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Canterbury City Council
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By email: consultations@canterbury.gov.uk

Dear Sir/Madam,

Draft Canterbury District Local Plan to 2045 – Consultation Response

I have reviewed and wish to respond to the Regulation 18 Draft Canterbury District Local Plan. These representations are presented in my personal capacity rather than my role as a Chartham Parish Councillor.

NPPF context

Since the publication of the Draft Local Plan (“DCDLP”), the Government has announced proposed reforms for National Planning Policy, part of the reforms contemplated under the Levelling Up and Regeneration Bill. A Consultation on revisions to the NPPF was issued on 22nd December 2022, during the DCDLP Consultation period. The Consultation was presaged by a written Ministerial Statement made in Parliament on 6th December 2022.

It is widely anticipated, therefore, that a new NPPF will be in place by Spring 2023. This is noteworthy as the latest Local Development Scheme (October 2022) targets submission of the Plan towards the end of 2023. This means that it is highly likely that its examination will take place against the new NPPF.

I note the proposed transitional arrangements as set out in the Consultation document at chapter 14, paragraph 17. This states:

“Authorities can begin planning in line with these changes, should they be implemented following public consultation, in spring 2023. We recognise that any changes to emerging plans which are necessary may result in delays in getting an up to date plan in place. So, to reduce the risk of communities being exposed to speculative development, we propose the following time-limited arrangements. For the purposes of decision-making, where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 Consultation which included both the policy’s map and proposed allocations towards meeting housing need, those authorities will benefit from a reduced housing land supply requirement. This will be a requirement to demonstrate a four-year supply of land housing, instead of the usual five. These arrangements would apply for a period of two years from the point that these changes to the framework take effect, since our objective is to provide time for review while incentivising plan adoption.”

Chapter 9 of the Consultation deals with the proposed revisions in the Bill to the plan-making system, which it notes is intended to be introduced “in late 2024” (paragraph 3). However, the proposal is that Plans submitted prior to 30th June 2025 will proceed to examination under the existing legal framework including the duty to cooperate, with a target for adoption of such Plans by 31st December 2026.

Local Housing Need

The December 2022 Consultation on changes to the NPPF includes significant proposed reform on the approach to calculating local housing need. As the Secretary of State has made clear in the WMS, the housing need figure derived from the standard method is to be an advisory starting point for local authorities, providing a guide that is not mandatory. It is proposed that local authorities, working in conjunction with their communities will determine how many homes can actually be built, taking into account what should be protected in each area.

Thus, when assessing a Local Plan, planning authorities will be able to plan for fewer houses if building is constrained by important factors such as protected landscapes, heritage restrictions and areas of high flood risk. Moreover, local authorities will not be expected to build developments at densities that would be wholly out of character with the existing areas or which would lead to a significant change of character. The concept is one of pursuing “*gentle densities*” as contemplated by the Building Better, Building Beautiful Commission. Indeed, the Bill contemplates mandatory design codes which will have a similar legal force as the Local Plan.

The DCDLP makes provision for an average of 1,252 new dwellings per year via Draft Policy SS3 (“*Development Strategy for the District*”). The figure purports to meet all of the District’s housing need for the Plan period. The duty to cooperate presents a proposition that all adjacent districts are planning to meet all of their need without any requirements for addressing need across local authority borders.

As noted in the Development Topic Paper, the total figure for Local Housing Need derived from the standard method, and reflecting a change in the affordability ratio for the District in March 2022, is 31,300 for the period 2020-2045. The Council’s Spatial Development Strategy as set out in Policy SS3 therefore reflects a policy of rigid compliance with the standard method.

With the anticipated change in the NPPF, it is appropriate to consider whether it is still right for Canterbury City Council to seek to accommodate its full housing need as derived from the standard method, given that National Policy is now proposed to be amended as the standard method is to be no more than a guide.

