

INDEPENDENT REVIEW

Canterbury District Local Plan 2040
Sustainability Appraisal and Strategic
Environmental Assessment

May 2024



Independent Review of SA Report (Reg 18)



Independent Review

CANTERBURY DISTRICT LOCAL PLAN 2040 Sustainability Appraisal Report – Draft Canterbury District Local Plan 2040 (Regulation 18)

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(Regulation 18) Report**

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Author:

Dr Rufus A Howard BSc (Hons) LLM CEnv FIEMA

Greenfriars Ltd.

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[Redacted]

www.greenfriars.org.uk



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Non-Technical Summary

This report, commissioned by local communities affected by a proposed new settlement north of the University of Kent, scrutinises the Sustainability Appraisal (SA) of the Draft Canterbury District Local Plan 2040. The plan suggests building around 2000 houses on a greenfield site between the villages of Blean and Tyler Hill.

According to national laws and policies aimed at protecting the environment and society from unsustainable development, Canterbury City Council must carefully evaluate such proposals. This includes conducting a Sustainability Appraisal (SA) and environmental assessments to ensure the plan aligns with sustainability goals and avoids significant harm to people and the environment.

The report finds that the assessments conducted by the Council in this case fall short. The assessments indicate that the proposed settlement would have major negative impacts on biodiversity, landscape, water, heritage, and transport. This report argues that the assessments lack proper consideration of alternatives. The assessments that have been carried out are poorly justified, with strong evidence of harm and significant negative effects, and weak or missing evidence of positive effects. This calls into question the soundness of the process and outcomes.

The shortcomings identified raise concerns about legal compliance and the failure to adequately inform the public, stakeholders, and Council members about the plan's environmental effects. This report suggests that these deficiencies could lead to legal challenges and violate principles outlined in government guidance, regulations and planning policy, which are designed to grant public access and transparency over environmental information and decision making.

In summary, this report concludes that designating the Land north of the University of Kent for a new settlement in the Draft Plan is deeply flawed from legal, planning, policy, and sustainability standpoints.



1. Background

1.1. Purpose of Report

This report is an independent expert review focused on the Sustainability Appraisal (SA) (and Strategic Environmental Assessment (SEA))¹ of the 'Draft Canterbury District Local Plan 2040' (the Draft Plan). Specifically, this report looks at the SA and SEA of the land east of the village of Blean, and north of the University of Kent (Policy C12 in the Draft Plan), that is newly proposed under the Draft Plan to be included as an allocated site for a new settlement containing c.2000 new dwellings. See Annex A for more information on the credentials of the report authors, Greenfriars Ltd.

1.2. Evidence Review

The review looks specifically at the SA and SEA reporting including legal requirements and government guidance, and how it has been applied in the allocation of the new settlement east of Blean, and north of the University of Kent, in the Draft Plan. Key SA reports reviewed include:

- Canterbury District Local Plan 2040 **Sustainability Appraisal Report** - Draft Canterbury District Local Plan 2040 (Regulation 18) (February 2024);²
- Canterbury District Local Plan (2020-2045) Draft Canterbury District Local Plan (2020 - 2045) (Regulation 18 consultation) **Sustainability Appraisal Report** (October 2022);³
- Draft Canterbury District Local Plan to 2045 **Sustainability Appraisal** of Strategic Land Availability Assessment (July 2022);⁴ and (December 2023 & Addendum)⁵; and
- Canterbury City Council Canterbury District Local Plan 2040: Draft District Vision and Local Plan Options **Sustainability Appraisal Report** (May 2021).⁶

The review also considers the SAs and SEA in the context of the following key guidance and regulations:

- **UK SEA Regulations** - The Environmental Assessment of Plans and Programmes Regulations 2004. UK Statutory Instruments 2004 No.1633;
- **UK SEA Guidance** - A Practical Guide to the Strategic Environmental Assessment Directive. ODPM 2005;
- **UK SA Guidance** - Strategic Environmental Assessment and Sustainability Appraisal DLUHC & MHCLG (2015-2020).

¹ Canterbury District Local Plan 2040 Sustainability Appraisal Report - Draft Canterbury District Local Plan 2040 (Regulation 18) [Sustainability Appraisal Report Regulation 18 2024.pdf \(canterbury.gov.uk\)](#)

² Ibid.

³ Canterbury District Local Plan (2020-2045) Draft Canterbury District Local Plan (2020 - 2045) (Regulation 18 consultation) Sustainability Appraisal Report [Sustainability Appraisal Report Regulation 18 2022 0.pdf \(canterbury.gov.uk\)](#)

⁴ [Sustainability appraisal of strategic land availability assessment 2022.pdf \(canterbury.gov.uk\)](#)

⁵ [Sustainability Appraisal of the Strategic Land Availability Assessment - December 2023.pdf \(canterbury.gov.uk\)](#)

⁶ [Sustainability Appraisal Report Options Consultation.pdf \(canterbury.gov.uk\)](#)



2. Review of the Sustainability Appraisal

For readers unfamiliar with the key policy and regulatory framework surrounding Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) requirements please see Annex 2 of the report.

2.1. Stages of the SA

The SA process is identified as having 6 Stages within the 2024 SA report. In terms of timing the following summary provides an overview of some of the key dates leading up to the present consultation. This overview is important because the allocated Land north of the University of Kent was not proposed in the October 2022 SA and is now proposed in the February 2024 SA.

Table 1. SA Stages to Present

Content	Timing
Stage A SA Scoping Report (2019)	Consultation ran 28th October to 9th December 2019.
Stage B Canterbury District Local Plan 2040: Draft District Vision and Local Plan Options Sustainability Appraisal Report (May 2021). ⁷ Draft Canterbury District Local Plan to 2045 Sustainability Appraisal of Strategic Land Availability Assessment (July 2022). ⁸ Draft Canterbury District Local Plan (2020 - 2045) (Regulation 18 consultation) Sustainability Appraisal Report (October 2022). ⁹ Draft Canterbury District Local Plan to 2045 Sustainability Appraisal of Strategic Land Availability Assessment (Dec 2023). ¹⁰ Canterbury District Local Plan 2040 Sustainability Appraisal Report - Draft Canterbury District Local Plan 2040 (Regulation 18) (February 2024). ¹¹	Draft District Vision and Local Plan Options (2021) was consulted on between 28 May and 30 July 2021. The SA of the SLAA was published in July 2022. The consultation on the Draft Local Plan 2045 (2022) undertaken between 24 October 2022 and Monday 16 January 2023. An updated SA of the SLAA was published in Dec 2023. The consultation on the Draft Local Plan 2040 is being undertaken between 11 March 2024 and 3 June 2024.

⁷ [Sustainability Appraisal Report Options Consultation.pdf \(canterbury.gov.uk\)](#)

⁸ [Sustainability appraisal of strategic land availability assessment 2022.pdf \(canterbury.gov.uk\)](#)

⁹ Canterbury District Local Plan (2020-2045) Draft Canterbury District Local Plan (2020 - 2045) (Regulation 18 consultation) Sustainability Appraisal Report [Sustainability Appraisal Report Regulation 18 2022 0.pdf \(canterbury.gov.uk\)](#)

¹⁰ [Sustainability Appraisal of the Strategic Land Availability Assessment - December 2023.pdf \(canterbury.gov.uk\)](#)

¹¹ Ibid.



2.2. Purpose of SA Report

The purpose of the 2024 SA Report is set out on Page 1 of the 2024 SA report and is repeated below in full for clarity and transparency:

PURPOSE OF THE SA REPORT¹²

This SA Report supports the development and refinement of the Local Plan by appraising the sustainability strengths and weaknesses of the objectives, policies and proposed site allocations that comprise the Draft Local Plan. The purposes of the SA are:

- to ensure that the likely significant environmental and socio-economic effects of the Draft Local Plan and any reasonable alternatives are identified, characterised and assessed;
- to help identify appropriate measures to avoid, reduce or mitigate adverse effects and to enhance beneficial effects associated with the implementation of the Draft Local Plan wherever possible;
- to provide a framework for monitoring the potential significant effects arising from the implementation of the Draft Local Plan;
- to inform decisions on the Draft Local Plan; and
- to demonstrate that the Draft Local Plan has been developed in a manner consistent with the requirements of the SEA Regulations.

It is also worth restating the Vision and Strategic Objectives of the Draft Local Plan are stated as:

- A sustainable and resilient economy
- A thriving environment
- Improved connectivity
- Healthy communities.

The SA Report (2024) goes on to set out the requirements for Sustainability Appraisal, the sections below have had Bold and Underline added for emphasis of key points added:

At paragraphs 15-16, the National Planning Policy Framework (NPPF) sets out that local plans provide a framework for addressing housing needs and other economic, social and environmental priorities and that they **must be prepared with the objective of contributing to the achievement of sustainable development**. In this context, paragraph 32 reiterates the requirement for SA/SEA as it relates to local plan preparation:

“Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including

¹² Section 1.2 Page 1 Canterbury District Local Plan 2040 Sustainability Appraisal Report - Draft Canterbury District Local Plan 2040 (Regulation 18) February 2024.



*opportunities for net gains). **Significant adverse impacts on these objectives should be avoided** and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered)."*

The Planning Practice Guidance (PPG) also makes clear that **SA plays an important role in demonstrating that a local plan reflects (and contributes to) sustainability objectives and has considered reasonable alternatives**. In this regard, **SA will help to ensure that a local plan is "justified", a key test of soundness that concerns the extent to which the plan is an appropriate strategy, when considered against the reasonable alternatives and based on proportionate evidence**.¹³

In summary, the requirements of the Sustainability Appraisal are to guide Canterbury City Council (CCC) in undertaking its functions in compliance with the National Planning Policy Framework (NPPF) and Strategic Environmental Assessment (SEA) requirements and its own Vision, which taken together require that they can meet the following four tests:

1. Must contribute to achieving sustainable development
2. Must avoid significant adverse impacts
3. Must consider reasonable alternatives to achieve sustainability objectives
4. Must be justified, sound, appropriate, reasonable and consider proportionate evidence.

2.3. Review Methodology

The following section looks specifically at the evidence provided in the consultation and the results of the SA and SEA as it has been applied to the Land east of Blean and Land north of the University in the 2022 and 2024 assessments. The review seeks to critically consider the extent that it meets the four tests set out above.

Drawing on the legal requirements and published official guidance (see also Annex 2), and the four tests outlined above, this report focuses on critically reviewing the extent to which the Sustainability Appraisal has implemented the SEA regulations and commitments under the Aarhus convention on the following three key legal requirements:

- The preparation of the Environmental Report and its contents
- The consultation on the Environmental Report
- The extent to which the Environmental Report and the results of consultation have been taken account of in decision making.

¹³ Page 6 Paragraphs 1.5.2 and 1.5.3 from Canterbury District Local Plan 2040 Sustainability Appraisal Report - Draft Canterbury District Local Plan 2040 (Regulation 18) February 2024.



To avoid arguments concerning the methodology, and due to the time constraints imposed by the duration of the public consultation, this review has not directly undertaken an alternative SA and SEA, which may have arrived at different conclusions regarding the impacts identified within in the SA and SEA process.

Therefore, the analysis below has used the data and findings as presented by Canterbury City Council's own published assessments. Where the review has made criticisms regarding the method or results, these are provided as notes and comments, however the findings themselves have been left as presented in the official SA in order to ensure the review is based on a common understanding of the information provided to the decision makers in exercising their public duties.

2.4. The Sustainability Appraisal Objectives

A key element of the SA and the main basis on which options are considered and compared is through the use of Sustainability Appraisal Objectives (SAO). Table 2-1 in the 2024 SA set out the key objectives and policies arising from the SA's review of the Plans and Programmes.

Table 2. SA Framework (Based on SA 2024)

Sustainability Appraisal Objective (SAO) (descriptions from pp.19-22 of 2024 SA)	Stated Sub-objectives (from pp.19-22 of 2024 SA)	SEA Topic (from pp.19-22 of 2024 SA)
SAO 1: Air Quality To reduce air pollution and encourage improvements in air quality	1.1 Minimise poor air quality and encourage improvements 1.2 Minimise and mitigate adverse effects of poor air quality 1.3 Support the achievement of air quality improvement objectives within the designated AQMAs	Air, climatic factors, human health
SAO 2: Climate Change To minimise greenhouse gases that cause climate change and deliver a managed response to its effects	2.1 Minimise greenhouse gas emissions 2.2 Deliver high standards of energy efficiency in new development 2.3 Support the use of renewable energies 2.4 Support increased resilience to climate change	Climatic factors
SAO 3: Biodiversity To conserve, connect and enhance biodiversity across the District	3.1 Support the achievement of biodiversity net gain 3.2 Conserve, protect and enhance protected sites in accordance with the protection hierarchy (i.e. international, national or locally designated) 3.3 Support improvements to biodiversity in non-designated areas of the District 3.4 Support improvements to ecological networks including connectivity of habitats 3.5 Support species adaptation and migration to reduce impacts of climate change and ensure resilience 3.6 Encourage carbon sequestration	Biodiversity, flora, fauna, landscape, human health, climatic factors
SAO 4: Geology	4.1 Aim to protect and prevent damage to geologically important sites, such as RIGS	Material assets



Sustainability Appraisal Objective (SAO) (descriptions from pp.19-22 of 2024 SA)	Stated Sub-objectives (from pp.19-22 of 2024 SA)	SEA Topic (from pp.19-22 of 2024 SA)
To conserve geological sites and safeguard mineral resources within the District	4.2 Balance the need for development with safeguarding mineral resources and infrastructure	
SAO 5: Landscape To conserve and enhance the landscapes of the District for people and wildlife	5.1 Conserve, protect and enhance protected sites in accordance with the protection hierarchy (i.e. international, national or locally designated) 5.2 Support improvements to existing non-designated landscapes	Landscape, fauna, flora, water
SAO 6: Water To protect water resources and ensure a high quality of inland and coastal waters	6.1 Protect and enhance ground and surface water quality 6.2 Avoid adverse impacts on coastal waters, fisheries and bathing waters 6.3 Promote the sustainable and efficient use of water resources	Water, climatic factors, human health
SAO 7: Flood Risk To reduce the risk of flooding and where appropriate prevent coastal erosion	7.1 Avoid inappropriate development in areas at risk from flooding and coastal erosion 7.2 Support priorities identified within the Isle of Grain to South Foreland Shoreline Management Plan (or subsequent updates or amendments)	Water, human health
SAO 8: Waste Management To promote sustainable waste management	8.1 Encourage a reduction in the amount of waste generated 8.2 Ensure the management of waste is consistent with the waste management hierarchy	Material assets
SAO 9 Heritage To preserve, enhance, promote and capitalise on the significant qualities, fabric, setting and accessibility of the District's historic environment	9.1 Preserve and enhance designated heritage assets including their setting and contribution to local character and distinctiveness 9.2 Support improvements to existing non-designated heritage assets 9.3 Aim to promote sustainable access to the historic environment 9.4 Aim to capitalise on the potential of heritage assets to deliver sustainable benefits 9.5 Encourage new developments to contribute to the maintenance and enhancement of the historic character through design, layout and setting	Cultural heritage, landscape
SAO 10 Housing/Dwellings To ensure the supply of high quality homes, which cater for identified needs	10.1 Promote increased access to affordable housing 10.2 Support the timely delivery of market and affordable housing 10.3 Support the provision of homes which cater for existing and future residents' needs and the needs of different groups within the community by promoting a mix of new residential development, including, but not limited to, student, care home, gypsy & travellers and self build 10.4 Promote an appropriate mix of dwelling types, sizes and tenures 10.5 Promote the reduction in the amount of homelessness within the district 10.6 Promote high quality design in new housing developments	Population, human health, material assets

