

## **The Whitstable Society's Response to consultation on the Draft Canterbury Local Plan (2040)**

### **Traffic Modelling**

It is hard to assess future traffic flows, the modelling of it or the assumptions that have been made, because the Council has not provided any of this data for the Local Plan 2040. We request that the outcome of the traffic modelling is provided and that residents are given the proper democratic right to review this work and comment on it in due course. We do not believe that any process without this information/opportunity to review would be reasonable or lawful.

It should be noted that other consultees such as Natural England require traffic modelling to assess the impact of increased levels of traffic on SSSIs and other wildlife receptors.

### **Policy SS3 – Development Strategy**

The Whitstable Society is opposed to Policy SS3 of the draft Local Plan (Development Strategy) in regard to the following stated aims:-

- Allocation of land for a Strategic Development Area at south Whitstable,
- Whitstable Urban Area and Herne Bay Urban Area to be foci (centres) for development in the district.

Canterbury City Council needs to recognise that housing developments affect the coastal towns much more adversely than Canterbury. Canterbury can expand to north, east, south and west. Whitstable can only expand southwards, as it is constrained by marshland to the west, and by Herne Bay to the east. What little farmland that remains within easy walking distance of Whitstable is needed for residents' recreation and well-being as well as to preserve the last vestiges of the natural setting of this tourist destination. Therefore, the farmland between the Blean woodland and the existing urban edge of Whitstable requires an appropriate Council policy to protect it. This will also help retain the landscape setting and character of the Blean Woodland Complex.

The appropriate policy to protect the landscape should reinforce the AHLV designation in the adopted Local Plan (2017), or it could be a new "Land north of The Blean Complex" policy describing the value of, and explicitly protecting, the rest of the landscape between the southern limit of the existing Whitstable built-up area and The Blean Complex. Such a policy would be consistent with NPPF paragraph 20d, which states that *Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision for...conservation and enhancement of the natural .....environment, including landscapes.*

A comparison between the draft Local Plan 2040 with the previous draft (Local Plan 2045) shows that several developments sites in Barton ward have been dropped. These include the sites called *Land south of Littlebourne Road* (approx. 1400 dwellings), *Land south of*

*Bekesbourne Lane* (approx. 645 dwellings), *Land north of Bekesbourne Lane* (at least 67 dwellings), *Canterbury Golf Course* (approx. 74 dwellings). These sites were to have been linked to the A2 trunk road by an "Eastern Movement Corridor" road. Reasons cited for dropping these sites and the associated new road have been (1) to protect the landscape between Littlebourne Road and Sturry, and (2) anticipated difficulties in building a bridge to carry the new road over a railway line. However, it has not been demonstrated (for example by traffic modelling) that protecting the landscape between Littlebourne Road and Sturry requires every one of these sites to be dropped. Moreover, it is not clear why constructing this particular railway bridge would be too challenging, leaving people wondering if it might be a political decision, noting that the Chair of the Planning Committee is Member for the ward where the houses would be built.

As, at present, there is no anticipated reduction in demand for house construction in the foreseeable future, it appears likely that these sites will eventually become part of the natural growth of Canterbury, and the southern part of the Eastern Movement Corridor (i.e. south of Littlebourne Road) will need to be constructed at some point to link the sites to the A2. It would be highly advantageous to start constructing the corridor as part of the forthcoming Local Plan, while there is still an opportunity to build the section through neighbouring development sites between the railway line and the A2 trunk road. Concerns have been raised that the potential development sites in Barton ward may have been dropped from the local plan for political reasons rather than simply sound planning grounds.

### **Policy SS4 Transport**

The Whitstable Society objects to Policy SS4's intentions to

- create a "Park and Bus" car park on agricultural land south of Whitstable,
- create a new A299 junction linking to Chestfield Road, thereby resulting in a substantial increase in traffic, road safety hazards and pollution issues on local roads.

