

Date: 30 January 2023
Our ref: 410619
Your ref: Regulation 18 Submission



Planning Policy Team
Canterbury City Council

BY EMAIL ONLY



Dear Planning Policy Team

Draft Canterbury District Local Plan To 2045 – Regulation 18 consultation

Thank you for your consultation on the above dated 24 October 2022 which was received by Natural England on the same date. We greatly appreciate you allowing us additional time to provide our advice.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has reviewed the Draft Local Plan together with the accompanying Habitats Regulations Assessment (HRA), Sustainability Appraisal (SA) and other relevant supporting evidence. A summary of our advice and main concerns is provided below, with detailed advice provided in annexes as indicated (following the structure of the Draft Plan). Given our limited resources at this time we have focused on key issues relevant to our remit only and lack of comment on a policy should not be taken as support. If there are policies or topics not covered in this response where your Authority would particularly value our advice then please let us know.

Annexes:

1. Chapter 1 – Spatial Strategy
2. Chapter 2 - Canterbury
3. Chapters 3 and 4 – Whitstable and Herne Bay
4. Chapter 5 – Rural
5. Chapter 6 and 7 – Strategic and Development Management Policies
6. Habitats Regulations Assessment (HRA)

Summary of Natural England's advice

The Draft Plan contains a number of positive elements and the following are particularly welcomed:

- Commitment to delivering a minimum of 20% Biodiversity Net Gain (BNG)
- Reference to the forthcoming Local Nature Recovery Strategy (LNRS) for Kent
- Provision for pollinators
- Explicit policy protection for dark skies and tranquillity
- Commitment to delivery of green and blue infrastructure running throughout the Plan
- A clear requirement for developments of 10 homes or more to meet a more stringent water

efficiency target than that currently set by national Building Regulations.

However, we have significant concerns around the level of growth which the plan aims to facilitate just trying to meet Canterbury District's objectively assessed need (OAN) for housing and employment land. We do not currently feel that the plan has done everything it can to allocate sites of least environmental value as required by paragraph 175 of the National Planning Policy Framework (NPPF, July 2021) and would like to explore with your Authority what consideration has been given to the caveat to NPPF paragraph 11 which provides scope for plans not to meet OAN if other environmental considerations provide a strong reason for doing so. Such considerations include Habitats Sites, Sites of Special Scientific Interest (SSSIs) and Areas of Outstanding Natural Beauty (AONBs).

The following allocations / policies are of particular concern and based on the evidence currently provided Natural England objects to their inclusion in the Draft Local Plan:

- **Eastern Transport Corridor (Policy C16) – SSSI impacts**
- **Canterbury Business Park (Policy C21) – AONB impacts**
- **Cooting Garden Community (Policy R1) – AONB impacts**

We recognise that we are a critical consultee on the developing HRA for the Local Plan. This is generally moving in the right direction but the following areas in particular are likely to require further work:

- Air quality – particularly ammonia
- Functionally-linked land (FLL) used by bird populations of coastal Habitats Sites
- Nutrient Neutrality (recognising that we already have good dialogue with you on this)

I hope the advice and comments in this letter are useful. We remain committed to working closely with your Authority to help ensure that a sound plan is secured that enables growth in accordance with the principles of sustainable development. We would welcome the opportunity to meet with you to discuss the matters raised here in more detail although depending on the nature and scope of such discussions this may need to be on a cost-recovery basis.

For any queries relating to the specific advice in this letter only please contact me on [REDACTED] or [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED]

Yours sincerely

Heather Twizell
Senior Adviser
Sussex & Kent Area Team

Annex 1 - Chapter 1 – Spatial Strategy

Strategic objectives for the district

We welcome the references in the strategic objectives protecting and enhancing the District's valued landscapes and climate change adaptation but note the following key piece of advice given in our response to the earlier Issues and Options consultation does not appear to have been taken forward:

The Vision Objectives should also be strengthened to put the emphasis on 'delivering measurable biodiversity gains and expanding and enhancing ecological networks and green/blue infrastructure to support local priorities and drive nature recovery' instead of 'supporting wildlife and biodiversity' (objective 11). This is supported by NPPF Paragraph 174d which states 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

Policy SS1 – Environmental strategy for the district - Support.

Policy SS2 – Sustainable design strategy for the district - Support

Policy SS3 – Development strategy for the District

Natural England cannot support this policy as currently drafted given our objection to the strategic housing allocation at Cooting Farm and the strategic employment allocation at Canterbury Business Park.

We note that the Draft Plan intends to deliver an average of 1,252 dwellings per year between 2020 and 2045 to give a total of 31,300 new homes over the plan period. Although the SA indicates that this is considered just what is necessary to meet the District's OAN it still seems a significant increase on the growth figures included in the Issues and Options consultation when Natural England raised concerns around options B and C which were likely to deliver 14,000 to 17,000 homes by 2040. Even this level of development was expected to lead to negative impacts across multiple sustainability objectives according to the SA including for landscape, biodiversity, land use and water. These impacts are associated with issues including development that alters local character and the setting of designated landscapes, loss and fragmentation of habitats, increased water consumption in an area of water stress and indirect air and water quality impacts on nationally and internationally designated sites. The updated Regulation 18 SA position seems little changed.

Paragraphs 5.6.2 to 5.6.7 of the SA set out the reasoning behind the preferred spatial strategy which as we understand it comprises:

- Canterbury as the principle focus for growth
- Whitstable and Herne Bay as a secondary focus
- Limited growth at Local Service Centres
- No residential development in the countryside
- A new, freestanding community (currently proposed at Cooting Farm)

We acknowledge this reasoning but would like to explore with your Authority what consideration has been given to invoking the caveat to the presumption in favour of sustainable development in plan-making which would potentially allow you to provide for a lower housing figure (as we note other Authorities across Sussex and Kent supporting similar natural environment assets have done). This could potentially allow for removal of some of the more concerning allocations / elements of the spatial strategy.