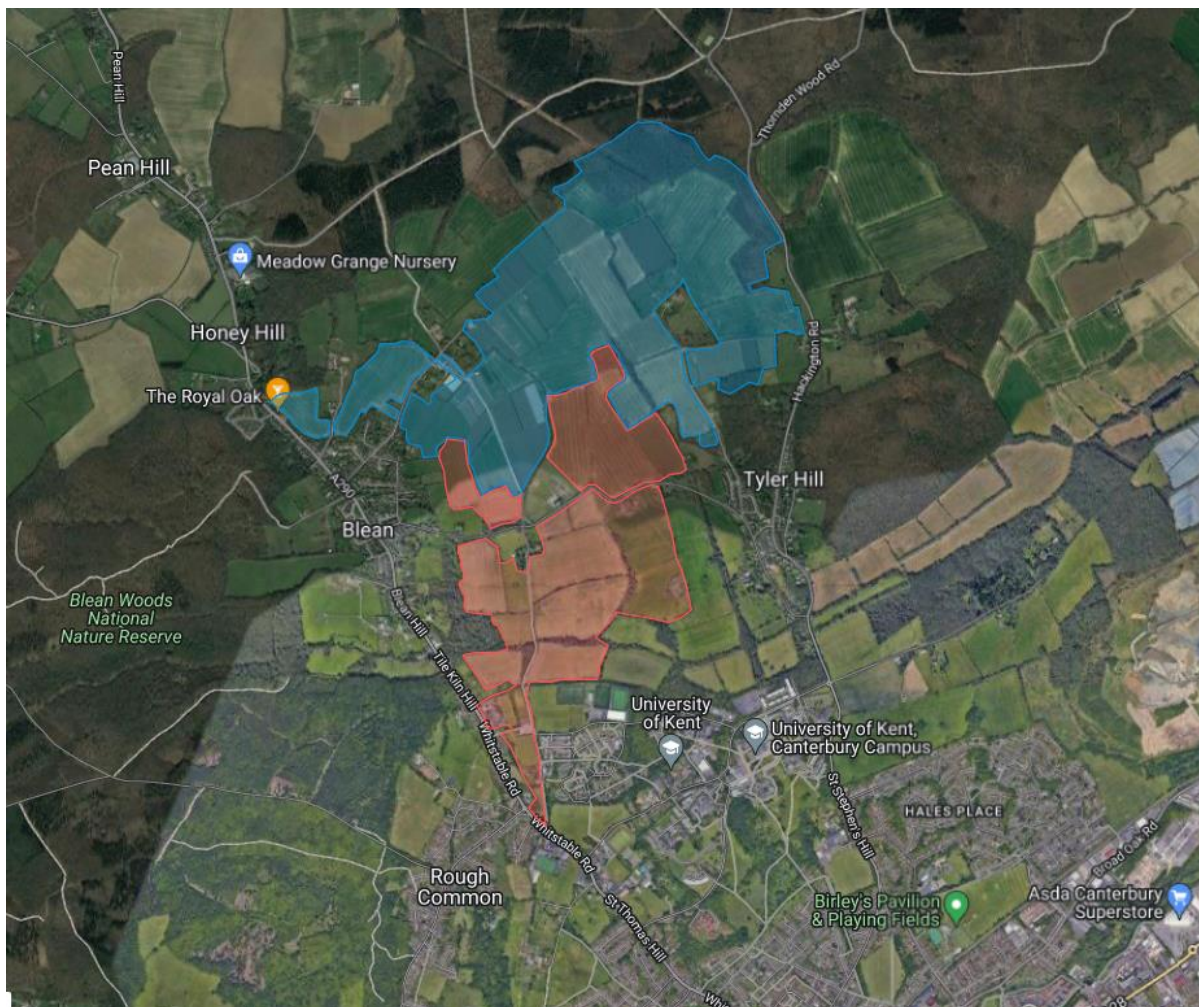


Sustainability Appraisal Objective (SAO) (descriptions from pp.19-22 of 2024 SA)	Stated Sub-objectives (from pp.19-22 of 2024 SA)	SEA Topic (from pp.19-22 of 2024 SA)
SAO 11: Land Use To promote the sustainable use of land and conserve soil quality	11.1 Encourage the efficient use of previously developed land 11.2 Avoid the unnecessary loss of best and most versatile agricultural land 11.3 Encourage appropriate building densities within developments 11.4 Support the reduction in land contamination	Soil, human health
SAO 12: Economy/Employment To achieve a strong and sustainable economy, and revitalize town, local and rural centres	12.1 Support the provision of jobs in the right places to meet the identified employment needs 12.2 Encourage investment in businesses, people and infrastructure to improve productivity 12.3 Support the vitality and viability of town and city centres 12.4 Promote sustainable tourism 12.5 Support a safe and attractive night economy 12.6 Support a sustainable marine and coastal economy 12.7 Support a sustainable rural economy	Material assets, human health, population
SAO 13: Transport To promote and encourage sustainable transport	13.1 Promote consistency with the sustainable transport hierarchy and improvements to support increased use of sustainable transport methods 13.2 Support the reduction in the need to travel 13.3 Support the reduction of traffic congestion and improve road safety 13.4 Encourage investment to improve transport infrastructure	Air, human health, population, climatic factors
SAO 14: Health and Sustainable Communities To promote safe, healthy, inclusive and sustainable communities	14.1 Support equal access and improvements to green and blue infrastructure, the countryside and open spaces including parks 14.2 Support equal access and improvements to community and health infrastructure, services and facilities to meet day-to-day needs 14.3 Support the delivery of connected communities which maximise social interaction including high quality public realm to create a sense of place 14.4 Minimise light and noise pollution 14.5 Promote healthy lifestyles including through sport and physical activity 14.6 Support the reduction of actual levels of crime	Human health, population

2.5. The Appraisal of the Land East of Blean and Land North of the University of Kent

Table 3 provides a comparison of the results of the Sustainability Appraisal for the Land east of Blean, AKA Amery Court Farm (SLAA264), and the Land north of the University of Kent (SLAA319). It should be noted that these sites, although presented as alternatives, are immediately adjacent areas as shown in Figure 1 below. In terms of the 2020 Landscape Character Assessment, they are considered one area, called Amery Court Farmlands. At the scale of the entire district, they are effectively the same site in terms of location. Both sites are east of Blean and both sites are north of the University.

Figure 1. Illustrative Map of the two sites East of Blean and North of the University



The land shown in blue in the above map is the Amery Court Farm (Area 1 -3) referred to as Land east of Blean (SLAA264). The land shown in red is the land referred to as the Land north of the University of Kent (SLAA319). Both blue and red areas together are referred to in the 2020 Landscape Character Assessment as the same Landscape Character Area, 'Amery Court Farmlands'.



Table 3 below presents side by side the results of the Sustainability Appraisals conducted of the two sites, along with a review commentary. The second and third column in the table show a symbol, + means positive, ++ means significant positive, - mean negative, -- means significant negative, and 0 means neutral. Where there was a split value in the SA report (for example, ++/--) the cell has been split and both/all three representative colours included. The final column provides a commentary on the summary of Land north of University contained within the SA 2024 and compares this to the Land east of Blean which was rejected in the 2022 plan as not suitable or appropriate for a free-standing settlement.

Table 3. Review of SAO Appraisal of Land East of Blean¹⁴ and Land North of the University¹⁵

Sustainability Appraisal Objective	Land East of Blean	Land North of the University	Review Comments on Land North of University
SAO 1: Air Quality	0	0	<p>The SA reports 'neutral' effects for air quality. However, no mention is made of the significant air quality problems in Canterbury, including Air Quality Management Areas in St Dunstan's, and other parts of the city. The SEA regulations require the assessment to consider the secondary, cumulative and synergistic effects of air quality as well as the inter-relationships between air and human health. The SA does not report on these effects. The SAO 1 seeks to:</p> <ul style="list-style-type: none"> 1.1 Minimise poor air quality and encourage improvements 1.2 Minimise and mitigate adverse effects of poor air quality 1.3 Support the achievement of air quality improvement objectives within the designated AQMAs <p>The main road connecting the proposed site for c2000 homes to Canterbury is the Whitstable Road which runs through St Dunstan's and the level crossing, which is known to be a source of engine idling and poor air quality. This is also the main route between the new settlement and Canterbury West Railway Station for onward connections to London and beyond. It is conceivable that an additional c2000 homes could exacerbate the air quality in St Dunstan's and would not support the achievement of air quality improvement objectives within the designated AQMA. No discussion of these points is provided in the 2024 SA nor is any justification or reasoning provided for the assessment of the Land north of the University as having 'Neutral' effects on SAO 1: Air Quality.</p> <p>Site Comparison: There is no difference in the SAO1 appraisal (0 – Neutral) between Land east of Blean and the Land north of the University. However, the Land east of Blean was not considered suitable or appropriate for a free-standing settlement, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses.</p>

¹⁴ AKA Amery Court Farm (2022 & 2024) SLAA264

¹⁵ SA 2024 SLAA319



Sustainability Appraisal Objective	Land East of Blean	Land North of the University	Review Comments on Land North of University
SAO 2: Climate Change			<p>Does not appear to have been appraised. Or if appraised, it is not reported in the SA summaries provided for consultation. It is realistic to assume that greenfield development will be more carbon intensive than brownfield development or reuse/redevelopment. Furthermore, new access roads, which would be required for the proposed new settlement, would have a significant carbon footprint, as would demolition and construction of a new school. Furthermore, the loss of trees, plants and soils from a greenfield development of this nature and scale would impact on the loss of carbon sequestration of these natural areas. It is unclear therefore how the new settlement has been appraised against SAO2 Climate Change nor how the appraisal meets the requirements to consider Climate under the SEA Regulations.</p>
SAO 3: Biodiversity	--	--	<p>The SA identifies significant adverse effects for biodiversity.</p> <p>The location includes Ancient Woodland and is within 400m of Blean Complex Special Area of Conservation (SAC), West Blean and Thornden Woods Site of Special Scientific Interest (SSSI), Church Woods SSSI and Blean Woods National Nature Reserve (NNR). Blean Pastures Local Wildlife (LWS) is also located within the site.</p> <p>The site is therefore considered contrary to achieving the objectives set out below:</p> <ul style="list-style-type: none"> 3.1 Support the achievement of biodiversity net gain 3.2 Conserve, protect and enhance protected sites in accordance with the protection hierarchy (i.e. international, national or locally designated) 3.3 Support improvements to biodiversity in non-designated areas of the District 3.4 Support improvements to ecological networks including connectivity of habitats 3.5 Support species adaptation and migration to reduce impacts of climate change and ensure resilience 3.6 Encourage carbon sequestration <p>The cumulative effects should also be considered here, the University of Kent was constructed on a greenfield location in the 1960s and has already resulted in significant impact of biodiversity and woodland on the site. Particularly to Park Wood and Brotherhood Wood. The affected areas are also identified as a Biodiversity Opportunity Area (BOA) in the Kent Biodiversity Strategy by Kent Nature Partnership. The BOAs indicate where the delivery of Kent Biodiversity Strategy targets should be focused in order to secure the maximum biodiversity benefits. The BOA maps also show where the greatest gains can be made from habitat enhancement, restoration and recreation, as these areas offer the best opportunities for establishing large habitat areas and/or networks of wildlife habitats. As such, they are designed to be useful to local planning authorities in the development and delivery of Green Infrastructure and resilient ecological networks.</p> <p>The loss of this area, if urbanized into a new settlement of c2000 homes, will permanently remove opportunities for rewilding, biodiversity net gain and landscape scale restoration in this area and create an urban wedge between the east and west Blean woodlands, contrary the SAO3 of the SA, and contrary to the Kent Biodiversity Strategy. This is</p>



Sustainability Appraisal Objective	Land East of Blean	Land North of the University	Review Comments on Land North of University
			<p>a permanent and non-reversible change to the land use of this area with long term repercussions for biodiversity conservation and landscape scale ecosystem restoration within the Blean.</p> <p>Taken together these significant negative effects directly contradict Policy DS23 of the draft Local Plan which concerns protection and enhancement of the Blean Woodland Complex. 'Proposals for development on land surrounding the Blean Woodland Complex, including Policy C12 Land north of University of Kent and Policy R17 - Broad Oak Reservoir and Country Park, will need to ensure that development does not adversely affect the landscape, ecology or setting of the Blean Woodland Complex and should be designed to provide the best outcomes for the Complex.' It is very difficult to understand how building the new settlement on the Land north of the University is compliant with Policy DS23 given the Sustainability Appraisal and SEA has identified significant adverse effects on ecology, landscape and setting.</p> <p>Site Comparison: There is no difference in the SA03 appraisal (significant negative effects) between Land east of Blean and the Land north of the University. However, the Land east of Blean was not considered suitable or appropriate for a free-standing settlement, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses.</p>
SAO 4: Geology	--	--	<p>The site is located within a Mineral Safeguarding Area (MSA) and therefore significant negative effects were assessed for geology (SA Objective 4).</p> <p>According to the British Geological Society a key aspect of sustainable development is the conservation and safeguarding of non-renewable resources. With increased pressure on land-use in the UK there is a need to ensure that these natural resources are not needlessly sterilized by other developments, leaving insufficient supplies for future generations.¹⁶</p> <p>Site Comparison: There is no difference in the SA04 appraisal (significant negative effects) between Land east of Blean and the Land north of the University. However, the Land east of Blean was not considered suitable or appropriate for a free-standing settlement, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses.</p>
SAO 5: Landscape	--	--	<p>The SA 2024 identified significant negative effects were also assessed for landscape (SA Objective 5) due to the potential for change in character of the site and open countryside in this location, which is also a green gap.</p> <p>The LCA describes the character as such: "The domed high ground, known as 'The Blean' is dominated by ancient woodland or ancient replanted woodland, most of it designated as a Site of Special Scientific Interest (SSSI) and it is also a candidate Special Area for Conservation (SAC). It remains as one of the most extensive semi-natural woodlands in Kent and the southeast of England."</p> <p>There is no mention in the SA of the Landscape Character Area (LCA), known as 'The Blean'. The Blean LCA is identified in Kent County Council's Landscape Assessment as being in good condition and of moderate sensitivity,</p>

