

Date: 18 May 2026
Our ref: 544364
Your ref: Canterbury District Local Plan



Planning Policy Team
Canterbury City Council

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BY EMAIL ONLY

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Dear Planning Policy Team,

Canterbury District Local Plan Regulation 19 Consultation

Thank you for your consultation on the above dated 23 March 2026 which was received by Natural England on the same date.

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 Canterbury District Local Plan (dated March 2026) (hereafter referred to as 'the Plan') together with the Habitats Regulations Assessment (HRA), Sustainability Appraisal (SA) and other relevant supporting evidence documents.

Summary of Natural England's Advice

Natural England welcomes the well-designed policies within the Plan which seek to conserve and enhance the natural environment across the district. However, we have identified some areas that, as currently presented, we are concerned may not fully meet the tests of soundness. We have suggested some very minor amendments which, if accepted, would resolve these concerns to help ensure the Plan is sound. We are committed to working with your authority to resolve these concerns in a timely manner.

Our detailed comments are provided in annexes as indicated.

Annexes:

- Annex 1. Overarching Comments
- Annex 2. Draft Canterbury District Local Plan
- Annex 3. Sustainability Appraisal and Habitats Regulations Assessment
- Annex 4. Standard Advice for Air Quality Impacts for Local Plans
- Annex 5. Standard Advice for Soil Impacts for Local Plans

Please note that we have not provided comments on all policies but have prioritised those which have the most influence on environmental issues relating to our role. Natural England has no comment to make on the policies not covered in this response. If there are topics not covered in this response where your Authority would particularly value our advice, then please let us know. Other than referring to it when giving advice on specific policies and allocations, we do not have any

general comments to make on the Sustainability Appraisal (SA).

The Plan has many positive aspects including standalone policies for habitats of international and national importance, and supporting nature recovery. We welcome that much of the advice we provided in response to the Regulation 18 consultations (our ref: 525860 dated 20 October 2025; our ref: 469486 dated 20 August 2024; our ref: 469486 dated 31 May 2024; and our ref: 410619 dated January 2023) and ongoing proactive engagement with the Council has been reflected in the updated policies.

We do recommended that some minor changes are made to the following policies to ensure that they are consistent with national policy and legislation, to ensure that the Plan is sound:

- We advise that Policy DS20: Habitats of international importance may be unsound in its current form. We have suggested minor amendments to policy wording to ensure the policy is consistent with national policy.
- We advise that Policy DS27: The Blean Woodland Complex may be unsound in its current form. We have suggested a minor amendment to policy wording to ensure there are no inconsistencies with other policies in the Plan and legislation.
- We advise that it is currently unclear how BMV land in the wider district will be conserved in accordance with the NPPF. We advise that providing a single standalone policy regarding soils and BMV land would provide greater clarity on this. We would support the Council including a specific policy in relation to soils and BMV and have provided overarching advice on this in Annex 1.
- Part of the district lies within the Kent Downs National Landscape. We welcome that your authority has considered throughout the plan the strengthened duty for protected landscapes under the provisions of the Levelling Up and Regeneration Act (LURA) 2023. However, we have identified potential for significant landscape impacts from Policy R15 - Land adjacent to Valley Road, R21 - Land at Canterbury Business Park and R22 - Barham Layby which are within the National Landscape. We are currently uncertain on the soundness of these site allocations. We have provided advice on the major development tests and suggested amendments to help ensure developments will further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape through sensitive location and design.

We have also reiterated some of our advice that has not been implemented, for example on strengthening policy wording on the provision of green and blue infrastructure, and advice to help to clarify some wording.

A note on amendments

Natural England has provided comments in Annex 2 on policies within the Plan most relevant to our remit. We have included comments where we support a policy. We have also suggested very minor amendments to help ensure all policies meet the NPPF tests of soundness, as detailed in paragraph 36 of the NPPF 2024, which states that:

“36. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning*

policy, where relevant.”

We remain committed to continuing to work 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 for further dialogue around matters raised here in more detail.

If you have any queries relating to the advice in this letter, please contact me on

██ For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk

Yours faithfully,

Eleanor Curran
Higher Officer – Sustainable Development
Sussex and Kent Area Team

Annex 1: Overarching Comments

1 **Soils**

We note that policy DS11 – Rural Economy is the only policy related to BMV land. We acknowledge that this may be because most agricultural land is expected to be located in rural areas. However, we advise that the protection for BMV land should cover the entire district to ensure that all BMV land is protected. For example, parcels of BMV land could be present within more built up areas, which should also be assessed and protected if BMV land. We advise that it is currently unclear how BMV land in the wider district will be conserved in accordance with the NPPF. We advise that providing a single standalone policy regarding soils and BMV land would provide greater clarity on this. We would support the Council including a specific policy in relation to soils and BMV. Alternatively, additional policy requirements could be included under Policy DS25 - Supporting Biodiversity Recovery.

We also advise that the importance of soils could be more fully recognised in the plan overall. We advise that the role that healthy soils play in both carbon sequestration and supporting biodiversity recovery could be included in a soil policy to further support NPPF paragraphs 187a and 187b related to the protection and enhancement of soils and recognition of the benefits of best and most versatile agricultural land.

We also advise that avoiding the loss of BMV land is a priority as mitigation will not be possible on many developed sites. We therefore advise that the policy could more clearly state that areas of poorer quality land (ALC grades 3b, 4, 5) should be preferred to areas of higher quality land (grades 1, 2 and 3a).

We therefore suggest the following wording could be used in a district-wide soils policy:

“1. The council will seek to protect the best and most versatile agricultural land for the longer term. Due to the importance of soils for biodiversity and carbon storage, soils will be protected and enhanced by development avoiding the best and most versatile agricultural land or other valued soils, soil disturbance, compaction and erosion. Development must not result in soil pollution or contamination.

2. Any development on agricultural land will need to be supported by an Agricultural Land Classification Assessment.

3. Where development of potential best and most versatile agricultural land cannot be avoided, detailed surveys should be undertaken to determine the actual agricultural land classification (ALC). The proposal should then prioritise the use of lower grade agricultural land (Grades 3b, 4, 5), preserving that of higher quality (Grades 1, 2 and 3a).

4. Development on agricultural land not allocated within this plan that would result in the significant loss of Grades 1, 2 and 3a agricultural land will only be permitted where it can be demonstrated to be necessary to meet a local housing, business or community need and a suitable site within Urban Areas and settlement boundaries or on poorer quality land cannot be identified. In addition, any development on sites over 20ha, not allocated within this plan, on best and most versatile agricultural land will need to be supported by a soil handling plan and sustainable soil management strategy based on soils surveys.”

We have provided further standard advice on soil impacts in annex 5 of this letter.

2 Nutrient Neutrality

A significant proportion of the district lies within catchments draining to internationally and nationally designated sites that are sensitive to increased nutrient loading from nitrogen and phosphorus. For development proposals that would result in an increase in overnight accommodation within these catchments, the requirement to demonstrate nutrient neutrality is well established. Natural England will continue to work constructively with the Council and potential mitigation providers to support the delivery of an ongoing pipeline of strategic nutrient mitigation solutions.

Natural England supports the plan's preference for new development to explore opportunities to connect to existing or planned high-quality wastewater treatment works (WwTW) where available. Natural England advises that developers should engage at an early stage, including pre-application, with the relevant sewerage undertaker and the Environment Agency to establish whether sufficient treatment capacity and permit headroom exist to accommodate additional foul flows without adverse environmental effects.

Where developments propose on-site wastewater treatment, Natural England draws attention to the Environment Agency's guidance on environmental permitting for discharges to surface water and groundwater. In some instances, small-scale domestic discharges may fall within the scope of the General Binding Rules and therefore not require an environmental permit, subject to meeting the relevant criteria.

3 Green Infrastructure

We welcome the inclusion of Landscape and Green Infrastructure policy wording in site-specific policies in Chapters 2, 3, 4 and 5 of the Plan, and that many of these proposed developments will include open space. We welcome the green and blue infrastructure wording throughout the Plan, including in the policies DS25 and DS28 that all applications will have regard for. In Annex 2, we have suggested that DS25, DS28 and other policies could be further strengthened by incorporating Natural England's Green Infrastructure Framework standards into the policy wording.

We would also support the strengthening of site-specific policies by reference to the use of Green Infrastructure Framework standards to set out how the developments will deliver the 15 green infrastructure principles and the green infrastructure standards. This should include how the green infrastructure will be managed, maintained and monitored for a minimum of 30 years. This advice applies to all site allocations that include an open space and/or a green and blue infrastructure element in Chapters 2, 3, 4 and 5 of the Plan.

Annex 2: Draft Canterbury District Local Plan

4 Chapter 1: Spatial Strategy

4.1 Vision for the district

Natural England considers the vision to be sound. Overall, Natural England supports the vision which emphasises the importance of restoring and enhancing the natural environment. We are pleased that the vision 'A thriving environment' has been included that provides a vision for creating and protecting high quality open spaces, restoring and enhancing habitats and landscapes, maximising opportunities for nature-based solutions to respond to environmental challenges, and investing in the water environment.

We also support the inclusion of the vision 'Improved connectivity' to provide a vision for active and sustainable travel in the district. However, as previously advised (our ref: 469486, 31 May 2024), we advise that a minor modification could be made to refer to the contribution high-quality green and blue infrastructure makes in supporting multiple elements of the vision and would support the following wording being used in 'Improved connectivity':

"To create and maintain easily accessible High-quality public transport infrastructure, comprehensive walking and cycling networks, and accessible community facilities and green and blue infrastructure to encourage sustainable modes of travel which will help to improve air quality, promote physical and mental health, support biodiversity, respond to the challenges of climate change and enhance the quality of life for our residents."

4.2 Strategic objectives for the district

Natural England considers the strategic objectives to be sound. We particularly support the seventh objective which commits to focus on public transport and low-carbon travel to improve air quality and health. We also support the principle of the sixth objective which commits to protect and enhance the environment and valued landscapes in line with NPPF paragraph 187a. As previously advised (our ref: 469486, 31 May 2024), we advise that the objective could be strengthened to closer align with NPPF paragraph 187d and suggest the following amended wording:

"Protect and enhance our rich environment and valued landscapes, delivering measurable biodiversity gains, ensuring the expansion and enhancement of ecological networks and green and blue infrastructure to support local priorities and drive nature recovery, creating a network of green spaces, protecting and enhancing green gaps between settlements, supporting nature's recovery and biodiversity and improving the health and wellbeing of our communities."

4.3 Policy SS1: Environmental Strategy for the district

Natural England considers the Environmental Strategy to be sound. Natural England strongly supports the inclusion of the Environmental Strategy.

Designated sites

We support criterion 1 which distinguishes between the hierarchy of designated sites in line with NPPF paragraph 188 and supports the council's statutory duty to protect, conserve and restore European sites and Sites of Special Scientific Interest (SSSIs) under the strengthened biodiversity duty of the Environment Act 2021.