NPPF Paragraph 11b states:

11b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.

Footnote 7 advises that:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

Policy SS4 – Movement and transportation strategy for the district

Natural England is not unsympathetic to a number of the aims of the Canterbury Circulation Plan. We agree that a significant reduction in private vehicle movements in central Canterbury would be beneficial in improving air quality, protecting heritage assets and allowing for the upgrade and provision of new sustainable and active travel routes through the reallocation of road space on the inner ring road to provide segregated space for walking, cycling and buses. However, this should not be at the expense of natural environment assets.

Policy SS4 currently sets out the strategic intention to create a new ‘outer’ ring road which would include new road links to the east (between Sturry and Bridge) and to the west (between Thanington and south Canterbury). From the interactive proposals map both of these link roads appear to have the potential to affect designated nature conservation sites (see our more detailed comments on the specific allocation policies later in this letter).

Natural England cannot support this policy as currently drafted until we can better understand its likely impacts on the natural environment. Consideration of this policy in SA Appendix H against SA Objective 3 (biodiversity) indicates minor negative effects with some uncertainty. SS4 is not specifically referenced in the narrative although it does state “However, the delivery of the full range of infrastructure is likely to result in some effects on biodiversity habitats (although may be offset by biodiversity net gain).” If the new link roads as currently planned would have direct or indirect impacts on nationally or internationally protected sites then these would need to be dealt with separately, following the mitigation hierarchy, and could not be offset by biodiversity net gain.

Natural England recognises that this transport strategy is key to both delivering much of the Plan’s new housing growth and to creating a step change in how the centre of Canterbury is used and experienced and we would like to work with your Authority to develop a mutually acceptable solution.

Annex 2 - Chapter 2 – Canterbury

South West Canterbury Strategic Development Area (Policy C5)

C6 – Land at Merton Park – 2,075 homes

This is one of the largest strategic housing allocations in the plan. However, Natural England's Impact Risk Zones (IRZs), a tool for high-level assessment of the likely impacts of different types of development, do not flag any particular concerns in relation to designated nature conservation sites. The SA indicates that the site still has potential for minor negative biodiversity impacts and we welcome the policy requirements relating to green infrastructure and biodiversity provision to help address this.

C7 – Land to the north of Hollow Lane – 735 homes – the far western tip of this site lies adjacent to the Larkey Valley Woods SSSI. We note that the concept masterplan for this policy shows an area of open space / landscape buffer adjacent to the SSSI and flags the opportunity for creation of a green corridor. Natural England supports this master-planning approach and policy requirements (f) and (g) securing this.

C10 – South West Canterbury Link Road – we would like to discuss this part of the link road further with your Authority to understand whether there is any potential for indirect impacts on Larkey Valley Woods SSSI and if so how these could ideally be avoided and if not, mitigated.

East Canterbury Strategic Development Area (Policy C11)

Natural England has a number of concerns around the housing and infrastructure planned for the East Canterbury Strategic Development Area and would welcome the opportunity to discuss this in the round with you.

C12 – Land South of Littlebourne Road – 1,400 homes

This site is a large strategic allocation formed of three sites identified in the Strategic Land Availability Assessment (SLAA, July 2022). Detailed SA for all three sites (SLAA 105, 122 & 206) indicates the potential for significant, negative impacts on biodiversity. The site contains areas of ancient woodland (an irreplaceable habitat) and lies immediately to the south of Chequer's Wood and Old Park SSSI, separated only by Littlebourne Road. We note that the policy already provides a number of requirements relating to green infrastructure and biodiversity but would like to discuss further to satisfy ourselves that these would provide sufficient protection for the SSSI as a minimum and ideally contribute to its enhancement and connection to the wider landscape.

C13 – Land south of Bekesbourne Lane – 645 homes

This site lies directly to the south of C12, also contains ancient woodland and has the potential to act cumulatively with C12.

C15 – Canterbury Golf Course – 74 homes

While this is a much smaller site compared to C12 or C13 it is in a considerably more sensitive location with both its northern and eastern boundaries directly adjacent to Chequer's Wood and Old Park SSSI. As with C12 and 13 the detailed SA for the allocation indicates the potential for significant negative impacts on biodiversity. Natural England has internal evidence on the biodiversity value of this site which we would like to discuss further with you.

C16 – Canterbury Eastern Movement Corridor (strategic infrastructure)

Natural England previously provided non-statutory advice to your Authority on this infrastructure proposal through a meeting in February 2022. At this point the preferred route cut through the middle of Chequer's Wood and Old Park SSSI. Our advice in this meeting stressed the need to follow the mitigation hierarchy (as set out in paragraph 180(a) of the NPPF), making all efforts to avoid impacts first. We further advised if an alternative route was proposed this was still likely to need to consider indirect impacts on both the SSSI and the Stodmarsh suite of designated sites. As a Public Body your Authority has a duty to ensure the favourable condition of SSSIs. Following this

meeting almost a year ago we are not aware of your Authority contacting us to discuss a revised approach prior to this Regulation 18 consultation being carried out.

