



The Planning Inspectorate

---

# Report to Canterbury City Council

**by Mike Moore BA(Hons) MRTPI CMILT MCIHT**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 15 June 2017**

---

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Canterbury District Local Plan**

The Plan was submitted for examination on 20 November 2014

The examination hearings were held between 14 July and 29 July 2015 and between 19 July and 22 September 2016

File Ref: PINS/J2210/429/5

## Abbreviations used in this report

AHLV	Area of High Landscape Value
AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
AONB	Area of Outstanding Natural Beauty
CHP	Combined Heat and Power
CIL	Community Infrastructure Levy
DCLG	Department for Communities and Local Government
DRS	Development Requirements Study
DPD	Development Plan Document
EA	Environment Agency
HMA	Housing Market Area
HMO	House in Multiple Occupation
HNR	Housing Needs Review
HRA	Habitats Regulations Assessment
HRR	Herne Relief Road
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LGS	Local Green Space
LP	Canterbury District Local Plan
MM	Main Modification
NE	Natural England
NP	Neighbourhood Plan
NR	Network Rail
OAN	Objectively Assessed Need
ORR	Office of Rail and Road
PPG	Planning Practice Guidance
PM	Policies/Proposals Map
PSF	Primary Shopping Frontage
RIGS	Regionally Important Geological/Geomorphological Site
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SLA	Special Landscape Area
SNHP	Sub National Household Projections
SPA	Special Protection Area
SPD	Supplementary Planning Document
SRR	Sturry Relief Road
SSA	Strategic Site Allocation
VA	Viability Assessment
WHS	World Heritage Site
WMS	Written Ministerial Statement

## **Non-Technical Summary**

This report concludes that the Canterbury District Local Plan provides an appropriate basis for the planning of the District, provided that a number of main modifications (MMs) are made to it. Canterbury City Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared a schedule of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Increase objectively assessed housing need to 800 dwellings per annum or 16,000 dwellings over the plan period;
- Include a commitment to assess the latest sub national household projections and undertake a partial review of the plan if necessary;
- Amend requirements for Strategic Site Allocations, including the relationship with Herne and Sturry Relief Roads;
- Introduction of additional Strategic Site Allocations at Thanington and Whitstable;
- Introduction of additional smaller housing sites;
- Changes to approach to affordable housing for consistency with national policy;
- Changes to approach to gypsy and traveller accommodation for consistency with national policy;
- Update policies as a result of the Government's housing standards review;
- Deletion of some employment sites, including at Canterbury West Station;
- Clarification of retail hierarchy and approach to the Wincheap Retail Area;
- Phasing of new retail convenience goods floorspace provision over the plan period;
- Amend approach to heritage assets for consistency with national policy;
- Amend approach to development affecting European wildlife sites;
- Deletion of Local Green Space at West Beach, Whitstable;
- Deletion of Green Gap between Canterbury and the University of Kent;
- Amend references to the relationship between the plan and Supplementary Planning Documents or other reports and strategies; and
- Various other changes to ensure that the plan is legally compliant, effective, justified and consistent with national policy.

## **Introduction**

1. This report contains my assessment of the Canterbury District Local Plan (LP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the LP's preparation has complied with the duty to co-operate. It then considers whether the LP is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework ('the Framework') (paragraph 182) makes it clear that, in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Canterbury District Local Plan Publication Draft, submitted in November 2014 is the basis for my examination. It is the same document as was published for consultation in June 2014.

## **The Examination Process**

3. The hearings part of the examination was planned to take place in two stages, commencing in July 2015 with consideration of legal compliance (including the duty to co-operate), the overall strategy, the scale and distribution of development and the strategic site allocations (referred to in this report as the Stage 1 hearings). This was to be followed in September 2015 with the non-strategic aspects (the Stage 2 hearings).
4. However, after Stage 1 was concluded I issued my preliminary findings on a number of matters. At the hearings Canterbury City Council ('the Council') had accepted that on adoption the plan would be unlikely to result in a 5-year housing land supply. There were also issues concerning the delivery of critical infrastructure and viability relating to the strategic allocations. Accordingly, the Stage 2 hearings were postponed. Amongst other things, the Council undertook further work that sought to remedy these concerns.
5. The Council consulted on a number of additional proposed housing sites with an accompanying Sustainability Appraisal. I have taken account of the representations made. It also undertook further technical work on infrastructure and viability. The hearings resumed in July 2016 with Stage 2 considering not only the outcome of this additional work and the response to it but also the outstanding non-strategic matters.