We support criteria 3 and 10 which commit to support the recovery of the Stodmarsh designated sites, and improvements to Blean Woodland and Old Park and Chequer's Wood designated sites. We advise that it may be helpful to specify the designations (for instance SSSI, SPA, SAC and/or Ramsar site) that will be worked on for clarity.

Biodiversity Net Gain

We support criterion 5 which sets out the requirement for qualifying developments to deliver the applicable levels of biodiversity net gain (BNG). We note that qualifying major developments will need to deliver a minimum of 20% BNG. We advise that a robust evidence base is required to support a BNG target greater than 10%.

Local Nature Recovery Strategy

We support that proposals must have regard to the Local Nature Recovery Strategy (LNRS). We suggest that a minor amendment could be made so the policy aligns more closely with NPPF paragraph 159, which states that “Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes.” We suggest the following wording could be used:

“5. Proposals must have regard to and contribute to the delivery of the Local Nature Recovery Strategy, and the council will work with partners to implement the Strategy.”

Kent Downs National Landscape

We strongly support criterion 9 which commits to implement the Kent Downs AONB Management Plan and further the conservation and enhancement of the National Landscape’s natural beauty. This reflects the strengthened landscape duty for public bodies under LURA (2023) to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape.

Green Infrastructure

We support criterion 2 which commits to protect, maintain and enhance the network of green and blue infrastructure in line with NPPF paragraphs 96c and 188. However, as previously advised (our ref: 469486, 31 May 2024), we recommend that the Green Infrastructure Framework, standards and related process guidance (available at: <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/GIStandards.aspx>) could be embedded to support any revisions or future versions of a Green Infrastructure Strategy. We would encourage the Local Plan policies to explicitly reference and commit to the Green Infrastructure Framework targets and have provided further comments in relation to this throughout this letter.

4.4 Policy SS2: Sustainable Design Strategy for the district

Natural England considers the Sustainable Design Strategy to be sound. Natural England supports this strategy, particularly criterion 4 for new developments to contribute towards active and sustainable travel, and criterion 7 to deliver high-quality accessible open space including natural and semi-natural greenspaces (7d) and green corridors (7f) to support biodiversity and improve access to nature.

4.5 Policy SS3: Development Strategy for the district

Natural England considers the policy to be sound. We support criterion 3 which states that development on best and most versatile agricultural land will only be permitted in line with Policy DS11. However, we have provided comments on the recommendation for a standalone policy for soils in Annex 1 of this letter.

We note that the preferred housing growth option identified in the Sustainability Appraisal (SA) is now 1,212 dwellings per annum. This was assessed as having mixed minor positive and significant negative effects for biodiversity (paragraph 5.3.11 of SA), landscapes, and land use and soil (paragraph 5.3.12) principally due to substantial development on greenfield sites. Given these SA conclusions, opportunities to maximise environmental outcomes from these developments, as required by Policy SS1 of the Plan, will be key to delivering sustainable growth.

4.6 Policy SS4: Economic Strategy for the district

Natural England considers the policy to be sound. Natural England welcomes criterion 7 which recognises the value of the countryside and coastline as a unique asset of the district. We also support the principle of criterion 8 related to the rural economy being sensitively located and designed, taking opportunities to improve access to nature.

We note that the Sustainability Appraisal of strategic employment growth options has assessed a mix of minor positive and significant negative effects for land use, and a mix of minor positive and minor negative effects for biodiversity and landscape. Given these SA conclusions, opportunities to maximise environmental outcomes from these developments, as required by Policy SS1 of the Plan, will be key to delivering sustainable growth. We have some concerns regarding potential landscape impacts in relation to Policy R21: Land at Canterbury Business park, which we have provided advice on in section 8.17 of this letter.

4.7 Policy SS5: Movement and Transportation Strategy for the district

Natural England considers the policy to be sound. We strongly support the council's commitment to deliver a comprehensive programme of sustainable transport infrastructure measures to shift to low-carbon and active travel (criterion 1). We support the requirement to protect and enhance the existing network of public rights of way (criterion 2b) in accordance with NPPF paragraph 105.

We note that a number of new cycle routes have been proposed on the Policy Map and on p.30 of the Draft Canterbury District Transport Strategy. Some of these appear to pass through or near to designated sites including the Blean Complex SAC, Church Woods SSSI, West Blean and Thornden Woods SSSI, Ellenden Woods SSSI, Blean Woods NNR and The Swale SSSI, SPA and Ramsar site.

As previously advised (Our ref: 469486, dated: 31 May 2024), we advise that any new planned transport infrastructure, including active travel routes, which could have a direct or indirect impact on nationally or internationally protected sites will need to ensure that any impacts are avoided or fully mitigated as a result of Policy SS5. This includes, but is not limited to, keeping to existing routes.

We recognise that there are overarching policies related to biodiversity including DS20 and DS21 which all applications will have regard for. However, we would welcome the strengthening of this policy to ensure that these mitigation measures are fully integrated into this policy. We advise that an additional criterion could be included within this policy which makes an explicit reference to the avoidance of negative effects to biodiversity and enhancement of biodiversity through green infrastructure. We suggest the following wording could be added to criterion 2 as a key infrastructure requirement:

"c. avoidance of adverse effects to biodiversity assets, priority habitats and species and designated sites and maximisation of opportunities for enhancements to biodiversity assets and designated sites through well-planned multi-functional green infrastructure"

5 Chapter 2: Canterbury area

5.1 Policy C1: Canterbury City Centre Strategy

Natural England considers the policy to be sound. We particularly support criterion 10 of this policy which ensures the protection and enhancement of existing open spaces and green and blue infrastructure, as well as the requirement for new development to provide accessible multifunctional open spaces, and green corridors to connect habitats and improve ecology.

5.2 Policy C9: Canterbury Urban Area

Natural England considers the policy to be sound. Natural England particularly supports criterion 7

which states that open spaces and green infrastructure will be protected and enhanced, and that new open spaces will be provided with improved connectivity to reduce habitat fragmentation and improve ecology.

5.3 Policy C10: Land at Merton Park

Natural England considers the policy to be sound. We support the requirement for a green and blue infrastructure strategy for the site, which supports the NPPF paragraphs 188 and 96c. We support that the development should provide a significant proportion of natural and semi-natural open space in line with Policy DS28 and additional criteria for landscaping and green infrastructure. We welcome the consideration of enhancements to habitats, green corridors and ecological connectivity in the green and blue infrastructure strategy.

5.4 Policy C14: Milton Manor House

Natural England considers the policy to be sound. This site contains priority habitat deciduous woodland. We welcome the inclusion of requirements for the green and blue infrastructure strategy of the site and particularly support the policy provisions to protect Larkey Valley Wood SSSI and to protect and enhance areas of priority habitat, as well as providing a landscape buffer adjacent to the ancient woodland.

5.5 Policy C15: Land south of Littlebourne Road

Natural England considers the policy to be sound.

This site is adjacent to Old Park and Chequers Wood SSSI across Littlebourne Road. Policies C15 and C16 propose the provision of new on-site high-quality wastewater treatment works. As these allocations fall within the hydrological catchment of the Lampen Stream, any discharge from such WwTW into this catchment could result in increased flows and changes in water quality. Given that the Lampen Stream feeds into Stodmarsh, there is a risk of likely significant effects on the designated ditch and reedbed features of the Stodmarsh site. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

We strongly support the inclusion of detailed criteria provided for the green and blue infrastructure strategy including the provision of a significant proportion of natural and semi-natural open space to provide a highly attractive and accessible strategic scale recreational area, including circular dog routes (criterion 3dii). We also support that development should provide improvements to the PROW network (criterion 4avi). We welcome that opportunities should be considered to improve ecological connectivity, including with Chequer's Wood and Old Park (criterion 3h). However, we advise that this could be strengthened so that opportunities should be "secured" rather than "considered". We welcome that blue infrastructure opportunities should be secured due to the multiple benefits it would provide (3g).

Natural England supports the identified green corridor along the eastern boundary of allocation policy C15, which overlaps with an upper reach of the Lampen Stream. This presents an opportunity to contribute to headwater restoration, through careful management of surface water and the integration of natural features. Such measures could deliver benefits for water quantity and quality, enhance resilience to climate change, and support the function of aquatic ecosystems.

The site contains to priority habitat deciduous woodland to the east. We support criteria 3c and 3di to retain all ancient trees and provide a landscape buffer and enhancement to existing and priority habitat. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. NPPF paragraph 193c affords robust protection to irreplaceable habitats, such as ancient woodland, against loss and deterioration except in wholly exceptional circumstances. We consider this policy to be sound in combination with policy DS21 regarding priority habitats and irreplaceable habitats.

5.6 Policy C16: Land south of Bekesbourne Lane

Natural England considers the policy to be sound. This site is approximately 290 m from Chequer's Wood and Old Park SSSI. Policies C15 and C16 propose the provision of new on-site high-quality wastewater treatment works. As these allocations fall within the hydrological catchment of the Lampen Stream, any discharge from such WwTW into this catchment could result in increased flows and changes in water quality. Given that the Lampen Stream feeds into Stodmarsh, there is a risk of likely significant effects on the designated ditch and reedbed features of the Stodmarsh site. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

We strongly support the inclusion of detailed criteria provided for the green and blue infrastructure strategy including the provision of a significant proportion of natural and semi-natural open space to provide a highly attractive and accessible strategic scale recreational area, including circular dog routes (criterion 3dii). We also support that development should provide improvements to the PROW network (criterion 4av). We welcome that opportunities should be considered to improve ecological connectivity, including with Chequer's Wood and Old Park (criterion 3f). However, we advise that this could be strengthened so that opportunities should be "secured" rather than "considered".

The site contains priority habitat deciduous woodland to the south east. We support criteria 3c and 3di to retain all ancient trees and provide a landscape buffer and enhancement to existing and priority habitat. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. NPPF paragraph 193c affords robust protection to irreplaceable habitats, such as ancient woodland, against loss and deterioration except in wholly exceptional circumstances. We consider this policy to be sound in combination with policy DS21 regarding priority habitats and irreplaceable habitats.

5.7 Policy C17: Land at Seotamot

Natural England considers the policy to be sound. This site is approximately 40m from Chequer's Wood and Old Park SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

5.8 Policy C19: Land at Military Road

Natural England considers the policy to be sound. We support that the green and blue infrastructure strategy for the site should provide a landscape buffer to Old Park and Chequers [Wood] and priority habitat at Realm Wood (criterion 3a) and protect and enhance existing trees on site (criterion 3b). For clarity, we advise that Chequer's Wood and Old Park is a Site of Special Scientific Interest (SSSI).

