



## Woolf Bond Planning

Chartered Town Planning Consultants

Our Ref: SB/8248

16<sup>th</sup> January 2023

Planning Policy  
Canterbury City Council  
Military Road  
Canterbury  
Kent  
CT1 1YW

Dear Sirs,

**Draft Canterbury District Local Plan to 2045:  
Regulation 18 Consultation (October 2022)**

**Representations on behalf of Fairfax Acquisitions Ltd**

Response sent by email to [planning@canterbury.gov.uk](mailto:planning@canterbury.gov.uk)

### 1. Introduction

#### General

- 1.1. We refer to the above consultation exercise and respond on behalf of our clients, Fairfax Acquisitions Ltd ("Fairfax").
- 1.2. Fairfax has a strong belief in the principle of the plan-led system and in setting out our representations upon the Regulation 18 consultation to the Draft Canterbury District Local Plan to 2045, we hope to be able to work with the Council in order to ensure the subsequent Local Plan is fit for purpose in seeking to facilitate sustainable development that can deliver the much needed new homes whilst also securing the provision of supporting infrastructure to ensure the creation of places where people will want to live and work in locations that are truly sustainable.

- 1.3. Fairfax has considerable experience and expertise in dealing with and realising development schemes through the planning system.
- 1.4. In this context, we welcome the Council's preparation of the Local Plan, for which the current consultation is an initial step.
- 1.5. The Local Plan should provide a strategy consistent with national policy to deliver the growth that the District and wider area needs.
- 1.6. Our comments have been informed by a review of the background documents which accompany the consultation exercise with the response framed by virtue of the different headings in the overarching Regulation 18 Consultation document.

## **2. Deliverable Opportunity for Housing Growth on land west of Herne Bay Road, Sturry**

### **General**

- 2.1. The land west of Herne Bay, Sturry has not previously been promoted to the Council for consideration during the earlier stages of the preparation of the Draft Local Plan. However, as noted in paragraph 3.11 of the Council's Strategic Land Availability Assessment (SLAA) (July 2022), the Council is accepting further submissions for potential sites for development. Therefore, through this response to the consultation on the Draft Plan, we are promoting the land west of Herne Bay Road and east of Barnett's Lane, Sturry as a site for housing allocation for up to circa 160 dwellings.
- 2.2. The Site affords a sustainable opportunity in helping to meet identified housing needs. As detailed in the plans and particulars submitted in support of our representations, the Site is deliverable in so far as it is available now, offers a suitable location for development now and the development of up to 160 dwellings is achievable within the current five year period. Importantly, the Site is not subject to any overriding constraints; and a safe means of access can be provided.
- 2.3. Plans and particulars submitted in support of the proposed allocation of the Site for housing comprise as follows:

- (i) Site Location Plan No. 2055-PA-01
- (ii) Constraints and Opportunities Plan No. 2055-PA02A
- (iii) Concept Plan No. 2055-PA04
- (iv) Landscape and Visual Technical Note (Fabrik)
- (v) Transport and Accessibility Appraisal (SDP)
- (vi) Preliminary Ecological Appraisal (The Ecology Co-op)
- (vii) Initial Drainage Considerations (Yellow SubGeo)

### **The Concept Plan Proposals**

- 2.4. The Site is located to the west of Herne Bay Road, Sturry and extends to approximately 9.5ha. It is within walking distance to local services and facilities, including bus services.
- 2.5. The Concept Plan proposes a scheme for up to 160 dwellings on a net developable area of circa 5.4ha (at a density of approximately 30dph). The remainder of the Site, extending to circa 4.1ha is proposed as landscaped amenity open space, incorporating drainage attenuation features.
- 2.6. Subject to discussion with the LPA, there is also scope for the Site to accommodate a community use facility, including possibly a community hall.
- 2.7. The Concept Plan has been informed by a number of technical reports, including the aforementioned Landscape and Visual Technical Note.

### **Landscape Considerations**

- 2.8. As the landscape and Visual Technical Note explains, there are no significant overriding landscape and visual constraints to development. The Site is not covered by any landscape-related designation, nor does it lie within a viewing corridor protected by policy.
- 2.9. The landscape-led design approach allows the Site to accommodate new residential development without significant impacts on the wider landscape and visual resources.
- 2.10. The Technical Note explains which elements of the landscape can be utilised to create a distinctive new development, in keeping with the character of Broad Oak and the surrounding landscape, whilst responding appropriately to the identified landscape and visual constraints and opportunities. These considerations have informed the Concept Plan as now proposed.

