

RESPONSE TO THE REGULATION 19 DRAFT CANTERBURY DISTRICT LOCAL PLAN

Individual representation

Submitted by: Peter Orlov

Address: [address to be inserted]

Date: [date]

All references to the NPPF are to the December 2024 edition. Defined terms used in this representation correspond to those used in the Draft Local Plan (“DLP”).

1. Summary

- 1.1 The DLP is, in numerous material respects, inconsistent with national policy in the NPPF, unsupported by adequate evidence as required by paragraphs 32 and 44, and unlikely to be deliverable within the meaning of paragraphs 16(b) and 36(c). It is not, in its current form, capable of being found sound.
- 1.2 This representation is directed principally at Policy W4 (Land at Brooklands Farm), with secondary objections to Policies W7 (Bodkin Farm) and R24 (Broad Oak Reservoir), and cross-cutting concerns regarding strategic highway capacity at Brenley Corner / M2 Junction 7, coastal realignment along Faversham Road, and the overall deliverability of the Plan.
- 1.3 In summary, the Council is invited to:
 - *delete* Policy W4 from the Plan and substitute a more sustainably-located alternative, including consideration of sites dropped from earlier iterations of the draft;
 - *require further evidence* on Policies W7 and R24 before either can properly be found sound;
 - *address the strategic capacity* constraints at Brenley Corner and the consequences of coastal realignment along Faversham Road before adoption; and
 - *renegotiate* a more realistic housing target with Government, supported by deliverability evidence.

2. Policy W4 — Land at Brooklands Farm

Sustainability of location (NPPF paragraphs 7 and 8)

- 2.1 Brooklands Farm is not a sustainable location for development of this scale. 2011 Census data for the Chestfield and south Whitstable LSOAs confirms that travel to work in this area is overwhelmingly by private car or van, with train use marginal. The dominant commuter flow is to Canterbury — the District’s largest employment centre and home to its largest employer, the University of Kent.
- 2.2 AM peak modelled flows in the Kent Countywide Model base year (Jacobs, 14 May 2021) show car flows from Whitstable to Canterbury at least double the reverse flow. A development of approximately 1,400 dwellings at Brooklands Farm will therefore generate substantial car-dependent commuting that the local rail network is unable to absorb — Whitstable has no direct services to Maidstone, Ashford or Dover, a

deficiency made acute by the planned transfer of acute stroke services from Kent & Canterbury Hospital to William Harvey Hospital in Ashford.

- 2.3 A development of this size would be more sustainably located closer to Canterbury — for example land in the vicinity of the University of Kent campus, which has the District's largest employer and a frequent shuttle bus to the city. The Council is invited to revisit those alternative sites.

Designated landscape and the proposed re-designation (NPPF paragraphs 8(b), 20 and 187)

- 2.4 The W4 site forms part of the Blean Woods Area of High Landscape Value ("AHLV"). It was added to the predecessor Blean Woods Special Landscape Area in the 1998 Local Plan; the southernmost part of the site was already included even earlier. The Council's own 1994 Landscape Technical Paper records that the area "form[s] the setting to the Blean Woods SLA complex" and is "vital to the setting of south Whitstable and Chestfield."
- 2.5 The Council's 2001 Blean Woods and Stour Valleys Landscape Appraisal records that the views "of the woodland edge and of the woodland in its broader landscape setting are also important to the distinctive character of the Special Landscape Area and are of countywide importance." That is precisely the landscape role performed by Brooklands Farm.
- 2.6 The DLP proposes to redraw the boundary of the renamed Blean Woods Local Landscape Designation along the A299, removing Brooklands Farm from the protected area. The principal justification offered in the LUC 2021 Local Landscape Designations Review is that the A299 follows the floor of the valley. That is factually incorrect: the A299 crosses the valley on bridges and passes through cuttings between them. It is notable that the LUC 2021 report is published with author and approver names redacted. The proposed re-designation appears to be a means of facilitating development at Brooklands Farm rather than a defensible landscape assessment.
- 2.7 The proposed re-designation is in addition inconsistent with the Council's own approach elsewhere in LUC 2021 (which proposes to add the Amery Court farmland and the Sarre Penn valley to the same designation), and runs contrary to NPPF paragraph 20 (provision for conservation and enhancement of natural environments) and paragraph 187(a) (protection of valued landscapes).

Loss of open space, recreation and public health (NPPF paragraphs 8(b), 39, 96, 103, 104)

- 2.8 Public footpaths CW21 and CW27 cross the site and are intensively used by local residents for walking, exercise and connection with the natural environment. The replacement of unspoilt rural footpaths in close proximity to a substantial urban population, where no equivalent open space is proposed, fails NPPF paragraph 104(c). A landscaped urban park with tarmac paths, mown grass and street lighting is not equivalent provision for the purposes of paragraph 104(c) where the existing

provision is unspoilt countryside with brooks, hedgerows, ancient woodland, skylarks and brown hare.

