

**Agenda Item No:**

**Report To: Cabinet**

**Date of Meeting: 14<sup>th</sup> March 2019**

**Report Title:** Response to Folkestone & Hythe District Council's consultation on the Submission Draft (Regulation 19) Core Strategy Review

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**Portfolio Holder:** Cllr. Paul Clokie  
**Portfolio Holder for:** Planning and Development



**Summary:** Folkestone & Hythe District Council (FHDC) has published their Core Strategy Review for consultation. This report identifies the cross border impacts (strategic matters) resulting from the proposals on Ashford Borough and concerns in relation to the policy framework for the proposed garden settlement at Otterpool.

The report recommends that Cabinet agree to the response in Annex 1 (which is to be submitted to FHDC by 11<sup>th</sup> March 2019), which raises objection to the Plan and seeks changes be made to address the concerns.

**Key Decision:** YES

**Significantly Affected Wards:** Borough wide

**Recommendations:** **The Cabinet is recommended to:-**

- I. Agree the response that has been submitted to the Folkestone and Hythe Core Strategy Review Regulation 19 consultation at Annex 1.**
- II. Delegate authority to the Head of Planning Policy in consultation with the Portfolio Holder for Planning and Development to agree a Statement of Common Ground with Folkestone and Hythe District Council that addresses the issues raised by the Borough Council in the consultation response and any related issues that may emerge as the Core Strategy Review progresses.**

**Policy Overview:** The Core Strategy Review will form a key policy document for Folkestone and Hythe District Council. There is no specific policy framework for this decision, however the Council's Corporate Plan and Ashford Local Plan 2030 are relevant considerations.

<b>Financial Implications:</b>	There are no financial implications
<b>Legal Implications</b>	<p>The submission of a response by the 11<sup>th</sup> March 2019 is a pre-requisite to the Council having the right to appear and participate at the Core Strategy Review examination.</p> <p>Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) imposes a duty on the Council to co-operate and engage with other authorities on strategic matters, which includes development which would have a significant impact on at least two planning areas.</p> <p>The NPPF requires the Council to prepare and maintain one or more Statements of Common Ground with FHDC documenting the cross boundary matters and progress on them.</p>
<b>Other material implications</b>	The outcome of the FHDC core strategy review may have implications for future plan making in the Borough.
<b>Equalities Impact Assessment</b>	Not required because there are no equalities issues raised as a result of the Council's proposed response. Folkestone and Hythe District Council will be required to carry out an Equalities Impact Assessment on the draft Core Strategy Review themselves.
<b>Exempt from Publication:</b>	<b>NO</b>
<b>Background Papers:</b>	<p>Folkestone and Hythe Submission Draft Core Strategy Review and supporting evidence base.</p> <p><a href="https://www.folkestone-hythe.gov.uk/Core-strategy-review-2019">https://www.folkestone-hythe.gov.uk/Core-strategy-review-2019</a></p>
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### **Introduction and Background**

1. On 25<sup>th</sup> January 2019, Folkestone & Hythe District Council (FHDC) published the draft version of their Core Strategy review document for public consultation. When adopted, this would replace / update FHDC's existing Core Strategy which was adopted in 2013.
2. The new draft Plan is intended as the means by which FHDC's planning policies for the proposed new 'garden settlement' at Otterpool will be set out and established in advance of the determination of a planning application for the garden settlement in due course.
3. Therefore, it is important for the Borough Council to consider what cross border effects there might be as a consequence of the proposed Plan and make formal representation/objections in response to the current consultation.
4. The current FHDC Core Strategy proposes the delivery of at least 8,750 homes in the District from 2006-31 – a target of 350 homes pa. The new draft Plan has been based on the Government's new standard housing need methodology and provides a target figure of 12,845 dwellings from 2018-37, equivalent to 676 units pa.
5. Otterpool is proposed to provide for 6,750 dwellings during the plan period (to 2037) and up to 10,000 over the longer term. In addition, FHDC are proposing further expansion at Sellindge (350 units) and delivery through a combination of sites with planning permission already (4,100 units) and proposed allocations in their Places & Policies Local Plan (1,400 units) which was submitted for examination in September 2018. Windfall sites would make up any balance.
6. The draft Core Strategy Review is based on a Growth Areas Study which was an assessment of development potential across the Folkestone & Hythe district which highlights the inherent restrictions on significant areas from new development by virtue of the AONB in the north of the district, Romney Marsh with its flood risk and ecological constraints in the south and the built up coastal strip of Folkestone, Hythe and Sandgate in-between. This has left the Otterpool area to the north west of Hythe as the main area with significant development potential and capacity to meet the district's development needs in the future.
7. Over the last 18 months or so, the Portfolio Holder for Planning & Development and Cllr Burgess, along with officers, have had regular informal meetings with officer and member colleagues from FHDC. These have focused on the emerging masterplan proposals for the garden settlement and their evolution and have provided an opportunity to raise potential cross

