

**RESPONSE TO CANTERBURY CITY COUNCIL LOCAL PLAN
FOR CONSULTATION ENDING 3RD JUNE 2024**

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OVERVIEW AND KEY POINTS

- **This submission shows that the introduction of Policy C12 (development of land north of the University of Kent) into the most recent iteration of the CCC Local Plan undermines that Local Plan’s coherence and intelligibility in a systematic fashion, and also at the level of individual policy areas and enumerated policies.**
- **The inclusion of Policy C12 in chapter 2, relating to urban policy, rather than chapter 5, relating to rural policy, further obscures and obfuscates the issues.**
- **There are at least 7 enumerated Policies in the Local Plan which directly contradict Policy C12: these are Policies R11, R19, DS12, DS18, DS19, DS22 and DS23. At a higher level, 2 Strategic Objectives are also demonstrably violated (Objectives 3 and 6).**
- **The key areas in which it is demonstrated in this document that contradictions, incoherences and inconsistencies are to be found, and/or where policy claims are based on evidence and argument of an insufficiently high standard for such a fundamentally important long term planning policy statement, relate to:**
 - **Rural policies**
 - **Habitats & Landscapes**
 - **Landscape character**
 - **The Blean Woods complex**

- In addition the failure of the Local Plan - in its draft core content, or in the “topic papers” and “evidence” used to inform it - to take into account the findings and policy planning requirements associated with the 2019 University Masterplan is an extraordinary oversight. The Masterplan committing the University - and CCC which supported and must now continue to support the plan - to protect and enhance the character of the Policy C12 site as unspoilt open countryside; without residential or business development; for the lifetime of the current Local Plan. In this Masterplan, it is stated plainly in text, and expressed visually through maps, that this area must retain this character, with no residential or business/retail development (until 2040) whilst being made more accessible for the local residential and university communities. It is unacceptable that this glaring omission has been tolerated.
- Multiple further limitations, weaknesses and oversights in Policy C12 are highlighted in numerous other submissions made to CCC in the current round of consultation. These include, for example, access and traffic/highway, geology and hydrology issues, and aspects of negative impact in terms of biodiversity and natural/ semi-natural assets/infrastructure and heritage not considered in this submission. Factoring these further considerations can be expected to demonstrate to an even greater extent that Policy C12 undermines the intelligibility, coherence, and defensibility of the Local Plan
- The amount of exceptions, qualifications, and implausible “special case” pleadings in favour of Policy C12 is so high, and its complete incompatibility with the 2019 University Masterplan so plainly obvious, that it must be removed from the Local Plan to ensure that document’s integrity and meaningfulness is not undermined

RESPONSE ON: INTRODUCTION AND CHAPTER 1 SPATIAL STRATEGY

Page 5: Fundamental Confusion/Inconsistency in Local Plan associated with of Policy C12. Chapter 2 is framed to be focussed upon “urban” Canterbury, but incoherently it includes the proposal (Policy C12) for what is referred to as a “free standing rural settlement”. This confusion could superficially be addressed either by confirming the status of the proposal as relating to a “rural” settlement, and including it within the framework of Chapter 5 (as part of the Rural area); or by admitting that Policy C12 is urban in character. The former necessitates that the Council paying attention to rural policy considerations (relating to, inter alia, agriculture, landscape, rural character broadly defined) which are wholly incompatible with Policy C12 (see below); whilst the latter – reclassifying the development as “urban” - would be nonsensical because the area in question is between two places which the Council categorises as a “rural service centre” and a rural village, and is otherwise bounded by countryside..

Page 9: Policy C12 violates Strategic Objective 3 (“capitalise on our rich and distinctive heritage and culture, enhancing character, sense of place and quality of life”) because it would remove heritage assets and necessarily degrade the setting of those which remain (see below); and weaken character, sense of place and quality of life by removing swathes of unspoilt open countryside which is integral to the way of life of the immediately affected communities (in the rural vicinity: Blean, Tyler Hill and Rough Common) in terms of recreation, leisure, tourism, and the associated rural economic activity

Page 9: Policy C12 violates Strategic Objective 6 (“protecting and enhancing green gaps between settlements”) because it removes part of the green gap between Rough Common and Blean village.

