Evidence for inclusion in the material for examination of Shepway District Council’s LDF Core Strategy in the context of the National Planning Policy Framework and the Localism Act
Dear Mr Hetherington,

Herewith enclosed is this organisation’s evidence for inclusion in the material for examination of Shepway District Council’s LDF Core Strategy in the context of the National Planning Policy Framework and the Localism Act.

Yours sincerely,

[Signature]

David Plumstead
Director
Shepway Environment and Community Network Ltd
Issues arising from the July 2011 Core Strategy of Shepway District Council’s LDF addressed by the National Planning Policy Framework and the Localism Act questioning the ‘soundness’ of its proposals.

Introduction
1. It is a thousand pities the National Planning Policy Framework (NPPF) was not published well before completion of the LDF Core Strategy as policies set out in the NPPF call into question the more environmentally and socially devastating proposals contained in the Core Strategy which might not otherwise have seen the light of day. Both these documents and the provisions of the Localism Act must be considered together.

2. 99% of the electorate here will not have seen nor read the NPPF or any of the huge bundle of documents and papers comprising the Core Strategy and if asked, 98% of the electorate wouldn’t know what you were talking about. Such is the disconnect between the Authority and the governed in Shepway.

3. An inkling of that situation appears to have filtered through to Westminster, Bristol at least, prompting the Planning Inspectorate to publish a very helpful 45 page booklet entitled ‘Examining Development Plan Documents: Procedure Guidance’ which made provision on page 15 through ‘Pre-Hearing Meetings’ for the public to identify ‘crucial issues’ arising from the Core Strategy.

4. We wish to record our anger and concern at being notified in a letter dated 15th March 2012 that those Pre-Hearing Meetings had been eliminated from the programme by the Inspector appointed to this inquiry. We are concerned by the draconian nature of the Core Strategy proposals and the almost complete lack of engagement by the public in the Core Strategy examination and consultation process. A black warship with intent has passed a blissfully ignorant pleasure cruiser in the Shepway night.

6. Whilst both the NPPF and the Core Strategy documents claim that their policies and proposals conform to the principle of ‘sustainable development’ it is in the interpretation and application of those much overworked words that the anomalies lie and where we have a problem.
7. Ever since its promulgation by the Brundtland Commission prior to the Rio Earth Summit (UNCED) in 1992, the term ‘sustainable development’ has been quoted *ad nauseam* and perverted to accommodate the most outrageous environmental and socially damaging interpretations. The word ‘sustainable’ has become a weasel word, denuded of its true meaning and used by planners and developers to mean anything they want it to mean, largely subjugated to the word ‘development’ it was the Commission’s intention it should ameliorate and control.

8. The most insightful and perceptive commentary on the issues that would come to be associated with ‘sustainable development’ was first published in 1968 by the Club of Rome entitled ‘Limits to Growth’ following Rachel Carson’s ‘The Silent Spring’ published in 1962 with which it was an intellectual fellow traveller. Two wake up calls in row, both largely ignored.

9. The common response of *bona fide* conservationists, the scientific community and most thinking men and women when that now hackneyed phrase is wheeled out in defence of yet another grim agglomeration of bricks and concrete, is a hollow laugh.

10. It is a sad commentary and a dangerous development that such a vital concept should be held in such low esteem. A plague on all our houses.

**Background**

11. We are living in a world where major physical changes to the natural world that spawned us and on which we rely for our existence are occurring under our very noses, followed, unless we take strong remedial action, by fundamental social change that will leave society and our communities in a very uncomfortable and unhappy place.

12. In its now revised form the NPPF attempts to mollify and ameliorate the effects of the contentious and potentially damaging issues that underly the changes which would form part of the Core Strategy baggage, whilst keeping one foot in the past, lending credibility to the notion that the only way forward is through economic growth.
13. That way lies disaster, environmental and social and we make no apology for raising the spectre in this document. If the right place to consider and challenge the inevitable outcome of the plans at the centre of this public examination is not here, the public has no voice.

14. The popular explanation for the increasing economic instability being experienced worldwide is the mismanagement of money on a macro-economic scale and that is a fact that cannot be denied, but it is itself no more than a symptom of society’s self-inflicted malaise arising from over-consumption, of almost everything, driven by greed, short term thinking, a severe lack of intellectual rigour and common sense. A determination to ‘have it all’ regardless of the cost, however measured.

