

Response to Regulation 19 Canterbury District Local Plan (“the Plan”) [1]

Water runoff and Flood Risk Management for site C10 (Land at Merton Park)

1. Introduction

This Regulation 19 response describes how the Plan [1] inadequately meets the requirements set out in the National Planning Policy Framework (NPPF) [2], specifically with reference to site C10 (Land at Merton Park).

2. Relevant NPPF paragraphs.

NPPF paragraph 161 states that “The planning system should ... take full account of all climate impacts including ... water scarcity, storm and flood risks ...”

NPPF paragraph 162 states that “Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, ... water supply.... **Policies should support appropriate measures** to ensure ... the resilience of ... infrastructure to climate change impacts, **such as providing space for physical protection measures...**”

NPPF paragraph 20b, further states that “Strategic policies should ... make sufficient provision for ... water supply, wastewater, flood risk ...”

NPPF paragraph 196 states that “Planning policies ... should ensure a) that a site is suitable for its proposed use **taking into account ground conditions** and any risks arising from ... contamination”

It is stated that the plans are necessary “**so it is evident how a decision maker should react to development proposals**” (NPPF paragraph 16d). Such decisions would need to conform with the following:

NPPF paragraph 181 states that “When determining any planning applications, local planning authorities should **ensure that flood risk is not increased elsewhere.**”

NPPF paragraph 182 states that “**Sustainable drainage systems** provided as part of proposals for major development **should**

- a) Take account of advice from the Lead Local Flood Authority
- b) Have **appropriate proposed minimum operational standards**, and
- c) Have **maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.**”

The parts of the statements above in bold are those that are inadequately addressed in the plan such that it would not be evident for a decision maker how to react to development proposals. This is explained in Section 4 of this response.

3. Reflection of NPPF requirements in the Plan's SS and DS Policies

The Plan addresses NPPF requirements such as those above, in its Spatial Strategy (SS).

Policy SS1 states "New developments should ... provide appropriate flood risk management and sustainable drainage systems, in line with Policy DS23 and DS24."

Policy SS2 (Sustainable Design Strategy for the district), paragraph 1 states that "Proposals for development should ... integrate sustainable drainage and water management measures".

The District-wide Strategic (DS) Policies DS23 and DS24 referred to by SS1 contain the following text:

DS23 states 1 "... development that would increase the risk of flooding, including surface water, on or off the development ... will be refused"

DS24 states 1 "... all proposals should integrate SuDS...", 2a that there should be an "achievement of greenfield runoff rates", 2e "sustainable drainage measures effectively avoid any increase in flood risk to surrounding infrastructure", 2g "treatment of surface water flows such that there is no diminution in quality of any receiving watercourse", 2h "protection of groundwater. This may include undertaking a Groundwater Hydrogeological Risk Assessment", 2l "consider any impact on heritage assets", 2m "identified the maintenance responsibilities for the entirety of the surface water drainage system and provide a management and maintenance plan ... during the construction phase ... adoption by any public authority ... and other arrangements to secure the operation ... throughout its lifetime."

It further mentions in 3 "development should not compromise the Water Framework Directive" [3] and in 4 "Proposals within Groundwater Source Protection Zones ... will be permitted where it can be demonstrated that there is no risk of contamination ... will only be permitted if suitable mitigation measures can be identified and implemented."

These policies are welcome, but it is evident that they are not being applied to site C10, as will be described in Section 4 of this response.

4. Non-application of DS23 and DS24 to site C10

For the site C10, a number of District-wide Strategic Policies are referred to: DS1, DS2, DS13, DS15, DS18, DS20, DS26 and DS28. Although there is a mention of blue green

infrastructure strategy in Section 3, on “Landscape and Green Infrastructure”, Policies DS23 (Flood risk), and DS24 (Sustainable Drainage and Water Quality) are not referred to. Thus, the **significant** measures that would be needed for the site are not being adequately accounted for, leaving it vulnerable to future development proposals.

