

Items Arising Day 2 (15.11.2023) Sessions
Matters ,Issues and Questions for Examination

Matter 2

Issue 2- Settlement Heirarchy (Q2, Q3)

Issue 3 - Housing Distribution (Q1,)

Issue 4 - Site Selection Methodology (Q5)

Issue 5 – Residential Windfall Development – Policy SP4 (Q1, Q2, Q4, Q5, Q7)

Issue 2 – Settlement Hierarchy – Policy SP3

Q2 What methodology has the Council used to determine which settlements fall within each category for the purposes of Appendix E? Is that methodology appropriate and sufficiently robust?

Ans – The LPA has used a flawed policy to determine the settlements place in each category. This is evidenced by those parishes most constrained by environmental considerations given similar or same settlement designations and housing allocations as those with few environmental constraints. Recognition of international, national and local agreed policies has not been apparent in this New Plan’s determination.

The methodology and scoring system in the settlement hierarchy takes no account of the environment in which the settlement lies, its demography, its geography, its subsidiary function and other factors. In 1.6. in the Local Plan Topic Paper DDC admits “It was also acknowledged that the tools may lack a finer level of detail and subjective understanding that could only be obtained through site visits.” In this document the settlement boundaries in relation to St. Margaret’s and Kingsdown remain unchanged yet that is exactly what DDC seek to change in Regulation 19 and 20.

In the 2010 Adopted Core Strategy under policy CP1 five rural villages were designated as local centres with a “secondary focus of development in the rural area.” These centres comprised Ash, Capel- le- Ferne, Eastry, Shepherdswell and Wingham. St. Margaret’s (encompassing all its separate and distinct three parts) was described as a village along with seventeen other villages. These were described as having a “tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community.”

The designation and redefining of local centers by DDC has been made late in the plan, arbitrarily and without consultation. Neither Parish Councils nor residents were informed of this action in relation to larger villages until it appeared in the local plan. There has been no apparent consultation. I have seen no news release and known of no public discussion taking place prior to its implementation.

This redefining of the larger villages has a significant effect on their future determination for planning purposes. It goes far beyond a name change which would de-couple a thousand years of history. Such would involve a ballot of the residents to have authority.

Paragraph 3.13 of HEB02 describes the criteria now " as a primary school, a GP service, a food shop or general store able to meet a range of daily needs, and a commuter-friendly bus or train service". The fast train service was planned to by-pass Martin Mill station 2 years ago which would have resulted in a slower, infrequent service. DDC did nothing to prevent this. It took the considerable efforts of our local MP, Natalie Elphicke, to ensure that this service was not diminished. There has been a significant change to the commuter friendly bus or train service with a recent significant reduction in the bus timetable (about 70% lower). Discussions between the PC and Stagecoach indicate that restoration of the timetables is not going to happen. Indeed, because of the acute financial problems at KCC it is more likely to get worse! Again, DDC have done and achieved nothing. This and other village infrastructures have been shown repeatedly to be beyond DDC's control yet our LPA has made decisions as if these issues vital to the local community can and will be addressed by them.

One aspect noted is that in settlements designated local centres any housing development of 6 or more dwellings had to include 30% affordable housing. This would apply to all proposals for St Margaret's. St Margaret's has lost 25 units of affordable rented housing in the past 10 years so this is an important, even pressing issue for the Parish Council with a well-established and acute need in the village for such housing.

The above affordable housing provision may work against itself and be out of step with the intent and direction expressed in the Regeneration and Levelling Up Bill presently being considered by Parliament. Land limitations are most noticeable in the AONB. To meet the local affordable housing needs of young and old, all possible suitable sites need to be allotted for this sole purpose. Non affordable housing development should be directed towards "up zoning" or further development on existing developed sites.

This question has also been answered in **Matter 1 Issue 3 – Sustainability Appraisal Q 6**

Q3 The Rural Settlement Hierarchy Study 11 states that 2019 survey data was used as a starting point to assess sustainability due to restrictions on survey work caused by the Coronavirus pandemic. Has this work been updated as part of the Plan's preparation?

Ans – This assessment has not been updated in respect of the present and newly proposed Local Centres. If this updating had been done, the assessments of St. Margaret's and Kingsdown would have changed and both these villages would have been assessed as villages within the New Local Plan. (As submitted in my statement - **Matter 1, Issue 3 – Sustainability Appraisal Q 6**)

Issue 3 – Housing Distribution - Policy SP3

Q1 Having established a settlement hierarchy, what process did the Council follow to determine the distribution of new development? Was this process robust and based on reasonable judgements about where to direct new development?

