerations; additional to the details of local facilities set out in the Rural Services Report [B5]. Its recommendations for a six-tier hierarchy are followed in the CS and provide robust evidence that is based on service provision but also recognises the wider contexts of environmental conditions, accessibility and history.

1.2.2 The settlement hierarchy (CS Table 4.3) provides strategic forward planning guidance specific to the way in which settlements in Shepway function; and identifies places (those outside the settlements) that form countryside protected under the spatial strategy.

1.2.3 The district features four historic towns, and the ‘top half’ of the settlement hierarchy also accords closely with population rankings of places in Shepway. The evidence base has taken this forward by specific research [B5] examining places outside of the Folkestone/Hythe wards; developing an objective methodology based on the scarceness of services and ranking rural settlements according to their contribution in providing key (scarce) services. This underpinned the proposed hierarchy (mapped out in Appendix 1.2).

1.2.4 The number of settlements in the CS is less than currently identified on the Proposals Map in line with evidence and countryside protection objectives (to allow better control over the sustainable development of the smallest villages). Representations have not suggested any specific settlement which has been significantly ‘misclassified’.

Does policy SS3 provide sufficient guidance about where development should be located?
1.2.5 Policy SS3 provides sufficient guidance by directing development to the most sustainable locations and ensuring that proposals are proportionate to the settlement’s role in the hierarchy. SS3 will not operate in isolation in providing locational strategy; it interrelates with SS1 which provides the district-wide perspective. Strategic Allocations and Core Strategy Delivery policies provide further indications of locational strategy, and this is drawn together and put in its wider context in the Key Diagram (Figure 4.2).

1.2.6 The implications of the settlement hierarchy for future plan making is set out clearly in explanatory guidance on the potential expected form of growth options for categories of settlements (July 2011 CS paragraph 4.68). Depending on the context, SS1 would be the starting point for assessing the location of new development in the district, supported by important specific provisions for localities set out in SS3 and SS4; and backed up by Core Strategy Delivery policies.

1.2.7 As a strategy for sustainable development delivery, CS policy has been written from the perspective of integrating rather than compartmentalising topics. This means locational guidance in SS3 alone addresses urban regeneration/growth, countryside protection, transport, vitality, local impacts on character and diversity, design/construction, the historic environment and community facilities. This approach is in accordance with the NPPF (para. 154) and in a ‘single policy’ also enhances usability.

1.2.8 Locational guidance is sound and sufficient in SS3. In recognition of the practical issues arising from the overall scope of the policy, the council would support the inclusion of an extra summary paragraph in supporting text along the lines of that in Y51 [A118]).

**Are the Council’s suggested changes to this policy needed for soundness reasons?**

1.2.9 Only one text change of any significance to July 2011 policy SS3 was proposed [A117; change S12] and the council is now of the view that this is potentially unnecessary in soundness terms in light of the NPPF. The issue at stake is the operation of the policy and the degree of brownfield focus. The July 2011 CS states “the principle of development is likely to be acceptable on previously developed land within
defined settlements where the following requirements are met..." This led to some objections from those seeking a more flexible wording. It is considered on balance that these concerns are now unwarranted. SS3 seeks to facilitate high quality sustainable development in suitable places, and in some circumstances this may need (SS3 does not rule out) greenfield locations.

1.2.10 NPPF’s ‘Core Planning Principles’ (para. 7) encourages effective use of brownfield land, and therefore reference within SS3 wording is considered justified by this principle so as to ensure sustainable land use. However, this does not prejudice the proper consideration of land across all aspects of sustainability through the spatial strategy. For example, ‘Core Planning Principles’ also provide that “Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies of this Framework” which complements SS3.

1.3 **Is the Priority Centres of Activity Network (table 4.4 and figure 4.5) sufficiently clear and adequately justified by the local evidence base?**

1.3.1 Priority centres of activity are those places (or parts of places) that drive vitality and the sustainability of Shepway’s development. SS4 covers town/local centres and employment areas in the places shown on Table 4.4/Figure 4.5. Under SS4, changes of use will be managed in these locations (NPPF para. 157 on what ‘Local Plans’ should do, antepenultimate point) and growth planned to meet development needs that are set out in SS2.

1.3.2 The Network flows from local evidence, brought together in A90; and not necessarily the current Local Plan (which designates few local centres, for example). The Network identifies towns/ major employment sites, largely based on the Employment Land Review¹ [‘ELR’ A8; chapter 9] which identified needs for additional business space at places across the district (summarised in July 2011 CS figure 4.5²).