Page 13: Policy SS1 Para 10 (on Blean) and Policy C12 are inconsistent and contradictory, because Policy C12 necessarily undermines the policy intention of one key aspect of extension and improved connectivity of the Blean Woodland Complex (BWC). This is because the policies involve replacing the existing *de facto* permissive and broad definition of “the Blean Woodland Complex” with a restrictive and inappropriately narrow definition of the BWC, artificially created through a superficial desk-based exercise without reference to the available wider body of evidence; and because, whatever the inherited understandings, looking forward the policies would necessarily and demonstrably erode connectivities between the component parts of the BWC (this is discussed in more detail in relation to chapter 6).

Page 16: As above, the treatment of the proposal expressed in Policy C12 is inconsistent with the “Canterbury District Settlement Hierarchy”, as confirmed by how proximate settlements are categorised (Blean as a rural service centre, Rought Common as a local service centre, and Tyler hill as a rural village). Policy C12, which would develop what is currently unspoilt open countryside, is also incompatible with the statement in para 1.47 that “Areas of the district outside of the urban areas and the rural settlement boundaries are designated as countryside where development will generally be restricted”. Contrariwise, according to Policy SS3 Para 6, to the extent this land is considered within scope for active policy initiatives, it should be to *enhance its existing [rural] character*, rather than develop it: “priority will be given to protecting the rural character of the district. In this context, appropriate agriculture and viticulture development will be supported while housing and other built development will only be supported in very limited circumstances where specified within this plan. Existing community facilities and services within the countryside will be protected”.

The “very limited circumstances” exception cannot apply to Policy C12 because of its overall massive scope, scale and impact on neighbouring spatial contexts, and the knock on effects for the wider District; the extent to which it would not support, but instead undermine the possibilities for agricultural activities; and the extent to which it would not protect, but instead would degrade community facilities (the relevant section of the Crab & Winkle Way/and the setting for the Church of St Cosmos & Damian)

RESPONSE ON: CHAPTER 2 CANTERBURY

This chapter, and in particular the material describing Policy C12, in error entirely omits consideration of the relevance of the 2019 University Masterplan for the period of the Local Plan (formerly to 2045, now to 2040). As explicitly stated by the University authorities when this Masterplan was formulated and settled, after very extensive consultations with the university community, the resident community, and local and national civil society groups and other interest groups, it must be considered to be material to planning decisions.

Indeed, the whole purpose of the Masterplan was, and is, to shape planning, ensuring that the planning process becomes more stable and predictable in relation to all land owned by the university: crucially, it relates not just to the central campus but to all University land holdings, whenever these were acquired. It is clear from perusal of the Local Plan itself, but also the “evidence” and “topic papers” associated with the development of the Local Plan, that no account has been taken of this document and the commitments it embodies. Policy C12 is self-evidently entirely incompatible with this Masterplan, because it involves discarding, with no explanation, not only the broad thrust of the document in relation to the Sarre Penn valley, but also specific details within it.

Policy C12 in general (pp. 51 – 56): see comments above: it is incoherent to refer to this “rural” policy in the context of Chapter 2, which relates to urban policies. To the extent Policy C12 is rural in character, which it must be for the Local Plan to have any coherence and consistency, it should be discussed instead in the context of Chapter 5 (see comments below in response to chapter 5).

Page 51: The land north of the University of Kent clearly does *not* present “an opportunity to deliver a highly sustainable, freestanding settlement which reflects the council’s spatial strategy for development”. This language is inappropriate and hyperbolic, because to *develop this land clearly contradicts CCC’s Spatial Strategy*: see the anomalies and category errors pointed out in relation to Chapter 1, above. For the Local Plan to be coherent, the spatial opportunities associated with this site, rather, should involve: the enhancement of agriculture and the strengthening of protections for community facilities (as highlighted elsewhere in this document), rather than development through a large scale new-build “settlement”.

