



Canterbury District Regulation 19 Representation Objection to the Canterbury City Council District Council Local Plan by Canterbury District Green Party

Prepared and submitted by Michael Bax, Coordinator, on behalf of the Canterbury District Green Party.



Canterbury District Regulation 19 Representation

Objection to the Canterbury City Council District Council Local Plan by Canterbury District Green Party

Canterbury District Green Party objects to the submitted Local Plan on the grounds that it is unsound and fails the statutory tests of soundness set out in the National Planning Policy Framework (“NPPF”), namely that the Plan is not:

- positively prepared
- justified
- effective
- consistent with national policy

(NPPF Paragraph 35)

The Plan also raises serious concerns regarding legal compliance in relation to infrastructure deliverability, environmental assessment, and the adequacy of its evidence base.

1. Failure to Meet Identified Affordable Housing Need

The Council’s own Housing Needs Assessment (“HNA”) identifies that the dominant housing need across the district is for social rented and affordable rented housing, with approximately 80% of affordable need falling within these categories.

Despite this, the submitted Local Plan remains materially reliant upon general market housing delivery and policy-compliant affordable housing contributions (30%), which leave more than half of the identified affordable housing need unmet across the Plan period.

This conflicts directly with the requirement that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, and should make sufficient provision for affordable housing, including affordable home ownership where appropriate (NPPF Paragraphs 20 and 63).

The Plan therefore fails to be positively prepared, as it does not provide a strategy that seeks, as a minimum, to meet objectively assessed housing needs, particularly for those in greatest need.

It is also not justified, as no robust evidence is provided explaining why the Council has chosen to rely on speculative market-led delivery mechanisms that are structurally incapable of meeting identified social and affordable rented need.

2. Inadequate Policy Mechanisms to Secure the Required Affordable Housing Tenure Mix

Even within the affordable housing provision proposed, the Plan lacks effective policy safeguards to ensure delivery of the tenure mix identified by the HNA.

There is no sufficiently robust policy mechanism requiring developer-led affordable housing schemes to prioritise social rent and affordable rent in accordance with identified need. In practice, viability negotiations frequently result in substitution toward intermediate products or reduced affordable delivery.



NPPF Paragraph 63 requires planning policies to specify the type of affordable housing required and to expect this to be met on-site where appropriate.

Without clear policy guardrails, there is a material risk that nominal affordable housing delivery will not meet actual demonstrated need.

The Plan therefore fails the test of being effective, as there is no credible mechanism ensuring that delivery outcomes align with the evidence base.

3. Failure to Meet Older Persons' Housing and Care Needs

The HNA identifies a minimum requirement for:

- 2,308 specialist older persons housing units; and
- 1,150 care home bedspaces.

The Local Plan does not secure these requirements through sufficient site allocations or binding delivery mechanisms. Instead, it relies heavily on policy aspirations and an assumed blended delivery model without evidence of deliverability. It projects completions of only 368 care home beds and 484 specialist units, materially short at 25% of demonstrated need. It also fails to allocate the assessed need of up to 2,950 bungalows to agreed sites.

NPPF Paragraph 63 requires planning policies to reflect the needs of different groups in the community, including older people and those with disabilities. Paragraph 69 specifically requires planning policies to identify the size, type and tenure of housing needed for different groups, including older people and those requiring specialist accommodation.

This creates a substantial and unexplained shortfall against objectively assessed need.

The Plan is therefore neither positively prepared nor effective and is inconsistent with national policy.

4. Unsound Housing Mix Evidence Base

The Housing Mix Study underpinning the Plan is materially flawed.

It places excessive weight on prior market-led delivery patterns and speculative housing starts rather than properly reflecting:

- census evidence;
- ONS demographic projections;
- existing household occupancy patterns;
- the district's ageing population profile; and
- established affordable housing need.

This creates a circular justification whereby past speculative delivery is used to justify future speculative delivery, rather than planning based on actual need.



The result is an unjustified over-allocation of larger executive market housing, driving unnecessary population growth and significantly increasing pressure on:

- water supply;
- wastewater infrastructure;
- transport networks;
- public services; and
- environmental capacity.

NPPF Paragraph 31 requires the preparation and review of all policies to be underpinned by relevant and up-to-date evidence. Paragraph 35 requires plans to be justified by an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

This renders the Plan not justified and not consistent with national policy.

5. Over-Reliance on Greenfield Executive Housing and Failure to Prioritise Brownfield Land

The Local Plan allocates a disproportionate level of growth to large-scale greenfield developments, particularly high-volume speculative executive housing estates, while failing to maximise the use of:

- previously developed land;
- urban regeneration opportunities; and
- brownfield land including land under Council control.

Around 91% of the houses proposed are on greenfield sites. There are multiple alternative brownfield sites in the District that have not been prioritised. The Council does not demonstrate that it has made as much use as possible of brownfield sites before releasing greenfield sites.

