

Canterbury City Council
Council Offices Military Road
Canterbury
Kent
CT1 1YW

Our ref: KT/2006/000189/CS-14/PO1-
L01

Date: 13 January 2023

Dear Sir/Madam

Draft Canterbury District Local Plan To 2045

Thank you for consulting us. Please see our comments below.

Groundwater and Contaminated Land

Policy DS7. Part 7 – ‘Strategic environmental mitigation’ is vague, as are ‘utilities’. Sewerage infrastructure should be specifically mentioned as to avoid developments seeking to discharge foul effluent to the environment, especially where sewerage infrastructure is available or should be constructed.. It is encouraging to see that developments that cannot demonstrate that necessary infrastructure can be delivered at the right time to mitigate issues will be refused, but currently we think ‘necessary infrastructure’ can be

Policy DS20 – Flood risk and sustainable drainage. We are pleased to see the incorporation of water quality components to this policy, including the requirement for risk assessments in relation to potential impacts to groundwater. Please note there are specific requirements for particular sustainable drainage systems in areas of different groundwater vulnerability (e.g. in source protection zone 1) that will require assessment by us.

Policy DM15 – Sustainable drainage. We welcome the incorporation of specific water quality components to this policy. Treatment of surface waters prior to discharge into the ground, especially in areas of high groundwater vulnerability, is essential to protect the quality of groundwater. We are pleased to see the requirement for risk assessments where appropriate, and that land contamination has been included.

Policy DM16 – Water Pollution. We are pleased to see the requirement for risk assessments when assessing the impact of developments on groundwater, and that part 4 of this policy specifically references groundwater [source] protection zones and groundwater safeguard zones.

Section 7.24 and Policy DM19 – Contamination and unstable land. We recommend that the environment (including surface and groundwaters) are included as a potential receptor to contamination from development on land impacted by contamination. It might also be useful to include development on historical landfill sites specifically, although note this is covered in the description of ‘brownfield land’ (page 264).

Development and Flood Risk

DS20 – 3 The policy suggests that the Sequential Test is considered passed for all town centre development as identified on the policies maps. However there is no reference as to how this decision has been made – in particular the allocations appear not to have been assessed against the findings of a Strategic Flood Risk Assessment. We are concerned that some town centre development may fall within the functional floodplain (identified now as 3.3% AEP by NPPF Planning Practice Guide) which would make them unsuitable for all development types other than water compatible or essential infrastructure.

In addition, this policy states that Sequential Test will not be required for development on previously developed land. Without a proper assessment of risk at this strategic level this could allow for new residential development to be developed on land at high risk. This is not acceptable. NPPF outlines the types of development that can be exempt from the Sequential Test here:

<https://www.gov.uk/guidance/national-planning-policy-framework/14-meeting-the-challenge-of-climate-change-flooding-and-coastal-change#footnote55>

DS20 – 7 We support the policy to not permit new or replacement dwellings within the Coastal Change Area at Seasalter.

Policy DM14

DM14(d) This policy should ensure it is in line with NPPF by stating that off-site flood risk will not be created or exacerbated by new development.

We are aware that the Strategic Flood Risk Assessment (SFRA) is currently being updated and all relevant data might not yet be available however, the Local Plan makes no reference to it whatsoever – either the update or the existing report. The SFRA should support and inform the Local Plan by assessing the impact that land use changes and development will have on flood risk. It provides the basis for applying the sequential test to development sites by directing development away from areas at highest risk.

Whilst it is accepted that plan policies can exempt specific types of planning applications, such as windfall sites, from the sequential test, this should be subject to specific sites that have been subject to, and satisfy, the sequential test at the plan making stage. This Draft Local Plan makes no reference to how the decision to exempt town centre sites from the ST has been made and in particular, the decision has not been based on the findings of an SFRA. **For this reason we find the Draft Local Plan unsound.**

For further guidance: [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/flood-risk-and-coastal-change)

We have not examined every proposed allocation site in detail with respect to flood risk as it is important that a sequential test, based on an SFRA and assessing **all forms of flooding** is undertaken first and that the functional floodplain is identified to avoid allocating sites in areas where development should not be permitted.