15. From our perspective most of the Core Strategy proposals reflect that situation and whilst the NPPF does major on the importance, not to say the supremacy of development, it does acknowledge that other elements are essential to a functioning, sustainable economy such as healthy communities and a healthy natural environment and are ‘mutually dependent’ (para. 8 page 13). But those are just words, a wish list. Turning them into a lasting reality is a very different kettle of fish, something that many of the proposals contained in the Core Strategy would deny.

16. In our opinion there is clear evidence that the capacity of this District to accommodate further development is already exhausted if the quality of life enjoyed by its residents is not to be further downgraded, a view that applies to the rest of Kent and much of the Southeast. What is happening in Shepway is symptomatic of what is occurring throughout the region. Ashford Borough’s destructive Local Plan involving the loss of village communities and many hundreds of acres of high grade agricultural land is but one example. And that whilst we contemplate food security.

17. Unpalatable a fact though the thought may be for Shepway Councillors and developers, Shepway, Kent and the Southeast even, is now full and acknowledging and responding coherently to that situation requires a completely different understanding and application of the term ‘sustainable development’, wherein the word ‘development’ is governed by the word ‘sustainable’ applied in its most logical sense, the reverse of present practise. We have to redefine the meaning of ‘development’.
18. The writing on the wall is now quite clear to those with eyes to see, and we have been warned that if we are to conserve and maintain even the existing quality of life enjoyed by the residents of Shepway, enough development is already enough and a complete change of direction is essential whilst there is still time for that to be achieved to any worthwhile effect.

Crucial Issue 1.

The NPPF’s response to Flood Risks and Nickolls Quarry

19. The Environment Agency (the EA) opposed development at Nickolls Quarry for which outline planning permission was granted in May 2010 for 1050 houses and commercial premises following the imposition of conditions requiring the raising of site levels ranging from 5.77 to 6.6 metres, significantly higher than the adjacent A259 coast road.

20. Sea level in the south of the UK is currently rising at 1 cm/ann., comprising 3 mm due to isostatic bounce, 5 mm from melting ice and 2 mm from thermal expansion. Continuing on that gradient the rate of sea level rise is presently about 1 cm per year. However, the rate is accelerating exponentially, the actual rise at the end of this century is projected to be at least 2 metres and by the end of 2300 well over 5 metres.

21. Bearing in mind that these are ODM figures measured from a flat calm, the effect of extreme weather events would be catastrophic. During the ’53 East Coast floods wave heights reached 10 metres (over 30 ft.) above ODM. Increased energy due to both atmospheric and sea water warming will in future make for stormier conditions and even bigger waves.

22. There are no sea defences between the Dymchurch Redoubt and Fishermans Beach in Hythe, so in their absence unless all ground floor occupation and activity is moved to the first floor by 2200, the site could be untenable and unworkable, negating the landraising required by the EA. (app 3)

23. Another consideration is the permeation of sea water through the underlying shingle which is up to 15 meters deep, well below ODM, resulting in steadily rising ground water levels. Field capacity of the Quarry site will sooner or later be at or near 100% most of the time leading to rapid
surface water flooding during heavy precipitation which the presence of sea defences would not ameliorate.

24. Notwithstanding the provision of elevated foundations for residential property the site as a whole will remain vulnerable to flooding putting the lives of residents on that site at serious risk at all times in severe weather. New large areas of impermeable surfaces resulting from the Nickolls development would also increase the rate of surface flooding on the Quarry site adversely affecting the Palmarsh Estate, counter to clause 100 on page 23 of National Planning Policy Framework (NPPF) and the EA conditions required for approval.

25. There is a question mark over the stability of the buildings due to their height constructed on poor foundations. As the groundwater level rises that will become an increasingly serious problem. Our observations indicate that the foundations comprise no more than imported hardcore and other spoil deposited and profiled to provide a structural base relying on weight for stability with no direct mechanical connection to the underlying ground. *If the Council and the Developer are determined to continue with the project they would be well advised to secure foundations through deep piling.*

26. Irrespective of the remedial ‘land raising measures’ currently being undertaken, the serious flood risk at the Nickolls Quarry site remains and the site as a whole will be vulnerable to flooding during any extreme weather event putting the lives of residents at serious risk, something we believe those responsible for approving the development should be aware of.

