Date 15th November 2015.

I am copying my concerns on the Local Plan at Canterbury Kent to the Planning Inspectorate office, and the housing Minister about published and recorded comments made during this Local Plan examination.

I would like a copy sent to Mr Moore as Angela Furlong has said she will not pass any correspondence onto him that she has not vetoed.

I am aware that Inspectors historically say they have to look at each site as a “separate” and “independent” site from another site, having said that when we have had Two Inspectors making comments on example **SHLAA 001** previously rejecting the site and a current Inspector and the Council now suggesting it is the “best” site does make you challenge this idea the process is unbiased, [as the site SHLAA 001 is the same site] the only change is time.

Another site rejected by another Inspector in 2015 SHLAA 178 by Jessica Graham has very similar [some identical] including published NPPF policies as SHLAA 001. One site rejected 178, another accepted 001, also shows how flawed the system is.

I ask the Housing Minister to look below at the similarities of the sites and in any reasonable judgement I am certain he would say there appears to be inconsistencies that need qualifying by the Inspector and officers at CCC, accepting Mr Moore has not set out his full decision yet but has said “generally” he is happy IF CCC can come up with a 5 year plan to endorse the Local Plan.

The Evidence I have is not just about the flawed SA’s but failure of CCC to comply with a duty to co-operate. Graham Cox who is CCC official consultee on planning application in Whitstable stated by e mail 7th January 2015 to a Councillor P Halfpenny that “he” Mr Little is officially **persona non grata at CCC.**

The further evidence is at the PRC Nov 2015 [where officers and members believe I own SHLAA 135] excluded totally from the debate no mention, no reference, no question raised. Mr Moore had included SHLAA 135 into the Local Plan as a potential site for CCC to look again at, they ignored that advice at the PRC.

***Page 40 Appendix 3 [n] Extracts from PIEP “Matters, issues and questions” [9th July 2015]-;*** *Would the Local Plan be unsound if any of the additional or alternative “omission” sites promoted in representations as strategic sites were not included? If so are these sites soundly based and deliverable in the plan period and have they been subject to sustainability appraisal?*

The Policy Resources Committee, Wednesday 11th November 2015 Page 40 [n].

* Eight [8] sites were headed under “omission” sites **Four [4] sites were accepted into Local Plan [Nov 2015]** at the PRC meeting.
* The Former Colliery site SHLAA 041 was argued about at the PRC was it a “green field site” or a brown field site as Mr Moore suggested it is, currently having a “legal challenge”, undecided CCC stated waiting until this week for judgement.
* Land at Stuppington Lane SHLAA 231 **has not been subject to any SA’s** that I can see.
* Land Bodkin SHLAA 178 Farm **Rejected** by Jessica Graham before the PRC [Nov 2015].
* SHLAA 135 received **NO COMMENTS or determination if excluded what effect in the LP.**

I will now refer you to Jessica Graham Government Inspector judgement on Appeal **APP/J2210/A14/222762** dated November 2015 for site Bodkin Farm **SHLAA 178** [rejected from the Local Plan], and what Jessica Graham says about that site and the impact of that site to the area, which practically mirrors what Two previous Government Inspectors have said about Duncan Down **SHLAA 001** which currently is in the Local Plan.

I have, as other more qualified [academics] have raised issues with the SA’s and their reliability. Mr Moore has said publicly item 10 of the PRC agenda papers “overall”, the SA is a reliable part of the evidence base”.

Mr Moore makes reference to that word [overall] by suggesting officers look again at the SA’s on omitted sites, adding further to his comments at item 8 about-; *“some errors may occur, during SA appraisal because of the long period and it is inevitable that some circumstances may change”.*

What Mr Moore has said at that point after Stage 1 [SA errors occurring] was because he knew of the “shortfalls” in the housing numbers for a five year plan, so he added that caveat to allow CCC to come up with sites that failed their SA appraisal [2013] which allows CCC to come back with those failed sites back into the Local Plan to make up the 5 year shortfall, which CCC have done.