- 2.9 W4 forms part of a pattern of cumulative loss of locally accessible rural footpaths and green space — see also the Grasmere Gardens (CA/17/00469) and Whitstable Heights (15/01296) developments, the redevelopment of Church Street Playing Field, application 23/00379 (Land south of Thanet Way), and the proposed W7 development at Bodkin Farm. No cumulative open space assessment has been undertaken. Once W4, W7, W5 and 23/00379 are delivered, no open-landscape rural footpath will remain within easy walking distance of central Whitstable.
- 2.10 The Plan also fails to engage with the present state of local health infrastructure. East Kent Hospitals Trust was placed on an Intensive Recovery Programme in April 2026 following the declaration of a Critical Incident at Queen Elizabeth the Queen Mother Hospital, Margate, in January 2026. A&E provision for Whitstable residents is 18 miles distant by road. No new hospital or significant capacity uplift is proposed in the Plan. Local GP capacity is, by the open admission of practising local GPs in current planning correspondence (see for example response of Dr M Davies to application 25/00779), unable to absorb a development of this scale on the s.106 contributions on offer. The Plan therefore fails paragraphs 8(b), 39 and 96.

Biodiversity and irreplaceable habitats (NPPF paragraphs 8(c), 187, 193)

- 2.11 Brooklands Farm supports an unusually rich mosaic of habitats for a site of its size and location: natural brooks with riparian margins, traditional cattle pasture, ancient woodland (Convicts Wood and Longtye Wood, both Local Wildlife Sites and outliers of the Blean ancient woodland complex), arable fields with uncultivated borders, and traditional hedgerows.
- 2.12 Documented species on or immediately adjacent to the site include hazel dormice (a European Protected Species), bats, slow-worms, brown hare (a Priority Species in the Kent & Medway Local Nature Recovery Strategy), at least 66 bird species (including skylark, swallow, whitethroat, blackcap, buzzard and kestrel), at least 14 butterfly species, and Mousetail (*Myosurus minimus*) — a native plant previously considered probably extinct in Kent (Philp, 2010). The Heath Fritillary butterfly, one of the UK's rarest and fully protected, is present in Clowes Wood approximately 700m south.
- 2.13 The applicant's biodiversity submission for the corresponding planning application 25/00779 does not so much as mention Mousetail; the habitat sustaining it would be eliminated entirely. Reliance on the Statutory Biodiversity Metric is, in this site, misleading: the Metric models habitat categories, not biodiversity, and cannot reproduce either ancient woodland or the established ecological networks that link Convicts Wood and Longtye Wood with the wider Blean via the Swalecliffe Brook and the existing agricultural underpasses beneath the A299.
- 2.14 NPPF paragraph 193(c) requires that development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, be refused. The proximity of Longtye Wood and Convicts Wood to the proposed urban edge — and the inevitable opening of those woods to public access — will cause precisely such deterioration

through recreational pressure, garden waste, fly-tipping, predation and disturbance by domestic pets, light pollution and background urban noise. The Plan provides no credible mitigation.

- 2.15 The site also lies approximately 300m from the West Blean and Thornden Wood SSSI at Woodside Wood, accessible via the existing A299 underpasses. Adverse effect on the SSSI from increased recreational and pet-related disturbance is inevitable on the scale of development proposed. NPPF paragraph 193(b) therefore counts against W4.

Evidence base — traffic and infrastructure (NPPF paragraphs 32, 44)

- 2.16 The strategic modelling underpinning the Plan is, on the modellers' own account, "not intended to determine ... detailed junction performance, or the acceptability of individual development proposals" (Jacobs, 2026). On its face it does not provide adequate evidence of the cumulative impact of policies W4, W7 and HB5 on the principal local highway nodes.
- 2.17 Two specific evidential gaps are apparent and material:
- (a) The cumulative effect of policies W4, W7 and HB5 on the A2990 / Chestfield Road roundabout has not been modelled to the necessary level of detail. In particular, the modelling does not adequately address junction blockage caused by queues from nearby signalised pedestrian crossings. The applicants in the corresponding planning applications have argued that the modelling guidance permits omission of crossings more than 20m from the give-way line. The supplier of the modelling software (TRL Software, correspondence of 30 April 2026) has expressly confirmed that this interpretation is incorrect: any feature that could influence junction performance, including back-blocking from a crossing, should be included irrespective of distance.
 - (b) The capacity of the eastbound A299 at Brenley Corner (M2 / A2 / A299) is not realistically addressed. The Bodkin Farm transport assessment (RPS, 2024) shows eastbound A299 flows in excess of 4,000 vehicles per hour in the 2045 PM peak — approximately twice the practical capacity of a single eastbound lane through a give-way / signalised slip arrangement. The Department for Transport's Road Investment Strategy contains no funding for Brenley Corner upgrades. The Plan therefore relies on highway capacity that will not exist within the Plan period.
- 2.18 There is also a further deliverability question on the relieving infrastructure within W4 itself. The policy requires the developer to deliver a new A299 / Radfall junction "before occupation of 50% of the total new homes." That is not a guarantee. A developer may build to that threshold and stop. The Grasmere Gardens development (CA/17/00469, c.300 dwellings) remains substantially incomplete more than six years after permission was granted; the 50% threshold therefore offers little practical assurance that the relieving junction will be delivered before, or even shortly after, the congestion it is intended to relieve.
- 2.19 Press reports of subsidence on the A299 New Thanet Way and its overbridges, and an outstanding £63m central government funding bid, raise the further prospect of

