



## **The Whitstable Society**

# **Response to and comments from the Whitstable Society on the Draft Canterbury District Local Plan to 2045**

16 January 2023

## CONTENTS

	Page
Introduction	3
Part 1 General Comments	4
Sewage	3
Impact of new estates	4
Schools	5
House building targets	5
Spatial Strategy	6
Enforcement of conditions on developers	6
Settlements Boundary	7
Open Space Policy / Village Greens	7
DS8 - Business and employment areas	7
DS11 - Tourism development	8
DS19 - Habitats, landscapes and sites of local importance	8
DM2 - Residential garden land	9
DM4 - Reducing waste and supporting the circular economy	9
DM5 Parking design	10
DM10 Residential annexes and ancillary accommodation	10
SS1 Environmental Strategy	10
Part 2 Specific Sites/Areas of Whitstable	11
W1 Town Centre	11
W2 Whitstable Harbour	12
W3 Whitstable Urban Area	13
W4 South Whitstable	13
W5 Land at Brooklands Farm	13

W6 Land South of Thanet Way	20
W7 Land West of Golden Hill	23
W8 Bodkin Farm	23
Appendix A - Ashford Borough Council Policy HOU5- Residential Windfall Development	25
Appendix B - Air Quality.	26
Appendix C - Appendix 1 of Draft Local Cycling and Walking Implementation Plan	31

**INTRODUCTION**

This document contains the observations, comments and recommendations from the Whitstable Society’s careful review of Canterbury City Council’s Draft Local Plan to 2045.

In the first part of the document, we comment on general issues that cover more than one of the sites/areas W1 - W8. In the second part we comment on issues specific to each site and area, and the final part contains our Appendices A, B and C which contain technical information which we believe the Council should be taking into consideration in its decision-making process.

In particular, we include evidence to support our strong objections to the proposed developments at sites W5 Land at Brooklands Farm, and W6/7 Land South of Thanet Way.

## **PART 1**

### **General Comments**

#### **Sewage / drainage system and that for Whitstable in particular.**

There is no evidence that Grampian Conditions related to the capability of the sewage system to accommodate new housing are intended to be applied despite the damaging effects on Whitstable from the occasional dumping of unprocessed sewage via outfall into the sea.

Given the admitted status of the drainage/sewage system for Whitstable as inadequate, permitting new estates in outline without Grampian Conditions would appear to be a failure of de-minimis planning due process and we ask that this Local Plan address this need.

The draft LP fails to even mention the plans of Southern Water for a new sewage outfall at Swalecliffe. And, by reference to the use of separate drainage and sewage pipes on the new estates planned, there is no mention in the draft of whether the Swalecliffe sewage works can cope with the demands from the new estates proposed in Whitstable.

#### **Impact of new estates on the transport network and schools.**

The impacts of W5, W6, W7 W8 and HB4 on the local transport network appears not to have been properly assessed using the Canterbury Local transport model. The model is unable to provide an accurate picture of the traffic impact of development because:

- i) the model used is not capable of modelling the use of the local public system transport network (including 'what if' analysis) for various reasons.
- ii) It does not include traffic to / from the new schools and
- iii) only the hours 8-9 and 5-6 are modelled (whereas the actual AM peak is often 07:30-08:30). As a result, (1) congestion caused by school traffic is missing, (2) the model would not notice if a road junction suffered more serious capacity problems at 0730-0830 than experienced 8am-9am. Possibly also missing may be changes in behaviour such as peak-spreading (i.e. setting out x minutes earlier than previously to avoid congestion) .

## **Schools**

Pupil spaces are at capacity at The Whitstable School so that students only in a radius of 1 mile are accepted now. The new estates will result quickly in more demand for school places. This will mean that some children in other parts of the town will be unable to go to this school and may have to travel to Canterbury. Expansion of secondary capacity is not considered as a pre-condition before the estates begin to be occupied and in our view this should be seriously examined.

## **House building targets**

The number of houses to be built in the District should be clearly based on local housing need, external pressures (incoming students and tourists) and other factors such as employment capacity; rather than maximising the amount of Community Infrastructure Levy generated.

The planning authority has not collected data on holiday lets and hence cannot respond via the Local Plan in terms of what can be done to mitigate the deleterious impacts of holiday lets where they are concentrated. By contrast, this has been done for student accommodation in the City of Canterbury, over the last 20 years or so.

There is a need for time consistency between LP's over the decades, as well as consistency between different parts and policies on the current draft local plan. If new ideas or policies trigger interaction with elements of former local plans and/or their process of creation, the past elements need to be recognised and formally eliminated and/or, possibly, have content, such as promises linked with predictions or concerns tested and brought forward if still valid. This is exemplified in Whitstable by the machinations inside and outside the local plans of the decisions in the 1990s to build the New Thanet Way (called now the A299) in the countryside north of the Blean, and to not modify the existing Thanet Way (now the A2990) which passes through the urban area of the town.

In the 1990s clear spoken and written promises were made, and policy stances created, that made clear the need to avoid building between the two roads. This has gradually been broken down between Local Plans through time, and the new Local Plan. In this draft Local Plan W5, W6 and W7 breach the policies and promises because they will generate extra traffic on the Old Thanet Way (A2990) and this will lead to the foreseen situation of causing such problems on the A2990 that Kent Highways will be under pressure to improve the A2990 (e.g. by dualling) instead of the new Thanet Way sorting out that pressure for a very long time period (e.g. 50 years). This is made all the worse, or at least more uncertain, by the failure to model the impact of these South Whitstable estates on the pinch points of the Old Thanet Way. The use of S 106 money from these

new estates to finance two ramps off and on the A299 where the New Thanet Way intersects Chestfield Rd, breaches the commitment then given in the 1990s not to have junctions on the New Thanet Way.