¹⁶ British Geological Society and CLG Guide to Mineral Safeguarding in England 2007 ([guide_to_mineral_safeguarding_08.pdf \(bgs.ac.uk\)](https://www.bgs.ac.uk/publications/guide-to-mineral-safeguarding-08.pdf))



Sustainability Appraisal Objective	Land East of Blean	Land North of the University	Review Comments on Land North of University
			<p>leading it to be recommended for a policy of 'Conserve & Reinforce'. The SA of the SLAA¹⁷ indicated that the site is within the Green Gap and could lead to settlement coalescence, and due to the size of the site, character of the area including projection into the open countryside, isolated location separate from the urban area/settlement and existing views, development would have a significant adverse impact on the surrounding open countryside.</p> <p>The SA 2024 states that any landscape effects would need to be minimised and mitigated for as far as possible and states that strategic scale landscape mitigation will be required for development of the location. However, it is arguable that the landscape effects of a new settlement of c2000 homes within this wooded greenfield landscape is not mitigatable. Furthermore, no landscape and visual impact assessment or impact assessment on the landscape character has been produced to suggest this is realistically achievable.</p> <p>The 2020 Canterbury City Council, Canterbury Landscape Character Assessment and Biodiversity Appraisal¹⁸ reviews the area in detail, an excerpt of which is contained in Annex 3 of this report. In terms of Landscape Character the 2020 report describes the area as the Amery Court Farmlands. It should be noted importantly that this Landscape Character Area includes both the Land east of Blean, rejected as inappropriate, and the Land north of the University, i.e., it is the same landscape. Page 167 of the 2020 report (see Annex 3 of this report) recommends the following:</p> <ul style="list-style-type: none"> - Maintain the essentially linear pattern of Blean and Tyler Hill villages avoiding further infilling or extensions that would create a greater urban extent. - Maintain the open rural gaps along the main north south road routes allowing views into the wider rural landscape and woodland, maintaining separation between built areas. - Conserve the rural character of the landscape ensuring that it continues to play a role in the separation of Blean and Tyler Hill with Rough Common and the University of Kent to the south, and particularly the role of the Sarre Penn Valley in defining the southern edge of development in relation to the Stour Valley slope. <p>Anyone reading the key sensitivities, landscape guidelines, habitat opportunities and recommendations for development management set out in Annex 3 of this report can easily see that the proposed development is totally inappropriate and contrary to the landscape and biodiversity objectives at this location.</p> <p>Site Comparison: There is no difference in the SAO4 appraisal (significant negative effects) between Land east of Blean and the Land north of the University. However, the Land east of Blean was not considered suitable or appropriate for a free-standing settlement, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses.</p>

¹⁷ [Sustainability Appraisal of Strategic Land Assessment Availability - Appendix C - matrix of sites 2023.xlsx \(live.com\)](#)

¹⁸ [Landscape character assessment and biodiversity appraisal.pdf \(canterbury.gov.uk\)](#)



Sustainability Appraisal Objective	Land East of Blean	Land North of the University	Review Comments on Land North of University
SAO 6: Water	--	--	<p>The SA identifies significant negative effects were also assessed due to the presence of waterbodies on site (SA Objective 6).</p> <p>The geology of the area is not mentioned, nor is the surface water pluvial flooding to which the area is susceptible. In particular, the state of the current sewerage and wastewater system, and ageing infrastructure is not mentioned. The topographic nature of the Blean means that pumping stations are used and have a history of failure. Properties within Blean village sometimes require emergency pumping for sewerage.</p> <p>Furthermore, the presence of the Sarre Penn is not mentioned. The Sarre Penn passes through the Blean Woods National Nature Reserve, and villages of Blean and Tyler Hill. It bisects the proposed allocated site and has substantial biodiversity value due to its established riparian borders with mature vegetation and wide high-quality margins.</p> <p>The Stour itself is suffering from nitrate pollution and both the river and coastal waters in Kent are subject to sewerage pollution from widely reported failures to maintain and upgrade the sewerage and waste water treatment infrastructure. There is no discussion in the SA regarding how the new settlement will address or mitigate these issues.</p> <p>The SA therefore justifiably identifies significant adverse effects on the objectives:</p> <ul style="list-style-type: none"> 6.1 Protect and enhance ground and surface water quality 6.2 Avoid adverse impacts on coastal waters, fisheries and bathing waters 6.3 Promote the sustainable and efficient use of water resources <p>However, it does not provide any detail on these objectives, nor the impact of the proposed settlement upon them.</p> <p>Site Comparison: There is no difference in the SAO6 appraisal (significant negative effects) between Land east of Blean and the Land north of the University. However, the Land east of Blean was not considered suitable or appropriate for a free-standing settlement, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses.</p>
SAO 7: Flood Risk	++	++	<p>The SA reports <i>significant positive effects</i> assessed for flood risk (SA Objective 7), reflecting that the location is within Flood Zone 1. It states that any development should ensure that surface water is addressed through appropriate onsite management. The location of the site is on the higher land of the Blean, and therefore whilst it is true that it is therefore not at risk of flooding from the River Stour or the coast, it is not necessarily true that it is not at risk of surface water flooding. The area is known for surface water flooding due to the underlying soils and geology. Furthermore, as stated under SAO 6 above there are serious concerns regarding the current drainage, sewerage and wastewater infrastructure.</p>



Sustainability Appraisal Objective	Land East of Blean	Land North of the University	Review Comments on Land North of University
			<p>In addition, the hydrological connectivity of the site via the Sarre Penn could lead to increased downstream flooding through the loss of permeability and introduction of significant new hard standing and non-permeable surfaces from a conversion from countryside to urban settlement. Furthermore, given the existing capacity issues of the sewage treatment works, leading to increased untreated sewage discharges during periods of heavy rain, the extent to which adding c2000 homes to the system will exacerbate the situation is not discussed. This is particularly pertinent as the site is upstream of protected areas and is in direct hydrological connectivity via the Sarre Penn to the Stour.</p> <p>Finally, it is not clear, nor justified within the SA, why the site has been assessed as having significant positive effects for flood risk? The absence of significant negative effects from river or coastal flooding do not in themselves create positive effects. Therefore, it seems that the SA should be recording a Neutral effect, however the SA does not provide any detail on how the conclusion was reached.</p> <p>Site Comparison: There is no difference in the SA07 appraisal (significant positive effects) between Land east of Blean and the Land north of the University. However, the Land east of Blean was not considered suitable or appropriate for a free-standing settlement, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses</p>
SAO 8: Waste Management			There is no mention of Waste Management and it does not appear to have been appraised. Or if appraised, it is not reported in the SA summaries provided for consultation.
SAO 9 Heritage	--	?	--
			<p>With regards to the historic environment (SA Objective 9) the SA reports significant negative effects were assessed.</p> <p>The site contains a Scheduled Ancient Monument, is adjacent to Church of St Cosmus and St Damian Grade 2* Listed Building and Church Cottage, Blean House, Hothe Court Farmhouse and Barn adjoining Hothe Court Grade 2 Listed Buildings and development could have an adverse impact on the assets and/or their setting, as well as the World Heritage Site (Canterbury Cathedral). The site is partially within Blean Conservation Area, Amery Court (Blean) Conservation Area, and Hothe Court Conservation Area and adjacent to Canterbury and Whitstable Railway (Hackington & Blean) Conservation Area. These effects will need to be minimised and mitigated.</p> <p>The assessment above is quite clear, it is difficult to see how the setting of these conservation and heritage assets will be minimised or mitigated. Given that the area is greenfield and a mixture of woodland and farmland, the setting of these rural assets and areas will be significantly adversely impacted and similar to loss of biodiversity, the change of land use will be permanent and irreversible.</p> <p>Site Comparison: The SA09 appraisal differs little (significant negative effects) between Land east of Blean and the Land north of the University. The 2022 report has some uncertainty about the effect on the Canterbury Cathedral World Heritage Site and its setting in terms of views to or from it. The 2024 SA make no mention of the World Heritage Site but still concludes the maximum possible score in terms of significant negative effects based on the</p>



Sustainability Appraisal Objective	Land East of Blean		Land North of the University		Review Comments on Land North of University
					local and national heritage assets impacted. Once again, despite having similar impacts on heritage, the Land east of Blean was not considered suitable or appropriate for a free-standing settlement in 2022, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses.
SAO 10 Housing/Dwellings	++		++		<p>The SA states that the site that comprises the Land north of University of Kent was considered to have <i>significant positive effects</i> on housing (SA Objective 10). This reflects the scale of the site (over 100 ha) and the ability to deliver a significant quantum of housing.</p> <p>The focus on size, or quantum of housing, does not in itself explain how the site performs against the 6 sub objectives set out below:</p> <ul style="list-style-type: none"> 10.1 Promote increased access to affordable housing 10.2 Support the timely delivery of market and affordable housing 10.3 Support the provision of homes which cater for existing and future residents' needs and the needs of different groups within the community by promoting a mix of new residential development, including, but not limited to, student, care home, gypsy & travellers and self build 10.4 Promote an appropriate mix of dwelling types, sizes and tenures 10.5 Promote the reduction in the amount of homelessness within the district 10.6 Promote high quality design in new housing developments <p>There is no detail set out within the SA, other than the volume of c2000 homes, that explains how the site fares against these 6 objectives. Therefore, it is unclear how the SA is able to conclude that it would have a significant positive effect. Based on the limited information provided there is no evidence that any of the houses will be affordable, caters for the existing or future residents needs, be an appropriate mix of dwellings, or promote a reduction in the amount of homelessness in the District, for example.</p> <p>Site Comparison: There is no difference in the SAO10 appraisal (significant negative effects) between Land east of Blean and the Land north of the University. However, the Land east of Blean was not considered suitable or appropriate for a free-standing settlement, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses.</p>
SAO 11: Land Use	+	--	++	--	<p>According to the SA With regards to land use (SA Objective 11) a mix of <i>significant positive</i> and significant negative effects were assessed. This is apparently based on the fact that the site includes elements of brownfield land, although it is predominantly a greenfield site.</p> <p>The objectives set out in the SA methodology indicate that this objective is based on:</p> <ul style="list-style-type: none"> 11.1 Encourage the efficient use of previously developed land 11.2 Avoid the unnecessary loss of best and most versatile agricultural land 11.3 Encourage appropriate building densities within developments 11.4 Support the reduction in land contamination



Sustainability Appraisal Objective	Land East of Blean		Land North of the University	Review Comments on Land North of University
				<p>Again, there is no evidence provided in the SA that the site meets these criteria, in fact the acknowledgment that this has significant negative effects is clearly more accurate. Any reasonable review of the land allocated will see that it is not brownfield land, to suggest that the site is a combination of brownfield and greenfield is misleading. Although the SA acknowledges that only 'elements' of the site are brownfield, it is notable that no percentage is provided. Likewise, the statement that it is 'predominantly' greenfield is not contextualized by hectares or percentage. Therefore, the summary scoring that suggest the site is a mix of positive and negative effects is very misleading. Based on the available evidence, the site is greenfield and the effects on land use are significant negative on 11.1, 11.2, 11.3 and do nothing to contribute to 11.4.</p> <p>In particular, on sustainability objective 11.2, the site fairs badly with regard to avoiding unnecessary loss of Best and most versatile agricultural land. No Agricultural Land Classification Assessment has been produced to support the councils' proposals but the land is considered to be a mix of Grade 2 and 3, which qualifies it as containing best and most versatile agricultural land. The CCC policy in the Draft Plan acknowledges the importance of safeguarding the best and most versatile land in Policy DS12. This is echoed by Natural England's guidance on assessing development proposals on agricultural land, which states that the best and most versatile agricultural land should be protected from significant, inappropriate or unsustainable development proposals.¹⁹ This objective is also captured in the National Planning Policy Framework²⁰ which states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Clearly the proposals to land use, under local and national policy are significant negative, and there is no justification for the positive effects claimed.</p> <p>Site Comparison: The 2022 SAO 11 appraisal identified a mix of significant negative effects and positive effects for the Land east of Blean. The 2024 SAO 11 appraisal for the Land north of the University identifies the same significant adverse effects but increases the positive effects to significant positive effects. No explanation is provided in the SA 2024 for what the significant positive benefits are for land use either on their own or in comparison to the Land east of Blean.</p> <p>The main difference on land use appears to be that the Land east of Blean was not considered suitable or appropriate for a free-standing settlement, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses.</p>

¹⁹ [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/guide-to-assessing-development-proposals-on-agricultural-land)

²⁰ [NPPF_December_2023.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101222/NPPF_December_2023.pdf)



Sustainability Appraisal Objective	Land East of Blean		Land North of the University		Review Comments on Land North of University
SAO 12: Economy/Employment	++	-	++		<p>The SA 2022 identifies <i>significant positive effects</i> were assessed for employment (SA Objective 12). This reflects that an allocation for a new settlement could also be expected to provide a level of employment on site.</p> <p>As with the other positive effects claimed, there is no detail provided on how the SAO 12 objectives are met by this site.</p> <p>12.1 Support the provision of jobs in the right places to meet the identified employment needs 12.2 Encourage investment in businesses, people and infrastructure to improve productivity 12.3 Support the vitality and viability of town and city centres 12.4 Promote sustainable tourism 12.5 Support a safe and attractive night economy 12.6 Support a sustainable marine and coastal economy 12.7 Support a sustainable rural economy</p> <p>Clearly the site will not support 12.3, 12.5, 12.6. There is no evidence it will support 12.1, 12.2. It will likely hinder 12.4 as it will be detrimental to the natural capital and ecosystem services provided by this area of high biodiversity, landscape and heritage all of which are identified as being significantly negatively affected by the proposal. Finally regarding 12.7, if by rural economy the objective is to support agricultural practices, nature conservation and recreation, these are all negatively impacted by conversion of greenfield land to an urban settlement. Therefore, it is unclear how the SA has arrived at the conclusion of significant positive impact on Economy and Employment based on the 7 SAO objectives, and in the absence of contrary evidence the impact should be stated as negative or neutral rather than positive.</p> <p>Site Comparison: The 2022 SAO 12 appraisal identified a mix of negative effects (from the loss of some employment land) and significant positive effects for the Land east of Blean. The 2024 SAO 11 appraisal for the Land north of the University identifies only significant positive effects. No explanation is provided in the SA 2024 for what the significant positive benefits are in relation to the 7 sub-objectives of SAO12. In any event it is not made clear from SAO 12 why the Land east of Blean was not considered suitable or appropriate for a free-standing settlement, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses.</p>
SAO 13: Transport	++	--	++	--	<p>The 2024 SA reports that both <i>significant positive</i> and significant negative effects were assessed for sustainable transport (SA Objective 13). Again, there is no breakdown in the SA summary of how the SAO sub-objectives are met.</p> <p>13.1 Promote consistency with the sustainable transport hierarchy and improvements to support increased use of sustainable transport methods 13.2 Support the reduction in the need to travel 13.3 Support the reduction of traffic congestion and improve road safety</p>