The Statement at [para 2.15](#) that the site can be “highly sustainable” is, again, strangely hyperbolic and inappropriate, not based on the evidence that is available, and is impossible to reconcile with available knowledge and lines of reasoning on the suitability of the site. First, the Sustainability Matrix shows clearly that across key dimensions, there are multiple reasons to categorise the site as *unsustainable*. These reasons were important in determining the status of this site as “not developable” in the previous iteration of the local plan. Most of these dimensions of sustainability (if positive) or unsustainability (if negative) - and the associated reasons - remain unchanged, as between the current and previous version of the local plan. That is, with regard to most dimensions, there has been no new evidence or argument presented to change the lines of reasoning already presented. Second, on two dimensions, it is claimed that some new evidence has emerged, and initiatives have been taken, which allow barriers to sustainability to be overcome. However, on closer inspection it turns out that this evidence is partial, incomplete or based on dubious methodological assumptions and choices. The first dimension is the possibility of constructing an access road. This is not considered in this submission, but is covered in detail in other responses to the consultation. The second dimension involves the claim that the issue of proximity to the Blean complex has somehow been resolved. In discussing chapter 6, below, it is shown why this claim is not defensible: it is demonstrably based upon methodologies which disregard a large body of evidence and argument from expert and lay perspectives, relying instead entirely on superficial and simplistic desk-based research and unsubstantiated assertion. Accordingly, the site should not even be classified as “sustainable” (let alone “highly sustainable”) but should continue to be treated as “not developable”

The statement at Paragraph 2.17 “The new rural settlement ... provides important opportunities to create large new areas of open spaces, creating significant separation from Blean and Tyler Hill, and improved ecological connectivity to key natural assets in the area, including Blean Woods” is incoherent and obfuscatory. It makes no sense given the statements made about the Policy later in this section.

- It is physically impossible to move from a 102 Hectare site with a handful of buildings otherwise characterised by unspoilt open countryside to a 102 Hectare site filled in with 2,000 houses, shops, businesses etc without extensively undermining existing open space capacity.
- It is meaningless to refer to “creating significant separation”: the relevant Local Service Centre (Blean) and village (Tyler Hill) are *already* separated, so the options are to retain this existing strong separation, or to undermine it. It is clear that the proposals would necessarily undermine it and create new continuities, coalescence and merging (or more colloquially, “sprawl”) as between Blean and Tyler Hill by virtue of the “new settlement”. There is also “sprawl” towards Rough Common, as embodied in the loss of green gap, as already identified, and towards the university/city. These aspects would remove much of the currently existing free space and replace it with continuous/contiguous development, because of the massive scale of the development in relation to constraints of size/the available land.
- It is not credible given existing evidence to claim the policy would improve ecological connectivity. Compared to the *status quo ante* of open unspoilt countryside (involving fields, woodland and hedgerows already acting to facilitate substantial connectivity) the space for connectivity/natural corridors would be massively circumscribed. Any residual restored or enhanced “green infrastructure” could not match the foregone already existing “green infrastructure”. This is in part because of the irreplaceability of some of the natural assets that would have been removed (such as ancient trees and woods); and in part because of the complete collapse of available open countryside space associated with the massive scale of the development.

- It is impossible to see how the development of this site would “create open spaces” in terms of meaningful enhancement. In its current form we already have open countryside crossed over by numerous public rights of way (PROW) and permissive paths; after the development, most of these PROWs and permissive paths would have had to be removed because of the development (housing, business, retail), and the context for any remaining PROWs and permissive paths would be that the user would no longer be experiencing open countryside, whilst being channelled through much more restricted space.

Regarding para. 2.18 and 1. (b) (i) & 2 (c) & (f) of Policy C12. The “conceptual masterplan map” suggests an indicative location of a “community hub” (4,500+ square metres of shops and offices) which will involve “high density” development in close proximity to internationally and nationally significant heritage sites: Inter alia, the Church of St Cosmos & Damian, the Crab & winkle way/Salt road, and the Roman/medieval/pre-historic site whose importance has begun to become clear through recent excavations. There is a high probability that further internationally and nationally significant heritage resources are present in the vicinity, and especially to the East reflecting Kiln heritage, including some or all of the proposed site. Scheduling of land is likely to be required. The issue of high Scheduling potentiality, in precisely the area where development will be concentrated, has apparently been completely ignored in terms of assessment (despite the promoter having the resources to undertake relevant research on the matter); and what is more, the relevance of the issue was not adequately captured in the sustainability matrix used to inform the decision to categorise the site as “developable” (“archaeology” is inexplicably scored as “neutral” in the matrix).