### **Spatial Strategy (Page 5 section 1 CCC LP)**

The Spatial Strategy states on page 5 that “This plan *responds to ... recent changes to the NPPF, which further increase the rate of housebuilding the government expects to see in the district*, and sets out a long term plan for growth and development to 2045”. Readers of the Local Plan might therefore be expected to deduce that the proposal on p13 to build an average of 1252 dwellings per year until 2045 is to meet central government requirements. Not so, according to the Kentish Gazette (19<sup>th</sup> Aug 2021), which suggests the Council’s plan to exceed central government targets for house building in order to finance the eastern city-centre by-pass and a new New Thanet Way junction to relieve the pressure of eastbound traffic approaching the Long Reach roundabout on the Old Thanet Way.

Bearing in mind that many of the proposed developments would be built on irreplaceable good quality agricultural land and have a variety of side-effects, the Council should clearly explain to the public (1) how many houses central government requires ( and if still valid, eg three councils as of 13/1/23 have postponed consultation on LPs because the central targets will in future only be advisory), (2) why CCC considers its proposals are absolutely necessary and (3) what alternatives they have considered. The Council will be expected to be able to demonstrate the latter two issues to the central government anyway as part of the Local Plan examination (NPPF paragraph 35).

Furthermore, sacrificing irreplaceable farmland to build larger numbers of houses appears to contravene the core principle of sustainable development in the National Planning Policy Framework. The never-ending demand for development land in South East England requires that each successive Local Plan should seek to meet central government targets for house-building using the absolute minimum amount of farmland, thereby saving the remainder to serve the needs of future generations and future Local Plans.

### **Enforcement of conditions on developers**

CCC does have a 106 Contributions officer who monitors compliance. However, compliance checking of compliance with conditions agreed with planning consent is the responsibility of each individual planning officer who dealt with each application. We asked what happens if a developer delays starting a permitted development until say 2.5 years within the time beyond which a new application would be required - and the relevant officer has left the council. Is there a system in place whereby all permitted development

not started is monitored - particularly to reallocate compliance checking responsibility from a departed officer to another? The councillor with portfolio responsibility for enforcement advises us that there is no system for such monitoring sustainability. CCC relies on councillors or the public to inform them of non-compliance and then it is dealt with by the Enforcement dept, which is short of staff.

### **Settlements Boundary**

It is unclear in this draft where the settlement boundary is/will be on the maps provided in the consultation. The planning authority has been uncertain in recent decades in this respect. For example, a hamlet called Yorkletts has been allowed to grow despite being well outside the settlement boundary, having no facilities and not being covered by strategic allocations in the current LP. Another example is land SE of Long Reach Roundabout which has had various developments permitted despite being outside the settlements boundary. We recommend that the settlement boundaries be made very clear, and that specific development policy be adopted to govern proposals for development in the future along the policy lines used by Ashford Borough Council in their extant local plan Policy: HOU5 - Residential windfall development in the countryside which applies to all settlements; see \*Appendix A.

### **Open Space Policy / Village Greens**

Village Greens are not treated equally in the local plan in that they are not marked as such. They are even missing; for example 'Westcliff Bank', next to the Seasalter Golf Course. It may be included accidentally with the golf club 'OS 140' but, if so, it is wrong then to be listed in the table as being covered by the Playing Pitch Strategy.

### **Policy DS8 - Business and employment areas Page 205**

The Joseph Wilson estate is designated for this policy.

*'3. Proposals for new business or employment premises on land adjoining the business and employment areas identified on the policies map will be supported if they align with other policies in this plan and where:*

*(a) They are proportionate in scale to*

*the existing designated area; and*

*(b) There is a demonstrable need for the development.'*

We request the addition of conditions (c) and (d)

- c) Vehicle access and drainage/sewage is via the commercial estate concerned.
- d) There is no additional disturbance to neighbouring residents; including flooding risk.

### **Policy DS11 - Tourism development - Page 212**

We believe strongly, based on communications with residents, that it is a mistake to omit from this policy those properties that have been turned to use as a holiday let, given the problems caused to residents by the huge increase in active holiday lets. Similarly, we believe that the ability to remove the permission after a trial period would be wise. We request changes as follows, marked in blue.

‘ Using a residential property for the purposes of a short-term holiday let for more than 90 days each year is a material change of use and will require planning permission.’  
Proposals for the change of use from a residential dwelling to use as a short-term holiday let’

or cases where that has been the status for a year or more, ‘will be supported where:

- (a) There will not be or has not been any adverse impact upon living conditions in nearby properties (including from noise generation); and
- (b) The proposals have not and would not lead to a level of car parking that would exceed the capacity of the immediate area, for example because extra parking space is provided on site; and
- (c) The proposals could provide or have provided acceptable arrangements for bin storage and other shared facilities and
- (d) It can be demonstrated that the proposal would not worsen or has not worsened an overconcentration of short-term holiday let properties in the area.’

### **Policy DS19 - Habitats, landscapes and sites of local importance - Page 224**

Comment

Support proposals to increase and protect green spaces, habitats, landscapes and sites of local importance, including the designated green infrastructure spaces, such as those which perform such an important role along the old Thanet Way A2990; consistent with the approach taken since the introduction of the new Thanet Way A299. These spaces collectively have coherence and perform an important role, providing visual amenity and



defining the pleasant open character of the area as well as providing a positive amenity value for local residents and act as an important buffer that establishes a valuable separation between the residential dwellings and the busy main road. They also provide a valuable natural environment for wildlife with connectivity across sites.