## **Highways and Accessibility**

- 2.11. The accompanying Transport and Accessibility Technical Note demonstrates that the proposed development can be accessed by means other than the private car with provision for pedestrians and cyclists and public transport services available within walking distance of the site.
- 2.12. A good range of local facilities are located within walking and cycling distance of the proposed site with further services available in Canterbury city centre, which is accessible by cycle and bus and rail routes. The Site is therefore considered to be in a sustainable location.

## **Ecology**

- 2.13. As set out in the supporting Ecological Appraisal, the Site comprises of four fields of neutral and modified grassland surrounded and separated by scrub, hedgerows, scattered trees and wire fencing. Development of the Site for housing will result in the loss of common and widespread habitat with low ecological value.
- 2.14. The Site lies within the “Zone of Influence” of six designated sites- Sturry Pit SSSI, West Blean and Thornden SSSI, Stodmarsh SSSI, Stodmarsh RAMSAR, Stodmarsh SAC and Stodmarsh SPA.
- 2.15. Survey work at the Site is ongoing and in order to minimise habitat loss and impacts on protected species, the Concept Plan has been designed to retain existing boundary features where possible. Development of the Site is also proposed to secure an overall 10% biodiversity net gain.
- 2.16. As the Appraisal records, the Site is not likely to support any ecological features that have high importance for nature conservation. The impacts upon species assemblages that may occur can be mitigated against relatively easily by following standard best practices. The habitats contained within the Site are common and widespread across the landscape and their loss can be compensated by a combination of on-site landscape planting and off-setting.

## Summary

- 2.17. Land west of Herne Bay Road, Sturry affords a sustainable location in helping to meet identified housing needs. The Site is deliverable and could accommodate up to 160 dwellings in a landscape setting.

## 3. Policy SS3 – Development Strategy for the District

### The Plan Period

- 3.1. Policy SS3 indicates that the proposed plan period is from 2020 to 2045. However, the derivation of Local Housing Need relies upon the projected growth in households from 2021 to 2031. This is confirmed in Section 2.2 of the Housing Needs Assessment prepared by Domus (September 2021).
- 3.2. Since the household growth projections will have incorporated the occupation of any dwellings completed in the 2020/21 monitoring year, this should be omitted from the plan period. Therefore, no allowance for completions during 2020/21 should be included within the Council's contended supply.
- 3.3. Furthermore, should the Council have updated information on housing delivery (both completions and commitments) for subsequent years i.e. from April 2021 through to March 2022, these should also be omitted from the supply with the derivation of the District's Local Housing Need taking account of the relevant data. This is important given the 2014 based household projections (which underpin Step 1 of the assessment of Local Housing Need) show increases in average household growth<sup>1</sup>. These should consequently inform the calculation of housing need.
- 3.4. The Local Development Scheme ("LDS") (October 2022)<sup>2</sup> outlines the timetable for the preparation of the Local Plan. Appendix 1 to the LDS envisages consultation on a draft Submission Plan in August 2023 with submission to the Secretary of State for examination expected in October 2023 and adoption in September 2024. This timetable is not considered realistic.

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<sup>1</sup> 10 year averages are: 2021-31 (805.7), 2022-32 (815.6), 2023-33 (818.3)

<sup>2</sup> <https://www.canterbury.gov.uk/sites/default/files/2022-11/Local%20Development%20Scheme%20October%202022.pdf>

- 3.5. Although it is noted that the Government is contemplating refinements to plan making procedures through the Levelling Up and Regeneration Bill and updates to the NPPF<sup>3</sup>, a review of the time taken for the examination of Strategic Local Plans submitted since 24<sup>th</sup> January 2019 (as referenced in paragraph 220 of the current NPPF) indicates<sup>4</sup> that for the 31 plans found sound, the examination period was 540 days (or 18 months). The same analysis also indicates that the period from commencement of the consultation on a draft submission plan through to receipt of the Inspector's Report was on average 763 days (or 2 years 1 month).
- 3.6. Applying this to the potential consultation on a draft submission Plan in August 2023 indicates that receipt of the Inspector's Report could occur in late spring September 2025 with adoption after this. Any delays in the consultation from the Council's expected August 2023 will consequently delay an adoption date later in 2025, rather than 2024 as currently envisaged.
- 3.7. Since the NPPF (paragraph 22) is clear that strategic polices should look ahead at least 15 years post adoption, the Council's proposed Plan period extending through to 2045 will ensure that it includes the minimum 15 years post adoption as obligated by the NPPF, even if delays occur in its preparation and examination as outlined by the assessment above.
- 3.8. The Council's proposed end date for the emerging Draft Local Plan (through to 2045) is therefore endorsed as it provides flexibility to accommodate any delays in its preparation, especially if the envisaged consultations occur later than currently envisaged.