Sustainability Appraisal Objective	Land East of Blean		Land North of the University		Review Comments on Land North of University
					<p data-bbox="615 256 1297 282">13.4 Encourage investment to improve transport infrastructure</p> <p data-bbox="615 321 1839 412">The SA states that the site is accessible to public transport, in the form of bus stops being within walking distance, but significant concerns regarding the impact on the highway network have been identified. The SA for the SLAA described the site as “a large-scale car dependent development”.²¹</p> <p data-bbox="615 451 1860 769">The reality is that new settlement does not have rail access, access to the rail station would be either by car (see Air Quality SAO1) through an area of traffic congestion and AQMA with poor air quality likely exacerbating both congestion and air quality. In terms of public transport, the bus stops mentioned are only accessible along narrow roads, currently without pavement provision or streetlighting. To introduce pavements from the new site to the existing villages would necessitate road widening and removal of hedgerows as well as potential encroachment on roadside properties. The bus from Blean Village does not currently go to the rail station, providing poor access for those with reduced mobility. In terms of road safety the Whitstable Road has one of the worst road traffic accident records in the country. In particular the existing junction with Tyler Hill Road and the Whitstable Road is known as a traffic accident black spot. Congestion is particularly bad at school drop off and pick up, and during work rush hours, both at Tyler Hill end of Tyler Hill Road and on the Whitstable Road.</p> <p data-bbox="615 808 1860 1127">Furthermore, the new access proposed through the existing Blean Primary School raises multiple unanswered questions and multiple potential negative effects. Firstly, in terms of timing, the construction of the new settlement would require significant traffic movements, the current access road (Tyler Hill Road) is unsuitable for HGVs (indeed they are prohibited). The Local Plan indicates that a certain quantum of housing would precede the demolition and reconstruction of the school. Therefore, it is not clear when the new access road would be constructed. The effects on the operation of the existing school would be significant in terms of noise, disruption and child safety from construction traffic, as well as the neighboring residential properties and pre-school. The road itself would have to cross the existing national cycle path and long-distance walking route, known as the Crab and Winkle Way and then travel downhill before crossing the Sarre Penn. A new road bridge would be required, and loss of biodiversity with the associated crossing of the riparian habitat.</p> <p data-bbox="615 1166 1860 1380">If the new school is constructed first, then how will the construction traffic access the school site? The truth is the traffic situation and any potential solution via the construction of new roads and access routes is severely constrained and unlikely to be resolved without significant cost and negative effects to the local community, businesses, schools, biodiversity, landscape and heritage. In summary the significant negative effects identified by the SA on Transport are clearly recognizable. However, there is no evidence provided in the SA of significant positive effects. It is misleading to claim positive effects whilst providing no evidence or rationale on which to base this assessment.</p>

²¹ [Sustainability Appraisal of Strategic Land Assessment Availability - Appendix C - matrix of sites 2023.xlsx \(live.com\)](#)



Sustainability Appraisal Objective	Land East of Blean		Land North of the University		Review Comments on Land North of University	
					<p>Site Comparison: There is no difference in the SAO13 appraisal (significant negative and positive effects) between Land east of Blean and the Land north of the University. However, the Land east of Blean was not considered suitable or appropriate for a free-standing settlement, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses.</p>	
SAO 14: Health and Sustainable Communities	++	--	++	-	?	<p>The SA identifies <i>significant positive</i> and minor negative effects (acknowledging some uncertainty) for health and sustainable communities (SA Objective 14). The sub-objective are as follows:</p> <ul style="list-style-type: none"> 14.1 Support equal access and improvements to green and blue infrastructure, the countryside and open spaces including parks 14.2 Support equal access and improvements to community and health infrastructure, services and facilities to meet day-to-day needs 14.3 Support the delivery of connected communities which maximise social interaction including high quality public realm to create a sense of place 14.4 Minimise light and noise pollution 14.5 Promote healthy lifestyles including through sport and physical activity 14.6 Support the reduction of actual levels of crime <p>The SA does not relate the appraisal to the subobjectives. The SA does state that SAO14 would require mitigation, although it doesn't set out what this mitigation would be.</p> <p>The SA indicates that the site would be well located in relation to GP provision. There is no local GP provision. The surgery at Blean village does not have a GP and is open three mornings a week for physiotherapy. The nearest GPs are Northgate Medical Practice in the city centre, which is heavily oversubscribed, and Estury View in Whitstable.</p> <p>In summary the negative impacts from the construction impacts have not been fully discussed and appraised in the SA. Furthermore, combining the construction impacts with the permanent impacts on the community from loss of landscape, heritage, biodiversity and potential impacts from traffic, noise, and water pollution it is unclear therefore what the positive impacts are that have been identified by the SA. This appears to be a pattern of claimed positive benefits, without any evidence, rationale or detail on what the positive effects claimed are.</p> <p>Site Comparison: The 2022 SA indicated significant negative and positive effects for Land east of Blean. The 2024 SA indicates, significant positive effects, negative effects and uncertain effects on the Land north of the University. However, the Land east of Blean was not considered suitable or appropriate for a free-standing settlement, whereas the Land north of the University is proposed to be allocated for a new settlement of c2000 houses.</p>



2.6. Consideration of Alternatives

A key requirement of the SA is to inform the consideration of reasonable alternatives for the development of the Local Plan. The consideration of alternatives is particularly pertinent to the review of the Land north of the University, as it did not feature in the consideration of alternatives until late in the plan development.

2.6.1. 2022 SA Consideration of Alternatives

The original SA of the Draft Local Plan 2022 includes section, 'Identification of reasonable alternative garden community locations,' (pp.56-57), where four sites are considered as reasonable alternatives:

- To the south-west of Yorkletts
- North of Bekesbourne
- West of Aylesham
- East of Blean.

Of these four sites, according to the 2022 SA, the Yorkletts and Bekesbourne sites were not assessed as reasonable alternatives due to a lack of submissions to the 'Call for Sites' as:

In terms of the potential new freestanding settlements, no sites were submitted to the south-west of Yorkletts and only one site was submitted to the north of Bekesbourne, which was of insufficient size to support a freestanding settlement. These two potential locations were therefore not taken forward as reasonable alternatives as no land was considered to be available to deliver the scale of development and the range of benefits that could be accrued through the delivery of a new community. (Page 56 para.5.6.9, 2022 SA)²²

The 2022 SA goes on to state that three sites west of Aylesham were proposed as the preferred location for the new garden community location:

- Land west and east of Cooting Lane, Adisham (SLAA262)
- Land on the south east side of Cooting Lane, Adisham (SLAA268) and
- Land at Cooting Farm (TT21601) (SLAA267).

The 2022 SA therefore identifies the land east of the village of Blean as a possible reasonable alternative location for a garden community location for comparative purposes to land identified to the west of Aylsham. However, following a comparison in the 2022 SA assessed against the 14 Sustainability Appraisal Objectives (SAO) the land east of Blean was rejected based on the following:

Land east of Blean (SLAA264) was not considered suitable or appropriate for a free standing settlement due to its close proximity to the Blean Woods which has the potential to adversely

²² *Ibid.*



impact the designated sites including Blean Complex SAC, Church Woods, Blean SSSI and Blean Woods NNR, the site includes West Blean and Thornden Woods SSSI and, moreover, there was no clear access strategy that would enable effective and appropriate access to the site. In addition to not being able to provide effective road access, the location means the site is not directly connected to the strategic road network and traffic would use Rough Common Road or go through the city centre, increasing congestion. This would be increased due to a heavy reliance on private cars as there are no rail connections nearby. Therefore, this location was not progressed as a garden community. (Page 59-60 Para.5.6.25, 2022 SA)

The land west of Aylesham was therefore selected as the preferred garden community location, with the following conclusion:

The land submitted west of Aylesham is considered to be of a sufficient size, when combined, to provide an opportunity for a new freestanding settlement in the district, and to address, in large part, the identified shortfall in supply against the district's housing needs. The proximity to railway stations at both Adisham and Aylesham provide sustainable transport options, and there is a potential of the train frequency being increased. The site also has the potential to provide strategic benefits such as community facilities, infrastructure including green infrastructure, accessible open space and transport, and a mix of high quality housing including affordable housing and older person accommodation. (Page 59 para.5.6.24, 2022 SA)

Note the Land north of the University of Kent is not included in the 2022 SA, however the site shares the majority of features with the Land east of Blean with regard to the SAO appraisal, as it is an adjoining site, in the same area and with similar features for the majority of considerations.

2.6.2. 2024 SA Consideration of Alternatives

The new SA for the Draft Local Plan was published in February 2024 and included a new proposal for a new settlement on Land north of the University of Kent. The 2024 SA introduced the new settlement in Section 5 para 5.6.28, where it states:

The Draft Local Plan includes the identification of a new settlement. The identification of the alternatives for a new settlement at the Draft Local Plan (2022) stage is set out in Section 5.6 of the SA Report (2022).

Section 5.6 being the section summaries above in para. 4.6.1 of the report, i.e., the alternatives that rejected the Land east of Blean (adjacent to Land north of University of Kent) as unsuitable and inappropriate for a new settlement.



The 2024 SA report goes on to say that the Council identified an alternative site to Cooting Farm (Land west of Aylesham), the preferred site in 2022 with a new site, Land north of the University Kent. The 2024 SA states that reason for this was based on consideration of consultation responses and further evidence gathering. See Section 2.7.6 of this report for a critical review of the consultation on the 2024 SA.

The 2024 SA presents a new set of alternative sites as follows:

- Land north of the University of Kent – Strategic Land Availability Assessment (SLAA) site SLAA319 (c.102 hectares (ha)) (comprised of SLAA158B, 158C and 158D and an additional parcel of land). The site is located in the open countryside between the Rural Service Centre of Blean and the Village of Tyler Hill. Identified for c.2,000 new homes.
- Land at Cooting Farm (c.205 ha) formed a broad location for the development of a new garden community (for c.3,200 homes) in the Draft Local Plan (2022). The site is located in the open countryside just outside the Hamlet of Blooden and Local Service Centre of Adisham. It is comprised of three SLAA sites:
 - o SLAA262 – Land west and East of Cooting Lane, Adisham
 - o SLAA268 – Land On The South East Side Of Cooting Lane, Adisham
 - o SLAA267 - TT21601 - Land at Cooting Farm
- Amery Court Farm - site SLAA264. (c.174 hectares in size). The site is located in the open countryside to the north of the Urban Area of Canterbury, and east of the Rural Service Centre of Blean.

The 2024 SA goes on to state that the preferred site for Cooting Farm Garden Community set out in the Draft Local Plan (2022) received significant concerns from the 2022 consultation:

Responses to the Draft Local Plan (2022) consultation raised significant concerns regarding the suitability of the site for allocation, including Natural England and the Kent Downs Area of Outstanding Beauty (AONB) Unit who objected to the site due to its proximity to designated sites including Kent Downs AONB, Ileden and Oxenden Woods SSSI and Ancient Woodland. Kent County Council also raised significant transport concerns, including impact on the highway network, whilst Dover District Council also objected to the proposal, raising concerns about the impact of development on Aylesham. The site promoter has been unable to sufficiently address the outlined concerns and therefore the site is no longer proposed for allocation.

It is on the basis of the paragraph set out above regarding the Cooting site that the Council has justified the change of preferred option to the Land north of the University of Kent.

However, it is unclear how adopting a new site that is adjacent to a site that has already been rejected due to being in an area considered unsuitable and inappropriate in the earlier SA in 2022 will not also attract similar feedback to that received in the Cooting consultation, i.e., its proximity to



protected sites, heritage assets, highways network problems and traffic concerns, and concerns from local communities on the impacts of development. In short, it is highly likely that these issues will be raised for the new site, the key difference is that the local communities and stakeholders at Blean have not had the opportunity to make these points yet as the consultation on the 2024 SA is still ongoing.

The 2024 SA makes reference to further technical evidence provided to the Council on the Land north of the University of Kent, however no details of this are apparent in the review of the 2024 SA of the site. As set out in Table 3 of this report, the Land north of University fails on majority of SAOs and for those small number where positive effects are reported these lack evidence, detail and credibility.

2.6.3. Origins of the Land north of the University Site from the SLAA

The origin of the Land north of the University appears to be from a subsequent call for sites carried out between July 2022 and September 2023, which are recorded in the SA of the Strategic Land Availability Assessment (SLAA) December 2023²³. Within the December 2023 SLAA the site is described as ‘allocated’ along with the following summary:

The site is identified as suitable, available and achievable in the Addendum to the SLAA Document (December 2023). While the SA has identified significant and minor negative impacts it is determined when reviewed alongside the SLAA on the balance of impacts and considering possible mitigation and design, that the majority of these impacts can be addressed. The site is therefore proposed for allocation as a mixed-use freestanding settlement, as an alternative to the Cooting Farm Garden Community, to deliver approximately 2,000 homes and associated infrastructure. (Page 38 Table 4.2: Summary of justification for allocation or rejection of SLAA sites).

However, no sustainability appraisal information (excluding the above paragraph, which does not provide any evidence) is contained regarding the site in the December 2023 SLAA document. The selection of new sites is referred to as being contained within the Addendum²⁴ to the SLAA, however the Addendum also does not provide any sustainability appraisal information on the site. Reference is made to a Table 2.1 and the full site assessments included in Appendix A to the Addendum. However, Appendix A to the Addendum is not available on the CCC website Evidence Portal.