border issues of relevance to the Borough Council arising from the proposed development.

## **Current position - Cross Border Issues**

8. The following sets out the cross border issues and how these are proposed to be addressed in the Core Strategy Review. The Council's response to the issues is set out in the letter at Annex 1.
9. It is considered that there are five main themes where major development at Otterpool could have impacts on residents or businesses in the borough or potentially affect the Council's discretion in plan-making in the future. These are:-
  - Transport (road and railway capacity)
  - Water and drainage
  - Secondary education
  - Retail provision
  - Phasing and infrastructure
10. The Core Strategy Review document includes four separate policies which aim to set out the policy basis for any emerging proposals for the garden settlement (policies SS6- SS9). These cover, respectively:- development requirements; place shaping principles; sustainability and healthy new town principles; and infrastructure, delivery and management. The focus of the following section of this report is how those policies address the four themes referred to above.

### *Transport - Road*

11. Transport is perhaps the most obvious area of potential cross border impact as the traffic generated by a scheme of up to 10,000 new dwellings will inevitably increase vehicle movements on the road network significantly.
12. The transport evidence prepared in support of the Plan indicates that the majority of traffic generated will flow onto the strategic highway network (M20 and A20) with only a very small percentage (1%) expected to use the rural road network across the borough boundary towards Aldington and Bonnington. Around 30% of generated traffic in total is modelled to be using the A20 or M20 corridors towards Ashford and a potential impact on the capacity of M20 Junction 9 is highlighted.
13. Policy SS7 of the draft Plan sets out a large range of 'place-shaping principles', one of which is entitled 'sustainable access and movement'. Within this part of the policy, one criteria states that "*the capacity of M20 Junction 11 shall be upgraded and other key junctions on the road network will be redesigned and improved in partnership with Highways England and Kent County Council*".
14. This appears to be the only section in all four of the 'garden settlement' policies that deals with strategic highway matters.

## *Transport – Rail*

15. The garden settlement at Otterpool is located adjoining the existing Westenhanger rail station on the domestic line between Ashford and Folkestone. At present, the station is lightly used with few facilities but the emerging masterplan for the Otterpool development emphasises the role an improved station here could play in providing an integrated transport hub for pedestrians, cyclists and bus users to access rail services.
16. The draft Plan makes specific reference to the garden settlement providing an opportunity to secure an upgrade of facilities at Westenhanger including the lengthening of the platforms, new and refurbished station buildings, a new footbridge between platforms and additional car parking. It is also stated that the settlement provides a major opportunity to secure a high speed rail service between Westenhanger Station and London St Pancras. Policy SS7 in the draft Plan requires the upgrading of the facilities and reinforces the aspiration of the high speed rail service.

## *Water and drainage*

17. Water and drainage are key cross border issues due to the way in which the river catchments operate across the two local authority boundaries. Run-off from F&H District's higher ground converges in Ashford at the confluences of the East Stour, the Great Stour, Ruckinge Dyke, Whitewater Dyke and Aylesford Stream. The surface water runoff from the existing site of Otterpool drains into the East Stour through several small drainage tributaries. Increases in discharges into these watercourses would have a direct effect in increasing flood risk in Ashford, and in particular, the urban area south of Ashford Town which is vulnerable to fluvial flooding. Discharges from the site will also impact upon water quality in Ashford Borough.
18. The issue of wastewater infrastructure also has potential cross border issues, namely ensuring sufficient and appropriate wastewater infrastructure will be necessary to ensure water quality can be maintained and improved and that the capacity at Sellindge WWTW is not undermined (Sellindge WWTW currently serves Brabourne Lees in Ashford Borough).
19. The impact of the proposed development upon runoff into these water courses is therefore a crucial consideration and it is essential that the development should not:
  - result in any increase in flood risk for Ashford Borough, and should ideally result in a decrease in off-site flood risk;
  - have any harmful impact upon water quality.
20. The issue of water and drainage is addressed for the site through Policies SS7 and SS8 of the draft Core Strategy Review.
21. Policy SS7 requires that a green and blue infrastructure strategy be developed that delivers: (amongst other requirements) *'Sustainable Drainage Systems to maximise landscape and biodiversity value and to prevent*