NPPF Paragraph 125 requires substantial weight to be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

This approach results in unnecessary environmental harm, increased infrastructure burdens, and poorer sustainability outcomes.

The Plan therefore fails the requirement for a strategy that makes as much use as possible of suitable brownfield land and is not the most appropriate strategy when considered against reasonable alternatives.

It is therefore not justified.

6. Water Supply Constraints Render the Plan Undeliverable

South East Water, the principal water provider for the district, has explicitly stated:

“We cannot accommodate additional growth beyond what was assumed in our Water Resources Management Plan 2024... in areas where we do not have a supply-demand surplus.”



Its published supply-demand tables demonstrate that the housing growth proposed by the Local Plan exceeds available supply capacity for approximately 13 consecutive years from 2029 onward. Approximately half of all housing anticipated in the Plan can count on receiving fresh water when constructed.

The provider makes clear that delivery would depend upon unspecified, unfunded, and unprogrammed capital infrastructure upgrades – if water is even available from the acquifer of new storage.

NPPF Paragraph 20 requires strategic policies to make sufficient provision for infrastructure, while Paragraph 34 requires plans to set out infrastructure requirements and how these can be expected to be funded. Paragraph 35 requires plans to be deliverable over the plan period.

A Local Plan dependent on infrastructure which the statutory provider states cannot currently be delivered is not effective and is not justified by the evidence.

This represents one of the most serious soundness failures within the submitted Plan.

7. Wastewater and Sewage Infrastructure Is Not Deliverable

A similar failure exists regarding wastewater treatment and sewerage capacity.

The Plan relies on infrastructure evidence from Southern Water that appears to be based on materially lower housing growth assumptions than those contained within the Council's own Infrastructure Delivery Plan.

Southern Water's own evidence indicates:

- current inability to manage sewage load without harmful discharges in both the North Coast and Stour Valley catchments;
- Non-compliance with regulator-imposed limits for emergency spills at the Swalecliffe Treatment Facility;
- limited new treatment capacity before approximately 2030; and
- no clear funded pathway to accommodate the scale of additional development proposed between 2026–2030.

There is therefore no credible evidence that wastewater infrastructure can support the scale or timing of development proposed.

This conflicts with NPPF Paragraphs 20, 34 and 35, which require plans to be supported by deliverable infrastructure and realistic funding assumptions.

It also conflicts with Paragraph 180, which requires planning policies to ensure that development does not contribute to unacceptable levels of water pollution or deterioration in water quality.

This makes the Plan neither effective nor consistent with national policy.

Additionally, no further development of any kind in the Swalecliffe catchment area should be permitted until Southern Water is able to comply with regulator-imposed spillage limits. This is



pursuant to NPPF at paragraph 124c) which states that “planning policies and decisions should support development that makes efficient use of land, taking into account the availability and capacity of infrastructure and services- both existing and proposed – as well as their potential for further improvement...

8. Failure to Adequately Protect Nature Recovery and Priority Species

The Plan’s heavy reliance on greenfield allocations creates significant and unnecessary biodiversity harm across multiple sites.

This is particularly severe at Policy W4 Brooklands Farm and Land South of Thanet Way, where development would eliminate established habitat for:

- Brown Hare (a Priority Species in the Kent & Medway Local Nature Recovery Strategy);
- Hazel Dormouse;
- Skylarks;
- Bats resident on site;
- Swallow feeding zones;
- Whitethroat habitat; and
- Little Egret feeding areas.

In several cases, particularly Brown Hare habitat loss, there is no realistic prospect of meaningful mitigation or compensation.

NPPF Paragraph 180 requires planning policies to protect and enhance biodiversity and recognise the wider benefits from natural capital and ecosystem services. Paragraph 186 requires plans to identify and pursue opportunities for securing measurable net gains for biodiversity.

The Council has failed to demonstrate that these losses can be adequately avoided, mitigated, or compensated.

The Plan therefore fails the environmental objectives of national policy and is not justified by proportionate evidence.

Requested Main Modification

The Inspector is requested to find the Plan unsound unless substantial Main Modifications are made, including:

1. Reassessment of housing numbers and housing mix based on objectively assessed local need rather than speculative market delivery patterns;
2. Stronger policy requirements securing social rent and affordable rent delivery in line with HNA evidence;
3. Specific allocations and delivery mechanisms for older persons housing and care provision;



4. Reassessment of infrastructure deliverability in relation to water supply and wastewater treatment using provider-aligned growth assumptions;
5. Requirement for Grampian the planning constraints for planning permissions for all houses in the Stour and Swalecliffe catchments that ensure houses may not be planned if there are not funded infrastructure projects to deliver water and sewage or occupied if required capacity is not installed at the date of occupation;
6. Greater prioritisation of brownfield and urban regeneration sites and use of all feasible brownfield land before greenfied sites are approved;
7. Removal or reconsideration of environmentally harmful greenfield allocations where impacts cannot be adequately mitigated.

Without these changes, the submitted Plan should not proceed to adoption.