### **Policy DM2 Residential garden land - Page 244**

Amend point 1b from

'(b) There would be no significant adverse effect on living conditions for adjoining properties and/or their curtilages; and'

amend to

'(b) There would be no loss of privacy, overlooking or overshadowing or otherwise no significant adverse effect on living conditions or amenity for adjoining properties and/or their curtilages; and'

### **Policy DM4. Reducing waste and supporting the circular economy - Page 246**

3. Proposals for major development should also submit a Circular Economy Statement, either as a standalone document or as part of the CEMP, setting out:

(a) How materials arising from demolition and remediation works will be reused and/or recycled.

(b) How the design and construction of the development will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life, following design for disassembly principles.

We support this policy but would like to see it applied to smaller developments too.

Over the period since the last plan, Whitstable has seen many properties in good order demolished and rebuilt; many as larger homes. Currently under this policy, smaller developers would not have to think about this policy, but all should need to in order to reduce carbon emissions and recycling in the district.

## **Policy DM5 Parking design - Page 247**

Include 'be designed so that it will not lead to new residents parking in existing roads and displacing existing residents'.

Parking especially in the centre of Whitstable is very difficult, so any new developments or change of use should have appropriate realistic parking provided on site.

## **Policy DM10 Residential annexes and ancillary accommodation - Page 250**

1. Proposals for development involving the provision of a residential annex or ancillary accommodation will be supported where the development accords with other policies in this plan and where the development:

(a) Is located close to the main dwelling, and within the curtilage of the main dwelling; and

(b) Has a functional connection with the main dwelling, such as the occupant should be a dependent relative of the residents of the main dwelling or be employed at the main dwelling; and

(c) Is (and remains) within the same ownership as and be occupied in conjunction with the original dwelling; and

(d) Is ancillary and subordinate in size and scale to the original dwelling and of a design which complements the original dwelling; and

(e) Is designed in such a way as to easily allow the annex to be brought back as an integral part of the main dwelling at a later date

We request addition of

(f) does not result in unacceptable loss of privacy, amenity, overlooking, overshadowing or disturbance to neighbouring properties.

## **Policy SS1 Environmental Strategy (Page 9) / Air Quality.**

See Appendix B

## **PART 2. Specific Sites/Areas of Whitstable**

### **Site W1 Whitstable Town Centre (Page 81)**

There is nothing evident in the new draft Local Plan to address the perennial severe traffic congestion in Whitstable town centre which is one of the worst in East Kent. Traffic is stop-start, one direction at a time, along most of Oxford Street and High Street every day. This main street congestion has a major impact on access to town centre amenities (to the real detriment of local traders), public transport timeliness, emergency services response times, air pollution and drivers' frustration. The additional housing etc proposed for Whitstable would surely increase these impacts.

We seek a commitment in the Plan for a priority study to reconsider options to address this major, and growing, traffic congestion problem.

*We note 'Also, active travel projects including additional cycle lanes will encourage walking and cycling and a review of car parking will also help alleviate traffic congestion.'* The planning authority does not know, because it has not surveyed, what proportion of the vehicles that make up the bad traffic days on the main route through the town is made up by drivers who could feasibly walk or cycle the same journey or, linked to that, what proportion are commuters and what visitors. This is essential to improve the situation.

We note that at busy times A2990 eastbound traffic backs up from the Prospect Park traffic light-controlled junction all the way to the west of the A299 exit (ie onto the A2990 approaching Whitstable). This is a very dangerous situation for stationary traffic on a 70mph carriageway and something that the Whitstable Society warned would be created by the design of the junctions by Prospect Park. We request that the Local Plan includes a commitment to work with KCC Highways to mitigate this significant bottleneck and safety hazard, and have at the very least a warning of stationary traffic back up from the A299.

The only new proposal for relief is for a Park and Bus facility at site W6, with no evidence that being located there would be attractive to travellers, would yield a significant reduction in congestion, or be viable. (Previous temporary schemes at Estuary View etc were reported as being of little apparent benefit and not financially viable).

It is not clear how a park and ride at W6 would provide relief for the problem described above as the newly proposed park and ride is so far east of the source of the problem, namely the pinch point for those approaching the Prospect Park junction from the west.

## Site W2. Whitstable Harbour (Page 82)

Policy W2 Whitstable Harbour, states that *any development will be informed by the Whitstable Harbour Strategic Plan and will ensure that development sustains a working harbour and is compatible with the maintenance and operational capability of the harbour.*

Whilst improvements to the Whitstable Harbour Estate area would be welcomed, especially those that improve facilities for local residents and visitors, we would object to the development of residential properties within the estate. The Whitstable Harbour Strategic Plan 2017, Section 3.1 (m) To prohibit any form of residential accommodation, states the following:

*The Harbour exists to provide operational facilities to shipping and a source of attraction for both residents and visitors. It is a public asset. It is, therefore, not considered appropriate that its land area should be used for residential accommodation as this may compromise the Harbour's ability to provide operational capability. From the development consultation exercise held in May 2016, the highest vote was to prohibit any form of residential accommodation.*

The activities associated with the operation of the harbour are sources of noise, dust, fume, and odours. Brett Aggregates, which is a Roadstone Coating Plant regulated under the Environmental Permitting Regulations (England and Wales) 2010, is of particular note. The operation of the plant produces noise, from the operation of drums and other rotating machinery, odour, from the use of bitumen and other additives, dust from various fine sized aggregates which are stored on quayside. Aggregate vehicles leaving the site are also a source of noise and vibration. Any or all of these sources are potentially a source of annoyance/nuisance and potential harm to human health.

It is noted that The Whitstable Harbour Strategic Plan 2017 clearly states that much of the East Quay is occupied by Brett Aggregates. This site is designated by both national and local government for aggregate handling and that whilst this designation may, at some stage in the future be changed; such a change is not in the control of the Board, the Council or Brett Aggregates.

The evidence is overwhelming in our view that residential accommodation should not be a part of the Council's draft Local Plan Policy W2.