The measures **need to be significant** because the development at C10 envisages a relatively dense development of 1,950 new dwellings, in addition to significant non-residential developments. An average density of 45 dwellings per hectare (45 dph) is targeted, higher in places, which is greater than DS13 states for urban developments (35 dph). There is a mention of retention of some green space, but much of this is qualified, e.g. “areas of existing orchard as part of the Open Space provision *where possible*”, and the map for site C10 provided in the Plan reflects the limited green space described in the Section 3 on Landscape and Green Infrastructure. No account is taken of a significant part of site C10, certainly to the west of Stuppington Lane, being part of the Stour Valley. Development here would certainly impact water runoff and the risk of flooding near the river, where there are already flood risk zones.

Further, to not mention DS24 in the plan for this site is **an unacceptable omission**, as most of the site is covered by a Groundwater Source Protection Zone 2, and some of it to the very north-west is in a Groundwater Source Protection Zone 1. All relevant measures in DS24 need to be applied to the site, with careful consideration of SuDS, in order to ensure that future development applications conform to the Water Framework Directive [3] (as mentioned in DS24).

Even if the Policy C10 criteria had mentioned DS24, the **measures** related to the sustainable drainage system are not provided as stated in SS1 and SS2 (see Section 3 of this response) and NPPF paragraphs 181 and 182 (see Section 2 of this response). Sustainable drainage systems consist of a number of measures and often require community engagement if they are to be as effective as proposed [4]. For this reason, the management described in NPPF paragraph 182 is important. At site C10, this engagement is significant and potentially problematic as the flood risks will not be for the community at the site, but for those nearer the River Stour.

5. Problems with evidence used to draft the Local Plan

It is noticeable that in the Sustainability Appraisal Report of February 2026 [5], used as evidence in the drafting of the Plan, the Vision mentions the need to “improve river ... water quality ... and minimize flood risk” (1.4.3), and the Objectives stated in Section 2 of the document include “Reduce the risk of flooding arising from new development”, “Ensure timely investment in water management infrastructure to accommodate new development”, “Promote the use of Sustainable Urban Drainage Systems”. The Baseline (Section 3 of [5]) also describes mechanisms to minimise flood risk, “through

better catchment management, nature based solutions ..., appropriate siting of new developments, and ensuring that new development improves the flood resilience of their surroundings”.

However, in relation to water runoff and flood risk, the Sustainability Assessment Approach (Section 4 of [5]) only mentions “Sub-objective 6.1: Protect and enhance ground and surface water quality”, and “Sub-objective 7.1: Avoid inappropriate development in areas at risk from flooding...”. It is apparent that by this stage, in distilling down to these sub-objectives, the effect on surrounding areas of the siting choice, or the specific mitigation mechanisms within SuDS and their management are ignored. (See also the Appraisal of Spatial Strategy Policies (Appendix H) [6], discussed later.) In the overall assessment provided in Section 5, paragraph 5.3.16 states that effects on water resource and quality and flood risk are identified as negative, but in regards to water resource this appears to be mainly due to the pressures on demand, not through the need to meet the previously mentioned objectives of Section 2 of [5]. Paragraphs 5.6.26 and 5.6.27 and paragraphs 5.6.35 and 5.6.36 (with a Canterbury area focus) acknowledge uncertainties for water resource and quality, and flood risk.

It is the distilled sub-objectives which form the basis of the SLAAs (Strategic Land Availability Assessments) for each site, as confirmed in the Appraisal Criteria, Section 3.2 of the “Appendix G: Sustainability Appraisal of SLAA Sites” document [7] used as evidence for the Plan.

For SLAA151 (C10), clear negative impacts for Water and Flooding are already identified, but the proposal is that allocation of the site can be made as these can be mitigated and can be balanced by positive impacts and opportunities (dwellings, employment, access). But, it is apparent that necessary mitigations for the Water and Flooding negative impacts **have not been considered** in coming to this assessment, while the full scope of impacts have not been fully accounted for in the distilled sub-objectives used.

It should also be noted that in the Appraisal of Spatial Strategy Policies (Appendix H) [6], again, part of the evidence for the draft Local Plan, the following are mentioned:

Concerning SA Objective 6, under Mitigation – it is stated that the “Local Plan policies should provide detailed policy wording on addressing water pollution and water efficiency”. Concerning Uncertainty, it is stated “The exact location of developments and the potential impact on waterbodies is uncertain at this stage”.