5.9 Policy C31: Land on the eastern side of Shelford Landfill

Natural England considers the policy to be sound. The site is approximately 150m from West Blean and Thornden Woods SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

6 Chapter 3: Whitstable area

6.1 Policy W1: Whitstable Town Centre Strategy

Natural England considers this strategy to be sound. We welcome the council's commitment to support sustainable transport improvements and green infrastructure (criterion 1) and the council's commitment to seek to protect and enhance existing open space and blue and green infrastructure

to deliver environmental, social and health benefits to communities and new developments will provide or contribute towards accessible multifunctional open space and as green corridors to connect habitats and improve biodiversity (criterion 8).

We advise that this policy could be strengthened under criterion 8 by setting out and committing to meeting accessible greenspace standards, as outlined in Standard S2 of Natural England's Green Infrastructure Framework Standards. In addition, the incorporation of Natural England Nature Recovery Standard, Urban Tree Canopy Cover and Accessible Greenspace Standards would strengthen this policy requirement.

6.2 Policy W2: Whitstable Harbour

Natural England considers this policy to be sound. We welcome the policy requirements which recognise the value of the harbour for roosting birds associated with the nearby Thanet Coast and Sandwich Bay SPA and Ramsar site. We also welcome the reference made to the protection of the Swale SSSI, SPA and Ramsar site, and the Swale Estuary MCZ. We welcome the requirement for the mitigation hierarchy to be followed (criterion 3).

6.3 Policy W3: Whitstable Urban Area Strategy

Natural England considers the policy to be sound. We welcome the provision within criterion 8 for the protection of The Swale and the Thanet Coast and Sandwich Bay SSSI, SPA and Ramsar sites, Tankerton Slopes SSSI. We advise that criterion 8 could be strengthened by incorporation of a reference to Natural England's Green Infrastructure Framework standards including the Urban Nature Recovery Standard, Urban Tree Canopy Cover and Accessible Greenspace Standards.

6.4 Policy W4: Land at Brooklands Farm

Natural England considers the policy to be sound. We support criterion 3 which states that the green and blue infrastructure strategy "should... d. retain all ancient woodland and ancient or veteran trees, ensuring they are not damaged nor is their future retention threatened, in line with Policy DS21. Opportunities for the enhancement and improved connectivity of ancient woodland should be incorporated where possible".

7 Chapter 4: Herne Bay area

7.1 Policy HB1: Herne Bay Town Centre Strategy

Natural England considers this strategy to be sound. We welcome the council's commitment to support sustainable transport improvements and green infrastructure (criterion 1) and the council's commitment to seek to protect and enhance existing open space and blue and green infrastructure to deliver environmental, social and health benefits to communities and new developments will provide or contribute towards accessible multifunctional open space and as green corridors to connect habitats and improve biodiversity (criterion 10).

We advise that this policy could be strengthened under criterion 10 by setting out and committing to meeting accessible greenspace standards, as outlines in Standard S2 of Natural England's Green Infrastructure Framework Standards. In addition, the incorporation of Natural England Nature Recovery Standard, Urban Tree Canopy Cover and Accessible Greenspace Standards would strengthen this policy requirement.

7.2 Policy HB3: Herne Bay Urban Area Strategy

Natural England considers this strategy to be sound. We welcome the council's commitment to improve walking and cycling connectivity, including the King Charles III England Coast Path National Trail (criterion 2), which aligns with NPPF paragraph 105. We also support the council's commitment to seek to protect and enhance open space and blue and green infrastructure to deliver environmental, social and health benefits, reduce habitat fragmentation and improve ecology

(criterion 7). We support that the Thanet Coast SSSI will be protected and enhanced where appropriate.

7.3 Policy HB9: Land at Home Farm Strode Park

Natural England considers this policy to be sound. We welcome that the green and blue infrastructure strategy for the site should include natural and semi-natural open space to buffer and enhance ancient woodland and priority habitat. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. NPPF paragraph 193c affords robust protection to irreplaceable habitats, such as ancient woodland, against loss and deterioration except in wholly exceptional circumstances. We consider this policy to be sound in combination with policy DS21 regarding priority habitats and irreplaceable habitats.

8 Chapter 5: Rural area

8.1 Policy R1: Rural Service Centres

Natural England considers the policy to be sound. Natural England supports the council's commitment to protect and support improvements to open spaces, green infrastructure (criterion 2b) and support improvements to sustainable transport and active travel including the PROW network (criterion 2c). We support the clarification that development must accord with other policies in the plan (criterion 1).

8.2 Policy R2: Great Pett Farmyard

Natural England considers the policy to be sound. This site is within the Kent Downs National Landscape. The statutory purpose of a National Landscape is to conserve and enhance the area's natural beauty. Paragraph 189 of the NPPF gives the highest level of planning protection for landscapes and scenic beauty within Protected Landscapes and states that the scale and extent of development within all these designated areas should be limited. Furthermore, the strengthened landscape duty under the Levelling Up and Regeneration Act (2023, Section 245) requires relevant authorities to 'seek to further the purpose of conserving and enhancing the natural beauty of the area', which goes beyond mitigation.

We note that this policy requires a range of landscape and design measures to further the conservation and enhancement of the natural beauty of the Kent Downs National Landscape through the policy requirements to provide a sensitive farmstead-style development in keeping with the character of the historic farmstead to the north and informed by the Kent Downs AONB Farmstead Guidance, as well as incorporating opportunities for landscape and biodiversity informed by the Kent Downs AONB Management Plan.

8.3 Policy R3: Chartham Paper Mill

Natural England considers the policy to be sound. The site appears to be in the setting of the Kent Downs National Landscape and therefore should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas in line with paragraph 189 of the NPPF. We consider this policy to be sound in combination with overarching policies including policy DS21.

8.4 Policy R4: Land at Ashford Road (west)

Natural England considers the policy to be sound. The site appears to be in the setting of the Kent Downs National Landscape and therefore should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas in line with paragraph 189 of the NPPF. We consider this policy to be sound in combination with overarching policies including policy DS21.

8.5 Policy R5: Land at Ashford Road (east)

Natural England considers the policy to be sound. The site appears to be in the setting of the Kent

Downs National Landscape and therefore should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas in line with paragraph 189 of the NPPF. We consider this policy to be sound in combination with overarching policies including policy DS21.

8.6 Policy R6: Bread and Cheese Field

Natural England considers the policy to be sound. The site is 400 m from Stodmarsh SSSI, SAC, SPA and Ramsar site. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21. We support the additional policy provisions to mitigate potential urbanisation and recreational disturbance impacts to the designated sites including the provision of a landscape buffer in the form of natural and semi-natural open space to the south of the site.

8.7 Policy R7: Land at Hersden

Natural England considers the policy to be sound. The site is 500 m from Stodmarsh SSSI, SAC, SPA and Ramsar site. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21. We support the additional policy provisions to mitigate potential urbanisation and recreational disturbance impacts to the designated sites including the provision of a landscape buffer in the form of natural and semi-natural open space to the west of the site.

We also welcome that this open space will buffer ancient woodland. NPPF paragraph 193c affords robust protection to irreplaceable habitats, such as ancient woodland, against loss and deterioration except in wholly exceptional circumstances. We consider this policy to be sound in combination with policy DS21 regarding irreplaceable habitats.

8.8 Policy R9: The Hill, Littlebourne

Natural England considers the policy to be sound. The site lies adjacent to priority habitat deciduous woodland. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats.

8.9 Policy R11: Land North of Popes Lane

Natural England considers the policy to be sound. We support that a buffer has been proposed for ancient woodland. We advise that NPPF paragraph 193c affords robust protection to irreplaceable habitats, such as ancient woodland, against loss and deterioration except in wholly exceptional circumstances. We consider this policy to be sound in combination with policy DS21 regarding priority habitats and irreplaceable habitats.

8.10 Policy R12: Land at The Paddocks, Shalloak Road

Natural England considers the policy to be sound. The site contains and is adjacent to priority habitat deciduous woodland. We support that a buffer has been proposed for ancient woodland. We advise that NPPF paragraph 193c affords robust protection to irreplaceable habitats, such as ancient woodland, against loss and deterioration except in wholly exceptional circumstances. We consider this policy to be sound in combination with policy DS21 regarding priority habitats and irreplaceable habitats.

We note that the site is approximately 90 m from West Blean and Thornden Woods SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

8.11 Policy R13: Local Service Centres

Natural England considers the policy to be sound. Natural England welcomes the council's commitment to protect and support improvements to open spaces and green infrastructure (criterion 2b) and support improvements to sustainable transport infrastructure and connectivity by active travel, including the public rights of way network (criterion 2c).

8.12 Policy R15: Land adjacent to Valley Road

Natural England advises that it is currently unclear whether the policy is sound. This site is within the Kent Downs National Landscape. We note that this policy is for approximately 20 new dwellings which may constitute major development according to the definition provided in the Plan. Paragraph 190a-c of the NPPF outlines three 'major development' tests that a development must meet in order to be permitted. We strongly advise that for potential site allocations that may constitute 'major development' in your Plan, you should robustly evidence and justify how they satisfy these three tests. If any of these allocations are unable to do this, we advise they are removed from your Plan. We advise that it is currently unclear how the proposed development in this location would meet the major development tests.

The statutory purpose of a National Landscape is to conserve and enhance the area's natural beauty. Paragraph 189 of the NPPF gives the highest level of planning protection for landscapes and scenic beauty within Protected Landscapes and states that the scale and extent of development within all these designated areas should be limited. Furthermore, the strengthened landscape duty under the Levelling Up and Regeneration Act (2023, Section 245) requires relevant authorities to 'seek to further the purpose of conserving and enhancing the natural beauty of the area', which goes beyond mitigation.

As previously advised (Our ref: 469486, dated: 31 May 2024), we have concerns regarding the potential for harm to landscape character and as well as negative visual impacts to this policy. The proposed development area extends up the valley to include an area which is visually prominent from the Valley Road.

Notwithstanding the concerns above, we welcome that this policy requires a high-quality built environment that is sensitive to the site's location within the Kent Downs National Landscape and furthers the conservation and enhancement of its natural beauty, plus the requirement to incorporate opportunities for landscape and biodiversity enhancements informed by the Kent Downs AONB Management Plan and supporting guidance. We advise that a requirement for development to utilise these the Kent Downs AONB Management Plan and supporting documents such as the Kent Downs 'Landscape Design Handbook' could be added as a criterion under 2. Design and Layout to strengthen the policy. We suggest the following wording could be used:

"2f. Be informed by the Kent Downs AONB Management Plan and supporting guidance such as the Kent Downs 'Landscape Design Handbook'."

8.13 Policy R16: Land at Goose Farm, Shalloak Road

Natural England considers the policy to be sound. We note that the site is approximately 315m from West Blean and Thornden Woods SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

8.14 Policy R17: Land at Shalloak Road

Natural England considers the policy to be sound. We note that the site is approximately 400m from West Blean and Thornden Woods SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

8.15 Policy R18: Land fronting Mayton Lane

Natural England considers the policy to be sound. We note that the site is approximately 600m from West Blean and Thornden Woods SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

8.16 Policy R19: Land at Church Farm

Natural England considers the policy to be sound. We note that the site is approximately 600m from East Blean Woods SSSI, Blean Complex SAC and Blean Woods NNR. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

8.17 Policy R21: Land at Canterbury Business Park

Natural England advises that it is currently unclear whether the policy is sound. The site associated with Policy R21 is within the Kent Downs National Landscape, in a rural location adjacent to existing business uses.