### **W3 Whitstable Urban Area (Page 83)**

*'A new park and bus facility at Land to the South of Thanet Way, with a fast link bus to the town centre, will be provided, with the aim to reduce traffic in and around the town centre.'*

The promise of a park and ride facility at Long Reach in the extant Local plan has not been pursued. It is not clear why this one will be achieved, most notably in respect of obtaining the bus service and it being fast.

### **Site W4 South Whitstable (Page 85)**

The traffic modelling undertaken to support the draft Local Plan appears not to include planning application 22/01527 for new housing west of Church Lane Seasalter. This will provide a relatively quick route from the A299 into Seasalter and (through Joy Lane) into Whitstable. It may be a popular short cut to avoid congestion around the Borstal Hill / Long Reach roundabout.

### **Site W5 Land at Brooklands Farm (Page 87)**

Loss of best and most versatile agricultural land

Parts of the land are currently farmed for cereal crops and is therefore likely that these are Grade 3a rather than 3b. Grade 3a is best and most versatile agricultural land and its development for housing would be contrary to policy EMP 12 of the current local plan and policy DS12 of the draft local plan.

In addition, the National Planning Policy Framework requires that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality, and if agricultural land is to be proposed for development the economic and other benefits of that land should be taken into account. The housing evidence base which supports the draft local plan does not address this requirement.

### **Development outside urban area**

The land at Brooklands Farm is outside the settlement boundary of Whitstable and it has not been adequately demonstrated that its development is necessary to meet local needs.

### **Landscape Impact**

Brooklands Farm lies in an area of High Landscape Value. This is shown on the map page 10 of the 2017 Canterbury Local Plan. The landscape has not changed since then, and if CCC has now changed its status to Strategic Allocation this appears to be simply

due to the Council now wanting to build there. This surely contravenes clause 174 of the NPPF which states: “Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes ....., b) recognising the intrinsic character and beauty of the countryside...”

The Canterbury Landscape Character and Biodiversity Appraisal designates the site as being within LCA 10 Chestfield Wooded farmland. This is an area of high biodiversity value with rare butterflies and breeding birds. As such its ecological, biodiversity and landscape value would be adversely impacted by a development of this scale. Limited consideration is given to these impacts within the evidence base.

As recently as 1769 the whole of the site was natural woodland; part of the Blean. The strategic allocation will cement the loss of farmland and woodland.

The site W5 is marked by the zoom plus and minus signs in the map extract below. The Minus is on the brook and South Street. From Andrews (John), A. Dury and W. Herbert. A Topographical Map of the County of Kent 1769



### Flood risk

Part of the site is within Flood Zone 3. There is therefore a high probability of flooding which will be exacerbated by climate change. It is long established that the Swalecliffe Brook and its tributaries cause flooding in Chestfield and parts of Swalecliffe.

In conclusion this site is likely to result in the loss of best and most versatile agricultural land, have a negative encroaching sub-urbanising impact on the countryside and adverse impacts on ecology, biodiversity and landscape. As such it should not be included in the draft local plan as a strategic site for a development of the scale proposed. Two areas between Radfall and the New Thanet Way embankment are put forward as Green Gaps

in this draft LP. The same grounds apply just as much to the whole of the W5 site and hence we propose that instead of permitting all of W5 to be built upon, it all be defined as Green Gap.

We recommend the same status for the Bogshole valley further up the catchment between Clapham Hill and the developed edge of the settlement of Blean, at the very top of Honey Hill on the Canterbury Road.

### **The main issues against the use of this site for a large estate.**

#### **1) Flood issues.**

Extensive knowledge of the flooding caused to central Chestfield and even parts of Swalecliffe by the upper catchment of the Brook should indicate that any development of the main valley from the edge of Chestfield west to Dargate and/or beyond Foxes Cross Road is, in common vernacular, asking for trouble. Locals would be reasonable in demanding proof, before the LP is sent to The Planning Inspectorate, that steps can be taken and afforded by the developer to prevent any increase in flood risk from downpours, e.g. from very extensive sustainable drainage / water storage provision or greater protection. Greater rainfall intensity is already causing historically novel issues in town, such as the flooding in Joy Lane from a line of downpours arriving from the sea.

The photos below show how the surface of the fields already naturally retains rainwater due to its high clay content. The 'waterlogging plus' builds across the whole site even without adding in extra the run-off from the extra roads, hardstandings and roofs of any development. In other words, the area already has no extra water holding capacity.



Part of the site is within Flood Zone 3 . There is therefore a high probability of flooding which will be exacerbated by climate change.

### **Spatial Strategy/Environment**



Old maps show that this site was full woodland in the 18th century. Building up to the edge of the Blean, to where it has retreated to, may eventually force a further retreat. This will cause far more than aesthetic damage.

In combination with other housing developments (including those already under construction), the planned housing would add to the sewage effluent pollution problem on the beach at Swalecliffe. Southern Water's sewage works appear to be unable to safely process Whitstable's sewage after, particularly if they use the Short Sea Outfall. The effect on people's health is not known because there is no reporting system for beach users who become infected. Southern Water's plans for replacing the Short Sea Outfall are unclear, but it appears the replacement would be another "short" outfall but with higher capacity. It would therefore be likely to result in sewage effluent being blown back onto the beach when winds are from the west or north (i.e. on-shore).

## Development

Loss of best and most versatile agricultural land

Parts of the land are currently farmed for cereal crops, and it is therefore likely that these are Grade 3a rather than 3b. Grade 3a is best and most versatile agricultural land and its development for housing would be contrary to policy EMP 12 of the current local plan and policy DS12 of the draft local plan.