Supporting Evidence

1. Failure to Meet Identified Affordable Housing Need and inadequate policy mechanisms

The Plan establishes a target in the Local Plan for 23,085 houses in the period through 2042¹. This creates a need for an average of 1,215 houses per year. This is considerably in excess of Government projected housing demand. ONS 2018 projected the addition of 9,482 households between 2027 and 2042² and 9,658 in population between 2026 and 2042 (1.02 household occupancy).

The Council prepared a Housing Needs Assessment³ (“HNA”) which delivered the need for more houses than population growth. The main driver of this increase was the material shortfall of affordable houses – primarily Social Rent. Some 35% of all households in the District, rent their homes and the majority of those have low levels of financial resources. The second driver was the increasingly elderly population, both of lesser financial resources as well as the more well off. There were additional requirements for students and travellers.

Of the **23,085** houses stated as needed, **13,900** (695 houses per year x 20) were stated as needed for Social Rent, Affordable Rent and Affordable Ownership. Social Rent requirement was 4,260 and Affordable Rent 6,900. Together the two categories represent 80% of affordable homes planned and combined represent **11,160** homes.

We recognise that HNA categories for older citizen housing, students and renters can cross categories of need. However, Care home provision is typically excluded and so can be identified separately. The Plan requires 1,150 Care home places to meet need. Added to the 13,900 affordable homes this leaves **8,035** homes to be provided by Market providers of which 3,698 have already been approved in prior Plans.

Affordable homes brought forward, represent according to the Council, 3,795 homes. Already constructed affordable homes represent 496 more. The Plan establishes a 30% requirement of all large developments to be dedicated to the affordable category delivering 2,689 homes. Together this totals 6,980 homes – short of the target by 6,920 or 50% of need. Looked at another way, if 30% of all 23,085 homes were built as affordable that would represent 6,926 – also materially short of the 13,900 houses needed.

So viewed from any angle the Plan fails to build sufficient affordable houses and particularly Social Rent homes. This conflicts directly with the requirement that strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, and should make sufficient provision for affordable housing, including affordable home ownership where appropriate (NPPF Paragraphs 20 and 63).

The Council has almost no provision in the Plan for building or acquiring its own social housing. It has outsourced this obligation primarily to private developers. This includes the needs established for Social and Affordable Rent, Affordable Purchase, older citizens in need of subsidised housing as well as the more prosperous, renters with more financial resources as well as students. The Council Plan includes no planning policy provisions for ensuring that developers should deliver the components of the Plan and it is to be anticipated that developers will use viability arguments to lower even the 30% required. In addition, recent history would suggest that given the absence of Council planning requirements or controls on the actions of market developers, very few Social Rent houses will be constructed. Of the 492

¹ CCC development Strategy Topic Paper March 2026 pp 11

² 2022basedhpsmigrationcategoryvariant table 25 and 426

³ Canterbury Housing Needs Assessment Update – Edge Analytics July 2025



completions of affordable houses in 2025/2026 the Council documents state that 333 (68%) were shared homes for sale at affordable entry price, 138 Affordable Rent (28%) and 21 for Social Rent (4%) – the ratio required by the HNA is 20% Affordable Purchase, 50% Affordable Rent and 30% Social Rent. The Council has failed to plan to meet demonstrated need and has no policy controls or limits to enforce even the smaller number of affordable houses provided. For these reasons the Plan is not effective, the balance of houses is not justified, nor is the Plan consistent with National Planning policy.

Instead of being allocated **8,035** homes, (including the needs of private renters with higher resources, students, older citizens not needing care home facilities as well as speculative executive houses), private developers are allocated **16,232** (23,500 homes, deducting around 6,900 affordable homes and as will be shown below, only 368 care home beds). That is **16,232** properties allocated to market developers for all non-affordable outcomes – twice the level anticipated in the HNA. This outcome represents an enormous deviance from affordable need in favour of private executive housing not assessed as needed in the HNA and, with the very heavy focus on greenfield, large density executive home developments has enormous probable impacts on transport and traffic, environmental pollution as well as sewage and water and infrastructure challenges, each of which appears to be a breach of National Planning rules.

2. Failure to Meet Older Persons' Housing and Care Needs

The HNA projected a need for 578 age exclusive houses and 1,732 specialist homes amounting to **2,308** older citizen homes and a further **1,150** Care home beds. The Plan delivers **484** older citizen homes and only **368** Care home beds. The shortfall is around 80% for older citizen homes and 68% for Care home beds before considering delivery risk.

The Council does not adopt a firm allocation for required homes and beds. It adopts a blended approach with only a few allocations. Additionally, given the very high dependence on allocating older citizen homes within large greenfield executive housing developments the Council exposes the delivery of homes to material delivery risk. Older citizens don't wish to live in out-of-town executive home developments, remote from public transport and medical facilities. Developers don't want to build such properties. The Canterbury area has many small infill brownfield sites (witnessed by the projected levels of private opportunistic planning approvals anticipated by the Council) as well as large sites like the Wincheap Industrial Estate. None of these have been prioritised in the Plan.