27. Special attention must be paid and remedial action taken in respect of the requirements set out in Clauses 101, 102 and 103 on page 24.

28. In the absence of sea defences, in all probability unless ground floor occupation and activity were moved to the first floor by 2200, the site would be untenable and unworkable, negating the provisions required by the Environment Agency for development approval.

29. To provide a safe environment for future occupiers of the Nickolls Quarry development, sea defences rising above 5 metres ODM would be
needed along the undefended coast from Fisherman’s Beach to the west of the Dymchurch Redoubt at a current cost estimated at over £64m.

30. There is no provision for expenditure on such a scale so that stretch of coast will remain undefended and the Nickolls Quarry development counter to the policy described in clauses 94, 99, 100 and 109 on pages 22, 23 and 25 and others set out in the National NPPF and fails to comply with Core Planning Principle 6 as stated at the bottom of page 5 under section 17 viz ’... taking full account of flood risk and coastal change,...’.

31. Another major cause for concern is the lack of provision for traffic generated by the Nickolls Quarry site. This would be of the order 3500/4500 car and van movements per day. The junction at Scanlon’s Bridge generates a long tailback in the mornings and evenings and residents cars are parked along the Dymchurch Road right up to the Scanlons Bridge traffic lights. A proposal that Quarry traffic should leave the area via West Hythe and Lympne village is totally impractical and unacceptable to the residents of both commmunities. (see App 4)

32. The implications arising from the Nickolls Quarry development were not adequately considered prior to the decision being taken by SDC’s Development Control Committee and we consider the development to be unsafe and the decision to approve it unsound and dangerous.

Crucial Issue 2.

Housing allocations and other developments.
33. Between 2009 and 2011 the residents of the Village of Lympne researched and produced a Village Plan (app. 1) in the course of which it became clear that the population had fallen, calling into question the greatly increased housing numbers proposed in the Core Strategy. Shepway District Council never the less substantially increased the figure set out in the SE Plan, said to be ‘needed’, whilst failing to produce evidence to support at least 650 units of the final increased figure. The Lympne village result acknowledged and accepted by senior SDC planning staff to be correct
contradicts the 22% increase between 1991 and 2010 recorded by Kent County Council (app. 2).

34. The main conclusions and decision arising from the Lympne Village Plan were:

1. New houses to be limited to 150 over the next fifteen years
2. The essential rural character of the village must be retained.

35. We take the view that the house building policy adopted by SDC is wrong given that most newly built homes have proved to be beyond the financial reach of local people, thereby sucking new residents into the District and adding to the demand for greater expenditure on already stretched infrastructure services whilst failing to provide for the legitimate needs of existing residents. Village housing and the number of incomers is increasing while local people are obliged to move away or share with parents. A very bad outcome.

36. It is notable that all the new houses constructed in Lympne in the last three-five years are much larger than existing units, all two storey and three/four bedroomed during a period when the tendency is toward smaller and single parent families. It make no sense.

37. The Council’s record of provision of ‘affordable housing’ is abysmal, largely the result of its failure to resist the pressure to reduce the percentage of affordable homes in favour of developers otherwise unwilling to proceed. A stark example being the so-called ‘enabling development’ at the Imperial Hotel in Hythe where the statutory requirement for Affordable Housing has been reduced from 33% to NIL in direct contradiction of the requirement set out in points 1 & 3 in clause 50 page 13 of the NPPF. The Council’s record in this arena is a disgrace.

38. The housing allocation figure for Romney Marsh is wrong *ab initio* as it fails to include those for the Nickolls Quarry development which ‘stands on the flood plain of Romney Marsh’ (*sic*) as does the ward of West Hythe to which they have been allocated. The 1050 houses plus commercial premises approved for Nickolls Quarry must be added to the figure for Romney Marsh, seriously overloading its capacity to accommodate them.
38. To present an honest and realistic number for dwellings proposed for construction on Romney Marsh, 1050 houses and associated commercial premises must be added to the 880 houses proposed, a total of 1,930, 119% more than the public was asked to consider during consultation of the Core Strategy.

Crucial issue 3.