We have reviewed the revised route of the Eastern Movement Corridor as set out in Policy C16 (which now lies to the east of the SSSI) along with relevant supporting evidence. Based on this Natural England objects to the inclusion of this policy and has the following comments and concerns to raise:

- **Direct SSSI impacts** - we appreciate the effort that has been made to relocate the proposed link road so that it does not result in complete severance of the SSSI. However, we would appreciate confirmation that the proposal now fully avoids direct impacts on Chequer's Wood and Old Park SSSI. Comparing the indicative map included with Policy C11 against our mapping software and exploring the interactive proposals map included with this consultation it appears that the proposed link road may still clip the north-eastern corner of the SSSI. If this were to be the case and resulted in direct loss of the SSSI we would argue that this should be considered a significant negative impact on biodiversity and not a minor negative impact (as currently set out in SA Appendix I).
- **Indirect impacts** - in addition to the potential for direct loss set out above the link road has the potential for a number of indirect impacts on designated sites including (but not necessarily limited to) severance from the wider landscape, pollutants (primarily affecting air and water quality), increased lighting and various temporary construction impacts including noise and increased land take. The draft Local Plan HRA does not yet appear to fully assess the potential for this proposal to impact on the Stodmarsh Habitat Sites.
- **Ancient woodland** - the eastern route currently proposed appears to result in the loss of ancient woodland which is an irreplaceable habitat with its own strong policy protection in paragraph 180(c) of the NPPF and which we would argue is another reason for the SA to consider potential impacts from the proposal against the biodiversity objective as significant negative.
- **Evidence and consideration of alternatives** – we note that the Evidence Base for this Draft Plan includes a folder relating specifically to the Eastern Movement Corridor but the most up to date feasibility study contained therein dates from November 2021 (this considers two alternative routes – east and west – to avoid impacts on the SSSI and updates the initial feasibility study from 2017). We note with particular concern the references in paragraph 6.1.3 of the feasibility study to the need for compensatory habitat provision and would advise that it is wholly inappropriate to consider improvements to the SSSI as a compensatory measure.

Page 14 of the Transport Topic Paper (October 2022) provides a small amount of narrative around the options, describing the corridor and stating that although the chosen eastern route option is longer and therefore more expensive, it avoids harm to the SSSI in line with government policy. As per the initial bullet point in this list we would welcome confirmation that this is the case and would also like to understand what further work / evidence gathering has been done since we provided our non-statutory advice in February last year.

- **Policy protection** – Neither Policy C16 itself or the housing allocation policies which will be required to deliver elements of the link road (including C12) contain any specific requirements (beyond C16 stating it will be 'tree lined') to avoid or mitigate for the potential impacts of the new road on the natural environment.

Land at Canterbury Business Park

C21 – Land at Canterbury Business Park – 22ha (Strategic employment)

As previously stated in the Summary at the beginning of this letter Natural England has significant

concerns around this allocation which lies wholly within the Kent Downs AONB and we are recommending its removal from the draft plan on following basis:

- Firstly we would question why this allocation has been included in the Canterbury chapter of the plan when this is a rural site and Bridge is identified as a Rural Service Centre in Policy SS3. Is there a risk that this could have skewed the findings of the Sustainability Appraisal, in particular Appendix I: Appraisal of Policy Sections?
- Paragraph 176 of the NPPF states “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues” and goes on to specify that “The scale and extent of development within all these designated areas should be limited.”
- A strategic site of this scale represents ‘major’ development in the AONB and in our view insufficient evidence has been put forward to demonstrate that it has met the major developments test set out in paragraph 177 of the NPPF. The test is in three parts and requires detailed consideration of the need for the development, the scope for developing outside the designated area or meeting the need in some other way and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. We believe the plan puts itself at risk here of allocating land for major development that is undeliverable because it is incapable of meeting the major development test in the NPPF.
- We have briefly reviewed the Lichfield Economic Development and Tourism Study 2020 and subsequent EDTS Focused Update Final Report but this is not our area of expertise and we are not looking to challenge the total OAN for employment land in the district. However, we are querying whether this is genuinely the only location which could meet this need and if so whether sufficient justification exists for the plan not to do so (see our previous references to NPPF paragraph 11, footnote 7). We do not believe there is a functional or specific need for employment development at this particular location and while access to the strategic road network would be a benefit to developing this site it does not outweigh other issues.
- We don’t think that clear evidence has been provided that all other alternative sites outside the designated landscape have been considered. The majority of the district (>70%) lies outside the AONB and we would encourage your Authority to do more to proactively seek alternative sites elsewhere (as paragraph 5.6.8 of the SA indicates has been done for the proposed new garden community). If a single site of this size is not available then you should consider the potential for delivering the need across several smaller ones. If sufficient land within the district but outside the AONB is still not available then we would ask whether you have honestly explored opportunities provided by the Duty to Co-operate as far as you can? Could this employment need be met, at least in part, but one of the neighbouring authorities?
- The allocation lies wholly within the AONB and in our view would adversely affect its natural beauty, resulting in a major change in landscape character from rural agricultural to urban industrial. We note that there is wording in both the policy and supporting text requiring a sensitive and landscape-led design but with the scale and type of development proposed we don’t believe impacts can be sufficiently mitigated to an acceptable level. There is also the potential for significant visual impacts on users of the North Downs Way National Trail which passes close to the site.
- We are pleased to note that your Authority has updated it’s landscape evidence base in support of this draft plan but this provides a baseline only, not an assessment of likely impact. We are not clear what work has been done at this stage to test whether a development of this type and scale could actually be accommodated in this location? Our advice is that all allocations within a protected landscape should be informed by a Landscape and Visual Impact Assessment (LVIA). The LVIA should use landscape

character as documented in a Landscape Character Assessment (LCA) as its baseline (along with reference to specific special qualities and the relevant National Character Areas). Whilst such a LVIA would not be as detailed as one for a planning application, sufficient information e.g. on visual baseline, likely number and scale of buildings and key viewpoints would be required to inform our detailed advice.

- We are aware that the Kent Downs AONB Unit have also objected to this allocation and have provided detailed comments on the likely impact to landscape character and visual amenity. We would defer to their more detailed local knowledge at this point and encourage you to give great weight to their advice.