The HNA also requires between 2,400 and 2,950 bungalows for older population use. This has been materially ignored in the Plan itself showing further and negligent avoidance of planning requirements for an at-risk population segment. The houses required are not allocated to the sites selected.

NPPF Paragraph 63 requires planning policies to reflect the needs of different groups in the community, including older people and those with disabilities. Paragraph 69 specifically requires planning policies to identify the size, type and tenure of housing needed for different groups, including older people and those requiring specialist accommodation.

This creates a substantial and unexplained shortfall against objectively assessed need. The Plan is therefore neither positively prepared nor effective and is inconsistent with National Planning Policy.



3. Unsound Housing Mix Evidence Base

The failure to provide for social and affordable housing as well as the failure to provide for the needs of the older population is compounded by a Housing Mix allocation that is not based on objective evidence in census data or existing local housing occupation patterns.

According to 2022 ONS data cited before, Canterbury City Council (“CCC”) has 156,739 residents and around 68,000 households. This gives an occupancy rate of 2.27 per household. The ONS projections project new household formation at 1.02 people per house with a closing occupancy rate of 2.13 in 2042.

The Housing Mix study delivers materially different projected occupancy in excess of 2.8 per house. Whilst stating that the report is Census driven – see previous Paragraph for what the Census actually says – the methodology uses recent housing finishes as a basis for establishing what demand is for market houses. Prior Council regimes also failed to meet demonstrated need and also depended almost entirely on market-based developers. So prior excessive construction of executive four and five-bedroom houses feed the data in a circular manner on projected future demand. Section 4.20 of the HNA states:

The private sector has also seen growth in larger properties (+501 households) and the overall absolute change has not significantly altered the sector in terms of split by bedroom number. Growth of 452 three-bedroom properties illustrates an important role in addressing a wider range of housing needs. This exceeds the level of estimated change in 3-bed owner occupier households over the same period.

The excessive occupancy rate is utilised across all the houses allocated to private developers – even though this category has to include private non-subsidised rent, the 30% of affordable purchase and social and affordable rent and older citizen requirements. This rocket fuels population growth in a mix with a high focus on 3, 4 and 5-bedroom houses on greenfield sites. Instead of 10,000 new residents projected by the ONS applying the Housing Mix to the houses projected in the Plan adds over 60,000 new residents to the CCC area – a 40% increase in the District’s population in 22 years. This is the number delivered by allocating the housing occupancy rate established in the HNA by the number of private houses permitted.

This cannot be sound planning and is irrational when viewed against either common sense – the UK’s population is ageing, having fewer children and more prone to divorce – or ONS government population growth projections for the District as shown above. Failing to meet need for older citizens or social need and allocating the shortfall to market based developers and then multiplying by a circular based argument for occupancy, delivers a Plan that entirely fails to meet the reality of demand for homes in the District. It is an objective fact that there is not a local need here for homes for 65,000+ new residents in more than 16,000 executive homes. Planning Law does not support such an egregious avoidance of social need for the private benefit of private developers.

4. Over-Reliance on Greenfield Executive Housing and Failure to Prioritise Brownfield Land

The submitted Local Plan proposes approximately **23,085** dwellings across the plan period. Of these, only around **1,640** dwellings appear to be allocated on previously developed (“brownfield”) land, with the balance delivered on greenfield sites.

This equates to approximately:

- 9% brownfield development; and



- 91% greenfield development.

This represents a significant failure to prioritise sustainable urban regeneration and the efficient use of previously developed land.

The consequence is not simply that housing is delivered in the wrong location, but that the Plan relies disproportionately on large-scale peripheral greenfield allocations dominated by speculative executive housing, rather than prioritising the types of homes most clearly identified as needed by the Council's own evidence base, including:

- Social Rent;
- Affordable Rent;
- Smaller one- and two-bedroom homes;
- Specialist older persons accommodation; and
- Accessible homes within existing settlements.

The strategy therefore compounds both housing need failure and infrastructure pressure.

Large greenfield strategic allocations generate substantially greater pressure on:

- transport networks;
- wastewater treatment infrastructure;
- potable water supply;
- healthcare provision;
- education provision; and
- biodiversity and landscape quality

while also causing unnecessary and avoidable environmental harm.

The Council has not demonstrated that it has first made as much use as possible of suitable brownfield land before releasing substantial areas of greenfield land for development.

There are multiple brownfield opportunities across the district that appear not to have been properly prioritised or fully assessed, including:

- the Wincheap industrial area;
- the Military Road / Canterbury East corridor;
- former retail and industrial land at the edge of the main urban areas;
- former Council-owned office sites; and
- smaller infill and regeneration opportunities within existing settlements.

Some of these locations are capable of supporting higher-density development better aligned with identified affordable housing need, older persons accommodation, and sustainable transport objectives.

