
**Draft Canterbury District Local Plan
2040 (Regulation 18 Consultation:
March 2024)**

**Representations Submitted on behalf of
Fairfax Acquisitions Ltd**

Fairfax

FAIRFAX ACQUISITIONS LTD

Prepared by:

Woolf Bond Planning Ltd

WBP REF: 8248

JUNE 2024



Woolf Bond Planning
Chartered Town Planning Consultants

Table of Contents

1. INTRODUCTION AND SCOPE OF REPRESENTATIONS.....	4
2. THE NPPF TESTS OF SOUNDNESS	10
3. POLICY SS3: DEVELOPMENT STRATEGY FOR THE DISTRICT	12
4. POLICY R1: RURAL SERVICE CENTRES	26
5. POLICY R11: LOCAL SERVICE CENTRES	27
6. POLICY CF1: STRATEGIC ALLOCATIONS	28
7. OMISSION SITE: LAND WEST OF HERNE BAY ROAD, BROAD OAK (SHLAA Ref: 315)	29
8. SUMMARY AND CONCLUSION.....	39

APPENDICES

1. Location plan – Drawing Ref. 2055/PA-01
2. Constraints and Opportunities Plan - Drawing Ref. 2055/PA-02 Rev A
3. Concept Plan- - Drawing Ref 2055/PA-04
4. Transport and Accessibility Appraisal Note prepared by SDP (April 2024)
5. Initial Drainage Considerations note prepared by Yellow Sub Geo (January 2023)
6. Preliminary Ecological Appraisal prepared by The Ecology Co-op (January 2023)
7. Landscape and Visual Technical Note prepared by fabrik (January 2023)
8. Letter of 11th January 2023 to Maidstone Borough Council regarding the Stage 1 hearings of the Examination of the Maidstone Local Plan Review
9. Response of West Berkshire Council to the Inspector’s Initial Assessment of their Local Plan (September 2023)
10. Watford Borough Local Plan Inspector’s Report (September 2022)
11. Letter of Secretary of State regarding Long Term Plan for Housing (8th September 2023)
12. Start to Finish: How quickly do large-scale housing sites deliver? (3rd edition) (March 2024).

1. INTRODUCTION AND SCOPE OF REPRESENTATIONS

Introduction

- 1.1 Our client (Fairfax Acquisitions Ltd) (“Fairfax”) has a controlling interest in **land west of Herne Bay Road, Broad Oak (Strategic Land Availability Assessment (“SLAA”) Ref: SLAA315)**, hereafter referred to as ‘the Site’, which affords a sustainable location in providing for approximately 160 dwellings along with associated landscaping and public open space.
- 1.2 The Site has previously been promoted through the Call for Sites Exercise which accompanied the consultation by the Council in October 2022.
- 1.3 A SLAA Addendum was published by the Council in December 2023 and is to be read alongside the earlier SLAA published in July 2022. Section 2 of the Addendum assesses ‘new’ sites. It includes an assessment of the Site west of Herne Bay Road (SLAA Ref: 315).
- 1.4 The ‘Assessment Outcome’ for Site SLAA315 is set out on page 6 of the Addendum SLAA and states as follows:
- “There is concern regarding the impact of the site on the character of the local area and the surrounding landscape. The site is located in an area with poor pedestrian access to public transport therefore future occupiers would be dependant upon private car to access day to day services.”**
- 1.5 The Council also published a Sustainability Appraisal (“SA”) of the SLAA in December 2023. It assesses the sustainability effects of the SLAA sites.
- 1.6 Tab4 4.2 from page 38 onwards of the SA to the SLAA explains the Council’s reasoning for rejecting sites as housing allocations. The conclusion for Site 315 is set out on page 72 and states as follows:

“Site is identified as unsuitable in the Addendum to the SLAA Document (December 2023). The SA has identified significant and minor negative impacts and when reviewed alongside the SLAA there are concerns that these impacts cannot be suitably addressed. There is concern regarding the impact of the site on the character of the local area and surrounding landscape. The site is also located in an area with limited access to day to day services and public transport.”

- 1.7 For the reasons detailed in our representations (including the accompanying technical reports), it is submitted that the Site would not have harmful impacts upon the character of the local area or the surrounding landscape¹. Furthermore, taking account of the clear advice in the NPPF (paragraph 109) that any consideration of access to transport and services will need to acknowledge and recognise the different attributes available in rural compared to urban areas, its rejection on this ground is not supported.
- 1.8 The NPPF (paragraph 83) also emphasises that plans should actively support growth in rural areas, especially where this provides support to service in such location particularly where these also serve a wider area. This is further explored in the Transport and Accessibility note supplied (**Document 4**). Therefore, the reasons why the site have been discounted are not supported by the review as detailed in this submission.
- 1.9 For the reasons we explain, the Site is available, achievable and suitable. In the circumstances, the Site should be identified as a housing allocation in the Local Plan.
- 1.10 Development of the Site for approximately 160 dwellings would be well related to existing services in the settlement. In addition, the Site is well contained from wider views into and from the settlement, the morphology of which has also altered on account of the existing and committed built form of the Broad Oak, especially having regard to the grant of planning permission on other sites around the settlement.

¹ See especially the Landscape and Technical Note submitted.

-
- 1.11 The current draft Local Plan fails to include our client’s Site as a housing allocation. Accordingly, and for the reasons explained in our representations, including on account of failing to provide for the identified housing needs, the draft Local Plan does not comply with the tests of soundness at paragraph 35 (see also paragraph 16) of the NPPF (Dec 2023).
- 1.12 To address these matters, further sites must be identified and allocated for residential development, which, for the reasons specified in this statement (and the earlier submissions), should include our client’s land west of Herne Bay Road, Broad Oak.
- 1.13 Fairfax has a strong belief in the principle of the plan-led system, and in setting out our representations upon the draft Local Plan, we hope to be able to work with the Council between now and the formal submission of the draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure that the Local Plan satisfies the tests of soundness at paragraph 35 of the National Planning Policy Framework (“NPPF”).
- 1.14 Our representations propose a number of changes to certain policies within the draft Local Plan, which must be addressed prior to the Council’s agreement of a draft Submission Plan together with its subsequent submission for examination by the Secretary of State. This will both ensure that the Plan is sound and can effectively provide for the development needs of Canterbury District throughout an appropriate plan period.
- 1.15 As set out in the NPPF, Local Plans must be capable of delivering from the point at which they are adopted.
- 1.16 This means scrutinising the policy wording to ensure the plans are sound and that the allocations contained therein are capable of being delivered at the point envisaged. This is particularly the case in relation to the need for Council to collate a robust evidence base to justify the imposition of certain policies and/or their wording so as not to overburden and/or stifle sustainable and appropriate development.

-
- 1.17 In this instance, **the draft Local Plan needs to be amended to make it sound and to ensure it robustly plans for the delivery of sufficient housing to address a housing requirement established in accordance with national planning policy and guidance.**

Land west of Herne Bay Road, Broad Oak (SLAA315).