partial closure of the A299 — in which case the A2990 would be gridlocked. The Plan does not address this scenario.

Flood risk, water and sewage (NPPF paragraphs 161, 164, 187, 198)

- 2.20 Flood risk evidence is inadequate over the lifetime of the development. The Environment Agency's flood modelling extends only to approximately 2070. The catchment of the Swalecliffe Brook is approximately 20 sq km of London clay, with very limited infiltration; flash flooding is the dominant hazard. Replacement of arable land (which loses substantial volumes of waterlogged surface water through evaporation) with hard surfaces and SUDS materially alters the surface hydrology in ways the evidence base does not interrogate. SUDS function only if maintained; they are not fail-safe over the 60+ year design life of the development. The Council's Level 1 Flood Risk Assessment (January 2026) is also out-of-date in its description of the Brook, misstating its source and failing to recognise that its mouth has migrated approximately eastwards since 2016.
- 2.21 Water supply for the Whitstable area is already under stress, as evidenced by South East Water bottled-water deliveries in summer 2025. R24 (Broad Oak Reservoir) is the Plan's proposed answer, but as set out at section 4 below, R24 is itself problematic.
- 2.22 Sewage flows from W4 will be processed through Swalecliffe sewage works and discharged into the shallow waters off Swalecliffe and Tankerton, immediately adjacent to the Long Rock Ramsar site, SSSI and Special Protection Area. Onshore winds redistribute effluent onto the beaches. PFAS contamination is not removed by standard wastewater treatment (Environment Agency, 2021); there is no published monitoring of PFAS in the receiving waters at Swalecliffe. NPPF paragraph 198 (sensitivity of the receiving environment) is engaged and not adequately addressed.

Coastal change (NPPF paragraph 184(b))

- 2.23 The Plan does not engage with the consequences of the probable closure of Faversham Road as a result of coastal erosion (DEFRA Shoreline Management Plan 4A07B; CCC member statements as reported in Daily Express, 21 September 2025). Faversham Road provides the only practical local alternative to the A299 when the A299 fails. Its loss is not modelled in the Plan's traffic evidence and no replacement infrastructure is proposed. This is a material failure to comply with NPPF paragraph 184(b).

Heritage (NPPF paragraphs 208, 213)

- 2.24 The Clowes Wood Barrows — a Scheduled Ancient Monument, most probably early Bronze Age — sit on the northern slope of Clowes Wood in immediate intervisibility with the W4 site. Historic England's record notes that this type of funerary monument "rarely survives in the clay areas of south eastern England." The monument's setting includes the open farmland between it and the coast — in which it has stood for approximately 4,000 years, and which is likely to have been the pastoral landscape in

which it was constructed (cf. early Bronze Age livestock remains revealed by coastal erosion at Swalecliffe: Slaughter, 2022).

- 2.25 W4 would place urban development in the immediate foreground of the barrows' coastal aspect, materially diminishing the significance of a designated heritage asset. NPPF paragraph 213 requires "clear and convincing justification" for any such harm. The Plan provides none. There is no record of any assessment of the impact on the heritage asset's setting as required by paragraph 208.

Community engagement (NPPF paragraph 16(c))

- 2.26 W4 has consistently been the single most-objected-to policy in this Local Plan process. In the 2024 Draft Local Plan to 2040 consultation, W4 received 2,040 written comments — almost double the next most-objected policy (C12 University of Kent site, at 1,244). The Council's retention of W4 in the face of that sustained and overwhelming local opposition raises a legitimate question whether the engagement required by paragraph 16(c) has been "effective" in any meaningful sense.

Conclusion on W4

- 2.27 Policy W4 is in conflict with NPPF paragraphs 7, 8, 16, 20, 32, 36, 39, 44, 96, 103, 104, 106, 116, 135, 161, 164, 184, 187, 193, 198, 208 and 213. It should be deleted from the Plan and replaced by a more sustainably-located alternative. The Council is invited in particular to revisit sites considered but dropped in earlier iterations of the draft.

