Matter 5 Areas of Strategic Change and Other Matters
[Core Strategy policies: CSD6, CSD7, CSD8, CSD9]

Issue 5: Are the Core Strategy’s proposals for other identified Areas of Strategic Change realistic, deliverable, adequately justified and consistent with national and regional policies?

Issue 5.1 Is the level of detail presented in policies CSD6-CSD9 (and supporting text and diagrams) appropriate for inclusion within a Core Strategy?

5.1 Policies CSD6 – 9 for Central Folkestone, Hythe, the Romney Marsh area and Sellindge provide an appropriate context for planning applications, and for Neighbourhood Plans that must comply with the provisions of the local plan. KCC supports in principle the clear proposals for these areas in the Core Strategy.

Policy CSD8 - New Romney

5.2 In response to the Shepway Core Strategy Proposed Submission Document of July 2011 KCC submitted detailed comments on Policy CSD8 seeking “…the necessary expansion and enhancement of the education facilities at St Nicholas’ Primary School…”

5.3 KCC wishes to correct the impression given that there is insufficient primary school capacity at New Romney, which is not the case. KCC’s Director of Planning and Environment wrote to Shepway District Council on 6th January confirming that KCC withdraws this comment.

Policy CSD9 - Sellindge

5.4 KCC sought an amendment to Policy CSD9 to mirror that proposed above to Policy SS8, Folkestone Racecourse. No amendment is proposed by the District Council to Policy CSD9 with regard to school provision, and the policy requires proposals to “include satisfactory arrangements for a primary school extension.”

5.5 However, amendment Z78 proposes a new final sentence to para. 5.151 as follows (see Submission Document January 2012 para. 5.163):

“In the event that pupil demand increases due to development in west Shepway and it is not feasible to provide additional primary school places at Sellindge, provision will be made through expansion of new facilities within (the) site at Westenhanger (Policy SS8”).

5.6 Amendment Z78, taken together with Y105 and Policy SS8 clause (e), would deal with KCC’s concern with provision for primary school capacity to serve Sellindge and Westenhanger (Policies CSD9 and SS8) and are supported by KCC.
Issue 5.3 Does the Core Strategy adequately explain the Council’s position with respect to Lydd Airport? Is the approach set out in Core Strategy paragraph 5.115 adequately justified by the submitted evidence? Is it clear how the Council’s support for airport expansion in principle will be carried forward in planning policy? At what point is it intended to replace saved Local Plan Policy TR15?

5.7 In response to the Shepway Core Strategy Proposed Submission Document of July 2011 KCC submitted detailed comments on paras 5.115 – 5.116 seeking

“The second sentence of para. 5.115 (which states that Shepway Council resolved to support the planning applications to lengthen the runway and build a new passenger terminal) is consistent with the Council’s previous position in both the Shepway District Local Plan Review (2006) and the Core Strategy Preferred Options Consultation document (2009), including its strategy for Romney Marsh. However it is noted that the Core Strategy Submission Document does not include a policy for the airport. In the County Council’s view a policy that supports aviation within operational, environmental and access constraints, and recognises the potential for employment uses at the site, should be included in the Core Strategy to provide guidance for the consideration of any future proposals for development at the airport that may come forward”.

5.8 KCC’s Director of Planning and Environment wrote to Shepway District Council on 6th January confirming that:

“KCC accepts that the lack of a decision on the current Appeal causes uncertainty for the direction that will be taken for use and development of the airport.

KCC notes that Local Plan Policy TR15 is saved and is positive towards the development of the airport subject to the impact on international designated sites and other considerations.

KCC would accept the Core Strategy as sound if it reflects the current position on the appeal decision and clarifies the District Council’s intentions with regard to the saved policy and updating policy in a future DPD, consistent with the Core Strategy”.

5.9 Amendment Z64 proposes minor changes to indicate that Shepway’s position is consistent with saved Policy TR15, and that a decision on the planning applications to extend the runway and build a passenger terminal have yet to be decided (Submission Document January 2012 paras. 5.126 and 127).