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¹ The ELR specifically examined the potential to release currently designated employment land. It confirmed one site [A98; para. 10.20] at Lydd; the town is still identified in the CS as it has other, better, small employment sites.

² This is an extract from the ELR. Potential changes D13-14 put forward a more rounded illustration including town/local centres [A118].
1.3.3 The exact boundaries/ frontages of all Priority Centres of Activity will be shown on the Proposals Map when the Shepway LDF Allocations DPD is adopted; a detailed review will be necessary once the CS is in place. Guidance for this is set out in paragraphs 4.106 – 4.109 (July 2011 CS).

Specifically, what is the status of the Major Employment Sites – and are they clearly defined for planning policy purposes? How can the soundness of the Major Employment Sites be assessed against alternative locations?

1.3.4 The Core Strategy is positive towards all deliverable and sustainable economic development opportunities. Alternative approaches to focal employment areas have been investigated from the outset; particularly through detailed research in A8.

1.3.5 There is no evidence that a highly laissez faire approach is sustainable or needs to be introduced for housing land reasons. Consultation and evidence has not revealed dissatisfaction with retaining employment; indeed the public supported a focus on business uses as opposed to other potential options that may be seen as drivers of growth [C7, D2].

1.3.6 Conversely, in terms of growth options, evidence [A8] does not suggest there is the need to extend employment land policy/ designations. This incorporates an evaluation of sites-specific alternatives (see Appendix 1.3 for individual sites featured in representations; Table 1.1’s site does not constitute a robust or achievable alternative).

1.3.7 The Priority Centres of Activity policy and network is a flexible framework to deliver greater vitality in Shepway and suitable new employment development. It is an approach that is both justified and effective. It offers a clear strategy - and one that is sufficiently defined - stating where and how objectives may be realised. SS4 sets out which places will be a focus of delivering business and retail/ leisure growth, to meet not only quantitative land requirements but also qualitative commercial needs. SS4 provides a strategic framework on delivering appropriate investment and to review individual employment allocations.
1.4

Does Core Strategy as submitted take sufficient account of relevant legislation and national policy in respect of biodiversity and landscape conservation – notably in respect of international nature conservation sites and the Kent Downs AONB?

1.4.1 It is considered the CS was produced with sufficient account of legislation and national policy (key aspects of which are documented in Appendix 1.4). Notably, Habitats Regulation Assessment (HRA) has been undertaken for the Core Strategy [A24 – A27] in full and directly utilised in CSD4.

1.4.2 As documented [A90] and elsewhere, the CS has directed major development away from the AONB. Over recent decades, the main area of change within the Shepway’s AONB has been the expansion of the village of Hawkinge, which - despite being wholly within the AONB - was designated for major growth in successive Kent Structure Plans, with specific provisions made in Shepway documents including the current Local Plan [G6]. The CS has rejected further outward expansion of Hawkinge and has allocated land with lower environmental value in accordance with NPPF para. 110.

If not, are the changes now proposed by the Council (for example to policies SS1 and CSD4) sufficient to address any soundness/legality failings? Are additional safeguards needed arising from the Appropriate Assessment in respect of international nature conservation sites at Dungeness?

1.4.3 CSD4 resists the loss of green infrastructure but focused on opportunities for positive change and improvement. It recognises the concept of linkages between sites, and the value - in specific circumstances – of multifunctional management of some green infrastructure. There was recognition of the significance of the AONB\(^3\). The intent behind this July 2011 policy was to build on and complement existing legislation and policy through providing a positive framework for improvement alongside maintenance of

\(^3\) For instance, the first line of the supporting text after the policy highlighted it as the district’s most extensive countryside designation.
the integrity of environmental assets. This approach closely accords with NPPF para. 114 (first point).

1.4.4 Reflecting A24-27, extensive provisions were made in relation to the range of designations at Dungeness, although it was produced under guidance stating: “...the statutory protection enjoyed by these sites means that policies to protect these areas should not form part of the LDF.” [Paragraph 4.37]

1.4.5 Nevertheless representations on the CS highlighted a desire for inclusion of significant additional ‘protective’ generic policy wording for development management purposes; despite the proposed retention of Local Plan policies to this end.4

1.4.6 On a precautionary basis, the council accepted the thrust of most representations in this regard, notably specific ideas put forward in subsequent discussions with Natural England and others including Kent Wildlife Trust. Extensive communication resulted in an agreed re-drafted policy that retains the positive provisions but features an extra criterion on AONB, and reflection of the hierarchy of biodiversity designations (now acknowledged in NPPF para. 113). The council continues to work with interested parties through the Romney Marsh Living Landscape project towards a sustainable access strategy.