The Housing Delivery Test (HDT) figures issued in January 2022 triggered the presumption in favour of sustainable development in Canterbury. However, this covered a period of well-known difficulties arising from the Stodmarsh water quality issue, which has had a dramatic impact on the deliverability of housing sites within the relevant period. Indeed, the City Council called upon Government to suspend these planning sanctions when the figures were issued, to no avail.

The proposal at chapter 4, paragraph 20 of the government’s consultation is that the HDT-derived presumption will be “*switched off*” where a local planning authority can demonstrate that there are sufficient deliverable permissions to meet the housing requirement set out in its Local Plan. The position with Stodmarsh, of course, means that within Canterbury there are planning consents that are not able to be implemented.

Spatial Strategy

Within Canterbury, there must be a realistic prospect that use of the standard method might not be entirely appropriate in any case. Chapter 4 (8) of the governments' consultation acknowledges that university towns with an above average proportion of students might have demographic characteristics which could justify the use of an alternative method. As a relatively small town with a large university campus, Canterbury exhibits precisely those features. Again, there is every reason to think that the housing provisions set out in the DCDLP will need to be significantly revised (likely downwards) before the Plan is submitted for examination. **Objection is therefore made to Policy SS3 in terms of the quantum of development contemplated within the Plan.**

Moreover, the focus of the Strategy in identifying the Canterbury urban area as the "*principal focus for development in the district*" may well need to be reconsidered.

On 5th December 2022, the Secretary of State Michael Gove wrote to all MPs concerning "*planning and local control in England*". In his letter (a precursor to the following day's WMS) he stated that his proposals amounted "*to a rebalancing of the relationship between local councils and the Planning Inspectorate, and will give local communities a greater say in what is built in their neighbourhood*".

He went on to specifically identify the sort of "*genuine constraints*" that might prove the case for fewer houses, citing areas of landscape importance together with areas where heritage restrictions apply, along with flood risk.

Within Canterbury District, all three of these considerations are to the fore. There is extensive AONB coverage, view and tidal flood risk and heritage constraints of the highest order. In particular, Canterbury Cathedral and its environs is a UNESCO Designated World Heritage Site, one of just 19 in England.

The Spatial Strategy as set in Policy SS4 and derived against housing targets set by the standard method, identifies the Canterbury urban area as a principle focus for growth. In so doing, it has the potential to further compromise the aesthetic of the World Heritage Site, including the many and important views of the Cathedral bell tower from the surrounding area. The Canterbury Conservation Area Appraisal acknowledges the importance of such views. Yet development proposals consented under the provisions of the 2017 Local Plan have already produced degradation within the WHS protection zone, arising from development at the Riverside, the Observatory and the extensive residential schemes at Thanington.

Canterbury City Focus

The anticipated changes in National Policy provide full and proper justification for a rebalancing of the growth strategy, which reflects properly the unique heritage context of Canterbury City. The Cathedral has been a focus for pilgrimage through the ages, yet the Local Plan is silent on this unique heritage. That there are planning challenges in such areas is well-recognised (see Historic England's ¹ Sustainable growth of Cathedral Cities and Historic towns).

For these reasons, **objection is raised to the concept that Canterbury City should be primary location for growth under the DCDLP.**

¹ <https://historicengland.org.uk/images-books/publications/sustainable-growth-of-cathedral-cities-and-historic-towns/sustainable-growth-cathedral-cities-historic-towns/>

It follows, therefore, that **the site specific proposals which seek to give effect to the Spatial Strategy (namely Policies C5 and C11 at the strategic level) are also objectionable.**

Indeed, it is my proposition that development proposals in the Canterbury fringe should be guided by a new city Design Code, that work should commence on this immediately with a view of it becoming part of the Development Plan in due course. It is only through the comprehensive Local Development Code that proper decisions can be taken around development allocations within the fringe areas, which properly reflect prevailing densities, as well as the importance of preserving the City's unique heritage. Thus, **objection is raised to the scale of development contemplated in Policies C5 (in particular) and C11 of the DCCLP as presently formulated.**

Transport Modelling

I note that the DCCLP is supported by transport modelling work carried out by Jacobs, and in particular the studies published in May 2021 and October 2022 on behalf of Kent County Council. The starting point for the modelling exercise has been a series of five scenarios, described on pages six and seven of the October 2022 Study. The latter develops the "*City with Ghent and relief roads*" scenario with additional versions (including 5 v2 and 5 v3).