### **Housing Need and Supply**

- 3.9. Policy SS3 states that the overall housing requirement is for at least 1,252 dwellings annually, equating to 31,300 dwellings over the plan period 2020 through to 2045 (25 years).

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<sup>3</sup> A consultation on this is underway from 22<sup>nd</sup> December 2022 until 2<sup>nd</sup> March 2023 - [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy)

<sup>4</sup> [Local Plan: monitoring progress - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/local-plan-monitoring-progress)

3.10. Whilst paragraph 1.16 of the Draft Local Plan summarises the Council’s approach in relation to the anticipated components/sources of housing land supply, no information is provided in the document with respect to the specific expected delivery from specific components.

3.11. This information is included at Table 6.4 of the “Development Topic Paper” within Table 6.4, the content of which is reproduced below.

*Table 1 – The Council’s Housing Land Supply Calculation*

Draft Local Plan annual requirement	1,252
Draft Local Plan requirement 2020-45	31,300
Total completions (2020-21)	591
<i>Residual requirement (2021-45)</i>	<i>30,709</i>
Existing planning permissions	2,295
Saved allocations from 2017 Local Plan	11,970
Draft proposed allocations	13,035
Windfall allowance	3,446
<i>Total land supply</i>	<i>30,746</i>
<b>Surplus</b>	<b>37</b>

3.12. Although this indicates a modest surplus over the plan period, should any site/source fail to deliver as envisaged, this will result in a deficit given the marginal position.

3.13. Such under delivery could arise from a number of elements including lapses of planning permissions<sup>5</sup> unrealistic expectations with respect to the number of dwellings to be provided on allocations or commitments together with an unjustified increase in the windfall allowance from the current 138dpa to 170dpa.

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<sup>5</sup> Illustrated in paragraphs 6.19 to 6.21 of the Development Topic Paper

- 3.14. Whilst the Council has provided some information within the Development Topic Paper on the analysis to inform a windfall allowance, no adjustments have been made to ensure it does not duplicate supply from provisional allocations within the Draft Local Plan<sup>6</sup>.
- 3.15. Whilst we are broadly supportive of the overall housing requirement to be met during the plan period (which figure is to be applied as a minimum), additional sites should be allocated in the Draft Plan in order to ensure a robust supply of housing land. This should include land controlled by Fairfax comprising land to the west of Herne Bay Road, Sturry (for circa 160 dwellings).

### **Spatial Strategy**

- 3.16. A settlement hierarchy is included on page 12 of the consultation draft Local Plan, which table identifies Sturry as one of six rural service centres, the second most sustainable tier of settlement in the District.
- 3.17. However, and notwithstanding, the Plan indicates that further growth is not envisaged beyond that within the saved policies of the Local Plan.
- 3.18. The adopted Local Plan includes a strategic allocation for the delivery of 1,000 dwellings on land west of Sturry, for which delivery has commenced.
- 3.19. An integral element of the strategic allocation was the delivery of a link road, for which the County Council have commenced work and is expected to be open in 2025<sup>7</sup>.
- 3.20. This link road will address congestion in the area, especially associated with the level cross adjoining Sturry railway station and also include bus priority measures which will further support and enhance the sustainability of the area.
- 3.21. Taking account of the commitment and its delivery early in the plan period, this is a location which should have been identified for further growth, as detailed in this response, including on our client's land.