1.4.7 Further selected changes to supporting text and the reinforcement of Figure 5.3 were made in response to representations. Moreover as part of this ‘belt and braces’ approach, statutory Assessments A24-27 have been updated both in line with consultation comments and policy. This is all reflected in Natural England support for the January 2012 CS, considering: “under Regulation 102 of the Conservation of Habitats and Species Regulations 2010 that the plan is unlikely to have a significant effect, on any European site either alone or in combination”[document Z01].

1.4.8 The council is convinced that CSD4 and its proposed changes result in an appropriate strategic green infrastructure policy that is sound and meets legal

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4 July 2011 CS paragraph 5.50 only proposed the deletion of three ‘leisure / recreation’ policies and one ‘countryside’ policy.
requirements. Great weight is placed on conservation of wildlife and the AONB, alongside positive green infrastructure principles in line with the NPPF.

1.4.9 In relation to policy SS1, CS July 2011 this is sound against the NPPF and legislation. The strategic corridor has a clear urban and brownfield focus, but by including the AONB where it is in proximity to population centres it provides an opportunity for green infrastructure enhancements.

1.4.10 However it is accepted that the AONB can be of relevance outside of the areas it directly covers (issues of setting). The South East Plan notes “decisions should have regard to their [AONB’s] setting” (policy CS3). Conversely, there seems little (if any) explicit requirement in the NPPF to take strategic account of land near AONBs.

1.4.11 The council concludes on SS1 that the minor additional reference in January 2012 SS1 [change S4; A117] meets objections received and could be considered as a logical extension of the precautionary approach. Similarly presentational (only) changes [change S1; A118] can help highlight that SS1 features a clear commitment to protecting the open countryside/coast by development only being exceptional (documented in policy CSD3). Other CS changes proposed recognise the importance of monitoring and infrastructure provisions [Z101 and Z109; A118].

1.4.12 The proposed designation of the RAMSAR site and proposed changes to the existing SPA have been considered and do not need any additional safeguarding to those in CSD4. In the light of progress with Natural England and the requirements of NPPF and Appropriate Assessment, it is not considered there is any evidence to warrant further additional commitments in the CS by way of Dungeness safeguarding.

1.5 Does the Core Strategy correctly apply national policy in relation to planning for flood risk? Specifically, has a sequential approach been applied at a strategic level to determine the amount of housing envisaged in Romney Marsh generally (and New Romney in particular) as opposed to other locations in the Plan area that are a lower risk of flooding.
1.5.1 Flood risk has been central to the evolution of the CS [e.g. A90; paras. 3.3-3.5]. A strategic sequential approach is apparent in the CS - not least as one of the key aspects of the strategic corridor is that it excludes the Romney Marsh, an area which forms a virtual monopoly of Shepway’s flood zone 3a land.

1.5.2 The Core Strategy is supported by the Shepway Strategic Flood Risk Assessment (SFRA). The SFRA [A92 –A98] has examined Shepway’s flood risk and development options. The SFRA facilitates a hazard (safety) based approach, and in relation to using the sequential test it finds (section 3.4): “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]. It is necessary to apply the sequential test robustly implementing an evidence-led approach using ‘internal areas’ (as has been accepted in local circumstances elsewhere) reflecting sustainable development needs throughout the Shepway area.

1.5.3 A sequential approach at a strategic level has been applied in the CS in relation to proposed allocations. This is in the Core Strategy Flood Evaluation document [A91] (the scope of which, in turn was influenced by clear evidence from the strategic site assessment process [A39 – A41]). Incorporated within A91 is the sequential testing undertaken to identify the best location for growth in Romney Marsh. This, and SFRA results, have been discussed and confirmed with the Environment Agency.

1.5.4 The CS sets out no policy requirement on housing levels within the Romney Marsh area; but provides appropriate strategy prioritising its towns and particularly New Romney (policy CSD8). The CS notes for the Romney Marsh “Evidence suggests sites exist for approximately 10% of new Shepway dwellings…” (July 2011 para. 5.106 page 101). This is derived from the SHLAA [A1-2] which takes account of flood risk (for example sites at SFRA ‘extreme hazard’ are specifically excluded) but identifies a pool of sites that may be suitable.

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5 This includes specific flood analysis of individual sites including those north of New Romney Town Centre to inform detailed sequential testing, and it also includes associated advice on the likelihood of passing the exception test.

6 To put this in context, likely development provisions for Romney Marsh are limited to the extent that it may not fully meet ‘indigenous’ current household change needs for the future [A88’s Population Forecast tables]
1.5.5 The local level of housing will depend on developments permitted in line with plan policies, notably the overall provisions of SS1 (provisions for Romney Marsh highlight flood hazards), SS2, and SS3 (which not only applies the Settlement Hierarchy but also provides for the implementation of the sequential test). These are supported by policies CSD5 and CSD8, all operating in the context of sequential testing directing development away from areas of greater hazard from flood risks.