Strategic Wetland Mitigation

Policy C24 – Land to the south of Sturry Road

The water environment within the Stour catchment is one of the most important for water dependant wildlife in the United Kingdom. The Stodmarsh water environment is internationally important for its wildlife and is protected under the Water Environment Regulations¹ and the Conservation of Habitats and Species Regulations² as well as national protection for many parts of the floodplain catchment³. There are high levels of nitrogen and phosphorus input to this water environment with sound evidence that these nutrients are causing eutrophication at part of these Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site and SSSI. These nutrient inputs are currently thought to be caused mostly by wastewater from existing housing and agricultural sources, though recycling of nutrients within the lake habitats cannot be ruled out. The resulting nutrient enrichment is impacting on the Stodmarsh designated sites' protected habitats and species. There is uncertainty as to whether new housing growth will cause further deterioration of designated site condition.

One way to address this uncertainty and subsequent risk, until any solutions are implemented to remove the current adverse effects on Stodmarsh, is for new development to achieve nutrient neutrality. Assessing and mitigating nutrients is a means of ensuring that development does not add to the existing nutrient burden, and this provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations') and in light of relevant case law.

Natural England welcome and support the allocation of sites for the delivery of strategic wetlands as part of your Authority's Nutrient Mitigation Strategy. Natural England support the use of nature based solutions (such as wetlands) for delivering strategic nutrient mitigation within the Stour catchment.

Natural England advise that the [Wetland Mitigation Framework](#) should be utilised in the design and feasibility process for constructed wetlands. Additionally, further background information on constructed wetlands can be found within the '[Introduction to Freshwater Wetlands for Improving Water Quality \(JP044\)](#)' report, which was recently published by Natural England.

We are therefore broadly supportive of this policy specifically allocating and safeguarding land to the south of Sturry Road for strategic nutrient mitigation. Our further comments on the plan's approach to nutrient neutrality and the accompanying draft Nutrient Mitigation Strategy can be found in Annexes 5 and 7 of this letter.

¹ 1 The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

² Conservation of Habitats and Species Regulations (England and Wales) Regulations 2017 (as amended)

³ Including Wildlife and Countryside Act 1981 as amended, Countryside and Rights of Way Act 2000, Natural Environment and Rural Communities Act 2006

Annex 3 - Chapter 3 (Whitstable) and Chapter 4 (Herne Bay)

The scale of development around these two secondary areas for growth is significantly less than that proposed around the primary centre of Canterbury and Natural England therefore has limited comments to make.

However, please see our detailed comments later in this letter on the need for the Local Plan HRA to carry out further assessment work to see if any of the currently proposed coastal site allocations are likely to result in the loss functionally-linked land i.e. land outside designated sites which is nonetheless critical for supporting designated site populations of mobile bird species.

If this were to be the case it is usually relatively straightforward to mitigate for and depending on the likely significance of the impact it may be acceptable to defer detailed survey work (and if necessary, mitigation) to the project level although it may be advised to include a requirement in relevant site allocation policies to this effect (as has been done by neighbouring Dover District Council).

Site allocation policies in these two chapters where this consideration may be relevant are as follows:

- W5 – Brooklands Farm (1,300 homes)
- W6 – Land South of Thanet Way (270 homes)
- W7 – Land at Golden Hill (120 homes)
- W8 – Bodkin Farm (250 homes)
- HB4 – Land to the west of Thornden Wood Road (150 homes)

Annex 4 - Chapter 5 - Rural

R1 – Land at Cooting Farm (new garden community) – 3,200 homes – 173ha

Natural England is disappointed to see a development of this scale in this location after we raised significant concerns around the 'New Freestanding Settlement' option at the Issues and Options stage, strongly advising that it must not be located within the Kent Downs AONB or its setting. As previously stated in the Summary at the beginning of this letter we are recommending its removal from the draft plan.

Paragraph 176 of the NPPF states:

*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while **development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas (our emphasis).***

Your Authority's own local plan evidence base indicates that this allocation site forms part of the setting of the Kent Downs AONB. According to the updated LCA (Canterbury LCA and Biodiversity Appraisal, LUC, October 2020) the site falls wholly within the Adisham Arable Downland Landscape Character Area (11). Key sensitivities and values of this area include:

- *Strongly undulating chalk dip slope **which forms an extension and setting to the Kent Downs AONB** which lies immediately adjacent to the south/west (our emphasis).*
- *The strongly rural qualities of the landscape, with its mosaic of farmland and woodland with isolated farms linked by quiet roads.*

Development management guidelines for this LCA include:

- *Conserve the visual links with the AONB ensuring that this area continues to provide a rural dip slope setting to the Kent Downs.*

The area including and surrounding this site allocation is also considered in Chapter 8 of another evidence base document, the Canterbury District Local Landscape Designations Review and Recommendations Final Report (LUC, January 2021). Chapter 8 considers the North Kent Downs Local Landscape Designation. This also recognises the links between this area of landscape and the AONB itself, including the following statements:

- *The general pattern of an open arable landscape on chalk set within a wooded framework is largely coherent with the immediate surrounds of the Kent Downs AONB to the south. The coherency is further enhanced by the intervisibility between the area and the AONB, conferring a recognisable sense of place.*
- *The area demonstrates a number of the special qualities that are outlined in the Kent Downs AONB Management Plan.*
- *Recommendation – the aim should be to encourage integrated management with the contiguous downland to the south within the Kent Downs AONB and conserve and enhance visual connections with the AONB.*

We would therefore argue that development of this site would be in conflict with the guidelines and recommendations in your own evidence base documents.

We have reviewed the section of the SA which sets out the assessment of alternative garden community locations (paragraphs 5.6.8 to 5.6.26) and note that in practice only one reasonable alternative was seriously considered at Land East of Blean. Tables 5.7 and 5.8 provide a summary of how each of the two sites perform against the Plan's SA Objectives. Both alternatives are considered to have a significant negative impact on SA Objective 5 – Landscape. However, we would argue that the Cooting Farm allocation would have a greater impact – both sites are extremely large and located in open countryside and would therefore result in a major change in landscape character but in addition to this only the Cooting Farm site has the potential for additional significant impact on the setting of a nationally protected landscape, the Kent Downs AONB. We do not believe the SA gives sufficient weight to this consideration. We are also interested in the reference in Policy C26 to the University of Kent's ambitions to develop a new garden community on their extensive landholdings and would like to explore why this hasn't been pursued further at this time.