That position will be endorsed by CCC  officers “refreshing” the SA’s with, as they will point out “changes” they and AMEC missed on the first SA appraisal, [the errors]  of which Mr Moore did not specifically highlight but referred to “generally” at item 8 page 27 PRC papers.

The Local Plan now appears to be driven by CCC officers showing “evidence” for a 5 year housing supply that is endorsed by Karen Britton [PRC meeting 11th November 2015], and Ian Brown.

Mr Moore adds to that adopted position in the fact he has suspended the Local Plan until a five year housing supply can be demonstrated, he believes this is the main issue before him, he has accepted the plan with the caveat that *“having attached a note which sets out my preliminary findings on other critical matters, these are issued without prejudice to my final report and to all matters I have not given a view. My main concern is the Plan will not have a five year housing land supply”.*

**Jessica Graham appeal decision 2015 on Bodkin Farm [extracts] below.**

**Compare the appeal site Bodkin Farm to Duncan Down which will ensure we will lose-;**

**1. Loss of crop yielding land. 2. Huge impact on Grade 11 listed farmhouse on site. 3. Loss of character of the area- historic use. 4. Flooding potential. 5. Its openness. 6. Loss of green gap. 7. Loss of views across the countryside and sea. 8. Loss of cycle routes, [interrupted]. 9. Loss of view from A2990. 10. Ignoring Ten Thousand Local Residents rejecting the site, [petition handed to Mr Moore].**

**Bodkin Farm Item 28** of the appeal rejection says-; *“Clearer views of the land behind them, and thus an appreciation of its openness. Once level with the entrance to Bodkin Farm, the sense of being within a Green Gap between settlements becomes much more apparent as the rising land to the East of the access provides clear views over open field”.*

**Item 29.** “*The proposed development of these paddocks and fields to the South of the road would completely remove the* ***perception of openness currently experienced along this stretch of the A2990.*** *The sense of being within a Green Gap between two settlements would be replaced with a sense of being part of the urban area”*

*“Given the length of the appeal site frontage* ***along the A2990****, [Thanet Way] that delay would be* ***significant****, road users would have views of buildings behind a* ***noise bund*** *until they were some 0.7km further east along Old Thanet Way, when these would begin to give way to more open views over playing fields.*Duncan Down is proposing 13.2 metre high homes on its site.

**Item 30**. “*From public rights of way within the Green Gap, the* ***openness*** *of the appeal site currently* ***contributes significantly to the experience of being within a Green Gap****. As a consequence of the proposed development, the* ***open views available*** *to walkers looking and across open* ***fields and out to sea*** *– would be replaced by close views of housing, and rear garden boundaries, broken up by occasional trees”.*

One should add *close views of housing will be* **13.2 metre high homes.** A local cycle path runs directly in front of the site [SHLAA 001] to the South following the A2990 Thanet Way, that connects to the national Cycle path Oyster Bay Coastal Trail, the high street Whitstable, and the towns of Faversham, Herne Bay and beyond. The current proposal for Duncan Down will have a huge Roundabout on the old Thanet Way that will cut that CYCLE ROUTE OFF, and or make it dangerous.

**Item 31. “***that does not equate to the development having no significant effect upon the* ***open character,*** *or* ***separating function****, of the Green Gap, in my judgment it would still constitute a material expansion of the* ***built-up urban area*** *on this side of* ***Whitstable****”.*

**Item 32.** *“I consider that the loss of this particular area of* ***open land*** *would, for the reasons set out above, significantly reduce the extent of the* ***A2990*** *from which those* ***travelling between Herne Bay*** *and* ***Whitstable*** *would perceive themselves to be within a* ***Green gap****, they, and walkers on the footpaths that pass alongside and close to the appeal site, would experience a marked and* ***permanent change*** *in the* ***open character*** *of this part of the* ***Green Gap****. The fact that these impacts would be localised does not, in my judgment, preclude their effect from being* ***significant****”.*

**Item 33.** “*However, I consider that the other aspects of the proposal would result in a material expansion of the built-up confines of the urban area of* ***Whitstable*** *and would significantly affect – indeed,* ***would harm -*** *the separating function of the Green Gap, as well as* ***its open character****. In these respects I conclude that the proposed development would conflict with the objectives of Local Plan Policy TC2”.*