- 1.18 As detailed in these representations, the inclusion of the land west of Herne Bay Road, Broad Oak (SLAA Ref: 315) as a baseline housing allocation for approximately 160 dwellings will make an important contribution towards addressing the housing needs within the Plan area especially given its inherent sustainability resulting from its location adjacent to the edge of Broad Oak – one of the District’s acknowledged sustainable settlements which includes (together with Sturry) services and facilities in including education (primary school), community, recreation and retail (convenience shopping) alongside access to high quality public transport services (bus and rail) to neighbouring towns together with employment opportunities.
- 1.19 In the context of the Plan area, Broad Oak/Sturry is an important focus for existing services and is readily accessible to the higher order services in Canterbury.
- 1.20 Broad Oak/Sturry as an important focus for existing services accessible to the local area is therefore appropriate for further growth reflecting the advice in NPPF paragraph 83. This should therefore be further reinforced through the inclusion of further allocations, including on land controlled by Fairfax on land west of Herne Bay Road, Broad Oak. As indicated above, the delivery of further growth at Broad Oak is consistent with the approach in the NPPF (paragraph 89) which emphasises the importance of the recognising the role of villages for growth, especially where they provide a service role for their hinterland.
- 1.21 The NPPF emphasis the vital importance of significantly boosting the supply of housing (NPPF paragraph 60) and that the outputs of the standard method provide the base appraisal of housing need which must be achieved.

- 1.22 The enclosed Indicative concept plan (ref no. 2055/PA-04) (**Document 3**) has been informed by an evaluation of the sites' key influences and opportunities. The draft proposals have been designed to respect and respond to the existing ecological features of the site such as the trees and hedgerows alongside levels, as well as the relationship of the development to the surrounding current and committed built context and settlement edge, including that arising through delivery of the other sites around Broad Oak including the country park associated with the proposed reservoir.
- 1.23 The form, quantum and disposition of development within the Site has been informed by the existing landscape, taking a sensitive approach to the settlement edge, which includes a landscaped buffer to the Site boundaries.
- 1.24 The proposals highlight the opportunity for new public open spaces, recreation spaces, parkland and ecological enhancement.

Scope of Representations

- 1.25 Our client's representations upon the draft Local Plan can be summarised as relating to the following Policies:

Policy	Representation
Policy SS3: Development Strategy for the District	Objection
Policy R1: Rural service centres	Objection
Policy R11: Local service centres	Objection
Policy CF1: Strategic site allocations	Objection
Omission site – land west of Herne Bay Road, Broad Oak	Objection

- 1.26 In preparing the representations upon the Draft Canterbury District Local Plan 2040: Regulation 18 Consultation document (March 2024) prepared by the Council, we have taken into account the following evidence-base documents:

- Sustainability Appraisal of the Draft Local Plan
- Strategic Land Availability Assessment (SLAA) (February 2024)

- Landscape and Visual Appraisal: New Settlements and Large Urban Extensions (November 2023)
- Housing Needs Assessment - Focussed Update
- Topic Papers prepared by the Council including “Development”.
- Local Development Scheme (March 2024)

1.27 We have also considered the following figures and publications:

- National data sets including Median Workplace based affordability ratios, results of the 2021 Census, and sub-national projections.
- Inspector Report into Examination of Watford Borough Local Plan 2018-36 (20th September 2022).
- Letter of 11th January 2023 to Maidstone Borough Council regarding the Stage 1 hearings of the Examination of the Maidstone Local Plan Review
- Response of West Berkshire Council to the Inspector’s Initial Assessment of their Local Plan (September 2023).
- Monitoring data from Canterbury District, other local authorities and central Government.
- Letter of Secretary of State regarding Long Term Plan for Housing (8th September 2023)
- Appeal decisions for development in Canterbury District.
- Start to Finish: How quickly do large-scale housing sites deliver? (3rd edition) (March 2024)

2. THE NPPF TESTS OF SOUNDNESS

General

- 2.1 Section 3 of the NPPF (December 2023) sets out the principal components that need to be included in Local Plans. Paragraph 35 requires that to be “sound” a Development Plan Document (“DPD”) should be positively prepared, justified, effective and consistent with national policy.
- 2.2 A positively prepared plan provides 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 practical to do so and is consistent with achieving sustainable development.
- 2.3 In order to be justified, the future draft Submission Local Plan under Regulation 19 must have an appropriate strategy, taking into account reasonable alternatives and be based on proportionate evidence.
- 2.4 Effective means that the document must be deliverable over the plan period and based on effective working on cross-boundary strategic matters that have been dealt with rather than deferred and evidenced by the statements of common ground.

Necessary Amendments to satisfy the Tests of Soundness

- 2.5 For the reasons set out in these representations, there are several shortcomings with the Plan that result in the need for amendments to make it sound.
- 2.6 **The amendments we think are necessary to make the Local Plan sound can be summarised as follows:**
- **The need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.**
 - **The Local Plan should cover the period 1st April 2023 to at least 31st March 2043.**

- **Provision should be made for at least 23,480 dwellings (1,174dpa) in Canterbury District during the plan period (Apr 2023 to March 2043).**
 - **Land west of Herne Bay Road, Broad Oak (SLAA ref: 315) should be allocated as a baseline allocation for approximately 160 dwellings.**
- 2.7 We remain committed to further engagement with the Council to explore how the allocation of the site can be refined to reinforce its deliverability credentials in the submitted Local Plan.
- 2.8 The remainder of this submission is focused on providing responses to the Council's draft policies in the Local Plan.

3. POLICY SS3: DEVELOPMENT STRATEGY FOR THE DISTRICT

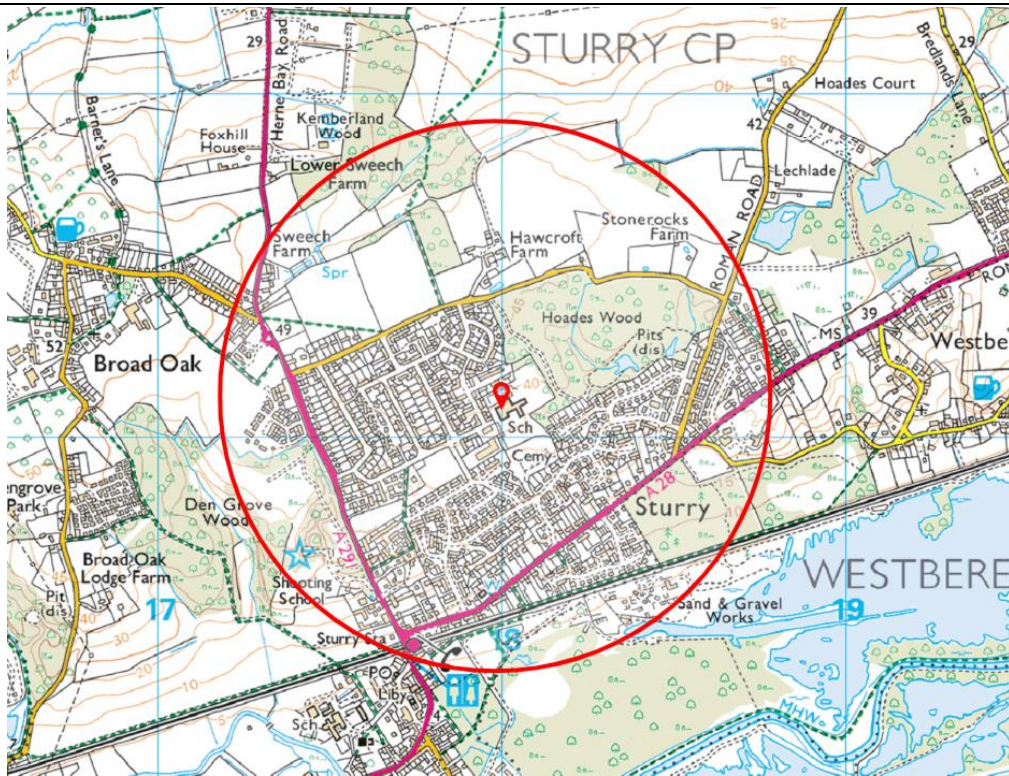
Context

- 3.1 The draft of this policy details the overall requirements for development alongside the time frame and spatial distribution within the district.
- 3.2 In summary, our starting point is that we dispute the reasonableness and soundness of the proposed plan period and its consistency with the obligation to provide a strategic policy for at least 15 years post adoption².
- 3.3 We also dispute the approach to growth within the district, as whilst draft policy SS3 provides a list of settlements in the district, there is no recognition of the extent that services within one are readily accessible to those in a nearby adjoining settlement, especially where they are within either 10 minute walking or cycling distance.