In addition, the National Planning Policy Framework requires that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality, and if agricultural land is to be proposed for development the economic and other benefits of that land should be taken into account. The housing evidence base which supports the draft local plan does not address this requirement.

## Development outside the urban area

The land at Brooklands Farm is outside the settlement boundary of Whitstable and it has not been adequately demonstrated that its development is necessary to meet local needs. The central south and western end of Whitstable in total has made substantial contributions in previous local plans in taking on new commuter residents working in Canterbury or in London without the appropriate investment needed in infrastructure of many and possibly all types. Sites W5, W6 and W7 may be being put forward to generate S106 contributions for new slips on the New Thanet Way at Radfall designed to relieve pressure on the Old Thanet Way roundabout, in an echo of the strategy for funding the East By-pass for the City of Canterbury elsewhere in the Local Plan

## Landscape Impact

The 2017 Canterbury Local Plan shows Brooklands Farm within an “area of high landscape value” (see page 10 of the 2017 Plan). It provides a wide panoramic view of the valley of the Swalecliffe Brook with the forested Blean hills in the distance. Footpath CW27 crosses the site and is popular with local residents for rural dog-walking and simply enjoying the countryside and its wildlife. The A299 Thanet Way is not visible, being screened by trees and landscape.



Above: Southerly view of W5. The Blean is in the distance on the right (western side).

The Canterbury Landscape Character and Biodiversity Appraisal designates the site as being within LCA 10 Chestfield Wooded farmland. This is an area of high biodiversity value with rare butterflies and breeding birds. As such its ecological, biodiversity and landscape value would be adversely impacted by a development of this scale. Limited consideration is given to these impacts within the evidence base. *A public right of way runs along the northern edge of the W5 site. The view from this highway is a protectable asset.*

A major part of the attractiveness of the view over the green valley of the Swalecliffe Brook is its rural tranquillity. As you walk along the footpath you can hear the rippling of the Brook and the wind in the trees. It’s a wonderful place to unwind. There is a bit of noise from the A299 if the wind is from the southwest, but it’s just a blur and you can’t see the road as it is screened by trees and landscape. The development would totally change the nature of the valley and just being able to see the Blean over the rooftops wouldn’t be the same.

Indeed, ironically, the green patches to be left by full approval for W5 to the south of the new Thanet Way are to be designated as Green Gap using the Green Gap policy of the draft LP.

Those considerations, along with landscape and biodiversity impacts in the short and long term, should be requiring all of the gap between the existing building line of Whitstable/Chestfield and the edge of Blean Woods and Radfall settlement be proposed as Green Gap and not be included in the draft local plan as a strategic site for a development of estates.



## **Movement and transportation**

The site is proposed to include a 3FE primary school and a SEND school, however the school traffic has not been modelled. The increase in traffic predicted by the model for South Street is therefore significantly underestimated.

The proposed off-slip from the A299 onto Chestfield Road would lead to extensive through traffic using Chestfield Road and South Street, particularly on summer weekends (when Long Reach roundabout queues can stretch back onto the A299) and weekday evenings. This through-traffic is likely to include heavy vehicles. The summer weekend traffic has not been modelled and the effects are unquantified.

The fact that residents along Chestfield Road have not been made aware of these issues as part of the formal consultation process surely contravenes clause 16 of the NPPF which states that *“Plans should ..... be shaped by early, proportionate and effective engagement between plan-makers and communities.”*

### **Site W6 Land South of Thanet Way (Page 92)**

#### **Environmental Impact Assessment.**

This is not a suitable site for development. It straddles the top of a hill and is therefore on the skyline. It would be virtually impossible to screen from the surrounding area, including from the A299 and A2990.



*Photo above shows that the site south of Thanet Way lies on a hilltop with wide views.*

CCC's "Landscape Character Assessment and Biodiversity Appraisal" (2020) advocates that CCC should "improve the appearance of the transport corridors of the Old Thanet Way and A299 New Thanet Way. Conserve the open rural setting along corridors, *resisting any unsympathetic linear development along corridors* to help reinforce the open rural setting."

There is no other rural location within easy walking distance of Whitstable that provides views over the open sea in one direction (with glimpses of the Isle of Sheppey), and a panoramic view over a broad rural valley in the other direction with the wooded hills of the Blean in the distance. So, it is a rare survivor of the north Kent coastal landscape. Unsuitable development has already built suburbia over other fine Whitstable views, such as that from Martin Down over the Swale, leaving only Site W6 and Wraik Hill free from development.

In combination with other housing developments (including those already under construction), the planned housing would add to the sewage effluent pollution problem on the beach at Swalecliffe. As stated for site W5 above, Southern Water has no known proposals to eliminate sewage effluent discharges from their Short Sea Outfall. The W6 proposal would therefore add to the current public health hazard on the foreshore around Tankerton and Swalecliffe.

### **Air Quality.**

The site will be subjected to increased pollutant emissions (NO<sub>x</sub> and particulate matter) emanating from on-site cars, goods and passenger service vehicles, which will lead to increased concentrations of these pollutants, to which the occupants of site will be subject, potentially to the detriment of their health. The topography and buildings on the site are likely to trap and reduce dispersion of these pollutants. The Old Thanet Way is already congested, with traffic queuing at points between the Tesco roundabout and Borstal Hill roundabout. Additional vehicles moving into and out of the site will exacerbate this situation.

When the area is under an inversion layer with a gentle westerly airflow, the relationship of the site's location to the Old Thanet Way to the west and the Long Reach roundabout will lead to traffic pollutants building up over the site because there is a relatively high ridge on the southern boundary of the site which will discourage mixing.

### **Noise and Vibration.**

The activities that take place on the site are also likely to give rise to noise and vibration, these include but are not limited to, on-site traffic, nearby road traffic, activities within and external to buildings and operating machinery. This can be particularly problematic when a site has mixed activities, such as described, and the impact to residents on the site could potentially give rise to annoyance and/ or nuisance.