Therefore, in terms of the consideration of alternatives from a sustainability perspective no detailed information is available that provides evidence to the public and stakeholders during the consultation on how sustainability considerations factored into the selection of the Land north of the University as

²³ Draft Canterbury District Local Plan 2040 Regulation 18 Consultation 2024 Sustainability Appraisal of The Strategic Land Availability Assessment Addendum (December 2023) [Sustainability Appraisal of the Strategic Land Availability Assessment - December 2023.pdf](https://www.canterbury.gov.uk/sites/default/files/2024-04/Addendum%20to%20the%20Strategic%20Land%20Availability%20Assessment.pdf) ([canterbury.gov.uk](https://www.canterbury.gov.uk))

²⁴ Draft Canterbury District Local Plan 2040 Regulation 18 Consultation 2024 Sustainability Appraisal of The Strategic Land Availability Assessment Addendum (December 2023) <https://www.canterbury.gov.uk/sites/default/files/2024-04/Addendum%20to%20the%20Strategic%20Land%20Availability%20Assessment.pdf>



a preferred site to be taken forward into the final consideration of alternatives as reported in the 2024 SA. The only detailed information that this review was able to find with regard to the Land north of the University was in the consultation response submitted on behalf of the University of Kent by their consultants Avison Young in Appendix A of the Consultation Response Summaries to the SA of the SLAA.²⁵

Table 4. University of Kent Submission to the SA SLAA December 2023

Submission	CCC Response	Review Comment
<ul style="list-style-type: none"> Stated that sites B, C and D were assessed individually within the SLAA as opposed to a single site as being promoted by the UoK. 	<p>Sites B, C and D, along with the land required for access has been assessed under SLAA319 in the Sustainability Appraisal of Strategic Land Availability Assessment (December 2023).</p>	<p>The combined site SLAA319 is the Land north of the University of Kent.</p>
<ul style="list-style-type: none"> Stated that they do not agree with the Sustainability Appraisal's assessment of Sites BCD's suitability for redevelopment. The Sustainability Appraisal should state (especially in light of UoK's latest submitted evidence): <ul style="list-style-type: none"> - That Sites BCD are a suitable and sustainable development opportunity which should be allocated within the emerging Local Plan. - That the access strategy options set out within the Preliminary Transport Assessment appear workable. - That there is an unignorable economic need for the Sites to be delivered, to ensure the future success of the University (and to ensure that its significant contribution to Canterbury's economy is sustained). Stated that when considered in comparison with the alternatives, the 	<p>The comments made relate to SLAA assessment and contents of the new Local Plan, rather than the SA of the SLAA, as such they will be noted by the Council and considered during the plan making process. Table 4.1: Summary of justification for allocation or rejection of SLAA sites will be updated if appropriate.</p>	<p>The submission from the University is indicative of lobbying on behalf of the University with regard to economic benefits arising from the University from the allocation of its land for housing (not for educational purposes), from which it will financially gain.</p> <p>The consultation response from the UoK argues for the University Land to be included on grounds of suitability, availability and achievability grounds. However, no mention of sustainability, which is strange considering this is supposed to be a report on the Sustainability Appraisal of the SLAA.</p> <p>Also note that this exact phrasing is found within the CCC justification for the site 'suitable, available and achievable' Page 38 Table 4.2 of the December SA SLAA, indicating the influence of the University's submission on the CCC decision making with regard to the SLAA.</p>

²⁵ Draft Canterbury District Local Plan 2040 Regulation 18 Consultation 2024 Sustainability Appraisal of The Strategic Land Availability Assessment (December 2023) [Sustainability Appraisal of the Strategic Land Availability Assessment - December 2023.pdf \(canterbury.gov.uk\)](https://www.canterbury.gov.uk/media/10000000/2023-12-14-sustainability-appraisal-of-the-strategic-land-availability-assessment-december-2023.pdf)



Submission	CCC Response	Review Comment
<p>SLAA/Sustainability Appraisal evidence suggests that Sites BCD should be considered as a preferable housing allocation site on suitability, availability and achievability grounds. When teamed with the significant economic pressures which the UoK is facing (and the requirement for the Local Plan to address these), the case to allocate Sites BCD for housing-led development within the Local Plan is clearly compelling.</p> <ul style="list-style-type: none"> • Stated that it is apparent that UoK's 'Site C' has the highest score when compared against these other key sites, while Sites B and D score comfortably higher than the lowest scores identified (pertaining to Hollow Lane and Brooklands Farm - both of which have an assumed housing capacity considerably less than Sites B, C and D combined). 		
<ul style="list-style-type: none"> • Stated that the scoring within the SA SLAA currently fails to take account of Sites BCD's role in sustaining UoK's economic future. Given that the SA is supposed to assess both the economic and social value of potential allocation sites, this is an important omission that should be corrected (which in our view would result in Sites BCD scoring more favourably). 	<p>Comments noted. The SA matrix is clearly set out in Table 2.3: Call for Sites appraisal matrix, in Chapter 3 of the Sustainability Appraisal of Strategic Land Availability Assessment (page 16). This sets out which factors will be considered for the employment objective.</p>	<p>The UoK submission argues that the SA should be weighed more favourably in the UoK's economic favour.</p> <p>CCC rightly points out that the SAOs are clearly set out and based on the National Planning Policy Framework, National Guidance, Legislation and Policy. SAO12 covers employment, and the Land north of the University of Kent is rated as having 'significant positive effects' on this factor within the 2024 SA, which is strange as it does not seem to align well to the following sub-objectives.</p> <ul style="list-style-type: none"> 12.1 Support the provision of jobs in the right places to meet the identified employment needs 12.2 Encourage investment in businesses, people and infrastructure to improve productivity 12.3 Support the vitality and viability of town and city centres 12.4 Promote sustainable tourism 12.5 Support a safe and attractive night economy



Submission	CCC Response	Review Comment
		<p>12.6 Support a sustainable marine and coastal economy 12.7 Support a sustainable rural economy</p> <p>As set out in Table 3 of this report the site will not support 12.3, 12.5, 12.6. There is no evidence it will support 12.1, 12.2. It will likely hinder 12.4 as it will be detrimental to the natural capital and ecosystem services provided by this area of high biodiversity, landscape and heritage all of which are identified as being significantly negatively affected by the proposal. Finally with regard to 12.7, if by rural economy the objective is to support agricultural practices, nature conservation, and recreation, these are all negatively impacted by conversion of greenfield land to a new urban settlement.</p> <p>Therefore, it is unclear how the SA has arrived at the conclusion of significant positive impact on Economy and Employment based on the 7 SAO objectives, and in the absence of contrary evidence it looks like the impact will be negative rather than positive.</p> <p>Again, it is unclear to what extent the University lobbying has had an impact on the Council in their determination and consideration of alternatives.</p>
<p>In addition, further to submission of UoK's latest technical/environmental evidence (notably the updated Preliminary Transport Assessment), we consider that Sites BCD should score more favourably within the above matrix (and when compared with some of the other alternative sites identified above).</p>	<p>Comments noted. The comments made relate to SLAA assessment and contents of the new Local Plan, rather than the SA of the SLAA, as such they will be noted by the Council and considered during the plan making process. Table 4.1: Summary of justification for allocation or rejection of SLAA sites will be updated if appropriate. Considering the Preliminary Transport Assessment, due to the size and location of the sites and surrounding road network significant negative impacts are still considered appropriate.</p>	<p>The UoK refers to latest technical/environmental evidence. This is not referenced in the 2024 SA and if this has been relied upon in the selection and consideration of alternatives then it has not been made clear in the SA and has not been made available for scrutiny during the consultation.</p> <p>The Council is bound by its public sector duties to take account of the SEA requirements, SEA guidance, the Aarhus Convention, the Cabinet Office Consultation Principles and Nolan Principles to be transparent, clear and concise and facilitate scrutiny.</p> <p>Regardless of the UoK submissions the CCC response indicates that impacts on the road network will lead to significant negative effects. Which incidentally was one of the main reasons from rejecting the Land east of Blean in the 2022 SA.</p>



2.6.4. Transparency around Lobbying from the University of Kent

The University of Kent has been lobbying the Council on behalf of the allocation of the University Land, this is a matter of public record as set out in Table 4 above, taken from the December 2023 SLAA report. Furthermore, in the 2024 SA the Council states under 'Reasons for the rejection of reasonable alternatives' (page 59 section 5.6.64) that they have been engaging with the site promoters.

The site promoters have actively been engaging with the Council and other parties, and as such have provided evidence in regard to suitable access and possible transport mitigation, assessment of impact on ancient woodland and, at this stage, stakeholders and statutory consultees have not identified any major issues.

This is problematic on many counts, firstly this is clearly not transparent and open. The Nolan principle²⁶ of Openness is described as follows:

“Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.” The need for greater transparency is a matter of perception and substance. The more that lobbying activity is hidden from public view, the more it will be seen as “murky” and the greater in fact will be the concerns about lobbying in general. Lobbying which is secret without good reason inhibits even-handedness, results in distorted evidence and arguments, fuels suspicions, facilitates excessive hospitality, corruption and other impropriety, hides or clouds accountability, undermines trust and confidence in political processes, and is inconsistent with modern democratic standards.²⁷

During the current consultation it is not clear to what extent that the Council has received ‘evidence’, lobbying and other submissions from the University of Kent, that has not been provided to the public for scrutiny or challenge. What is clear from the published SLAA and SA, is that the University has had multiple meetings with the Council, and submitted multiple reports, but the details of these meetings and any reports or evidence provided have not been transparently recorded and communicated.

The government guidance from the Committee on Standards in Public Life²⁸ on ‘Strengthening Transparency Around Lobbying’ focuses on enhancing transparency regarding lobbying activities. It aims to address concerns about the influence of lobbying on decision-making processes within government. The report outlines recommendations to increase transparency and accountability and

²⁶ [The Seven Principles of Public Life - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/the-seven-principles-of-public-life)

²⁷ [2901376_LobbyingStandards_WEB.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/2901376_LobbyingStandards_WEB.pdf)

²⁸ [2901376_LobbyingStandards_WEB.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/2901376_LobbyingStandards_WEB.pdf)



emphasises the importance of maintaining public trust in the integrity of the political system and ensuring that decision-making processes are conducted in an open and transparent manner.

Recommendation 5 of the Strengthening Transparency Around Lobbying report calls for public bodies to routinely publish information about all significant meetings and hospitality involving external attempts to influence a public policy decision. This should include significant contact (including private meetings) where a specific matter is raised which has a bearing on official business. The published information should include dates of meetings, details of attendees and meaningful descriptors of subject-matter. It should normally be published within one month on a relevant website, in an easily accessible format. These recommendations are consistent with the Nolan principle of Openness.

What is clear from this review is that lobbying by the University has clearly been undertaken with the aim to influence the Council's decision to allocate the University Land, and that this lobbying does not appear to be in line with Government guidance and Nolan Principles that require public bodies to operate in an open and transparent manner with respect to lobbying.

2.6.5. Summary of Consideration of Alternatives

Local concern has been raised as the Land north of the University site was not proposed in the previous draft of the local plan, and in fact a new settlement in the area, on Land east of Blean, was rejected as a reasonable alternative in the previous Sustainability Appraisal (2022 SA).²⁹ The reasons for the rejection are worth repeating here as they are quite clear and pertinent to the need for an independent expert review. The Land east of Blean was rejected for failing on multiple SAOs, namely with significant negative impacts identified on the following table. The Land north of the University is an adjacent plot of land and has an almost identical profile in terms of appraisal against the SAO and SEA factors. Therefore, logically it should also be rejected as inappropriate and unsuitable.

²⁹ Canterbury District Local Plan (2020-2045) Draft Canterbury District Local Plan (2020 - 2045) (Regulation 18 consultation) Sustainability Appraisal Report [Sustainability Appraisal Report Regulation 18 2022 0.pdf \(canterbury.gov.uk\)](#)


Table 5. Comparison of New Settlement East of Blean and North of the University of Kent against SA and SEA³⁰

Sustainability Objective	Stated Sub-objectives	SEA Topic	Land east of Blean AKA Amery Court Farm (2022 & 2024)	Land north of University (2024)	Independent Review
SAO 1: Air Quality To reduce air pollution and encourage improvements in air quality	1.1 Minimise poor air quality and encourage improvements 1.2 Minimise and mitigate adverse effects of poor air quality 1.3 Support the achievement of air quality improvement objectives within the designated AQMAs	Air, climatic factors, human health	Neutral (no effect/impact)	Neutral (no effect/impact)	SA does not consider developments contribution to negative effects on air quality from transport arising from the development.
SAO 2: Climate Change To minimise greenhouse gases that cause climate change and deliver a managed response to its effects	2.1 Minimise greenhouse gas emissions 2.2 Deliver high standards of energy efficiency in new development 2.3 Support the use of renewable energies 2.4 Support increased resilience to climate change	Climate	Not included in SA	Not included in SA	SA does not report on climate issues which are likely to be negative effects for the sites.
SAO 3: Biodiversity To conserve, connect and enhance biodiversity across the District	3.1 Support the achievement of biodiversity net gain 3.2 Conserve, protect and enhance protected sites in accordance with the protection hierarchy (i.e. international, national or locally designated) 3.3 Support improvements to biodiversity in non-designated areas of the District 3.4 Support improvements to ecological networks including connectivity of habitats 3.5 Support species adaptation and migration to reduce impacts of climate change and ensure resilience 3.6 Encourage carbon sequestration	Biodiversity, flora, fauna, landscape, human health, climatic factors	Likely to have significant negative effects.	Likely to have significant negative effects.	Agree with conclusion of significant negative effects.

³⁰ Descriptions in columns 1-5 from pp.19-22 of 2024 SA.



Sustainability Objective	Stated Sub-objectives	SEA Topic	Land east of Blean AKA Amery Court Farm (2022 & 2024)	Land north of University (2024)	Independent Review
SAO 4: Geology To conserve geological sites and safeguard mineral resources within the District	4.1 Aim to protect and prevent damage to geologically important sites, such as RIGS 4.2 Balance the need for development with safeguarding mineral resources and infrastructure	Material assets	Likely to have significant negative effects.	Likely to have significant negative effects.	Agree with conclusion of significant negative effects.
SAO 5: Landscape To conserve and enhance the landscapes of the District for people and wildlife	5.1 Conserve, protect and enhance protected sites in accordance with the protection hierarchy (i.e. international, national or locally designated) 5.2 Support improvements to existing non-designated landscapes	Landscape, fauna, flora, water	Likely to have significant negative effects.	Likely to have significant negative effects.	Agree with conclusion of significant negative effects.
SAO 6: Water To protect water resources and ensure a high quality of inland and coastal waters	6.1 Protect and enhance ground and surface water quality 6.2 Avoid adverse impacts on coastal waters, fisheries and bathing waters 6.3 Promote the sustainable and efficient use of water resources	Water, climatic factors, human health	Likely to have significant negative effects.	Likely to have significant negative effects.	Agree with conclusion of significant negative effects. However, SA does not adequately capture full scope of issues and impacts.
SAO: 7: Flood Risk To reduce the risk of flooding and where appropriate prevent coastal erosion	7.1 Avoid inappropriate development in areas at risk from flooding and coastal erosion 7.2 Support priorities identified within the Isle of Grain to South Foreland Shoreline Management Plan (or subsequent updates or amendments)	Water, human health	Likely to have significant positive effects.	Likely to have significant positive effects.	No positive impacts identified in SA, only the absence of coastal and river flooding. No consideration of downstream effects from new development.
SAO 8: Waste Management To promote sustainable waste management	8.1 Encourage a reduction in the amount of waste generated 8.2 Ensure the management of waste is consistent with the waste management hierarchy	Material assets	Not included in SA	Not included in SA	No information provided.
SAO 9 Heritage To preserve, enhance, promote and capitalise on	9.1 Preserve and enhance designated heritage assets including their setting and contribution to local character and distinctiveness	Cultural heritage, landscape	Likely to have significant negative effects. And	Likely to have significant negative effects.	Agree with conclusion of significant negative effects.



