

Leigh Day

Mr M. Moore
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Your Ref:

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Date: 17 June 2015

By Post and Email: angela.furlong@canterbury.gov.uk

URGENT

Dear Mr. Moore,

We are writing to you on behalf of Herne and Broomfield Parish Council to draw your attention to the Advice of Mr Richard Harwood OBE QC (enclosed). He has found the **Canterbury Local Plan to be unsound** because it is not legally compliant with both the **Strategic Environmental Assessment and the Habitats Regulations**. It is clear from the Planning Inspectorate's publication, "Examining Local Plans Procedural Practice" that unsound plans entail resource implications and therefore rooting them out at an early stage is good practice¹.

My clients, together with CPRE Kent, the Canterbury Society and concerned individuals within the district, endeavoured to do this when they commissioned Mr Harwood's first opinion dated 19th September 2014. This was ignored by both Canterbury City Council ('CCC') and the Department for Communities and Local Government (Appendices 1 and 2, enclosed). Alas the Plan also appears not to have been checked within PINS: it was forwarded on to you on its day of arrival. Thus the clients commissioned a second Advice Note from Mr Harwood, dated 15th June, which makes clear that subsequent papers produced by CCC and statements made by its counsel, Ms Colquhoun, are of no substantive consequence: the requirements of the SEA and Habitats Regulations have not been met and the Plan remains unsound.

¹ Paras.11,12

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Furthermore Mr. Harwood has also produced an Advice note on the publication of the Plan's supporting documents². Many significant papers were produced and sent to PINS after the closure of the Consultation Period on 18th July 2014. Whilst the Regulations allow some discretion in terms of precisely which documents have to be submitted at what stage, the conduct of CCC in this instance is an abuse of the system. The people of Canterbury District have never had the chance to comment on the Plan in its entirety until now. This is contrary to natural justice and must prejudice the outcome of any Hearing on the Plan.

It is a matter of great regret, therefore, that my clients have to draw this to your attention at this late stage. We are sure you would agree that it would be a waste of your time and that of all participants for the inquiry to proceed. It would be better to ask CCC to withdraw its Plan now, than have it challenged in the courts at a later date. The justification for the withdrawal of the Plan appears to comply with "Examining Local Plans Procedural Practice" paras.8.12 - 8.17.

We request that you urgently confirm **by close of play on Tuesday 23 June 2015** that, on the basis of the matters raised in this letter, the inquiry will not proceed and you will ask CCC to withdraw its Plan. If you are not minded to take these steps we request that you provide us with the reasons for your decision.

We look forward to receiving your response within the given timeframe.

Yours sincerely,



Richard Stein
Leigh Day

cc Ben Linscott, Chief Planning Inspector

² See Harwood 17.6.15. Also Mr Jeremy Bakers Letter date 19th February 2015.