

CANTERBURY CITY COUNCIL

Draft Canterbury District Local Plan 2040

Public consultation under Regulation 18

1.0 This objection is made on behalf of **Mr Howard Jones** as an owner of property in [REDACTED] located within the Coastal Protection Zone.

2.0 The objection relates to **Part 6** of District wide policy **DS20 Flood Risk and Sustainable Drainage** from Chapter 6.

3.0 Grounds of Objection to Part 6 of DS20 Flood Risk and Sustainable Drainage

3.1 Part 6 of the emerging policy states that –

“Proposals for new development within the Coastal Protection Zones and Overtopping Hazard Zone, as defined on the policies map, will be refused”.

This part of the policy is put forward as a replacement for Adopted Local Plan policy CC10 Coastal Protection Zones which states that -

“A Coastal Protection Zone is defined on the Proposals Map (Insets 3 and 5) and in this area planning permission for new development will normally be refused”.

It should be noted that from examination of the Adopted and emerging Proposals Map there appears to be no change proposed to the area defined as a Coastal Protection Zone along the north coast in the vicinity of Reculver Drive where the objector owns property.

3.2 The objection is specifically related to omission of the word “normally” in the emerging version of DS20 and to the implication that any proposal for development within the Coastal Protection Zone will be refused irrespective of the existence of evidence to demonstrate that a site might be suitable for development.

3.3 The supporting text at paragraph 7.51 in the Adopted Plan which justifies the policy stance taken in CC10 states that –

“In certain areas the cliffs and coastal slopes are not entirely stable due to erosion. New building in certain areas would exacerbate the present situation and prejudice future remedial works. For public safety reasons, development will not generally be permitted in coastal protection zones”.

3.4 The wording of policy CC10 was found by an Appeal Inspector in January 2018 (ref. APP/J2210/W/17/3181311) to be consistent with paragraphs 106 and 107 of the

Framework (as issued in March 2012). At his paragraph 11 the Inspector set out the requirements of NPPF paragraph 106, noting that it encouraged local Planning Authorities to:-

“Reduce the risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes; and to consider development to be appropriate when it is demonstrated that it will be safe over its planned life”.

A copy of this appeal decision is attached to this objection.

Paragraph 106 of the Framework continued by stating that *“They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:*

- *be clear as to what development will be appropriate in such areas and in what circumstances; and*
- *make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas”.*

Paragraph 107 of the 2012 iteration of the NPPF stated –

“When assessing applications, authorities should consider development in a Coastal Change Management Area appropriate where it is demonstrated that:

- *it will be safe over its planned lifetime and will not have an unacceptable impact on coastal change;*
- *the character of the coast including designations is not compromised;*
- *the development provides wider sustainability benefits; and*
- *the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast (as required by the Marine and Coastal Access Act 2009)”.*

3.5 Whilst there have been several iterations published of the NPPF since the original 2012 version, the current (December 2023) document states at paragraph 177 with regard to Coastal Change that –

“Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:

- a) *be clear as to what development will be appropriate in such areas and in what circumstances; and*
- b) *make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas”.*

Hence, whilst there are slight changes compared with the wording originally provided in 2012, the intent and purpose of the policy advice has not altered. National policy very clearly **does not state** a fundamental objection to any and every proposal for new development within a defined Coastal Protection Zone.

3.6 Further advice is provided at paragraph 178 of the Framework which states that -

“Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:

a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;

b) the character of the coast including designations is not compromised;

c) the development provides wider sustainability benefits; and

d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast (as required by the Marine and Coastal Access Act 2009)”.

These four criteria are identical to those put forward in the 2012 iteration of the Framework, thus providing further confirmation that national policy has not changed.

3.7 I have reviewed the various topic papers provided by the Council as background to the emerging Local Plan but have been unable to identify any reference to Part 6 of draft policy DS20 and hence any evidence to justify the proposed change in the policy approach to development within a Coastal Protection Zone. Moreover, nor does the supporting text set out at paragraph 6.61 of the Regulation 18 Plan provide any justification, merely stating that –

“Development will not be permitted within the Coastal Protection Zones, Overtopping Hazard Zone and the Coastal Change Area”.

3.8 It is also relevant to have regard to Section 3 of the NPPF regarding Plan Making and advice at paragraph 35 that plans are ‘sound’ if they are, inter alia,

a) Positively prepared,

b) Justified; and

d) Consistent with national policy.

As drafted, Part 6 of emerging policy DS20 fails these three tests.

3.9 Finally, I consider that part 6 of DS20 is not consistent with clause b) of emerging Development Management policy DM19 Contamination and Unstable Land from Chapter 7. This appears to be a new policy without any direct corollary in the Adopted Plan. Part b) states that –

“In the case of development involving the erection of buildings or structures on suspected unstable land, a stability report is undertaken and where instability is present, acceptable remedial measures are proposed before or as part of the development”.

A requirement to provide a Stability Report to support a development proposal on potentially unstable land, which could include any site within a Coastal Protection Zone, seems a wholly appropriate way of proceeding and in accordance with NPPF advice.

4.0 Requested Change to Part 6 of Emerging Policy DS20

4.1 The policy should be redrafted to state –

Proposals for new development within the Coastal Protection Zones, as defined on the Proposals Map, should be accompanied by a Stability Report to demonstrate that:-

- a) *it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;*
- b) *the character of the coast including designations is not compromised;*
- c) *the development provides wider sustainability benefits; and*
- d) *the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast (as required by the Marine and Coastal Access Act 2009)”.*

In the absence of appropriate evidence planning permission will normally be refused.

Jane R Orsborn BA Hons; Dip TP; MRTPI, DMS

May 2024

On behalf of **Mr Howard Jones**, [REDACTED]

Attached

Appeal decision APP/J2210/W/17/3181311 dated 9th January 2018