As with the Canterbury Business Park allocation there appears to have been no further LVIA or landscape capacity study undertaken to provide appropriate evidence to justify the proposed allocation on landscape grounds or inform how this might take place without unacceptable harm to the landscape and/or setting of the adjacent AONB (noting that views out are one of the AONB's Special Qualities) and to inform any necessary mitigation should the principle of strategic scale development in this location be found to be acceptable.

We are aware that the Kent Downs AONB Unit have raised similar concerns to ourselves. Given their detailed knowledge of the AONB and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan we would encourage you to give great weight to their advice.

Separate to our landscape concerns we would also like to discuss further with you the potential for a development of this scale to have significant impacts on the nearby Ilenden and Oxenden Woods SSSI.

R20 – Aylesham South – 420 homes

This further large development in the setting of the Kent Downs AONB should also be supported by landscape evidence including an LVIA. Depending on how this draft plan progresses this may need to include consideration of cumulative impacts with both Cooting Farm and the strategic allocation at South Aylesham included in Dover District Council's Pre-Submission Local Plan.

R26 – Broad Oak Reservoir and Country Park

Natural England welcomes the provision of this policy to help guide this significant infrastructure development. We assume it has been developed in discussion with South East Water (SEW) and is based on their most recent plans. We are still working closely with SEW on a number of issues in relation to this water supply option so plans may change further before this draft plan is adopted. We would like to maintain a dialogue with you on this as the Broad Oak plans and Local Plan continue to develop.

Annex 5 – Chapters 6 and 7 – Strategic and Development Management Policies

Strategic Policies

DS6 – Sustainable design

Natural England supports your Authority's commitment to water efficiency and the requirement in this policy for a more stringent water efficiency standard that that currently set out in the 2015 Building Regulations.

DS14 – Active and sustainable travel - Support

DS16 – Air quality

We would recommend acknowledgement in the policy or supporting text that air quality impacts can affect ecological as well as human receptors.

DS 17 – Habitats of international Importance

- Supporting paragraph 6.41 – reference to the Habitats Regulations should be updated to the latest version which is currently 2017 (as amended).
- Policy Requirement 1 – this currently reads “Proposals for development (plan or project) which may have a significant adverse effect on the integrity of a Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site, alone or in combination with other plans or projects, will not be permitted.” We would recommend the removal of the word ‘significant’ to avoid any ambiguity and to more closely mirror Regulation 63 of the Habitats Regulations which simply refers to an “adverse effect on integrity.”
- Policy Requirement 2 – as with the supporting text this needs updating to refer to the 2017 version of the Habitats Regulations.
- Policy Requirement 5 – as above with regards to updating the reference to the Habitats Regulations. In addition we would advise that the reference to alternatives should be worded as ‘alternative solutions’ as per Regulation 64 as we consider this to be broader in scope than the requirement to consider ‘alternative sites’ as currently stated in the policy.

Comments specifically on nutrient neutrality element of policy (Requirement 7 a-e)

Natural England welcomes and supports the policy wording, which ensures that proposals with new overnight accommodation, that are within the Stour Catchment, or discharge treated wastewater into the Stour catchment, must ensure that there will not be an adverse effect on the integrity of Stodmarsh SAC, SPA and Ramsar site.

Natural England advise that new developments that are to result in an increase in wastewater discharging into the Stour Catchment should utilise the current best practice nutrient neutrality guidance and nutrient budget calculator.

Natural England in principle support the development of, and inclusion of the nutrient mitigation strategy within the draft Local Plan. The development of a strategic approach to deliver nutrient neutrality within the Stour catchment will ensure that nutrient mitigation schemes can make the most limited resources within the catchment. This is particularly in relation to constructed wetland mitigation options, that are spatially restricted, and can only be supplied by a limited amount of water, within this water constrained catchment.

From review of paragraph 7 of Policy DS17, we note that the policy appears to support the creation of new wastewater treatment facilities for new development proposals. The policy does also state that ‘(d) All developments should examine opportunities to connect sewerage infrastructure to

existing or planned high quality on-site wastewater treatment facilities within the locality;, however, we advise that this wording makes it appear that connecting to existing infrastructure is optional for all new developments. We would advise that stronger wording is put into place, to encourage developments to connect to existing, Ofwat (The Water Services Regulation Authority) regulated wastewater treatment facilities, instead of developing their own, privately operated (non-Ofwat) wastewater treatment facilities. We would advise that new developments should clearly demonstrate why it is not possible to connect to existing regulated wastewater treatment facilities, before considering the development of a new on-site wastewater treatment facility.

Natural England's concern around new private wastewater treatment facilities relates to the failure rates of these smaller treatment systems, and the lack of review and periodic upgrades via regulatory systems that apply to Ofwat regulated systems. Small private wastewater treatment facilities may provide benefits in the short term (i.e., initial lower permit limits compared with Ofwat regulated wastewater treatment facilities), however, are unlikely to relieve upgrades as they are not regulated. Natural England advises that your Authority should carefully consider the development threshold for large housing developments requiring on-site wastewater treatment facilities. We would welcome further discussions on this matter, and also recommend that the Environment Agency are included in the conversations.

Natural England welcome the policy wording for new developments requiring Sustainable Drainage Systems (SuDS) to treat a minimum of 50% of Phosphorous and Nitrogen from the surface water of new developments. We advise that new developments should use the current best practice guidance at the time.