## **Consultation**

6. Concern has been expressed at the Council's pre-submission consultation process. However, on the evidence before me the Council has generally followed the principles set out in its adopted Statement of Community Involvement (SCI) (2007). Although this predates the Framework, this accords with its aim of engaging a wide section of the community. The public consultation was full and wide-ranging, engendering a significant response, including many critical of the LP. This indicates that the consultation process gave residents and other interested persons an adequate opportunity to express their views.

7. There has been criticism of the number of documents produced by the Council after consultation on the submission LP had taken place and therefore which had not been subject to consultation. However, a great many of the documents in the evidence base had been published prior to the June 2014 consultation. Some of the documents produced after consultation (for example, the Topic Papers) were drawing together the Council's case from other published information. It is inevitable that as part of a process of seeking to resolve objections or concerns there will be some further documents produced and new information will become available.
8. In accordance with my Examination Guidance Notes participants were able to comment on the implications of the additional documents in their further written statements to the Examination. This also applied to the additional documents produced as a result of my conclusions on the Stage 1 hearings. In some instances they featured in the list of matters, issues and questions that I had identified for the examination. Many respondents have taken these opportunities to comment on the additional documents and their views have been taken into account in my consideration of the LP.
9. During the Stage 1 hearings I was asked by the Council if, in the light of what it had stated in the Publication Draft consultation material, I would consider the representations that were made on the Preferred Options consultation that took place in 2013. There is no requirement to do this under the Regulations, but in the particular circumstances here I have complied with the request. However, what I have read does not change the list of matters, issues and questions. Document CDLP 3.8, submitted in accordance with Regulation 22, is a fair summary by the Council of the main issues raised at that stage.
10. There is concern that the Council did not properly consider the consultation response to the additional housing sites identified following my preliminary findings on the housing land supply. In particular, it is suggested that it did not comply with Regulation 22 in terms of producing a summary of main issues raised and how the representations made were taken into account.
11. The Council has produced a brief summary of the issues raised in the consultation (CDLP 16.29.31). It was given the opportunity to comment on the response but in the event declined to do so in detail, simply confirming that the representations did not affect its overall position as agreed prior to the consultation.
12. Regulation 22 relates to the plan as submitted for examination. As such, it does not apply to what happened during the examination, including to the consultation that took place post submission on possible changes to the plan. The Council cannot change its plan once submitted for examination. The responses to its consultation are matters for me to consider in determining what changes, if any, are necessary to make the plan sound. These in turn have been subject to public consultation as main modifications (see below). This does not give rise to an issue of legal compliance therefore. The Council's consultation itself would appear to be consistent with the approach used during the preparation of the submitted plan in the context of the SCI and drew a substantial public response.

## Main Modifications

13. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
14. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report. In this light I have made some amendments to the detailed wording of the main modifications, mainly for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

## Policies Map

15. The Council must maintain an adopted Policies Map (referred to by the Council as a Proposals Map – PM) which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission PM showing the changes to the adopted PM that would result from the proposals in the submitted local plan. In this case, a submission PM (CDLP 1.1b) has been included with the LP document. To show the changes made to that in the adopted PM the Council has submitted a further document 'Proposal Map Changes from Adopted Local Plan 2006 to Publication Draft June 2014'.
16. The PM is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the PM. In addition, there are some instances where the geographic illustration of policies on the submission PM is not justified and changes to it are needed to ensure that the relevant policies are effective.
17. These further changes to the PM were published for consultation alongside the MMs (Changes to the Proposals Maps, February 2017 – document CDLP 16.29.61).
18. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted PM to include the changes proposed in CDLP 1.1b as amended or added to by the further changes published alongside the MMs in CDLP 16.29.61.

## **Assessment of Duty to Co-operate**

### **Background**

19. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
20. Under the Act there is a legal duty for local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. If an authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.
21. The Council has summarised the engagement that has taken place in Topic Paper 5: Duty to Co-operate Statement. There is a record of meetings with key stakeholders in the Consultation Statements and further information in terms of some Committee papers and minutes was provided during the examination.