Settlement hierarchy

- 3.4 The Council's current approach of relying upon the settlement boundary implies an artificial barrier to movement whereas given the proximity of services, users are prepared to cross these features. This is illustrated by the proximity of many services and facilities in Sturry to residents of Broad Oak, as shown by the map of an 800m buffer around the Church of England Primary School in Sturry.
- 3.5 The use of an 800m buffer reflects the research indicating that people can walk 800m within 10 minutes and consequently this is an appropriate distance for determining accessibility to key services.

² NPPF, paragraph 22



800m buffer around the Church of England Primary School in Sturry. This equates to a 10 minute walk

3.6 The map above shows that residents of Broad Oak can walk to Sturry Primary School within a 10 minute walk. As the day nursery is on the same site as the primary school, this also provides the opportunity for residents to access this key service as detailed in the Council’s “Rural Settlement Review” paper. The above image indicates that some of the residents in Sturry, especially south of the railway or in the eastern part of the village are further from the primary school than those who live in the eastern part of Broad Oak. This is therefore an illustration of whilst a settlement may contain a key facility as defined by the Council, this does not guarantee all residents would be able to access it using sustainable modes. This variation in access both within and from nearby settlements should consequently be taken into account in defining settlement hierarchies and the appropriateness of locations for growth. This is especially important given that the Council’s use of settlement boundaries relies upon an artificial barrier in determining the availability of key facilities to residents. As residents can readily undertake a 10 minute walk, given that that for some facilities, the buffer would extend into neighbouring villages, these locations would be equally as sustainable.

-
- 3.7 Furthermore, it is noted that as illustrated in the Transport Technical Note (included as appendix 4), alongside the availability of services within 10 minute walk of the promoted land at Broad Oak (west of Herne Bay Road), there is a more extensive range of facilities within an equally quick cycle ride. Given the roles of walking and cycling as the most sustainable transport modes, the wider accessibility to services must inform the hierarchy of settlements across the district.
- 3.8 In any assessment of accessibility to services it is also important to recognise that the current Plan commits significant growth to Broad Oak and Sturry³, some of which is under development. The implementation of these schemes will further enhance the availability of services for the local residents and therefore reinforce the suitability and acceptability of both Sturry and Broad Oak for growth, particularly given the ease of access for residents in the latter to these new opportunities.
- 3.9 Additionally, whilst extensive services are available within walking and cycling distances, it is also important to emphasise the Broad Oak alongside Sturry is served by frequent bus services which link Canterbury and Herne Bay/Whitstable. Details of the services available when the Transport Technical Note was prepared (January 2023) are included in that document. Although the bus routes and frequencies have been refined since January 2023, even the current ones (routes 600/601 from May 2024) indicate that there are at least hourly buses from 06:30 until at least 23:00 with significant increased services (4 an hour from 08:00 until 19:00) in both directions⁴.
- 3.10 These collectively confirm that Broad Oak and Sturry should collectively be identified as a joint location for growth, especially as this reflects the existing committed strategic growth of the current Local Plan. This committed growth reinforces the suitability of both Sturry and Broad Oak as locations for development, particularly as the Council's emerging plan rightfully retains the existing permissions as an integral part of the continuing strategy for achieving sustainable development (including meeting the district's housing requirements).

³Through applications 18/00868 (erection of 456 dwellings and a commercial area of 212sqm Class A1 Use and up to 593sqm of Class B1 Use on land at Broad Oak Farm, Broad Ok approved 1st March 2021) and 20/02826 (erection of up to 630 dwellings and associated community infrastructure (including primary school & community building) on land at Sturry/broad Oak approved on 8th March 2021).

⁴ Copy of timetable from May 2024 included as Appendix 13.

- 3.11 With this committed growth and related enhancements of services and facilities which will be accessible to residents in Sturry and Broad Oak, it is considered that the Council's proposed settlement hierarchy is inconsistent with this analysis, especially given the ease of access for residents in both places to use the important facilities.
- 3.12 Therefore, the emerging approach in the Local Plan does not provide a robust hierarchy of settlements, taking account the availability and wider catchments of facilities (especially associated with 10 minute walk or cycle journeys as illustrated by the example of the existing primary school at Sturry.
- 3.13 Therefore, given the relationship of Sturry and Broad Oak with the ease of accessing services in both villages to the residents of each, they should be categorised consistently in the hierarchy. This would mean the elevation of Broad Oak within the hierarchy to sit alongside Sturry.

The Plan Period

- 3.14 Table 1 below shows the information from the Council's current Local Development Scheme ("LDS") agreed in March 2024⁵ relating to the programme for adoption of the emerging Local Plan.

Table 1: Extract from the timetable in LDS

Stage	Date
Issues and Options	To August 2021
Preparation and consult on a Draft Plan (Regulation 18)	Sep 2021 – Jan 2023
Preparation and consult on a Revised Draft Plan (Regulation 18)	Feb 2023 – June 2024
Preparation and Publication of plan for pre-submission consultation (Regulation 19)	July 2024 to May 2025
Submission to Secretary of State (Regulation 22)	June 2025
Examination in Public (Regulation 24)	Through to January 2026
Receipt of Inspector's Report (Regulation 25)	February 2026
Adoption (Regulation 26)	March 2026

⁵ <https://www.canterbury.gov.uk/sites/default/files/2024-04/Local%20Development%20Scheme.pdf>

-
- 3.15 As indicated, the LDS does not provide a precise month for the completion of the key stage of consultation pursuant to Regulation 19. Given the period allowed for, it is assumed that the Council anticipates that consultation on the draft Submission Local Plan would occur in late 2024/early 2025, in order to allow sufficient time for recording and analysis of any representation made prior to the submission of the document for examination is June 2025.
- 3.16 Whilst achievement of consultation on the draft submission plan during late 2024/early 2025 is considered realistic, the subsequent stages are not. This is because the LDS only allows for a maximum of eight months from submission to receipt of the Inspector's Report (shown as three quarters).
- 3.17 Such a very limited timeframe is not considered realistic given the inherent complexity in plan making and the need for robust appraisals through the examination process. In determining a more appropriate timeframe for the examination of the Local Plan, we have had regard to the performance achieved by comparable strategic local plans prepared elsewhere in England. This comparison with other strategic plans has reviewed those prepared since the NPPF confirmed the role of Standard Method in establishing housing requirements (from 25th January 2019 as detailed in paragraph 227 of the NPPF).
- 3.18 For those strategic policy documents prepared by local authorities since the standard method was specified as the default approach in the 2018 edition of the NPPF, examinations of plans have not been significantly quicker than the process taken for the Local Plan.
- 3.19 The Government publishes data on the progress of examining Local Plans⁶ which indicates that for the 50 plans submitted for examination since 25th January 2019 and found sound on or before 12th April 2024, there was on average 804 days (over 2 years and 2½ months) between publication and receipt of the Inspector's Report. This also shows an average of 582 days (over 1 year and 7 months) between submission for examination and the document being found sound. Since adoption cannot occur until after the plan has been found sound, this will therefore occur later.