We are not against the principle of Park & Rides, however the current proposal is in the wrong location and we are concerned it would not be successful or viable without long-term subsidy for a frequent bus service. Provision of a new A299 junction at Chestfield Road would create an alternative quick route for tourists to drive to the coast (at Swalecliffe and Tankerton). Likewise recent planning application 22/01527 will create a new quick route for tourists to drive to the coast at Seasalter.

### **Policy W3 – Whitstable** (page 77)

This topic includes sites W4 Brooklands Farm, W5 Land South of Thanet Way, W6 Bodkin Farm and a proposed new junction on A299 New Thanet Way. The Whitstable Society object to Policy W3 in respect of the following issues:

- It is not appropriate to consider the above locations as if they are within Whitstable’s urban area. In the current Local Plan (2017) these are clearly marked as outside the urban boundary, and CCC has not justified to Whitstable residents why it might be necessary to move their urban boundary, given that other possible development sites exist within the CCC area, as shown in the draft Local Plan 2045 published two years ago;
- It is not acceptable that CCC intend, for the purposes of building new housing developments, to create capacity on the A2990 by diverting traffic onto residential roads (primarily Chestfield Road and South Street) by creating a junction with the A299 New Thanet Way.
- The proposed “park and bus” facility on agricultural land south of A2990 Old Thanet Way is poorly located and unlikely to be economically viable.
- The proposed Brooklands Farm development is deeply unpopular with Whitstable residents and does not comply with the National Planning Policy Framework or even policies within this draft Local Plan (see Policy W4);
- Planning policies and proposals in the south Whitstable area should be assessed on their individual merits, not according the infrastructure they might facilitate (as stated for example in the Development Topic Paper Appendix B – Summary of Strategic Land Assessment).

## **Policy W4 – Land at Brooklands Farm**

### **1. Sustainability**

Brooklands Farm is not a sustainable place to build a large development. If the residents of the Brooklands Farm development commute in the same way as residents in South Chestfield, more people would be commuting to Canterbury than any other destination, almost all of them by car. Inevitably, the roads to Canterbury will become even more overused. In combination with CCC’s proposed development at Blean, we can expect major congestion in the north Canterbury area. We would suggest that the majority of the proposed houses should be built nearer the offices, schools and shops of Canterbury that the residents will be using.

### **2. Landscape and Areas of High Landscape Value**

Brooklands Farm lies in an Area of High Landscape Value according to the existing (2017) Canterbury Local Plan. Indeed, the surviving rural landscape is becoming even more highly-valued as the remaining fields around Whitstable disappear under ever-expanding housing estates. It would be entirely unreasonable, in the legal sense, for the Council to ignore the AHLV designation so soon after it was made. Development here would also contravene **NPPF paragraph 180a** which states that planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.

Development would also be contrary to NPPF **Para 180b**, which states that planning policies should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside.

Development would also be contrary to NPPF **Para 135c**, which states planning policies should ensure developments are sympathetic to local character (which in this case is traditional undeveloped agricultural land).

Brooklands Farm is well-loved by local people for its peaceful and rural landscape with wonderful wide views across the valley of the Swalecliffe Brook. The public footpath alongside the brook is popular with residents who enjoy its varied scenery including mature riverside trees, traditional cattle-meadows and arable fields. CCC's inadequate and erroneous Landscape Character Assessment 2020 does not do it justice, but even that recommended CCC should reinforce the open rural setting south of Whitstable and resist development in the A299 New Thanet Way corridor.

Development here would contravene NPPF **Para 191b**, which states that planning policies should identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value.

CCC's stated aim (item k, page 84) to "Preserve and enhance long distance views including towards the Blean Woods complex and countryside to the south of the site" is totally absurd, because the proposed development would be constructing suburbia across the foreground of this scenic rural landscape.

It should also be noted that Elevated areas of the development site are visible from Clowes Wood, about a kilometre to the south. Development on Brooklands Farm would therefore be detrimental to the setting of the Blean woodlands.

