

# Canterbury District Local Plan Examination

**Programme Officer:** Mrs A.Furlong  
**Mobile:** 07889647294  
**Landline:** 01227 862 388  
**E-mail:** programme.officer@canterbury.gov.uk

**Examination Inspector:**

Mike Moore BA (Hons) MRTPI CMILT MCIHT

Local Plan Programme Office  
Canterbury City Council  
Military Road, Canterbury, CT1 1YW

1 April 2105

Dear Mr Brown

I indicated in my letter of 10 March 2015 that I would write to you about various detailed matters where it would be beneficial for the Council to give early consideration ahead of the hearings. I have set these out below:

*1. Housing land supply*

I should like to be clear about the Council's position on the 5 year housing land supply, the housing trajectory for the plan period and the sites that are comprised in these. Some details are included in Table H4 and Appendix 2 of the Publication Draft Local Plan (LP). These have been updated in Topic Paper 2: Housing (CDLP 5.6) in the two tables following paras 6.17 and 6.18 and in the Appendix. There are also detailed tables and figures in the Housing Information Audit (CDLP 5.4).

The Topic Paper tables show 1,623 completions between 2011 and 2014 (the first 3 years of the plan period) which is 541 dwellings per annum, short of the average required. This shortfall is shown as being addressed across the whole of the plan period rather than in the first 5 years, as favoured by the National Planning Practice Guidance (3-035). I should be grateful if the Council could confirm this.

There is a need for clarity about which sites are included in the different figures in the two tables. There are no totals shown in the tables in the Topic Paper Appendix. Could the Council confirm that the 'allocations' and 'planning permissions' in the 2 Topic Paper tables and the Audit document are derived from, and therefore consistent with, the Appendix. I note that the last two columns of the 'Strategic Allocations' table have overlapping time periods. Is it the case that the last column should read '2029-31' as in the 'Other Housing Allocations' table?

## *2. Phasing*

There are various references in the LP document to phasing. Policy SP2 sets out “broad phasing” for 5 year time periods, cross referring to the detailed trajectory in Appendix 2. However, it is not clear how the figures in Policy SP2 relate to those in the summary table in the Appendix, particularly as the time periods in the policy are different to those in the Appendix. An explanation of this would be of assistance, perhaps using the updated figures from the Topic Paper.

LP para 2.22 refers to a controlled delivery of new housing. If it becomes apparent that the pace of delivery is too slow then the Council may have to adjust the phasing to allow those sites that are to be released later in the plan period to come forward earlier.

The National Planning Policy Framework aims to boost significantly the supply of housing. In that context, I should be grateful if the Council could explain what it means by ‘phasing’. Other than in the circumstances described, the implication of para 2.22 is that the Council would not ‘release’ land until the appropriate point in the plan period. If the implication is correct then what mechanism would the Council use to hold back housing land? Other than where this would be necessary in order for essential infrastructure to be in place first, what would be the justification for such an approach?

## *3. 2012-based sub-national household projections*

As you will know, the Department for Communities and Local Government published its latest sub-national household projections at the end of February. These provide the starting point estimate of overall housing need. My forthcoming list of matters, issues and questions for the Examination will include an opportunity for all parties to comment on any implications of the projections for the Local Plan (LP). The Council for its part may wish to consider whether they have any implications for its conclusions on objectively assessed housing needs.

## *4. Affordable housing*

The Council will be aware of the Written Ministerial Statement and changes to national Planning

Practice Guidance in November 2014 concerning national policy for the threshold size for developments beneath which affordable housing contributions should not be sought. This is a matter that I intend to discuss at the hearings but ahead of that the Council should consider its implications for Policy HD2.

#### 5. *Housing standards*

Following the *Housing Standards Review* the Government issued a Written Ministerial Statement on 25 March 2015 and subsequent detailed documents, including changes to the Building Regulations, which set out a new approach for the setting of technical standards for new housing. Local Plans should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. Amongst other things, this includes any policy requiring any level of the Code for Sustainable Homes to be achieved by the development. There are optional regulations and space standards but these can only be applied where there is a local plan policy based on evidenced local need and where the viability of development is not compromised.