*downstream flooding of the East Stour River, developed as part of an integrated water management solution.'*

22. Policy SS8 requires all new homes to be built to water efficiency standards that exceed current building regulations – to achieve a maximum use of 90 litres per person per day. The development shall be informed by a Water Cycle Strategy which includes details of:
  - Water efficiency and demand management measures to minimise water use and maximise water recycling and reuse
  - Need to maintain the integrity of water quality, how it will be protected and improved, and how the development complies with the Water Framework Directive
  - Surface water management measures to avoid increasing flood risk through the use of Sustainable Drainage Systems and;
  - Water services infrastructure requirements and their delivery.
23. Officers from FHDC and the site promoters have attended the Ashford Water Group to present the proposals for Otterpool in relation the approach to water management and flood risk within the proposed development. The Masterplan for the site has been based upon an Integrated Water Management approach – which considers the water cycle as a whole and interrelationship between water usage (including potential water recycling), wastewater, drainage and flooding, including surface water management.
24. The Infrastructure Delivery Plan (IDP) which has been produced alongside the Core Strategy Review, provides details of the post development discharge rates set out in a site wide strategy, which would result in a decrease in overall discharge rate from the site, thereby reducing flood risk downstream in Ashford Borough.
25. In terms of waste water treatment, Southern Water has indicated (set out in the IDP) that there is limited existing capacity at the Sellindge WWTW and that either major improvements are required at Sellindge WWTW or the development could provide its own on-site treatment works. There are no proposals within Southern Water's existing five year (2015-2020) Asset Management Plan (AMP) to provide for the required infrastructure, and it will therefore be necessary to put forward schemes to accommodate this growth within the next AMP (post 2021). The other alternative is that the developers forward fund the work. Southern Water has advised that it is working with the site promoters to agree a schedule of infrastructure at the site(s) in question.

### *Secondary Education*

26. Secondary Education is a potential cross border issue, given the catchment areas of secondary schools, whereby pupils residing in F&H District attend secondary schools in Ashford Borough, and vice versa. The provision of secondary education provision in Ashford Borough is already under pressure due to development growth in Ashford and the Council has worked closely with KCC to ensure that new secondary school provision is provided at the right time in order to manage demand from new development. Currently KCC

are planning to manage this demand through increasing provision at existing schools in the Borough, and with the development of a new secondary school as part of the Chilmington Green development.

27. The evidence regarding secondary education provision Officers have been party to, is set out in the Infrastructure Delivery Plan supporting the Core Strategy Review.
28. This document states that KCC has advised that capacity does currently exist in secondary schools in both Ashford Borough and F&H District, however forecasts indicate that there are rising numbers of pupils entering year 7, peaking in 2022-23, which will result in a shortfall in both areas. The shortfall in Ashford Borough is being dealt with by the means identified above. In F&H the shortfall will potentially be dealt with by providing 'extra classes' being admitted in existing schools, to deal with the bulge. Off-site secondary school capacity will be full at the time Otterpool development is currently expected to commence.
29. With regard to the specific impact on demand from Otterpool, KCC population modelling indicates that 10,000 new homes may generate the need for 13 forms of entry of secondary school demand. As the need for the District's population decreases (as is expected after the 2022-23 peak), the demand from Otterpool will be rising, offsetting the reduction until 2031. 500-600 places may be needed throughout the period 2024-2030. The IDP states that the solution to this need to be developed.
30. KCC has indicated that they intend to meet part of the demand through the expansion of The Harvey Grammar School for Boys and Folkestone School for Girls (both selective schools). However any decision to extend these schools is a decision for the SoS and therefore cannot be guaranteed. But it is expected that the majority of secondary school places for Otterpool Park will be met on-site via one or two new secondary schools (again, the IDP states that the configuration yet to be determined).
31. The issue of secondary education is dealt with in the Core Strategy Review through Policy SS6 and Policy SS9. Policy SS6 which address development requirements has the following criteria in terms of secondary education provision:
  - It be provided and fully funded by the development to meet projected needs
  - Delivered in partnership with appropriate providers
  - Land should be provided at nil cost (both on and off site)
  - Safeguarding of additional, suitable land is required to allow for future expansion
32. Policy SS9 which addresses infrastructure, delivery and management includes the following requirements which would apply to the consideration of secondary education in the development:
  - The settlement should be self-sufficient regarding education.....where necessary allowing for the expansion and improvement of nearby facilities such as secondary education.