### **3. Flooding**

The site is not suitable for development because of the strong likelihood of increasing flood risk, including areas downstream on the Swalecliffe Brook. At present heavy rain sits on the farmland before it slowly evaporates or trickles into the Brook. If the land were to be significantly covered in tarmac, house roofs etc, water would quickly run off the site and would overwhelm the Brook, or alternatively require large areas of storage if provision is made for the increase in intensity and frequency of rain that is expected from global warming. The Brook already floods nearby farmland, and we strongly believe that this would be materially exacerbated by the proposal, endangering both the new development and the surrounding landscape. This flooding would clearly be extreme if anything close to nine inches of rain fell in 24hrs, as happened before the disastrous August 1952 Lynmouth floods. It should be noted that the Blean upland can potentially cause orographically-enhanced precipitation in the same way as the Exmoor landscape near Lynmouth.

Another issue that should be noted is that local residents can recall flood events when the Brook flooded South Street “like a lake” and made it impassable. Radfall Hill road was also flooded and impassable near the A299 underpass, likewise Chestfield Road near Cherry Orchard. During such events, the residents of the eastern half of the proposed development would be isolated by flood waters.

Policy W4 (Item “i” on page 83) suggests that CCC may allow construction of homes within the existing Flood Zone 1 (0.1% annual probability of flooding). It appears that CCC and the Environment Agency (if it has approved this proposal) do not understand the hydrology of the catchment area of the Swalecliffe Brook, and its impermeable clay geology. Has this hydrology been modelled for the full effects of global warming and the associated increased rainfall and its intensity over the entire catchment area of the Brook?

Development on this site would be **contrary to policy 173** of the National Planning Policy Framework which states that local planning authorities should ensure that developments do not increase flood risk elsewhere. Development would also be **contrary to policy 168** which states that development should not be allocated or permitted if there are reasonably available sites in areas with lower risks of flooding.

#### **4. Infrastructure**

House-building in Whitstable has out-stripped the capacity of the local infrastructure, another example of the unsustainability of building here. Specifically, there is a clear **lack of health facilities**, with some residents now unable to secure an appointment with a local GP, and hospitals forced to treat patients in corridors because resources (capacity of wards) cannot cope with demand. The Council should invest first in the provision of such infrastructure before making commitments to additional residential developments housing thousands of people.

The local **sewage works** cannot cope with the increasing demand, and frequently releases untreated sewage into the sea, causing instances of acute illness for people on local beaches. While this is well documented over the past couple of years, the exact extent of this problem is unknown, because the authorities do not keep any records. This is threatening the reputation of Whitstable’s sea food businesses, famous beaches and tourism links, potentially undermining the livelihood of the town. This is not “sustainable”, and therefore inconsistent with the government’s National Planning Policy Framework. Southern Water are building a larger-diameter outfall, and local people believe the pollution problem is likely to become worse not better.

Another example of the inadequacy of local infrastructure is **Whitstable’s roads**. When CCC approved construction of 400 homes at “Whitstable Heights” it was deemed necessary to widen the Borstal Hill arm of the Long Reach roundabout, in order to accommodate the extra traffic. However, widening the roads has made them more difficult and dangerous for pedestrians to cross. Now, in the Brooklands Farm

proposals, to accommodate the extra traffic the Council are proposing to create a new junction on the A299 to divert traffic from the A2990 Old Thanet Way onto local residential roads South Street and Chestfield Road. This will lead to unacceptable traffic levels for local people, road safety problems and noise and pollution in residential areas.

A further example of lacking infrastructure is the absence of a sports hall in the town.

## 5. **Biodiversity**

In practice, the W4 proposals have a seriously negative impact on biodiversity. Even the simple act of reporting rare wildlife on (and in the vicinity of) this site raises the risk that the developers or even the landowners could take steps to remove such rare species, as has happened at other sites with development potential. The Brooklands Farm site contains ancient wet woodland and a Local Wildlife Site. It also contains traditional cattle pasture and a brook. The combination of these various habitats forms an increasingly rare ecosystem. One native species has been observed that is not found anywhere else in Kent, namely *Myosurus minimus*.