⁶ [Local Plan: monitoring progress - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/local-plan-monitoring-progress)

- 3.20 It is therefore clear that the timeframes envisaged by the Council are not realistic with the period from submission to receipt of Inspector's Report going to be at least 19 months rather than only eight months as outlined in the LDS.
- 3.21 Applying the analysis on timeframes of other plans submitted since 25th January 2019 to the emerging Draft Local Plan (assuming a consultation on a draft submission Plan is feasible in November 2024 (as within the timeframe envisaged in the LDS), would mean that an Inspector's Report confirming the document is sound might be anticipated in January 2027. Should the consultation occur later than this, there would be a corresponding delay in when the Inspector's report could be received.
- 3.22 Alternatively, should submission be achieved in June 2025 (as specifically stated in the LDS), allowing the average 582 days for the examination process would mean that the Inspector's Report could be received in January 2027. Adoption could occur later that year.
- 3.23 As the Council's monitoring is based upon broadly financial years (1st April to the following 31st March), providing for the full 15 years post an optimistic but potentially reasonable adoption date of February 2027 (assuming there are no delays in the Plan's preparation) would mean that it should relate to the period from 1st April 2023 until at least 31st March 2043. This would result in an extension of the current Plan period by at least two years from the 2040 end-date currently envisaged.
- 3.24 An extended plan period would better reflect that previously advanced by the Council, given that the earlier consultation pursuant to Regulation 18 had anticipated that the Plan period would go to 2045.
- 3.25 Alongside the consideration of the Plan area's housing need, the examination will also determine the extent that the document complies with the requirements in NPPF paragraphs 61 and 67, regarding addressing the expectation to provide homes to meet unmet needs in adjoining areas.

The Housing Requirement and Plan Period

- 3.26 The Local Plan (Draft Policy SS3) indicates that the district's minimum housing requirement is for at least 1,149 dwellings from 2020 through to 2041. The Council's use of a housing requirement reflects the calculation of local housing need, albeit this is from the use of 2023 as the starting point for assessing need⁷ alongside the increase arising from the median workplace based affordability ratio published on 22nd March 2023 (10.46)⁸. However, prior to the consultation on the draft Local Plan, updated median workplace affordability ratios were published on 25th March 2024 and for Canterbury District, the current data shows that the ratio is now 10.96. Applying the obligation formula, this means that the affordability adjustment is 1.435 which results in a minimum Local Housing Need figure of 1,174dpa.
- 3.27 Alongside the increase in the district's annual housing requirement to ensure it accords with the output of the calculation of Local Housing Need (i.e. the increase from 1,149dpa to 1,174dpa outlined above), it is also essential that the plan period is adjusted to ensure that delivery which occurred prior to the base date for the derivation of Local Housing Need is omitted. Given that the Council's "Development Topic Paper" accompanying the consultation is clear that it takes account of delivery achieved April 2020 to March 2023 together with extant permissions at this date, it is reasonable and appropriate to align the base date selected and information on the sources of supply. Such an approach reflects the conclusion of Inspectors reviewing other Local Plans.
- 3.28 This is illustrated by the conclusion of the Inspector examining the Local Plan for Watford Borough (September 2022) (included as **Document 10**).
- 3.29 The Watford Local Plan Inspector (paragraphs 26 and 27) considered the matter and advocated a change in the plan period. These paragraphs state:

⁷ Average growth in households 2023-33 of 818.3 (from 70,305 (2023) to 78,488 (2033))

⁸ Results in an affordability adjustment of 1.490375.

Plan period

26. The submitted Plan covers the period 2018 to 2036. However, the start date needs to be modified to 2021 so that it is as up-to-date as possible on adoption and consistent with national policy and guidance relating to the standard method for establishing local housing need. Furthermore, to ensure that strategic policies look ahead over a minimum of 15 years from adoption as required by national policy, the end date needs to be modified to 2038 [MM2 to MM11, MM14, MM38, MM59, MM60, MM77, MM88, MM156, MM248 and MM257]. I deal with the implications of this for various aspects of the Plan, including housing and employment land needs and supply, below.

Household growth and housing requirement

27. Policy HO3.1 and paragraph 3.1 refer to 14,274 homes (793 per year) in the period 2018 to 2036 to meet local housing need as determined using the government's standard method. However, the standard method indicates that, when the Plan was submitted for examination in 2021, the annual need figure was 784 homes per year. National guidance expects housing need to be updated until the Plan is submitted. Policy HO3.1, and other parts of the Plan as appropriate, therefore need to be modified to refer to a minimum housing requirement of 784 net additional homes per year which represents a total of 13,328 in the modified plan period of 2021 to 2038 [MM13, MM56, MM62, MM172 and MM246].

- 3.30 The Watford Borough Local Plan was adopted on 17th October 2022⁹ and therefore given they (like Canterbury District) undertake monitoring on periods from 1st April to 31st March of the subsequent year, the Plan period in extending through to 2038 provides the minimum 15 years post adoption required by the NPPF.
- 3.31 In the context of considering the availability of data and how this informs the derivation of Local Housing Need, this was considered by the Inspector examining the submitted Maidstone Borough Local Plan.
- 3.32 In the Inspector's letter (**Document 8**) which followed the first stage of examination hearings (January 2023), The relevance of the date of evidence on land supply was considered in paragraph 2.2. This states:

The Plan was submitted in March 2022 with an anticipation of plan adoption by the end of 2022. That has not happened and so the plan period needs to be extended to at least 2037/8 to ensure a minimum

⁹ [local-plan-adoption-statement \(watford.gov.uk\)](https://www.watford.gov.uk/local-plan-adoption-statement)

15 year plan period upon plan adoption for the strategic policies contained in the Plan in accordance with paragraph 22 of the National Planning Policy Framework (NPPF). This assumes plan adoption later in 2023. The start date of the plan period will also need to be adjusted. My recommendation is 1 April 2021, which would align with much of the evidence base and would recognise the plan was submitted for examination before 1 April 2022. It would also enable an initial year's worth of data on housing delivery in 2021/22 to be accounted for.

- 3.33 Consideration of the relationship between monitoring data and the length of the Plan period has also been considered by West Berkshire, as detailed in their response of September 2023 to the Inspector's Preliminary Questions¹⁰.
- 3.34 Of relevance is the Council's response to the Inspector's Preliminary Question number 19, which sought a response to why Strategic Policies of the Plan did not look forward a minimum of 15 years after adoption as expected by national policy.
- 3.35 West Berkshire Council's response (see page 40 of **Document 9**) was to extend the plan period for 2 years, to take account of the use of quasi financial years (1st April to following 31st March) for monitoring alongside an extended examination period. The full response of West Berkshire was:

In accordance with the Local Development Scheme (LDS, 2023) (CD9), the LPR is due to be adopted in September 2024 with an end date of 2039. However, the Council acknowledge the need for the Plan to cover full financial years post adoption, which coincide with the planning monitoring year. An adoption date of September 2024 would fall within monitoring years 2024/25 and as such an additional year would need to be added to the plan period to ensure a full 15 years from adoption in accordance with the NPPF.

However, the Council is mindful that as a result of the agreed extension to the deadline for responding to the Preliminary Questions, the hearing sessions are now unlikely to start until 2024. This could therefore result in the LPR not being adopted until 2025/26 and in which case a further year may need to be added to the plan period bringing this to 2040/41.

¹⁰ Copy included as **Appendix 9**

The Council therefore proposes Main Modifications to the plan period to extend this by two additional years to 2041 to add resilience to the process. It is proposed these changes are made throughout the LPR document as appropriate where reference is made to the plan period ending in 2039.

