

**University of Kent**

**Representation to the Draft Canterbury District  
Local Plan 2020 to 2045**

January 2023

## Contents

1.	Introduction .....	3
2.	The University's Relevant Landholdings and Proposals for its Surplus Land .....	6
3.	Comments on Draft Economic Policies .....	9
4.	Comments on the Housing Requirement (Policy SS3) .....	17
5.	Comments on the SLAA and Sustainability Appraisal (Sites BCD) .....	19
6.	Comments on the SLAA and Sustainability Appraisal (Comparison with Alternatives) .....	34
7.	Policy C26 (Land to North of University of Kent) .....	39
8.	Comments on Housing-related Policies .....	40
9.	Comments on Environmental-related Policies .....	43
10.	Comments on Economic & Infrastructure Policies .....	46
11.	Conclusions .....	49

## Appendices

I	Call for Sites (June 2020)
II	Call for Sites (July 2021)
III	Site Location Plan
IV	High-level Indicative Masterplan
V	Economic Impact of University of Kent (Viewforth Consulting Ltd)
VI	Preliminary Transport Assessment (Updated)
VII	Ancient Woodland Policy Matters Notes
VIII	Air Quality Assessment
IX	Preliminary Ecological Appraisal

**Prepared By: Smruti Patel (Senior Planner) and Colin Sinclair (Associate Director)**

**Reviewed By: Nick Alston (Principal)**

**Status: Final**

**Draft Date: January 2023**

**For and on behalf of Avison Young (UK) Limited**

# 1. Introduction

1.1 Avison Young has prepared this Representation on behalf of the University of Kent ('UoK') in response to Canterbury City Council's (CCC) consultation on the Draft Canterbury District Local Plan (Regulation 19 version) (2022) (the 'Draft Local Plan').

1.2 This Representation follows previous representations submitted by UoK concerning earlier preparation stages of CCC's Local Plan (including its 'Call for Sites' and 'Our Future District' Consultations). It has also been prepared further to a series of discussions undertaken with both CCC and Kent County Council (KCC) officers concerning the University's surplus landholdings over the course of 2020-2023.

## Structure of Representation

1.3 Following this introduction, the remainder of this Representation is structured as follows:

- **Chapter 2** provides a brief description of the University's relevant landholdings and its proposals for its surplus land;
- **Chapter 3** sets out our comments on the soundness of the draft economic policies;
- **Chapter 4** provides our comments on the housing requirement (Policy xxxx) ;
- **Chapter 5** sets out our comments on the SLAA and Sustainability Appraisal for Sites BCD at the UoK;
- **Chapter 6** sets out our comments on the SLAA and Sustainability Appraisal for key alternative sites as allocated within the Draft Local Plan;
- **Chapter 7** provides our comments on Draft Policy C26;
- **Chapter 8, 9 and 10** set out UoK's comments on other key policies within the Draft Local Plan (Housing, Environmental and Infrastructure / Economic policies); and
- **Chapter 11** set outs our overall conclusions.

## Requirement for CCC's New Local Plan to be 'Soundly' Prepared

1.4 Within the following sections of this Representation, we set out various comments geared towards ensuring that CCC's emerging Local Plan is prepared as 'soundly' as possible. These comments are intended to be helpful to the Council.

1.5 Paragraph 35 of the National Planning Policy Framework (2021) (the 'NPPF') sets out the need for Local Plans to be sound, the tests of which are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

1.6 As an overview of our principal comments, and as explained in the following sections, we consider the Draft Local Plan to be unsound on the following grounds:

(1) It is not **positively prepared** because it does not provide a strategy that seeks to meet the area’s objectively assessed economic needs. Specifically, the economic evidence base that underpins the local plan does not objectively assess the economic needs of the Higher Education (HE) sector (nor adequately consider how this sector influences/interacts with the needs of the wider economy) and therefore does not include policies that seek to meet these needs as a consequence. As a result, we consider that the plan is also not **justified, effective or consistent with national policy** in this regard. The plan can be made sound by:

- Updating the local plan evidence base to include an objective assessment of the economic needs of the HE sector including the UoK (these representations are intended to help with this).
- Adding a further policy to Chapter 1 of the draft Local Plan that sets out the economic strategy for the district and which provides for objectively assessed economic needs (as identified in the updated evidence base) and positively and proactively encourages economic growth.
- Updating the currently proposed housing policies within the Draft Local Plan to ensure that these are aligned with the new economic strategy so that opportunities to realise benefits across each of the strategic policy matters can be optimised.
- Update the district wide strategic policies in Chapter 6 for Employment and the Local Economy to ensure that these deliver the new economic strategy policy.

- Review the proposed site allocations to ensure that these best support the delivery of the economic strategy (including through helping to secure the future economic success of UoK), to ensure that when the new Local Plan is read as a whole its policies work together in as effective way as possible to deliver the objectives of the Local Plan.
- (2) The draft plan is not **Justified** because the proposed housing policies (including Policy C26 and the proposed site allocations) are not the most appropriate, taking into account the reasonable alternatives and based on proportionate evidence. Specifically, that (on the basis of evidence submitted by UoK as part of these and previous representations) land to the north of the UoK should be treated as a suitable, available and achievable site in that is more appropriate for housing development than the alternatives currently proposed for allocation in the current draft (on the basis of the Sustainability Appraisal and the site's unique ability to enable the economic needs of the district to be met). As a result of this, the draft housing policies are also **not positively prepared, effective or consistent with national policy**. The plan can be made sound by allocating land to the north of the University of Kent (Site BCD) for residential-led mixed use development.

## 2. The University's Relevant Landholdings and Proposals for its Surplus Land

2.1 As set out within UoK's previously submitted Call for Sites representations (dated June 2020 and July 2021 respectively and included as Appendix 1 and 2 of this document), the University currently owns various landholdings which have been identified as being surplus to its future requirements. These sites ('the Disposal Sites') are referred to as 'Site A', 'Sites BCD', 'Site E' and 'Site F' respectively and their locations are shown on Figure 1 below (also refer to site plan at Appendix 3).

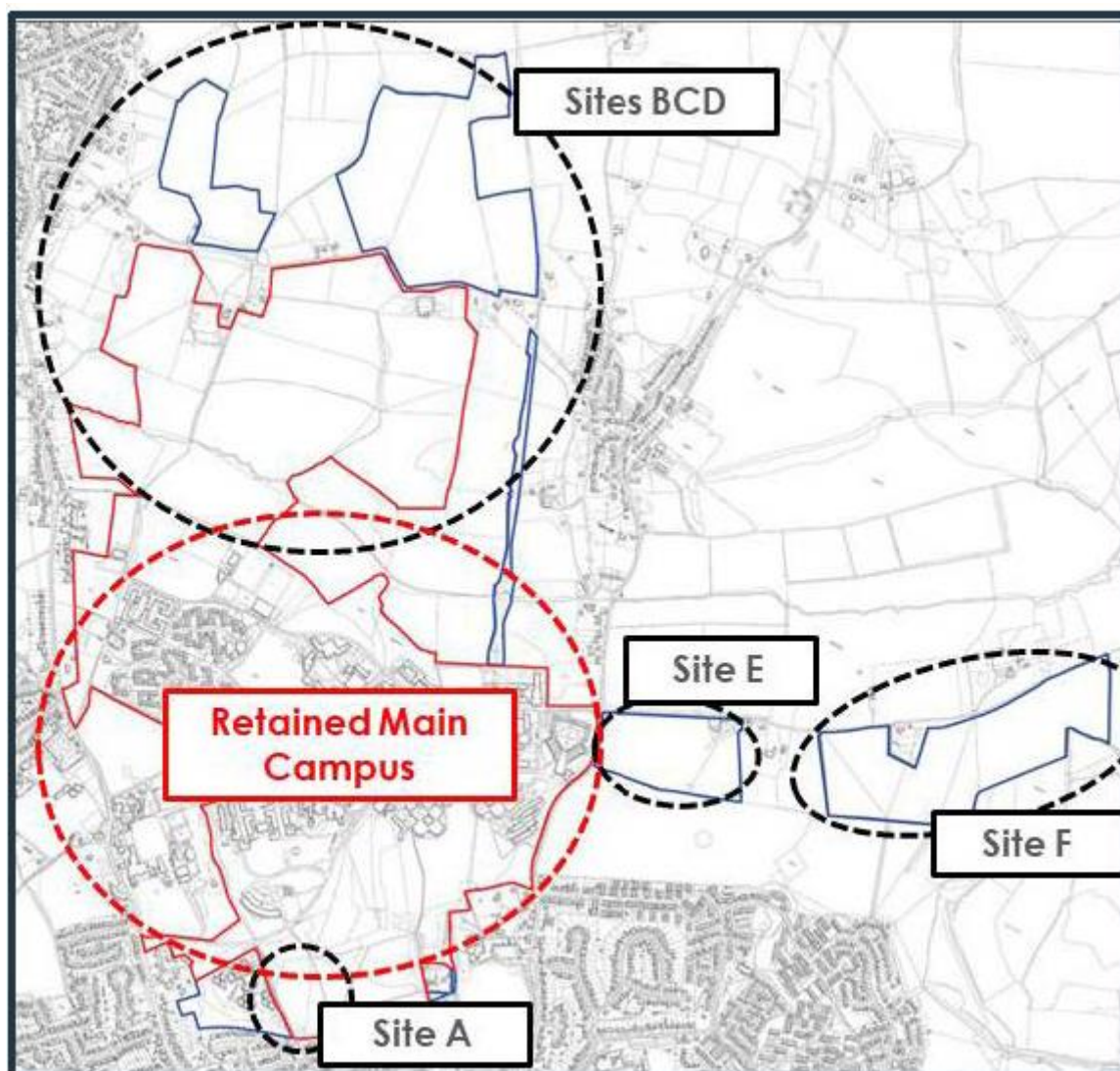


Figure 1: Locations of the University's Landholdings/

### The Disposal Sites

2.2 The Disposal Sites are located adjacent to the 'Retained Main Campus' (with the exception of Site F which is located slightly further to the east).

2.3 For the purposes of this Representation, please note that Site A (which was previously identified for disposal) is currently envisaged to be retained as part of the Retained Main Campus. As such, the Disposal Sites which are key to this Representation comprise the following:

- **Sites BCD** (Combined Site Area 93ha). This cluster of landholdings is located to the north of the Main Retained Campus and comprises the main proposed redevelopment opportunity at this stage (further details concerning UoK’s emerging masterplan proposals are included within Section 4).
- **Sites E and F**. (Combined Site Area 26.5ha). Located to the east of the Main Retained Campus, these sites are identified for potential delivery of open space, green infrastructure and other complimentary uses associated with the emerging masterplan for Sites BCD.

2.4 All of the Disposal Sites currently comprise greenfield land.

2.5 A fuller description the Disposal Sites and their characteristics is included within the previously submitted Call for Sites representations (refer to Appendix 1 and Appendix 2).

### **Retained Main Campus**

2.6 In addition to the Disposal Sites, the University also owns its ‘Retained Main Campus’. The Retained Main Campus includes various buildings associated with teaching accommodation, office, student housing and other facilities associated with its function as a higher education facility.

2.7 Development proposals for the Retained Main Campus (now including Site A) currently remain as per the University’s current Masterplan at this stage.

### **UoK’s Proposals for its Surplus Land**

2.8 UoK’s team has undertaken an initial high-level masterplanning exercise in support of this Representation (shown within Figure 2 below, and also included as Appendix 4).