However it is important that all sites that have an element of flood risk are developed using the following principles:

- sequential approach ensuring that more vulnerable development is placed in the areas of lower risk.
- take account of residual risk – for example a failure of flood risk management infrastructure or a flood event that exceeds a flood management design standard.

- assess risk using the “design flood level” – generally taken as river flooding likely to occur with a 1% annual probability and tidal with a 0.5% annual probability PLUS an appropriate allowance for climate change. <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>
- Provide sufficient freeboard allowances above the design flood level – usually recommended at 600mm and 300mm for sleeping and living accommodation respectively.

IEP Comments on Surface Water Quality

Point 2.22 and Policy C34: Strategic wetland mitigation – Wetlands will need various permits depending on the nature of the wetland.

Comment: Please consult with us as early as possible so that the suitability of the proposed location and nature of the wetland can be discussed and assessed. The impacts, including benefits and negative impacts of a proposed wetland on Stodmarsh and on the river Stour will need to be assessed.

Point 6.45: ...clear sequential approach to embedding mitigation within sites where possible - such as through the delivery of new high quality wastewater treatment facilities

Comment: All wastewater options will need to be in line with our guidance. Please note the section on discharges in sewered areas in the following guidance - <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits#discharges-in-sewered-areas>

Policy DS17 – Habitats of international importance

Points 7 a, b & d – On-site wastewater treatment facilities
Applicants will be required to comply with the relevant Nutrient Mitigation Strategies and to demonstrate that the requirements of the Habitats Regulations will be met, such as by applying the advice on Nutrient Neutrality issued by Natural England.

(a) Proposals for more than 300 homes must provide high quality on-site wastewater treatment facilities with permit levels no greater than 0.1mg/l for P and 15mg/l for N, together with an on-site SUDS design which removes a minimum of 50% of P and N from the surface water;

(b) Proposals for between 150 and 300 homes must examine all available opportunities for integrating high quality on-site wastewater treatment facilities within the site to minimise the levels of P and N associated with foul water from the site. These developments must integrate an on-site SUDS design which removes a minimum of 50% of P and N from the surface water;

(d) All developments should examine opportunities to connect sewerage infrastructure to existing or planned high quality on-site wastewater treatment facilities within the locality.

Comments: We have a responsibility for setting permit limits and will do so after reviewing information provided as part of the permit application. **A local plan should not set out permit limits** as these will be calculated once we receive the discharge permit application.

Natural England guidance on nutrient neutrality does not stipulate on-site wastewater treatment facilities as a requirement when a development is larger than 300 homes. Guidance on Nutrient Neutrality merely states the options to be considered. The preference is to connect to the mains sewer, but if on-site treatment is the only possible option, the preference is to either use the incumbent wastewater provider or an OFWAT approved company, known as a NAV (i.e. New Appointment and Variation). A discharge from a private wastewater treatment facility (i.e. not the incumbent company or OFWAT approved NAV company) will not normally be permitted if we consider it reasonable to connect to the mains sewer.

Groundwater Hydrology

We are pleased to see that Canterbury District have included our previous comments inserting water efficiency in to their strategic objectives.

1.Strategic Objectives for the district
& Sustainable design strategy for the district
Page 7 & 10

*“Ensure housing is of high-quality design, is low carbon and energy and **water efficient** as part of healthy communities with access to community facilities and open space.”
& “....provide residents with the highest standards of energy and **water efficiency**”*

Policy SS2 – Sustainable design strategy for the district
Page 11

Does the word ‘**should**’ in the following policy text below weaken the policy? Suggest replacing ‘**should**’ with ‘**will**’ or other more suitable text. The policy refers to new development, are we to assume this covers residential housing stock and commercial properties or does this need to be clearly stated as it could be interpreted to just refer to residential development only?

*“**New residential and commercial development should will** be designed to achieve Net Zero operational carbon emissions, **should will** make efficient use of land and **should will** be designed to maximise energy and water efficiency.”*

*Policy SS5 - Infrastructure strategy for the district
Page 18*

*“2.....(I) a New reservoir at Broad Oak.”
Suggest the above policy text includes the following text: 2.....(I) a New reservoir at Broad Oak **and associated new infrastructure including Water Treatment Works.***

Several policies relate to Broad Oak Reservoir infrastructure (SS1 / SS5/ R26, it can be confirmed we are in active discussions with SEW over their water supply proposals.

