

## DRAFT CANTERBURY DISTRICT LOCAL PLAN TO 2045

Dear Victoria,

Let me introduce myself. I have lived in Canterbury since 1966. I wrote a Ph.D. on the Greater London Development Plan 1969-71, all 237 days of it! Despite remaining a publishing academic on planning law and policy, also I became a qualified Member of the Royal Town Planning Institute. I was appointed as the Planning Consultant to the National Association of Local Councils, the parent body of Parish and Councils in England the Wales. In 2004 the Planning Inspectorate retained me as a fee paid Inspector. Thus I have help formulate, supported and fought against Draft and extant Local Plans nationwide.

Yes, Canterbury City Council has produced a Draft Local Plan its vision of what it thinks the District should look like by 2045 and whether the local citizens agree with it or not. Obviously the Consultation with the people of Canterbury was nothing more than a PR exercise. No one wanted the Plan we have before us with its sprawling housing estates generating yet more traffic: seven movements per day per dwelling, Stasi-like control of residents within their Zones, complex, time consuming arrangements to reach the City Centre by public transport. Clearly CCC has never noticed that the City is in a valley. UKC is 200 feet above the City Centre. The Hospital is on the dip slope of the North Downs. It is not practicable for most people to use bicycles. As a family we know from bitter experience that you have to be very sick or disabled to qualify for a Blue Badge and thus have easy access to the City Centre.

### 2. Canterbury Vision

As a test of how the draft Local Plan might work in reality, assuming it emerged unscathed as the Local Plan, I wrote to the Leader of the City Council about a real event which occurred in my family a few months ago. Given that this was an emergency, I was interested to test out how the proposed Transportation Vision would allow me to access urgently needed medication.

Dear Ben,

I have a real experience which I would like to put to you. A few months ago I went from our house in Tyler Hill to Lloyds Pharmacy in Sainsbury's, Kingsmead Rd. to collect an urgently needed prescription. I arrived at 3pm on a Friday afternoon to find that their computer had crashed and my prescription was somewhere in the ether. **TIME WAS OF THE ESSENCE BECAUSE A DOCTOR MIGHT NOT BE AVAILABLE AFTER 5PM.** I had to obtain another prescription fast. Our Medical Practice has moved onto the site of the K&C, so I drove round the inner ring road and up to the hospital. I agreed with the receptionist that another prescription would be sent to Boots and I would pick it up on Saturday morning. I then travelled back to Tyler Hill. Just before 5pm the code for the prescription was sent to my phone: gobbledegook from my point of view but hoped it would mean something to a pharmacist. The next morning I turned on my mobile to find the precious code had vanished. Having found Carphone Warehouse helpful in the past, I drove out to Vauxhall Road, and it was explained to me that it had been archived. Now it was visible I drove back to Lloyds. Fortunately they had the tablets. Had they not I would have had to drive round the City to visit Boots and/or another pharmacy until I was successful.

Now being realistic, and conscious of the need for speedy action, how would I achieve my objectives under CCC's proposals? I much look forward to hearing from you.

The courteous reply from the Leader of the City Council was instructive:

Hi Wendy,

Happy New Year.

The Canterbury Circulation Plan is an option for ~15 years time. We're consulting on it early so that if it's necessary we'll have input such as yours on the various journeys and how they would be possible, bearing in mind the changes in technology and consumer habits that will take place between now and 2045. It is also contingent on the eastern bypass being delivered and the new junctions being installed to allow easy movement between the neighbourhoods.

A Draft Local Plan has to demonstrate that the resources are forthcoming from its own reserves and in agreement with other statutory bodies for the vision to be realised, and to have Rules against which any given proposal can be judged. Clearly in the mind of the Leader of CCC we are still in the public consultation period.

### **Water Purification and Conservation**

**Policy DS17** A major omission from the Draft Local Plan is any mention of the polluted state of the River Stour and the degradation of the Stodmarsh Nature Reserve, which is designated as a National Nature Reserve, protected by the EU Habitats Directive, and a Ramsar Site: the latter is a designation bestowed by UNESCO on internationally important wetland sites. Although Stodmarsh is not in Canterbury District, the Stour feeds into it. Back in the 1970s there was a proposal to build a large reservoir in the clay lined valley known as the Broad Oak Reservoir. The water was to be pumped up from the River Stour in the winter and used to supply the city and suburbs. One of the reasons for this was that the river water was too impure because at least eight sewage works were upstream from the City. In a hot summer poisonous algae blooms would appear endangering human health and wildlife. If one considers how many houses have been built in the entire catchment areas since then, plus abstraction from and discharge to the Stour by agricultural units, it is no wonder that Stodmarsh is in peril.