Instead, the Plan appears heavily dependent upon greenfield allocations largely promoted through private developer interests, rather than a genuinely plan-led brownfield-first strategy supported by robust comparative assessment.

NPPF Paragraph 124 requires strategic policies to set out a clear strategy for accommodating objectively assessed needs in a way that makes as much use as possible of previously developed land.



NPPF Paragraph 125(c) requires substantial weight to be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

The submitted Plan does not demonstrate compliance with these requirements.

The Council has not provided sufficient evidence that:

- brownfield alternatives were comprehensively identified;
- reasonable alternatives were properly assessed;
- greenfield release was necessary at the scale proposed; or
- the chosen strategy represents the most appropriate option when considered against reasonable alternatives.

The Plan is therefore:

- not justified; and
- not consistent with national policy.

A reassessment of site selection and housing distribution is required, with significantly greater prioritisation of brownfield and urban regeneration opportunities before further large-scale greenfield release can be found sound.

5. Water Supply Constraints Render the Plan Undeliverable

Houses need access to clean water and the capacity to treat wastewater. The Planning and Compulsory Purchase Act of 2004 requires Councils to consider whether development can be serviced by essential infrastructure. NPPF Paragraph 20 requires strategic policies should make sufficient provision for “community facilities (such as health, education and cultural infrastructure); and infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management...”. Paragraph 24 requires policy making authorities to consult infrastructure providers on strategic matters (including water and sewage). Paragraph 35 involves a test of soundness – if a Plan assumes water capacity that does not exist it can be found unsound. Planning Practice Guidance says the evidence base should include infrastructure providers and delivery bodies – the Council has to test provider evidence and not assume it will just arrive. Water companies are statutory consultees under the Town and Country Planning (Local Planning) (England) Regulations 2012 and have to be consulted as “specific consultation bodies”.

South East Water Ltd is the main water provider for the CCC District. It was consulted with regard to the Plan. In a letter submission dated 25th October 2025 written to the Planning Consultation team⁴ the company states the following:

Growth Forecasting

As part of the development of our Water Resources Management Plan 2024 we worked in collaboration with Edge Analytics, a specialist demographic forecasting consultancy, to develop property and population forecasts at a water resource zone level. Edge Analytics maintains a comprehensive geographical database of detailed data from all local plans produced by local authorities across the UK.

From our initial review of the latest housing forecast figures, which have been increased to meet government targets and provided to us by local authorities within our supply area, we have identified that we cannot accommodate additional growth beyond what was assumed in our Water Resources Management Plan 2024 (WRMP24) in areas where we do not have a supply-demand surplus.

⁴ South East Water 23rd October 2025 Ref SEW Response_CLP_23/10/25



South East Water explicitly advised CCC that it does not have the capacity to meet the projected demand arising from the Local Plan.

This is compounded by the data supplied as follows:

Source	Local Planning Authority	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
WRMP24	Canterbury	1,647	1,653	1,320	1,088	968	898	732	732	733	733
LPA IDP	Canterbury	950	1,035	1,267	1,396	1,425	1,336	1,682	1,876	2,078	2,347
Percentage difference	Canterbury	-42.32%	-37.39%	-4.02%	28.31%	47.21%	48.78%	129.78%	156.16%	183.61%	220.18%

Source	Local Planning Authority	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	Total
WRMP24	Canterbury	733	734	734	734	735	735	735	736	736	736	20,651
LPA IDP	Canterbury	1,876	1,367	1,300	1,310	1,300	1,159	1,054	630	298	77	25,763
Percentage difference	Canterbury	155.81%	86.31%	77.10%	78.38%	76.93%	57.67%	43.32%	-14.37%	-59.52%	-89.54%	24.75%

The water company has formally advised CCC that every year from 2029 to 2041 CCC is projecting to build more homes than SE Water can provide. The latter had plans for 9,936 homes against a Plan for 20,310. This means that 10,374 homes - or almost half of the Plan total - will have no water when built. This appears to be a material planning constraint. After receipt of the information Canterbury Council has done nothing concerning the issue apart from voting to accept the Plan. Its advisers, Edge Consulting are the same company which delivered both conflicting projections !

South East Water continued:

As an initial observation, we would highlight that the housing numbers proposed in your latest IDP in the period 2029-41 are considerably higher than we have in our WRMP24 forecast. Due to the current supply-demand situation in our WRZ8 (Ashford) water resource

zone this increase is likely to cause stress to our supply system that we would be unable to resolve until our new major infrastructure and resource scheme, new connectivity between Maidstone and Ashford and our new strategic solution to deliver a reservoir in Broad Oak is completed - the current estimated delivery date is approximately 2036.

Accordingly, it appears that:

- the Local Plan must align with the evidence provided by a statutory consultee;
- housing allocations beyond the capacity demonstrated are not justified;
- the Plan is not effective under NPPF para 24 and 35;
- and it may be inconsistent with NPPF para 20.