- 3.36 The approaches of Maidstone, Watford and West Berkshire all indicate an acceptance of a need to adjust the Plan period of their respective local plans to ensure that they comply with the clear obligations in national policy to provide at least 15 years after adoption.
- 3.37 Taking account of these considerations by Inspectors on Local Housing Need, especially regarding the timing of plan submission alongside the availability of data with respect to components of deliverable and developable sites, we therefore advocate that the Plan period as outlined in Policy SS3 is changed from the current 1st April 2020 – 31st March 2040 to 1st April 2023 – 31st March 2043.
- 3.38 Furthermore, removal of the period April 2020 to March 2023 from the overall timeframe of the plan eliminates the need to specifically resolve the cumulative shortfall 1,609 dwellings¹¹ which has occurred and would need to be addressed in the current approach of the Plan. Whilst the Council advocates the continued use of the Liverpool method to resolving the shortfall, this is the antithesis of boosting the supply of housing obligated by NPPF paragraph 60. Instead, for the reasons specified, the Plan must seek to deliver at least 1,174 dwellings annually from April 2023 through to at least March 2043.
- 3.39 Whilst the proposed plan is envisaged to cover the period 2020 – 2040, the information in the Development Topic Paper (Table 8.8) provides details of the expected sources of supply from 2023 through to 2041. This indicates that 24,514 dwellings are expected to be delivered from existing and proposed sources of supply. In comparison, our advocated 1,174 dwellings from 2023 to 2043 would result in a minimum requirement for at least 23,480 dwellings.

¹¹ 1,838 completions Apr 2020 – Mar 2023 as shown in Table 8.4 of the “Development Topic Paper” compared to the equivalent requirement of 3,447 dwellings over this period (1,149 x 3). A requirement for 3,447 dwellings less the completed 1,838 dwellings results in a shortfall of 1,609 dwellings.

-
- 3.40 Although this would suggest an over-supply of 2,208 dwellings, the envisaged provision is dependent upon the realism of the expected delivery from the identified sources of supply.
- 3.41 Given the Council acknowledges that the performance achieved on the strategic sites in the current Plan has not been as expected, it is important that this is boosted by further sites, especially as out of the envisaged 24,514 dwellings, 11,461 dwellings of the supply (46.8%) are from the carry forward of allocations in the existing plan with a further 8,073 dwellings (32.9%) from provisional new allocations.
- 3.42 The Council's Development Topic Paper sets out anticipated delivery rates. We have assessed this Topic Paper in relation to the realism of the assumed delivery rates.
- 3.43 The Topic Paper has an expectation for the first completions to be achieved at Brooklands Farm (Site Ref W4) in 2029/30. However, research by Lichfields (Start to Finish 3rd edition (included as **Document 12**) indicates that for sites accommodating at least 1,000 dwellings take on average 6.2 years from submission of an application to the first completion of a dwelling (figure 3.1).
- 3.44 Given the Development Topic Paper indicates that there is limited progress on an application currently, it cannot be expected that there can be only completions on the site until at least 2031 and probably later as no application is yet submitted. This is because even allowing for 6.2 years and on the assumption that a planning application was imminent as of May 2024 would mean that no completions would occur until early 2031. However, as the application is not imminent and would probably not be forthcoming until the Plans adoption (more realistically in February 2027 as explained above), the earlier any completions could occur on the site would be mid 2033 (again allowing the average 6.2 years).
- 3.45 The delay in a realistic timeframe for initial delivery on the site would equally apply to the University of Kent provisional allocation for 1,800 dwellings (draft policy C12).
- 3.46 The subsequent build programmes on the Brooklands Farm and University of Kent provisional allocations are also likely to not exceed that illustrated in Start to Finish. This at table 4,2 indicates that they tend to build out at around 100dpa.

3.47 These two factors would suggest that the expectations of delivery from existing and provisional allocations will be less than those assumed by the Council and therefore the over-supply of 2,208 dwellings when compared to our advocated plan period and target is not justified.

3.48 In order to ensure adequate supply, further sites such as that controlled by our clients at Broad Oak must be included.

Duty to Co-operate and unmet need from neighbouring authorities

3.49 Although the Levelling Up and Regeneration Act 2023 is on the statute books, the Secretary of State's letter of 8th September 2023 (included as **Document 11**) provides important information on the timetable for its implementation, confirming as follows:

My intention is for the regulations, policy and guidance necessary for the preparation of the first new-style local plans to be in place by Autumn 2024. In the new system, planning authorities will need to prepare, consult on and adopt plans within a 30-month timeframe – and follow the same process for each subsequent update of their plans, including examination by PINS.

In the interim, we want local authorities to continue adopting ambitious local plans, which is why we set out fair transitional arrangements in our current consultation on implementing the plan-making reforms. As part of these arrangements, we confirmed our intent that the last day to submit a plan under the current system will be 30 June 2025. I want to reiterate that local authorities without an up-to-date local plan are likely to be subject to the presumption in favour of sustainable development when facing applications.

3.50 The Council's current LDS (as previously indicated) envisages submission of the Local Plan for examination before 30th June 2025. As indicated in the Secretary of State's letter, this is before the deadline for plans being prepared under the current system which includes compliance with the "Duty to Co-operate".

3.51 Given the relationship of the Plan area with neighbouring one, consideration of an allowance towards resolving unmet needs should be included.

-
- 3.52 The emerging Local Plan should also include a further uplift (consistent with NPPF paragraphs 61 and 67) to accommodate a proportion of unmet need from neighbouring authorities.

Conclusion

- 3.53 Draft Policy SS3 is not sound as it fails to provide for at least 15 years post adoption and does not fully address housing need, irrespective of any allowance for unmet need from neighbouring authorities. Furthermore, it does not include clear guidance on the spatial strategy for growth in the district, including a tiering of settlements based upon the suitability and acceptability for growth which has had regard to the inter-relationships between different places.

Suggested Changes to Make Draft Policy SS3 Sound

- 3.54 Draft Policy SS3 as drafted is not sound for the following reasons:
- a) It is not **positively prepared** as it does not seek to address the Plan area's housing needs.
 - b) It is not **justified** with regard to the timeframe that the examination of the Local Plan will take which will result in a delayed adoption of the document. The approach is also **inconsistent with national planning policy** in failing to comply with paragraph 22 of the NPPF.
 - c) It is not **justified** through the failure to not use 1st April 2023 as the base line for the commencement of the plan period; and.
 - d) It is not justified and will not be effective as it does not include a hierarchy of settlements with the corresponding suitability for growth with the most sustainable villages like Broad Oak (given its relationship and access to facilities in Sturry) in the second tier. It is also not consistent with national policy in that it does not recognise the difference in suitability of locations for growth as per paragraph 83 of the NPPF.
- 3.55 To address these matters of soundness:
- a) The Local Plan should cover a **20 year period** from 1st April 2023 to 31st March 2043 (allowing for a 15 year period from the anticipated date of adoption).
 - b) The housing requirement underpinning policy SS3 should be amended to be **at least 23,480 dwellings (1,174dpa)**.

- c) That the policy includes a settlement hierarchy i.e. as illustrated in the table which precedes paragraph 1.46, albeit that “Broad Oak” is re categorised as a “Rural Service Centre” given its accessibility to services within a 10 minute walk of those available within Sturry.
- d) That the policy provides further guidance on the acceptability of development in each tier, especially at Broad Oak given its reclassification within the “Rural Service Centre” category.
- e) **Further allocations** should be added to the Plan which would include **our client’s land west of Herne Bay Road, Broad Oak for around 160 dwellings (SLAA Ref: 315).**

4. POLICY R1: RURAL SERVICE CENTRES

Introduction

- 4.1 Policy R1 details the list and overall approach to development at rural service centres. For the reasons detailed in the representation to policy SS3, it is considered that Broad Oak should be recategorized as a Rural Service Centre to reflect the range of services and facilities available within either a 10 minute walk or cycle of its residents, including those available in Sturry.
- 4.2 The mapping included in the analysis in the representation to policy SS3 illustrates that residents in Broad Oak are closer to services in Sturry i.e. the primary school and nursery than some of the residents of Sturry (especially those living south of the railway). Furthermore, as indicated in the analysis in response to the promotion of the omission site on land west of Herne Bay Road, Broad Oak, there are existing pavements which ensure easy walking of up to 10 minutes to facilities in Sturry to its residents. Consequently, the Council's approach to the categorisation of settlements is unjustified, given it does not take account of this accessibility.