### **Other District Councils**

22. The Council is a member of the East Kent Regeneration Board, comprising five District Councils and the County Council. It is supported by a Chief Executives' Forum and ensuring compliance with the duty is one of its objectives. It will clearly provide a focus for ongoing engagement on strategic matters.
23. There is clear evidence of collaboration between the local planning authorities of East Kent in a number of areas, including on provision for travellers' accommodation (Joint Gypsy and Traveller Accommodation Assessment, 2014) and green infrastructure. In terms of housing, in 2009 a Strategic Housing Market Assessment (SHMA) was produced for the whole of the East Kent area. Since then the individual Councils have moved forward their Core Strategies or full Local Plans at different paces. The approach is one of the East Kent authorities meeting their own objectively assessed housing needs in their plans. This was confirmed by the individual Councils at the hearings. In that context, significant joint working on this aspect would not be necessary.
24. In the case of Swale Borough Council, in 2013 a request had been made to Canterbury and other local Councils to accommodate some of its unmet housing needs, which Canterbury considered that it could not meet. Since then the Swale Local Plan has been submitted for examination. This commits that Council to an early review. Swale's position is that, in the context of its unmet need being from a relatively self-contained housing market, the short term nature of this need and the review mechanism, it is no longer necessary to address unmet need elsewhere. It has resolved that there is no longer a need to co-operate with Canterbury on this matter.
25. Dover District Council made representations on the submitted plan relating to proposed new retail floorspace at Wincheap and the Council's approach to mitigation of European designated wildlife sites. A duty to co-operate issue was not raised at that stage. However, in a further statement prior to the

hearings Dover expressed concern that the process followed by Canterbury was not sufficient to enable them to assess whether the impacts of the LP's proposals would be acceptable and therefore whether engagement was appropriate. Since then Canterbury has undertaken further analysis of the retail requirements and capacity and there have been meetings between the two Councils. While not ideal, the co-operation prior to submission was adequate and I am therefore not persuaded that this amounts to an issue of such significance that the duty to co-operate has been breached. In terms of habitats mitigation this was a detailed matter in which the Council was still engaged in discussions with Natural England and relates to soundness rather than the duty.

26. In conclusion, there is clear evidence of joint working with concrete outcomes in some areas. Taken as a whole there has been sufficient collaboration with neighbouring Councils for the duty to be satisfied.

### **Mayor of London and the GLA**

27. While there is a list of prescribed bodies for the purposes of the duty, whether the Council should engage with each and every one of them will depend on the particular circumstances of the individual case. The possibility that London may not be able to accommodate all its housing needs arose in the Report of the Inspector who examined the Further Alterations to the London Plan, published in November 2014. The Mayor/GLA have begun a process of dialogue with Councils in the South East in which Canterbury are participating and will no doubt continue to do so as appropriate. However, given its distance from London and, until November 2014, no indication of possible unmet needs from London for South East Councils to address, there has not been a breach of the duty to co-operate by Canterbury in this case.

### **Kent County Council**

28. The City Council has been jointly preparing a District Transport Strategy with Kent County Council, a revised draft of which was submitted with the LP. Concern has been expressed about approval of the draft Strategy by the County Council and various aspects of the working relationship between the two Councils on transport and highways matters. However, the duty is not a duty to agree. In any event, the County Council has endorsed the principles of the Transport Strategy. The preparation of the Strategy, the supporting traffic modelling and further action by the County Council as highway authority during the examination are evidence of sustained joint working and the duty has clearly been achieved in this respect.

### **Office of Rail and Road**

29. The LP includes allocations for employment or residential use at existing car parks adjacent to Canterbury West Station. This includes some land owned by Network Rail (NR). The Office of Rail and Road (formerly the Office of Rail Regulation) (ORR) is a prescribed body for the purposes of the duty and its consent is required before NR can dispose of land. There is no evidence of any correspondence or liaison with the ORR. However, these are allocations carried forward from the existing Local Plan adopted in 2006. The Council had some discussions with NR about the emerging new LP. Development on the



car parks could potentially have implications for access to the station and its fast HS1 services to London (considered further under soundness, below). However, I consider that this is essentially a local matter relating to access for residents of Canterbury city and the surrounding area. As such, it is not a strategic matter to which the duty would apply.