Ans - The initial consideration of sites and subsequent distribution of new development appears most irrational. On DDC's own evidence, sites which would have accommodated approx. 4,700 dwellings within St. Margaret's Parish were initially considered for development. This consideration, if realised, would have accommodated more than half the necessary dwellings required for the entire district. All within the AONB. This figure has now reduced significantly. DDC will answer that they need to respond to all windfall offers and entertain and advertise them. At the same time DDC stated that they "put out a

targeted call for sites.” In such cases as St. Margaret’s or Kingsdown these calls have been an absurdity, and not a reality and the process should have been carried out appropriately to the setting.

Issue 4 – Site Selection Methodology

Q5 Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

Ans - The site selection process for the past, present and proposed Local Centres does not appear to be “nuanced” by the application of all necessary criteria. This common approach, “one shoe fits all”, may signify fairness, but equally, it indicates that sites located wholly within the AONB have not been assessed robustly and evidentially against local, national and international criteria. Moreover, such values indicate a variance with DDC’s own Vision and Strategy Themes. The sites listed below share similar populations. They also have very different constraints. No other Local Centres have this many or mix or are completely surrounded by these constraints, environmental or other-wise.

Capel-le Ferne in this new Local Plan is now a larger village (formerly a Local Centre). It has been allocated 95 dwellings. This village is partially in the AONB and Heritage Coast, with open farmland to the west and inland.

Local Centres (present and proposed) as of April 2023 -

Wingham - allocation 89, not in the AONB, few constraints.

Eastry - allocation 108, not in the AONB, few constraints.

St. Margaret’s at Cliffe – allocation 96, wholly within the AONB, multiple constraints as detailed earlier in day 1 and day 2 statements, especially environmental.

Shepherdswell -allocation 70 – not in AONB, few constraints.

Kingsdown – allocation 55 – in AONB, similar to St Margaret’s, not as many constraints.

Eythorne/Elvington – allocation 355, not in AONB, few constraints.

In St Margaret’s the NPPF gives protection everywhere outside the settlement boundaries and the presumption for development is checked by the safe-guard that there must exist a need for development to be permitted. DDC’s new policy and its Local Plan are in direct conflict with these protections. DDC, by their own evidence, submitted to the inspectors have entertained sites in St. Margaret’s parish for a capacity of some 4,750 dwellings before submitting the 4 sites as in the plan. This large number would have on its own fulfilled the non-urban quota for 15 years. Are these rational actions being committed by an LPA?

The methodology and scoring system in the settlement hierarchy is a flawed system. It takes no account of the environment in which the settlement lies, its demography, its geography, its subsidiary function and other factors. In 1.6. in the Local Plan Topic Paper DDC admits “It was also acknowledged that the tools may lack a finer level of detail and subjective understanding that could only be obtained through site visits.” Objective understanding and determination may also be lacking as a direct result. In this document the settlement boundaries remain unchanged in many parishes yet that is exactly what DDC seeks to change in Regulation 19/20.

Issue 5 – Residential Windfall Development – Policy SP4

Q1 How were the list of settlements defined for the purposes of Policy SP4(1)? It is justified? 13 Core Document GEB11 13

Ans - In the regulation 18 stage of the plan, i.e., 2021, the parish council became aware of the Local Centre designation arising for St. Margaret's. There was no specific consultation with the Parish Council, then or since, on any subsequent changes to the policy as laid down in CP1(formerly), or SP4(1) above. There was no "closed system" operated by DDC to ensure that the PC's had at least acknowledged, let alone, commented on their status, be it new or continuing. Fourteen Parish Councils are recorded as failing to reply to one consultative document, that of the settlement boundaries. St. Margaret's may not have replied because there were no proposed changes. Two chaser emails were described as being sent. That is a high failure rate for such an important re-defining of the settlement boundaries. Was there any follow up for the purpose of establishing a legitimate, New Local Plan in relation to being defined as a Local Centre? It would appear not. This was at the time of COVID when DDC declared in its reply to the Inspectors and others that they were carrying out desk top exercises because of administration problems. Was such consideration afforded to the Parish Councils? Was a "closed reporting system" operated by DDC to ensure that the PC's had at least acknowledged, let alone, commented on their status, be it new or continuing?

Document HEB03 (Rural settlement Hierarchy – August 2022) was followed by HEB02 (Housing Topic Paper -March 2023) and are the first entries available to me in the Evidence Base. I replied to HEB03 at length in submission SSA5 about the village Matrix Table and the Village Settlement Hierarchy in November 2022 addressing some of the above issues. Others were addressed in my other personal submissions.

The criteria to be a Local Centre and its purpose have changed between the current and this proposed plan.

Therefore, rather than a specific number of homes, the Council considered that for the rural settlements, that Local Centres should accommodate the greatest level of growth within individual settlements and as a group" – ED3 1.7.