5.10 KCC supports these amendments.
**Issue 5.4** In respect of the duty to co-operate introduced by the Localism Act 2011, can the Council explain how it has responded to the representations made by other local planning authorities – notably: Kent County Council, Dover District Council and East Sussex County Council?

**(i) Record of Co-operation**

5.11 KCC responded to the consultation on the proposed Submission Document of July 2011 with a report approved by its Cabinet Member for Environment Highways and Waste. Para. 5.1 states:

“The Localism and Decentralisation Bill will introduce a duty on public bodies to co-operate across administrative boundaries in planning matters. It is recommended that the Core Strategy demonstrates that such cooperation exists by reference to the emerging East Kent Growth Strategy.”

5.12 KCC also submitted a detailed comment on para. 4.14, seeking reference to cooperation between authorities and with the LEP on a growth strategy for East Kent.

5.13 Shepway District Council consulted KCC on draft Record of Co-operation which set out cooperation during the preparation of the Core Strategy, particularly with those organisations that informed its development. This includes meetings with KCC officers on 5th April and 2nd December 2011, recorded on page 4 and in Appendix B. KCC confirmed that it did not seek any changes to the record.

5.14 In particular there has been a strong and continuing dialogue and exchange of information between KCC and Shepway officers on the question of provision for additional school capacity, and KCC welcomes this.

5.15 KCC supports amendment C28 which adds to Policy CSD10, on Implementation Strategy, a commitment to “collaborate with partners on the sustainable development of the area in accordance with the statutory duty to co-operate.”

5.16 Overall KCC considers that Shepway have engaged fully with neighbouring authorities and other organisations including KCC, and have fulfilled their duty to cooperate in preparing the Core Strategy.

**(ii) Dungeness Power Stations**

5.17 KCC notes that Policy SO3 of the Preferred Option consultation of July 2009 (p.76) had provided:

“Support for the principle of a Dungeness C nuclear reactor, and especially associated / new small-scale low carbon energy, or other green technology initiatives.”

5.18 KCC responded to the consultation on the proposed Submission Document of July 2011 with a report approved by its Cabinet Member for Environment Highways and Waste which commented on paras 5.113 – 5.114 as follows:

“The Core Strategy refers to the positive approach taken by Shepway District Council towards the potential for a new Dungeness C nuclear power station, and the economic benefits it would bring, and the Council’s willingness to overcome the concerns of Government for the impact on international habitats, as expressed in the draft National Policy Statement for Energy Infrastructure (para. 5.115). KCC has supported Shepway District Council in its lobbying on this matter.”
However the Core Strategy does not acknowledge that the final version of the National Policy Statement for Energy Infrastructure has now been published and confirms that Dungeness is not included in the locations for new nuclear power stations in view of concerns raised by Natural England. Also, the draft Core Strategy does not include a policy for the existing power station sites, the land that could potentially be used for a new plant, or low carbon and renewable energy uses in the District.”

5.19 Accordingly KCC suggested that the District Council:

(i) “update the draft Core Strategy with regard to the prospect of a new nuclear power station at Dungeness, and the future of the existing power station sites, including their decommissioning.
(ii) recognise that KCC’s Minerals and Waste Development Framework will include policies for managing the waste generated by the decommissioning of the existing power stations; and
(iii) consider a new policy that would safeguard the site for a new nuclear power station should the need arise, and recognise the possible potential of the existing power station sites for low carbon or renewable energy uses, as in the July 2009 consultation”.

5.20 Following a meeting between KCC and Shepway officers, KCC’s Director of Planning and Environment wrote to the District Council on 6th January confirming that:

“KCC accepts that formal safeguarding of a Dungeness C site is not justified given the lack of support in national policy and intent by the energy company for such a project, and would not consider the Core Strategy unsound in the absence of such a policy. KCC would welcome refinement of the text to recognise the potential employment benefits, to refer to the current position, and to keep the matter under review.