RESPONSE ON: CHAPTER 5 RURAL AREAS

As mentioned above, what is referred to as Policy C12 should be considered in the context of Chapter 5, and appears to have been included in Chapter 2 in error. For the avoidance of doubt, the characterisation of the landscape in this area comes primarily under landscape policy type E: “The Blean – Farmland”, part of area E3 “Amery Court Farmland”. It contains features of adjacent policy types/areas, but this is the core assessment, and the most blatant reason why the site should be considered rural, not urban. For example of the obvious features which make it nonsensical to categorise this as part of the city of Canterbury, we can include the following key characteristics: “gently undulating farmland ... remnant woodlands and belts related to the Blean located at field edges ... strong rural character persists in close proximity to Canterbury City...integral part of the Blean landscape” (Canterbury Landscape character assessment and biodiversity appraisal final report, 2020, p. 164 and p. 165). It is important to note that the blocks of woodland in scope are “priority habitat deciduous woodland, with some ancient woodland”; and that Local Wildlife Sites (LWS) are also recognised above and beyond this, including the open meadows/fields of the “Blean Pastures” (op cit, p. 164). In a crucial passage, this report also recognises the following attributes:

It is a rural area with a woodland backdrop and some experience of tranquillity and dark skies away from the settlements. It has a strong association with the surrounding Blean woodlands and is experienced as part of this wider landscape by people accessing the area for recreation along the Crab & Winkle route or promoted Blean walks along the Sarre Penn valley (op cit, p. 165).

These “key” features and “strong” characteristics and associations, alongside the fact of this land’s productive and recognised contribution to local agricultural economic activity, are each insufficiently considered by the erroneous inclusion of Policy C12 as part of chapter 2. In what follows, relevant considerations, as they relate to primarily economic aspects of rural landscape and the agricultural economy, as considered in Chapter 5, are highlighted here. Issues of plan defensibility relating to biodiversity, habitat, and nature-relevant and

perception-relevant aspects of landscape, and some other economic aspects, are bound up with these, but will be considered in discussing chapter 6 (“District wide strategic policies”). This is so as to allow clearer connection with the relevant draft plan CCC policies included in that later chapter (in particular, Policies DS 12; DS18; DS19; DS 22; and DS23). .

Pages 110 and 152: it is stated that “Land outside [existing] settlement boundaries are within the countryside and should be considered in line with Policy R19.” The reasons that Policy C12 undermines “Policy R19 – countryside” (p. 152) are as follows:

- Not only does it fail to “protect[] the rural character and appearance of the countryside”, but it would actively erode and undermine it, because the appearance of the land would change from unspoilt open countryside to a mixture of large scale housing, retail and business development and residual green space in precisely the areas of the landscape where rurality is most clearly apparent.
- The new development cannot be considered as “required for agricultural or forestry purposes” because it displaces agricultural activities, and hence weakens the economic capacity of the District to undertake productive agriculture.
- The nature of the site, as per above, means that the impacts on the “landscape, historic and rural character” would be so catastrophic and overwhelming that it is unimaginable they can be “mitigated”: the landscape and rural character would necessarily be transformed beyond all recognition.
- The enormous damage to open spaces, considered as relevant here, was already discussed in relation to the earlier chapters (see above), and is also incompatible with Policy R19 – countryside.

It also follows that the following aspiration, linked to the above Policy statement, would also be undermined: “5.37 Within the countryside the plan seeks to support agricultural development, including viticulture, and enable the protection and sensitive enhancement of existing community facilities and businesses to support the district’s rural economy. Designated green gaps which prevent coalescence between settlements will be protected from development which would harm the openness of these areas.” (p. 151). To be clear, this is because: Policy C12 removes productive agricultural activity (on high grade farmland); erodes rather than enhances a rural green gap (see discussion above regarding the green gap between Rough Common and Blean village); and would demonstrably undermine “openness” because unspoilt open countryside would be replaced by large scale housing, business and retail development.