2.9 The current high-level masterplan indicates that Sites BCD could deliver circa 2,000 new homes (alongside a new local centre, primary school and associated open space/play space/green infrastructure).

2.10 The below masterplan is an early-stage diagram. In moving forward, the masterplan for Sites BCD will require further refinement and testing at planning application stage (to help ensure that the mix, location and quantum of land-uses comes forward in as sustainable a manner as possible).

2.11 Of note, is that the illustrative masterplan is an update to the version submitted with previous representations which accounts for a revised access strategy.

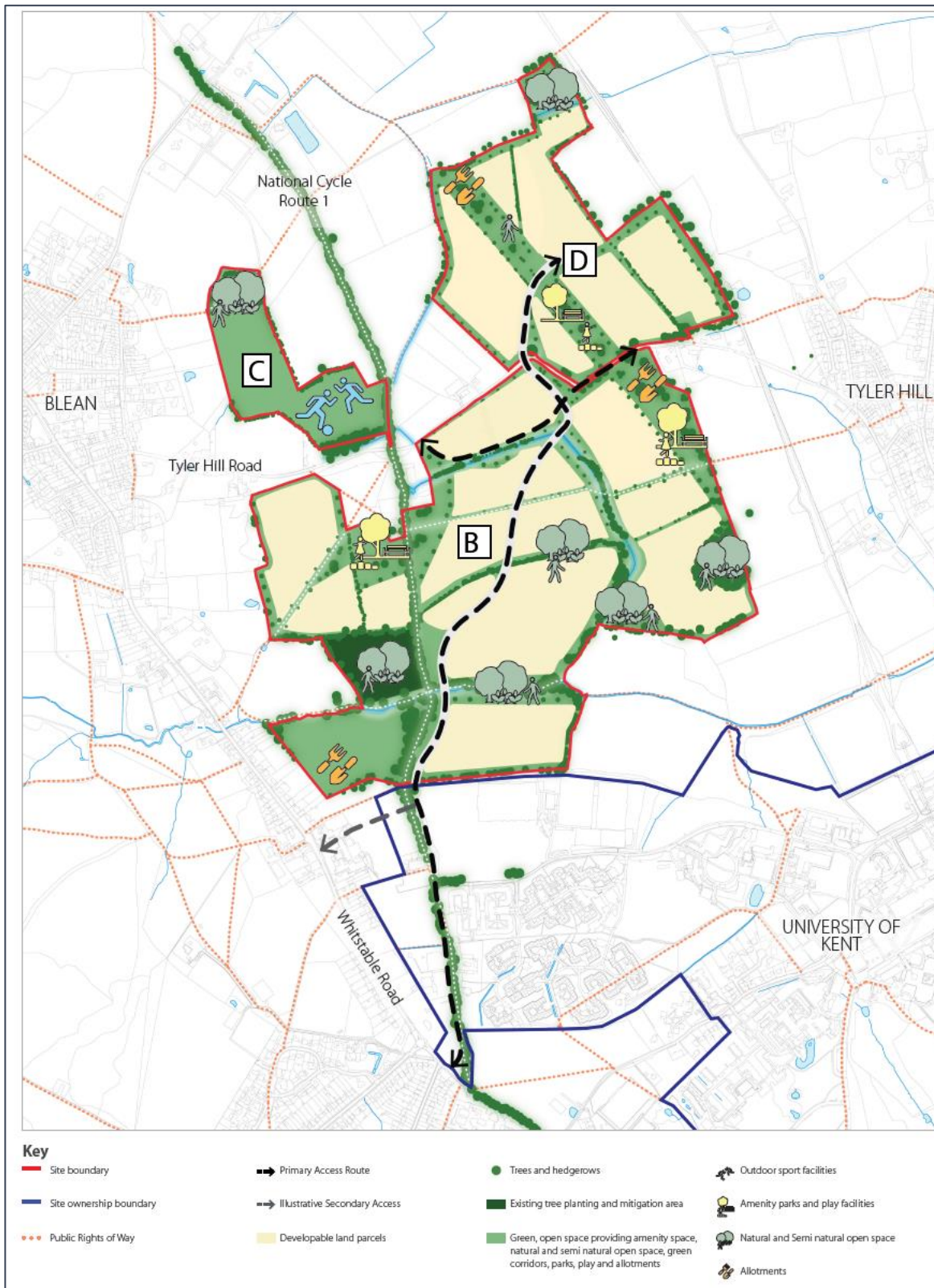


Figure 2: High-level Indicative Masterplan



### 3. Comments on Draft Economic Policies

3.1 The draft Local Plan does not provide a strategy that seeks to meet the District’s objectively assessed economic needs. It is therefore not **positively prepared , justified, effective, nor consistent with national policy.**

#### **National Planning Policy Requirements for the New Local Plan**

3.2 As a starting point, the draft Local Plan is required to include economic policies consistent with national policy. We highlight the key national policy context as pertinent to this point below.

3.3 The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving this means that the planning system has 3 overarching objectives which are **interdependent** and need to be pursued in **mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).** These are:

- (a) An economic objective – to help build a **strong, responsive and competitive economy**, by ensuring that sufficient **land** of the right types is available in the **right places** and at the right time **to support growth, innovation and improved productivity**, and by identifying and coordinating the provision of infrastructure;
- (b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a **sufficient number and range of homes** can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and **support communities’ health, social and cultural well-being;** and
- (c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

3.4 In order to ensure that sustainable development is pursued in a positive way in Canterbury, the fundamental starting point for the preparation of the local plan is the application of the presumption in favour of sustainable development (NPPF para 11). This requires the local plan to promote a sustainable pattern of development that (among other points) seeks **to align growth and infrastructure**, and include strategic policies that, **as a minimum**, provide for objectively assessed needs for **housing and other uses** subject to exceptions (i) and (ii).

- 3.5 NPPF paras 15-22 expand upon this. The Local Plan is required to provide a framework for addressing housing needs and other economic, social and environmental priorities. This ‘framework’ should take the form of strategic and non-strategic local plan policies. The strategic policies are required to make sufficient provision for **housing, employment and education infrastructure** among other requirements, which should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development.
- 3.6 With specific regards to the economy, NPPF paras. 81-82 require **significant weight** to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Accordingly, the new local plan is required to include policies that set out a clear economic vision and strategy which **positively and proactively encourage sustainable economic growth**.
- 3.7 Finally, NPPF para 31 requires the new local plan policies to be underpinned by relevant and up-to-date evidence. The PPG (Planning Practice Guidance) provides guidance on the necessary steps for building an evidence base for housing and business among other needs
- 3.8 In summary, **for the new Local Plan to be consistent with national planning policy it must include strategic policies that provide for objectively assessed economic needs and positively and proactively encourage economic growth, which should be fully aligned and interdependent with other strategic policies (including housing and education), and be underpinned by up to date evidence. It follows that this will also be necessary for the new Local Plan to be considered positively prepared, effective and justified.**

### **The Need for a Strategic Economic Policy**

- 3.9 Chapter 1 of the Draft Local Plan sets out a series of overarching policies for Canterbury. This includes 5 key policies which together comprise the overall strategy for managing growth and development across the district to 2045. These 5 policies cover matters of environmental, sustainable design, development strategy, movement/transport, and infrastructure. Surprisingly, there is not a policy that sets out a clear economic vision and strategy for the economy that positively and proactively encourages economic growth.
- 3.10 The suite of Strategic Policies set out in Chapter 6 include DS8-DS12 which together comprise the draft strategic policies concerning employment and the local economy. These policies do not provide a clear economic vision and strategy for the economy that positively and proactively encourages economic growth. As a consequence, the content of draft Policies DS8-DS12 is not anchored by a

strategic framework (underpinned by evidence) as required by the NPPF and therefore are not capable of being effective or properly justified.

- 3.11 As a matter of principle, the absence of an overarching economic strategy is not consistent with national policy requirements and is therefore unsound.
- 3.12 **The insertion of a new policy to Chapter 1 that provides a clear economic vision and strategy for the economy that positively and proactively encourages economic growth would make the plan sound in this regard.**

### **Evidence**

- 3.13 In order for the recommended strategic economic policy to be justified, it should be underpinned by proportionate and up-to-date evidence.
- 3.14 The UoK is a significant economic asset within Canterbury and as such is a major driver of local and regional economic performance. It follows that this evidence base should include an objective assessment of the needs of the Higher Education sector insofar as such needs interact with those of other economic sectors and the national policy objective of positively and proactively encouraging sustainable economic growth.

### ***Evidence Provided by the University***

- 3.15 Details of the UoK's contribution to the local and regional economy were submitted as part of its representations to the earlier Call-for-Sites consultation (enclosed at Appendix 1). This included a study undertaken by Viewforth Consulting Ltd in April 2018 which sought to identify 'The Economic Impact of the University of Kent' (enclosed as Appendix 5). In summary, this demonstrates that the University currently makes the following contribution to the local economy:

### ***Impacts within Canterbury***

- UoK generated £342.9million (directly and through secondary or 'knock-on' effects) in Canterbury itself, with an additional £142.9m of output generated by the personal expenditure of students, making a total of £485.7m of output in Canterbury.
- The University directly provided 2969 full-time equivalent (FTE) jobs in Canterbury and generated a further 1166 FTE jobs in the city. Added to this are the 1242 FTE jobs in the City created by the personal expenditure of students to make a total of 5377 FTE jobs in Canterbury dependent on the University's activities. This was equivalent to 10% of Canterbury's 2015 employment.

- The University generated £208.5m of GVA (directly and through secondary or 'knock-on' effects) in Canterbury itself, with an additional £67.3m of GVA generated in Canterbury businesses by the personal expenditure of students, making a total of £275.8m of GVA in Canterbury. This was equivalent to 9% of Canterbury's GVA.

### ***Impacts on Medway Towns***

- The University of Kent generated £38.1m (directly and through secondary or 'knock-on' effects) across Medway area with an additional £19.5m of output generated by the personal expenditure of students, making a total of £57.6m of output in the Medway Towns.
- The University generated 404 full-time equivalent (FTE) jobs across the Medway Towns. Together with 169 FTE jobs in Medway created by the personal expenditure of students this made a total of 573 FTE jobs in Medway dependent on the University's activities. This was equivalent to 0.8% of Medway 2015 employment.
- The University generated £24.1m of GVA (directly and through secondary or 'knock-on' effects) in Medway Towns, with an additional £9.2m of GVA generated in Medway businesses by the personal expenditure of students, making £33.3m of GVA in the Medway Towns. This was equivalent to 0.7% of Medway GVA.

### ***Impact on Kent as a whole***

- The University of Kent generated £423.1m (directly and through secondary or 'knock-on' effects) across Kent (including Canterbury and Medway Towns), with an additional £211.4m of output generated by the personal expenditure of students, making a total of £634.5m of output in Kent.
- The University generated 4988 full-time equivalent (FTE) jobs across Kent (including in Canterbury and Medway Towns). Together with 1837 FTE jobs in the county created by the personal expenditure of students this made a total of 6825 FTE jobs in Kent dependent on the University's activities. This was equivalent to 1.4% of Kent 2015 employment.
- The University generated £254.5m of GVA (directly and through secondary or 'knock-on' effects) in Kent, with an additional £99.5m of GVA generated in Kent businesses by the personal expenditure of students, making £354m of GVA in Kent. This was equivalent to nearly 0.9% of Kent GVA.