Suggested Changes to Make Policy R1 Sound

- 4.3 The Plan therefore as currently prepared is not sound for the following reason:
- 1) It is not **consistent with national policy** as the approach to the categorisation of Broad Oak does not reflect its inter-relationship with Sturry as a service centre for the wider area, as advanced in NPPF paragraph 74;
 - 2) It is not **justified** as it is not an appropriate strategy having considered the clear relationship of Sturry and Broad Oak, especially with respect of the ability of residents of the later to use the formers, particularly as they are within a 10 minute walk.
- 4.4 To address these matters of soundness;
- a) That Broad Oak is included as a Rural Service Centre listed in policy R1, and
 - b) The land **west of Herne Bay Road, Broad Oak for around 160 dwellings (SLAA Ref: 315)**.

5. POLICY R11: LOCAL SERVICE CENTRES

Introduction

- 5.1 Policy R11 details the list and overall approach to development at local service centres. For the reasons detailed in the representation to policy SS3, it is considered that Broad Oak should be recategorized as a Rural Service Centre to reflect the range of services and facilities available within either a 10 minute walk or cycle of its residents, including those available in Sturry.
- 5.2 The mapping included in the analysis in the representation to policy SS3 illustrates that residents in Broad Oak are closer to services in Sturry i.e. the primary school and nursery than some of the residents of Sturry (especially those living south of the railway). Furthermore, as indicated in the analysis in response to the promotion of the omission site on land west of Herne Bay Road, Broad Oak, there are existing pavements which ensure easy walking of up to 10 minutes to facilities in Sturry to its residents. Consequently the Council's approach to the categorisation of settlements is unjustified, given it does not take account of this accessibility.

Suggested Changes to Make Draft Policy R11 Sound

- 5.3 The Plan therefore as currently prepared is not sound for the following reason:
- 1) It is not **consistent with national policy** as the approach to the categorisation of Broad Oak does not reflect its inter-relationship with Sturry as a service centre for the wider area, as advanced in NPPF paragraph 74;
 - 2) It is not **justified** as it is not an appropriate strategy having considered the clear relationship of Sturry and Broad Oak, especially with respect of the ability of residents of the later to use the formers, particularly as they are within a 10 minute walk.
- 5.4 To address these matters of soundness;
- a) That Broad Oak is omitted from the list of Local Service Centre listed in policy R11. This is a consequential revision associated with its inclusion as a Rural Service Centre in policy R1.

6. POLICY CF1: STRATEGIC ALLOCATIONS

Introduction

- 6.1 Policy CF1 details the approach to proposed retention of strategic allocations from the current Local Plan into the emerging draft plan. Whilst the retention and consequential carrying forward of these allocations is supported, given the representations to policy SS3, it is important that the contents of the policy is updated to reflect the revised base date of the plan advocated. This would mean any development on the carried forwarded allocations prior to 31st March 2023 is omitted from the retained elements of the policies.
- 6.2 Furthermore, that as outlined, where retained strategic policies included committed infrastructure and service enhancements such as the additional primary school to serve Sturry/Broad Oak (site 2) that this informs the assessment of settlement sustainability and the associated hierarchy.

Suggested Changes to Make Draft Policy CF1 Sound

- 6.3 The Plan therefore as currently prepared is not sound for the following reason:
- 1) It is not **consistent with national policy** as the approach to the categorisation of Broad Oak does not reflect its inter-relationship with Sturry as a service centre for the wider area, as advanced in NPPF paragraph 74. It is also inconsistent given that the retention of the allocation and the committed growth reinforces the enhanced role of Sturry/Broad Oak as a sustainable location for further growth;
 - 2) It is not **justified** as it does not take account of the development which has occurred prior to the revised base date advocated, and the related committed programme for delivery of the schemes on the retained/carried forward allocations, as illustrated by the analysis associated with site 2 – land at Sturry/Broad Oak.
- 6.4 To address these matters of soundness;
- a) That the retained elements of each carried forward allocation is adjusted to reflect that to be delivered from the revised base date advocated in the other representations i.e. omit any part of the development completed before 31st March 2023.

7. OMISSION SITE: LAND WEST OF HERNE BAY ROAD, BROAD OAK (SHLAA Ref: 315)

Introduction

7.1 Consistent with our comments upon Draft Policies SS3, R1, R11 and CF1, **our client's land west of Herne Bay Road, Broad Oak should be included as a baseline allocation for approximately 160 dwellings.**

7.2 Site-specific information submitted in support of our representations comprises as follows:

- Location Plan – Drawing Ref. 2055/PA-01 (**Document 1**)
- Constraints and Opportunities Plan - Drawing Ref. 2055/PA-02 Rev A (**Document 2**)
- Concept Plan- - Drawing Ref 2055/PA-04 (**Document 3**)
- Transport and Accessibility Appraisal note prepared by SDP (January 2023) (**Document 4**)
- Initial Drainage Considerations note prepared by Yellow Sub Geo (January 2023) (**Document 5**)
- Preliminary Ecological Appraisal prepared by The Ecology Co-op (January 2023) (**Document 6**)
- Landscape and Visual Technical Note prepared by fabrik (January 2023) (**Document 7**)

7.3 As indicated in the representations to Policies SS3, R1, R11 and CF1, there is a clear need for additional housing sites to ensure that the forthcoming strategy fully accords with national policy, especially providing for at least 15 years post adoption.

Strategic Land Availability Assessment Addendum (December 2023)

7.4. The Site has previously been promoted through the Call for Sites Exercise which accompanied the consultation by the Council in October 2022.

7.5. A SLAA Addendum was published by the Council in December 2023 and is to be read alongside the earlier SLAA published in July 2022. Section 2 of the Addendum assesses 'new' sites. It includes an assessment of the Site west of Herne Bay Road (SLAA Ref: 315).

- 7.6. The 'Assessment Outcome' for Site SLAA315 is set out on page 6 of the Addendum SLAA and states as follows:

"There is concern regarding the impact of the site on the character of the local area and the surrounding landscape. The site is located in an area with poor pedestrian access to public transport therefore future occupiers would be dependant upon private car to access day to day services."

- 7.7. The Council also published a Sustainability Appraisal ("SA") of the SLAA in December 2023. It assesses the sustainability effects of the SLAA sites.

- 7.8. Tabl4 4.2 from page 38 onwards of the SA to the SLAA explains the Council's reasoning for rejecting sites as housing allocations. The conclusion for Site 315 is set out on page 72 and states as follows:

"Site is identified as unsuitable in the Addendum to the SLAA Document (December 2023). The SA has identified significant and minor negative impacts and when reviewed alongside the SLAA there are concerns that these impacts cannot be suitably addressed. There is concern regarding the impact of the site on the character of the local area and surrounding landscape. The site is also located in an area with limited access to day to day services and public transport."

- 7.9. Page 211 of the SA of the SLAA states in relation to Site 315 as follows:

"International and National Designations: within 400m of Ancient Woodland.