**Item 34***.” I consider that Policy R8 remains an extant and relevant policy of the adopted Development Plan. I have not been provided with any convincing reason why it should be afforded less weight, or considered less relevant, than Policy TC26: the text of the policy itself makes it clear that it applies to the* ***Green Gaps*** *identified on the Proposals Map, and those include the* ***Whitstable*** *and Herne Bay* ***Green Gap****. I have found that the currently proposed development would significantly affect* ***the open character*** *of that* ***Green Gap****, and it follows that the proposal would therefore conflict with Policy R8, which seeks to prevent development which would have such an effect”.*

* *This “confliction” would apply to Duncan Down SHLAA 001 the* ***Green gap*** *which was a buffer to stop urban expansion of Whitstable encroaching into this current open Agriculture [crop yielding] countryside, with 4 Village Greens nearby the site, a Grade 11 farm house.*

**Item 35.** “*Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990* ***places a duty*** *on decision makers, when considering whether to grant planning permission for development which affects a* ***listed building*** *or* ***its setting****, to have special regard to the desirability of preserving the building or its* ***setting*** *or any features of special architectural or historic interest which it possesses, [outbuildings].*

*Appeal Decision APP/J2210/A/14/2227624* The NPPF explains that consideration needs to be given to the impact that proposed development would have on the significance of any heritage assets affected, pointing out that significance can be harmed or lost through alteration or destruction of the heritage asset, or **development within its setting.**

* Duncan Down site has a listed farm house Millstrood Farm Grade 11 17th Century on, near the proposed building site.
* Clague Architects in their Design and Access Statement suggest “they plant some trees to buffer the effect of that housing” of 400-3000 homes near the farm house.

**Item 36.** “*Bodkin Farmhouse, which is located in the middle of the appeal site but excluded from it for the purposes of the current proposal, is Listed Grade II, while the surrounding fields are no longer in an agricultural use associated with the use of the former farmhouse, they make a* ***contribution to its significance in terms of providing a green setting*** *and a reminder of the former agricultural use of Bodkin Farmhouse. The proposed development includes a variety of measures to enhance the landscape around the farmhouse, but as the appellant acknowledges,* ***the loss of the surrounding fields to built development will have an adverse effect on the setting*** *and thereby the significance of this* ***heritage asset****, removing the* ***visual link*** *to its* ***historic agricultural function****”.*

* Duncan Down has a Grade 11 farmhouse on it, it remains Crop yielding agriculture land, therefore that site SHLAA 001 cannot sit with the NPFF policies, and what Jessica Graham said at the appeal into [**green setting-agriculture use-heritage site/assets**] at Bodkin Farm. Once Agriculture use is stopped by house building the “link” to its historic function with the Grade 11 Farmhouse will be lost for ever.

**Item 37.**  *“Following the clarification provided by* ***the Court of Appeal3*** *, a conclusion that a development proposal would fail to preserve the setting of a Listed Building is a consideration that must carry* ***considerable weight*** *and* ***importance*** *in the overall planning balance”.*

**Item 38.** “*The scheme would provide* ***public access to some 18.8 ha of open space****, together with opportunities for recreation, including the upgrading of existing public rights of way and the creation of new ones. There would also be ecological improvements,* ***in terms of habitat creation and management****. The provision of* ***allotments, a community building*** *and junior sports pitches, with changing rooms for public use, would benefit new and existing residents and the proposed care home would help to address an identified need for this type of facility in the local area. The appellant’s calculations indicate that the proposed employment uses would generate 233 local jobs, and support a further 24 jobs through increased spend in the local area, while construction of the development would generate 133 local jobs. The option to use part of the site for the provision of a Primary School would provide the County Council with flexibility in meeting its obligation to provide educational facilities for the area”.*

**Item 45**.” *I attach less weight to the benefit of addressing the present housing site shortfall through permitting the current proposal than would be the case if the emerging Local Plan were not so well advanced”.*