### **Construction.**

Even if this is to be a phased development site, there is the potential for the occupants of any residential property to be subject to pollutants, noise, vibration, fumes, giving rise to annoyance/nuisance. No doubt noise mitigation measures will be offered up in terms of the building envelope, but it could be difficult to obtain in amenity (garden) spaces.

## **Environment**

The proposal to “Provide 20% biodiversity net gain” is greenwash. The plans would irrevocably destroy well-drained farmland together with its native open-landscape fauna (hares, buzzards, skylarks etc) and replace it with sprawling suburbia.

## **Movement and transportation**

The proposal to build a car park here for 300 cars on useful well-drained agricultural land is not popular with local people. It is questionable whether many drivers would wish to use the proposed “Park and bus” facility after they have had to queue in congestion around the Borstal Hill roundabout.

It should be noted that only 900m away there is already a large car park that usually has 200+ spaces free right next to a bus service into Whitstable - this is at the Tesco store. Perhaps Tesco should be consulted to see whether they would like to host the “Park and Bus” as these drivers would be likely to shop at the store.

At least two other possible sites have been proposed for a park-and-ride car park: (1) opposite the Harrier Lodge care home on the A2990, (2) off Church Lane Seasalter on the site of planning application 12/01527 if this does not get built. The first has the advantage of being close to an existing frequent bus service, the second has the advantage that drivers would not necessarily have to use the congested Borstal Hill roundabout.

## **Access and transportation**

4. *The access and transport strategy for the site should:*

*(a) Provide safe and convenient pedestrian and cycle connectivity including:*

*(i) High quality walking and cycling links through the site to Duncan Down, including toucan crossing on A2990 Thanet Way;*

We consider the proposed link to a new access onto Duncan Down (the northern part of The Gorrell Valley Nature Reserve) to be inappropriate.

Duncan Down is all registered as Village Green which, by prevailing ancient law, is the exclusive preserve of local people and cannot be built upon. The area to the north of A2990 Thanet Way (and adjacent field areas) are to be registered as Village Greens by the Whitstable Heights developers before passing ownership to CCC.

Unregulated 'off-road' cycling across this volunteer-maintained open space would compromise the enjoyment and safety of pedestrian users and cause unacceptable damage.

Importantly, the existing Public Right Of Way path CW20 traverses (SE-NW) the centre of proposed site W6 and continues north of A2990 Thanet Way adjacent to the western side of the Whitstable Heights residential site. It then connects with Saddleton Road and hence to B2205 Canterbury Road and other routes into Whitstable town centre.

CW20 would be the obvious convenient paved route for 'safe and convenient pedestrian and cycle connectivity' from the proposed site W6, including access to the Gorrell Valley Nature Reserve.

#### **Site W7 Land west of Golden Hill road (Page 95)**

This is another unsuitable proposal for housing on a hilltop location, likely to irrevocably change the Whitstable skyline.

Our comments are as for site W6 (except comments in W6 for proposed Park-and-Bus car park and access onto Duncan Down).

#### **Site W8 Bodkin Farm (Page 98): not recommended by CCC in the allocations map**

[This is mentioned in case there are issues with other allocations and W8 is brought forward at the last minute, e.g. by the Inspector or CCC, at the Inspector's request]

#### **Movement and transportation**

The traffic likely to be generated by the proposed 6FE school is not included in the Canterbury Transport Model. This is also the case for the nearby 6FE school proposed in site HB4. The impact of these two schools could potentially more than double the amount of traffic on A2990 Thanet Way, and therefore lead to increased congestion around the junction with Herne Bay Road.

It is likely that the new schools would significantly increase the use of the substandard, narrow and poorly maintained cycle path alongside A2990 Thanet Way, linking the site to the west as far as Borstal Hill. This is overdue for widening to allow for safe shared use by both pedestrians and cyclists. Why was it not widened as part of the Whitstable Heights development?

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## Appendix A

*Policy HOU5 - Residential Windfall Development in the Countryside Proposals for residential development adjoining or close to the existing built up confines of the following settlements will be acceptable: a,b,c,d [ long list of non-small villages]*

*a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day-to-day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;*

*b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;*

*c) The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;*

*d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;*

*e) The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,*

*f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:- i) it sits sympathetically within the wider landscape, ii) it preserves or enhances the setting of the nearest settlement, iii) it includes an appropriately sized and designed landscape buffer to the open countryside'*

## Appendix B

Response to Draft Local Plan - Air Quality.

Matters relating to air quality and the methods by which emissions from road transport and development will be mitigated are detailed throughout the plan via various strategies and policies, these include but are not limited to:

- Page 7. **Strategic priority.** 'Create a transport network with a focus on low-carbon travel to improve air quality ...
- Page 10. **Environmental strategy for the district.** Point 5. New developments of 300 homes or more should incorporate a minimum of 20% tree cover across the site and all developments should incorporate new trees and hedgerows in areas of appropriate landscape character to help restore and enhance degraded landscapes, screen noise and pollution ....
- Page 15. **Movement and transportation strategy for the district.** Point 1.20. Traffic congestion and the implications for the local economy, for the environment in our city and town centres, for air quality and residents quality of life.
- Point 1.21. ... to reduce air quality impacts....
- Page 16/17. **Policy SS4. Movement and transportation strategy.**
- Point 2. A new Canterbury Circulation Plan (CCP) will enable relocation of road space on the inner road ring for active travel journeys and faster more reliable public transport to remove congestion, improve air quality and enhance the city centre environment and its heritage.
- Point 6. New development should be designed to help improve air quality of the district as a whole. Sustainable transport measures, such as the provision of electric charging infrastructure, shared transport initiatives, improved active travel connectivity as well as green infrastructure such as green roofs, walls and hedges and street trees will help to reduce air pollution and exposure in line with Policy DS16.