Sustainability Objective	Stated Sub-objectives	SEA Topic	Land east of Blean AKA Amery Court Farm (2022 & 2024)	Land north of University (2024)	Independent Review
the significant qualities, fabric, setting and accessibility of the District's historic environment	9.2 Support improvements to existing non-designated heritage assets 9.3 Aim to promote sustainable access to the historic environment 9.4 Aim to capitalise on the potential of heritage assets to deliver sustainable benefits 9.5 Encourage new developments to contribute to the maintenance and enhancement of the historic character through design, layout and setting		Uncertain	[no uncertainty]	
SAO 10 Housing/ Dwellings To ensure the supply of high quality homes, which cater for identified needs	10.1 Promote increased access to affordable housing 10.2 Support the timely delivery of market and affordable housing 10.3 Support the provision of homes which cater for existing and future residents' needs and the needs of different groups within the community by promoting a mix of new residential development, including, but not limited to, student, care home, gypsy & travellers and self build 10.4 Promote an appropriate mix of dwelling types, sizes and tenures 10.5 Promote the reduction in the amount of homelessness within the district 10.6 Promote high quality design in new housing developments	Population, human health, material assets	Likely to have significant positive effects.	Likely to have significant positive effects.	Insufficient information and evidence provided in SA to justify significant positive effects.
SAO 11: Land Use To promote the sustainable use of land and conserve soil quality	11.1 Encourage the efficient use of previously developed land 11.2 Avoid the unnecessary loss of best and most versatile agricultural land	Soil, human health	Likely to have positive effects And Likely to have significant negative effects.	Likely to have significant positive effects And	SA does not provide evidence or information to justify claims of positive effects on land use SOA. The evidence suggests significant



Sustainability Objective	Stated Sub-objectives	SEA Topic	Land east of Blean AKA Amery Court Farm (2022 & 2024)	Land north of University (2024)	Independent Review
	11.3 Encourage appropriate building densities within developments 11.4 Support the reduction in land contamination		[note here that it is a combination of slight good effects, and significant bad effects]	Likely to have significant negative effects. [note here that it is a combination of significant good effects, and significant bad effects]	negative effects on the objectives.
SAO 12: Economy /Employment To achieve a strong and sustainable economy, and revitalize town, local and rural centres	12.1 Support the provision of jobs in the right places to meet the identified employment needs 12.2 Encourage investment in businesses, people and infrastructure to improve productivity 12.3 Support the vitality and viability of town and city centres 12.4 Promote sustainable tourism 12.5 Support a safe and attractive night economy 12.6 Support a sustainable marine and coastal economy 12.7 Support a sustainable rural economy	Material assets, human health, population	Likely to have significant positive effects And Likely to have negative effects.	Likely to have significant positive effects	Insufficient information and evidence provided in SA to justify significant positive effects.
SAO 13: Transport To promote and encourage sustainable transport	13.1 Promote consistency with the sustainable transport hierarchy and improvements to support increased use of sustainable transport methods 13.2 Support the reduction in the need to travel 13.3 Support the reduction of traffic congestion and improve road safety 13.4 Encourage investment to improve transport infrastructure	Air, human health, population, climatic factors	Likely to have significant positive effects And Likely to have significant negative effects. [note here that it is a combination of significant good effects, and significant bad effects]	Likely to have significant positive effects And Likely to have significant negative effects. [note here that it is a combination of significant good effects,	The SA provides little in the way of evidence or information to support the claimed positive effects. The negative effects are clearly apparent.



Sustainability Objective	Stated Sub-objectives	SEA Topic	Land east of Blean AKA Amery Court Farm (2022 & 2024)	Land north of University (2024)	Independent Review
				and significant bad effects]	
SAO 14: Health and Sustainable Communities To promote safe, healthy, inclusive and sustainable communities	14.1 Support equal access and improvements to green and blue infrastructure, the countryside and open spaces including parks 14.2 Support equal access and improvements to community and health infrastructure, services and facilities to meet day-to-day needs 14.3 Support the delivery of connected communities which maximise social interaction including high quality public realm to create a sense of place 14.4 Minimise light and noise pollution 14.5 Promote healthy lifestyles including through sport and physical activity 14.6 Support the reduction of actual levels of crime	Human health, population	Likely to have significant positive effects And Likely to have significant negative effects. [note here that it is a combination of significant good effects, and significant bad effects]	Likely to have significant positive effects And Likely to have negative effects. And Uncertain	The SA provides little in the way of evidence or information to support the claimed positive effects. The significant negative effects of the construction and loss of greenspace, landscape and wellbeing are not adequately considered.



3. Independent Review Summary

3.1. Evidence Reviewed

In terms of key evidence reviewed, this independent expert review focused on the following key documents to look for evidence that CCC has taken account of the results of the SA and SEA Process:

- Canterbury District Local Plan 2040 **Sustainability Appraisal Report** - Draft Canterbury District Local Plan 2040 (Regulation 18) (February 2024);³¹
- Draft Canterbury District Local Plan (2020 - 2045) (Regulation 18 consultation) **Sustainability Appraisal Report** (October 2022);³²
- Draft Canterbury District Local Plan to 2045 **Sustainability Appraisal** of Strategic Land Availability Assessment (July 2022);³³ and (December 2023 & Addendum)³⁴; and
- Canterbury City Council Canterbury District Local Plan 2040: Draft District Vision and Local Plan Options **Sustainability Appraisal Report** (May 2021).³⁵

These documents should have informed CCC in its consideration of the sustainability of the proposals in line with their duties and functions under the NPPF, SA, SEA and multiple local and international policies and laws designed to safeguard environmental and social protections.

3.2. Objectives of the Independent Review

Returning to the objectives of this independent expert review the SA can be viewed from a number of perspectives:

- 1) The extent to which the SA meets its own requirements.
- 2) The extent to which the new settlement on Land north of the University of Kent (C12) is in line with the Vision and Objectives of the Local Plan.
- 3) The extent to which the new settlement on Land north of the University of Kent (C12) conforms to NPPF requirements to contribute to sustainable development and avoid significant adverse impacts.
- 4) The extent to which the Council's assessment of sites and alternatives conforms to the requirements under SA, SEA and PPG.
- 5) The extent to which the SA fulfills the requirements of an Environment Report under the SEA Regulations.
- 6) The extent to which the Council has followed the Principles of Good Engagement.

³¹ Ibid.

³² Canterbury District Local Plan (2020-2045) Draft Canterbury District Local Plan (2020 - 2045) (Regulation 18 consultation) Sustainability Appraisal Report [Sustainability Appraisal Report Regulation 18 2022 0.pdf \(canterbury.gov.uk\)](#)

³³ [Sustainability appraisal of strategic land availability assessment 2022.pdf \(canterbury.gov.uk\)](#)

³⁴ [Sustainability Appraisal of the Strategic Land Availability Assessment - December 2023.pdf \(canterbury.gov.uk\)](#)

³⁵ [Sustainability Appraisal Report Options Consultation.pdf \(canterbury.gov.uk\)](#)



3.3. The extent to which the SA meets its own requirements

The purpose of the SA Report is set out within the 2024 SA³⁶ and is repeated below in Table 6 along with the independent review conclusion that the SA has not succeeded in meeting its own objectives of informing and influencing the sustainability of the Draft Plan nor in fulfilling the SEA requirements.

Table 6. SA Appraisal of Land north of the University of Kent

SA Purpose	Independent Review Conclusion
<ul style="list-style-type: none"> - to ensure that the likely significant environmental and socio-economic effects of the Draft Local Plan and any reasonable alternatives are identified, characterised and assessed 	<p>As set out in Table 3. The SA has not provided sufficient evidence of the environmental and socio-economic effects of the proposed new settlement north of the University to justify its inclusion as the preferred alternative in the revised draft Local Plan.</p>
<ul style="list-style-type: none"> - to help identify appropriate measures to avoid, reduce or mitigate adverse effects and to enhance beneficial effects associated with the implementation of the Draft Local Plan wherever possible 	<p>The SA contains next to no information on appropriate measures to avoid, reduce or mitigate the adverse effects or enhance beneficial effects associated with the preferred site.</p>
<ul style="list-style-type: none"> - to provide a framework for monitoring the potential significant effects arising from the implementation of the Draft Local Plan 	<p>The SA makes no reference to monitoring the potential significant effects identified in the appraisal of the preferred site. Appendix M to the SA just provides generic monitoring without any relation to the new settlement.</p>
<ul style="list-style-type: none"> - to inform decisions on the Draft Local Plan and 	<p>The SA clearly indicates that the Land north of the University fails on the majority of SAOs and will give rise to multiple significant negative effects contrary to the NPPF, SAOs, SEA and multiple local policies. However, this seems to have not been factored into the decision to allocate the site.</p>
<ul style="list-style-type: none"> - to demonstrate that the Draft Local Plan has been developed in a manner consistent with the requirements of the SEA Regulations. 	<p>The SA does not meet the requirements set out for an Environmental Report under Schedule 2 of the SEA regulations. For example:</p> <ul style="list-style-type: none"> - the SA does not provide information on the likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects. - Nor does it report on climatic factors. - Nor does it provide measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme - Nor does it outline the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.

³⁶ Section 1.2 Page 1 Canterbury District Local Plan 2040 Sustainability Appraisal Report - Draft Canterbury District Local Plan 2040 (Regulation 18) February 2024.



3.4. The extent to which the C12 Site is in line with the Vision and Objectives of the Local Plan

Based on the 2024 Sustainability Appraisal the allocation of the Land north of the University is not compatible with the main objectives of the Vision set out below in Table 7.

Table 7. SA Appraisal of Land North of the University vs Local Plan Vision

SA Purpose	Independent Review Conclusion
- Sustainable and resilient economy	If we define sustainability as proposed in line with the 14 Sustainability Objectives identified by CCC and appraised in the 2024 SA then the inclusion of the Land north of the University, which has significant negative effects on the majority of the SAOs is not sustainable and therefore is not aligned to the Vision of a sustainable and resilient economy.
- A thriving environment	The 2024 SA identifies the Land north of the University as having significant negative effects on all of the key environmental factors within the SAOs and therefore is not aligned to the Vision of a thriving environment.
- Improved connectivity	The 2024 SA identifies the Land north of the University as having significant negative effects on the transport and traffic, as a car led development, with poor road links and with poor rail connection, it is therefore not aligned to the Vision of improved connectivity.
- Healthy communities	The 2024 SA identifies the Land north of the University as having negative effects on the local community's health, greenspace and land use (SAO14). Furthermore, this does not include a thorough treatment of the air quality impacts arising from the transport generated by the scheme, nor does it properly consider the construction impacts on existing communities. When taken together it is clear that the proposal does not contribute to a Vision of healthy communities.

3.5. The extent to which the C12 Site conforms to NPPF requirements

As acknowledged in the 2024 SA excerpt below, the NPPF requires that the local plans are prepared with the objective of contributing to sustainable development and avoiding significant adverse impacts. At paragraphs 15-16, the National Planning Policy Framework (NPPF) sets out that local plans provide a framework for addressing housing needs and other economic, social and environmental priorities and that they must be prepared with the objective of contributing to the achievement of sustainable development. In this context, paragraph 32 reiterates the requirement for SA/SEA as it relates to local plan preparation:

Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).³⁷

³⁷ Page 6 Paragraphs 1.5.2 and 1.5.3 from Canterbury District Local Plan 2040 Sustainability Appraisal Report - Draft Canterbury District Local Plan 2040 (Regulation 18) February 2024.



The extent to which the 2024 SA assessment of the new settlement on Land north of the University of Kent aligns to the requirement under NPPF to contribute to sustainable development and avoid significant adverse impacts is clearly set out in this report in Table 3 and Table 5.

The NPPF calls for sustainable development, and to determine sustainability, an SA has been carried out, claiming to have incorporated the requirements of the SEA regulations. The 2024 SA concludes that the Land north of the University of Kent is not sustainable on the majority of SOAs and gives rise to multiple significant adverse effects which are largely unmitigable. There are no proposals or information within the 2024 SA that set out how the significant negative effects identified for the Land north of the University will be mitigated, nor what compensatory measures will be provided. Indeed, the nature of the impacts, in terms of impacts to heritage setting, geology, landscape, and ecology are largely permanent and irreversible. Therefore, the proposal to include the Land north of the University as a new settlement is not in accordance with the NPPF.

3.6. The extent to which assessment of sites and alternatives conforms to SA, SEA and PPG

To what extent does the SA assessment of the new settlement on Land north of the University of Kent align with the requirement under PPG, SA and SEA to consider reasonable alternatives to achieve sustainability objectives in a manner that is justified, sound, appropriate, reasonable and considers proportionate evidence?

The evidence of this review is clear, based on the sections set out above, in particular Section 2.6, that the consideration of alternatives has not been carried out in a manner which could be described as justified, sound, appropriate, or based on proportionate evidence. The reverse is in fact true.

The consideration of alternatives is poorly justified, with strong evidence of harm and significant negative effects, and weak or missing evidence of positive effects. This calls into question the soundness of the process and its outcomes. The appropriateness of adding in a site that had not featured in earlier consultations is questionable, especially given that the new site is adjacent to a site that has already been categorically rejected as inappropriate and unsuitable.

The 2024 SA and evidence presented does not justify the conclusion that the site is 'suitable, available and achievable': the site is not sustainable and is therefore not suitable; likewise, the site is not achievable, in terms of compliance with the NPPF and the Local Plan Vision, therefore it is not achievable; the site may be available, but what reasonable alternatives have been considered? If the Land north of the University is not sustainable, suitable or achievable, and neither is the Cooting Farm site or Amery Court Site, then the evidence from the SA and SEA is that the policy of a new settlement is flawed, until and unless a new reasonable alternative can be identified. If no site is available, then the reasonable alternatives is to look for a range of other sites to deliver the housing numbers required.



Therefore, there is little evidence of the SA or Local Plan considering the alternatives to the failure to identify a sustainable site for a new freestanding settlement as being the abandonment of the policy of looking for a new settlement. Of the limited alternatives considered for the Land north of the University, none of these appear viable, this raises the question if they are indeed reasonable alternatives. Likewise, the Land north of the University of Kent fares so poorly in the SA that it is itself not a reasonable alternative to the Cooting Farm site.

Taken together it is difficult to objectively come to the conclusion that a proper consideration of alternatives has been undertaken in line with good practice and the legislation.

3.7. The extent to which the SA fulfills the requirements of the SEA Regulations

The extent to which the SA fulfills the requirements of an Environment Report under the SEA Regulations is clearly deficient. As briefly set out in Row 5 of Table 6 above, the SA clearly does not apply the requirements as set out in Schedule 2 of the SEA regulations. Based on the failure to implement the requirements of the SEA regulations the SA has not met the legal requirements of an 'Environmental Report' and therefore the Local Plan is deficient in its consideration of environmental impacts.

In Table 8 below a comparison of the requirements for SEA is provided alongside a commentary on the 2024 SA.

Table 8. SA comparison with SEA Requirements for an Environmental Report

SEA Requirements (Schedule 2 SEA Regs)	2024 SA Content
1. An outline of the contents and main objectives of the plan or programme, and of its relationship with other relevant plans and programmes.	There is no context provided on how the new settlement proposed on the Land north of the University of Kent meets the main objectives of the plan nor how it relates to other relevant plans or programmes.
2. The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme	There is no information provided on the likely evolution of the Land north of the University of Kent without the implementation of the plan.
3. The environmental characteristics of areas likely to be significantly affected.	The SA does acknowledge some of the key environmental and heritage designations of the Land north of the University and identifies them as having significant negative effects based on the SAO. However, the information is limited in detail and the evidence for some of the claimed significant positive effects is not provided.
4. Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to	The SA does not acknowledge existing environmental problems in the area of the proposed new settlement in the Land north of the University with regard to issues such as existing wastewater and sewer infrastructure problems, and does not relate the development to existing air quality problems arising from traffic at the new site. There is limited detail provided on the impacts to the Sarre Penn which is hydrologically connected to sites downstream.