1.5.6 Accordingly, the approach taken to housing supply on Romney Marsh is not prescriptive. Appropriate flexibility is required to allow the overall sustainable development objectives of the plan and the area to be met; as considered throughout the CS and SA [A28 e.g. pages 92-93] process. Nevertheless it is contended sufficient provision exists to guide the correct application of the sequential and exception tests for developments on the Romney Marsh.

1.5.7 A sequential approach has been applied at a strategic level to guide major housing sites to those that are a lower risk of flooding, in accordance with national policy (NPPF para. 100). The CS is centred around the SFRA, which is explicitly stated in NPPF para. 101 to be “the basis for applying this [sequential] test.”
APPENDIX 1.1

Issue 1.1 – Strategic corridor boundaries:
Each stretch annotated. Nodal points show where the boundary defining that stretch of the corridor changes.
APPENDIX 1.2

Issue 1.2 – Settlement hierarchy (notes supporting CS figure 4.4)

Core Strategy figure 4.4 Shepway Settlement hierarchy - Annotation

**ANNOTATION A:**
F3 – F3a Tiers – Towns and Service Centres. The Shepway Rural Services Study recommended New Romney, Hawkinge, Lydd and Lympne areas as ‘primary clusters’ of services. These form, along with the town centres of the Urban Area (Folkestone and Hythe) the top three tiers of the Settlement Hierarchy. (The exception is Lympne, a large village in the AONB, and where evidence has found very limited potential development land).

The CS Settlement Hierarchy is an adjustment of that set out at Preferred Options (ref) with one less tier of defined settlements at the bottom end in response to consultation. It is accepted finer judgements are necessary below the level of the towns, relating to balancing on facts different topics.

**ANNOTATION B:**
F3 Tier – Primary Villages. The next settlement rank down includes the remaining Secondary Clusters identified in evidence: St Mary’s Bay, Greatstone-on-Sea, Brookland, Brenzett, Lympne & Saltwood. Stawanford-Westenhanger is categorised at this level, with recognition of its potential and Secondary status in the Rural Services Study. (The exception here is Stelling Minnis, an attractive village in the heart of the Kent Downs AONB. It is currently regarded as open countryside on the current Proposals Map, due to its unique common land character).

**ANNOTATION C:**
F3 Tier – Primary Villages. The primary settlement rank down includes the remaining Secondary Clusters identified as evidence: St Mary’s Bay, Greatstone-on-Sea, Brookland, Brenzett, Lympne & Saltwood. Stawanford-Westenhanger is categorised at this level, with recognition of its potential and Secondary status in the Rural Services Study. (The exception here is Stelling Minnis, an attractive village in the heart of the Kent Downs AONB. It is currently regarded as open countryside on the current Proposals Map, due to its unique common land character).

**ANNOTATION D:**
F3 Tier – Primary Villages. The current 2008 Local Plan recognises several Marsh villages, and the CS confirms Brookland, Brenzett, Hythechurch, Newchurch as places within the lower parts of the Settlement Hierarchy, following detailed consideration of the circumstances of the Marsh in Annexe 1 of The Strategic Distributions Report. Bleanchurch, the lowest rank includes Stelling Minnis and the remaining more substantial or significant villages from those currently recognised (Hawkinge & Danesfield). Sandgate is not appropriate for recognition here although it is a separate parish within the urban area. It has a local character, and its Local Centre is identified as Priority Centre of Activity. This is because it is not a freestanding settlement in any respect. It lies on the coast sandwiched between Folkestone and Hythe and its built extent is not now separable from either town.
APPENDIX 1.3

Issue 1.3

SHEPWAY CORE STRATEGY–RETAIL/ EMPLOYMENT Omission Sites

Sites with 2011 CS Representations proposing/supporting development for uses not including residential.

1. Sites ‘rejected’ through the Core Strategy process

The table below lists residential relevant sites that were:

- Explicitly ‘rejected’ in Core Strategy consultation documents (Preferred Options)
- OR Directly found to be unwarranted in key evidence studies

**TABLE 1.1 – ‘REJECTED’**

<table>
<thead>
<tr>
<th>SITE DETAILS</th>
<th>STATUS IN THE CORE STRATEGY</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS Representator number and landowner/ consultant name</td>
<td>Name of land or address</td>
</tr>
<tr>
<td>035 Howard Small, Longmoor [Carolyn Hardy]</td>
<td>Land SW of M20 J11, Hillhurst Farm</td>
</tr>
</tbody>
</table>
2. Other sites with a supporting 2011 Core Strategy landowner representation

Sites with representations not ‘rejected’ through the Core Strategy process (supported/ neutral).