***Total Impact on the South East Region of England***

- The University of Kent generated £549.7m (directly and through secondary or 'knock-on' effects) across the South East Region with an additional £357.9m of output generated by the personal expenditure of students, making a total of £907.6m of output in the South East.
- The University generated 6338 full-time equivalent (FTE) jobs across the South East. Together with 3110 FTE jobs in the South East created by the personal expenditure of students this made a total of 9448 FTE jobs in the South East dependent on the University's activities. This was equivalent to just over 0.19% of South East 2016 workforce jobs.
- The University generated £320.6m of GVA (directly and through secondary or 'knock-on' effects) in the South East, with an additional £168.5m of GVA generated in South East businesses by the personal expenditure of students, making £489.1m of GVA in the South East. This was equivalent to 0.2 % of South East GVA.

***Total Impact on the UK<sup>i</sup>***

- The University of Kent generated £594.3m (directly and through secondary or 'knock-on' effects) across the UK with an additional £371.8m of output generated by the personal expenditure of students and their visiting family and friends, making a total of £966.1m of output in the UK.
- The University generated 6706 full-time equivalent (FTE) jobs across the UK. Together with 3206 FTE jobs in the UK created by the personal expenditure of this made a total of 9912 FTE jobs in the UK dependent on the University's activities.
- The University generated £342.1m of GVA (directly and through secondary or 'knock-on' effects) in the UK, with an additional £174.2m of GVA generated in UK businesses by the personal expenditure of students, making a total contribution to UK GDP of £516.4m.
- The University was a significant export earner for the UK in 2015/2016. Non EU students paid £36.4m in fees and fees paid by students from the rest of the EU was estimated to be £13.4m. The University earned a further £14.5m for research and other services paid from international sources. Added to this was the estimated £77.4m of off-campus personal spending of international students, making a total of £141.7m in export earnings.

3.16 As set out above, the UoK is a significant economic asset of the local and regional economy. However, and as explained in more detail in Appendix 1, the ability for the UoK to maintain this economic contribution is under threat for the following reasons:

- The University is currently operating at an unsustainable financial position and requires an injection of funds to address its current debt liabilities.
- In addition, the University is facing further economic threat through shortcomings in the way in which the higher education sector is funded, which has been compounded by the financial shocks of Covid19 and the Cost of Living crisis.

3.17 A financial improvement plan is in place to protect against this threat, which is dependent on generating value from its estate via the disposal of its surplus land for development, which requires support from the planning system.

3.18 In the worst-case scenario, failing to increase income through the improvement plan could have severe implications for the University, which would have very significant knock-on adverse consequences for the local and regional economy.

### ***The Existing Evidence Base***

3.19 The Council's Economic Development and Tourism Study (EDTS) (2020) provides the evidence base that underpins the draft strategic economic policies (DS8-DS12) within the Draft Local Plan.

3.20 The University is identified as a key economic driver in the study, which notably states the following:

- *"The vision for Canterbury and Whitstable is for an economic identity to become established around art, design and crafts alongside an increasing emphasis on innovation, led by...the University of Kent".*
- *"As part of wider aspirations to diversify the District's economy and boost productivity in line with regional and national averages, the District would benefit from a clearer strategy for how 'spin out' activity and opportunities associated with the University are more effectively integrated into the local economy".*
- The Study also identifies the education sector to be the largest employment generator over the plan period.

3.21 This evidence, insofar as it relates to the Higher Education sector and UoK in particular, is aspirational and does not account for the significant economic challenges currently being faced by UoK as set out in previous representations. It therefore does not provide an adequately robust basis upon which local plan policies can be **justified**.

3.22 The absence of an adequate, proportionate, up-to-date evidence base upon which to base the new Local Plan's economic policies means that it is **incapable of being sound. This can be addressed by**

**reviewing and updating the evidence base to include an objective assessment of the economic needs of the HE sector including the UoK.** The information enclosed at Appendix 1 (included the Viewforth Consulted Ltd report) which specifically explains the current role that the UoK plays in the economy and its economic needs is intended to help the Council fill this evidence gap.

### **Content of the Policy**

- 3.23 The strategic economic policy that we recommend is added to Chapter 1 of the draft Local Plan should provide a clear economic vision and strategy for the economy that positively and proactively encourages economic growth, underpinned by relevant evidence. The strategic policies (DS8-12) should be updated to align with this.
- 3.24 On the basis of the evidence submitted by the University, this should maintain support for the continued operation of the UoK and its potential future growth and development as per draft Policy DS9. However, this should be supplemented with an acknowledgement that this is only likely to be deliverable if the UoK recovers its financial position which is dependent on releasing its surplus land for development as part its estate rationalisation programme. **The economic policy should support the principle of such development, subject to the wider policies in the plan.**

### **Alignment with Other Strategic Policies and Site Allocations**

- 3.25 In order to deliver the fundamental principles underlying sustainable development, it is necessary for the strategic local plan policies to mutually support one another when read together. In practice this means that the new economic policy should support housing policy within the Local Plan, the housing policy support the economic policy and so on. The same principle applies for the site allocations and development management policies put in place to deliver the strategic policies.
- 3.26 For the reasons set out above, ensuring the long term financial viability of the UoK is dependent on generating value from its estate via the disposal of its surplus land for development. For the reasons set out in the following sections of this Representation, Sites BCD is a demonstrably suitable, available, and achievable housing site which performs strongly when assessed against the social, economic and environmental objectives set out in the Sustainability Appraisal when compared with other allocations in the draft Local Plan.
- 3.27 It follows that as a matter of principle the Council should treat Sites BCD as a preferable location for housing. When considered alongside economic considerations set out above, the case for this site to be allocated for housing is compelling and unignorable.

3.28 Put simply, **the allocation of Site BCD for housing offers the district the unique opportunity to deliver an economic strategy that achieves significant and fundamental economic benefits which otherwise would be incapable of being achieved. Furthermore, it would protect the district from the very real risk of substantial economic harm that would arise if UoK’s financial improvement plan doesn’t deliver its income priorities, which in the worst case could result in a significant reduction in the University’s services and broader economic footprint.**



## 4. Comments on the Housing Requirement (Policy SS3)

- 4.1 There is a clear national policy requirement for Local Planning Authorities to identify sufficient land within development plans to meet local housing need. Notably, Paragraph 60 of the NPPF identifies the following:

*“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.*

- 4.2 The Canterbury’s Housing Needs Assessment (2021) (which comprises a key Local Plan evidence base document at this stage) uses the standard method to identify a local housing need of 1,120 homes per annum over 20-year period of 2020-2040. This would equate to a total of 22,400 units over the 2020-2040 plan period.
- 4.3 The Draft Local Plan (Policy SS3) expands upon this need and identifies aspirations to deliver 1,252 new dwellings per year over the 25-year plan period of 2020 to 2045, resulting in an overall requirement of 31,300 dwellings. It therefore appears that the Draft Local Plan includes an approximate 10% upward buffer within its identified housing target figures (when compared with the annualised housing need figures within the Housing Needs Assessment).
- 4.4 We broadly support CCC’s approach to identifying local housing need at this stage.

### Housing Supply

- 4.5 The Draft Local Plan currently allocates a number of sites for housing which have a combined capacity of 24,425 dwellings to be delivered during the plan period. This figure falls below the identified housing requirement, equating to broadly 78%. No details are provided regarding supply from other sources.
- 4.6 The above discrepancy between the currently proposed housing allocations (total residential capacity) and the housing requirement is not explained within the Draft Local Plan. This matter needs to be clarified by CCC within future versions of the Local Plan.
- 4.7 In addition, in the event that there is no explanation for the above discrepancy, then we strongly consider that the emerging Local Plan should ‘go further’ through the allocation of additional suitable, available and achievable sites for housing delivery. This approach would help to ensure that CCC’s

annualised housing targets are realised (especially in an event where housing delivery on some of the currently identified allocations stalls/becomes sluggish).

4.8 We also highlight that CCC's recent rates of housing delivery have fallen significantly short of the currently envisaged rates of delivery within the Draft Local Plan. The Government's most recent Housing Delivery Test (2021) identifies that a total of 1,509 new homes were delivered during the 3-year period spanning 2018-2021 (equating to an average of 503 homes per year being delivered during this period). These circumstances again demonstrate the potential need for CCC to allocate further suitable, available and achievable sites within the emerging Local Plan to sufficiently incentivise and bolster housing delivery to the levels needed.

4.9 **Irrespective of housing need and the housing requirement ultimately identified within the new Local Plan, there is a fundamental economic need for CCC to allocate Sites BCD for housing development.** These surplus landholdings are suitable, available and achievable of being redeveloped (as evidenced within later sections of this Representation). Furthermore, and crucially, through allocating Sites BCD, the Council will ensure that the wider economic benefits which UoK generates are sustained in the future.

## 5. Comments on the SLAA and Sustainability Appraisal (Sites BCD)

5.1 The purpose of this section is to provide our comments on the assessment of Sites BCD in the Council's Strategic Land Availability Assessment (SLAA) (2022) and in the Sustainability Appraisal. Our comments account for further (new) evidence submitted with this representation.

### **SLAA - Suitability, Availability, Achievability**

5.2 Further to UoK's previous 'Call for Sites' submissions (enclosed as Appendix 1 and 2), CCC reviewed the suitability of Sites BCD for redevelopment as part of its 'Strategic Land Availability Assessment' (SLAA) (July 2022). Sites B, C and D were assessed individually within the SLAA as opposed to a single site as being promoted by the UoK. We have included some of the key headlines from the SLAA concerning each of the sites below:

#### **Site B:**

##### *Transport and Access Considerations:*

5.3 The SLAA identifies that Tyler Hill Road is the only road that serves Site B, and that this borders the site to the north. CCC officers noted that UoK's previously submitted Preliminary Transport Assessment suggested that vehicular access could be provided via the campus, specifically to Giles Lane and University Road to Whitstable Road. However, CCC officers considered that this approach could have adverse impacts on heritage assets. CCC officers acknowledged that the applicant is currently undertaking additional work to refine the access strategy.

##### *Tree Considerations:*

5.4 Within the SLAA, CCC officers considered that Ancient Woodlands (with TPOs) were located to the west, south west, east and dissecting the site down the middle laterally. Officers also considered there to be a large number of non-protected trees generally located along field boundaries.

##### *Ecology Considerations:*

5.5 CCC officers advised that the Site contained Ancient Woodland and Priority Habitats. The site is within an orange area for Great Crested Newts.

##### *Overall Position:*

- 5.6 At the time of drafting the SLAA, CCC officers did not consider Site B to be suitable for redevelopment. As an overall comment, officers stated that **'suitable access to the site had not been demonstrated to be achievable due to heritage and ecology concerns'**.

**Site C:**

*Transport and Access Considerations:*

- 5.7 Within the SLAA, officers state that Tyler Hill Road is the only road that serves Site C. Access would therefore 'be created onto Tyler Hill Road by extending the site to the road otherwise the site would be set back from the road'.

*Tree Considerations:*

- 5.8 No significant concerns were raised over trees. CCC officers indicated that 'trees and shrubbery' were present along the site boundaries.

*Ecology Considerations:*

- 5.9 The SLAA identifies that the site is within an orange area for Great Crested Newts.