Currently, new developments should follow the following guidance notes published by Ciria:

- [Using SuDS to reduce phosphorous in surface runoff \(C808F\)](#) – this applies only for calculating phosphorous
- For calculating the removal rate/load for nitrogen, developments should follow guidance outlined within [Sustainable drainage systems. Hydraulic, structural and water quality advice \(C609\)](#)

DS18 – Habitats and landscapes of national importance

- Policy Requirement 5(b) – we would encourage you to consider changing the reference to “a compensatory site of at least equal value” to “a suitable compensation strategy is proposed.” For a development to get as far as needing to provide compensation for otherwise unmitigable impacts on a nationally protected site is a serious matter and in the majority of cases Natural England would be seeking a compensatory package that went significantly beyond an equal value replacement of what was being lost. We are concerned that if the current reference remains as it is this could be taken as an unrealistic benchmark by developers.

This policy requirement also sets out (although not explicitly) the mitigation hierarchy as per paragraph 180(a) of the NPPF. However, in our view it is currently weaker than the NPPF as it doesn't make clear that compensation should be 'a last resort' and we would strongly advise amending the wording to address this.

- Policy Requirements 6 and 7 – Natural England is concerned that the protection afforded to ancient woodland and ancient or veteran trees in these policy requirements is again weaker than that currently provided in the NPPF. Ancient woodland is not just a priority habitat it is an irreplaceable one and this should be stated here. Requirement 7 also fails to include the requirement for development resulting in the loss of irreplaceable habitats such as ancient woodland to demonstrate that there are “wholly exceptional reasons” for it to go ahead in such a location. Again this should be addressed as we would not want to see local policy protection weaker than national.

DS19 – Habitats, landscapes and sites of local importance - Support

DS20 – Flood risk and sustainable drainage

We welcome and support policy requirement 4 – “All proposals should integrate sustainable drainage systems (SuDs), incorporating naturalistic solutions into the design and soft landscaping of the development.”

We also note that requirements 7 and 8 make reference to the existing Coastal Change Management Area (CCMA) at Seasalter and set out plans to work with Natural England and other partners to investigate and if necessary define a further one at Reculver.

Coastal change is a key natural environment issue for your Authority and we would like to work with you to ensure that this Local Plan provides the best possible policy framework for supporting coastal habitats and species. At present this gets relatively little mention in the plan, despite coastal squeeze being flagged as a key sustainability issue on p. 30 of the SA. The only specific reference to coastal sites in policies DS17 and 18 is in relation to the SAMM strategies created to address bird disturbance and Policy DS21 makes a general reference to ‘wetlands’ in the section covering GI provision.

DS21 – Supporting biodiversity recovery

This policy is currently doing a lot of work, with the policy itself running to almost three pages. Given that the policy divides very clearly into one section on Green Infrastructure (including blue in this definition) and one section on BNG we would encourage you to consider whether separating these sections out into two policies might improve clarity.

We would also like to explore through discussion with your Authority how policies DS17-19 and DS21 will work together in practice and whether any policy gap remains in terms of achieving Nature Recovery across the District (following the Lawton principles of more spaces for nature, bigger spaces for nature, better quality spaces for nature and setting these in a more permeable wider landscape). Policies DS17-19 are primarily protectionist while Policy DS21 focuses solely on the Nature Recovery potential of GI and BNG. Given the wealth of existing biodiversity sites in Canterbury District there is a real opportunity here to get this right.

GI Section

Policy Requirement 2e – we would advise amending this as it doesn’t currently following the correct order of the mitigation hierarchy – we suggest “avoid wherever possible and if necessary mitigate for any habitat fragmentation”

BNG Section

Your BNG policy coverage is developing well but we would recommend the following specific changes:

- The policy should make clear that BNG is required over and above meeting wider biodiversity good practice for planning and development. Development should continue to follow the mitigation hierarchy and achieve net gain in addition to this.
- The policy should ensure that appropriate management and maintenance measures are in place throughout and after development. This could be done with a slight expansion of Requirement 3(f) which current focuses more on monitoring and reporting.
- The reference to the metric in Requirement 3 should just be to the “Biodiversity Metric” (removing the reference to Natural England) as BNG is a much wider initiative that goes beyond one individual body.

You may also want to think about the following and we would be happy to discuss further:

- Have you outlined what biodiversity is at risk locally? Are you starting to think about how you wish to target your approach (e.g. onsite v offsite) and make it work in practice (rather than just making general statements)?
- Have you considered your most important assets and their connectivity?
- Have you identified other relevant plans and strategies and cross referenced these? E.g. you already have a GI strategy which could be used to identify existing assets and highlight opportunity areas, reducing the need for additional evidence mapping.
- Have you established the best and least favourable areas for BNG? Do you have evidence to underpin this?
- Have you committed to further evidence gathering where gaps occur or to provide further detail to inform your options?
- Have you considered the impact of your BNG approach on viability and the deliverability of emerging policies and allocations?

DS22 – Landscape Character – Support

DS23 – Blean Woodland Complex

While we are generally supportive of this policy we would be interested in discussing it further with your Authority to understand why you feel this particular habitat complex warrants such a stand-alone approach. Canterbury District is home to a number of other protected sites and valuable habitats all of which would benefit from policy commitments to protection, enhancement and improved connectivity but all of which are subsumed within wider policies in this plan such as Stodmarsh in Policy SS1 (where the Blean Complex is also mentioned) and the coastal SPAs in Policy DS17.

Most, if not all, of the Blean Woodland Complex has at least one (sometimes more) levels of environmental designation including SAC, SSSI and ancient woodland. We note that the protection afforded to woodland in the Blean Complex by this policy is actually stronger than that provided by other relevant policies in this draft plan i.e. DS17 or DS18 and potentially also stronger than any protection provided by the NPPF. This is because Policy Requirement 2 simply states that “proposals for development that would result in the loss, deterioration or damage to the character, ecology and integrity of the Blean Complex will be refused (our emphasis)” with no caveats around the need for or benefits of the development. While we appreciate the strong level of protection this wording provides it could be seen as inconsistent and lead to ambiguities in how the plan as a whole is interpreted.