- The provision of infrastructure should be phased in a way that does not disadvantage early residents or neighbouring communities through placing pressure on existing infrastructure in the local area.
- Infrastructure provision will be secured and/or funded through S106 legal agreements to ensure it is delivered at the appropriate phase of the development.

### *Retail Provision*

33. The provision of new retail development has the potential to result in cross border impacts, where new retail development could have a negative impact upon the vitality and viability of other town centres, including Ashford. The main issue is in relation to the potential for significant comparison retail development which could impact upon Ashford Town Centre.
34. The proposals for retail development at Otterpool are set out in policy SS7(2) – A vibrant town centre. The requirements are for in summary:
- A town centre to act as a focal point to the settlement
  - Town centre should be planned in easy walking distance of the station
  - Higher density mixed use development
  - Food shopping provision to allow choice and variety
  - A range of other shopping floorspace (comparison retail) shall also be provided to create a vibrant town centre.
  - The Retail and Leisure Needs Assessment 2018 Update indicates the new garden settlement can support approximately 3,150 sqm (gross) of convenience floorspace and 7,300 sqm (gross) of comparison floorspace within the plan period.
  - A mix of other town centre uses should be provided including food and beverage, and non-retail and financial and professional services
  - An impact assessment to be undertaken to demonstrate no detrimental impacts on the vitality and viability of nearby local village centres, and other town centres including Ashford.
35. The supporting text to policy SS7 states that the town centre *‘will need to be carefully planned and phased, particularly any proposals above these indicative requirements, to avoid any detrimental impacts on nearby town centres (such as.....Ashford), or shops and facilities in nearby villages, yet also meet the everyday needs of the settlement and nearby communities.’*

### *Phasing*

36. Policy SS9 of the draft Plan deals with the delivery of infrastructure and states that *“critical infrastructure, such as primary education, should be provided in the first phases of development to support investment and community development. The provision of infrastructure should be phased in a way that does not disadvantage early residents or neighbouring communities through placing pressure on existing infrastructure in the local area”*.
37. Policy SS6 requires that the masterplan which is to be submitted in support of the outline planning application includes a detailed phasing and delivery strategy which has been prepared in consultation with the local planning

authority (and others). There are no details about the parameters for this, or what would be expected to be included.

38. Clearly the delivery of infrastructure at the garden settlement alongside or in advance of new development will be fundamental to not just achieving the wider aims for the settlement but also in mitigating potential impacts including any on communities in Ashford Borough.

#### *Housing provision and deliverability*

39. The draft Plan is based upon the premise of meeting the housing needs for F&H District in full within the District over the plan period. A significant amount of the need is proposed to be met through the Otterpool development.
40. The draft Plan has ambitious timescales for the delivery of new development in the District. The garden settlement is intended to deliver 6,375 dwellings across the Plan period to 2037 with construction due to start as early as 2020 with circa 300 completions by March 2022. Experience from Chilmington Green suggests meeting these timescales may be challenging.
41. However, there is no reason for this Council to be challenging the soundness of the draft Plan on this basis and it would only be in circumstances where the Inspector examining the Plan considered this to be an issue might there be implications for neighbouring authorities such as Ashford. In that scenario, amendments to the draft Plan would be necessary and the Borough Council would have the opportunity to comment at that stage.