We reiterate our previous advice (Our ref: 469486, dated: 31 May 2024) that there is potential for significant landscape impacts from this strategic employment allocation which lies in a rural location and wholly within the Kent Downs National Landscape. We advise that your Authority needs to demonstrate that it meets the NPPF policy requirements for development within the designated landscapes, including paragraphs 189 and 190, to fully justify the inclusion of this policy within the plan. This strategic employment allocation may represent major development and, as such will need to meet the major development tests as set out in NPPF paragraph 190a-c. We acknowledge that your authority have provided NPPF test justification for Policy R21 in the Development Strategy Topic Paper dated March 2026 (para 4.166-4.193) and the Meeting Development Needs Topic Paper dated March 2026 (Chapter 3). Your authority has “recognised that the site will cause some harm to the Kent Downs National Landscape” (para 4.186 of the Development Strategy Topic Paper) and the SA has identified significant negative effects for biodiversity, landscape and land use for Policy R21 without mitigation.

The statutory purpose of a National Landscape is to conserve and enhance the area’s natural beauty. Paragraph 189 of the NPPF gives the highest level of planning protection for landscapes and scenic beauty within Protected Landscapes and states that the scale and extent of development within all these designated areas should be limited. Furthermore, the strengthened landscape duty under the Levelling Up and Regeneration Act (2023, Section 245) requires relevant authorities to ‘seek to further the purpose of conserving and enhancing the natural beauty of the area’, which goes beyond mitigation.

The policy states that the green and blue infrastructure strategy for the site should: provide an appropriate landscape framework to minimise adverse impacts on the Kent Downs National Landscape (criterion 3a), incorporate opportunities for landscape enhancements informed by the Kent Downs AONB Management Plan and supporting guidance (criterion 3b), and provide a landscape buffer to minimise adverse impacts on long distance views (criterion 3c). The policy also states that the design and layout of the site should: respond to the prominent position in the landscape, the special qualities of the Kent Downs National Landscape including furthering its conservation and enhancement (criterion 2a) and mitigate negative visual or landscape impacts (criterion 2b). We support the principles of these criteria seeking to conserve and enhance the special qualities of the National Landscape.

We acknowledge that the extent of the site allocation has reduced since the Regulation 18 consultation to avoid development in some areas, informed by the ‘Canterbury Business Park (Draft Policy C17) Landscape and Visual Appraisal’ (dated August 2024). We welcome the reduction in extent. If the allocation is deemed to meet the strong policy requirements within the NPPF, we would expect stronger and more detailed policy wording to be provided in terms of quality of building

and design, to demonstrate how the proposed major development would deliver NPPF requirements and the strengthened LURA duty, as major development in this location would have a direct impact on landscape character of the National Landscape. We advise that specific requirements for design and layout should be provided which demonstrate how the design would align with the Kent Downs AONB Management Plan and supporting guidance. Supporting guidance that should be used to inform design include: 'Kent Downs National Landscape Guidance on the selection and use of colour in development', 'Kent Downs AONB Farmsteads Guidance' and 'Landscape Design Handbook'. Details such as the height and form of the development should be provided. The design should be as sympathetic and in character of the area as possible. Mitigation measures through detailed design have been suggested in the 'Canterbury Business Park (Draft Policy C17) Landscape and Visual Appraisal' (dated August 2024) which may be of relevance to the updated Policy R21. However, we advise that no designs or development proposals have been assessed in detail at this stage.

We also advise that adverse impacts on the landscape, including impacts to views, should firstly be avoided, and then adequately mitigated, rather than minimised. We therefore suggest that criteria 3a and 3c are amended to reflect this and suggest the following wording:

"a. Respond to the surrounding landscape character and provide an appropriate landscape framework for the site to ~~minimise~~ take all possible steps to avoid and fully mitigate adverse impacts on the Kent Downs National Landscape...

c. Retain and enhance the existing trees along the western boundary as part of a landscape buffer along the ridgeline to ~~minimise~~ take all possible steps to avoid and fully mitigate the adverse impact of the development on long distance views and views from surrounding PROWs."

8.18 Policy R22: Barham Layby

Natural England advises that it is currently unclear whether the policy is sound. This site is within the Kent Downs National Landscape. The statutory purpose of a National Landscape is to conserve and enhance the area's natural beauty. Paragraph 189 of the NPPF gives the highest level of planning protection for landscapes and scenic beauty within Protected Landscapes and states that the scale and extent of development within all these designated areas should be limited. Furthermore, the strengthened landscape duty under the Levelling Up and Regeneration Act (2023, Section 245) requires relevant authorities to 'seek to further the purpose of conserving and enhancing the natural beauty of the area', which goes beyond mitigation.

Policy R22 would result in development within the Kent Downs National Landscape. We note that the SA assesses R22 has having significant negative effects on biodiversity, landscape and land use, with the suggested mitigation that Policy R22 should include specific reference to protecting and enhancing nearby Broom Park Conservation Area. We recommend that this is added to the policy wording.

Measures are included in the policy to ensure sensitive response to the location, including retention of the existing landscaped frontage. Notwithstanding the concerns above, we support that the design and layout should respond to the site's sensitive location within the Kent Downs National Landscape and further the conservation and enhancement of its natural beauty. We support that the green and blue infrastructure strategy should incorporate opportunities for landscape and biodiversity enhancements with regard to The Kent Downs AONB Management Plan and supporting guidance (and subsequent updates). However, we advise that the policy should be strengthened by removing "where possible" from criterion 3a.

8.19 Policy R23: Land to the South of Sturry Road

Natural England considers the policy to be sound. Natural England welcomes and supports the allocation of sites for the delivery of strategic wetlands as part of your Authority's Nutrient Mitigation Strategy. Natural England also supports 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 supportive of this policy and the decision to specifically allocate and safeguarding land within the plan area 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 Annex 3 of this letter.

8.20 Policy R24: Broad Oak Reservoir and Country Park

Natural England considers the policy to be sound.

Natural England supports the wider aspirations of this policy for the country park to allow recreation and improve access to nature. We note that the site encompasses part of West Blean and Thornden Woods SSSI. We support the addition of criterion 1f to provide a substantial buffer between any development and the SSSI and ancient woodland, and criterion 1g to ensure that loss of and/or harm to any priority habitat is avoided and where this is not possible, adequate mitigation is provided. The SA has identified significant negative effects to biodiversity and landscape for Policy R24 without mitigation. The SA also notes that Broad Oak Reservoir and Country Park would protect and create habitats but would cause temporary disruption to existing habitats during construction. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites, priority habitats and irreplaceable habitats will be required at the project level in accordance with policies DS20, DS21 and DS27. We advise that all impact pathways during construction plus operational phases, for example due to recreational disturbance, are avoided and fully mitigated.

We would defer to Southern Water regarding the detailed design of the country park and reservoir. We would welcome the opportunity to provide further comments on this allocation policy as more detailed proposals emerge.

9 Chapter 6: District-wide Strategic Policies Draft

9.1 Policy DS6: Gypsy and Traveller Accommodation

Natural England considers the policy to be sound. We welcome the clarification that proposals for new sites and the extension or intensification of existing sites will need to accord with other policies in the plan. We support the policy requirement for development in the Kent Downs National Landscape, including the siting of Gypsy and Traveller pitches, to further the conservation and enhancement of the natural beauty of the designation area, including tranquillity (paragraph 6.33 of supporting text).

9.2 Policy DS10: Tourism development

Natural England considers the policy to be sound. We welcome the inclusion of criteria 7b and 7c related to Marina provision, which set out requirements for Habitats Regulation Assessments to be carried out and to mitigate impacts to Sites of Special Scientific Interest (SSSIs). We recognise that development proposals will need to accord with other policies in the Plan (criterion 7) such as Policy DS20 and DS21, and consider policy DS10 to be sound in combination with these policies.

However, we advise that criterion 7c could be amended to clarify that significant harm to biodiversity should firstly be avoided and Marine Conservation Zones (MCZs) need to be considered alongside SSSIs. We therefore suggest the following wording could be used:

"c. Development which would ~~materially~~ significantly harm the scientific or nature conservation interests, either directly, indirectly or cumulatively of the Sites of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ) and other areas of known nature conservation interest is avoided

in the first instance, fully mitigated ~~and~~ or, as a last resort, any impacts can be adequately compensated.”

9.3 Policy DS11: Rural economy

We consider this policy to be sound and support the principle of the policy wording. We recognise that development proposals will need to accord with other policies in the Plan such as DS20 and DS21. However, as previously advised (Our ref: 469486, dated: 31 May 2024), we advise that the wording in policy criterion 2c could be amended to reflect the mitigation hierarchy to make it clear that adverse impacts upon the landscape should be avoided in the first instance.

Furthermore, we support the inclusion of criterion 3 which seeks to protect the best and most versatile (BMV) land and soils in rural areas in line with NPPF paragraphs 187a and 187b and consider DS11 to be sound. However, we note that policy DS11 is the only policy related to BMV land. We recommend that a single standalone policy regarding soils and BMV land would provide greater clarity on the protection for BMV land in the entire district, and have provided further comments on this in Annex 1.

9.4 Policy DS12: Net zero carbon ready and water efficiency

Natural England considers the policy to be sound. We support the principles of the policy. We particularly support the requirement for all developments to utilise sustainable drainage, shading, tree planting, green infrastructure and, where appropriate, nature-based solutions to reduce carbon emissions and climate risks (criterion 1).

9.5 Policy DS13: Sustainable design

Natural England considers the policy to be sound.

We particularly support the requirement for developments to accord to the Kent Downs AONB Landscape Design Handbook (criterion 1) where applicable. We also support that all development should be designed based on local character, landscape and view (3a) and pay attention to scale, massing, layout and materials appropriate to the locality (3b).

We strongly support the promotion of active and sustainable transport including connecting or enhancing existing public rights of ways and National Trails (3j) in accordance with NPPF paragraph 105.

We strongly support the inclusion of criteria 3m, n and o related to nature and open space that should be incorporated into development proposals to achieve high quality design. We welcome the reference made to Natural England's Green Infrastructure guides in the supporting text of the policy (paragraph 6.63). We suggest that there is an opportunity to strengthen the policy further by requiring development proposals to accord with these guides in the policy wording to help ensure that high quality green and blue infrastructure is delivered.

9.6 Policy DS16: Movement Hierarchy

Natural England considers the policy to be sound. We strongly support the principles of the policy which seeks to prioritise active and sustainable travel options in all new developments.

9.7 Policy DS17: Active and sustainable travel

Natural England considers the policy to be sound. We strongly support the principles of the policy which seeks to prioritise active and sustainable travel options in all new developments.