The Council clearly has not amended its plans for the fact that half of the planned houses will not have any available water once they are built. The Council has detailed knowledge of the water shortages endured last summer within the district, has detailed knowledge of the delivery timetable of the Broad Oak project and has had access to the water company's projections. It appears to have ignored all of this. Its consulting advisers were the same company which produced both conflicting plans.

The Plan fails to ensure that there is adequate clean water for the houses proposed and should therefore be ruled as neither effective nor justified.

7. Wastewater and Sewage Infrastructure Is Not Deliverable

The same situation affects the provision of wastewater treatment. Sewage treatment is mainly provided by Southern Water in the District. Southern Water in this instance does not however



explicitly state that it cannot provide sewage treatment for the Plan schedule of houses. Yet there are a number of factors which strongly indicate that this the case.

- The current inability of Southern Water to treat existing demand on the Stour Estuary and North Coast;
- The planned investment to resolve the Stour is only planned for 2030;
- There are clear indications that the water company's projected demand, as with clean water, are based on materially different growth assumptions to the Plan, both in phasing and absolute demand.

The Southern Water Stour River Catchment Basin Report⁵ states the following concerning the existing systems:

The wastewater systems with the highest number of planning objectives in band 2 (very significant) are Swalecliffe and Weatherlees Hill, each with seven objectives in band 2. Along with Sandown on the Isle of Wight, these two systems have the greatest number of risks for 2020 across our entire region. Chartham and May Street, Herne Bay each have five band 2 risks. Two wastewater systems, Broomfield Bank and Westwell have four planning objectives in band 2. All other catchments have fewer risks.

Swalecliffe, Chartham and Herne Bay are all in the CCC area and have demonstrable records of sewage emissions in wet and dry conditions. Regarding growth it states:

There are several wastewater catchments where new homes, businesses, roads and other infrastructure are planned. The main areas identified for potential new development in the Stour Catchment are:

- Ashford
- Margate and Broadstairs
- Herne Bay
- Weatherlees Hill
- Canterbury

The BRAVA results show that the additional homes and businesses will increase the risks of non-compliance with our Dry Weather Flow (DWF) permits from the Environment Agency in nine of the 21 wastewater systems. This includes Weatherlees Hill, Ashford, Canterbury, May Street, Herne Bay, Dambridge Wingham, Newnham Valley, Preston, Chartham and Minster. This means further investment will be needed in the future to increase the capacity of our treatment works to accommodate the new homes and businesses.

There is evidence that the Stour is already in risk of exceeding the limits required to maintain water quality at the Stodmarsh SSSI site⁶. Natural England concluded that the sites were already in an unfavourable condition, that further amounts of phosphorus and nitrogen will cause further damage and that local planning authorities should change planning to ensure new development does not worsen the situation.

The Plan proposes site specific treatment for various of the Canterbury sites. Canterbury District Green Party have been advised that the Environmental Agency has significant concerns about the standards and qualifications of these yet to be identified non-mains sewage contractors. None of the sites concerned therefore have a viable funded infrastructure solution for their sewage treatment and all such sites should not be allowed to proceed or be occupied

⁵ <https://www.southernwater.co.uk/about-us/our-plans/drainage-and-wastewater-management-plans/stour-river-basin-catchment/>

⁶ Natural England — Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites



until an adequate solution acceptable to the regulator and the Environmental Agency is identified.

On the North Coast, according to Southern Water data there are about 60 spills from Swalecliffe STW per year most with a duration of several hours. Of the 14 spills recorded by Southern Water in February 2026, one was reported as having a duration of 28 hours. They are required by the regulator to reduce this to six spills per year by 2027.

The Plan does not perform any material acts to mitigate this or the North Coast situation. The situation explained in the Natural England Report is still current. On these grounds alone it appears that the Local Plan fails the test of being positively prepared, is not justified and is not effective.

Southern Water declares its capital expenditure plans in AMP8 detailing capital expenditure between 2025 and 2030 and the longer term DWMP (Drainage and Wastewater Management Plan). It addresses capacity expansion works in four areas on the Stour within the Canterbury area. Modest relief is planned for 2026 to 2027. 2028 to 2029 see significant investment but there appears to be a material concern about capacity after 2030. The detailed appendix Canterbury Wastewater System Plan states that the “funding has not been secured at this stage”. The stated capital expenditure for the whole of the Stour Basin was reported at £1.8bn.

The Canterbury report states “we consider that the current performance of the drainage and wastewater system needs to be improved... We will plan investment to reduce the current risks by actively looking to invest capital funding in the short term...”. This implies the system is currently constrained. It also states “the risk of sewer flooding due to hydraulic overload is very significant in 2020 and 2050” and further “this indicates that the existing capacity of the wastewater network can already be exceeded during 1 in 30-year storms (or more frequent events).” This implies that it is going to get worse with further demand. It states concerning Stodmarsh “the risk to internationally designated habitat sites from this wastewater system is moderately significant in 2020 but rises to very significant in 2050.” and “our growth forecast suggest that more than 2,000 new homes could occur in this wastewater system by 2050 which means the risk to habitat sites increases to very significant...”. It directly links the pollution issues to sewage issues rather than agriculture.