The modelling exercise, which was developed for stage three of the modelling process, includes a number of forecast baseline schemes, including a number in the Canterbury area. Fundamentally, however, the modelling is based on the spatial options as set out in Policy SS4, which in turn derives from the development quantum contemplated in the current DCCLP.

For the reasons I have set out above, there are good reasons for believing that the basis for these modelling assessments ought to be reconsidered before submission of the Plan.

The transport topic paper explains in more digestible form, the basis for the various scenarios that have been tested (see page three). The fifth scenario is described in the following terms:

"A neighbourhood approach where additional road capacity is provided by a new movement corridor at the outskirts of the City, road spaces reallocated to active travel and neighbourhood zones are created with modal filters at key points to remove all through traffic from the neighbourhood zones. This option is described as the Canterbury Circulation Plan (CCP). Under this option development is focused in the City and with pockets of development at Whitstable and Adisham."

The CCP is further described on page one of the topic paper as "*a radical solution to meet the current and future transport challenges and to provide a vision to 2045*". However, the proposals (which give rise to the need for significant new road and related transport infrastructure) are indivisible from the proposed Spatial Strategy, with the focus development at Canterbury, Whitstable and Adisham. That much is evident from the quoted section of the Topic Paper above.

The neighbourhood approach adopts circulation principles adopted elsewhere in Europe, including in Ghent, hence the reference in the modelling. This involves zoning sectors of the City (in this case Canterbury) and restricting private vehicle movements between the sectors, while encouraging non-vehicular permeability and public transport accessibility. At the same time, it requires the development of a circulatory road system.

Scenario 5 necessitates the establishment of a South-West Canterbury link road, as proposed under Policy C10. This road includes the provision of new on/off slips on the A2 coast-bound as well as a new route (and new development) through open areas associated with the Pentland Homes development at Thanington. In addition, the central spine road proposed to be delivered by Redrow at their site north of Cockering Road, is to be repurposed as part of the link road proposal.

This entire concept speaks to a dearth of masterplanning. The two development sites mentioned above are very recent urban extensions to Canterbury and are still in the process of being implemented. The development proposals under Policy C10 are very obviously retrofitted, and would themselves compromise the delivery of open and landscape areas specifically developed by way of mitigation for the development proposals themselves, before they are even completed. The spine road being delivered by Redrow is barely laid out before it is re-purposed as a Heath Robinson relief road. Simply put, the case of intervention on this scale is not properly made out, and rests upon an assumption about future growth levels and requirements which may well be significantly revised. **Objection is therefore made to development proposal Policy C10 (the South West Canterbury Link Road).**

It follows from the objection to Policy C5 (South West Canterbury) that these concerns extend to the individual components of this strategic development area. **Objection is raised in particular to Policy C7** (land to the north of Hollow Lane), given its impact on areas of mitigation land established to serve committed development at Thanington under the 2017 Local Plan.

Traffic in Chartham

If the VISUM modelling is to be believed, then the Spatial Strategy proposed will apparently give rise to modest traffic growth along roads in Chartham. However, these conclusions sit uncomfortably with local experience.

The rural lanes in our Parish are ill-suited to accommodate traffic growth. LPR Option 5V3 is sure to deliver significant increases through our Conservation Area. I question the figures which appear in Fig 6.1 & 6.2 of the October 2022 Jacobs assessment for the lanes within the Parish. For example, Downs Road is well-known for accommodating rat-running traffic. In many places it is not wide enough for two large vehicles to pass. The figures for St Lawrence Road and Shalmsford St also appear problematic. For other roads (New House lane, Iffin Lane, Old Dover Rd, Nackington Rd), no data is presented at all.