*Overall Position*

- 5.10 At the time of drafting the SLAA, CCC officers did not consider Site C to be suitable for redevelopment. CCC officers advised that **"there are concerns regarding landscape impact; there is uncertainty about the potential to provide adequate access to the site; and the site is located in an area with limited access to day to day services and public transport therefore future occupiers would be dependent upon private car to access day to day services"**.

**Site C:**

*Transport and Access Considerations:*

- 5.11 Within the SLAA, officers state that Tyler Hill Road is the only road that could serve Site D. Access would be created onto Tyler Hill Road by extending the site to the road otherwise the site would be set back from the road.

*Tree Considerations:*

- 5.12 Officers state that Site C falls within the Blean Biodiversity Opportunity Area.

*Ecology Considerations:*

5.13 The SLAA identifies that the site is within an orange area for Great Crested Newts.

*Overall Position:*

5.14 At the time of drafting the SLAA, CCC officers did not consider Site D to be suitable for redevelopment. Officers advised that ***“there are concerns regarding landscape impact; there is uncertainty about the potential to provide adequate access to the site; and the site is located in an area with limited access to day to day services and public transport therefore future occupiers would be dependent upon private car to access day to day services.”***

## Updated Evidence and Assessment of Suitability

5.15 We do not agree that Sites BCD are unsuitable for redevelopment in the future. In response to the above matters raised by CCC officers within the SLAA, the following updated evidence is provided as part of this representation:

- An updated Preliminary Transport Assessment (prepared by WSP) (enclosed as Appendix 6);
- An Ancient Woodland Policy Matters Note (prepared by Avison Young) with appended Technical Note (prepared by WSP) (enclosed as Appendix 7); and
- An Air Quality Assessment and associated supplemental note ‘Air quality response to comments raised by Canterbury City Council’ (prepared by WSP) (enclosed as Appendix 8).

5.16 Table 1 below draws upon a review of local plan policy designations and existing evidence; identifies where further survey work and assessment work has been undertaken; and identifies any further work which will be undertaken (as part of the forthcoming planning process concerning Sites BCD). It then goes on to provide a ‘Red/Amber/Green Rating’ against each criteria on the following basis:

- Green: suitable for development;
- Green/Amber hatched: suitable for development but with known constraints/ policy issues that can be satisfied;
- Amber: likely to be suitable for development – further work and discussions with the Local Planning Authority likely to be required;
- Red: unlikely to be suitable for development.

**Table 1: Suitability Appraisal (Sites B, C and D)**

Criteria	Appraisal	Rating
<b>Previously developed land</b>	<ul style="list-style-type: none"> <li>Sites B, C, and D are wholly greenfield land).</li> <li>National planning policy supports the development of greenfield land where there is no alternative suitable, available and achievable previously developed land. The evidence on land supply prepared to inform the current Local Plan confirms that there is a very limited supply of suitable, available and achievable previously developed land in the district. While this evidence base is being updated, we do not consider the position to have changed significantly.</li> <li><b>In the absence of an alternative supply of suitable available achievable previously developed land, greenfield land should be treated as suitable for development in principle (by necessity).</b></li> </ul>	
<b>Agricultural land designation</b>	<ul style="list-style-type: none"> <li>An up-to-date agricultural land classification assessment has been undertaken, which provides an in-depth analysis relating to each site.</li> <li>Agricultural Land Classification is graded 1 (best) to 5 (worst), with grades 1, 2 and 3a considered the Best and Most Versatile (BMV) agricultural land in planning terms.</li> <li>The majority of Site B is classified as a mix of Grade 3a and 3b (Good to Moderate), alongside limited areas of Grade 2 (Very Good). Site B also includes some areas of non-agricultural land.</li> <li>Site C includes a mix of Grade 2 (Very Good) and subgrade 3a (Good).</li> <li>Site D is classified as part Grade 2 (Very Good) and part subgrade 3a. Part is classified as non-agricultural land.</li> <li>NPPF Paragraph 171 (with reference to footnote 53) requires that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. While preferred, policy does not preclude the development of better-quality land where this is justified by economic and other benefits.</li> <li>This matter was tested as part of the current Local Plan, where several of the Strategic Site Allocations comprise BMV agricultural land. The Inspector accepted that allocating such land was justified by housing need and broader sustainability considerations.</li> <li><b>The loss of BMV agricultural land will be an adverse impact associated with the redevelopment of the site. Nonetheless this should be weighed in the planning balance (having regard to the availability of alternative suitable achievable land and the benefits of developing this land). The site is considered suitable on this basis.</b></li> </ul>	
<b>Flood risk</b>	<ul style="list-style-type: none"> <li>Sites B, C and D are located within Flood Zone 1 (low risk of flooding) and are therefore not at risk of flooding (as per the Environment Agency's on-line flood maps).</li> </ul>	

	<ul style="list-style-type: none"> <li>• The Sarre Penn watercourse flows east to west through Site B, which includes adjacent land that forms part of its natural flood plain. In principle this land is not suitable for development.</li> <li>• The development of the site would be expected to accord with sustainable surface water drainage national planning policy requirements (i.e. maintaining the existing greenfield run-off rates taking into account climate change) to ensure that development does not pose an increased risk of flooding elsewhere. This is being developed in conjunction with the emerging Concept Masterplan. Further detail of which will be provided in the forthcoming Local Plan Representations.</li> <li>• A Flood Risk Assessment and Surface Water Drainage Strategy will be prepared at the planning application stage.</li> <li>• <b>The site is suitable for development in flood risk terms.</b></li> </ul>	
<p><b>Transport</b></p>	<p><u>Highways and Access Strategy</u></p> <ul style="list-style-type: none"> <li>• A Preliminary Transport Appraisal (PTA) has been prepared, further to detailed discussions with Kent County Council highways officers concerning UoK's emerging masterplan for the Site (please see Appendix 5).</li> <li>• The PTA includes consideration of the impacts of a proposed masterplan (delivering circa 2000 homes) on Sites BCD using a micro-simulation model and in the context of the emerging Canterbury Transport Strategy.</li> <li>• The Proposed Development site benefits from access by a range of modes of transport and provisional strategies have been developed to ensure that access by sustainable modes is prioritised above that of the private car.</li> <li>• An access strategy utilising a junction on Whitstable Road was initially focused on a new access in the far south of the University's Main Retained Campus. However, following initial testing of the access strategy and feedback from Kent County Council, further options were explored with the proposed access strategy now incorporating two points of access to A290 Whitstable Road.</li> <li>• The initial primary point of access would be delivered onto Whitstable Road in the far south of the University Campus with a second illustrative point of access under continued review, of which one option is to utilise the current Blean Primary School location (further north on Whitstable Road), which would be delivered at an appropriate point in the development's build out to provide additional permeability to the site.</li> <li>• To facilitate this approach (if this option is pursued) the Blean Primary School would be reconfigured on land within the wider masterplan for Sites BCD.</li> <li>• Further to the transport assessments and modelling undertaken (and the potential trip generation of UoK's emerging masterplan), sufficient mitigation has been developed at four key locations which effectively reduces the emerging schemes impacts and improves the performance of the highway network (when compared with a 'Do Nothing' scenario).</li> <li>• At one location (Junction 6 – Whitstable Road/London Road) a review of the junction layout identified limited opportunities for improvements within the highway boundary. It was noted that the level crossing on St Dunstan's Street is likely to affect the level of queuing and delay that occurs in this location as well</li> </ul>	

	<p>as the attractiveness of this junction for journeys within Canterbury. Whilst no specific mitigation has been proposed at this location it is likely that drivers could re-route or re-time their journey should delays in this location increase significantly.</p> <ul style="list-style-type: none"> <li>As such, whilst no cost-effective solution within the highway boundary has been currently identified for Junction 6 at this time, further testing of these junctions and the wider highway network within the strategic model is likely to identify opportunities for re-routing which will likely reduce impacts to an acceptable level. Furthermore, it has been shown that through the introduction of the Canterbury Transport Strategy, as part of the Local Plan, the impacts at this junction reduces considerably and additional mitigation is not required through the delivery of the emerging illustrative masterplan.</li> <li><b>It is therefore concluded that the illustrative masterplan can be accommodated on the highway network and from a transport perspective following development and consideration of the proposals using the micro-simulation model and a number of non-exceptional mitigation measures together with sustainable travel planning measures. This indicates that there are no transport reasons why Sites BCD should not be allocated within the forthcoming Local Plan.</b></li> </ul>	
<p><b>Heritage</b></p>	<ul style="list-style-type: none"> <li>Designated Heritage assets affect parts of Sites B, C and D.</li> <li>There is a Scheduled Ancient Monument (SAM) in the northern part of Site B (Dispersed medieval settlement remains and a Roman building immediately SW of St. Cosmus and St. Damian's Church). There are 2 identified 'Prehistoric Sites' located in close proximity to the SAM.</li> <li>Adjacent to the SAM, but outside of the site boundary, lies the Grade II* listed 'Church Of St Cosmus And St Damian' and the Grade II listed 'Church Cottage'. Sites B, C and D are likely to form part of the setting of these buildings.</li> <li>Part of the western part of Site B is located within the Blean Conservation Area, whereas Site C is located directly adjacent to the Blean Conservation Area and both Site C and D adjoin the Amery Court Conservation Area. Site D abuts the Canterbury and Whitstable Railway (Hackington &amp; Blean) Conservation Area along its eastern boundary.</li> <li>An initial heritage appraisal has been prepared to assess the significance of these assets and has informed the preparation of the emerging Concept Masterplan for Sites B, C and D. Whilst there is potential for impacts to occur on the setting / character of nearby heritage assets, it is considered that these could be successfully mitigated through careful design and masterplanning. As such, the impact on the identified heritage assets is likely to be minimal with opportunities to enhance these likely to be maximised through the iterative design process.</li> <li>Further advice in relation to the impact of development in the north western portion of Site B, sitting adjacent to the Church and Scheduled Ancient Monument is currently being prepared in consultation with CCC. This will inform the location of the development parcel in this area of the site.</li> </ul>	



	<ul style="list-style-type: none"> <li>• <b>It is anticipated that Sites BCD can be developed without harming the significance of these heritage assets through careful design informed by heritage advice therefore the sites are considered suitable for development in heritage terms.</b></li> </ul>	
<b>Landscape</b>	<ul style="list-style-type: none"> <li>• Sites BCD (and the area to the north) comprise the only significant area of land adjacent to the built-up part of Canterbury that is not designated as an Area of High Landscape Value. The sites are also not subject to any other landscape-based policy designations in the current Local Plan.</li> <li>• A Landscape Setting and Views Appraisal was undertaken to inform the current University masterplan and was included in the previous Call for Sites submission.</li> <li>• The land is also considered more broadly in the Canterbury Landscape Character and Biodiversity Appraisal (which we understand is being updated by the Council). It forms part of Landscape Character Area 36 (Blean Parklands)</li> <li>• This evidence confirms the following for Sites BCD: <ul style="list-style-type: none"> <li>- The sites are visually contained by virtue of the complex of woodland to the north, west, and east plus the topography of the site (which dips down to the north of the University's main campus. Development on the site should not be visible from Canterbury City Centre (World Heritage Site, Conservation Area, Listed Buildings), and longer distant views to the north/east/west will be blocked by woodland.</li> <li>- Short distant views to/from Blean, Tyler Hill, and public roads/rights of way will be affected by development. This can be accounted for as part of masterplanning to minimise adverse impacts.</li> <li>- The landscape quality of the sites themselves is not of significant value.</li> </ul> </li> <li>• The emerging Concept Masterplan will be informed by further landscape/visual impact assessment work which will form part of Representations to the next round of local plan consultation.</li> <li>• <b>The sites are considered suitable for development in landscape terms.</b></li> </ul>	
<b>Minerals</b>	<ul style="list-style-type: none"> <li>• The southern part of Site B and the entirety of Sites C and D are designated as Minerals Safeguarding Areas (as defined on the current Local Plan Policies Map). This could constrain the development potential of parts of the site, having regard to Paragraph 206 of the NPPF. Any loss of minerals potential should be balanced with the social and economic benefits of allowing development. The areas designated as part of the Minerals Safeguarding Area are underlain by Head Brickearth and River Terrace Deposits</li> <li>• An initial Minerals Assessment and technical note have been prepared in support of the emerging Concept Masterplan. This identifies deposits of Head (Brickearth) with the majority of Site B and small areas of E and F included Head Deposits (Gravel).</li> <li>• The Minerals Assessment has concluded that whilst potentially possible to extract Brickearth from Sites B, C and D prior to development, there is little requirement currently for this mineral within the Kent area. The future requirement is also</li> </ul>	