In short, Southern Water confirms that existing wastewater network capacity can already be exceeded, that DWF headroom is forecast to reach 80–100% of permit limits, and that growth of more than 2,000 homes increases the Stodmarsh nutrient risk from moderately significant to very significant. Planned additions are more than 7,000. The Local Plan must therefore demonstrate funded and timed infrastructure delivery, not rely on assumed future upgrades. The Plan does not do this. The same situation affects the North Coast provision which is at capacity and has no demonstrated capacity to meet projected demand from the thousands of houses planned there.

And finally, it appears that the Southern Water warnings concerning poor water quality are based on projections which are materially lower than the houses projected by CCC in the Plan. If the Plan’s houses are built the situation is likely to get materially worse. This is not explicit because Southern Water plans on a water catchment basis rather than by political district. The water company appears to base projections on ONS data adjusted by local authority data multiplied by occupancy and litres per day. However, the HNA data and the Housing Mix chosen at a level materially higher than historic and ONS rates, do not appear to be captured in the Southern Water data. The phasing also does not appear to be the same with material investment in the Canterbury site only happening in AMP9 in 2030 to 2035 well after material housing is planned. The Local Plan apparently assumes thousands of homes delivered before the identified wastewater treatment capacity upgrade period (AMP9).



Reviewing the phasing by specific site identified in the Plan for the Stour catchment shows 5,800 houses added to Mountfield Park, Cockering Farm and Howe Barracks. A further 1,886 houses are added in Sturry and north of Hersden. Short term deliver includes before 2030:

- Howe Barracks;
- Herne Bay Golf Course;
- early Mountfield Park phases;
- early Cockering Farm delivery; and
- parts of Sturry/Broad Oak.

This implies material development is planned in the Stour catchment before significant investment is made.

Review of the WRMP24 and the Local Plan appear to indicate an adverse difference of at least 5,000 homes between SW's projections and the Council's Plan. Southern Water is clearly using a lower growth trajectory. The phasing of development also appears to imply that many, many houses are planned to be added before funded investment arises. It is worth noting that this should have been explicitly reviewed by CCC in developing its Plan – the projections should be the same by both parties and we urge the Planning Inspector to review this area with significant early priority. This should include whether the required upgrades are funded – as it appears that they are not.

This is also the case on the North Coast. Southern Water's Drainage and Wastewater Plan for the area. The current Southern Water Drainage and Wastewater Plan states "Our growth forecast suggests that more than 2,000 new homes could occur in this wastewater system by 2050". The projects W4 Brooklands Fram, W7 Bodkin Farm and Oxenden Farm/Greenhill and smaller Whitstable and Chestfield allocations combined, add 3,000 houses, 50% higher than Southern Water appears to assume. Southern Water also states that the current system has "very significant risks" of pollution risk, sewer flooding in a 50-year storm, storm overflow performance, and risks to shellfish and ecological status. Three of these and risk to nutrient neutrality remain very high risks through 2050. Clearly the North Coast is the same as the Stour Valley in being physically unable to cope with any incremental sewage load

Southern Water's own evidence indicates:

- current inability to manage sewage load without harmful discharges in both the North Coast and Stour Valley catchments;
- limited new treatment capacity before approximately 2030; and
- no clear funded pathway to accommodate the scale of additional development proposed between 2026–2030.

There is thus no credible evidence that wastewater infrastructure can support the scale or timing of development proposed. This conflicts with NPPF Paragraphs 20, 34 and 35, which require plans to be supported by deliverable infrastructure and realistic funding assumptions. It also conflicts with Paragraph 180, which requires planning policies to ensure that development does not contribute to unacceptable levels of water pollution or deterioration in water quality. This makes the Plan neither effective nor consistent with national policy.

The petitioner believes that there should be no additional development in the Swalecliffe catchment (including the strategic sites at Bodkin Farm, Brooklands Farm and Golden Hill and all smaller allocations) until Southern Water has demonstrated it has met the obligatory spills target to the satisfaction of the regulator. Under NPPF Paragraph 124c which states that:



“Planning policies and decisions should support development that makes efficient use of land, taking into account the availability and capacity of infrastructure and services- both existing and proposed – as well as their potential for further improvement.”

Additionally, the Council does not have a robust planning framework that requires housing starts to ensure that there is adequate clean and wastewater provision at the point of planning approval and also before occupancy. The Council administration fought this party’s proposals to establish what are known as Wealden Council rules or Grampian conditions to developments in areas with known sewage treatment issues. They have promised, but not delivered, a “toolkit” of policy options to allow the Planning Committee to halt developments which do not count on service provision. Additionally, they have voted through a Plan in the face of knowledge that the required sewage treatment facilities are not in place, are not funded and that the Council’s projections for housing starts do not match those of the sewage treatment provider.