There is also wildlife on the arable fields, e.g. skylarks. Developing on this site would be contrary to **policy 180d** of the National Planning Policy Framework which seeks to minimise the impact on Biodiversity. CCC itself has recognised that biodiversity needs be protected (e.g. policy SS1 of this draft Plan).

CCC's stated intention to provide 20% biodiversity net gain is not credible given the rich wildlife of the existing landscape.

CCC's stated aim (item h, page 84) to "Conserve wooded stream networks" and "Conserve and enhance grassland" appear absurd, because the proposals would require busy movement corridors with street lighting to cross the Brook and Longtye Wood (a Local Wildlife Site), and would transform traditional cattle pasture into an urban environment.

## 6. **Convicts Wood LWS**

The proposals would have an adverse effect on the Convicts Wood Local Wildlife Site, comprising the woodland alongside the Swalecliffe Brook. The part of the LWS lying south of South Street is so boggy it may never have been fully cleared for agriculture, in which case it would be exceptionally Ancient Woodland. Building 1,400 houses nearby would cause it to be severely degraded and used as a children's recreation area, for dog-walking and dumping garden refuse. Residents' cats and other pets would kill or scare away local wildlife.

## 7. **Agricultural Land**

Parts of the development site have well-drained, south-facing, fertile soils which are likely to be “Best and most versatile” agricultural land. Building here would therefore not be consistent with **policy 180b** of the National Planning Policy Framework, which states that policies should enhance the natural and local environment by recognising the benefits of best and most versatile agricultural land.

## 8. **Consistency with other Local Plan policies**

Policy W4 Brooklands Farm is fundamentally inconsistent with other aims and policies of the draft Local Plan.

It would be inconsistent with the stated Strategic Objectives (page 9), namely to:-

- Protect and enhance our rich environment and valued landscapes, creating a network of green spaces, protecting and enhancing green gaps between settlements, supporting nature’s recovery and biodiversity – and
- Capitalise on our rich and distinctive heritage and culture, enhancing character, sense of place and quality of life.

Likewise, development at Brooklands Farm would be totally inconsistent with Policy SS1 (Environment Strategy) in the draft Local Plan, which states that:-

- The network of green and blue infrastructure - including rivers, streams and ponds - in the district, which provides important habitats, valued landscapes and spaces for recreation and which supports our health and wellbeing, will be protected;
- Proposals that increase the risk of flooding will be refused.

Development at Brooklands Farm would be inconsistent with the Development Strategy in the draft Local Plan (page 15), in regard to its stated aim to protect the countryside and the rural character of the district from inappropriate development.

Policy W4 would also fail to comply with Policy DS23 (Blean Wood Complex) of the draft Local Plan. This states that “Proposals for development that would result in the ... deterioration or damage to the character, ecology, connectivity and integrity of the Blean Complex SAC will be refused”. Policy W4 (and to some extent Policy W6) will lead to a significant increase in the number of commuters in cars driving on Radfall Hill past Thornden Wood SSSI. Based on National Census data describing the commuting characteristics of south Chestfield, we estimate the number of commuter cars from the Brooklands Farm development travelling towards Canterbury every morning would be approximately 277. These vehicles would present a hazard to wildlife (e.g. animals killed trying to cross the road) and a serious source of pollution and disturbance.

Policy W4 is also likely to be contrary to Policy DM14 of the draft Local Plan, which states that “Proposals for development ...will only be supported where a flood risk

assessment demonstrates that it will be safe for the lifetime of the development, taking into consideration the implications of climate change, and will not increase flood risk elsewhere or result in a loss of floodplain storage capacity or impede flow paths”. To obtain a truly objective understanding of the flood risk, an *independent* consultant (i.e. not appointed by developers) should conduct the flood risk assessment.