**Item 46*.*** *Rather, I consider that the advanced stage of the emerging Local Plan, and the* ***reasonable prospect that it will be found sound*** *once the examining Inspector is satisfied that it makes adequate provision to meet housing requirements for (at least)* ***the next five years****, simply* ***indicates that less weight should attach to the benefits of bringing forward housing sites*** *outside the plan process than would be the case if the emerging Local Plan was still at a very early stage”.*

* *My understanding is the Local Plan process is at Stage 1 [suspended].*

**Item 47.** “*I am told that for the purposes of the emerging Local Plan EIP,* ***developers entered into Statements of Common Ground with the Council*** *as to the numbers of houses they would be delivering in the five year period, but* ***that information*** *(and* ***information concerning the delivery timetable, and funding, of the “Sturry crossing”) is not before me****. Nor should it be”.*

* *The Sturry crossing [the delivery and funding] is CRUCIAL to many proposed sites in the Local Plan and will affect housing numbers, and Affordable home numbers.*

**Item 48.** *“A number of local residents raised concerns about the potential impact upon existing* ***flooding problems*** *on and near Maydowns Road, and on* ***Old Thanet Way.*** *While the proposed development would change the runoff characteristics of the site I am satisfied, on the basis of the Flood Risk Assessment and supporting information provided as part of the ES, and the response provided by the Environment Agency, that these concerns could be adequately addressed by a condition requiring the Council’s prior approval of a detailed sustainable drainage scheme, to include provisions for its future management and maintenance”.*

* At Duncan Down Councillor Clark stated 5.500 cubic metres of water will run off just after 2” of rainfall all cascading down to Whitstable Town Centre.
* The Thanet Way consistently floods, as does Duncan Down and all the surrounding roads, Jacobs report 2007.
* AMEC said increasing water runoff and potential pollution from the new built areas is inevitable, part of the site is in flood zones.
* The Drainage scheme for Duncan Down is ‘holding tanks” nobody has said what happens when full but once PP is granted Whitstable residents will have to “put up with flooding”.

**Item 53**. *“The proposed development would bring a number of benefits, discussed above, which together carry* ***substantial weight in its favour****. However, it is also the case that the proposal would fail to preserve the setting of a* ***Listed building****, and this is a consideration that must carry* ***considerable weight”.***

* *Duncan Down has a listed building on/near the proposed building site SHLAA 001 does that site fail NOW in the Local Plan since Jessica Graham made her decision on the Bodkin Farm appeal 2015?*

**Item 54.** “decision-taking” guidance of paragraph 14 would be applicable here; the assessment then required would be whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against **the policies in the NPPF** taken as a whole. In my judgment the adverse impacts would significantly and demonstrably outweigh the benefits, such that planning permission should not be granted”, This appeal site Bodkin Farm is REJECTED.

**The SA on SHLAA 001** said this-; “*this site is a large area of farmland which holds a prominent position to the South of Whitstable and from where there are views across the Town” [sea views].*

*It is also prominent in views from the A2990 Thanet Way to the North and North East of the site.*

*Duncan Down is a LWS it forms a large swathe of farmland running along the Thanet Way A2990. To the North and East it is week with few trees, the site currently is cereal producing.*

*This area is predominantly rural in character.*

*This site is visible from a large part of the Thanet Way.*

*The area [proposed site] covered currently lies* ***outside the Urban Boundary line.***

*An inquiry 1998 Local Plan rejected this site on the grounds it would result in an intrusion of development into the countryside.*

*Another Inspector considered the site in the 2006 Local Plan he rejected the site partly saying “there are sites with stronger planning merits to help meet the deficiency in this Plan”.*

*2004 Local Plan inquiry made this comment “these sites are part of a larger entity of Good Quality open farm land”*

*CCC officers stated that any building near this site would have an adverse impact on the biodiversity that could not be mitigated against.*

* We know **SHLAA 135** has drastically changed , [not minor changes]from 245 housing units to 40, but still resisted by CCC.

Let’s now look at what are the **16 Key elements** on **SHLAA 135 in black** and the site opposite the preferred **site SHLAA 01 in Red** demonstrate. I say the “mistakes” Mr Moore suggest could have occurred, but accept, he said “they are overall reliable [the SA’s].