In any case, traffic of the levels contemplated is problematic on a local network that is characterised by rural roads without footpaths (or lighting in some sections). These roads are often the only means available for residents to access the rail station, leading to safety concerns and potential conflict.

Environmental Concerns

There is additional concern about the implications of Policy C5 for the Larkey Valley Wood SSSI and habitat at the River Stour. While Policy C5 contemplates enhancements to habitat connectivity, something repeated (in terms) in Policy C7 at 3 (f), there are real concerns that the integrity and stability of these important resource will inevitably be compromised by the scale of change contemplated, together with the “in combination” effects of the significant development commitments under the 2017 Local Plan. Connectivity with areas of enhanced habitat may be advantageous, but needs to be very carefully managed lest it increase general accessibility. The latter may prove highly damaging.

In fact, one of the underlying concerns with the DCDLP is the absence of environmental information at this stage of plan-making. Policy C5 (for example) is a strategic development area, targeting over 3,000 units of accommodation plus 8,000sqm of business space. The transport strategy to support this and other development proposed at the City, describes itself as “a radical solution” and involves a new eastern by-pass as well as a new south-western “link road”. It is unfortunate that the consultation is not accompanied by a reasoned assessment of the likely widespread impacts of the Plan’s proposals, which would have allowed respondents to take a more balanced view of the merits of the strategy at the earliest possible stage of the process.

Countryside

I note that the preamble to Policy R28 establishes that all parts of the district outside of settlement boundaries are defined as countryside, where priority will be given to protecting the rural character of the district. Policy R28 of the DCDLP is to apply. **It is encouraging to see the reference at paragraph 5.46 to the protection (and sensitive enhancement) of existing businesses to support the district’s rural economy. The policy protection at paragraph 4 of this policy is very much supported.** The protection of existing community facilities, services and existing premises within the countryside is of key importance if a sustainable rural economy is to be maintained. Furthermore, **the provisions at paragraph 5 which seek to protect the openness of designated green gaps are also supported.**

For employment premises, the Plan should be clear that **the protection afforded to employment premises in the countryside is in addition to the provisions of Policy DS8.** Part 6 of that policy affords protection to existing employment floorspace within Classes E(g), B2 and B8 outside designated business and employment areas. However, there is a particular sustainability reason for layering the protection to be afforded to employment sites in the countryside which justifies additional protection under Policy R28.

Moreover, **I propose that part 6 of Policy DS8 is amended.** There are a range of employment-generating uses that might sit outside the use classes stated and which might nevertheless provide employment opportunities. Obvious examples are in the retail sector as well as education and healthcare. All uses capable of accommodating employment of this kind should be equally the subject of policy protection.

Rural Service Centres

Some six Rural Service Centres were identified in the Rural Settlement Study (although I would question whether they can all properly be regarded as “*highly sustainable villages*” as paragraph 5.7 suggests). Each of the settlements has different characteristics, varying ranges of services and differing capacities to accommodate future growth.

I do not consider Chartham to be capable of playing the “critical role” demanded of Rural Service Centres. The assessment set out in the Rural Settlement Study 2020 belies its particular characteristics. It is less a cohesive settlement and more a loose amalgam of smaller settlements (including Chartham, Shalmsford St, Mystole, St Augustine’s). These are not particularly tightly grouped together with the result that services in one location are not necessarily accessible from another. In fact, the Study recognises that Chartham forms part of a cluster of settlements, but at a scale where Chartham is considered to be the hub.

The Rural Settlement Study adopts a fundamentally empirical approach, based on data from the land Use Gazetteer. It also relies on questionable bus service data (as far as Chartham is concerned). Thus while the Study describes a Rural Service Centre as a place where people “*can meet most of their day to day needs within the settlement*”, that is not the experience of our residents. I therefore **object to the designation of Chartham as a Rural service Centre**. It is more properly a Local Service Centre.