We support criterion 2 which requires proposals for developments to retain existing public rights of way. We advise that this could be strengthened to align more closely with NPPF paragraph 105 and suggest the following wording:

“2. Proposals for development affecting existing PROW should identify, as part of their planning application, all existing PROW within the site and those outside the site which could reasonably be used by future site occupants to access services and for recreation. Existing PROW should be retained and enhanced...”

9.8 Policy DS19: Air quality

Natural England considers the policy to be sound. Whilst we support the inclusion of a policy relating to air quality, it appears that the majority of requirements are relative to air quality impacts upon humans. We recognise that there are overarching policies related to biodiversity including DS20 and DS21 which all applications will have regard for, and indirect effects such as air pollution should be captured by these. However, as previously advised (Our ref: 469486, dated: 31 May 2024), given the impact that increases in air pollutants such as Nitrogen Oxides (NO_x), ammonia (NH₃), nitrogen deposition and acid deposition can have on habitats and species, we advise that it would be helpful to reference avoiding air quality impacts upon ecological receptors as well as human. We would welcome additional policy wording to criterion 2, which states that:

“2. Proposals for major development within, or which would impact upon, designated Air Quality Management Areas and designated nature conservation sites will also be required to undertake an air quality assessment, in accordance with the Kent Air ‘Air Quality and Planning Guidance, (Mitigation Option B)’ (or subsequent updates). The assessment should:
a. Consider the development in the context of the cumulative effects on air quality from other proposed developments in the vicinity;
and b. Consider the impact of the development on any sensitive receptors including ecological receptor sites which may be sensitive to air quality impacts;
and c. Demonstrate how any identified impacts will be mitigated.”

9.9 Policy DS20: Habitats of international importance

Natural England considers this policy to be unsound in its current form and suggests that minor amendments are made to policy wording to ensure that the policy is consistent with national policy.

Natural England strongly supports the inclusion of this standalone policy regarding internationally designated nature conservation sites. We welcome the amendments made to policy wording following our previous advice (Our ref: 469486, dated: 31 May 2024).

We support the policy wording of criterion 6, and welcome paragraphs 6.94 to 6.96 of the policy preamble which outline how an assessment of the potential value of the site should be undertaken, incorporating our previous advice (Our ref: 469486, dated: 31 May 2024).

Natural England supports paragraph 6.97 of the policy preamble which states “Where necessary the mitigation hierarchy of avoid, mitigate, and finally, compensate must be followed.” which is in line with NPPF paragraph 193a. We support the use of “where necessary”, as this accurately reflects the need for the mitigation hierarchy to be considered where there is a potential impact to a designated site.

Within the Stodmarsh catchment, excessive nutrient inputs are resulting in adverse impacts on nationally and internationally designated sites. Based on the current evidence, Natural England’s view is that new housing development within the Stodmarsh / River Stour catchment is likely to contribute to a significant effect, in combination, on the Stodmarsh designated sites through increased wastewater discharges, unless appropriate mitigation is secured. We support that Policy DS20 appropriately recognises this issue and seeks to ensure that development proposals which pose a likely significant effect through wastewater discharges do not result in an adverse effect on the integrity of the relevant Habitats sites, which, subject to effective implementation, aligns with the requirements of the Habitats Regulations.

However, Natural England advises that the following amendments are made to policy wording. With

these we would consider the policy to be sound:

- We support criteria 1 but advise that potential Special Protection Areas (SPAs) and possible Special Areas of Conservation (SACs), and listed or proposed Ramsar sites should also be given the same protection as habitats sites. We advise that these are added to criterion 1 to better align with NPPF paragraph 194 and suggest the following wording:

“1. Proposals for development (plan or project) which may have an adverse effect on the integrity of a Special Area of Conservation (SAC), Special Protection Area (SPA), or Ramsar site, potential SPA, possible SAC, listed or proposed Ramsar site, or sites identified or required as compensatory measures for adverse effects on aforementioned sites, alone or in combination with other plans or projects, will not normally be permitted.”

- We support criterion 5 but advise that where the council is unable to conclude that there will be no adverse effect on the integrity of an internationally designated site, compensatory measures would need to be secured for any adverse effects. We recommend this is added to the policy wording to ensure the policy is consistent with national policy and suggest the following wording:

“5. In the event that the council is unable to conclude that there will be no adverse effect on the integrity of any internationally designated site, the plan, or project will be refused unless the tests of no alternative solutions and the imperative reasons of overriding public interest in accordance with Regulation 64 of the Habitats Regulations 2017 (as amended) are proven. Compensatory measures for any adverse effects must be secured.”

- We support the reference to the mitigation hierarchy made in criterion 6 related to functionally linked land. However, we advise that the mitigation hierarchy applies to all relevant impact risk pathways for designated sites, and recommend that this is moved to a separate policy criterion to clarify this.

9.10 Policy DS21: Habitats and landscapes of national importance

Natural England considers the policy to be sound. Natural England strongly supports the inclusion of this standalone policy regarding nationally designated nature conservation sites and the Kent Downs National Landscape. Natural England considers the policy to be legally compliant, including with Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act (LURA) 2023.

Natural England supports criterion 1 relating to the major development tests of NPPF paragraph 190. We welcome the inclusion of a definition of major development in the glossary of the Plan

Natural England supports criterion 2 which reflects the council's strengthened landscapes duty under LURA (2023) to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape. We support the requirements provided in criterion 2 for all proposals in the Kent Downs National Landscape and, where appropriate, its setting. However, we advise that it may be helpful to separate the requirements for developments within the National Landscape and its setting, to clarify that developments in the setting should be sensitively located and designed in accordance with NPPF paragraph 189.

We would welcome the following amended wording:

“2. All proposals within the Kent Downs National Landscape and, where appropriate, its setting should further the conservation and enhancement of the natural beauty of the designated area, including tranquillity and dark skies, and be sensitively and sustainably located. Development proposals within the National Landscape should be limited in their scale and extent. All proposals within the setting of the Kent Downs National Landscape should be sensitively located and designed to avoid or minimise adverse impacts on the designated area. Proposals should submit appropriate evidence, such as Environmental Assessments or Landscape Impact Assessments, to demonstrate how the project does this. The council will grant proposals which support the economy and social well-being of the National Landscape and its communities, including affordable housing schemes, provided that they do not conflict with the purpose of conserving and enhancing natural beauty by

addressing location, scale, form, high-quality design, materials and mitigation and have regard to the advice set out in the Kent Downs AONB Management Plan, and its supporting guidance (and subsequent updates)."

Natural England welcomes the inclusion of the mitigation hierarchy throughout this policy wording, in accordance with NPPF 193a.

Natural England supports criterion 4 related to nationally designated nature conservation sites. We welcome the reference to direct, indirect and cumulative effects, and criteria 2a and 2b, which ensure the policy wording aligns with NPPF paragraph 193.

We support criterion 5 related to irreplaceable habitats which aligns with NPPF paragraph 193c.

We support criterion 6 related to protected species, priority habitats and priority species.

9.11 Policy DS22: Habitats, landscapes and sites of local importance

Natural England considers the policy to be sound. We support the principles of this policy. We note that the policy focuses on a few urban green infrastructure spaces but there is currently no policy wording relating to green infrastructure as a whole. We would support that the policy being expanded to incorporate green and blue infrastructure, which references Natural England's Green Infrastructure Framework standards.

9.12 Policy DS23: Flood risk

Natural England considers the policy to be sound. We support priority being given to the use of SuDS (criterion 4d) and that proposals should consider providing multiple benefits such as providing or enhancing biodiversity, landscape and green infrastructure (criterion 4).

9.13 Policy DS24: Sustainable Drainage and Water Quality

Natural England considers the policy to be sound. We strongly support the inclusion of this policy and in particular the requirement that all proposals should incorporate Sustainable Draining Systems (SuDS). We are pleased to see that recognition has been given to more natural solutions that can incorporate biodiversity. We suggest that some examples such as swales and wetland could be provided for clarity.

9.14 Policy DS25: Supporting biodiversity recovery

Natural England considers the policy to be sound. We strongly support the inclusion of this policy related to green and blue infrastructure and Biodiversity Net Gain (BNG). We strongly support that Local Nature Recovery Strategies (LNRS), amongst other local strategies, should be taken into account when designing green and blue infrastructure (criterion 2) and BNG proposals (criterion 4e).

This policy includes significant policy wording on green infrastructure. We welcome the reference to the Natural England Green Infrastructure Urban Tree Canopy standard in this policy's supporting text and the related requirement for a minimum of 20% tree cover after 30 years from planting on the largest major development sites. We also strongly support the inclusion of criterion 2gi of the policy wording, which says that developments of over 300 homes must provide "...a minimum of 20% tree cover (existing and new) across the site...". This supports NPPF paragraphs 136 and 187b.

We also welcome reference to the Natural England Green Infrastructure Framework and other specific standards (Urban Nature Recovery and Accessible Greenspace standards) in the policy's supporting text. We would welcome the opportunity to further strengthen the plan (in line with NPPF 88d, 96c 187, 188 and 192b) by also incorporating these other standards into this policy wording.

We strongly support the inclusion of requirements for BNG delivery. We welcome reference being

made to the Statutory Biodiversity Metric (criterion 3) to align with national expectations in line with our previous advice (Our ref: 469486, dated: 31 May 2024). We note that qualifying major developments will need to deliver a minimum of 20% BNG. We advise that a robust evidence base is required to support a BNG target greater than 10%. As previously advised (Our ref: 469486, dated: 31 May 2024), we advise that the policy could be strengthened by including additional policy wording to clarify what developments should deliver if the minimum of 20% BNG is not achievable.

9.15 Policy DS26: Landscape Character

Natural England considers the policy to be sound. We support that developments must be demonstrably informed by Landscape Character Areas including those identified in Kent Downs AONB Landscape Character assessments (criterion 2a), and conserve and/or enhance landscape character (2b) including not having an adverse impact on important long distance views (2c) and aiming to protect tranquillity (2f).

We recognise the policy provision under Policy DS21 in regard to the Kent Downs National Landscape. We advise that DS26 could refer to 'furthering the purpose of the Kent Downs National Landscape' within this policy to clarify that it aligns with Section 245 of the LURA (2023).

9.16 Policy DS27: The Blean Woodland Complex

Natural England considers the policy to be unsound. We support the strong policy protection intended to be provided for the Blean Woodland Complex through this policy. We support the principles of the policy which seeks to restore, enhance, expand and connect the woodland habitat that forms part of the Blean Complex of designated sites.