It is important to note that Broad Oak Reservoir proposal is being implemented by the South East Water Public Water Supplier and are separate to the Sewage company, Southern Water Services, it is imperative the timing and sequencing of associated Waste Water Treatment Works and infrastructure upgrade works are implemented in line with each other close communication is essential between the two companies to align and co-ordinate their

planned programme of works.

Strategic wetland mitigation
Policy/Site C24
Section 2.22 page 77

Any Wetland mitigation proposals are likely to require a number of permit/licenses from us. Please consult with us at the earliest opportunity to review and discuss the suitability of the proposal.

Comments below are for further consideration:

Local Plans need to recognise that KSLES (i.e. Kent South London and East Sussex) is designated as an area with serious water stress, where the availability of water resources are limited, with demand and supply issues being present as set out in Water Companies' Water Resource Management Plans (WRMP's). The Local Plans need to support these plans/strategies and set out their commitment detailing how these are translated through to planning policies on minimising water usage for new/existing residential housing stock and commercial properties. Are the policies detailed and strong enough to support the direction we are all heading in?

All new homes should continue to meet the mandatory national standard set out in the Building Regulations of 125litres/person/day (l/p/d). Where there is a clear local need, councils can set out local plan policies requiring that new dwellings meet the tighter Building Regulations optional requirement of 110 l/p/d (as set out in the Planning Practice Guidance), due to the Area being designated Water Stressed and the limited water availability within our catchments we would be seeking Local Authorities to apply 110l/p/d.

Where a water company has an ambitious efficiency related commitment or target (as an example; Southern Water currently has a commitment called 'target 100': Target 100, together let's hit target 100. (southernwater.co.uk)), we support this and it should be supported by the Local Authorities own policies. We should be pushing for greater water efficiency standards, the National Framework report (link here) clearly set out that we need to see greater ambition on water efficiency. In the report, we set out that we expect the regional water resources groups (therefore water companies) to contribute to a national ambition to reduce individual water use.

The South East is an area under "serious" water stress. In addition, Our assessment of water availability and the impacts of existing abstraction on the aquatic environment in the area shows most of the catchments are heavily abstracted with unsustainable abstractions occurring to the detriment of the environment.

- This means that there is limited environmental capacity locally to support further abstraction to meet demand from new development and therefore **Local Authorities** must ensure sufficient water efficiency measures are built into their core strategy policies.

Increasing resource availability therefore needs to focus on optimising the use of existing resources. To do this, development in this area will require the highest level of water efficiency activity and therefore more stringent water consumption targets than those set out by Building Regulations, which may be adequate for other parts of the country.

- Water Companies' Water Resource Management Plan (WRMP) - The water companies are required to produce Water Resource Management Plans which set out the long-term (25 year) balance between increasing demand and available supply. On the basis that Water Companies are having to put forward options to meet future demand i.e. Reservoirs, development of ground sources, demand management, all adds to the evidence - demonstrating current resources are not adequate to meet future demand (see individual Water Company websites for WRMP).

It is up to Government, Local Authorities, water companies, ourselves, Ofwat, and all stakeholders, to help and encourage people and businesses to use water more efficiently.

- When Local Authorities and developers are planning sustainable growth it is a useful exercise to carry out a water cycle study. A water cycle study can inform wider local planning policy requirements.
- In order to comply with performance commitments set out by Ofwat, depending on the condition of such assets, we also welcome any ongoing improvements to the network made by water companies, with the aim of further reducing leaks from water supply networks.

In relation to Policy R1 which sets out the following at land at Cooting Farm The proposal for an open loop water source heat pump will require a number of permit/licenses from us. Please consult with us at the earliest opportunity to review and discuss the suitability of any future proposal.

Fisheries Biodiversity and Geomorphology

The *Vision for the district to 2045* (page 6) includes the need for a “thriving environment”. The explicit aims in this part of the vision are welcomed. It must, however, be noted that the creation “of new areas of accessible, high-quality open space” is very often incompatible with the restoration and enhancement of “important habitats” that support the recovery of nature and increase biodiversity due to the impacts of visitor disturbance.