### **Proposed Response**

42. The proposed response is set out in full at Annex 1.
43. In summary, the response sets out support to the Plan in relation to its strategy and proposals for FHDC to meet its housing need within Folkestone and Hythe District.
44. However, objection is raised to the Plan in terms of the soundness of the policies relating to the garden settlement, and how they propose to address the main cross border issues identified above. In general it is considered that the Plan does not contain sufficient detail and is not precise enough to ensure that the cross border matters identified above will be addressed appropriately. The policies should provide the framework and parameters by which the planning application for the development will be determined, but it is considered that the policies are deficient in providing for this.
45. It is therefore considered that the policies are unsound on the grounds of justification and effectiveness. The proposed response therefore raises objection to the Core Strategy Review on these grounds, and proposes that changes be made to the Plan in order to address the concerns and make it sound.

## **Implications and Risk Assessment**

46. If the issues identified above are not satisfactorily addressed through the policies and the subsequent development of the garden settlement, there is potential impact upon the Borough and its communities, in terms of the issues identified.

## **Consultation Undertaken**

47. The above issues and proposed response has been considered by the Local Plan and Planning Policy Task Group, where it was resolved that a firm and robust response should be made to FHDC on the issues.

## **Other Options Considered**

48. An alternative option would be to not respond to the consultation, however this could result in the cross border issues not being addressed appropriately through the development. The Council would still be required to enter into a Statement of Common Ground, but the Council's position in this would be undermined if objection had not been raised formally first.
49. It is necessary to raise these concerns at this stage, and not wait until the planning application, as the issues being addressed through the policy would provide more certainty for the Council that these issues will be addressed appropriately.

## **Reasons for Supporting Option Recommended**

50. The proposed development of the new garden settlement at Otterpool has the potential to have cross boundary impacts upon Ashford Borough, and therefore in order to ensure these are addressed appropriately and to provide for positive outcomes from the development, it is considered necessary to raise objection to the Core Strategy Review.

## **Next Steps in Process**

51. The consultation on the draft Core Strategy Review closes on 11<sup>th</sup> March 2019. Due to the timing of the consultation and Cabinet dates, it has been necessary to submit the response, on a provisional basis, to FHDC prior this Cabinet meeting. Should Cabinet wish to make changes to those that have been submitted, Officers will write further to FHDC to set these out.
52. FHDC are required, as part of the plan making process, and to demonstrate they have met the requirements of the duty to co-operate to enter into a Statement of Common Ground (SoCG) with authorities where there are cross boundary issues, and a SoCG will be required with Ashford Borough Council. A first draft of the SoCG has been produced by Officers at FHDC, which highlights the cross boundary issues identified here.
53. FHDC has indicated they propose to submit the Core Strategy Review for examination without making any further amendments following this

consultation. The SoCG provides an opportunity for the two Council's to agree proposed changes to the Plan which will address the issues raised. FHDC can then ask the Inspector to recommend that the changes be made to the Plan through the examination process.

54. The proposed response (Annex 1) therefore recommends this as a way forward. It is recommended that authority be delegated to the Head of Planning Policy, in consultation with the Portfolio Holder, to agree a SoCG with FHDC to address the issues that have been raised in this Council's response and any related issues that may emerge as the Core Strategy Review progresses.
55. If it is not possible to agree appropriate changes through the Statement of Common Ground, the statement will identify where there are areas of disagreement. The Council's representations would then be considered by the Inspector, and it would be necessary for the Council to be represented at the examination to put its case forward on any outstanding matters.
56. It is expected that the planning application for the development of the garden settlement is to be submitted to FHDC imminently. The Council will also be consulted with through this process, which will provide a further opportunity to respond to the detail of the proposed development.

## **Conclusion**

57. FHDC Core Strategy Review proposes a new garden settlement at Otterpool, which has the potential to result in cross border impacts upon Ashford Borough in terms of highways, railway capacity, water and drainage, secondary education and retail impact.
58. The current policies relating to the new garden settlement are not considered to address these issues with sufficient precision or detail, in order to ensure that there is no negative impact upon Ashford Borough. It is therefore proposed that the Council raise objection to the Plan, as it is not sound as it is not justified or effective. It is proposed that the Council work with FHDC to agree appropriate amendments to the policies to ensure the issues are adequately addressed.

## **Portfolio Holder's Views**

59. I have serious concerns regarding the potential impact of the development on Ashford Borough, but I hope that we can continue to work together with FHDC to resolve them through the next stages of the process.

## **Contact and Email**

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