	<p>likely to be limited. The Assessment concludes that the sterilisation of the mineral resource without prior extraction is acceptable at the site.</p> <ul style="list-style-type: none"> <li>• <b>As a result of the above assessment, the proposed development sites (B, C and D) are suitable for residential development with the overriding need for residential development, the difficulties associated with extraction and the lack of demand for Brickearth within Kent being sufficient justification to support the sterilisation of the mineral resource.</b></li> </ul>	
<p><b>Ecology/ Biodiversity</b></p>	<ul style="list-style-type: none"> <li>• A Preliminary Ecological Appraisal (Phase 1 Habitat Survey) ('PEA') has been undertaken to inform the preparation of these Representations and the emerging Concept Masterplan. This has been updated since the previous submission, however, the baseline conditions remain largely as they were before. The PEA is included as Appendix 9 of this Report.</li> <li>• The PEA concludes that Sites BCD are of limited botanical interest (as the majority comprises species poor improved grassland - arable agricultural use) although they may have some value for fauna. While improved grassland is the principal habitat, the site does accommodate localised areas of habitats that have potential to support protected species, including ancient woodland, hedgerows, ponds, and the Sarre Penn river channel. As these potentially valuable habitats comprise a small proportion of the site only, it is anticipated that they can be retained (or satisfactorily re-provided) as part of redevelopment. This should not significantly constrain development potential.</li> <li>• Species specific surveys will be required at the planning application stage and appropriate mitigation strategies identified and secured. Desk-based surveys have however been undertaken and can be summarised as follows:             <ul style="list-style-type: none"> <li>- Bats – the Desk-based survey identified the site as supporting habitats suitable for foraging and commuting bats. Site B is identified as having suitable trees located within its boundary that would support bat roosts. It is likely that further work in relation to this will be required to establish suitable mitigation measures.</li> <li>- Dormice – suitable habitats have been identified within Site B, C and D, offering opportunities to forage, commute, breed and hibernate. Site B in particular offers the mix of habitats most suitable for this species with the northern edge of Brotherhood Wood noted as being of particular importance.</li> <li>- Badgers – the survey area provides suitable badger foraging and commuting habitat. Setts were identified within Site B and C, with the sett in Site B comprising over 15 entrances indicating it may constitute a main sett used as the principal breeding site for a badger clan. In addition, badger dung pits which are used as territorial markers were identified in Site C.</li> <li>- Water Vole – a stream runs along the northern edge of Site D which could support this species. Site B offers limited suitability for foraging and breeding habitat for water voles.</li> <li>- Hedgehog – the survey area supports extensive areas of suitable habitat.</li> </ul> </li> </ul>	

	<ul style="list-style-type: none"> <li>- Breeding birds – the trees and habitat present within the Survey Area have the potential to support common and widespread species of breeding birds. Records of three species were identified by KMBRC and further survey work will be undertaken to support the preparation of any future planning applications for the site.</li> <li>- Invertebrates – there is likely to be some suitable habitat or protected and notable invertebrates such as the woodland and good quality semi-improved grassland. Remaining lower value habitats are likely to support common and widespread invertebrates only.</li> <li>- Great Crested Newts – Ponds suitable for breeding were identified during field surveys, including 2 within Site B, 1 within Site C and 1 within Site D. In addition, a rubble pile located within Site B and log piles at the Access Road Site offer hibernacula for great crested newt. Further survey and assessment work will be required in relation to this species.</li> <li>• The site is located in close proximity to the Blean Woodland complex which is designated as a Special Area for Conservation (SAC). It is also located within the Zone of Influence of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Thames Medway and Swale Estuary SPA. Habitats Regulation requirements in terms of Screening and potential Appropriate Assessment will need to be satisfied at the planning application stage. Mitigation measures to manage access/recreation pressure on these designated sites are to be identified and worked into the masterplan as part of an Environmental Strategy.</li> <li>• Further investigation will be required regarding the interrelationship between potential air quality impacts associated with development (notably vehicle traffic) and the Blean Woodland SPA to determine if this could constrain development potential and/or whether any site-specific mitigation measures are necessary. A district-wide strategy may be the most appropriate solution.</li> <li>• A number of small areas of land adjacent to the site boundary are designated as Local Wildlife Sites and Local Nature Reserves. Site B and D are within a 'SSSI Impact Risk Zone' requiring consultation with Natural England. Site B and D are both partially located within a National Habitat Network 'Network Enhancement Zone 1'. Sites B, C and D are all wholly located within 'The Blean' Biodiversity Opportunity Area. Consideration will need to be given to any potential impact that development might have on these designated areas and necessary mitigation measures identified.</li> <li>• <b>The site itself has limited ecological value. At this stage it is anticipated that existing valuable habitats can either be retained or re-provided on-site and that there is an opportunity for bio-diversity net gain as part of redevelopment.</b></li> <li>• <b>As set out within the submitted Ancient Woodland Policy Matters Note (dated August 2021, and included as Appendix 7):</b> <ul style="list-style-type: none"> <li>○ <b>A site visit was undertaken by WSP's arboricultural team to help establish the quality of the woodland (included as 'Ancient Woodland' on the Environment Agency's current inventory).</b></li> </ul> </li> </ul>	
--	---	--

	<ul style="list-style-type: none"> <li>○ <b>This visit found that the oldest tree on-site is likely to be between 150 and 200 years old.</b></li> <li>○ <b>As such, none of the trees show signs of being in-situ prior to 1600AD (and therefore it is questionable whether the woodland actually meets the definition of ‘Ancient Woodland’).</b></li> <li>○ <b>For the reasons explained above, it is not clear whether any Ancient Woodland or Veteran Trees would be harmed by the delivery of 2000 residential units at the Site. Further investigations and survey work is required to determine this, however, at this point in time it is anticipated that potential harm to Ancient Woodland (and/or Veteran Trees) could at best be avoided or at worst be limited.</b></li> <li>○ <b>Should it be concluded that there would be any harm, then a compensation package will be prepared in line with best practice.</b></li> <li>● <b>A strategy will be required to inform the preparation of development proposals and to manage future development to ensure that the potential for adverse impacts on off-site ecological assets is managed and mitigated where appropriate. A preliminary strategy will be prepared to inform masterplanning work and will be submitted as part of Representations to the next round of Local Plan consultation. On this basis, the site is suitable for development in ecological terms.</b></li> </ul>	
<p><b>Noise</b></p>	<ul style="list-style-type: none"> <li>● There are no known noise sensitive receptors or significant sources of noise in the local area that would make the site unsuitable for development. Good acoustic design measures including a carefully considered development layout / orientation to screen external amenity areas will be considered throughout the preparation of the emerging Concept Masterplan.</li> <li>● A Noise Impact Assessment would be undertaken at the planning stage.</li> <li>● <b>The sites are suitable for development in noise terms.</b></li> </ul>	
<p><b>Air quality</b></p>	<ul style="list-style-type: none"> <li>● The sites are not located within an Air Quality Management Area with the closest being located 2.15km to the south near the junction of A229 Whitstable Road and Forty Acres Road near the centre of Canterbury.</li> <li>● There are no known existing air quality issues that would make the sites unsuitable for residential development.</li> <li>● In the short-medium term the development of the site will likely have an adverse impact on air quality through construction stage dust and vehicle based emissions once operational (this will likely fall away in the medium-long term due to the shift to electric vehicles and through the development of a transport hub within the northern portion of Site B which would seek to promote public transport measures). As noted above, there are a number of sensitive sites in the local area that could be adversely impacted by this.</li> <li>● An initial Air Quality Assessment has been undertaken (and included at Appendix 8 of this Representation), this concludes the following:             <ul style="list-style-type: none"> <li>○ As the relevant Critical Levels and Loads for NOX and NH3 concentrations and acid deposition are envisaged to be met in 2040 with the Proposed</li> </ul> </li> </ul>	<p>-</p>

	<p>Development (i.e. a 2000 home masterplan) at operational stage, no mitigation is considered necessary for these pollutants and the residual effects are considered to be not significant.</p> <ul style="list-style-type: none"> <li>○ The results for N deposition identify a number of sites where the predicted change due to the Proposed Development ‘alone’ exceeds 1% of the relevant Critical Load. For those located within the Site Boundary a mitigation strategy will be developed as part of any masterplan. For those sites located off-site any potential exceedances are identified as short-term and temporary and are not considered to significantly delay future improvements in N deposition. Given the preliminary nature of the current Air Quality Assessment, it is considered that further modelling through the Local Plan process along with consideration of the quality and sensitivity of the designated sites themselves will be required to determine if a significant effect would occur.</li> <li>○ Notwithstanding the above, any forthcoming masterplan at the Site should be designed to promote sustainable modes of transport including the provision of appropriate infrastructure for pedestrians and cyclists. Infrastructure for electric vehicles (EVs) should also be incorporated into the Proposed Development, taking into the account the Government’s ban on the sale of petrol and diesel vehicles from 2030 and subsequent effect on the vehicle fleet. The effect of electric vehicles infrastructure within the future masterplan should be evaluated in the next stage.</li> <li>○ A Travel Plan will be prepared to accompany the submission of any future planning application concerning Sites BCD, which will include a number of measures that are also likely to benefit general air quality within the vicinity of</li> </ul> <p>• <b>Given the above, Sites BCD are suitable for development in air quality terms. There may be some constraints to development and/or a requirement for mitigation measures and these will be considered, in combination with the measures considered to mitigate the loss of ancient woodland, in due course.</b></p>	
<p><b>Ground conditions</b></p>	<ul style="list-style-type: none"> <li>• The site’s historic uses indicate that it is not likely to be subject to contamination.</li> <li>• The majority of the Site B is within an ‘unproductive’ groundwater vulnerability area, with sections towards the centre of the site having a ‘low’ and ‘medium – low’ value.</li> <li>• Site B has a designated ‘Minor Aquifer Intermediate’ Ground Water Vulnerability as per Environment Agency Mapping.</li> <li>• Site C and D are classified as having an ‘unproductive’ groundwater vulnerability area.</li> <li>• Site B, C and D soilscape comprises a combination of partly ‘Freely Draining Slightly Acid Loamy Soils’, partly ‘Slowly Permeably Seasonally Wet Acid Loamy and Clayey Soils’, and partly ‘Loamy Soils with Naturally High Groundwater’.</li> </ul>	

	<ul style="list-style-type: none"> <li>• Site B comprises primarily London Clay, Head Gravel, and Brickearth geological conditions. Site C and D comprise predominantly 4<sup>th</sup> Terrace and small sections of London Clay along their southern boundaries.</li> <li>• <b>There are no known Ground Condition constraints that have been identified and the sites are therefore considered suitable for development.</b></li> </ul>	
Utilities	<ul style="list-style-type: none"> <li>• Both Site B (northwestern corner) and Site D (through the middle of site) have an underground gas line running north-south through the sites. Southern Gas Network (as the operator) has been engaged and further work is being undertaken to understand the development potential within the identified easement areas. This will need to be accounted for as part of masterplanning but does not prevent the development of the site. This work is ongoing and further information is likely to be provided as part of the Local Plan Representations.</li> <li>• The existing university campus is served by all utilities and at this stage it is anticipated that these can be extended into the site (alongside appropriate capacity upgrades).</li> <li>• <b>The sites are suitable for development in utilities terms.</b></li> </ul>	

5.17 As demonstrated above, further to the preparation of additional technical and environmental evidence, Sites BCD are considered to be **robustly suitable for the delivery of housing-led development.**

### Availability

5.18 UoK holds the freehold title to all land promoted in this submission with the exception of a small area of land adjacent to the Main Retained Campus on Giles Lane (which forms part of the Main Campus site). This does not encroach on to Sites BCD.