7. Failure to Adequately Protect Nature Recovery and Priority Species

As set out above, approximately 91% of the Local Plan’s proposed housing allocations are located on greenfield land. The Council has not demonstrated that brownfield opportunities have been maximised before releasing environmentally sensitive greenfield sites for large-scale development.

The Council seeks to justify this approach in part through reliance on biodiversity net gain (“BNG”) and site-specific mitigation measures. However, for several major allocations, particularly Policy W4 Brooklands Farm, the scale of ecological harm is such that meaningful mitigation or compensation is either highly uncertain or not realistically achievable.

Brooklands Farm provides a clear example of this wider problem.

Policy W4 proposes approximately 1,350 dwellings, two schools and a new slip road onto the A299 on land forming the open green gap between Whitstable and the Blean Woods ancient woodland complex.

This allocation creates multiple overlapping soundness concerns:

- significant transport impacts;
- unresolved wastewater and sewage capacity constraints;
- potable water supply constraints;
- major biodiversity loss; and
- erosion of ecological connectivity between protected habitats.

These issues are cumulative and materially undermine the justification for the allocation.

Kent County Council has already raised concerns regarding transport capacity, particularly the ability of the A299 to accommodate the additional traffic generated by the development.

Concerns include:

- inadequate traffic modelling;
- unresolved westbound traffic movements;
- housing occupation proposed before completion of the required slip road infrastructure; and
- significant delivery risk associated with transport mitigation.



If substantial occupation is permitted before transport infrastructure is operational, the allocation would create immediate and avoidable transport harm.

Similarly, the site lies within an area already affected by wastewater treatment constraints and wider nutrient neutrality concerns affecting the Stour and North Coast systems. As set out earlier in this representation, Southern Water's current investment plans do not demonstrate funded and deliverable capacity to support the scale or timing of development proposed.

South East Water has also confirmed that water supply capacity is insufficient for significant parts of the Local Plan period without major infrastructure upgrades.

At a minimum, any allocation of this scale would require strict Grampian-style occupation restrictions preventing development from being occupied before:

- transport infrastructure is completed;
- wastewater treatment capacity is demonstrably available; and
- potable water supply capacity is secured.

The current policy framework does not provide these safeguards.

In addition to infrastructure failures, the ecological impacts are substantial.

Brooklands Farm forms an important informal green gap between Whitstable and the Blean Woods and supports extensive habitat connectivity between open farmland, hedgerows, ancient woodland and local wildlife sites including Longtye Wood and nearby designated woodland habitats.

Independent ecological review and citizen science recording indicate that the site supports extensive biodiversity value, including habitat for:

- Brown Hare (a Priority Species within the Kent & Medway Local Nature Recovery Strategy);
- Hazel Dormouse (protected under the Wildlife and Countryside Act 1981 and a European Protected Species);
- Skylark (a UK Red List farmland species);
- bats dependent on the cattle meadows for foraging;
- Swallow feeding zones;
- Whitethroat nesting habitat;
- Little Egret feeding areas;
- a wide range of invertebrates and pollinator species;
- potential indirect impacts affecting Heath Fritillary butterfly populations associated with nearby Clowes Wood.

A citizen science survey undertaken during 2024–2025 identified approximately 338 species across the site, including:

- 66 bird species;



- 114 plant species;
- more than 100 insect and spider species;
- fungi, mammals and protected species habitat.

The actual ecological value is likely to be materially higher because comprehensive independent surveys have not yet been undertaken across the full site, including areas adjoining ancient woodland and the Local Wildlife Site.

In several cases, particularly Brown Hare habitat loss and wider ecological fragmentation, there is no realistic prospect of meaningful mitigation or equivalent compensation elsewhere. Biodiversity Net Gain cannot properly replace the function of lost habitat where ecological networks are permanently severed.

Ancient woodland buffer proposals are limited, habitat corridors are materially weakened, and the claimed biodiversity gains remain insufficiently evidenced.

NPPF Paragraph 180 requires planning policies to protect and enhance biodiversity, recognise the wider benefits from natural capital and ecosystem services, and prevent development from causing unacceptable environmental harm.

Paragraph 186 requires plans to identify and pursue opportunities for securing measurable net gains for biodiversity.

National policy also requires substantial weight to be given to the conservation of irreplaceable habitats, including ancient woodland and habitats supporting protected and priority species.

The Council has not demonstrated that:

- harm can be adequately avoided;
- mitigation is deliverable and effective;
- compensation is ecologically credible; or
- biodiversity net gain can genuinely offset the permanent loss of habitat and ecological connectivity.

The environmental harm arising from Policy W4 and similar large-scale greenfield allocations outweighs the planning benefit claimed for the development, particularly where alternative brownfield opportunities remain under-prioritised.

The submitted Plan is therefore:

- not justified;
- not effective; and
- inconsistent with national policy.

A reassessment of major greenfield allocations is required, including deletion or substantial modification of allocations where ecological harm cannot be properly avoided, mitigated or compensated.