* SHLAA 135 Economy + **SHLAA 01** **+** Rural Coastal Community 135 ++ **001 +.** Water 135 0. **001?** Transport 135 - - **001 -.** Country Historic Environment 135 -- **001 -.** Geology Biodiversity 135 - **001 -.** Climate change 135 0? **001 0?** Flooding risk 135? **001?** Access to Services 135 + **001 +.** Sustainable living 135 - **001 -.** Design 135? **001?** Housing 135 ++. **001 ++.** Quality of Life 135? **001?** Use of Land 135 -- **001 --.** Natural Resources 135? **001?** Waste 135? **001?**

On the subject of the SA’s Karen Britton said “we have looked at sites with SA’s **green** and **amber** this contradicts her current position **[Nov 2015]** onSHLAA 130 which has a **SA Red** and placed into the Local Plan.

It was suggested that all that Members had to do was adopt and [recommend to full Council] the new proposals by Karen and officers suggesting that will satisfy Mr Moore on housing numbers for the first **5 years** of the current proposed local plan Karen said at the meeting ***“primarily we have to ensure we have a five year housing plan” “we need a five year plan”.***

***Ian Brown CCC officer said it has to be a consistent rolling 5 year plan.***

Mr Moore said and I quote from page 15 of the PRC agenda papers item 2, third bullet point “*that the inspector felt [*some sites] *had changed in detail since the plan was submitted in November 2014”.*

**Canterbury District Local Plan Examination Guidance notes for Participants Draft. PHM 13th May 2015. Item 38 page 7 headed Site Visits.**

The Inspector will visit sites and areas referred to in the representations before, during, or after the hearings. This will be generally done unaccompanied by the parties. I asked will the “owners” of those sites be notified if and when Mr Moore will undertake that visit, inconclusive response!

**It appears Mr Moore has visited the sites as he pointed out “he felt had changed”** [nominating SHLAA 135 amongst other site ] so I ask what did Mr Moore note had changed at SHLAA 135 and can we see those noted changes?

Page 33 item 41 Mr Moore says *“this does not mean that it is appropriate for these sites to be included in the Plan, But Mr Moore added the Council should consider whether this affects its judgements about them based on the* ***SA*** *and explain its conclusion”.*

*Karen said the SA’s are being “****refreshed****” CCC stands by the previous SA appraisals, factual updates where “****minor changes****” made will be consulted on as a separate consultation to the main consultation” comments can be made there… All Too late.*

* The sites “put forward” by Mr Moore were SHLAA 130. SHLAA 70. SHLAA 041 and other sites.

At page 26 of the PRC agenda papers item 1 Mr Moore says *“firstly there are some matters of legal compliance, including those relating to the Sustainability Appraisal, which could impact on progress”.*

Page 27 item 8 Mr Moore says “*Reference has been made to possible errors and inconsistencies in the way that different sites have scored in the SA, arguably to the disadvantage of some strategic omission sites. The SA has been prepared over a long period and it is inevitable that some circumstances may have changed and* ***some errors may occur***”.

Page 28 item 15. Mr Moore states *“on the evidence before me [Stage 1] the Council has generally followed the principals set out in its adopted Statement of Community Involvement [2007] although this predated the Framework it accords with its aim of engaging a wide section of the community”.*

I protested to Mr Moore during [a session I was granted to be at] the August 2015 Stage 1 to be able to comment on other matters at later meetings during Stage 1 [as I represented Ten Thousand Local residents who have rejected SHLAA 001].

Mr Moore rejected my applications [in writing] and at the meetings thereafter one time Police called to attend as I had to interrupt when inaccuracies applied.