Development Management Policies

DM14 – Flood risk- Support (especially Policy Requirement 1)

DM15 – Sustainable drainage – Support (especially Policy Requirement 1 reference to prioritisation of naturalistic solutions).

DM16 – Water pollution – Support.

DM17 – Noise pollution and tranquillity - Support

DM18 – Light pollution and dark skies - Support

Annex 6 - Draft Habitats Regulations Assessment

We are pleased to see that your Authority is following accepted best-practice and running the HRA as an iterative process alongside development of your new Local Plan. We note that as the Local Plan is still in progress this HRA document does not constitute a formal 'HRA Screening' and all findings at this point are considered preliminary only.

Consideration of 'in-combination' impacts (paragraphs 2.7.6 – 2.7.8)

The HRA currently states that the plans identified by the SA will provide the basis for the assessment of 'in combination' effects. Assuming that these are the plans reproduced in Appendix C of the HRA we would advise that further work will likely be necessary to ensure that all relevant in-combination impacts have been considered. Although this is the HRA of a plan it needs to consider all external "plans and projects" that could act 'in-combination'. The list in Appendix C currently covers plans only and it is entirely possible that there are other significant development projects coming forward (including Nationally Significant Infrastructure Projects (NSIPs) like the Lower Thames Crossing) not covered by any of the plans currently listed and which could have an 'in-combination' impact on sites relevant to this Draft Plan.

2.9 Uncertainty and 'Down the Line' Assessment

We are generally in agreement with the points made in this section although deferring detailed assessment to further down the line, potentially down to project-level HRA, should always be approached with caution. If such assessment was still being relied upon at Pre-Submission stage for key policies or strategic sites then the plan could risk being found unsound as delivery would not be secure.

3.2 European Site Summaries

Functionally-linked land associated with the Thanet Coast SPA and The Swale SPA

Both of the above SPAs support species well documented to make use of functionally-linked land outside of designated site boundaries – in particular golden plover for the Thanet Coast and dark-bellied brent geese for The Swale.

Both site summaries state that "With regard to 'functional habitats', no specific areas of functional land are identified; however, a permeable landscape and habitat linkages to facilitate movement of birds between the SPA and any off-site supporting habitat is considered critical to the breeding success and to adult fitness and survival" (Paragraphs 3.2.34 and 3.2.44).

We are not clear exactly what information has been accessed but when we searched for publicly available information on functionally-linked land associated with the SPAs we found the following:

For the Thanet Coast the general site information for golden plover states "Areas outside of the SPA boundary are heavily used" and the Supplementary Advice for the same species (last updated 13th September 2019) provides further detail on the Attribute "Connectivity with supporting habitats":

This target has been included because the ability of the feature to safely and successfully move to and from feeding and roosting areas is critical to adult fitness and survival. This target will apply within the site boundary and where birds regularly move to and from off-site habitat where this is relevant.

Both the 2003 and 2016 surveys showed birds moving between feeding and roosting areas. Birds moved from Sandwich Marshes and Goshall Marshes to Pegwell Bay when the tide dropped (Griffiths, 2003)(Henderson and Sutherland, 2017).

Birds which use the SPA disperse across east Kent, particularly to Stour Valley, Watsum Channel and high farmland in Thanet. Movements between land outside of the SPA boundary and within it

occur frequently, sometimes daily (Griffiths, 2003)(Henderson and Sutherland, 2017).

There is less detailed information regarding dark-bellied brent geese for The Swale but the general site information still makes clear that the birds also feed on “the adjacent agricultural land favouring grasses and winter cereals.”

We would advise that the relevant Site Summaries are updated to make clear that functionally-linked land is a key consideration for both these SPAs.

Folkestone to Etchinghill Escarpment SAC and Dover to Kingsdown Cliffs SAC

Although not directly referenced in the Site Improvement Plans (SIP) or Supplementary Advice (SA) for the above SACs we consider recreational pressure to be a relevant issue for both. The SIPs are almost 10 years old and the SA is primarily to provide more detail around what favourable condition looks like for specific interest features rather than to capture threats.

It is worth noting that for the Dover to Kingsdown Cliffs SAC two of the SSSI units underpinning it (2 and 11) are both in ‘unfavourable – no change’ condition (updated in 2021) with visitor pressure cited as a contributing factor. While visitor pressure is not recorded against any of the Folkestone to Etchinghill Escarpment SSSI Units most of these have not had their condition updated for over 10 years.

We would encourage you to review the HRA accompanying neighbouring Dover District Council’s Pre-Submission Local Plan as this cites recreational pressure as an issue for both these SACs. For Canterbury’s Local Plan it may be possible to screen this impact pathway out for other reasons but we believe it should still be acknowledged as a threat / pressure in the Site Summaries.

4.1 Screening of European sites

We note that the Council is still completing various reports and studies to update the environmental baseline for the Local Plan, some of which will be relevant to the HRA baseline including:

- Nutrient Mitigation Strategy;
- Transport and air quality modelling;
- Ongoing mitigation strategies and monitoring in relation to the Strategic Access Management and Monitoring (SAMM) Strategy for the North Kent sites and Thanet Coast and Sandwich Bay SPA;

Table 4.1 Summary of European site issues in relation to visitor pressure

Natural England agrees with the screening decisions set out in this table although as stated previously for Dover to Kingsdown Cliffs and Folkestone to Etchinghill Escarpments SACs this is on the basis of their distance from Canterbury District and not a lack of vulnerability to this impact pathway.

Urbanisation (paragraphs 4.1.15 to 4.1.17)

We agree with the arguments made in this section.

Atmospheric Pollution

We would appreciate the opportunity to discuss this impact pathway further with you and your consultants.