However, as previously advised (Our ref: 469486, dated: 31 May 2024), there is a concern that policy requirement in criterion 3 of DS27 is inconsistent with other policies in the Plan, including policies DS20 and DS21, as well as the level of protection provided by the NPPF. Criterion 3 states that "proposals for development that would result in the loss, deterioration or damage to the character, ecology and integrity of the Blean Complex SAC will be refused" with no caveats around the need for or benefits of the development, as set out in NPPF paragraph 193 and policies DS20 and DS21 of the Plan. We advise that these inconsistencies could lead to ambiguities in how the plan as a whole is interpreted. We therefore recommend that a minor amendment is made so criterion 3 cross references to policy DS20, ensuring there are no inconsistencies and the policy is in accordance with the Habitats Regulations 2017 (as amended). We recommend the following wording is used:

"Proposals for development that would result in the loss, deterioration or damage to the character, ecology, connectivity and integrity of the Blean Complex SAC will be refused unless in accordance with Policy DS20 paragraph 5."

9.17 Policy DS28: Publicly accessible open space and sports

Natural England considers the policy to be sound. We support this policy which sets a target for the delivery of 'semi natural and natural space' as 4 hectares per 1,000 people and 'amenity green space and green corridors' of 2.25 hectares per 1,000 people. The policy also includes some accessibility distance criteria which is welcome.

We particularly support criterion 5a which states that new on site open space must be designed as part of the green infrastructure network, contributing to local landscape character, connecting with green corridors and providing multi-functional benefits. We would welcome the policy being further strengthened by embedding Natural England's Green Infrastructure Framework standards (which provide targets for quantity and distance for residents to access) into the policy wording.

10 Chapter 7: Development Management

10.1 Policy DM11: Residential design

Natural England considers the policy to be sound. Natural England welcome criteria 2f and 2k which encourage the incorporation of biodiversity features in residential developments.

10.2 Policy DM12: Non-residential design

Natural England considers the policy to be sound. Natural England welcome criterion 1d which encourage the use of native species and encouraging biodiversity in planting schemes in non-residential development.

10.3 Policy DM14: Noise, odour and dust pollution

Natural England considers the policy to be sound. Natural England supports the inclusion of this policy which recognises the impact of noise, odour and dust pollution on the natural environment (paragraph 7.16). We recognise that there are overarching policies related to biodiversity including DS20 and DS21 which all applications will have regard for. However, given the impact that they can have on habitats and species, we advise that reference could be made to avoiding impacts to ecological receptors as well as human in the policy wording to clarify that ecological receptors should be considered.

10.4 Policy DM15: Light pollution and dark skies

Natural England considers the policy to be sound. Natural England supports the inclusion of this policy which seeks to minimise light pollution from development proposals. We particularly support the inclusion of criteria 3d, 3f, 3g and 4 related to avoiding and/or minimising impacts to dark skies (3d and 4), views (criterion 3g) and biodiversity (3h).

11 Chapter 8: Carried Forward 2017 Local Plan Policies

11.1 Policy CF1: Strategic Site Allocations

We understand that planning applications for developments at site allocations under Policy CF1 will be accompanied by a comprehensive masterplan which will provide detailed requirements for the site (p.325). Whilst planning applications will be compared against the district wide policies of the Local Plan, we provide the following advisory comments to ensure that the natural environment is fully protected:

Site 1: South Canterbury

The site contains priority habitat deciduous woodland. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats.

This site is approximately 940 m from Chequer's Wood and Old Park SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

The site appears to be in the setting of the Kent Downs National Landscape and therefore should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas in line with paragraph 189 of the NPPF. We consider this policy to be sound in combination with overarching policies including policy DS21.

Site 2: Land at Sturry/Broad Oak.

The site contains priority habitat deciduous woodland and traditional orchard. Paragraph 192b of the

NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats

This site is directly adjacent to Sturry Pit SSSI, and near to West Blean and Thornden Woods SSSI, Stodmarsh SSSI, SPA, Ramsar and SAC, and Chequer's Wood and Old Park SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

Site 3: Hillborough.

The site contains priority habitat deciduous woodland. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats.

Site 4: Herne Bay Golf Course.

The site contains priority habitat deciduous woodland. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats.

Site 5: Land at Strode Farm.

The site contains priority habitat deciduous woodland. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats.

Site 7: Thanet Way, Whitstable.

The site contains priority habitat deciduous woodland. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats.

Site 8: Land North of Hersden.

The site is adjacent to priority habitat deciduous woodland. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats.

This site is approximately 500 m from the Stodmarsh designated sites. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

Site 9: Land at Howe Barracks.

The site is adjacent to priority habitat good quality semi improved grassland and deciduous woodland. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats.

This site is approximately 250 m from Chequer's Wood and Old Park SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

Site 11: Land at and adjacent to Cockering Farm.

This site is directly adjacent to Larkey Valley Wood SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

The site is adjacent to priority habitat deciduous woodland. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats.

Site 12: Land South of Ridgeway.

The site is adjacent to priority habitat deciduous woodland. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats.

11.2 Policy CF2: Housing Allocations

Natural England considers this policy to be sound. We note that site specific policies or indicative masterplans have not been provided for housing allocations under Policy CF2. We advise that any proposed developments at these sites will need to be considered against the Plan's district-wide policies as well as national policies related to the natural environment, including but not limited to impacts to designated sites, priority habitats, open space and the Kent Downs National Landscape.

11.3 Policy CF3: Pedestrian and Cycle Routes

Natural England considers this policy to be sound. We understand that land that will be safeguarded for the proposed pedestrian and cycle routes are shown on the Proposals Map. We note that some of these appear to pass through or near to designated sites including the Blean Complex SAC, Church Woods SSSI, West Blean and Thornden Woods SSSI, Ellenden Woods SSSI, Blean Woods NNR and The Swale SPA and Ramsar site.

As previously advised (Our ref: 469486, dated: 31 May 2024), we advise that any new planned transport infrastructure, including active travel routes, which could have a direct or indirect impact on nationally or internationally protected sites will need to ensure that any impacts are avoided or fully mitigated. This includes, but is not limited to, keeping to existing routes.

11.4 Policy CF4: Sturry Road Park and Ride

Natural England considers this policy to be sound. This site is approximately 400 m from Chequer's Wood and Old Park SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

11.5 Policy CF5: New Dover Road Park and Ride

Natural England considers this policy to be sound. The site appears to be in the setting of the Kent Downs National Landscape and therefore should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas in line with paragraph 189 of the NPPF. We consider this policy to be sound in combination with overarching policies including policy DS21.

11.6 Policy CF6: A2 Bridge Interchange

Natural England considers this policy to be sound. The site appears to be in the setting of the Kent Downs National Landscape and therefore should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas in line with paragraph 189 of the NPPF. We consider this policy to be sound in combination with overarching policies including policy DS21.

11.7 Policy CF7: Herne Relief Road

Natural England considers this policy to be sound. The route is adjacent to priority habitat deciduous woodland. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority

habitats.

11.8 Policy CF8: Sturry Relief Road

Natural England considers this policy to be sound. The route intersect to priority habitat deciduous woodland to the north. Paragraph 192b of the NPPF states plans should conserve, restore and enhance priority habitats. We consider this policy to be sound in combination with policy DS21 regarding priority habitats.

This site is adjacent to Sturry Pit SSSI and near to Stodmarsh SSSI and Chequer's Wood and Old Park SSSI. Whilst we consider this policy to be sound, we advise that a detailed assessment of direct and indirect impacts to designated sites will be required at the project level in accordance with policies DS20 and DS21.

12 Chapter 9: Monitoring Indicators

12.1 Monitoring indicators

Natural England supports the inclusion of monitoring indicators for Policy SS1 – Environmental Strategy for the district. We advise that the targets/objectives could be strengthened to provide more measurable targets that better comply with the Plan's policies and objectives.

Green and Blue Infrastructure

We advise that your authority could use the standards of Natural England's Green Infrastructure Framework to provide quantifiable measures of green and blue infrastructure provision. For example, the Accessible Greenspace Standard provides criteria of the size, proximity and capacity of green infrastructure that could quantified in monitoring.

Kent Downs National Landscape

We advise that the current indicator "Number of major windfall developments granted in the National Landscape" could be improved to provide an indicator of the delivery of positive outcomes for the Kent Downs National Landscape. For example, your authority could measure the number of non-major developments that further the conservation and enhancement of the National Landscape's natural beauty.

Best and Most Versatile Land

We advise that the monitoring indicator "Loss of best and most versatile agricultural land to other land uses" could be improved to comply better with the soil policy currently provided in Policy DS11 and national policy in the NPPF, to reflect that development should firstly avoid best and most versatile land. We suggest that your authority could instead monitor instances where developments have avoided best and most versatile land.

Local Nature Recovery Strategy

We advise that a further monitoring indicator could be used to monitor the delivery of outcomes of the Kent and Medway Local Nature Recovery Strategy through the Plan. Your authority could, for example, monitor the number of developments contributing to the delivery of the Kent and Medway Local Nature Recovery Strategy.

13 Appendices

13.1 Appendix 1: Glossary

Natural England supports the inclusion of environmental terms in the glossary. We welcome the council providing a definition of major development which aligns with footnote 67 of the NPPF and

supports decision making through the Plan. We suggest that it may be helpful to include definitions of priority habitats and irreplaceable habitats. We also note that a definition of Sustainability Appraisal has been provided. We suggest that it may be helpful to include a definition of Habitats Regulations Assessment for completeness.

Annex 3: Sustainability Appraisal and Habitats Regulations Assessment

14 Sustainability Appraisal and Habitats Regulations Assessment

14.1 Habitats Regulations Assessment

Natural England has reviewed the Habitats Regulations Assessment Supporting Information - Draft Canterbury District Local Plan– Pre-submission Draft (Regulation 19) (2026) and agree with the sites screened out from further assessment, and with the sites and pathways for which significant effects cannot be ruled out. Natural England has provided standard advice on air quality impacts in annex 4 of this letter. We provide the following advice on sites and pathways for which likely significant effects cannot be ruled out:

Stodmarsh sites – recreational pressure

We agree with the HRA conclusion of no adverse effect on the integrity (AEOI) of Stodmarsh SAC, SPA and Ramsar site on the basis that the commitments outlined in Policy DS20: Habitats of international importance are adhered to.

Stodmarsh sites – urbanisation

We agree with the HRA conclusion of no AEOI of Stodmarsh SAC, SPA and Ramsar site on the basis that the commitments outlined in Policy DS20: Habitats of international importance are adhered to, plus the site-specific allocation wording for those sites in close proximity to the Stodmarsh sites, principally Policy R6: Bread and Cheese Field and Policy R7: Land at Hersden.

Stodmarsh sites – water quality

We agree that Stodmarsh SAC, SPA and Ramsar site should be taken forward to appropriate assessment on water quality.

Natural England supports the preparation of a plan-wide nutrient budget to cover the planned dwellings to be constructed and occupied over the plan period to 2043. Natural England also supports the range of nutrient mitigation measures identified within Appendix D (Draft Canterbury District Nutrient Mitigation Strategy) and acknowledges that sufficient quantum of mitigation has been identified to address the calculated nutrient budget across the Local Plan period.