As regards the existing sites of Dungeness A and B, KCC could accept the absence of a policy provided it is made clear that decommissioning of the site will take place throughout the local plan period, and the emerging Minerals and Waste Development Framework will include policies for waste management.”

5.21 KCC is satisfied that amendments Z61, 62 and 63 would deal with the points that it has raised with regard to a Dungeness C power station, and the role of MDWF policies for the management of waste from decommissioning Dungeness A and B (see Submission Document January 2012 paras. 5.124 and 5.125).

(iii) Renewable and low-carbon energy sources

5.22 In response to the Shepway Core Strategy Proposed Submission Document KCC submitted the following comment on Policy SS3 and the accompanying text:

“This reference to energy from renewable/low carbon sources on new build development in (Policy SS3 [e]) is imprecise and not strong enough. …The following words are suggested:

“The District Council will support and promote the incorporation of decentralised energy sources, including combined heat and power, in new development and will support small scale and community-based renewable energy developments”.

Paragraph 4.83 should also reflect this”. 
5.22 KCC’s Director of Planning and Environment wrote to the District Council on 6th January confirming that KCC would be content for its suggestion to be addressed in the text to policy SS3. **Amendment Y58 inserts the following sentence in para. 4.86 and this meets KCC’s concern** (see paragraph 4.81 of the Submission Document January 2012):

“The principle of decentralised energy sources in new developments, including combined heat and power, and small scale/community based renewable energy is supported.”
**Issue 5.6**

Is it necessary or appropriate to include changes to the proposals map arising from a different DPD (the Kent Minerals Plan) in Core Strategy Appendix 4? What is the status of that document?

**Maps p 6.4 and 6.5**

5.23 Appendix 4 of the Proposed Submission Document July 2011 (para. 6.26 and Maps 6.4-6.8) shows extracts from the Kent Minerals Local Plan Construction Aggregates Written Statement, Adopted in December 1993 (MLP). These are Insets Y, Dungeness, and Z, West Hythe/Dymchurch. The document also shows site specific details from Inset P of the Proposals Map in the Kent Waste Local Plan, Adopted March 1998 (WLP).

5.24 Policies from the MLP and WLP remain ‘saved’ until they are replaced by the Kent Minerals and Waste Development Framework (MWDF) Core Strategy, the Minerals Sites Plan and The Waste Sites Plan, which are currently in preparation by KCC.

5.25 Map 6.4 shows the area of the planning permission at Dungeness which was not in the MLP, and omits the large, now worked out, gravel workings known as Land at Boulderwood Farm, which is now the RSPB bird reserve. Similarly Map 6.5 does not show the worked out area to the north of Allens Bank (Whitehall Farm), which is shown on the MLP Proposals Map Inset Y.

5.26 The non-identification of worked out areas would be sensible, but the addition of a site with planning permission which does not feature in the 1993 MLP appears to be erroneous. However, this is not sufficiently important to raise matters of ‘soundness’.

**Waste arising from decommissioning Dungeness A and B**

5.27 As noted under issue 5.4 above, KCC is satisfied that amendments Z61-63 (see Submission Document January 2012 paras. 5.124 and 5.125) deal with the role of MDWF policies for the management of waste from decommissioning Dungeness A and B.

**National Policy for Minerals**

5.28 PPS12 (2008) para. 8.2 required district planning authorities to show minerals and waste matters on their adopted proposals map, including safeguarding matters and any minerals and waste allocations which are adopted in a development plan document by the county council.

5.29 This and other national planning policy has been withdrawn by the National Planning Policy Framework published on 27th March 2012. The NPPF does not specifically have this requirement but does require (paras.157 and 178 -179) that local planning authorities successfully cooperate to plan for issues with cross boundary impacts. Planning guidance on minerals matters has also been published alongside the NPPF.

5.30 KCC believes that it remains appropriate that district council local plans recognise minerals and waste matters that are identified within the adopted MLP and WLP.

5.31 Dr Lillian Harrison, KCC’s manager for the Minerals and Waste Development Framework, would be happy to attend the hearing on the 10th May to clarify these matters if helpful.