We previously advised that a standard buffer approach (e.g. 20km) should not be applied when screening for air quality impacts. Instead, the sites screened in should be based on evidence (e.g. a strategic transport assessment) showing which roads will see an increase in traffic as a result of the plan. (Our ref: 358783, December 2021). Despite this paragraph 4.1.27 indicates that a 20km buffer

has still been used.

We do agree with the 200m distance from affected roads and 1,000 AADT thresholds that have been used as part of the screening process.

The HRA may also need to carry out a more detailed assessment on potential impacts from ammonia (NH³). While this is referred to briefly in this section it is stated that it is primarily from agricultural sources. However, there is a growing understanding of the significance of ammonia from road traffic, as catalytic converters, whilst aiding in reducing NOx emissions, can result in increased ammonia emissions (see, for instance [https://www.aqconsultants.co.uk/news/february-2020-\(1\)/ammonia-emissions-from-roads-for-assessing-impacts](https://www.aqconsultants.co.uk/news/february-2020-(1)/ammonia-emissions-from-roads-for-assessing-impacts))

Water Quality and Water Resources

We agree with the screening decisions made in these sections.

Effects on functional habitats or species away from European Sites

See our previous advice in relation to European Site Summaries. Both the Thanet Coast and Sandwich Bay SPA and The Swale SPA support bird species which are known to make significant use of undesignated functional habitats up to several kilometres away from designated site boundaries. We do not believe that sufficient evidence has currently been presented to screen out either of these sites in relation to this impact pathway and would appreciate the opportunity to discuss this further with your consultants.

Screening of Local Plan policies

Natural England agrees with the list of policies screened in (Table 4.9).

5. Appropriate Assessment for Recreational Pressures

Paragraph 5.5.1 states “The provision of alternative natural green space and green infrastructure represents an important aspect of mitigation for non-coastal European sites.” We agree with this statement and would further advise that high-quality local greenspace should always be a key component of genuinely sustainable development but we are concerned about how much reference to made to GI / open space in Section 5.4 (Incorporated mitigation). We do not believe that local evidence currently supports the effectiveness of alternative greenspaces as mitigation for coastal sites and while we support the provision of greenspace alongside operation of the SAMM strategies it is the latter that we consider to represent explicit mitigation for recreational pressure impacts on the coastal SPAs.

6. Appropriate Assessment for Urbanisation

Natural England agrees with the preliminary conclusion set out in paragraph 6.5.3.

7. Appropriate Assessment for Water Quality

Stodmarsh Nutrient Neutrality - Draft Nutrient Mitigation Strategy

Natural England welcomes the work that has been conducted to scope the level of nutrient mitigation that will be required to meet the development requirements within the Local Plan to 2045.

We note that the Land et al., 2016⁴ medium nutrient removal efficiency ratings for wetlands has been used to roughly calculate the area of wetlands required to mitigate the remaining nutrient budget from the Local Plan to 2030, and to 2045.

The Land et al. approach does not take a number of factors into account (e.g. the influent nutrient concentrations, hydraulic loading rate and the background nutrient concentration value below which further nutrient removal is not possible), which can strongly influence the nutrient load removal in wetlands. For this reason, it is likely that the final total area for wetlands could vary greatly from the Land et., estimations.

We note that the Levelling Up and Regeneration Bill (LURB) has been referenced within the Water Environment Draft Nutrient Mitigation Strategy. Natural England would advise that the LURB is yet to receive Royal Assent. Therefore, any commitments in the bill for proposed upgrades to wastewater treatment facilities have yet to be legally secured and are thus not certain at this stage. Natural England welcome and support the proposed water efficiency targets of 80 litres per person, per day (+10l as per latest nutrient neutrality guidance) for all new residential developments, as outlined in Policy DS6 – Sustainable design. We would like to signpost the [Waterwise UK Water Efficiency Strategy to 2030](#), which can provide additional guidance on delivering greater water efficiency in the UK by 2030.

Natural England recognise that retrofitted water efficiency measures can represent a nutrient reduction mitigation option under a specific set of circumstances. It should be noted that retrofitted water efficiency measures to existing developments should only be considered as a potential mitigation option if the developments connect to wastewater treatment facilities with total nitrogen and total phosphorus consents (permit limits), and that those facilities are operating without permit headroom (i.e 90% of its concentration permit limit or greater). Natural England advise that the wastewater facility operator is contacted before any strategy for retrofitted water efficiency measures is fully adopted. This is to ensure that the mitigation will be effective and has fully considered the implications of any planned improvements to the wastewater facility.

Natural England commend the work that has been conducted to date, in developing a draft nutrient mitigation strategy for the Draft Canterbury Local Plan and the Stour Catchment. We look forward to continuing to work closely with Your Authority, and all other affected Local Planning Authorities, on developing a nutrient mitigation strategy for the Stour Catchment.

8. Appropriate Assessment for atmospheric pollution

We note that further modelling work is ongoing in order to fully understand the potential air quality impacts of the Draft Plan on both the Blean Complex and Lydden and Temple Ewell Downs SACs and would be happy to discuss this further with your consultants to help ensure that you go into the Regulation 19 consultation stage confident that this issue has been correctly addressed. Your HRA makes reference to the Dover Local Plan HRA and its conclusions in relation to the Lydden and Temple Ewell Downs SAC - we have flagged to Dover District Council that we would like some further clarity on the air quality modelling that has been carried out before we can state that we are fully satisfied with their conclusion of no Adverse Effect on Integrity.

⁴ Land, M., Graneli, W., Grimvall, A., Hoffmann, C.C., Mitsch, W.J., Tonderski, K.S., Verhoeven, J.T.A. 2016. How effective are created or restored freshwater wetlands for nitrogen and phosphorus removal? A systematic review. Environmental Evidence 5:9.