

1. Places and Policies Local Plan Submission Draft

Event Name	1. Places and Policies Local Plan Submission Draft
Comment by	Ravensbourne Investments Ltd (- 1158022)
Comment ID	461
Response Date	19/03/18 15:32
Consultation Point	Policy E1 New Employment Allocations (View)
Status	Processed
Submission Type	Web
Version	0.2
Test of Soundness	

1. Legally Compliant	Yes
2. a) Soundness - Positively Prepared	No
2. b) Soundness - Justified	No
2. c) Soundness - Effective	No
2. d) Soundness - Consistent with National Policy	No
3) Complies with the 'Duty to Co-operate'	Yes

Summary of your comment

Please use the space below to summarise your comment.

Please give details of why you consider the Places and Policies Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Q+A Planning Ltd act on behalf of Ravensbourne Investments Ltd, who are promoting the development of the site known in the plan as the 'Former Silver Spring Site, Park Farm, Folkestone', which benefits from a mixed-use allocation under draft policy RL11. This site is also referenced under Policy E2 as 'Park Farm (Former Silver Spring site), Folkestone'.

In our view, there is potential for confusion in respect of the interaction between policy RL11 and policy E2. Therefore, we consider the policy as drafted would not be sound on the grounds it is not effective. However, this could be resolved based on some minor edits to the policy as we suggest in our modifications answer.

Detailed comment

Please provide your full comment in the space below.

Q+A Planning Ltd act on behalf of Ravensbourne Investments Ltd, who are promoting the development of the site known in the plan as the 'Former Silver Spring Site, Park Farm, Folkestone', which benefits from a mixed-use allocation under draft policy RL11. This site is also referenced under Policy E2 as 'Park Farm (Former Silver Spring site), Folkestone'.

We have commented separately on draft policy RL11 and its supporting text, where we generally support the policy and ambition subject to some editorial modifications. However, we are concerned over the potential for confusion in respect of policy E2 and the way it relates to policy RL11. Therefore, we object to this policy.

The policy wording states 'the sites identified below are protected for business uses under use classes B1 (business), B2 (general industrial) and B8 (storage and distribution), unless otherwise stated' and the for the Park Farm site, it is awarded a floorspace figure of 10,000 sqm and a use of B1. The Council will appreciate that policy RL11 includes the 10,000 sqm B1 figure, it also includes a broader mix of uses to include A1, A3, D2 and C1. It is also worth emphasising that policy RL11 is included in the retail and leisure section of the plan rather than employment. Therefore, there is potential for confusion should the two policies be read together.

Our expectation is that the 'unless otherwise stated' refers to other policies in the plan. However, it could be read as to only apply to policy E2 on the basis that the uses are included in the right hand column of the policy. We consider that this confusion could be addressed through minor editorial changes to the text.

In addition, the policy includes text that reads 'a proportion of non-business class uses (up to 25 per cent) will be permitted provided it can be demonstrated that: The use will add to the attractiveness and function of the employment site; There is full justification of its location within the wider employment site; and proposals comply with other Local Plan policies, including those relating to Retail and Leisure.'

We are unclear how the 25% relates to policy RL11, since the uses proposed in RL11 include more than 25% awarded to non-B classes uses across the wider site. However, we note there are other mixed use allocations in this policy and therefore expect that the 25% relates to the floorspace listed in the right hand column.

Without understanding the strength of demand and deliverability it is unwise and unjustified to impose rigid constraints that may delay or frustrate the regeneration of the site and delay the creation of employment opportunities.

In our view, there is potential for confusion in respect of the interaction between policy RL11 and policy E2. Therefore, we consider the policy as drafted would not be sound on the grounds it is not effective. However, this could be resolved based on some minor edits to the policy as we suggest in our modifications answer.

Suggested modifications

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified above where this relates to 'soundness' (NB Please note that any non-compliance with the Duty to Co-operate is incapable of modification at Examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The 'unless otherwise stated' text should include a further wording along the lines of 'unless otherwise stated in policy E1 or in other policies within the plan'

Does your representation relate to a new site that has not previously been submitted as part of Local Plan process? No

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination? Yes, I wish to participate at the oral Examination

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in the Public Examination.

If you would like to participate at the oral part of the examination, please outline why you consider this to be necessary

Q+A Planning Ltd act on behalf of the promoters of the Former Silver Spring Site, Park Farm, Folkestone, which is allocated site listed under Policy E1. Therefore, it would be beneficial for us to appear at the examination to understand the Council's position on our comments and to answer questions of the Inspector if necessary.