3. Policy W7 — Bodkin Farm

- 3.1 Bodkin Farm lies within the Whitstable–Herne Bay Green Gap (Policy OS7 in the adopted 2017 Local Plan). Planning applications in the Gap have twice been refused with appeals dismissed (CA/14/01319 — which itself proposed a school — and CA/24/01560). The DLP offers no principled basis for departure from the Green Gap policy.
- 3.2 The traffic-evidence concerns set out at paragraphs 2.16 to 2.17 above apply equally to W7. They are compounded by the existing constraint at Chestfield railway bridge, where the pedestrian footway is 1.42m wide and is also the only inter-platform access route at Chestfield & Swalecliffe station. No published safety assessment addresses the pedestrian flows generated by a 6-form-entry secondary school combined with continuing primary-school traffic in the opposite direction. The footway cannot practically be widened.
- 3.3 The proposal to site secondary schools under both W7 and HB5, less than 1km apart, lacks credibility. As observed by Members at a recent CCC planning committee, one of the two school sites will almost certainly be released for further housing in due course. The Plan should not be found sound on the basis of a school provision that is unlikely to be delivered as proposed.
- 3.4 The site lies within a wildlife corridor linking the Blean Woods SSSI with the coastal Ramsar / SPA / SSSI complex at Long Rock. W7 in combination with HB5 would sever

that corridor. Recorded species include hazel dormice (European Protected Species), bats, common lizards, slow-worms and significant seabird use of the fields at high tide. The Plan fails NPPF paragraph 187(d).

- 3.5 The independence of KCC's Highway Authority advice on W7 is in question. KCC is both the Highway Authority and the prospective beneficiary of land and capital funding for the proposed school. Where the same statutory consultee stands to gain materially from a policy on which it provides advice, the Council should obtain independent verification of the highway position before W7 is found sound.

4. Policy R24 — Broad Oak Reservoir

- 4.1 The proposed abstraction points on the Great Stour and Little Stour are downstream of sewage treatment works at Canterbury, Westbere, Preston, Chartham, Chilham, Wye, Ashford, Charing, Lenham and other settlements. Wastewater treatment works are recognised by the Environment Agency (2021) as among the highest-risk sources of PFAS contamination, and standard wastewater treatment does not remove PFAS. The Plan does not adequately address how PFAS will be removed from water supplied for public consumption from R24, or what residual risk remains. NPPF paragraph 96 (healthy and safe places) is engaged.
- 4.2 South East Water has indicated (at a presentation to the Canterbury Society in early 2026) that funding for the reservoir is not in place and may need to be sought from non-government third parties. The deliverability of R24 within the Plan period is therefore uncertain. NPPF paragraphs 16(b) and 36(c) are engaged.
- 4.3 Before R24 can properly be found sound, the Council should require South East Water to assess (i) abstraction points further upstream, and/or (ii) an alternative reservoir location, against the existing scheme.

5. Cross-cutting issues

- 5.1 Brenley Corner / M2 Junction 7. As set out at paragraph 2.17(b) above, modelled 2045 eastbound A299 flows exceed the practical capacity of the existing junction by a factor of approximately two. The DfT Road Investment Strategy contains no funding for upgrades. The Plan cannot properly be found sound on the basis of an assumed highway capacity that is not funded and will not exist within the Plan period.
- 5.2 Coastal realignment. As set out at paragraph 2.23 above, the probable closure of Faversham Road as a result of coastal erosion is not addressed in the Plan's traffic evidence base and no replacement is proposed. NPPF paragraph 184(b) requires planning for the relocation of development and infrastructure away from Coastal Change Management Areas. The Plan does not do so.
- 5.3 Deliverability. The Grasmere Gardens precedent (c.300 dwellings, more than six years to deliver) is direct local evidence that the Plan's assumed delivery rate is unrealistic in this market. The aggregate Plan target of approximately 25,407 new homes over 16 years assumes a rate of delivery that the local market does not, on current evidence, sustain. The Council should consider whether the housing target should be

renegotiated with Government on the basis of evidenced absorption rates and the infrastructure capacity actually available.

6. Conclusion

6.1 For the reasons set out above, the DLP in its current form is not consistent with national policy, is not supported by an adequate evidence base, and is not deliverable. Specifically:

(a) Policy W4 (Brooklands Farm) should be deleted and replaced with a more sustainably-located alternative.

(b) Policies W7 and R24 require further evidential work before they can properly be found sound.

(c) The Plan's reliance on highway capacity at Brenley Corner that will not exist within the Plan period, and its failure to plan for the loss of Faversham Road, are material deficiencies in the evidence base.

(d) The overall housing target should be reconsidered against evidenced deliverability.

6.2 I request the opportunity to appear at the Examination in Public in respect of these representations.

Yours faithfully,

Peter Orlov