Mr Moore himself does not appear to accord with “community involvement” he bars their only local **independent representative Mr Little.**

* There is no reference after Stage 1 to the Ten Thousand signatures Mr Moore was presented with. I am **Persona non grata**; this is not “engaging the community”.
* SHLAA 001 is Agriculture crop yielding land. **Inconsistent with NPPF.**
* It has a **Grade 11 Listed building** on the site. Historic Environment Country SA graded – which **is inconsistent**. Jessica Graham Re Bodkin Farm which also has a Grade 11 listed building on it said “*following clarification provided by the Court of Appeal3 a conclusion that a development proposal would fail to preserve the setting of a Listed Building is a consideration that must carry* ***considerable weight and importance*** *in the overall planning balance”.*
* SHLAA 001 has 4 village greens adjacent to the site, building homes will affect the biodiversity and the nature of those VG sites.
* The current agriculture [proposed build 400-300 homes] is used as a food basket for nature.
* Ten Thousand Local residents signed a petition saying No to SHLAA 001.
* Two previous planning Inspectors have turned down SHLAA 001, currently Mr Moore appears to be accepting this site. “**Historically” also at 1998-2004-2006 this is another inconsistency.**

At page 28 of the PRC 11th November 2015 we appear to endorse and accord with NPPF. But at SHLAA 001 where there is an alternative site [25 metres away SHLAA 135] and not a crop yielding agriculture site we ignore policies in the NPPF as do the SA appraisal for that site.

**The NPPF on Affordable homes is clear.**

Mr Moore at Page 35 item 51 states “*the amount of affordable housing at a particular strategic allocation will in part depend on the infrastructure that it is expected to provide or contribute. It is not clear on the evidence before me that* ***30%*** *affordable housing would be achievable on all strategic allocations”*

* I have not seen “any evidence” that says that contributions will be made at all, by Who, When, How much, at what stage of any of the development sites.
* I ask-; Are there going to be security bonds, [Adrian Verrall CCC officers stated 2014 CCC had bonds… later denied by Janet Taylor [legal at CCC].
* I ask where is the evidence there are going to be guarantees coupled with insurance policies/bonds for infrastructure on these proposed sites.

We have seen NO evidence to suggest there will be, and if there are to be it will affect Affordable housing provision as Mr Moore points out, which could affect the “numbers” in the five year plan example-; developers large or small may “pull out” of the Local Plan at a later date, there is no evidence supporting the notion by officers that “all will be fine and developers will undertake their duty” to contribute to infrastructure on their site unless forced to or secured.

* SHLAA 135 proposed **100% affordable housing on its site**, this site [if allocated] would have greatly assisted that 30% allocation [245 homes] into the Local plan at Stage 1.
* It is clear from the “evidence” thus far that many developers will not make contributions to infrastructure, and IF they do will cut the affordable homes numbers considerably we have no idea what the AH numbers will be neither does Mr Moore.
* SHLAA 135 needs NO major highway changes, it could be argued that SHLAA 001 will provide the roundabout that site needs so will accommodate SHLAA 135 [25 metres opposite] on the Thanet Way. SHLAA 135 has NO highway constraints or other restraints, flooding, environment [historic building] biodiversity impacts etc.

From what I have read thus far and the pointers by Mr Moore to officers at CCC he appears to be saying that the reason for Stage 2 being suspended is to allow officers to come up with a **Five year plan** on housing units [currently a short fall] coupled with New SA’s [to follow] and or reassessments of sites omitted from the Local Plan, Jessica Graham makes reference to that adopted position.

Even if the Duncan Down site was allotted additional land CCC and the Friends of Duncan Down currently only receive £500 a year to maintain the site that is not sustainable.

The additional land [38 plus acres] will make it impossible to manage the site and because the whole site is proposed to be inside a **NEW Urban Boundary Line** it will later be developed because of lack of management and funding, [and adopted inside the UBL] this is the “hidden agenda”.

* An alternative site [25 metres away] from Duncan Down is offering its site for **100% Social Housing and a £1 million pound fund to buy and manage Duncan Down and preserve it for Whitstable into perpetuity.**
* **Currently Ten Thousand Locals agree with that proposal by SHLAA 135 owner, compared that to about 40 locals who agree that Duncan Down is the best option, in addition to officers and some Councillors.**

This idea that SHLAA 001 is a better option than SHLAA 135 or SHLAA 178 needs to “properly examined” or simply use the precedent of Jessica Graham who rejected SHLAA 178 which follows you must reject SHLAA 001 [huge similarities].

Mr Kenneth Little for the Ten Thousand Local residents who say the SA’s are flawed.