SEA Requirements (Schedule 2 SEA Regs)	2024 SA Content
<p>Council Directive 79/409/EEC on the conservation of wild birds(1) and the Habitats Directive.</p>	<p>There is no consideration of the loss of a substantial portion of The Blean Biodiversity Opportunity Area, and the lost opportunity for future rewilding, net gain and landscape scale restoration projects. There is no mention of the cumulative effects of the development of the University of Kent over the past 60 years which has already resulted in significant loss of woodland habitat and greenfield land in the vicinity of the proposed site.</p>
<p>5. The environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.</p>	<p>There is no discussion in the SA section on the Land north of the University of Kent regarding how the site would contribute or harm the environmental protection objectives of the SA records that: “Significant negative effects were assessed for biodiversity (SA Objective 3). The location includes Ancient Woodland and is within 400m of Blean Complex Special Area of Conservation (SAC), West Blean and Thornden Woods Site of Special Scientific Interest (SSSI), Church Woods SSSI and Blean Woods National Nature Reserve (NNR). Blean Pastures Local Wildlife (LWS) is also located within the site.”</p> <p>There is no detail provided on how the proposal will safeguard or impact the environmental protection objectives of these sites, nor how they have been taken into account in preparing the plan and in allocating the site.</p>
<p>6. The likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects, on issues such as—</p> <p>(a)biodiversity; (b)population; (c)human health; (d)fauna; (e)flora; (f)soil; (g)water; (h)air; (i)climatic factors; (j)material assets; (k)cultural heritage, including architectural and archaeological heritage; (l)landscape; and (m)the inter-relationship between the issues referred to in sub-paragraphs (a) to (l).</p>	<p>As set out in Table 5 and Table 6 in this review, the SA does not report on the effects on the environment, including short, medium and long-term effects, permanent and temporary effects, or secondary, cumulative and synergistic effects.</p> <p>Furthermore, the SA of the Land north of the University does not consider social impacts on the local population, nor health impacts arising from construction, nor air quality impacts arising from the operational traffic, nor the impacts on climate, nor the inter-relationship of these factors.</p> <p>Furthermore, where positive impacts have been claimed, there is no evidence to support the conclusions.</p> <p>It is difficult to see on this basis how the SA has met these requirements.</p>
<p>7. The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the</p>	<p>There are no specific details provided in the 2024 SA of any measures envisaged to prevent, reduce or offset the significant adverse effects identified across a range of SAOs. Concerns that the 20% Biodiversity Net Gain ambition is very unlikely to be deliverable.</p>



SEA Requirements (Schedule 2 SEA Regs)	2024 SA Content
environment of implementing the plan or programme.	
8. An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.	The outline provided for selecting the alternatives is weak and lacks evidence and credibility. There is no evidence that the results of the SA and SEA have been taken account of in the selection of alternatives and selection of the preferred option.
9. A description of the measures envisaged concerning monitoring in accordance with regulation 17.	There are no specific monitoring measures presented in the SA for the new settlement on the Land north of the University.
10. A non-technical summary of the information provided under paragraphs 1 to 9.	As set out above, most of the requirements have not been met in the SA, therefore they are not reported in a Non-Technical Summary. The public cannot make an informed consultation response based on the information required under SEA as the SEA requirements have not been met.

3.8. The extent to which the Council has followed the Principles of Good Engagement

The public consultation on the Land north of the University has only just begun in the current consultation on the 2024 SA. However, the Local Plan and SA is presented as having been consulted on in stages since 2019. This is misleading as the proposed new settlement north of the University did not feature in the earlier proposals or documentation. Where the Land east of Blean did feature in the 2022 SA it was described as a rejected proposal due to it being considered inappropriate and unsuitable for a settlement. It is no wonder that there were not numerous consultation responses from the communities near to the site, as the SA gave no grounds for concern. Unlike the Cooting Site, which as the proposed allocated site received substantial comments.

The site that was identified in 2022 as a preferred site for a new settlement, at Cooting Farm, has subsequently been dropped, in part due to public feedback from the consultation. The Land north of the University will likely receive similar negative feedback from the local communities, however, the concern is that as the site has only been raised at the end of the process which now stretches back to 2019, there is a fear that the Council is running out of time and will therefore not give proper consideration to the public consultation.

There has been no consultation (prior to the current consultation on the Draft Plan) on the Land north of the University as being allocated for a new settlement, however in the 2024 SA the following



paragraph seeks to suggest in its reasons for rejecting alternatives that there were less negative comments on the Land north of the University than Cooting Farm.

Whereas the Land North of the University of Kent was already identified as a potential area of growth in the Draft Local Plan (2022) and **subject to consultation where it received less negative comments than Cooting Farm.**³⁸

This is very misleading and inaccurate, as the 2022 Draft Local Plan did not propose a new settlement on the Land north of the University of Kent. The new settlement that was proposed on land east of Blean was rejected in the 2022 SA as being inappropriate and unsuitable, and therefore would have naturally not been subject to local responses. In comparison, the 2022 SA recommended a new settlement at Cooting Farm, and therefore would have elicited a stronger consultation response. It is therefore deeply concerning that the 2024 SA refers to a 'consultation' that has been relied upon by the Council in considering the alternatives.

Furthermore, as set out earlier in this report, the University of Kent has been lobbying the Council on behalf of the allocation of the University Land, this is a matter of public record as set out in Table 4 above, taken from the December 2023 SLAA report. Furthermore, in the 2024 SA the Council states under 'Reasons for the rejection of reasonable alternatives' the following.

The site promoters have actively been engaging with the Council and other parties, and as such have provided evidence in regard to suitable access and possible transport mitigation, assessment of impact on ancient woodland and, at this stage, stakeholders and statutory consultees have not identified any major issues.³⁹

What is clear from this review is that lobbying by the University has clearly been undertaken with the aim to influence the Council's decision to allocate the University Land, and that this lobbying does not appear to be in line with Government guidance and Nolan Principles⁴⁰ that require public bodies to operate in an open and transparent manner with respect to lobbying.

Other criticisms of the consultation are set out in the table below which compares the consultation against the Principles of Good Engagement.⁴¹

³⁸ Page 59 section 5.6.64 [Sustainability Appraisal Report Regulation 18 2024.pdf \(canterbury.gov.uk\)](#)

³⁹ Page 59 section 5.6.64 [Sustainability Appraisal Report Regulation 18 2024.pdf \(canterbury.gov.uk\)](#)

⁴⁰ [The Seven Principles of Public Life - GOV.UK \(www.gov.uk\)](#)

⁴¹ [Consultation Principles 1 .pdf \(publishing.service.gov.uk\)](#)


Table 9. SA Consultation compared with Principles of Good Engagement

Principle of good engagement	Explanation	What happened	Narrative
Consultations should be clear and concise	<ul style="list-style-type: none"> - Plain English - No acronyms - Be clear what questions are being asked - Limit number of questions to those that are necessary - Make questions easy to understand and easy to answer - Avoid lengthy documents 	<p>The consultation on the draft local plan, which opened in March 2024 is available online here: Canterbury District Local Plan to 2040 - Canterbury Newsroom</p> <p>The new freestanding settlement at Land north of the University of Kent is not mentioned under the “What’s changed since the last draft plan?” but is included under the header “What are the main proposals in the draft plan?”</p> <p>The justification for the allocation of the Land north of the University is not provided in the SA, but is referred to in the SLAA. The SLAA then refers to the Addendum of the SLAA. The Addendum of the SLAA refers to Annex A of the Addendum. Annex A is not available via the consultation website. Therefore, the review has not been able to get to the evidence of the SA of the site allocation. This is what lawyers often refer to as a paper-chase and is contrary to the clarity and conciseness.</p>	<p>This reduces the clarity of the consultation, since any development to the area was mentioned under policy C26 of the draft Local Plan 2022 only as a longer term aim to “work with the University, key stakeholders and the local communities to explore opportunities for sensitive development” and linked it to the facilitation of a northern movement corridor as a part of the Canterbury Circulation Plan. Removal of the latter is included in the list of changes made to the 2024 version of the draft Local Plan.</p>
Consultations should have a purpose	<ul style="list-style-type: none"> - Don’t consult for the sake of it - Find out about the legal duty to consult - Take consultation responses into account when taking the policy forward - Consult when the policies/plans are at a formative stage - Do not ask questions about which you already have a final view 	<p>It is yet to be seen if the consultation responses will be taken into account.</p> <p>However, it is clear that there was little public consultation on the allocation of the site in the run up to the SA of the SLAA or the publication of the SA in 2024. The community, local school, and parish councils were unaware of the proposals until they were published. This is arguably not at the formative stage.</p>	<p>The narrative is that the Land north of the University of Kent is the only alternative to the Cooting Farm site and that the Cooting Farm site is no longer an option. If Cooting Farm is no longer an option, then how is it a reasonable alternative. There does not seem to have been a credible alternative put forward to the Land north of the University of Kent Site and therefore the alternative should have been to not take forward a new settlement if no appropriate sites have been identified.</p>



Principle of good engagement	Explanation	What happened	Narrative
Consultations should be informative	Give enough information to ensure consultees understand the issues and give informed responses. When possible include validated impact assessments of the costs and benefits being considered	The SA lacks detail on the selection and justification for the preferred option of the Land north of the University. It also lacks detail and validation of claimed positive effects.	The consultation and consultation materials, including the SA lack detailed information and are therefore not informative.
Consultations are only part of a process of engagement	Consider whether informal iterative consultation is appropriate using digital tools and open and collaborative approaches Consultation is not just about formal documents and responses, it is an ongoing process	There has been no informal engagement with the affected communities.	
Consultations should last for a proportionate amount of time	Judge the length of the consultation on the basis of legal advice and taking into account the nature and impact of the proposal Consulting for too long will unnecessarily delay policy development Consulting too quickly will not give enough time for consideration and will reduce the quality of responses	Clear consultation has been sought for Policy C12 (Land north of the University of Kent) in the consultation period for the Draft Local Plan 2040 (2024) between 12 March and 3 June 2024 (12 weeks)	One consultation period for all consultees of 12 weeks on this very large and complex Policy may not ensure an effective opportunity for consultees to express their opinion. Furthermore, C12 did not appear in the Draft Local Plan Consultation in 2022, so there was no opportunity to comment on it then. The Land north of the University of Kent was mentioned in the 2022 Draft Local Plan on page 97 (Policy C26) with reassurance that if any development were considered in this area, the council will work with stakeholders on the plan. However, no engagement has taken place with the affected communities.
Consultations should be targeted	Consider the full range of people, business and voluntary bodies affected by the policy, and whether representative groups exist Consider targeting specific groups if appropriate	Note Blean, Hackington and Harbledown & Rough Common Parish councils were not on the list of consultees for the 2022 consultation and neither were any resident groups from that particular area.	Given the multiple significant negative effects identified by CCCs SA, it would have been reasonable to carry out a bespoke consultation targeted on the affected communities in the vicinity



Principle of good engagement	Explanation	What happened	Narrative
	Ensure they are aware of the consultation and can access it Consider how to tailor consultation to the needs and preferences of particular groups, such as older people, younger people or people with disabilities that may not respond to traditional consultation methods	Further the Blean Parish council minutes from March 2024 note that they were unaware of the addition of a new freestanding settlement in the Land north of Canterbury having been added to the draft Local Plan, until it was published by a local newspaper, KM Group	of the new settlement, rather than a blanket consultation on the whole draft plan after the decision has already been made to allocate the site.
Consultations should take account of the groups being consulted	Consult stakeholders in a way that suits them Charities may need longer to respond than businesses, for example Consider how a holiday period may affect a consultation and take appropriate mitigation action, such as prior discussion with key interested parties, or extension of the deadline beyond the holiday period	There is a significant amount of material for non-experts to engage with. There has been limited effort to engage the communities outside of minimal legal requirements.	At a public consultation at the Guild Hall on April 29 th a large number of members of the public were denied access to the consultation due to the venue being at capacity. Clearly the number of affected people has been underestimated and the venue was inappropriate. This is contrary to all the principles of good engagement and fair consultation.
Consultations should be agreed before publication	Seek collective agreement before publishing a written consultation, particularly when consulting on new policy proposals Consultations should be published on gov.uk	There was no agreement or consultation with the affected local communities prior to publishing the SA of the Draft Plan.	Prior to the publication of the Draft Plan, CCC have made no effort to engage the local community or Parish Councils in considering allocating the site nor on the scope of the consultation.
Consultation should facilitate scrutiny	Publish any response on the same page on gov.uk as the original consultation Ensure it is clear when the government has responded to the consultation Explain the responses that have been received from consultees and how these have informed the policy State how many responses have been received	The affected communities will be looking carefully at how CCC uses the results of the consultation to revise the policy. It is clear from the University of Kent's consultation response to the earlier SAs that it has influenced the revised Draft Plan. However, the views of the local communities were not given equal opportunity to comment as there was at the time no proposal to build a new settlement on the Land north of the University on which to comment.	The failures identified in the SA, in terms of not meeting the requirements of SEA, and failing to provide sufficient evidence or detail of the environmental and social effects of the proposal mean that the consultation does not facilitate proper scrutiny. This is compounded by the lack of informal consultation in the build up to the formal consultation.
Government responses to	Publish responses within 12 weeks of the consultation or	The affected communities will be looking carefully at how CCC uses the	



Principle of good engagement	Explanation	What happened	Narrative
consultations should be published in a timely fashion	provide an explanation as to why this was not possible. Allow appropriate time between closing the consultation and implementing policy or legislation	results of the consultation to revise the policy.	

3.9. Concluding Analysis

This independent expert review has been commissioned on behalf of the local communities affected by the proposal to allocate a new settlement on Land north of the University of Kent in the Draft Canterbury District Local Plan 2040. The proposal in the Draft Plan is to allocate a large greenfield site in open countryside, that forms the green gap east of the Village of Blean and west of the Village of Tyler Hill, north of the University of Kent, for the construction of a new settlement of c.2000 houses.

Canterbury City Council is required to exercise its public duties as a local planning authority in accordance with national legislation, policy and guidance designed to safeguard environmental and social protections from unsustainable development. To inform the Council in their decision making they are required to undertake a Sustainability Appraisal and consider the environmental effects of the plan under the Environmental Assessment of Plans and Programmes Regulations (known as the Strategic Environmental Assessment Regulations). These sustainability and environmental assessments are also key to help inform the Council in complying with the National Planning Policy Framework which requires the Council to avoid significant adverse effects on people and the environment and to contribute to the achievement of sustainable development.

The Council is also required, in exercising their duties, to consider reasonable alternatives to their plan proposals and ensure that these are justified, sound, appropriate, reasonable and consider proportionate evidence. The results of the Council's Sustainability Appraisal and Environmental Assessment published in February 2024 do not meet these requirements.

