

**DRAFT INFRASTRUCTURE DELIVERY PLAN: CANTERBURY CC EVIDENCE
DOCUMENT (NOV 2014) CONSULTATION**

**REPRESENTATIONS MADE ON BEHALF OF DEVINE HOMES & LAND
OWNERS OF SITE 7: NORTH OF THANET WAY, WHITSTABLE, KENT**

**SUBMITTED BY COURTLEY CONSULTANTS LTD
(December 2014)**

1. Policy Context

1.1 Government Policy at this time is set out in the National Planning Policy Framework (NPPF) published in March 2012.

1.2 NPPF requires that Local Planning Authorities should set out their policy on local standards in the Local plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be appropriate, using only appropriate available evidence.

Ensuring viability and deliverability

1.3 NPPF paragraph 173 states:

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and a willing developer to enable the development to be deliverable”

1.4 NPPF paragraph 176 state that where safeguards are necessary to make a particular development acceptable in planning terms e.g. such as environmental mitigation or compensation. Any **“safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily”**.

Appropriate use of Planning conditions and obligations

1.5 Local planning authorities should consider whether otherwise **unacceptable development** could be made acceptable through the use of conditions or planning

obligations. Planning obligations should only be used where it is **not** possible to address unacceptable impacts through a planning condition.

1.6 Planning obligations should only be sought where they meet **all** of the following tests as set out in paragraph 204 of the NPPF:

- **“Necessary to make the development acceptable in planning terms;**
- **Directly related to the development; and**
- **Fairly and reasonably related in scale and kind to the development.”**

1.7 Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

2. Economic Viability Assessment of Future Development in Canterbury District

2.1 Canterbury CC commissioned two reports from Adams Integra, the first in December 2012 “Economic Viability Assessment of Future Development in Canterbury District” and the second in 2014 entitled “Viability Assessment of Future Strategic Sites” (CDLP 11.2 -11.5)

2.2 Within the first report the author states that the policy positions on affordable housing should be set out as clear targets, to help inform land value expectations and form the basis for a continued practical, negotiated approach. Precise wording of policy is an important aspect, particularly in relation to the terms associated with the targets. The report recommendation number 5 states:

2.3 “Policy should be clearly worded so as to set out genuine targets (but not by reference to ranges, minimum or other variables) with the approach acknowledging the role of viability and application of flexibility where required”. This recommendation could/should apply to all potential planning obligations.

2.4 The overview of main findings/ recommendations in the 2014 report states that more work will need to be carried out by the Council regarding the amount of financial burden each individual strategic site will need to bear to enable the infrastructure to be delivered, especially where the infrastructure serves more than one strategic site. (para 27 Executive Summary).

3. Schedule of Local Plan Key Infrastructure

The Canterbury CC Draft Infrastructure Delivery Plan supporting evidence for examination into the draft Canterbury District Plan sets out a Schedule of Local Plan Key infrastructure. We make the following comments:

Education: A list of Primary and Secondary Education requirements/projects are identified, none of which relate to the Whitstable area. Against the tests set out in paragraph 204 of the NPPF one assumes no education contributions will be required from Site 7.

Community Learning (KCC): A figure of £536,222 has been identified as enhancements to existing services without clarification on whether any such contributions/obligation from individual strategic sites are necessary; fair or reasonably related in scale and kind to the development. More information, clarification and justification are required if this is to relate to Site 7.

Adult Social Services (KCC): As stated above.

Libraries (KCC): Enhancements to existing library services in particular a sum of £228,106 for Whitstable has not been justified especially, if as expected this obligation falls predominately upon Site 7.

Youth Services (KCC): None specifically identified for Whitstable?

Habitat Regulations Mitigation Measures: Increased wardening at the Thanet Coast and North Kent Marshes/The Swale. The proposed funding from contributions per dwelling would vary based upon dwelling size/occupation. However, these proposed contributions appear standard across all sites without any recognition of any onsite mitigation that might reduce any individual's frequency of coastal visits from individual strategic sites.

The proposed contribution per dwelling should take account of the scale of mitigation onsite from individual strategic sites.

Transport: Any Section 106 contributions towards Whitstable cycle routes should recognise the scale and type of improvements made to onsite/offsite cycle facilities as part of the development of any strategic site before any other cycle contributions are requested.

Bus Priority Measures Whitstable: Site 7 is committed to significant improvements to the bus service. It would be inappropriate to request further contributions towards Whitstable's bus service.

Whitstable Park & Ride: As stated above.

New allotment site: There is a proposal for a new allotment on Site 7. The requirement of an additional contribution of £70,000 where the benefit of such a facility would be for the community as a whole would appear unreasonable and not solely related to the development.

Open Space Semi Natural: Duncan Down enhancement and Management has a £600,000 figure deliverable via a Section 106 agreement. We are unaware as what this figure refers too and are concerned that such a figure would not be fairly and reasonably related in scale and kind to the development.

Open Space Outdoor Sports Pitches: Site 7 should not be obligated to contribute towards any new football pitches as over 17 hectares will be given over to the public as open space as part of the development of Site 7 for housing.

Conclusion

We support in general the approach of Canterbury CC draft Infrastructure Delivery Plan. However we require further evidence for the justification of the various "Requirements/Projects" set out in the Schedule of Local Key Infrastructure; especially those items relating to the viability and deliverability of Site 7: Land north of Thanet Way, Whitstable.