A clear spatial strategy to identify where open spaces will be created and where biodiversity protection, restoration and enhancement can occur will be required.

The Local Planning Authority's interest and commitment to “significant investment in our water environment and infrastructure” to “improve river and coastal water quality, provide a resilient water supply and minimise flood risk” is of great interest. Details of the plans, programmes and projects that will be benefitting from this “significant investment” are keenly awaited. Given our knowledge of the issues affecting the water environment, we look forward to being involved in these plans.

Policy SS1 – Environmental strategy for the district (page 9)

Section 1

We note the remarkable accuracy with which areas for

1. new open spaces and sports and recreation facilities
2. natural and semi natural open space

have been determined – 105.93ha and 63.93ha respectively.

Environment Agency

Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH

Customer services line: 03708 506 506

Email: enquiries@environment-agency.gov.uk

www.gov.uk/environment-agency

We look forward to seeing the assessment of the outcomes of this part of the strategy at the end of the lifetime of the plan and trust that at least 99.9% success will be reported.

Alternatively, in future, state the aspirations in realistic units e.g. for this example 106ha and 64ha respectively.

Section 4

We welcome this part of the Strategy which implicitly acknowledges that the “relevant percentage” for Biodiversity Net Gain (BNG) is too low and increases the requirement for the provision of BNG to a minimum of 20% net gain

We request that, in addition this increased requirement for BNG, the Council also requires submission of all ecological data from all developments that are providing BNG to the Kent and Medway Biological Record Centre so that they can maintain full accounts of all species and habitats across the District. The requirement to provide data should specify that the data be provided in a format that is suitable for the Record Centre and not merely dumped on them in the developers’ own format.

Some of the subsequent Policies include specific reference to the 20% BNG target. Others, including, for example, C1, do not. It would be good to know that, for all development proposals irrespective of the specific Policy, that this target applies and, if for any it does not, which they are and why.

Policy SS4 – Movement and transportation strategy for the district

The aspirations included here are welcomed but their development, particularly for the “movement corridor to connect the A28 at Sturry with the A2 at Bridge” has the potential to cause significant harm to designated sites and impact on an old landfill.

We oppose any such development that impacts on any designated site and request that we be involved where there are any potential impacts on any of the Priority Habitats (wet and water-dependent) on which we lead.

Policy SS5 - Infrastructure strategy for the district

Section 2 (l) A new reservoir at Broad Oak.

We are already engaged with the water company on this development and hopes that the security of supply that will be achieved will be accompanied by the creation of a resource that offers wider benefits to residents and visitors.

For the development of most other types of infrastructure, there are good design guides relating to the impact of, particularly, light on the natural environment e.g. [Guidance Note 8 Bats and artificial lighting | Institution of Lighting Professionals \(theilp.org.uk\)](#). If these impacts are likely to be on the riparian environment, we trust that the need to follow good guidance will be enforced.

Transport

Reference to the expansion of the Wincheap Park and Ride scheme appears to have been removed.

In the event that this was missed and it remains in the Local Plan, we oppose the development on the flood plain and the surrounding area at this location and elsewhere.

South West Canterbury strategic development areas

The map on page 28 is wrong. It does not show existing roads, houses and other structures.

This is not at all helpful for people attempting to work out what is proposed to go where and how it will fit in with the landscape at present and other the development associated with other Policies.

Any map that is equally wrong should be replaced with map that make all existing features clear unless there is good reason for them to be obscured.

On this point, the Plan is not sound as it depicted in a way that is inherently unclear.

Policy C5 – South West Canterbury

Page 29 makes reference to the creation of “other priority habitats”. This needs elaboration so that the aims of the Council in the document can be properly assessed against the outcomes it achieves.

Which “other” priority habitats are likely to be created here?

Policy C24 – Land to the south of Sturry Road

The proposal is **UNSOUND** as the concept of Nutrient Mitigation Wetlands is not proved and at this site will be contaminated by the discharge of strongly polluted leachate from the Sturry Road landfill near TR1717259664 without other works, not described, to manage it.

This area needs to be properly investigated and options for it developed by those with a full understanding of the wider environment.