Finally in relation to Chapter 5, Policy C12 is also incompatible with a central priority expressed in Policy R11:

Local Service Centres ... 2. The council will seek to protect and enhance the sustainability of the Local Service Centres by ... (d) supporting proposals for new community facilities and services, business or employment space...outside settlement boundaries where... (ii) the development would be *well related to and proportionate to the scale of the existing settlement and protects the rural character of the area*” (p. 135; my emphases)

The in-scope settlement in this case is Rough Common (as a LSC). It is evident that the proposed new development would violate this policy, and weaken sustainability, because: the new development would not be proportionate to the existing settlement (Rough Common) in terms of scale, as it would be significantly larger in terms of population, geographical footprint and extent of development; and because it would not only fail to protect the rural character of the area, but would actively undermine it (see discussion of Policy R19 – Countryside, already covered above).

RESPONSE ON: CHAPTER 6 DISTRICT WIDE STRATEGIC POLICIES

A cluster of “strategic” policies which are demonstrably inconsistent with Policy C12 are contained in this chapter. Why this applies is considered by looking at each enumerated strategic policy in turn, following the ordering of the policies in the Chapter.

DS12 Rural economy

The context-setting paragraph associated with this policy speaks of “protecting rural character” (p. 178, para 6.34); However, it has already been shown above that Policy C12 is incompatible with this “emphasis” because it undermines the rurality of the proposed site and its setting. In addition, since the land on the proposed site involves agricultural land which is higher quality (Grades 2 and 3), there is a further contradiction in relation to para 6.35. (And there can be no “exceptional circumstances” which have been shown to apply in the case of Policy C12, as explained below regarding Para 3) Regarding the content of the policy:

- Para 1: Policy C12 violates “a positive approach” and “development” in relation to rural economy, because it removes from productive activity the fields on the site, which are either under active cultivation, used for grazing livestock, or have the potential to be deployed for these purposes.
- Para 3: as per the earlier point re paragraph 6.35, development here precisely *does* involve the “significant loss of Grades 2 and 3a agricultural land”. And because it is well known that Canterbury City Council has failed to adopt best practice in terms of databases and techniques to identify either brownfield sites, or to pursue best practice in terms of applying a hierarchy in relation to the potential for development of greenfield sites (rated using agricultural land grade categorisations and other relevant criteria) it cannot be considered that Canterbury City Council has exhausted the potential for suitable brownfield and lower grade greenfield sites. The exceptional circumstances required cannot, therefore be evoked to justify developing such high quality agricultural land, and there can be no exception from Policy DS12.

DS18 Habitats & Landscapes of National Importance

The context-setting paragraphs associated with this policy speak not just of national protections for the Kent Downs AONB and SSSIs/NNRs, but of safeguarding “protected species” over and above these specific designations (para 6.54, p. 188); of accounting for “impacts from new development” such as “damaging or fragmenting habitats” and “noise, lighting and dust pollution”; and of the imperative of only removing “irreplaceable habitats, such as ancient woodland and ancient or veteran trees” in exceptional circumstances, by deploying appropriate mitigation including “appropriate buffers” (para 6.55, p. 188).

In relation to “protected species” it is widely known that Great Crested Newts are found on this site; and that at a minimum the following “red list” bird species are regularly recorded as using this habitat (this does not include “red list” species which are recorded less regularly, but systematically):

- Nightingale
- Cuckoo
- Greenfinch
- Yellowhammer
- Skylark

These nationally endangered birds will be used here as “marker” or “barometer” species in the discussion to bring the high level conceptual abstractions involved in the policy language to life.

A key reason why the unspoilt open countryside here as it currently exists is appropriate for most of these endangered species is precisely because it *combines* fragments of woodland, including ancient woodland, hedgerows, and a (historically significant) expansive, open mosaic field structure/grassland/crops; and more generally since it involves open farmland (in the case of skylarks' nesting needs), alongside the Sarre Penn stream related features. This complex *combination* of characteristics *jointly* constitute a crucial "hybrid" habitat: it *cannot* be mitigated on this site if development proceeds, because although some trees/ tree based buffers and isolated features could theoretically be replaced or "compensated" and "gain" secured by additional trees, as proposed in "mitigation" for Policy C12, this would *not* compensate for the *combination* of expansive open fields, hedgerows and (sometimes ancient) woodland being replaced. The reason is that, given the scope and scale of this site, it is physically impossible for 2,000 houses, a shops and business development to co-exist spatially here alongside the requisite combination of woodland/expansive open fields/hedgerows needed for there to be continuity of habitat: there is simply not enough physical space, and the landscape necessarily loses its "open" character, so crucial for these and other birds, by the act of being developed.