Within the body of the draft Local Plan, the following strategies are noted as purportedly being mechanisms which will improve air quality. However, the arguments put forward are not robust and a rebuttal of the assumptions made within the strategy or Policy is made.

### 1. Green Infrastructure/Tree Planting.

The draft Local Plan Policies SS1 and SS4 state that green infrastructure and trees should be planted, and it's implied that this will improve air quality. However, the Council's own Air Quality Action Plan 2018 <https://www.canterbury.gov.uk/sites/default/files/2022-10/Canterbury%20and%20Herne%20air%20quality%20action%20plan.pdf> page 67 states 'the benefits in relation to tree planting are known to be highly variable and need to be considered on a case-by-case basis. The Air Quality Expert Group, an expert group of DEFRA (Department of Food and Rural Affairs), produced the Effects of Vegetation on Urban Air Pollution 2018

report [https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1807251306\\_180509\\_Effects\\_of\\_vegetation\\_on\\_urban\\_air\\_pollution\\_v12\\_final.pdf](https://uk-air.defra.gov.uk/assets/documents/reports/cat09/1807251306_180509_Effects_of_vegetation_on_urban_air_pollution_v12_final.pdf) which concluded '*Effects of vegetation removing pollutants from urban air by deposition, and thereby reducing concentrations and population exposure to particulate matter have been demonstrated in field measurements and using models. However, the magnitude of the reduction in concentration by realistic planting schemes, using trees, is small and in the range 2% to 10% for primary PM10 and ambitious plantings. For practical planting schemes and PM from all sources, the scale of reductions is expected to be no more than a few percent. For NO2, vegetation is not a very efficient sink, and as the deposition occurs in daytime, and primarily in the warmer months, there is little benefit for air quality for most of the time that NO2 is a problem*'.

Whilst the planting of trees and other forms of green infrastructure are welcome, the Council's draft local plan needs to acknowledge that the planting of trees and other green infrastructure measures will not contribute in any meaningful manner to reducing the impact of emissions from road vehicles or development.

## **2. Development. Policy DS16 – Air Quality.**

Policy DS16 states that it is essential that new development does not contribute to any further deterioration in air quality and that emissions should be assessed, and mitigation identified as part of new developments. Although the policy makes reference to the Council's air quality guidance it is not clear which document this is, and this should be clarified.

It is disappointing to note that the policy only relates to 'major developments' and that this term is not defined. In addition, the policy does not take account of cumulative impacts from the development, particularly developments that are phased over a longer period of time. It is also noted that the impacts of construction are not considered. The final point of the policy does not define the term 'an unacceptable impact' when development would be refused. This point should be defined or clarified.

## **3. Movement, transportation and air quality. Policy DS13 Movement and hierarchy.**

This policy outlines the hierarchy which seeks to prioritise active and sustainable travel options whereby walking and cycling are first and second in the hierarchy and public transport is placed third (along with MAAS and Shared Mobility). The policy is linked to the Kent and Medway Low Emissions Strategy <https://democracy.kent.gov.uk/documents/s90435/Item%2012%20-%20Appendix%201%20-%20KM%20Energy%20and%20Low%20Emissions%20Strategy.pdf> and the emerging KCC a local Transport Plan 5.

In relation to public transport, provision of buses, the Kent and Medway Energy and Low Emissions Strategy, Implementation Plan activity monitoring report (October 2020 – March 2023) [https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0011/140330/ELES-2021-Progress-report.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0011/140330/ELES-2021-Progress-report.pdf) notes

#### *6.6 Work with public transport providers to achieve EURO VI emissions standards or better.*

*KCC continues to encourage the county's bus operators to develop their fleets to improved emissions standards, partly through showcasing options available through trials (see 6.7). There is support amongst operators to do so. However, cost remains a prohibitive factor especially given the impacts of the Covid-19 pandemic (passenger numbers at approximately 60-70%). This has meant that, at this stage, operators' predominant focus is on providing services themselves. After the successful trial of the electric vehicle on Fastrack, funding was sought from the Department for Transport Zero Emission Bus Regional Areas (ZEBRA) to move the whole Fastrack bus rapid transit (BRT) bus fleet in Thameside and Dover to zero emission buses (£9.5 million for 33 buses). The funding was confirmed in October 2021 and procurement began in January 2022. KCC has also bid for further funding through the National Bus Strategy process and awaits a funding announcement.*

*Medway's Air Quality Action Plan 2015 includes a measure to increase proportion of Euro V and subsequent (or equivalent) buses in fleet:*

*[https://www.medway.gov.uk/downloads/file/1982/medway\\_air\\_quality\\_action\\_plan\\_2015](https://www.medway.gov.uk/downloads/file/1982/medway_air_quality_action_plan_2015)*

RISK: The pandemic has had an impact on the bus industry and efforts are focussed on providing services. Funding for low emissions buses remains a challenge.

It must be concluded from the above statement that any improvement to emission standards for bus fleets in the district and any improvement in air quality as a consequence is not likely to have a major impact on air quality in the foreseeable future.

In addition to the strategies and policy documents discussed in the points above, the Air Quality Assessment of the Draft Local Plan for Development and Transportation (October 2022) is published on the Council's website as a supporting document.

#### **4. Air Quality Assessment of the Draft Local Plan Strategy for Development and Transportation (October 2022).**

The report does not detail who the author of the report is and therefore any questions or clarification required cannot be requested.