Local Designations: within 100m of Little Hall and Kemberland Woods and Pasture LWS.

Landscape: due to the character of the area, projecting into the open countryside and long distance views, development would have a significant adverse impact on the surrounding open countryside.

Water bodies: within 10m of a waterbody.

Heritage: opposite two Grade 2 Listed Buildings (Sweech Farmhouse; and Stable Block at Sweech Farm) and development could impact the assets and / or their setting.

Land use: site is a greenfield over 3ha.

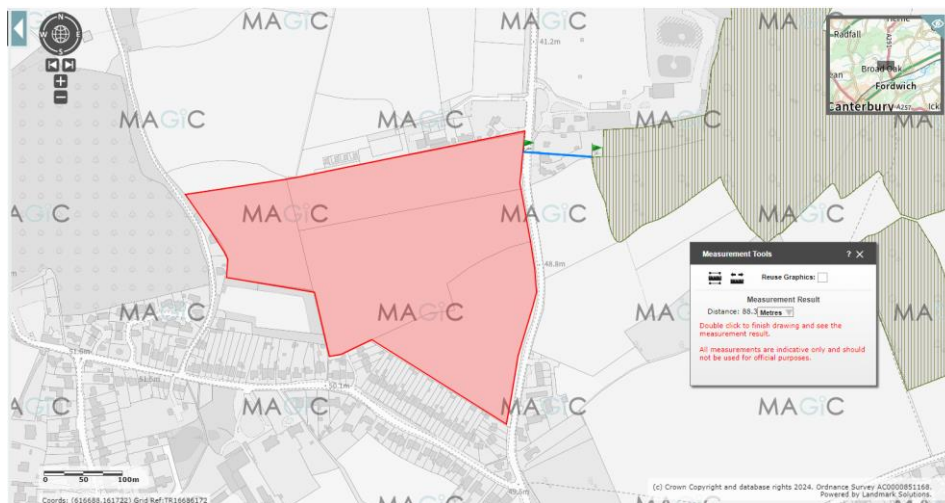
Access to Centres: within 400m of Sturry (Rural Service Hub) and Broad Oak (Local Service Centre).

Transport highway: the surrounding road network includes narrow sections and medium scale car dependent development."

- 7.6. We disagree with the SLAA conclusions for the Site. Our comments on the issues raised are set out below.

Ancient Woodland

- 7.7. The SA indicates that the site is within 400m of Ancient Woodland. An appraisal of the Site and its proximity to Ancient Woodland is included in the Preliminary Ecological Appraisal “PEA”) (**Document 6**). This is amplified in the information below which indicates that the closest section of Ancient Woodland to the site lies over 80m east of the site.



- 7.8. This distance significantly exceeds the minimum 15m buffer advocated in Government guidance¹² and consequently this alongside the analysis in the Preliminary Ecological Appraisal confirms that this is not a factor limiting the suitability of the site.

Local Ecological Designations

- 7.9. Alongside the consideration of the Site’s proximity to Ancient Woodland, the Preliminary Ecological Appraisal also demonstrates the acceptability of the location

¹² [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions)

with respect to the local and other ecological factors. This is confirmed in the third paragraph of section 6, where it states as follows:

“On balance, the proposed site for residential development is not likely to support any ecological features that have high importance to nature conservation. The impacts upon species assemblages that may occur can be mitigated against relatively easily by following standard best practices. The habitats contained within the site are common and widespread across the landscape and their loss can be compensated by a combination of on-site landscape planting and off-setting, as informed by a Biodiversity Net Gain Calculation.”

Landscape

- 7.10. The Council's assessment purports that development of the Site could be harmful to the landscape, including in longer distance views.
- 7.11. In contrast to that assessment, the accompanying Landscape and Visual Technical Note (**Document 7**) provides a thorough appraisal of the likely landscape impacts from the development of the Site for approximately 160 dwellings.
- 7.12. Section 6 of the Technical Note states as follows:

“In landscape and visual terms, there are no significant overriding landscape and visual constraints to development. The Site is not covered by any landscape related designation, nor does it lie within a viewing corridor protected by policy.

Considering a sensitive and landscape led design approach, this Site has the potential to accommodate new residential development without significant impacts on the wider landscape and visual resources. The Indicative Concept Masterplan that has been informed by this analysis is presented on the following page at Figure 6.1.

As with any greenfield site, there would be landscape and visual harm associated with such development at the Site and local level. However, this note identifies those elements of the landscape that could be utilised to create a distinctive new development, in keeping with the character of Broad Oak, its planned growth through existing strategic allocations, and the surrounding landscape, whilst responding appropriately to the identified landscape and visual constraints and opportunities.”

-
- 7.13. Although the Site has been discounted by the Council on account of its purported landscape impact, the Landscape and Visual Technical Note at **Document 7** confirms that landscape impacts are not an overriding constraint to development of the Site.

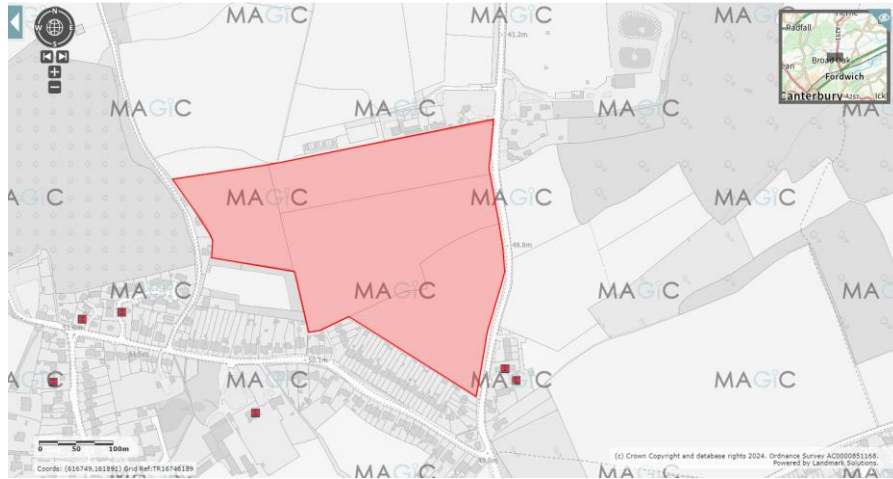
Water bodies

- 7.14. The SA notes that the site is within 10m of a waterbody. However, the assessment indicates that this is not a factor which limits the suitability of the site within the SLAA, especially as it is not affected by flood risk.
- 7.15. The Preliminary Ecological Assessment (**Document 6**) confirms the limited role of any nearby water bodies for biodiversity, Section 3.9 of the PEA notes, “there are no watercourses passing through or within 500m of the site boundaries.”
- 7.16. Although the Site adjoins the location of the proposed Broad Oak Reservoir¹³, until this is constructed it cannot be confirmed that the site would be within 10m of the site, especially as the concept masterplan (associated with policy R17) shows it remotely located from our clients site. Therefore, proximity to water bodies is not a factor limiting the suitability of the site.

Heritage

- 7.17. The SA references the proximity of the Site with respect to two Listed Buildings at Sweech Farm (Sweech Farmhouse and a Stable Block).
- 7.18. The SA indicates that residential development on the Site could be harmful to the setting of these listed buildings.
- 7.19. The location of these Listed Buildings and the land promoted west of Herne Bay Road is shown below.

¹³ See draft Local Plan policies SS5 and R17.



7.20. Although the SA highlights a potential impact of development on land west of Herne Bay Road on the two Listed Buildings at Sweech Farm, it is noted that the Council has granted planning permission for housing development on the farm. This was through application CA/19/01498 approved on 31st January 2020 which entailed the following:

Proposed erection of 4 no. dwellings and reinstatement of former Grade II Listed Oast/Stable Building to create additional dwelling; together with associated parking and landscaping.