Folkestone Racecourse, the NPPF and the Localism Act.
39. The destructive effect of the proposals for Folkestone Racecourse set out in pages 73-76 of the July 2011 Core Strategy combined with the proposed ‘strategic corridor’ (pages 23,33 and 37) and the designation of the village of Lympne as ‘A Major Employment Site’ (Fig. 4.5 on page 55) make this the most crucial issue of all with the potential to completely destroy the character of the richest environmental, landscape and historic part of this District, seriously at odds with the residents of Westenhanger, Newingreen, Sellindge, Lympne, Stanford, West Hythe, Hythe and Palmarsh.

40. Whatever the protestations to the contrary from Shepway District Council only a handful of residents have the faintest idea of the size and impact, both environmental and social, implicit in the proposal. Should anyone ask why, it is due to the failure of SDC properly to consult the villagers of Westenhanger, Newingreen, Sellindge, Lympne, Stanford, West Hythe, Palmarsh, the residents of the west side of Hythe Town and the Dymchurch Road between Palmarsh and Scanlons Bridge in an open, transparent and meaningful way. SDC failed to ensure that residents of all communities had a proper grasp of the true implications of what is being proposed prior to asking for their informed opinion, an explicit requirement set out on page 5 of the NPPF headed ‘Core Planning Principles’ and enshrined in the Localism Act under ‘New rights and powers for communities and individuals.

41. It is well beyond the capacity of the area to accommodate the necessary infrastructure for the ‘Racecourse development’ and the accompanying proposals without it and the people living there suffering the destruction of their communities and rural character. It would involve civil engineering upheaval on a truly massive scale to provide major sewage and water supply
capacity, a dualled road system linking with the M20 at Jnc 11, a large roundabout/interchange at Newingreen linking with the western end of Hythe Hill (A261).

42. Almost certainly these would be accompanied by major re-routing of the A259 to serve Nickolls Quarry, resurrecting the spectre of the Marsh motorway and Lympne Scarp cuttings which our local communities fought so hard to see off between 1990 and 1996. To these dramatic changes would be added the construction of yet more roads and intersections within the Lympne Industrial Estate leading to a widened A20 between the A20 Café and Newingreen.

43. All these are pressaged on pages 73 to 76 of the 2011 Core Strategy and run counter to ‘Core Planning Principles’ 1, 2, 5, 7, 8, 9, and 10 set out on pages 5 and 6 of the NPPF. Principle 4. Refers to ‘...the housing, business and other development needs of an area...’. That the area ‘needs’ over 800 houses and the rest of the grisly development baggage that would inevitably accompany it is one hell of a presumption. Apart from a handful of residents grateful to have the opportunity to buy an ‘affordable’ house, amounting to no more than ten in each of the communities cited and easily accommodated within their respective development envelopes, few if any of the residents of ‘the area’ want them, so we ask who it is that sees ‘the need’ for them? (see App 5)

44. One of the most telling principles enunciated by the NPPF on which planning decisions should be based is encapsulated in the first and second sentences of Principle 1 of section 17 on page 5 – ‘...planning should be genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up to date and be based on joint working and co-operation to address larger than local issues.’ We do not dissent from anything said there.

45. Unfortunately those lofty NPPF principles have not been applied to the creation and development of the Core Strategy, how could they given the timing of the latter document? The plans it sets out for the area discussed in paras. 39 – 43 above have been drawn up by Shepway Council without consulting the communities concerned in any meaningful way, if at all. Not only have the residents of those communities not been ‘empowered... to
shape their surroundings, they have not been party to drawing up ‘succinct local and neighbourhood plans setting out a positive vision for the future of the area.’ Nor has there been any ‘...joint working and co-operation to address larger than local issues.’ More’s the pity.

46. The promoters of the Racecourse proposals are entirely driven by the prospect of large financial gain and local authority empire building on the pretext of providing sustainable development for the betterment of the county and the country. The project would be a financial bonanza for the Racecourse owners, now the Reubens Bros through Northern Racing, of which our recently retired MP Michael Howard is a Director and the usual collection of construction contractors and builders, Shepway District Council and a host of architects, estate agents, mortgage lenders et al. The thousands of residents of the villages named above would get nothing other than the gross inconvenience of the greatest physical upheaval they would have ever seen. A landscape changed out of all recognition (see App6) filled with houses, shops, a school and a large car park with a view of Westenhanger Castle buried in the middle of a New Town to call their own. Most of the houses would go to people who don’t live here and who would move in without having to put up with the mayhem. To a thinking man it would be an outrage and as we have said, a disaster.

Shepway Environment and Community Network Ltd

27th April 2012