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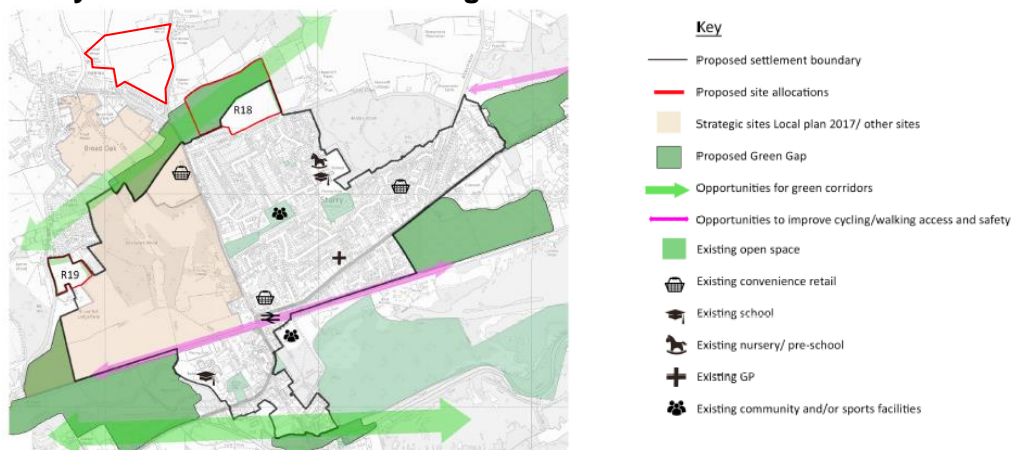
<sup>6</sup> Policy R6 (Great Pett Farmyard) for 13 dwellings

<sup>7</sup> <https://www.kent.gov.uk/roads-and-travel/road-projects/planned-road-projects/sturry-link-road>

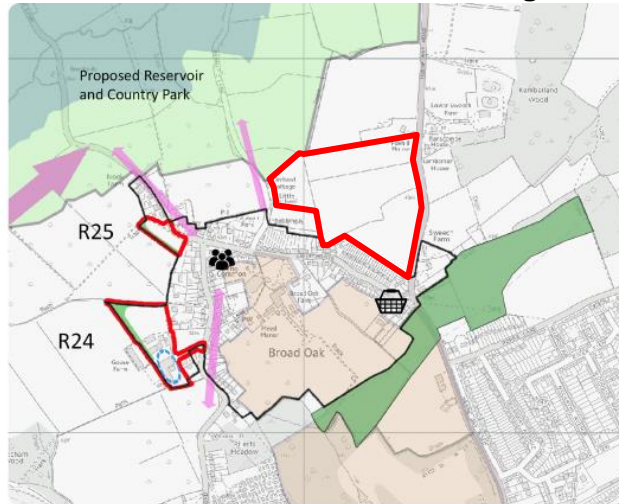


- 3.22. The Council's Sustainability Appraisal only considers sites which had been promoted for development within the portfolio of reasonable alternatives. Since the land west of Herne Bay Road, Sturry had not previously been promoted, it has not been considered through the Sustainability Appraisal. Had this occurred, it is expected the Site would have been included within the Council's draft strategy as an allocation on account of its sustainability merits).
- 3.23. The draft Local Plan identifies the location of the existing commitments for development around Sturry.
- 3.24. Of particular relevance is the proposed reservoir and country park to the north-west of Sturry provisionally allocated in draft policy R26.
- 3.25. As indicated on the below annotated plans extracted from the Draft Local Plan, our clients site west of Herne Bay Road adjoins the proposed settlement boundaries of existing communities and the accompanying plans and particulars outlines how further pedestrian access from Sturry and Broad Oak can be achieved through the site.