Nevertheless, the policy **protection afforded to existing community facilities and services as well as business or employment premises under Policy RS part 2(a) is welcomed** insofar as it applies to land within settlement boundaries, as is Policy R21 part 2(a) in Local Service Centres.

I also have concerns as to the Policies which are consequential on Chartham’s designation as a Rural Service Centre, namely Policies R7-R10.

Policy R7 identifies 3.21ha of new public open space and 0.35ha of sports facilities. The Open Space Assessment produced in support of the DCDLP identified a shortfall of all typologies of open space in the Parish. Yet the provision contemplated under Policy R7 appears to be a reflection of the requirements arising from development of sites proposed for allocation under Policies R8-R10. This is provision required to meet the needs arising from the developments proposed, rather than to address existing shortfalls. **Objection is therefore raised to Policy R7** on the basis that (1) the level of development proposed is inconsistent with the real status of the settlement and (2) the policy does nothing to address existing acknowledged open space shortfalls. Policy R7 can be seen as the means by which the identification of Chartham in Policy R2 would become a self-fulfilling prophesy.

It follows that **these concern extend to the allocations proposed under Policies R8-R10**. Adding a further 170 homes and additional employment (albeit at Milton Manor, which is no more than a satellite right on the edge of Thanington) appears to be a direct consequence of a unjustified assessment in the Rural Settlement Study.

Rural Protection Policies

It is also noted that there are **proposed new “green gaps” for each of the Rural Service Centre settlements (other than Littlebourne), which is welcome** as a means of helping to manage development pressures which might otherwise arise from their designation. **Policy DS19 sets out the nature of the protection afforded within green gaps under part 5 of the policy, which is also supported.**

In addition, part 3 of the same policy (DS19) sets out **the separate protection afforded by virtue of Local Landscape Designations at five locations, including in the Stour Valley. This too is supported (although it would more properly be extended to include Landscape Character Area F7²),** as is the Council’s commitment to explore the promotion of the Stour Valley Regional Park.

I **welcome draft Policy DM17 (Noise Pollution and Tranquillity)** and in particular part 4 which applies within countryside areas. Indeed, the same approach ought properly to be taken with Policy DM18, which dealing with Light Pollution and Dark Skies. While part 3 of that policy seeks to limit external lighting in areas of dark skies, **this is a protection that should be afforded throughout the countryside in the district,** much of which is subject to local and national landscape designations. Moreover, the policy should also introduce a

² Canterbury landscape Character Assessment and Biodiversity Appraisal (October 2020)

requirement that **lighting of an appropriate temperature be used** (where lighting is essential) in areas where sky glow is already problematic.

Environmental Information

Whilst not strictly a matter arising from the policies of the DCDLP, the Council's interactive policies map and its operation gives rise to a comment about the accessibility of relevant environmental information.

Modern GIS-based technologies should mean that there is no reason why the fullest range of environmental information is not available in a single location or layer. A good example of the problems that can otherwise emerge is the absence of information on Source Protection Zones in the Local Plan interactive map and the omission of consideration of this vital aspect of sustainability in the near-desert of a chalk landscape.

One issue that I have encountered within the district recently concerns the identification of existing Planning Obligations under planning agreements and in particular those which seek to protect and maintain areas of open space etc. This information is not readily accessible.

While not planning designations as such, the existence of these legal undertakings which run with the title to land (and which can cover extensive areas), are not available in one location, or in mapped form. The areas of land so affected is inevitably increasing rather than decreasing, and the present trend of using rural land as a means of mitigating for various development impacts (for example, in connection with water quality, biodiversity net gain, offsetting impacts on protected habitats etc.), similarly involve legal undertakings over extensive areas of land. Again, these are not "visible" in the same way as public policy protections, even though in some cases, they may have similar effects and require long-term protection through planning policy.

I would encourage the planning authority to extend the scope of its accessible online environmental information to encompass these increasingly important pieces of environmental information, which can better help planners in the decision-making process.

Yours faithfully,

Camilla Swire