7.21. A copy of the approved layout (Drawing ref 271/03 Rev A) is shown below.



Copy of approved layout (Drawing 271/03 Rev A)

7.22. The granting of permission for the scheme in application CA/19/01498 followed an earlier consent in application CA/10/01299. The earlier application had proposed the erection of three dwellings on the site alongside the restoration/change of use of the Listed Oast/Stable Block to a further dwelling. The report to the Council's Planning Committee regarding the most recent scheme (CA/19/01498) provides relevant commentary for determining any wider impacts upon the heritage assets. This was within paragraphs 14 to 17. These stated:

- 14. In assessing the previously approved scheme, the Council considered that the Grade II-listed thatched barn that previously stood on the site had contributed significantly to the character and setting of the Grade II-listed Sweech Farmhouse. It was therefore considered that reconstruction of the barn to its original form would help restore the setting of the historic farmstead. The benefits of restoring the farmstead and reinstating the original barn were considered to outweigh the harm arising from the residential intensification of the site associated with the creation of four additional dwellings.**
- 15. In assessing the current application, a similar balance must be carried out. In common with the extant permission, the current application would involve renovation and residential conversion of the Grade II-listed oast/stable. However, the Grade II-listed barn would not be reinstated. Instead, its materials would be used in the erection of a dwelling designed to resemble the original barn (which would include modified openings/glazing associated with domestic use). In addition to the creation of these two dwellings, a further three new dwellings would be erected (one in the southern portion of the site and two in the northern portion).**
- 16. The design, scale and layout of the proposed dwellings would be sympathetic to and respectful of the historic agricultural arrangement of the earlier rural buildings. However, while the historic layout of the farmstead would be recreated, it would not involve the rebuilding of the original thatched barn, as was the case with the extant permission. The weight afforded to any benefit arising from the recreation of the historic farmstead and the re-building of a structure resembling the original barn must therefore be reduced. Meanwhile, the residential intensification of the former historic farmstead resulting from the creation of a total of five new dwellings, combined with the associated parking of cars, gardens and domestic paraphernalia, would be considered harmful to the historic agricultural setting of the listed buildings within the site. As such, the proposal is considered to fail to preserve the setting of the listed buildings and fail to have sufficient regard for the rural context of the site as a whole, contrary to policies DBE3 and HE4 of the Canterbury District Local Plan 2017 and the NPPF.**
- 17. The balance in this case is a fine one. The proposed development does not accord with the Local Plan and NPPF and while the harm identified to the setting of the listed buildings would be less than substantial, it is considered that the benefits arising from the recreation of the historic farmstead with a residential facsimile of the Grade-II listed barn do not outweigh the harm.**

However, it is the role of the Planning Committee as decision makers to weigh the benefits against the harm to see if there are sufficient grounds to justify a grant of planning permission as a departure from the Local Plan and the NPPF.

7.23. The Council's approval for redevelopment of the Sweech Farm site has had an impact on the setting of the Listed Buildings as acknowledged in the report. This is therefore a relevant factor in determining the extent that residential development on land west of Herne Bay Road would be harmful to these heritage assets, especially as the permission is being implemented.

7.24. Given the changes to the Listed Buildings at Sweech Farm, this would be relevant in determining that development on our clients land would be appropriate.

Land use

7.25. It is noted that the site exceeds 3ha and would entail a greenfield allocation. However, given the constraints to land in the district, and the need as detailed in the representations to policy SS3, further such areas of land are required. This is therefore not a factor which limits the suitability of the site.

Access to centres

7.26. As indicated in the accompanying Transport and Accessibility Note (**Document 4**), the site is within 400m of Sturry Rural Service Centre and this therefore confirms the suitability of the site.

Transport Network

7.27. Although the review in the SA identifies issues with road widths, as confirmed in the Transport and Accessibility Note (**Document 4**), the Site and its location is appropriate, including with respect to highway matters.

7.28. Furthermore, as previously highlighted, the 600/601 bus service which operates along Herne Bay Road. Although the bus routes and frequencies have been refined since January 2023, even the current ones (routes 600/601 from May 2024) indicate that

there are at least hourly buses from 06:30 until at least 23:00 with significant increased services (4 an hour from 08:00 until 19:00) in both directions¹⁴. The high quality and frequent bus services along Herne Bay Road provide significant opportunities for residents who may live on our clients land to adopt sustainable behaviours in accessing high order services and facilities in Canterbury.

7.29. Overall the site is therefore considered to be sustainably located.

Further consideration of the site through the SLAA

7.30. Whilst the above illustrates that the factors which were identified as matters which limited the suitability of the site have been addressed, it is recognised that the SLAA in highlighting landscape impacts (reviewed and addressed above) also references the poor access to services including public transport. However, as indicated, this is also addressed through the above analysis, albeit that this does not cover the quality of pedestrian routes to public transport.

7.31. For the reasons we have explained, there are no locational or technical reasons to omit the Site from the Local Plan as a housing allocation for circa 160 dwellings in seeking to meet identified needs.

Summary

7.32. The allocation of land west of Herne Bay Road, Broad Oak for approximately 160 dwellings will assist in meeting the identified housing need, in a sustainable location, whilst securing sizeable public benefits.

7.33. The Site offers an opportunity to create a new planned extension to Broad Oak that is well connected to the existing built-up area.

7.34. The Site's proximity to services and facilities in Broad Oak and Sturry demonstrates the sustainability merits of the Site for housing when set against the Council's on-going housing need.

¹⁴ Copy of timetable from May 2024 included as Appendix 13.

- 7.35. Notwithstanding the location of the Site beyond the settlement policy boundary, the character of the Site is heavily influenced by the settlement of Broad Oak and its containment provided by the proposed site of the reservoir to the north.
- 7.36. The Site is sustainably located and offers the opportunity to provide a material contribution to the District's pressing and on-going housing need and do so in an appropriate manner without impacting upon the wider countryside.
- 7.37. Development of the Site for housing can secure a range of benefits, including but not limited to:
- Up to approximately 160 dwellings.
 - A mix of market and affordable homes.
 - Vehicular access from Herne Bay Road.

8. SUMMARY AND CONCLUSION

- 8.1. Our representations to the draft Local Plan have identified a number of objections to the document as drafted in respect of its soundness.
- 8.2. **The amendments we think are necessary to make the Local Plan sound can be summarised as follows:**
- **The need to increase the level of housing provision within a more appropriate plan period, thereby ensuring the emerging plan is consistent with the Government’s planning advice and policy.**
 - **The Local Plan should cover the period 1st April 2023 to at least 31st March 2043.**
 - **Provision should be made for at least 23,480 dwellings (1,174dpa) in Canterbury District during the plan period (Apr 2023 to March 2043).**
 - **Land west of Herne Bay Road, Broad Oak (SLAA ref: 315) should be allocated as a baseline allocation for approximately 160 dwellings.**
- 8.3. These matters can be addressed through amendments prior to Council agreeing a Draft Submission Local Plan for a further set of consultation.
- 8.4. We trust our representations are of assistance in preparing the next iteration of the Local Plan and await confirmation of receipt of our representations in due course.
- 8.5. We welcome the opportunity to engage with the Council to discuss our soundness concerns as well as the merits of the land west of Herne Bay Road, Broad Oak as a baseline housing allocation for the development of approximately 160 dwellings. The inclusion of our client’s site as package of additional housing allocations in equally sustainable locations across the Plan area will contribute towards meeting the housing requirement during a refined plan period to 2043.