The Air Quality Assessment of the Draft Local Plan Strategy for Development and Transportation

<https://drive.google.com/drive/folders/1MdVmnrkVqOCvTzLr5OmNVqsKqnHNrF9C>) states:

##### *2.1 Baseline Conditions.*

*A review of existing air quality conditions in the district has been undertaken through a review of CCC's 2022 Annual Status Report (ASR).*

## 2.2 Air Quality Assessment.

*'An assessment of where positive and negative effects are likely (using outputs of the Kent County Traffic Model to support the Local Plan) and a high-level view on key areas that might be adversely or positively affected has been undertaken. The assessment has considered whether or not the development of the proposed strategic site allocations will trigger, singularly and or cumulatively the creation of a new air quality management area (AQMAs) or the extension of existing AQMAs) during the lifetime of the emerging Local Plan (to 2945). The assessment has considered the air quality impacts of the Local Plan on human health receptors such as residential properties, hospitals and schools.*

It is noted that this report only undertakes an assessment of the impacts (positive or negative) for the Air Quality Management Areas in Canterbury and Herne Bay (Points 4.1 and 4.2 of the document) and existing roads across the district (Point 4.3 of the document). It does not in fact carry out any assessment of potential air quality impacts for the strategic sites outlined in the draft Local Plan and instead notes (Point 4.4) *'these locations have relative low baseline concentrations of air pollutants, and it is considered that traffic using the new or aligned roads will not cause exceedances of any pollutants at these locations'*.

The report does not define where 'baseline concentrations of air pollutants' have been derived.

The report goes on - *Point 4.4 paragraph 3 states 'A preliminary assessment of the locations has identified receptors located within 200m of some parts of the new and realigned road, and therefore air quality assessments will be undertaken at the detailed design stage.*

This report is not robust. Although it clearly states at point 2.2 that it *has considered whether or not the development of the proposed strategic site allocations will trigger, singularly and or cumulatively the creation of a new air quality management area (AQMAs) or the extension of existing AQMAs) during the lifetime of the emerging Local Plan (to 2945), this is clearly not the case and in relation to the proposed strategic site allocations, simply manoeuvres around this by claiming that 'air quality assessments will be undertaken at the detailed design stage'*

One of the main documents that supports the Council's Local Air Quality Management function is the Air Quality Action Plan. There is no reference to this document within the draft Local Plan.

## 5. Canterbury Air Quality Action Plan 2018.

The draft Local Plan does not appear to make any reference to the Council's own Air Quality Action Plan 2018 ( <https://www.canterbury.gov.uk/sites/default/files/2022-10/Canterbury%20and%20Herne%20air%20quality%20action%20plan.pdf>).

This document provides detailed information about the problem of poor air quality within the district, the methods by which pollutants of concern are measured, and the actions that the Council and its partners need to take in order to improve air quality. In addition, the draft Local

Plan does not note the progress relating actions within within the Air Quality Plan which are reported annually through the Annual Status Report (ASR 2022), <https://kentair.org.uk/report/canterbury-city-council-annual-status-report-2022>.

For the Council not to acknowledge or reference the work that its own Environmental Health and scientific officers undertake, in order for the Council to fulfil its statutory obligations in relation to Local Air Quality Management (LAQM), is a major omission. It is vital that any strategy or policy within the draft Local Plan should link to the Air Quality Action Plan 2018.

**The following points are also noted.**

- Air quality in the city of Canterbury is likely to improve as a consequence of the Canterbury Circulation Plan and the building of the outer ring road as assessed by the Air Quality Assessment of the Draft Local Plan Strategy for Development and Transportation (October 2022).
- The draft Local Plan does not make any commitments or statement, to provide significant investment to improve air quality unlike its statement 'significant investment in our water environment and infrastructure' page 6, Vision for the district to 2045.
- The draft Local Plan in relation to air quality fails to recognise that emissions from the cumulative impacts of road transport and development, whilst not necessarily creating a new Air Quality Management Area (AQMA), or extending an existing AQMA, will increase background concentrations of air pollutants which will ultimately affect people's health.
- The draft Local Plan does not acknowledge that 'Improving air quality will also reduce damage to water quality, biodiversity and crops. Oxides of nitrogen can contribute to eutrophication of waterways affecting aquatic life. They can react in the atmosphere with volatile organic compounds to create ground level ozone which damages crops as well as having its own health impacts. Dry and wet deposition of air pollution can play a key part in ecosystem impacts'. <https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-Policy-Guidance-2022.pdf>. This matter should be addressed through an amendment to the relevant strategies and policies within the draft Local Plan.
- The draft Local Plan should also acknowledge the role it should take to reduce emissions and precursors of PM2.5. <https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-Policy-Guidance-2022.pdf>. It is stated that 'Local authorities will need to take action to reduce emissions and the precursors of PM2.5, with action to tackle PM10/NOx usually contributing to this. The methods by which

the Local Authority should work and the interpretation of this role is given in Chapter 8 of LAQM.PG22 provides more examples on the interpretation of this role’.

<https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf>

## **Appendix C**

Comment on:

### **Appendix 1 of Draft Local Cycling and Walking Implementation Plan (October 2022)**

The WS objects strongly to the proposed W16 cycle path (c.£500k) across Duncan Down - part of the Gorrell Valley Nature Reserve.

Duncan Down is all registered as Village Green which, by prevailing ancient law, is the exclusive preserve of local people and cannot be built upon.

Unregulated ‘off-road’ cycling across this volunteer-maintained open space would compromise the enjoyment and safety of pedestrian users, and cause unacceptable damage.

Also, the current Whitstable Heights residential development has no apparent provision for W16 continuation across towards Golden Hill and Millstrood Road.

Moreover, Cycle Route 1 beside the A2990 Thanet Way already links the Long Reach to Millstrood Road via Whitstable Heights and Golden Hill.

WS does support the associated cycle crossings proposals W8, W9 and W10 on this route.