CCC’s “Climate Change Action Plan” states that CCC will “Introduce new land management practices across our open spaces aiming to maximise their ability to remove carbon, and optimise their biodiversity and resilience value”. It is legally unreasonable for the Council to now propose this plan to build over the large open space at Brooklands Farm.

#### 9. **Taking account of public consultation:**

Analysis of responses from consultation for the draft Local Plan 2045 (2022), shows that the three most unpopular development sites were Cooting Farm, Aylesham South and Cooting, none of which have been brought forward to the draft Local Plan 2040. Of the sites brought forward to the draft Local Plan 2040, W4 Brooklands Farm is by far the most unpopular with residents. Why has CCC persisted with this deeply unpopular project and increased the number of houses?

#### 10. **Reasonableness**

Overall we suggest that it would not be reasonable, in a legal sense (see Associated Provincial Picture Houses Ltd. v Wednesbury Corporation [1948] ), for the Council to continue with the proposed development on the grounds listed above and we plan to object to this development at every stage including, in due course, reserving the right to apply for a judicial review of this decision.

#### **Policy W5 – Land South of Thanet Way**

The Whitstable Society object to this policy for the reasons set out in our detailed objections to planning application 23/00379. Reasons include:

1. Road safety. The development would exacerbate existing unresolved pedestrian safety concerns at the nearby A290 / A2990 Long Reach roundabout, especially the lack of any safe pedestrian crossing facility on the road called Borstal Hill. (These safety issues were highlighted by the Highway Authority in their correspondence submitted for planning application CA/23/00777). CCC and the Highway Authority do not appear to have any solution for these problems, and do not appear to have investigated the issues here when the road is busiest, i.e. between 3pm and 4pm when children are returning home from school.
2. Unsuitability of this site for urban development due to its conspicuous location on elevated downland, i.e. it lies on the skyline and clearly visible from both the north (Whitstable) and the south, including from the A299 corridor. Development would be contrary to NPPF **Para 180b**, which states that planning policies should contribute to



and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Development would also be contrary to NPPF **Para 135c**, which states planning policies should ensure developments are sympathetic to local character, including the landscape setting.

3. The site can be seen from the immediate surrounding of the Blean woodland (Clowes Wood). Indeed, from such locations, it is possible to look across the site and see the sea, *without seeing urban Whitstable* within this line of sight. Policy W5 therefore is detrimental to the setting of the Blean complex of ancient woodland. To quote KCC's Review of Special Landscape Areas in Kent (1993), "Blean Woods is one of the few remaining very heavily wooded parts of Kent... Such large woodlands are unusual in close proximity to the sea and this creates a distinctive sense of place". The distinctive sense of place will be significantly diminished if this development is constructed. It is significant because the viewpoint is on the public footpath CB20B / CW12 from Canterbury to Whitstable.
4. Residents from the proposed housing estate would drive to work in Canterbury along the A290, with adverse impact on Ellenden Wood (SSSI) and the Blean Woods National Nature Reserve (Reference: journey to work data in National Census data table WF01BEW for Canterbury 005A ).
5. Policy W5 is inconsistent with **Policy DS22** of the draft Local Plan 2040, which appears to imply that developments should not have an adverse impact on important long-distance views, including from vantage points and the PROW network.

CCC's Planning Committee voted to approve this site for development in December 2023, however formal complaints were raised about both procedure and the erroneous information submitted by the developers' consultants. It is understood that the Decision Notice has not been issued.

CCC have stated they require a 20% Biodiversity Net Gain (BNG) at this site, which last year was a wheatfield with hares, skylarks, other animals, birds and insect life. This spring it is sterile bare ground, having apparently been sprayed with herbicide to prepare the site for development. This illustrates how CCC's biodiversity targets are meaningless numbers that apparently nobody takes seriously.