Yet, DDC also state that the AONB – under 1.12 of ED3 Impact upon Kent Downs Area of Outstanding Natural Beauty – "The assessment of sites in relation to their impact upon the AONB has been informed by on-going consultation with the Kent Downs AONB Unit. This started with carrying out joint site visits with Officers from the Unit to inform the HELAA site assessments. In addition, as well as the formal consultation stages, consultation also took place between these stages to inform the site selection within the Regulation 19 Local Plan. The AONB Units written comments are set out in HELAA Appendices 3A and 3G (GEB09d)." Why then are all the Local Centres assigned exactly the same percentage of proposed site allocations, 17%?

The designation and redefining of local centers by DDC has been made late in the plan, arbitrarily and without consultation. Neither Parish Councils nor residents were informed of this action in relation to larger villages until it appeared in the local plan. There has been no apparent consultation. I have seen no news release and known of no public discussion taking place prior to its implementation.

This redefining of the larger villages has a significant effect on their future determination for planning purposes. It goes far beyond a name change which would de-couple a thousand years of history. Such would involve a ballot of the residents to have authority.

This redefining also means that the test in the Sustainability Assessment is assumed as met thereafter. No longer is there a need to test for a bus service, a pub, a post office etc. It is assumed. If the bus ran once a week at 0300 hours it would suffice. If the pub opened for one hour on Monday it would suffice. With this unilateral declaration by DDC everything is assumed to be perfect. It is also assumed that the various parish councils whose villages have been melded together as a Local Centre are going to dovetail and work together in harmony.

In addition, under former policy CP1, development was primarily for social needs. Under the Local Centre designation meeting social housing needs is enhanced by 6 house or more dwellings attracting social housing requirements, but only, as a byproduct of commercial development and not the focus of development as previously entertained when considered as a village under CP1.

This unilateral action to define the settlements that has been taken without consultation exhibits a failure to publicly consult within Regulation 18 and beyond. This failure may have led to serious errors in the Sustainability, Appraisal, Habitats Assessment and affected other matters.

Q2 Policy SP4 permits new residential development within or immediately adjoining the boundary of defined settlements provided that, amongst other things, development is commensurate with the scale of the settlement it adjoins. Is this sufficiently clear enough to be effective?

Ans – This policy, as written, should be clear to all as to what is acceptable for development. The overriding criteria is expressed in the last line of Para 2 “Subject to all of the following criteria being met: (a) to k and 3i to v”.

However, in the AONB under (d) alone, this is not met.

“It would conserve and enhance landscape character and biodiversity and not result in an unacceptable intrusion into the open countryside or the loss of, important green spaces within the confines that contribute positively to the existing character of that settlement.”

Evidence has been submitted in previous submissions (personal and group) to show that this necessity to meet the relevant criteria has not been met elsewhere in this policy. DDC’s differing interpretation and implementation of its own policy shows that it is not sufficiently clear to be effective.

In addition, if DDC was proposing changes to settlement boundaries in the New Local Plan or development outside the settlement boundaries which would redefine them should the Parish Councils and residents at this time have not been informed of such? DDC informed St. Margaret’s Parish Council in preparation for the New Local Plan that there would be no changes to the settlement boundaries. Subsequently, in the New Local Plan, it proposes settlements which would re-define the local settlement boundaries. Is this rational planning policy let alone open and transparent planning policy?

Q4 What is the justification for restricting new residential development under part 2 of the policy to 'minor' development? How is this defined?

Ans – There is no justification for setting two different policies under SP4 – Residential Windfall Development. It is irrational to set two different criteria based only on the existing size of the settlements and their respective populations. To misuse the term “minor development” to allow developments of 10 or more dwellings to proceed under the guise of “minor” is a gross error. Rational thinking would inform us that the “exception” to minor development under the NPPF giving the LPA’s discretion to interpret otherwise exists to allow greater protection to the AONB from “small” or “minor” developments” set within it and not to permit major developments to proceed under the contrary.

Q5 Is Policy SP4 consistent with paragraphs 176 and 177 of the Framework, which require great weight to be given to conserving and enhancing the landscape and scenic beauty of AONBs and require the scale and extent of development within these areas to be limited?

Ans - This is fully set out in statement SAP40 (STM010) representing the Droveaway Residents and Salisbury Road Association Residents

Q7 Is it sufficiently clear how cumulative impacts will be considered under Policy SP4, not only in landscape terms but also having regard to the impact on matters such as infrastructure provision and highway capacity?

Ans Chapter 5 Appropriate Assessment 5.102(LUC/60) inform the reader of some of the mitigation measures that may be adopted. It does not describe those that will. It makes no mention of provision for Infrastructure and highway as these are beyond DDC’s direction and control. In St. Margaret’s it describes the installation of two traffic islands for pedestrian road crossing. Nothing more. All other issues and remedial actions identified and raised through the consultation process have been noted and ignored.

The list of cumulative impacts is considerable. This policy fails to substantially address the cumulative impacts of development in every way.