Given this change to national policy the Council should consider whether it would be appropriate to amend the LP, particularly where there are references to the Code for Sustainable Homes (as in Policy DBE1 or CC13) or Lifetime Homes and minimum space standards (as in Policy DBE7). It would also be appropriate to review whether the assumptions in the viability assessment relating to these matters are robust in the light of these changes.

#### 6. *Parking standards*

The Written Ministerial Statement of 25 March 2015 also refers to additional text to be read alongside para 39 of the Framework. This indicates that local parking standards should only be imposed where there is clear and compelling justification that it is necessary to manage the local road network. Again this will be a matter for discussion at the hearings but the Council will wish to consider its implications for Policy T9.

#### 7. *Alternatives and sustainability appraisal*

The plan should be the most appropriate strategy when considered against the reasonable alternatives and the process of Sustainability Appraisal is a crucial part of the evidence base in this regard. The Council will be aware of the High Court judgements in *Save Historic Newmarket Ltd v. Forest Heath District Council* [2011] EWHC 606; *Heard v Broadland District*

*Council and Others* [2012] EWHC 344; *Berkeley v Secretary of State for the Environment* [2000] UKHL 36, [2001] 2 AC 603; and *Cogent Land LLP v Rochford District Council* [2012] EWHC 2542, amongst others. While I am not examining the 'soundness' of the SA report, could you confirm whether in the Council's view it has fully complied with the requirements of the SEA Directive and associated regulations. In particular, is the Council satisfied that the report accompanying the plan (CDLP 10.6) adequately summarises or repeats the reasons that were given for rejecting the alternatives at the time when they were ruled out (and that those reasons are still valid)?

I am not seeking to suggest that there is any problem in this regard but am giving the Council the opportunity to consider whether there are any possible implications of these judgements in terms of the consideration given to alternatives to the LP scale, distribution and locations of development.

#### *8. Supplementary planning documents*

A number of LP policies cross refer to Supplementary Planning Documents (SPD), development briefs or other documents (including SP3, SP7, EMP11, TCL7, TCL10, T9 and LB1). The Town and Country Planning (Local Planning) (England) Regulations 2012 prescribe the form and content of local plans and SPD. Matters should not be delegated to SPDs unless they fall within the scope of the Regulations. They cannot make statements on the development and use of land or be used to introduce new policy into the plan. As such, a development plan policy cannot require compliance with SPD or a development brief, although it can be a material consideration. As a matter of national policy, the Framework (para 174) is clear that local authorities should set out their policy on local standards in the local plan, including requirements for affordable housing. Is the Council satisfied that the SPD or other documents being referred to accord with these requirements and that policies are worded appropriately in that context? There is a distinction between requiring conformity with another document and simply having regard to its guidance.

#### *9. Superseded policies*

Para xiv in the Introduction to the Plan indicates that on adoption it will replace the saved policies from the 2006 Canterbury District Local Plan. However, para xv states that it is not intended that the Plan will supersede the Herne Bay Area Action Plan 2010 and I note that a separate Plan is being produced on Traveller's sites. Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires that where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. For the avoidance of doubt could you confirm

that all the policies in the 2006 plan will be superseded in this fashion and consider how that can be made clear in the LP?

#### *10. Key diagram*

Para 157 of the Framework requires that local plans should indicate broad locations for strategic development on a key diagram. The plan does not include a key diagram. Could the Council look at this and produce one for inclusion.

The Council has asked me to recommend main modifications to the plan where necessary for it to be legally compliant or sound. I should be grateful if in the first instance the Council would look to maintain a schedule of possible such modifications which can be added to as the Examination progresses, where appropriate, using the template that I have provided to the Programme Officer. The Council should give consideration to my points 4, 5, 6, 8, 9 and 10 above in that context, with the intention of having an initial schedule of possible main modifications before the hearings commence. For points 1, 2 and 7 a response to me before the Pre Hearing Meeting at the latest would enable all parties to have this information before they produce any further written statements on my main issues. As I have indicated point 3 is a matter which I intend to address at the hearings.

If you should have any queries concerning these matters then please come back to me via the Programme Officer.

M J Moore

Inspector