The above situational factors are crucial considerations of what we might call "intra site connectivity". They apply over and above off-site-facing corridor/connectivity , related to proximity to the Blean woodland complex as usually discussed and understood (these issues are considered in discussing Policy DS23 below). However, it is worth noting in this section that the national significance of these relationships between the SSSIs/NNRs, the broader Blean complex, and the wider setting, including this site, has already been underscored by national mapping exercises involving DEFRA/Natural England (Magic map). These are important because they suggest that large parts of the Policy C12 potential site, in particular to the south and east, are already considered to be part of "network enhancement zones". This categorisation is rather abstract, but in this context can be seen as capturing what has been referred to as the hybrid habitat above – including elements of the SSSI/NNR habitat (here, ancient woods, veteran trees, hedgerows) alongside the other elements (open fields, meadows or pastures) in combination involve deep complementarities which carry national-level habitat value.

The national mapping also confirms that a significant proportion of the woodland on the site is currently recognised as ancient in character, and this should remain the default understanding of the situation for planning purposes. (Efforts by the promoter to downplay or even negate the significance of this recognition of nationally significant longevity, based on partial, incomplete and unverified claims about recent research on the site, cited in the documentation, is not systematic or objective enough to be taken into account, and must not be considered credible for public policy purposes)

In relation to the specific content of Policy DS18 as set out:

- Point 1: Policy C12 violates this aspect of Policy DS18 because this is a “major development “ which will not only “endanger tranquillity” but would obviously necessarily negate it. As noted above it currently involves “ experience of tranquillity and dark skies away from the settlements” (Canterbury Landscape character assessment and biodiversity appraisal final report, 2020, p. 165). This inevitable loss of tranquillity, the first key part of the “perceptual landscape”, can be anticipated with certainty simply by reviewing Figure 3.9, *op cit*, and recognising that the site would involve a “reddening” of the tranquillity map therein; as to the second key part of the “perceptual map”, dark skies, it is self-evident that light pollution would obliterate the existing natural darkness.
- Point 4: Policy C12 demonstrably violates this aspect of Policy DS18, in terms of “material harm of SSSIs and NNR” firstly and most obviously, because of its close proximity to the Blean woodland complex, inclusive of SSSI/NNR status components (denial of this proximity is not credible: see below re Policy DS23); but also because the Nightingale and Cuckoo (referred to as “marker” or “barometer” species) require a habitat which enables them to move dynamically *between* the broader complex (including SSSIs/NNR components) and the proposed Policy C12 site, as well as *within* the Policy C12 site (characterised by the complex combination of woodland, open expansive fields and hedgerows), as already noted in reviewing the context-setting paragraphs above

DS19 Habitat, landscapes and sites of local importance

At the local level, over and above the national level as set out above, the Blean Pastures are recognised as a Local Wildlife Site. Also as already highlighted, although yet to be recognised as part of the Blean complex, the woodland on the site includes ancient and other high value green infrastructure. Relevant considerations here are:

- The significance of the site as an area for restoration via strengthened local connectivity and corridor building as emphasised by the local organisation with the most experiential knowledge about the site, Kent Wildlife Trust, which is responsible for the LWS and for developing this area, inclusive of the woodlands and hedgerows as more generally a “biodiversity opportunity area” in the Kent context.
- This recognition of the need for protection and enhancement follows from analysis of how it is situated in a strategically central position in relation to the Blean complex, both to the East and the West, as emphasised by KWT and partners in the wider Blean endeavours.
- It should also be emphasised that proximity to woodland to the North and the South amplifies further its import as a local geographical focal point for biodiversity: most obviously, it is proximate to Brotherhood wood to the south (on the university campus) and Clowes wood & Marley wood LWS to the north.