As set out above, the analysis presented in this report indicates that there is clear evidence within the SA that the proposed Land north of the University is unsustainable and will generate multiple significant negative effects contrary to the majority of the Sustainability Objectives and in direct contravention of the stated Vision for the Local Plan.

The Sustainability Appraisal and environmental assessment results clearly identify that the Land north of the University of Kent will result in significant negative effects, and significant adverse impacts, on biodiversity, geology, landscape, water, heritage, land use and transport. This report finds sufficient supporting evidence to conclude that a new settlement on Land north of the University (C12) is



contrary to the principles of sustainable development and the avoidance of significant adverse effects and harm set out in the National Planning Policy Framework (NPPF).

Furthermore, it is evident that the SA carried out lacks a proper consideration of alternatives and that the information relied upon is not justified, reasonable, sound or appropriate based on the evidence presented. There is a wealth of evidence attesting to likely negative effects and an absence of evidence to support the assertions of positive effects.

There is compelling evidence that the SA produced is deficient with regard to the legal requirement to assess the environmental effects of the plan under the Strategic Environmental Assessment (SEA) regulations and that the inadequate consideration of these requirements will put the local plan at risk of further legal challenges in addition to failing to properly inform the public, stakeholders and Council members on the effects of the proposals on the environment. These failings also make it likely that the principles of the Aarhus Convention, to which the UK is a Party, have not been met with regard to access to environmental information.

Taken together the above criticisms clearly conclude that the decision to allocate the Land north of the University of Kent (Policy C12) as a preferred site for a new settlement in the Draft Plan is deeply flawed from a legal, planning, policy and sustainability perspective.



Annex A – Expert Review Credentials

About Greenfriars

Greenfriars provides sustainability advisory services to national and international clients across public, private and third sectors. Founded in 2019 and headquartered in Canterbury, Kent, Greenfriars provides world class advisory and consultancy services based on ethical and sustainable principles. Greenfriars' founder and director, Dr R A Howard, is the lead author of this review.

About the Lead Author Dr R Howard

The following relevant experience and credentials demonstrate that Dr Howard is well qualified to author this independent expert review:

Educational Qualifications:

- Bachelor of Science (with Honours) in Biodiversity Conservation and Management from the Durrell Institute of Conservation and Ecology (DICE) (2003)
- Master of Laws (with Distinction) in Environmental Law & Policy from Kent Law School (2004)
- Doctor of Philosophy in Management on Public Service Motivation and Environmentalism, from Kent Business School, University of Kent (2019).

Professional Certifications:

- Fellow of the Institute of Environmental Management & Assessment (IEMA) (2004–ongoing)
- IEMA Registered Environmental Auditor (2006–ongoing)
- IEMA Registered Principal EIA Practitioner (2008–ongoing)
- Chartered Environmentalist with Society for the Environment (2008–ongoing)
- Member of the International Association of Impact Assessment (IAIA) (2017–ongoing).

Selected Professional Experience:

- Environmental Consultant AMEC Earth & Environmental (2004–2007)
- Senior Environmental Coordinator at the Environment Agency (2007–2008)
- Environment and Sustainability Director at Royal HaskoningDHV (2008–2020)
- Member of IEMA Strategic Advisory Council (2013–2019)
- Chair of IEMA Impact Assessment Steering Group (2015–2018)
- Strategic Advisory Board Member at Durrell Institute of Conservation & Ecology (2014–2022)
- Management Working Group at Kent Nature Partnership (2016–2022)
- Independent Expert SEA Reviewer for Environment Agency for Thames 2100 (2021–2022)
- IEMA Policy Lead for Impact Assessment (2019–ongoing)
- Environmental and Social Advisor at the International Finance Corporation (2020–ongoing)
- Member of Office of Environmental Protection (OEP) College of Experts (2023–ongoing).



Annex B – Legal and Policy Context

What is Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)?⁴²

Under Section 19(5) of the Planning and Compulsory Purchase Act 2004 (PCP Act)⁴³, the Council is required to carry out a Sustainability Appraisal (SA) of the Local Plan to help guide the selection and development of policies and proposals in terms of their potential social, environmental and economic effects. The PCP Act requires Canterbury City Council to exercise its function, ‘with the objective of contributing to the achievement of sustainable development’.⁴⁴

The Government sets out in its online guidance the following summary with respect to SA:

A sustainability appraisal is a systematic process that must be carried out during the preparation of local plans and spatial development strategies. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

Sustainability appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the ‘Strategic Environmental Assessment Regulations’). Sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues.⁴⁵

However, the PCP Act is silent on the content and extent of the environmental assessment requirements within the SA. This is because in undertaking the SA as required under the PCP Act, the local planning authorities must also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).⁴⁶ The SEA Regulations seek to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing certain plans and programmes.⁴⁷

It is critical to point out that the SEA Regulations legally require the production of an ‘Environmental Report’. Where an SA is produced, as in the case of the Draft Canterbury District Local Plan, and it is claimed to also fulfill the requirements of the SEA Regulations, as is the case in the Draft Canterbury

⁴² As far as possible throughout this review the approach has been to re-use text and language directly from the published SA Reports for consistency to minimize issues of terminology and focus on matters of material substance and significance.

⁴³ Section 19 (5) of [Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/20/section/19)

⁴⁴ Section 39 (2) of [Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/20/section/39)

⁴⁵ [Strategic environmental assessment and sustainability appraisal - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/strategic-environmental-assessment-and-sustainability-appraisal)

⁴⁶ [The Environmental Assessment of Plans and Programmes Regulations 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2004/11/section/1)

⁴⁷ Page 12 CANTERBURY DISTRICT LOCAL PLAN 2040 SA Report (Reg 18) February 2024 WSP.



District Plan Sustainability Appraisal, then the SA *must meet all the requirements* of the ‘Environmental Report’ legally required by the SEA Regulations.⁴⁸

What are the purpose and requirements of Strategic Environmental Assessment (SEA)?

According to the UK government guidance⁴⁹ and the original EU directive on which the UK regulations are based, the purpose of SEA is to ‘provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development’. These aims are consistent with a range of Government policies on the environment and sustainable development, including the latest National Planning Policy Framework⁵⁰ which states that, ‘[t]he purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner’.

Specifically, the guidance on SEA explains the requirements as:

1. Preparing an Environmental Report on the likely significant effects of the draft plan or programme
2. Carrying out consultation on the draft plan or programme and the accompanying Environmental Report
3. Taking into account the Environmental Report and the results of consultation in decision making and
4. Providing information when the plan or programme is adopted and showing how the results of the environmental assessment have been taken into account.⁵¹

In terms of the detail required in an ‘Environmental Report’ under the SEA Regulations, these are set out in Schedule 2⁵² and clearly list the information required within an Environmental Report, and by extension, these legal requirements equally apply to a Sustainability Appraisal Report that is incorporating the requirements for an Environmental Report under the SEA Regulations.

In summary, the SA Report (implementing SEA requirements) must contain:

1. An outline of the contents and main objectives of the plan or programme, and of its relationship with other relevant plans and programmes

⁴⁸ [Strategic environmental assessment and sustainability appraisal - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

⁴⁹ [practicalguidesea.pdf \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

⁵⁰ NPPF 2023 [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

⁵¹ [practicalguidesea.pdf \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

⁵² [The Environmental Assessment of Plans and Programmes Regulations 2004 \(legislation.gov.uk\)](http://legislation.gov.uk)



2. The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme
3. The environmental characteristics of areas likely to be significantly affected
4. Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance
5. The environmental protection objectives, established at international, Community or National level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation
6. The likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects, on issues such as:

- | | |
|------------------|----------------------------------------------------------------------------------------|
| (a) biodiversity | (h) air |
| (b) population | (i) climatic factors |
| (c) human health | (j) material assets |
| (d) fauna | (k) cultural heritage, including architectural and archaeological heritage |
| (e) flora | (l) landscape and |
| (f) soil | (m) the inter-relationship between the issues referred to in sub-paragraphs (a) to (l) |
| (g) water | |

7. The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme
8. An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information
9. A description of the measures envisaged concerning monitoring in accordance with regulation 17⁵³
10. A non-technical summary of the information provided under paragraphs 1 to 9.

In addition to the environmental assessment requirements set out above, both the SA and SEA require public consultation requirements to be met.

What are the requirements for Public Consultation regarding the SA and SEA?

The consultation requirements for SEA are set out in Regulation 13 of the SEA Regulations. The guidance states:

⁵³ The responsible authority shall monitor the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action.



as soon as reasonably practicable after their preparation, the draft plan or programme and environmental report shall be sent to the consultation bodies and brought to the attention of the public, who should be invited to express their opinion. The period within which opinions must be sent must be of such length as will ensure an effective opportunity to express their opinion.⁵⁴

The UK SEA Guidance goes on to recommend:

Consultation with the public at earlier stages (e.g. when considering the scope of the Environmental Report) can provide useful information and public and stakeholder opinions on issues relevant to the plan or programme and the SEA. This can also help to avoid issues arising later which might delay the preparation of the plan or programme. The Directive requires responses to consultation to be taken into account during the preparation of the plan or programme and before its adoption or submission to a legislative procedure.⁵⁵

Furthermore, the UK is a signatory to the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environment Matters, known as the Aarhus Convention.⁵⁶ As a Party to the Aarhus Convention the UK has committed to the following principles:

- Linking environmental rights and human rights
- Acknowledging that we owe an obligation to future generations
- Establishing that sustainable development can be achieved only through the involvement of all stakeholders
- Linking government accountability and environmental protection and
- Focusing on interactions between the public and public authorities in a democratic context.

The Convention is not only an environmental agreement, it is also a Convention about government accountability, transparency and responsiveness. It grants the public rights and imposes on Parties and public authorities obligations regarding access to information and public participation and access to justice.⁵⁷

With regards to the link between the implementation of the Aarhus Convention and SEA, the UK government's implementation report in 2021 states that:

⁵⁴ [Strategic Environmental Assessment Regulations requirements checklist.pdf \(publishing.service.gov.uk\)](#)

⁵⁵ [practicalguidesea.pdf \(publishing.service.gov.uk\)](#)

⁵⁶ [Introduction | UNECE](#)

⁵⁷ Ibid.



Consultation lies at the heart of Strategic Environmental Assessment (SEA), which applies to a wide range of public plans and programmes with a view to integrating environmental consideration into their preparation and adoption.⁵⁸

The 2021 implementation report also makes reference to the Cabinet Office Consultation Principles,⁵⁹ updated in 2018, that call for consultations to (among other things): be clear and concise, last for a proportionate amount of time, take account of the group being consulted, and facilitate scrutiny. The link between the Cabinet Office Code of Practice on Consultation (2012 – superseded by the 2018 version) is made in the SEA guidance⁶⁰ which specifically states that these criteria for conducting effective consultation should be followed by UK non-departmental public bodies and local authorities.

What are the requirements on CCC for implementing SA and SEA of the draft Local Plan?

Taking all the requirement above there are a number of requirements identified which guide this independent expert review:

- 1) The extent to which the SA meets its own requirements.
- 2) The extent to which the new settlement on Land north of the University of Kent (C12) is in line with the Vision and Objectives of the Local Plan.
- 3) The extent to which the new settlement on Land north of the University of Kent (C12) conforms to NPPF requirements to contribute to sustainable development and avoid significant adverse impacts.
- 4) The extent to which the Council's assessment of sites and alternatives conforms to the requirements under SA, SEA and PPG.
- 5) The extent to which the SA fulfills the requirements of an Environment Report under the SEA Regulations.
- 6) The extent to which the Council has followed the Principles of Good Engagement.

⁵⁸ [Draft Aarhus Convention 2021 National Implementation Report.pdf \(defra.gov.uk\)](#)

⁵⁹ [Consultation_Principles_1_.pdf \(publishing.service.gov.uk\)](#)

⁶⁰ [practicalguidesea.pdf \(publishing.service.gov.uk\)](#)



Annex C – Landscape Objectives

Excerpts below from 2020 Canterbury City Council, Canterbury Landscape Character Assessment and Biodiversity Appraisal⁶¹ for the Amery Court Farmland Character Area E3 which encompassed the Land north of the University of Kent

Evaluation

Key Sensitivities and Values

- Rolling topography and narrow valleys provide visual interest.
- Nationally and locally valued deciduous woodland blocks, part of which are connected to the Blean Woods.
- Historic farmsteads provide a sense of place and time depth.
- Recreational value through a network of PRow and tracks linking into The Blean.
- A quiet and peaceful rural area, retaining a strong rural character which is vulnerable to development.
- Ridgelines particularly to the south which are important in providing the rural setting valley crest of the Stour Valley.
- Vulnerabilities of main north-south roads – traffic and pressures for development.

Guidance

Landscape Guidelines and Key Habitat Opportunities

Landscape Management

- Conserve and enhance the biodiversity interest of watercourses including the Sarre Penn by managing scrub encroachment. Explore opportunities for wetland habitat creation along the Sarre Penn corridor.
- Conserve, enhance and restore areas of woodland, including those part of the West Blean and Thornden Woods SSSI and East Blean Woods SSSI, and seek to establish stronger ecological connections with other woodlands in the surrounding area. This is particularly important due to the fragmented nature of the woodland in this LCA.
- Protect areas of species rich grassland and seek to enhance and create further neutral grassland, heath and acid grassland, which cover a substantial area of this LCA as part of the county-wide and BOA targets.
- Manage and enhance the wildlife interest of arable fields by encouraging the creation of uncultivated field margins and other wildlife-friendly farming methods.
- Enhance and augment fragmented field boundary hedgerows with native species, replacing post and wire and post and rail fencing where possible.
- Conserve, enhance and restore the wooded character of the area through continued and improved coppice management.

Development Management

- Conserve the strong vernacular of historic farmsteads and buildings and their rural setting, particularly within the Hoath, Rushbourne and Tile Lodge and Tyler Hill Conservation Areas.
- Ensure the sympathetic conversion of traditional farm building to retain their rural character.
- Conserve the traditional pattern and structure of the landscape by improving the continuity of hedgerow and shelterbelt features to enhance the small-scale irregular field pattern.
- Conserve the open landscape and avoid the further introduction of large scale or incongruous elements, particularly where they are visible over ridgelines and from the Sour valley to the south.
- Maintain the limited vehicular access to retain rural character and resist proposals for upgrading of tracks and lanes within the area.
- Maintain the essentially undeveloped character of the area limited to occasional farm buildings. Monitor pressures for development along the main roads (A291) and the Stour Valley ridgeline (Broad Oak).
- Protect the valued recreational use of the landscape, seeking opportunities to further enhance opportunities for access and enjoyment including routes to avoid pressures on more sensitive adjacent habitats.

⁶¹ [Landscape character assessment and biodiversity appraisal.pdf \(canterbury.gov.uk\)](https://www.canterbury.gov.uk/landscapes/landscapes-character-assessment-and-biodiversity-appraisal.pdf)