Natural England recognises that a proportion of the strategic mitigation identified relies on the delivery of constructed wetland schemes, for which opportunity areas have been identified across the Borough. At this plan-making stage, Natural England does not consider it necessary for detailed feasibility assessments for all proposed wetland locations to be completed as part of the Local Plan submission. However, it is important that the plan recognises that more detailed feasibility work will need to be undertaken during the plan period, and prior to implementation, to confirm that individual wetland schemes are deliverable and effective in practice.

The [Constructed Wetland Mitigation Framework](#) provides guidance on the matters that should be considered as part of future feasibility assessments, including site constraints, deliverability, and performance assumptions. While elements of this framework have informed nutrient removal rates and confidence levels for the purposes of plan-level assessment, further site-specific feasibility work will be required before wetland schemes can be progressed to delivery. By way of example, Natural England notes that the proposed Chartham cluster wetland is largely situated on land associated with a historic landfill, which may present constraints on deliverability. This illustrates the importance of undertaking appropriate feasibility assessments at the relevant stage to ensure that mitigation

proposals taken forward are realistic, implementable, and effective.

Natural England also notes that constructed wetlands are not the sole mechanism for securing nutrient neutrality. Additional mitigation pathways are available, including mitigation delivered through Stour Environmental Credits (SEC) and via the private nutrient mitigation market. This range of options provides flexibility and resilience in securing nutrient neutrality over the lifetime of the plan and reduces reliance on any single mitigation mechanism.

Importantly, the Local Plan includes a clear policy back-stop through Policy DS20, which requires all development resulting in increased overnight accommodation to demonstrate nutrient neutrality and secure appropriate mitigation for any positive nutrient budget. This policy approach ensures that, irrespective of the specific mitigation mechanism relied upon, development will not give rise, alone or in combination, to an adverse effect on the integrity of the Stodmarsh designated sites as a result of effects on water quality.

We therefore agree with the HRA conclusion of no AEOL of Stodmarsh SAC, SPA and Ramsar site on the basis that the commitments outlined in this Plan are adhered to.

Stodmarsh sites – functionally linked land

We agree that Stodmarsh SAC should be taken forward to appropriate assessment on functionally linked land. We agree with the HRA conclusion of no AEOL of Stodmarsh SAC on the basis that the commitments outlined in Policy DS20: Habitats of international importance are adhered to.

Thanet Coast sites – recreational disturbance

Your authority has measures in place to manage the potential impact of recreational pressure/disturbance on Thanet Coast and Sandwich Bay in the form of a strategic solution of Strategic Access Management and Monitoring (SAMM) payments.

Natural England has advised that this solution will, in our view, be reliable and effective in preventing adverse effects to Thanet Coast and Sandwich Bay SPA and Ramsar site through recreational pressure provided all mitigation measures are appropriately secured. We advise that some development types will need to be assessed on a case-by-case basis, and proposals for new large residential developments in close proximity to the designated sites or outside of the zones of influence may need further mitigation measures, as outlined in the policy wording of Policy DS20: Habitats of international importance.

We agree with the HRA conclusion of no AEOL of Thanet Coast and Sandwich Bay SPA and Ramsar site on the basis that the commitments outlined in Policy DS20: Habitats of international importance are adhered to.

Please note that Natural England should continue to be consulted on all proposals where provision of site specific bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal.

Thanet Coast sites – functionally linked land

We agree that Thanet Coast and Sandwich Bay SPA and Ramsar site should be taken forward to appropriate assessment on functionally linked land. We agree with the HRA conclusion of no AEOL of Thanet Coast and Sandwich Bay SPA and Ramsar site on the basis that the commitments outlined in Policy DS20: Habitats of international importance are adhered to.

The Swale sites – recreational disturbance

Your authority has measures in place to manage the potential impact of recreational

pressure/disturbance on The Swale in the form of a strategic solution of Strategic Access Management and Monitoring (SAMM) payments.

Natural England has advised that this solution will, in our view, be reliable and effective in preventing adverse effects to The Swale SPA and Ramsar site through recreational pressure provided all mitigation measures are appropriately secured. We advise that some development types will need to be assessed on a case-by-case basis, and proposals for new large residential developments in close proximity to the designated sites or outside of the zones of influence may need further mitigation measures, as outlined in the policy wording of Policy DS20: Habitats of international importance.

We agree with the HRA conclusion of no AEOL of The Swale SPA and Ramsar site on the basis that the commitments outlined in Policy DS20: Habitats of international importance are adhered to.

Please note that Natural England should continue to be consulted on all proposals where provision of site specific bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal.

The Swale sites – functionally linked land

We agree that The Swale SPA and Ramsar site should be taken forward to appropriate assessment on functionally linked land. We agree with the HRA conclusion of no AEOL of The Swale SPA and Ramsar site on the basis that the commitments outlined in Policy DS20: Habitats of international importance are adhered to.

Tankerton Slopes and Swalecliffe SAC - recreational disturbance

We agree with the HRA conclusion of no AEOL of Tankerton Slopes and Swalecliffe SAC on the basis that the commitments outlined in Policy DS20: Habitats of international importance are adhered to.

Blean Complex SAC - recreational disturbance

We acknowledge that neither recreational pressure or urbanisation are currently identified as a threat or pressure for this site. We agree with the HRA conclusion of no AEOL of Blean Complex SAC on the basis that the commitments outlined in Policy DS20: Habitats of international importance are adhered to.

Annex 4: Standard Advice for Air Quality Impacts for Local Plans

Local Plans are likely to generate increased emissions of nitrogen oxides (NO_x) and ammonia, and additional nitrogen deposition as a result of increased traffic generation associated with new development. As impacts from individual development management proposals would be difficult to quantify without an overarching assessment of the cumulative impacts from Local Plan development, it is necessary for this to be considered strategically at plan level. Natural England would expect the environmental assessment of the plan including the Sustainability Appraisal (SA) and the Habitats Regulations Assessment (HRA) to consider any detrimental impacts on the natural environment from these emissions. It should also suggest appropriate avoidance or mitigation measures where applicable. Technical guidance about the ecological impacts from road transport can also be found in the [Natural England research report 'The ecological effects of air pollution from road transport: an updated review'](#) (NECR199).

Protected sites are 'sites of special scientific interest' (SSSIs) and 'habitats sites' (also called 'European sites'). For the purposes of this advice, Habitats Sites are Special Areas of Conservation (SACs), possible SACs, Special Protection Areas (SPAs), Potential SPAs, Ramsar sites, and sites identified, or required, as compensatory measures for adverse effects on Habitats Sites. Although their regulatory frameworks differ, the general principles and approach for air pollution assessment outlined for Habitats Sites are also relevant for SSSIs. Where the following advice applies to both, we use the term protected sites. Where the advice or approach differs, the individual terms are used.

Habitats Sites and SSSIs at risk from local impacts are those within 200m of a road with increased traffic, which feature habitats that are vulnerable to nitrogen deposition and/or acidification. Natural England provides the following standard advice on air pollution. This advice relates to the protection of protected sites under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and the Wildlife and Countryside Act 1981 and should also be taken as Natural England's formal representation under the Town & Country Planning (Local Planning) Regulations 2012. This standard advice is applicable to all stages of the Local Plan process. This includes advice on information that is required to assess air quality and how to interpret the results of air quality modelling for your LPA to conclude whether air quality impacts would have an adverse effect on the integrity of a Habitat site or a SSSI. Detailed guidance on how to undertake a Habitats Regulations Assessment for air pollution impacts generated from traffic can be found here [Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations \(NEA001\)](#).

You should also consider any relevant caselaw that could affect how you carry out any air quality assessments.

Air pollutants

This advice covers the following air pollutants:

- ammonia (NH₃)
- nitrogen oxides (NO, NO₂ or NO_x)
- nitrogen deposition
- acid deposition
- sulphur dioxide (SO₂)

Standing advice on air pollution and development is also available here:

<https://www.gov.uk/guidance/air-pollution-and-development-advice-for-local-authorities>

Whilst the standing advice does not cover Local Plans, it does include additional technical advice which may prove useful. However, in summary, Table 1 provides the steps that we advise should be taken by local planning authorities.

Table 1: Sequential approach to air quality assessments

Stage	Step	Supplemental evidence/ basis for judgment
Initial screening for credible risk of an effect	1	Check Distance criteria - could significant emissions reach a protected site? Yes = move to Step 2 No = no further HRA required The Air Pollution Information System (APIS) includes an introduction to air pollution. APIS provides site specific information on the interest features of individual protected sites and the sensitivity to air quality impacts of those features. For road traffic impacts, roads on the affected road network that lie within 200m of a designated site should be considered. Use Magic Map to check the location of designated sites. Search for the location then select the 'Designations' option.
	2	Check if the qualifying habitats or supporting habitat of qualifying species are sensitive to air quality impacts. Yes = move to Step 3 No = no further HRA required APIS Site relevant Critical Loads and Levels (based on literature and professional judgement) http://www.apis.ac.uk/src/ Some habitats may not have a critical load because there is not enough data. In these cases, you should find the critical load for a similar habitat type or feature. The qualifying features of Habitats Sites can be identified in the relevant Site Conservation Objectives and Supplementary advice packages, which include a definitive list of legally qualifying features. These objectives are available here. Alternatively, a list of qualifying features can also be found by searching for the Habitats Site and SSSIs on Designated Sites View, alongside Conservation Objectives and Supplementary Advice for Habitats Sites. The above links will also show whether any of the qualifying features for Habitats Sites have a Restore or Maintain Conservation Objective in relation to air quality thresholds (critical levels or loads). If the site is a SPA or an SAC/SSSI designated for an animal species (as opposed to a habitat), determine whether the predicted pollution effects on the supporting habitat will have a negative effect on the notified species.
Detailed AQ modelling	3	Undertake detailed modelling using a recognised dispersal model – i.e. Atmospheric Dispersion Modelling System (ADMS) - Roads Unless robust site-specific evidence is provided, we advise the lower range of the critical load should be used in modelling. If there are site specific reasons why it is more appropriate to use the higher end of the range, then this should be clearly evidenced. Air Quality modelling for Local Plans should include relevant scenarios that are clearly identified. We advise an allowance is also made for windfall development. One such example of scenarios is a baseline plus future forecasts as follows: Baseline, future baseline (at end of plan period taking into account background trends for each pollutant), do nothing (without plan), do something (with plan). The Institute of Air Quality Management (IAQM) has produced the following document to assist its members in the assessment of the air quality impacts of development on designated nature conservation sites: air-quality-impacts-on-nature-sites-2020.pdf
Applying screening thresholds	4a	Apply Screening Threshold Alone If below threshold alone, move to step 4b. If above = move straight to step 5 Ascertain the Process Contribution (PC) from the plan or project (emissions and predicted deposition). Apply Screening threshold (1% of critical level or load) alone using the <u>annual averages</u>. If the process contribution is less than 1% of the relevant long-term benchmark