In relation to the specific elements of Policy DS19:

- Regarding incompatibility with point 1: Policy C12 is framed to anticipate that mitigation and compensatory habitat enhancements are appropriate policy responses to the aforementioned local designations (LWSs and local nature reserves) and related considerations. However, the claims that these are appropriate responses embodied by Policy C12 are not credible and do not hold for the following reasons:
 - DS19 cannot be meaningfully interpreted out of the context of DS18. This means that there are multiple, overlapping local and national protective designations applying to the site (proximity to SSSI/NNR *and* presence of national red list species *and* national network enhancement zone status *and* proximate and on-site LWS status *and* Kent biodiversity opportunity area status). This co-existence of at least 5 relevant protective local and national statuses rules out “development + mitigation” or “compensation” approaches
 - The scale and nature of the development means that it would be simply physically impossible to mitigate or compensate for it *on* the site itself
 - Compensation cannot be undertaken *off* site, because the habitat’s value uniquely reflects its specific geographical situation: surrounded by woodlands to the west, east, north and south; and involving hybridity, as identified earlier (habitat richness resulting from the co-presence of woodland, pastures and hedgerows) which it is wholly impractical to reproduce in another, geographically removed setting

- Regarding incompatibility with point 3(c) : Policy C12 not only necessarily fails to “conserve and enhance” the in-scope features and natural and heritage assets (the Blean woods complex, the already-scheduled area relating to the church of St Cosmus and St Damian and the dispersed mediaeval settlement/Roman structures, the Kiln heritage associated with Tyler hill, and the Mesolithic artefacts and Bronze age burial mounds in the vicinity). But it would actively weaken and degrade it. This is because the scale and positioning of the potential development, including the “community hub” (shops and businesses), would necessarily undermine the proximate setting for these assets. Regarding the woodland, this is for the reasons already discussed elsewhere. Regarding the built and historical heritage assets, the development would necessarily erode the dignified sense of space, grandeur, isolation and tranquillity associated with it in its current unspoilt state; and potentially involve the removal of the opportunity to identify and preserve the currently unrevealed heritage assets whose presence is highly probably on the site (given the proximity of the aforementioned assets).

DS22 Landscape character

As already noted, in discussing chapter 5, the site and its setting are primarily located in landscape policy type E: “The Blean – Farmland”, and more specifically part of area E3 “Amery Court Farmland”. In the contextual paragraph for DS 22, at paragraphs 6.70 and 6.71, attention is rightly drawn to historicity of landscape, tranquillity and dark sky considerations. We have already seen how precisely these apply to landscape policy area E3; and that Policy C12 would necessarily undermine each of these “features” and “sensitivities” in that earlier discussion. At the risk of repetition, in relation to the itemised Policy D22, the following contradictions are evident:

- Regarding point 1, it would be in practice impossible for the proposals in Policy C12 to be “sympathetic to the landscape” because the scale, scope and nature of the development involve fundamentally transforming its character from rural to urban or sub-urban, extending the “sprawl” from the established urban area to the south;
- Likewise, in relation to point 2 (a) – (e), the claims within Policy C12 that account could be taken of relevant sensitivities and features are simply not credible and wholly infeasible: given the ratio of the size of the development to the area in which it would be located, and the nature of the development itself, it is practically and physically impossible for it to comply with the listed criteria

DS23 The Blean Woodland Complex

The “policies map”, used to identify the scope and scale of the Blean Wood Complex (BWC) is presented in [paragraph 6.73](#) (p. 200) as a self-evident proposition, but cannot be considered empirically robust or conceptually defensible, because it has not been securely based on appropriate evidence and argument. Why this is so requires some background observations in the following context setting paragraphs.

Up until the latest iteration of the Local Plan, the BWC was *de facto* understood broadly, in line with all the available historical and ecological bodies of evidence, themselves based on a range of disciplines and methodologies, building on a long legacy of scholarly research (*The Blean: the Woodlands of a Cathedral City*, Blean Research Group, 2002). This was found to correspond rather closely with the lay and experiential knowledge - and common sense - manifested in the associated Local Plan discussions, which correctly ruled the Policy C12 site as not developable because of its proximity to the BWC complex thus defined.