5.19 There are no restrictive covenants (or similar constraints) on the land that prevents it being brought forward for development.

5.20 The University (and the 3<sup>rd</sup> party) confirm that the land is available for development now.

### Achievability

#### Disposal Sites (Sites BCD, E and F)

5.21 The University has appointed Land Agents (Avison Young) to provide market/development advice on the development potential of the disposal sites.

### Market Appraisal

5.22 An appraisal of market conditions for the proposed (non-Higher Education related) has been previously undertaken and submitted as part of the previous Call for Sites submission (Appendix 1). This concludes the following:

- **Housing** – The market fundamentals are strong in this location. There would be good market demand for new housing in this location (Sites BCD and E);
- **Offices** – The market will support small scale office development as part of a wider residential-led mixed use scheme or one that complements (slots into) the existing University campus on Sites B & E;
- **Industrial** – There would be limited demand for industrial development in this location; and
- **Hotel** – Sites A, B and E offer potential to support a hotel/conferencing facility.

### Delivery

#### *Site BCD*

5.23 The University does not intend to act as developer for Site BCD. Its intention is to sell the site onto a developer who will take it forward. There are a wide range of potential routes available to the University, ranging from a simple disposal to a 3<sup>rd</sup> party to different partnership options. The options each have advantages and disadvantages in terms of financial return; risk; control; resource requirements; and procurement complications. Avison Young currently advising the University on the most appropriate approach, which is expected to be agreed by end 2023.

5.24 Notwithstanding which delivery option the University chooses, site BCD would be an attractive proposition for strategic land/master developers as well as some of the larger plc housebuilders. We would expect both to partner with a Registered Provider (for the purposes of delivering the affordable housing component) and would likely to deliver a range of product (in terms of style, unit size, and unit type) likely with 3-4 outlets running in parallel. We would anticipate a completion rate of around 50 units per year per outlet (200 per year in total), with a total delivery period of 10-15 years when accounting for market fluctuations.

5.25 Avison Young intend to undertake further soft market testing with housebuilders/developers over the course of 2023 to inform the update to the University masterplan, and to help ensure the deliverability of the disposal site proposals. The results of this will form part of future representations to the local plan.

### Viability

5.26 On the basis of the market appraisal, it is anticipated that the proposed development for the Disposal Sites will be viable. The update to the University's Masterplan (to incorporate the updated proposals for the Disposal Sites) will be informed by viability testing to refine the proposals. Viability appraisal evidence will be submitted to the Council as part of future representations.

## **Sustainability Appraisal**

### ***Assessment of Sites BCD***

- 5.27 In preparing the Draft Local Plan, and in accordance with Section 19(5) of the Planning and Compulsory Purchase Act 2004, CCC has prepared a Sustainability Appraisal of the Local Plan. The purpose of this document is to help guide the selection and development of policies and proposals/allocations within the Local Plan in terms of their potential social, environmental and economic effects.
- 5.28 CCC's Sustainability Appraisal is accompanied by a separate 'Sustainability Appraisal of Strategic Land Availability Assessment' (SASLAA) document (July 2022). This document provides an appraisal of the sustainability effects of sites which were submitted in response to CCC's previous Call for Sites exercise (in addition to any allocations from the previous Local Plan which are 'rolling forward').
- 5.29 With regards to Sites BCD, the SASLAA states the following:
- The Sites are identified as being 'technically unsuitable in the SLAA'.
  - The Sustainability Appraisal has identified significant and minor negative impacts and when reviewed alongside the SLAA. There are concerns that these impacts cannot be suitably addressed.
  - However, these sites all form part of The University of Kent's landholdings to the north of Canterbury and may present an opportunity in the longer term to deliver improved highway connectivity to the north of the city and facilitate the potential completion of an outer ring-road to complement the Canterbury Circulation Plan.
  - The sites have therefore been identified in Draft Local Plan Policy C26 for further consideration in the Local Plan period to help facilitate the delivery of strategic highway infrastructure with the appropriate mitigation of constraints identified in the SLAA/Sustainability Appraisal.



5.30 We do not agree with the Sustainability Appraisal's assessment of Sites BCD's suitability for redevelopment. In our view, the Sustainability Appraisal should state (especially in light of UoK's latest submitted evidence):

- That Sites BCD are a suitable and sustainable development opportunity which should be allocated within the emerging Local Plan.
- That the access strategy options set out within the Preliminary Transport Assessment appear workable.
- That there is an unignorable economic need for the Sites to be delivered, to ensure the future success of the University (and to ensure that its significant contribution to Canterbury's economy is sustained).

## 6. Comments on the SLAA and Sustainability Appraisal (Comparison with Alternatives)

6.1 In order for the new local plan to be justified, it must be able to demonstrate with proportionate up to date evidence that its policies and site allocations represent an appropriate strategy, taking into account reasonable alternatives. For the purposes of these representations, the sites currently identified for allocation in the draft local plan may represent ‘alternatives’ to the proposed allocation of Sites BCD. The purpose of the representations set out in this section is to provide our comments and observations on how the alternative sites with the greatest housing capacity have been assessed in the SLAA and Sustainability Appraisal, insofar as this is relevant to whether the most appropriate sites have been selected for allocation.

### Strategic Land Availability Assessment

6.2 We have previously set out that Sites BCD are considered to be suitable, available and achievable/deliverable for large-scale residential-led development (and therefore that the sites should be allocated within the emerging Local Plan).

6.3 In addition, and to support our position, we have undertaken an audit of various key proposed site allocations within the Draft Local Plan, to identify how these sites were assessed within CCC’s SLAA.

6.4 To confirm, we have reviewed the following key ‘alternative sites’:

- **Cooting Farm (Draft Policy R1 / SLAA267):** Illustrative capacity of 3,200 units;
- **Merton Park (Draft Policy C6) / SLAA151):** Illustrative capacity of 2,075 units;
- **Littlebourne Road (Draft Policy C12 / SLAA122):** Illustrative capacity of 1,400 units;
- **Brooklands Farm (Draft Policy W5 / SLAA104):** Illustrative capacity of 1,300 units;
- **Hollow Lane (Draft Policy C7 / SLAA259):** Illustrative capacity of 735 units;
- **Bekesbourne Lane (Draft Policy C13 / SLAA266):** Illustrative capacity of 645 units; and
- **Aylesham South (Draft Policy R20 / SLAA180):** Illustrative capacity of 420 units.

6.5 Further to our review, we highlight the following matters:

- Whilst 6 of the alternative sites were identified as being 'suitable' for redevelopment, **CCC officers did not consider Bekesbourne Lane to be 'suitable'** at the time of drafting the SLAA (despite this site ultimately comprising a proposed allocation within the Draft Local Plan).
- **Agreement of the transport and access strategies for 3 of the alternative sites (Aylesham South, Hollow Lane and Beckesbourne Lane) appear to be unresolved/ongoing**, with the SLAA being inconclusive on these matters.
- With the exception of Merton Park, **all of the alternative sites were identified as requiring transport mitigation** (such a junction and/or local highways improvements) in order to deliver their indicative housing numbers.
- 3 of these alternative sites (Cooting Farm, Aylesham South Littlebourne Road) **included areas of ancient woodland on-site.**
- Almost all of the alternative sites (with the exception of Hollow Lane) were considered to be **ecologically sensitive**. 6 of these sites (Cooting Farm, Merton Park, Littlebourne Road, Brooklands Farm, Bekesbourne Lane and Aylesham South) include priority habitats on-site.
- Several of the alternative sites were subject to other identified constraints (including but not limited to):
  - o Cooting Farm lies adjacent to Site is **adjacent to a Local Landscape Designation / Area of High Landscape Value.**
  - o Merton Park is partially covered by a **KCC Minerals Safeguarding** (Brickearth) zone. The site is also adjacent to the A2 road (and potentially impacted by associated noise).
  - o There is a **medium pressure gas pipe** along the eastern boundary of the Aylesham South site which could lead to additional costs associated with the site's delivery.
  - o The entirety of the Hollow Lane site is covered by Canterbury **Area of High Landscape Value.**

6.6 The above demonstrates that all of the alternative sites are subject to a numerous similar (and at times more significant) constraints when compared with Sites BCD. Furthermore, given the updated technical/environmental evidence provided as part of this Representation, Sites BCD would now arguably score more favourably in transport and ecology terms than as previous assessed within the SLAA.

- 6.7 **When considered in comparison with the alternatives, the SLAA/Sustainability Appraisal evidence suggests that Sites BCD should be considered as a preferable housing allocation site on suitability, availability and achievability grounds. When teamed with the significant economic pressures which the UoK is facing (and the requirement for the Local Plan to address these), the case to allocate Sites BCD for housing-led development within the Local Plan is clearly compelling.**

### **Sustainability Appraisal**

- 6.8 CCC has also assessed (and scored) the alternative sites against key suitability criteria set out within the Sustainability Appraisal of Strategic Land Assessment Availability (SASLAA): Air Quality; Biodiversity; Geology; Landscape; Water; Flooding; Historic Environment; Housing; Land Use; Employment; Transport; and Sustainable communities.
- 6.9 Within the SASLAA, the Council has given a numerical score to each of the SLAA sites against some (not all) of these topics. Where a numerical score has not been given, it measures the impact of development in the following manner:
- -- :) significant adverse
  - - : adverse
  - 0 : neutral
  - + : positive
  - ++ : significant positive
  - ? : uncertainty
- 6.10 In order to assess the overall 'score' of each strategic site and to enable a comparison to be made between the performance of each, we have assumed that the above can be quantified as follows:
- -- (significant adverse): -2
  - - (adverse): -1
  - 0 (neutral): 0
  - + (positive): 1
  - ++ (significant positive): 2

- 6.11 For the purposes of control, uncertainties have been removed from scoring as it they do not appear to have had any bearing on the impact assigned to each category in the SLAA. Nonetheless, most the uncertainties for the sites considered have been for biodiversity impacts and can therefore be considered a nondeterminative matter with regard to the overall score.
- 6.12 It should be noted that for each suitability criteria, the SASLAA included some sub-categories where appropriate. In these instances, the score attached to the planning consideration is a sum of the scores of the sub-categories.
- 6.13 Table 2 overleaf provides a summary of the scores. For ease of comparison, we have also included how Sites BCD have been scored within the SASLAA (albeit these sites were scored by CCC individually rather than on the basis of their combined development potential).
- 6.14 Further to Table 2, it is apparent that UoK's 'Site C' has the highest score when compared against these other key sites, while Sites B and D score comfortably higher than the lowest scores identified (pertaining to Hollow Lane and Brooklands Farm - both of which have an assumed housing capacity considerably less than Sites B, C and D combined).