### **Policy W6 – Bodkin Farm**

Whereas the Whitstable Society understands there may be advantages in providing an additional secondary school in the Whitstable / Herne Bay area, we are concerned that there is no evidence that there has been any modelling of the very considerable amount of traffic always associated with schools. There are likely to be serious highways issues affecting the roundabouts and pedestrian crossing outside Chestfield railway station, and some of these problems are likely to be difficult to solve. Until appropriately detailed traffic modelling has been undertaken, nobody (including CCC) can make a responsible decision about how practicable this policy would be to implement.

### **Policy DS11 – Tourism development**

Whitstable is the “Pretty Kent seaside town that is being ruined by AirBnBs according to fed-up locals”, as recently featured by *KentLive*. Some of the residents quoted in the article say:

- “Half the houses in this street are Airbnb. ....Now I can't afford to live in Whitstable.
- "Airbnbs make up 60 per cent of the area. There are no locals anymore. Outside of weekends it is dead. Businesses start to struggle in the winter. There are lots of customers in the summertime but it's not for long, and you can't sustain a business on two months of the year.”

In the proposed Policy DS11, paragraph “2d” is too vague and woolly (e.g. how is the word “area” to be interpreted, and precisely what is an overconcentration?) We would like this to be replaced by a requirement that applications to convert a residential property to holiday accommodation will be rejected if it would be likely to lead to more than a third of the addresses in the street being non-residential (with “residential” meaning it is the primary residence of at least one occupant for at least ten months of the year).

Paragraph 4 should be changed so that there are no restrictions on converting holiday accommodation to permanent residential accommodation for the duration of this Local Plan. This should help to raise the amount of more-affordable residential accommodation in Whitstable without building on agricultural land.

### **Policy DS22 – Landscape Character**

Policy DS22 is not acceptable without clarification to make it clearer and more effective. Paragraph 2 states that *Proposals for development will be permitted if the following criteria are satisfied:... ( c ) The development does not have an adverse impact on important long distance views, including from vantage points, the PROW network and National Trails*. These words give no protection to any landscape if a development creates a serious adverse impact on important long-distance views, or on the public footpath network and thereby sustainable tourism. The policy should be updated to state that *“Proposals for development will be refused permission if they would have an adverse impact on important long distance views from publicly accessible areas, including from vantage points, the PROW network and National Trails.”*

### **Comments on “Natural Environment and Open Space Topic Paper” dated Feb 2024.**

Chapter 6 of this document aims to review draft site allocations and environmental protections, as part of the Habitat Regulation Assessment to inform the Regulation 18 draft Local Plan (2024).

In respect of Policy W4 Brooklands Farm, it is not clear why there is no assessment of the substantial effect the development would have on the Local Wildlife Site at Convicts Wood. This omission appears to be an error.

In respect of the Ancient Woodland status of Convicts Wood, the review states:

*“Land at Brooklands Farm (Policy W4) has a section of ancient woodland along the water course that runs through the site. As such, this section is also Flood Zone 2 and 3. Therefore, no development would be permitted in this area of the site, as highlighted in the draft policy wording. This means development, in line with the criteria set out in the draft policy, would not result in the loss or deterioration of ancient woodland or ancient or veteran tree”.*

This is of course absurd. Firstly, the development could affect the local environment by making it wetter and more prone to flooding. Secondly, the local environment will suffer from disturbance caused by hundreds of nearby residents and their animals.

To illustrate this issue, Convicts Wood (not including Longtye Wood) at present has no human habitation within about 370m, and it usually has no visitors because it is on private land. The map of the site in the draft Local Plan 2040 suggests there would be approximately 350 houses within 370m of Convicts Wood, indicating over 700 people living within that distance, with an estimated 300 cats and dogs. This would have a major impact on the ecosystem of the Local Wildlife Site, and it would be very surprising if the trees of the Ancient Woodland remained unaffected.

In summary, the review of the effect of the development at W4 Brooklands Farm on the LWS and Ancient Woodland at Convicts Wood is **not fit for purpose**.