Then, concerning SA Objective 7, under Mitigation – it is stated that “Policy SS2 could be enhanced by making specific reference to sustainable drainage techniques, appropriate water management onsite and mitigation of flood risk in the wording”.

It is apparent that such deficiencies in the Plan had already been identified, but not addressed. **Thus, mitigations to the negative impacts have not been considered.**

Finally, the scoring of significant negative impact does not seem to have been consistently represented in the overall appraisal of area policies (Appendix I) [8] where the significant negative impacts for Water and Flooding seem to have been translated to +/- cumulative and minor negative, respectively. **Such inconsistencies in the evidence undermine confidence in the Plan's assumptions.**

6. Potential impacts of non-adherence to NPPF requirements at site C10

Potentially significant impacts of the previously described non-adherence to NPPF through shortcomings in SS1 and SS2, and the incomplete approach in distilling the requirements of DS23 and DS24 into two sub-objectives which have been used in the sustainability assessments include:

Flooding risk may be increased in zones already at risk of flooding, beyond what might be expected anyway due to climate change. The allocated sites C18 (Wincheap Commercial Area) and C32 (Land at Wincheap Park and Ride) are both of concern. These are brownfield sites which according NPPF paragraphs 125 a) ("give substantial weight to the value of using suitable brownfield land") and 128a) ("use retail and employment land for homes in areas of high housing demand...") [2] should be given a priority for development. For site C18, the Plan requires a "design flood level" to be known, with floor levels raised above this ..." [1]. Such a design level cannot be known without fully accounting for any additional runoff to the watercourse.

Flooding risk and increased river flow towards Canterbury city centre; NPPF Paragraphs 212 to 215 [2] state that the effect of a development on heritage assets needs to be considered. There are certainly heritage assets at risk, such as the Eastbridge Hospital [9].

7. Summary

The allocation of site C10 in the Plan is **unsound** for the following reasons:

The Plan's own District-wide Strategic Policies DS23 and DS24 are not mentioned in the plan for site C10, which is a serious omission considering the possible impact of runoff on flooding elsewhere (see NPPF paragraph 181) and on the Groundwater Protection zones which cover most of the site. For example, the plan for site C10 does not indicate any space for physical protection measures. **This is contrary to NPPF paragraphs 20b, 161, 162 and 196.**

The Appraisal of their own Spatial Strategy policies, used in evidence for the Plan, stated that they could be improved by making reference to specific techniques for sustainable drainage, water and flood risk management, and should provide detailed wording on water pollution. As a result, **the plan for site C10 omits this necessary information.**

The sustainability appraisals for water resource and flood risk management show clear negative impacts for C10, although these are translated to +/- and minor negative in the overall appraisal of area policies, **with no clear reasoning.** No mitigations are described.

The sustainability appraisals themselves have been developed through an approach which neglects the effects from the site on surrounding areas and the specific SuDS mitigation mechanisms and their management. **This is contrary to NPPF paragraph 16d**, as the nature of the site requires future decisions to be made taking into account DS23 and DS24, and for details of SuDS to be made clear (following NPPF paragraph 182).

8. References

- [1] Draft Canterbury District Local Plan (2042/43), Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, March 2026
- [2] National Planning Policy Framework, Ministry of Housing, Communities and Local Government, December 2024
- [3] The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, <https://www.legislation.gov.uk/ukxi/2017/407/contents> [last accessed 07/072026]
- [4] S. Cotterill, L.J. Bracken, "Assessing the Effectiveness of Sustainable Drainage Systems (SuDS): Interventions, Impacts and Challenges," Water, vol. 12 (11), 3160, Nov. 2020. <https://doi.org/10.3390/w12113160>
- [5] Canterbury District Local Plan, Sustainability Appraisal Report – Draft Canterbury District Local Plan – Regulation 19 Draft (2026), WSP, Feb. 2026
- [6] Appendix H: Appraisal of Spatial Strategy Policies, WSP, Feb. 2026
- [7] Sustainability Appraisal, SA of SLAA Sites, WSP, Feb. 2026
- [8] Appendix I: Appraisal of Area Policies – Canterbury I(a), WSP. Feb.2026
- [9] See: Building sliding towards river deemed 'at risk', BBC News, <https://www.bbc.co.uk/news/articles/cx2wwnzgkn0o> [last accessed 03/05/2026]