Policy W5 – Land at Brooklands Farm

The proposals, unless properly buffered, pose a threat to the upper reaches of the Swalecliffe Brook. The proposed “Green Corridor” must be sufficiently large – on both banks – to ensure that the Brook is not unduly harmed by development here.

It must be protected from further sources of runoff and sewage discharges from an area served by a Wastewater Treatment Works that is already underperforming and causing pollution and harm to the river.

We will object to any development within 10m of the Brook in line with the requirements of the Biodiversity Net Gain Metric’s parameters.

The Policy statement “Ensure that for any residential development located within flood zones 2 and 3, only non-habitable rooms are located at ground floor.” Here and anywhere else it appears, is regrettable. No development should occur in flood plains.

Policy R7 – Chartham

The proposed settlement boundary of this site completely fails to respect the river, the issues of flood risk, the needs of biodiversity and the unprecedented opportunity that the closure of the Chartham Paper Mill has presented for a very largescale restoration project of the River Stour.

The boundary on the southern bank of the river near the Mill needs to be set back by AT LEAST 10m to permit river restoration in this area.

The failure to respect the river here is a failing of the Council with respect to its obligations in Regulation 17 of The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 as amended. This needs to urgently reviewed and the boundary set back appropriately.

In addition, development across this entire site would be contrary to Policy DM16 – Water Pollution (2) which specifies that “any new development should not compromise Water Framework Directive objectives, and will ensure that the water environment does not deteriorate, both during construction and during the lifetime of the development”.

Policy R10 – Milton Manor Concrete Batching Plant

As for Policy R7, this site’s boundary must be set back from the river by at least 10m to protect the river corridor.

Policy R11 – Hersden

Development in this area needs to take into consideration the impacts of light, noise and nutrients on the Stodmarsh area.

Buffers – spatial and physical barriers – are needed to reduce the impact.

It is for this reason that development in **Policy R12 – Bread and Cheese Field** should not occur. This site is **NOT SOUND**

Policy R14 – Littlebourne

Given the large proportion of sewage removed from this catchment by Southern Water Services and treated at Canterbury, all development in this area must be assessed under Natural England’s Nutrient Neutrality guidelines.

If it is suggested that there is no impact of sewage from this area on Stodmarsh, then considerable further investigation is required as this known to be the case (pers comm.)

Policy R15 – The Hill, Littlebourne

This site has direct connection to the Little Stour. No untreated discharges (including of road runoff and site drainage) from the site to surface water should be permitted here.

Policy R23 – Land adjacent to Valley Road

This site borders the route of the Nailbourne. Given that it floods by rising groundwater, the site boundary is unacceptably close to the river and needs to be set back. Further, no additional crossings or obstructions should be built on the route of the river as these have the potential to be blocked and cause harm (in the context of hydromorphological harm) to the river.

Policy R26 – Broad Oak Reservoir and Country Park

This policy suggests that the Sarre Penn should be realigned “if appropriate”.

It is appropriate as is the construction of a fish pass around the side of the primary dam.

This is not in doubt and should not feature in the Plan in the conditional.

Policy DS21 – Supporting biodiversity recovery

While we support the principles of this Policy, it is not sufficiently demanding and is too vague.

Comments such as:

- 1 (f) “How the development will provide for the needs of pollinators such as through the selection and planting of pollinator friendly species and the implementation of pollinators friendly management prescriptions;”

is not prescriptive enough requiring, as it should much greater emphasis on native species and the need for ecological adaptation to climate change

- 2 (g) Retain, protect and, where possible, enhance any notable ecological features of conservation value such as ancient woodland, semi-improved grassland, hedgerows, trees, wetlands, river corridors and other water bodies, and habitats that offer breeding or feeding sites of local importance to populations of protected or targeted species;”

Five far too much leeway to developers as enhancement of all sites should be a basic principle and not merely “where possible”.

- 3 refers to Biodiversity Net Gain.

This section does not appear to include explicit reference to Local Nature Recovery Strategies. It must.

Policy DM15 – Sustainable drainage

SuDS and SUDs should not be considered as contributions to or for biodiversity except in very rare (not yet seen) cases. They are not multifunctional as a key criterion for good biodiversity in any (temporary or permanent) wetland is clean water. Drainage features do not get clean water.