**Table 2: SASLAA scores**

Site	Hollow Lane	Brooklands Farm	Littlebourne Road	Aylesham South	Bekesbourne Lane	Merton Park	Cooting Farm	UoK Site B	UoK Site C	UoK Site D
Air Quality	0	0	0	0	0	-1	0	0	0	0
Biodiversity	-4	-8	-7	-4	-5	-3	-3	-7	-2	-5
Geology	-2	-2	-2	0	-2	-4	-2	-2	-2	-2
Landscape	-4	-2	-2	-2	-2	-2	-2	-2	-2	-2
Water	-2	-2	-2	-1	-3	-2	-1	-2	-1	-2
Flooding	-4	-2	2	2	2	2	2	2	2	2
Historic Environment	0	-2	-2	-2	-2	-2	-2	-2	-2	-2
Housing	2	2	2	2	2	1	2	2	2	2
Land Use	-2	-2	-2	-2	-2	-1	-2	-2	-2	-2
Employment	2	4	2	0	2	5	2	2	2	1
Transport	-1	0	0	0	0	0	0	0	0	-1
Sustainable Communities	4	3	4	2	5	3	4	6	4	4
<b>Total</b>	<b>-11</b>	<b>-11</b>	<b>-7</b>	<b>-5</b>	<b>-5</b>	<b>-4</b>	<b>-2</b>	<b>-5</b>	<b>-1</b>	<b>-7</b>

- 6.15 As shown above, Sites BCD (both individually and in combination) score better than a number of the alternative sites which have been proposed to be allocated within the Draft Local plan.

- 6.16 The scoring within the SASLAA currently fails to take account of Sites BCD's role in sustaining UoK's economic future. Given that the SA is supposed to assess both the economic and social value of potential allocation sites, this is an important omission that should be corrected (which in our view would result in Sites BCD scoring more favourably).
- 6.17 In addition, further to submission of UoK's latest technical/environmental evidence (notably the updated Preliminary Transport Assessment), we consider that Sites BCD should score more favourably within the above matrix (and when compared with some of the other alternative sites identified above).
- 6.18 It therefore appears that there is **a strong sustainability case for allocating Sites BCD, when compared to the alternatives. When teamed with the overriding economic considerations (i.e. the need to ensure the future successful operation of UoK and its wider economic benefits), the case for allocating Sites BCD is compelling.**

## 7. Policy C26 (Land to North of University of Kent)

7.1 As summarised above, the latest evidence indicates that:

- Land to the north of the University of Kent (Sites BCD) should be treated as a suitable, available and achievable site in the SLAA with capacity to deliver around 2,000 new homes alongside associated facilities.
- This should be treated as a more sustainable means of accommodating the district's future housing requirement when compared to a number of the alternative sites earmarked for allocation in the draft Local Plan, on the basis of the Local Plan's Sustainability Appraisal.
- The allocation of the site for housing will ensure that the Local Plan's housing policies are aligned with and complementary to its economic policies. This will enable the district's economic needs to be met – a significant public benefit which is incapable of being achieved if the site is not allocated.

7.2 Draft Local Plan Policy C26 currently designates 'land to the north of UoK's main campus' (i.e. Sites BCD) as an 'opportunity area'. While this is welcomed by UoK it **falls short** of the providing the planning certainty necessary for the land to be brought forward for development, as required to meet the **economic needs** of the district. It also does not accord with the housing related evidence (including the new evidence submitted with this representation), which firmly indicates that the site should be considered as a **preferred location for housing, including when compared to the alternatives, and therefore allocated for development.**

7.3 As a consequence, we do not consider that Policy C26 (nor key housing-delivery policies within the Draft Local Plan or the identified site allocations) to **be positively prepared, justified, effective, or consistent with national policy.**

7.4 These policies can be made sound principally by **replacing Policy CP26 with a site allocation that supports the development of Site BCD for around 2,000 homes and associated development.**

## 8. Comments on Housing-related Policies

### Policy DS1: Affordable housing

8.1 Part 1 of Policy DS1 currently seeks to ensure the following:

*“Development proposals for 10 or more dwellings, on sites of 0.5 hectares or greater, will provide at least 30% affordable housing. Affordable housing should be provided off-site”.*

8.2 The University broadly supports the requirement to provide affordable housing within new major residential developments. However, we consider that Part 1 of Policy DS1 should make clear that this level of affordable housing will be required ‘unless lower provision is justified via viability evidence’ in due course.

8.3 Part 2 of Policy DS1 identifies that the following tenure mix should be provided for affordable housing:

- a) 66% for affordable or social rent;
- b) 25% First Homes; and
- c) 9% affordable home ownership

8.4 Again, the University supports the broad policy aspiration to ensure that affordable housing (and its associated tenure) is delivered to address identified local housing needs. However, we again consider that the wording of ‘Part 2’ should be revised to include flexibility for alternative tenure splits/mixes to be accepted within new development schemes ‘if justified through viability evidence and/or if agreed with the Council’.

8.5 We strongly support the exclusion of the University of Kent (the ‘University’) from affordable housing contributions in instances where the University proposes student accommodation necessary for it to maintain its student numbers. However, this should extend to instances where the University is seeking to accommodate an increase in its student numbers, in line with its growth ambitions that will be achieved by the implementation of the University of Kent Masterplan. We suggest the following wording:

*Proposals for student accommodation by either University of Kent or Canterbury Christchurch University necessary for either university to maintain or support an increase in its student numbers will be exempted from this requirement.*

### Policy DS2: Housing mix



- 8.6 Part 1 of the Draft Policy DS2 identifies that “development proposals which include new housing will provide sustainable mixed communities including a mix of housing types and sizes to meet the needs of the community”.
- 8.7 UoK supports CCC’s aspiration to deliver communities which are sustainable and mixed-use within Canterbury.
- 8.8 Part 2 of the Draft Policy DS2 sets out a series of prescriptive housing mix requirements for new market housing within Canterbury and the Coastal Towns, Rural North and Rural South areas. Specifically, the draft policy states that proposals for ‘more than 50 dwellings must include a housing mix which closely aligns with this’ (subject to a 5% buffer for each dwelling size).
- 8.9 In response, whilst UoK supports the aspiration to secure an appropriate mix of market housing throughout Canterbury, it is considered that greater flexibility should be included within the policy. For example, currently the policy wording requires a ‘one size fits all’ approach to housing mix for large residential schemes within the Canterbury. UoK recommends that additional wording be added to help ensure that ‘site-specific considerations’ may also result in alternative/variations to the prescribed housing mix being acceptable.
- 8.10 Part 3 of Draft Policy DS2 similarly identifies a prescriptive housing mix concerning affordable housing proposals. Furthermore, the draft policy currently requires that Developers will be expected to identify a Registered Provider to take on the affordable housing early in the process’.
- 8.11 In response, UoK again considers that the policy wording should include greater flexibility, to identify that alternative/variations to the prescribed affordable housing mix may be acceptable if justified by ‘site-specific circumstances’.
- 8.12 Part 4 of Draft Policy DS2 requires that development proposals for more than 300 dwellings consider whether there is an identified need for ‘self and custom-built housing’ and ‘build-to-rent’ housing.
- 8.13 UoK broadly support the aspiration to ensure that a variety of different housing typologies and products be delivered within Canterbury (to meet its housing needs). However, considers that these requirements should be decided on a scheme-by-scheme basis (taking account of scheme viability, site characteristics and constraints and other key development considerations).
- 8.14 Part 5 of Draft Policy DS2 notably requires that proposals for 300 or more homes “*will provide a minimum of 10% of homes as older persons housing*”.
- 8.15 UoK broadly supports the aspiration to ensure that older persons housing be delivered to meet local need and to ensure the creation of mixed, sustainable communities. However, considers that the policy needs to be worded more flexibly, to help ensure that the requirement will not result in viability

challenges and/or undermine the wider Local Plan’s aspirations to deliver significant and much-needed new homes within Canterbury.

## 9. Comments on Environmental-related Policies

### Policy DS17: Habitats of international importance

- 9.1 Part 1 of Draft Policy DS17 notes that proposals for development which may have a significant adverse effect on the integrity of a Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site will not be permitted.
- 9.2 UoK broadly supports the above policy aspirations, however, does request that the policy wording more clearly clarify what would be considered to be a 'significant adverse effect'. This approach would enhance the soundness of this policy.
- 9.3 Part 7 (a) of Draft Policy DS17 is currently worded as follows:

*"Proposals for more than 300 homes must provide high-quality on-site wastewater treatment facilities with permit levels no greater than 0.1mg/l for P and 15mg/l for N, together with an on-site SUDS design which removed a minimum of 50% of P and N from the surface water".*

- 9.4 UoK understands the important to mitigate against the environmental impacts of nitrates and phosphates generated via new large-scale development within Canterbury and the Kent area more widely. However, the above policy requirement comprises a 'one size fits all approach' for large-scale residential proposals. To ensure that the housing and economic delivery aspirations of the Draft Canterbury Local Plan are realised, we consider that the wording of this policy should be more flexible to as to allow other forms of mitigation to be considered, explored and agreed with CCC in due course (if justified via site-specific circumstances).

### Policy DS20: Flood risk and sustainable drainage

- 9.5 Part 1 of Draft Policy DS20 identifies that new development which would increase the risk of flooding on or off the development site, or which would compromise the performance of flood defences, will be refused.
- 9.6 Whilst we broadly support the aspiration to ensure that new development does not result in flood risk issues on-site or within wider Canterbury, we consider that the wording of Part 1 should be revised slightly as follows:
- "Proposals for development that would increase the risk of flooding on or off the development site, or would compromise the performance of flood defences will be refused (unless justified through a robust mitigation strategy)".*
- 9.7 The above wording would result in the policy wording being more 'positively prepared', and would enhance the soundness of this part of Draft Policy DS20.