			(Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect <u>alone</u> irrespective of the background levels.
	4b	Apply Screening Threshold In-combination. If below threshold in-combination = no LSE/significant risk of damage etc and no further assessment required. If above = move straight to step 5	Use information from competent authorities (Planning Portal or Environmental Permitting register) to determine if there are plans or projects in the pipeline (not included in the current baseline) that should be considered in-combination for emission from roads/ increase in traffic. For example, add emissions & deposition from other Local Plans together and apply 1% to that sum. If the process contribution is less than 1% of the relevant long-term benchmark (Environmental Assessment Level, Critical Level or Critical Load), the emission is not likely to have a significant effect <u>in-combination</u> irrespective of background levels.
Detailed Assessment of ecological impacts	5	This step is to consider the ecological impacts of AQ on the interest features of the designated site and is not based only on numerical figures. If it is not certain whether sensitive features are located within the areas to be impacted, a site visit may be helpful to determine this. For SSSIs, this step should provide all the information necessary, including any required mitigation, for the LPA to determine if there would be an adverse effect on a SSSI. Should an adverse effect not be ruled out, this will need consideration within the Local Plan Sustainability Appraisal and consideration of the tests of the NPPF (para 193b). If Habitats Sites are impacted by the proposals, move to Step 6.	The following information is likely to be helpful for the LPA: Is the sensitive feature(s) located within the pollution footprint? Should it be there for the site to meet its Conservation Objectives or is there some other, natural reason (e.g. hydrology), why the sensitive feature(s) would not be expected to occur there? Check APIS Trends Tab for reasonable expectation on whether background pollution may be decreasing or not. Assess likely scale and duration of impacts on habitats from emissions. Check whether any strategic initiatives in the area (such as shared nitrogen action plans) would be compromised by the proposals.
Appropriate Assessment (AA) for habitats sites	6	LPA to undertake their AA to conclude whether or not there will be an adverse effect on integrity (AEOI) of habitats sites. Any mitigation proposed by the applicant should also be assessed at this point. Should the AA conclude that the Local Plan would have an AEOI that cannot be excluded with mitigation measures, consider derogation route of the HRA process. Should compensation measures be required under derogation, please contact Natural England for specific advice. Note: If an AA has been undertaken of the proposals <u>alone</u> and concluded that there	Where mitigation is required to enable a conclusion of no adverse effect on integrity to be reached the AA must be able to show that mitigation measures can be relied upon to avoid adverse effects over the full lifetime of the plan. To be viable, such measures should be effective, reliable, timely, guaranteed and of sufficient duration. The assessment of such measures should be supported by evidence. When deciding on whether the proposals set out in the plan will have an adverse effect on Integrity on a Habitats Site, the Conservation Objectives and any supplementary advice should be taken into account. Including whether the site is already exceeding the environmental thresholds for ammonia, nitrogen oxides and nitrogen deposition and has a restore conservation objective.

		will not be an adverse effect on integrity, if there are residual impacts that are not fully mitigated, these will need to be considered in combination with other plans or projects	
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Additional advice

For many protected sites, the current background pollution may already be exceeding the relevant critical load/level from a different source type to the project being assessed (e.g. the main source of background exceedance is due to agriculture, but the proposal is a road scheme). Proposals must consider their own impacts against the relevant environmental thresholds. There are many reasons why background levels are high, but the conservation objective is to 'maintain or restore' air pollutants to within these benchmarks. The objective would be undermined by proposals that add further emissions, including if it compromises any strategic initiatives to reduce air pollution levels.

Where an air quality report concludes that only a very small area of the site will be impacted, the assessment of effects on integrity or damage to the site, should take into account the interest features of the site, their distribution and how they will be impacted by proposals rather than on specific percentages of site. Dependent on features being present in the area to be impacted, this could have a disproportionate impact on the site if an area of a rare habitat type were lost rather than a judgement just on the percentages of habitat.

Improvements in vehicle technology and a move to further electrification of the vehicle fleet will, over time, result in lower background levels of nitrogen deposition and Nitrogen Oxide pollution near to roads. As most sites are currently over the relevant thresholds and have a "restore" objective, this should be noted as a "retardation" of the restore objective and expressed in months and years. Retardation of less than one year is acceptable as air quality is considered against an annual average. Please note that ammonia impacts cannot be assessed in this manner as there is no certainty of a declining trend.

Common Standards Monitoring^[1] is used to define the ecological condition of a protected site. It is undertaken on a broader level and does not currently consider air quality impacts. The relevant benchmark for assessing impacts is the critical thresholds. Therefore, the existing status of a designated site should not be the sole reason for judgement on potential impact.

Defra Emissions Factor Toolkit

The Defra Emission Factor Toolkit (EFT) allows for gradual introduction of electric vehicles into the fleet (cars and LGVs) up to 2050. These are the emission factors we advise that Local Plans should be using (which we advise should also consider ammonia emissions as well as NO_x – using one of three sets of emission factors available). The User Guide to the EFT highlights that calculation tools only support assessment years up to a certain date, reflecting that predictions and assumptions beyond then become less certain. If the Defra EFT is used, any future assumptions of fleet composition must not be made further into the future than specified in the version used.

We therefore advise that emission factors no later than 2030 are used for HRAs– which would mean percentages of EVs are at predicted 2030 levels. A key concern is that, although EVs themselves have no tailpipe emissions, and the percentage of them will increase, the remaining combustion engine vehicles on the road may become more polluting as they age as selective catalytic reduction technology may create 'ammonia slip' over time. Ammonia slip is the unreacted ammonia (NH₃) that escapes from a selective catalytic reduction (SCR) or selective non-catalytic reduction (SNCR) system used to reduce NO_x in exhaust gases.

Motorways within the affected road network

There is potentially an added complexity to the need for in-combination assessments when considering traffic on motorways, as including these roads can mean that the assessment takes account of traffic growth related to strategic factors or long range (external) trips that are independent of the specific plan or project and neighbouring plans or projects. These roads are

strategically important and tend to have high volumes of traffic as well as being well represented in traffic models. The air quality assessment should therefore include traffic flows on these roads, but the external trips can be excluded from the initial screening assessment. A justification and explanation of which journeys are included and excluded in the traffic model should be provided. The conclusions reached on the air pollution impacts of the HRA must be incorporated into the wider HRA conclusions for other impact pathways identified for the local plan.

How to Use this Advice in Decision Making

Provided you have followed the above advice and have been able to conclude there would be no adverse effects on any protected sites we would be able to agree with the conclusions of your HRA in relation to air quality impacts and that the Local Plan is sound in this regard.

Annex 5: Standard Advice for Soil Impacts for Local Plans

In addition to our policy-specific comments, please see below our standard advice for Local Plans regarding soils.

Soil and Agricultural Land Quality

1. The Local Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpin our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver.
2. The [25 Year Environment Plan](#) (25YEP) sets out government action to help the natural world regain and retain good health, including highlighting the need to:
 - protect the best agricultural land
 - put a value on natural capital, including healthy soil
 - ensure all soils are managed sustainably by 2030
 - restore and protect peatland
3. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon and water, the infiltration and transport of water, nutrient cycling, a buffer against pollution and provision of food. In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised.
4. The conservation and sustainable management of soils is reflected in the [National Planning Policy Framework](#) (NPPF), particularly in paragraph 187(a), 187(b) and 188 (footnote 65). When planning authorities are considering land use change, the permanency of the impact on soils is an important consideration. Particular care over planned changes to the most potentially productive soil is needed, for the ecosystem services it supports including its role in agriculture and food production.
5. Plan policies should therefore take account of the impact on land and soil resources and the wide range of vital functions (ecosystem services) they provide in line with paragraph 187(b) of the NPPF.

Soil Plan Policies

1. We strongly advise that at a minimum, the plan includes core policies for:
 - a. the protection of best and most versatile (BMV) agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification (ALC)); and
 - b. for the protection of and sustainable management of soils as a resource for the future.
2. Areas of poorer quality land (ALC grades 3b, 4, 5) should be preferred to areas of higher quality land (grades 1, 2 and 3a).
3. Recognise that development has an irreversible adverse impact on the finite national and local stock of BMV land.
4. Conforms to NPPF and Planning Practice Guidance (Natural Environment and Minerals).

5. Requires detailed ALC surveys to support plan allocations and for subsequent planning applications (for all sites larger than 5 ha). ALC surveys to support plan allocations and for subsequent planning applications for smaller sites (1 – 5 ha) would be welcomed.
6. Recognise that development (soil sealing) has a major and usually irreversible adverse impact on soils.
7. Soils of high environmental value (e.g., wetland and carbon stores such as peatland, low nutrient soils; or soils of high environmental value in the local context) should also be considered as part of ecological connectivity (Nature Recovery Network / Green Infrastructure).
8. Requires soil handling and sustainable soil management strategies based on a detailed assessment of the soil resource based on best practice guidance (for all sites larger than 5 ha), ideally as part of the planning application process for major sites to help inform master-planning, and to safeguard the continued delivery of ecosystem services through careful soil management and appropriate, beneficial soil re-use. Soil handling and sustainable soil management strategies for smaller sites (1 – 5 ha) would be welcomed.
9. Reference should be made to Defra's [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#)
10. In addition, for minerals and other temporary forms of development, plans for reinstatement, restoration and aftercare will be required (or for solar, a commitment to do so if the operational life is in decades); normally this will be return to the former land quality (ALC grade)
11. Refers to soils issues within relevant policy areas such as renewable energy, climate change, green infrastructure and biodiversity net gain, flood schemes, managed realignment, development design and landscaping.

Agricultural land Quality

1. To assist in understanding agricultural land quality within the plan area and to safeguard BMV agricultural land in line with the NPPF, strategic scale ALC Maps are available. Natural England also has an archive of more detailed ALC surveys for selected locations. Both these types of data can be supplied digitally free of charge by contacting Natural England. Some of this data is also available on the [magic](#) website. The planning authority should ensure that sufficient site specific ALC survey data is available to inform decision making. For example, where no reliable or sufficiently detailed information is available, it would be reasonable to expect developers to commission a new ALC survey, for any sites they wish to put forward for consideration in the Local Plan.
2. General mapped information on soil types is available as 'Soilscapes' on the [magic](#) website. Additional information regarding obtaining soil data can be found on the [LandIS](#).

Sustainable Soil Management during construction

1. Sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through provision of suitable soil handling and management advice. The planning authority should ensure that sufficient site-specific soil survey data is available to inform decision making. To include, for example, assessment of suitability of soil properties for type of landscaping and planting proposed to inform beneficial re-use, appropriate soil management, and drainage, where required.

2. Further guidance for protecting soils (irrespective of their ALC grading) both during and following development is available in Defra's [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), to assist the construction sector in the better protection of the soil resources with which they work, and in doing so minimise the risk of environmental harm such as excessive run-off and flooding. The aim is to achieve positive outcomes such as cost savings, successful landscaping and enhanced amenity whilst maintaining a healthy natural environment, and we would advise that the Code be referred to where relevant in the development plan.