It is notable that the larger housing developments in the Plan are expected to include an eco-friendly sewage works but this is easier said than done. People do not like living near the waste they have generated: it will lower the price of the properties which will not please the house builders. Secondly the treatment of waste water and solids is complicated by non natural products such as antibiotics, wet wipes etc. It is going to be very difficult for a developer to guarantee compliance with Policy DS17. When Conditions are imposed by a local authority or an inspector, they are required to be enforceable. Sooner or later polluted water will seep into the Stour, detracting from health and recreation of the citizens of Canterbury. Then what do you do with the joyfully named "solids": no farmer would welcome tampons and wet wipes spread across his fields. The only "solution" would be for every householder and every visitor, in perpetuity, to sign a legally binding document saying that they have not taken anti-biotics nor disposed of unnatural products into the sewer. Clearly this would not qualify as a Planning Condition.

Looking online there are many companies touting for business in this field but I suspect that there are bound to be more interested in the money than meeting the specifications. I am sure CCC is sincere in wanting to diminish the pollution of the Stour, but they will need advice from Defra or some such impartial source, as to which companies meet the required standards.

### **Policy R26**

In Policy R26 features the Broad Oak Country Park surrounding a much diminished Broad Oak Reservoir. There is no mention as to where the water is coming from. The Sarre-Penn is a mere stream, so one must assume that, once again the water is supposed to come from the Stour, accompanied by an extra crop of algae blooms given the growth of fluvial pollution since the 1970s, not to mention the ever increasing heat due to climate change. Here again there is mention of a water treatment works but, as with policy DS17, producing water to the required standard and disposing of the pollutants is fraught with problems, which in turn will render impossible the aspirations for the site.

### **Policy SS3**

As an inhabitant of Tyler Hill I welcome the fact that the village has been excluded from the list of those earmarked for development. However, within the village, there was a Local Nature Reserve which was degraded by its owner in the interest of developing it for housing in the future. There might be other such sites in non designated villages. These may come forward as windfall sites in due course. It is important that Policy SS3 protects such sites against over-development, out of character with the surrounding properties.

### **Conclusions.**

Having been in the Planning Profession for thirty years, I have never seen a Draft Local Plan like this. Its style is that of a consultation document with lots of vital loose ends to be sorted out in the future. The Canterbury City Centre key diagram is indecipherable. Hence my exchange with the Leader of the City Council over a medical emergency. He should have been able to tell me exactly what would happen and how long it would take me to solve the problem, not to mention the approximate date when these policies would swing into action.

The whole point of a Local Plan is that it is a document containing high precision policies against which a given planning application can be judged: does it comply or not with Policies X,Y,Z? This Plan has to stand up to scrutiny not just by the the local authority and the Planning Inspectorate but also the High Court, the Court of Appeal, the Supreme Court. A given policy may even be tested in the UN.

In 2005 the British Government signed up to the Council of Europe's Aarhus Convention, 1998. It covers Access to Information, Public Participation in Decision-Making and Access to Justice. In 2012, I was involved in a case which went all the way to the Aarhus Compliance Committee at the UN in Geneva. Our complaint concerned Article 8 of the Convention:

**Article 8 PUBLIC PARTICIPATION DURING THE PREPARATION OF EXECUTIVE REGULATIONS AND/OR GENERALLY APPLICABLE LEGALLY BINDING NORMATIVE INSTRUMENTS** Each Party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment. To this end, the following steps should be taken: (a) Time-frames sufficient for effective participation should be fixed; **(b) Draft RULES should be published or otherwise made publicly available;** and (c) The public should be given the opportunity to comment, directly or through representative consultative bodies. The result of the public participation shall be taken into account as far as possible.

The problem with the Draft Canterbury District Local Plan is that it is not rigorous. It needs to be rewritten, setting out the criteria by which any given application can be judged. In its existing format it will not be judged to be “sound” by an Inspector.

Dr Wendy Le-Las, MRTPI (Rtd), FRSA