- 9.8 Part 3 of Draft Policy DS20 requires that new development sites, which have not been previously developed and are identified as requiring a site-specific flood risk assessment, should undertake a Sequential Test and, where required, the Exception Test. The Policy identifies sites that would require a site-specific flood risk assessment include sites within Flood Zones 2 and 3, in accordance with the PPG, and sites larger than 1 ha in Flood Zone 1.
- 9.9 The purpose of a Sequential Test is to ensure that a sequential risk-based approach is followed to steer new development to areas with the lowest risk of flooding. However, and importantly, Policy DS20 does not apply an exclusion to the need for a Sequential Test for allocated development sites and therefore runs contrary to the Flood Risk and Coastal Change (2022 Update) PPG, which applies such an exclusion in paragraph 27 (Reference ID: 7-027-20220825).
- 9.10 Requiring that allocated sites undertake a Sequential Test and Exceptions Test at application stage is an unnecessary requirement (given that the suitability of these allocations in relation to other potential development site opportunities will have already been assessed as part of the Local Plan preparation and its evidence base).
- 9.11 Given the above, we consider that Part 3 of Draft Policy DS20 be revised as follows:

*For new development on sites which have not been previously developed or allocated development sites in this Plan, and are identified as requiring a site-specific flood risk assessment, the Sequential Test should be undertaken. Where required, the Exception Test should also be applied.*

*The Sequential Test is considered to be passed for the City and Town Centres and the commercial areas, as identified on the policies map, however qualifying developments within these areas should still be considered against the Exception Test.*

### **Policy DS21: Supporting biodiversity recovery**

- 9.12 Policy DS21 requires all proposals for development to demonstrate and deliver a minimum of 20% biodiversity net gain ('BNG') calculated using the latest Natural England biodiversity metric. The minimum threshold exceeds the statutory requirement of 10%. Setting the minimum BNG at twice that of the statutory threshold will constrain the delivery of development, particularly housing delivery as it could produce significantly unfavourable viability outcomes for many sites.
- 9.13 We suggest that part 3 of this Policy, and the associated reference in Policy SS1, are revised to reflect a 10% BNG, in line with the statutory requirement.

### **Policy DS24: Publicly accessible open space and sports**

- 9.14 Part 1 of Draft Policy DS21 requires that all proposals for major development must be accompanied by a Green and Blue Infrastructure Strategy. For developments comprising more than 300 homes, “a minimum of 20% tree cover across the site, in line with the council’s Tree Strategy” will be required.
- 9.15 UoK broadly supports the above policy aspiration, which seeks to ensure that major development schemes optimise blue and green infrastructure opportunities. However, to ensure that these policy requirements do not restrict delivery of much needed housing within Canterbury, we consider that the policy should be worded more flexibly to allow for ‘alternative provision of tree cover to be acceptable, subject to consideration of site constraints and other key development considerations’.
- 9.16 Part 3 of Draft Policy DS2 currently requires the following:
- “All proposals for development, other than those exempt through national legislation, will be required to demonstrate and deliver a minimum of 20% biodiversity net gain calculated using the latest Natural England biodiversity metric (or an alternative metric set out in legislation), and taking consideration of any national or local guidance on what values should be used”.*
- 9.17 UoK broadly supports the aspiration to optimise for new development to deliver Biodiversity Net Gain (BNG) in accordance with national policy requirements. Furthermore, UoK supports CCC’s proposals to pursue more ambitious BNG targets (i.e. a 20% net gain in biodiversity requirement), providing that this does not compromise the viability and deliverability of new homes (and other forms of development) within the County. In our view:
- Emerging BNG policies should be worded flexibly, to ensure that BNG requirements in excess of 10% are only pursued where viable and appropriate (taking account of site-specific and locational circumstances).
  - KCC’s forthcoming BNG viability assessment should therefore clearly evidence strategic sites and other emerging strategic opportunities where they consider higher BNG requirements could apply.
  - In short, KCC (and the Local Planning Authorities within the County) should be required to robustly justify instances where higher BNG targets are required through provision of appropriate evidence.

## 10. Comments on Economic & Infrastructure Policies

### Policy DS7: Infrastructure delivery

- 10.1 Draft Policy DS7 notably identifies the following requirements concerning infrastructure delivery in new development:
- *“Where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement being provided to an agreed delivery programme.*
  - *Developments which cannot demonstrate that necessary infrastructure can be delivered at the right time to mitigate impacts will be refused.*
  - *Community infrastructure provided as part of new developments should be accessible to new and existing residents - preferably within 15 minutes walking time and always within 15 minutes cycling time - and should be designed to be flexible, adaptable and to promote social inclusion.*
  - *Development proposals should make provision for all the land required to accommodate any additional infrastructure arising from that development, or where it is demonstrated if it is not feasible to provide the required infrastructure on-site, set out a clear and effective strategy for provision off-site”.*
- 10.2 We broadly support the policy aspiration to ensure that infrastructural requirements are robustly addressed through new development. We also welcome that Draft Policy DS7 allows for a degree of flexibility, in the event that all infrastructural improvements required cannot be delivered on-site.
- 10.3 Part 8 of Draft Policy DS7 identifies that a deviation from these infrastructure policy requirements will only be considered appropriate where one of more of the following have occurred to a significant degree since the adoption of the relevant development plan:
- Additional infrastructure or abnormal costs which could not have reasonable been foreseen;
  - Adverse changes in building costs relative to sales value; and
  - Worsening of local market conditions such as a prolonged recession or an extraordinary local event demonstrably affecting development values.
- 10.4 Whilst we welcome the recognition that scheme viability may justify a departure from relevant infrastructure policy requirements in some instances, we consider that the above wording is currently too prescriptive (and potentially detrimental to the delivery and realisation of the wider economic and housing aspirations of the wider local plan).

10.5 We therefore suggest part 8 of this policy be revised as follows:

*To ensure that developments provide the necessary planning requirements to create and maintain sustainable settlements and neighbourhoods, deviation from policy requirements on grounds of viability will only be considered appropriate where one or more of the following have occurred to a significant degree since the adoption of the relevant development plan(s):*

*(a) Additional infrastructure or abnormal development costs which could not reasonably have been foreseen at the time of the development plan's adoption; or*

*(b) Adverse changes in building costs relative to sales values; or*

*(c) Worsening of local market conditions such as a prolonged recession or an extraordinary local event demonstrably affecting development values;*

*or*

*The Applicant demonstrates clear and unambiguous circumstances that justify the need for a viability assessment.*

10.6 Part 9 of Draft Policy DS7 states that “where policy requirements are not met due to an agreed viability reason, the viability of the proposal will be reviewed every three years in accordance with the requirements of this policy to seek to achieve full policy compliance in later development phases”.

10.7 We request that this wording be removed from Draft Policy DS7. As it stands, this policy suggests an ‘in perpetuity’ requirement for scheme viability to be reviewed every three years. This would place an unreasonable and unworkable burden on developers keen to deliver much needed economic and housing development within Canterbury (and the realisation of much needed new jobs and homes).

### **Policy DS9: Education and associated development**

10.8 Draft Policy DS9 identifies a series of development considerations concerning the ‘University of Kent’ campus, as follows:

*“Within the University of Kent campus boundary, as identified on the policies map:*

- a. Proposals for educational buildings for teaching, research and administrative functions, student residential accommodation, sports facilities and other facilities directly related to the University's core business will be supported.*
- b. Proposals for high quality business and commercial accommodation, including space for research and development and innovation, and hotel and conference facilities will be supported.*

- c. *Proposals for major developments involving increases in student accommodation or educational floorspace will be expected to be matched by a commensurate increase in high quality business and commercial accommodation within the campus.*
- d. *Proposals should reflect the design, landscape and masterplanning principles set out within the Canterbury Campus Framework Masterplan (2019) or subsequent update as agreed with the council”.*

10.9 We broadly support the above policy, given that it includes provision for a range of University-related development proposals to come forward (subject to a comprehensive masterplanning process). However, to ensure sufficient flexibility in the future (to allow for a wider range of potential alternative uses to come forward within the UoK Main Retained Campus) we request that Part 1(c) of this policy be updated as follows:

*“Proposals for major developments involving (but not limited to) increases in student accommodation or educational floorspace will be expected to be matched by a commensurate increase in high quality business and commercial accommodation within the campus.*



# 11. Conclusions

## 11.1 In conclusion:

- 1) The Draft Local Plan is not been **positively prepared** because it does not provide a strategy that seeks to meet the area's objectively assessed economic needs. Specifically, the economic evidence base that underpins the local plan does not objectively assess the economic needs of the Higher Education (HE) sector (nor consider how this sector influences/interacts with the needs of the wider economy) and therefore does not include policies that seek to meet these needs as a consequence. As a result, we consider that the plan is also not **justified, effective or consistent with national policy** in this regard. The plan can be made sound by:
  - **Updating the local plan evidence base** to include an objective assessment of the economic needs of the HE sector including the UoK. This should take full account of the UoK's unsustainable operating financial position and the improvement plan in place to resolve this, which is dependent on generating value from its estate via the disposal of its surplus land for development. Noting that in the worst case scenario, the failure of the improvement plan could be potentially severe for the University which would have very significant knock-on consequences for the local and regional economy.
  - **Adding an up-front economic strategy policy** that sets out the economic strategy for the district and which provides for objectively assessed economic needs and positively and proactively encourages economic growth. This policy should be underpinned by clear evidence and ultimately should acknowledge the fundamental role which the UoK plays in driving Canterbury's economy, and that of the district more widely.
  - Updating the currently proposed housing policies within the Draft Local Plan to ensure that these are **aligned** with the new economic strategy so that opportunities to realise benefits across each of the strategic policy matters can be optimised.
  - Update the district wide strategic policies in Chapter 6 for Employment and the Local Economy to ensure that these deliver the new economic strategy policy.
  - Review the proposed site allocations to ensure that these best support the delivery of the economic strategy (including through helping to secure the future economic success of UoK), to ensure that when the new Local Plan is read as a whole its policies work together in as effective way as possible to deliver the objectives of the Local Plan.

- 2) The draft plan is not **Justified** because the proposed housing policies (including Policy C26 and the proposed site allocations) are not the most appropriate, taking into account the reasonable alternatives and based on proportionate evidence:
- The UoK have prepared a masterplan that demonstrates how **Sites BCD** could accommodate a new neighbourhood of around 2,000 homes.
  - There is **an identified need for housing to be delivered within the District** throughout the Local Plan period. To meet this need, CCC must allocate suitable, available and achievable sites (following a review of available evidence).
  - **Sites BCD should be treated as a suitable, available and achievable** site for development which performs well when assessed against the **Sustainability Appraisal**, and offers the **unique ability to enable the economic needs** of the district to be met. Additional evidence has been prepared and submitted in support of this, including updated transport and environmental evidence (which has been prepared to address previous concerns raised by CCC).
  - Our review of how Sites BCD have been assessed within the SLAA and SASLAA in comparison to other alternative sites (which have been identified for allocation) indicates that **the case for allocating Sites BCD is as strong, if not stronger, than that associated with these alternative sites.**

As a result of this, the **draft housing policies are also not positively prepared, effective or consistent with national policy.** The plan can be made sound by allocating Sites BCD for residential-led mixed use development.

- 3) We have also reviewed, and have provided comments on, other key housing, environmental and infrastructure / economic policies within the Draft Local Plan (with a view to ensuring that these are robust and 'soundly prepared').

# Contact Details

## Enquiries

Smruti Patel

[smruti.patel@avisonyoung.com](mailto:smruti.patel@avisonyoung.com)

Colin Sinclair

[colin.sinclair@avisonyoung.com](mailto:colin.sinclair@avisonyoung.com)

## Visit us online

[avisonyoung.co.uk](http://avisonyoung.co.uk)

# Appendix I - Call for Sites Submission (June 2020)

# Appendix II – Call for Sites Submission (July 2021)

# Appendix III – Site Location Plan

# Appendix IV – High-level Indicative Masterplan

# Appendix V – Economic Impact of University of Kent (Viewforth Consulting Ltd)



# Appendix VI – Preliminary Transport Assessment (Updated)

# Appendix VII – Ancient Woodland Policy Matters Notes

# Appendix VIII – Air Quality Assessment

# Appendix IX – Preliminary Ecological Appraisal

---