**TABLE 1.2 – ‘OTHER’**

<table>
<thead>
<tr>
<th>CS Representator number and landowner/ consultant name</th>
<th>Name of land or address</th>
<th>Site size (approx ha.)</th>
<th>Summary of rep.</th>
<th>Most relevant CS policy</th>
<th>Implication (summary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>066 Mike Woolner, FirstPlan [National Grid]</td>
<td>Old gas works site, Ship Street, Folkestone</td>
<td>1.67</td>
<td>Publication (2011): residential scheme now not considered viable, therefore policy support sought to retail uses alongside residential. Previous response (Preferred Options, 2009) supported residential development of the site and viability flex for that use, i.e. affordable housing.</td>
<td>SS1, SS2, SS4</td>
<td>This proposal was not put forward for retail consideration before Publication but on a prima facie basis there is little specific evidence to support. The CS does not include any policy that directly supports re-allocation of the (residential) site, but retail requirements will be considered on a sequential basis for the Allocations DPD.</td>
</tr>
<tr>
<td>087 Robert Stevenson, John Bishop and Associates [Gopak]</td>
<td>Range Road, Hythe</td>
<td>&lt; 0.1</td>
<td>Various comments about economic development and policy [it is not clear what the development issues are for the Gopak site, if there are any].</td>
<td>SS4</td>
<td>The CS would seemingly accord with their likely objectives.</td>
</tr>
</tbody>
</table>

3. Conclusion

The main alternative employment site outside of existing designations is land southwest of M20 junction 11, CS Representer 035.
There is no evidence to warrant a CS allocation. It is not necessary in relation to policy SS4 or SS8. As an alternative for generic employment land, it is not featured as a possible Major Employment Site as its proximity to the M20 conflicts with a strategy focusing on urban regeneration and sustainable locations. Existing alternatives in line with SS4 are available and also benefit from existing business and servicing in place and the potential workforce in close proximity.

Moreover there are concerns over when and how it would be achieved. Similar representations have been received concerning the site in 2008, 2009 and 2011 and with seemingly no progression of proposals towards details that would support delivery or a specific economic contribution. In short the ELR is clear (e.g. paragraphs 10.35-10.36, p. 151) that there is no current or previous evidence that there is a foreseeable prospect that this land is capable of being delivered within the plan period for economic development purposes.
APPENDIX 1.4

Issue 1.4 - Green Infrastructure: legislation and policy

These lists are not exhaustive but demonstrate key considerations in the CS.

European sites:

1. The Birds Directive 1979 (79/409/EEC) that relates to the protection of all wild birds and establishes a network of Special Protection Areas (SPAs) which form part of the Natura 2000 (N2K) network.
2. The Habitats Directive 1992 (92/43/EEC) that gives special protection to Special Areas of Conservation (SACs) which form part of the N2K network.
3. The Habitats Regulations (Conservation of Habitat and Species Regulations 2010) transpose European Union Directive (92/43/EEC) into national law. Under the regulations, particular projects and plans not directly related to the management of internationally protected are subject to appropriate assessment to determine if the integrity of such sites will be impacted. Evidence of this form actively influenced the formation of strategy [see documents C1 and C2].

National:

1. AONBs are designated under the provisions of the 1949 National Parks and Access to the Countryside Act [S11]. The primary purpose of AONB designation is to conserve natural beauty.
2. The Kent Downs AONB was designated in 1968.
3. The Wildlife and Countryside Act 1981 [S12] was significantly amended after the CROW Act below, but made provisions on protection relating to wild birds, other animals, and plants.
4. The major Countryside and Rights of Way (CROW) Act 2000 [S13] legislates for Access to Open Country, Public Rights of Way and Nature Conservation. It brought in new measures including the need to produce statutory AONB Management Plans. Together with the other Kent Downs AONB authorities, the council commissioned the Kent Downs AONB Unit to produce this plan on its behalf.

5. The Natural Environment and Rural Communities Act (2006) [S14] and includes duties to conserve biodiversity in Section 40(1), and to use the list of habitats and species that are of principal importance for biodiversity conservation.

6. In 2009 the council adopted the currently operating Kent Downs AONB Management Plan 2009-2014 [ref - add to list], and Shepway uses this and other associated guidance including the Kent Downs AONB Landscape Design Handbook [PP3] to inform planning decisions.