Subsequently, a much more narrowly and restrictively drawn definition has been applied (and reflected in the “policy map”) as the result of a CCC “review” mentioned in the *Nature Topic Paper* (chapter 7), but not properly explained there. All that is revealed is that during Regulation 18 consultation (2022) and “meetings with stakeholders” it was posited that greater clarity was needed in identifying the in-scope area; and that “existing designations and land use” were examined. As part of this process, CCC decided more or less arbitrarily to exclude areas of land which, based on contemporary understandings of ecological interdependencies (complementarities between natural habitats in terms of different forms and types of woodland, areas of land combining hedgerows, small woods and clusters of trees in and around fields/pastures, and woods and groves proximate to water courses support one another) should instead have been seen as fundamental to the existing character, functioning and integrity of the BWC, and to the potential it holds for enhancement.

This new restricted and restrictive definition of the BWC, ruling out swathes of the on-site and nearby national network enhancement zone, the LWS, and the local BOA (which contemporary understandings suggest all contribute to the integrity of the BWC) was not subjected to appropriate open review and critical scrutiny, either by the broader affected lay community with experiential knowledge of the landscape and setting, or by the large community of experts and scholars with scientific knowledge of the Blean and its setting. This lack of analytic review to justify the restrictive “policy map”, and testing of its boundaries is quite extraordinarily, given the national and international significance of the BWC.

A further weakness of definitional approach, methodology, and opacity regarding the rationale, relates not to the new and restrictive BWC definition developed without appropriate critical scrutiny, but to the scope and nature of the “buffers” deemed appropriate to protect it. Within Policy C12 (point 3 (e)), the BWC itself is not considered the appropriate focal point around which a “buffer” should be situated, with only the Special Area of Conservation (only a third or less of the BWC as it has traditionally been understood) has that seen as requiring such a policy measure; but also the size of this “buffer” - a mere 400 metres - is not explained or justified using any lay or scientific form of reasoning. Instead, it is apparently simply asserted as an appropriate method of mitigation

(CCC Local Plan 2040 Habitat Regulation Assessment, 42680 HRA (Reg 18) February 2024, p. 81, para 9.2.4). The flaw here is, once again, that there appears to have been no appropriate engagement with relevant expert and lay perspectives to support the approach: either the draft policy that the “buffer” should relate to the Blean SAC rather than the broader BWC; or that this order of magnitude is appropriate.

Given the considerations already discussed about the paramount national and local significance of the BWC and its setting, it is certain (or almost certain) that had a more appropriate definitions been developed, appropriate testing of these definitions and their proposed operationalisations been undertaken, a more nuanced and inclusive policy map would have been in place, the “buffer” would have been related to a much more expansive entity than the Blean SAC alone, and the scale of the “buffer” would have been much more extensive. The failure to follow sensible practice, let alone good practice, in relation to these definitions and measures has resulted in an enormous disjuncture between the draft policy proposals and the expectations of relevant lay and expert opinion. We are now positioned to draw out the lessons of these failures of approach for Policy DS23 and its interaction with Policy DS12:

- Point 1 of Policy DS23 is only appropriate and meaningful if the “policy map” is reviewed, supported by feedback from relevant lay and expert opinion. Given the body of knowledge about the BWC, this can be expected to lead to a more extensive area being in scope.
- Points 1-5 of Policy DS23, post such a critical review, can then reasonably be expected to revert the definition of the BWC back towards the *de facto*, broader definition taken to apply up until 2022/23. In line with that previous approach, the land now considered “developable” under Policy C12 would need to be returned to its previous classification of unsuitable for development by virtue of its proximity to the BWC.

- In the event that the above were not sufficient to rule out the entirety of Policy C12, a critical review process in relation to the appropriate object for “buffer” policy, and the extensity of the “buffer”, is likely to result in a much more extensive geographical reach in any case, given the international, national (and local) significance of the BWC. This would likely envelope some or even all of the proposed site from a “buffer” perspective, and, again, render Policy C12 incompatible with Policy DS23.

CONCLUSION

This submission has shown that the inclusion of Policy C12 in the latest iteration of the CCC Local Plan undermines that plan’s coherence and credibility. It has been shown that there are so many policy confusions, inconsistencies, contradictions and anomalies resulting from the addition of this Policy that its integrity is undermined. What is more, the failure to take into account, the University Masterplan in any explicit, meaningful and transparent way is a staggering omission; and the evidence and argument evoked to support key policy definitions, and operationalisations of those definitions, has been shown to be partial and flawed in relation to key draft policies. It is therefore crucial that Policy C12 is entirely removed in finalising the CCC Local Plan.