**Sturry extract with clients site edged red.**

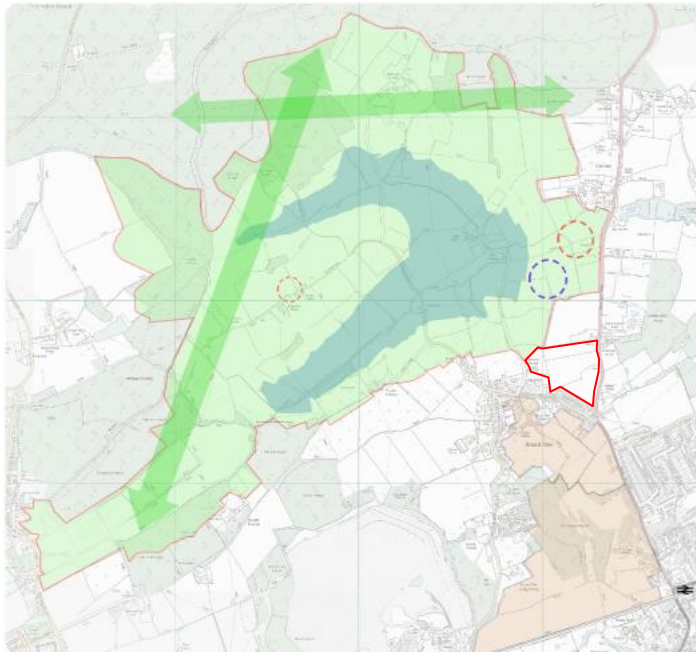


**Broad Oak extract with clients site edged red**



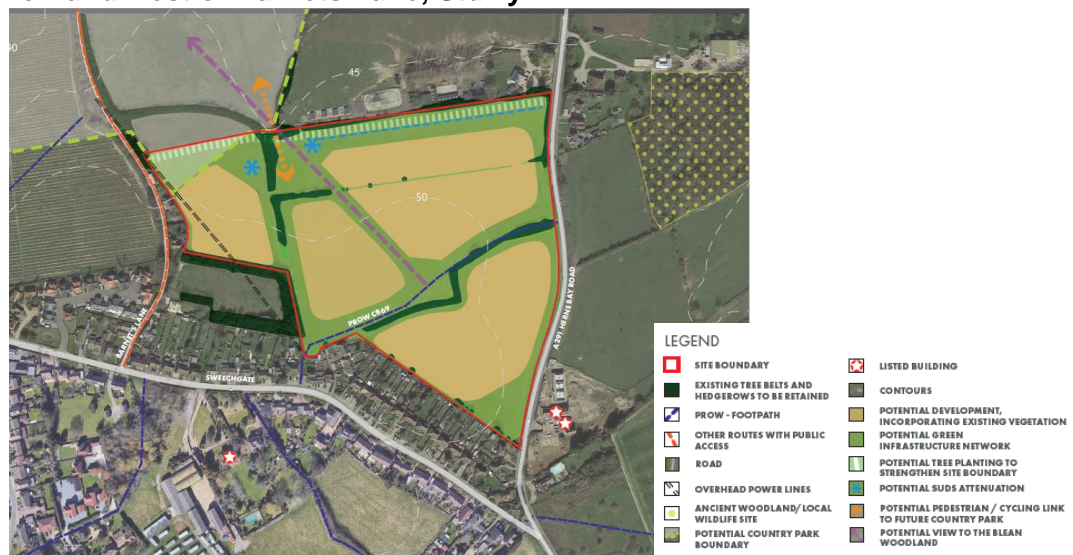
- Key**
- Proposed settlement boundary
  - Site boundary
  - Open space/ landscape buffer - Indicative locations
  - Proposed Green Gap
  - Strategic sites Local plan 2017/ other sites
  - Opportunities to improve cycling/walking access and safety
  - Business space
  - Existing convenience retail
  - Existing community and/or sports facilities

**Extract of Masterplan for proposed reservoir and country park in draft policy R26.**



- Key**
- Site boundary
  - Indicative extent of country park
  - Indicative extent of reservoir
  - Strategic sites Local plan 2017/ other sites
  - Visitor centres- Indicative locations
  - Water treatment works -Indicative location
  - Opportunities for green corridors

## Indicative Landscape Constraints and Opportunities Plan within LVIA for land west of Barnets Lane, Sturry



- 3.26. This enhanced public access together with the delivery of around 160 dwellings would be a benefit to the District, especially given the fragility of the housing land supply.
- 3.27. In addition, the land west of Herne Bay Road is not identified as being located within land identified as performing a settlement separation function. The plans above also highlight the proximity of the Site to the existing facilities within both Sturry and Broad Oak.
- 3.28. The Local Plan should be amended to include land west of Herne Bay Road as a housing allocation for circa 160 dwellings.

## 4. Summary

- 4.1 We support the plan-making process, noting the importance of maintaining momentum with the evolving Plan to ensure the strategy for delivering the necessary growth within the District is achieved at the earliest opportunity.
- 4.2 In this regard, it is essential that the emerging Plan is prepared to be consistent with national advice as outlined earlier in this response.
- 4.3 The Local plan should be amended to include the allocation of land west of Herne Bay Road for up to 160 dwellings.

- 4.4 We trust the above comments are of assistance in producing the Local Plan and await confirmation of receipt of our representations in due course.
- 4.5 Finally, we welcome the opportunity to enter into dialogue with the Council in relation to the preparation of the Local Plan.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

Steven Brown BSc Hons DipTP MRTPI

Enc.