## **Natural England**

30. Natural England (NE) is a prescribed body. NE submitted representations on the submission Local Plan expressing concern that it could not conclude that the LP would not have a significant effect on internationally designated sites. Again, the duty is not a duty to agree. However, local planning authorities should make every effort to secure the necessary co-operation on strategic cross boundary issues before they submit their Plans for examination. There were meetings between the Council and NE prior to submission. Since then there has been a constructive dialogue between the Council and NE and a Statement of Common Ground agreed based on various suggested modifications to the LP. NE has recorded how the Council has worked positively to resolve its concerns. While agreement had not been reached pre-submission, co-operation to that point was adequate. There has been ongoing constructive engagement and on that basis the duty has been complied with in this regard.

## **Conclusion**

31. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the LP and that the duty to co-operate has therefore been met.

## **Assessment of Legal Compliance**

### **Sustainability Appraisal**

32. The LP was submitted with a Sustainability Appraisal (SA), June 2014, prepared by AMEC Environment & Infrastructure Ltd. Subsequently there have been two Addenda relating to the Council's consultation on proposed amendments to the plan to address the 5-year housing land supply and to the MMs. My principal consideration is whether this amounts to reliable evidence underpinning the selection of the spatial strategy and the allocated sites. The main comments relating to the SA concerned the approach to the consideration of alternatives, whether a 'paper chase' is required to understand the SA, the selection of the preferred sites, cumulative effects of development and transport, and the description of the environmental characteristics of the area.
33. In 2010 the Council appraised nine broad spatial strategy options in the Core Strategy SA. An option that combined elements of five of these was considered the most appropriate basis for further consideration. The Council then produced a Development Requirements Study (DRS) which included 10 different scenarios for the amount of development. These were appraised

against the 16 SA objectives and a preferred scenario selected. Whereas the DRS was not accompanied by a compliant SA there was an appraisal in a Technical Note which used the same methodology as the subsequent SAs.

34. The quantum of development chosen from the DRS was substantially greater than that used in the initial spatial alternatives and it is suggested that the preferred spatial option should have been revisited in that context. However, the Council undertook an appraisal of the Preferred Option Local Plan in 2013 which included two alternative configurations of sites - 'Canterbury Focus' and 'Coastal Towns and Hersden Focus'. The process by which the Plan has evolved and the alternatives considered is set out in both the 2013 and 2014 SAs. The Plan has been assessed against reasonable alternatives.
35. The evolution of the submission LP has taken place over a number of years from the Core Strategy Development Options in 2010. Accordingly, there have been various iterations with SA work taking place alongside them. This is summarised in the submitted SA which includes the findings and the reasons for selecting preferred options. It does not contain all the detail of earlier documents but provides sufficient information for it to be understood how the submission LP had been derived. This could not be described as an extended paper chase.
36. The SA sets out the process by which sites were selected in terms of their relationship with the overall spatial strategy, having regard in particular to transport and infrastructure delivery considerations and the relationship with other LP policies. 181 sites were appraised in the first instance and another 19 added following the Preferred Option consultation. All were appraised in the same manner against the 16 SA objectives.
37. Reference has been made to possible errors and inconsistencies in the way that different sites have been scored in the SA, arguably to the disadvantage of some strategic omission sites or other potential allocations. The SA has been prepared over a long period and it is inevitable that some circumstances may change. However, this does not significantly undermine the reliability of the SA. The scores against the different SA factors are often a matter of planning judgement and, overall, this has been exercised reasonably. I have considered further the position of some of the strategic omission sites in my consideration of soundness, below.
38. The cumulative effects of the Plan as a whole are identified in section 3.5 and Table 3.15 of the SA. These include the effects on the transport SA objective. The cumulative effects of policies are assessed on a chapter by chapter basis with commentary where appropriate.
39. The SA includes a summary of the key sustainability issues for Canterbury, describing its environmental characteristics in some detail. It cannot reasonably be characterised as lacking in this regard. Overall, the 2014 SA and its subsequent Addenda are an appropriate part of the evidence base.

### **Habitats Regulations Assessment**

40. In June 2014 the Council undertook a Habitats Regulations Assessment (HRA) to inform screening for appropriate assessment which concluded that the LP

was not likely to result in significant effects on European sites. However, NE raised concerns with the submission LP as it needed more detail on impacts in order to determine their effect on the integrity of the European sites. The Council then produced Topic Paper 3: Habitat Regulations Issues, which included additional evidence, and a further HRA (both November 2014). NE and the Council then agreed the Statement of Common Ground incorporating suggested MMs to the LP on the basis of which NE were able to conclude that the LP would have no likely significant effects.

41. It has been contended that the wording of Policies SP7 and LB5 was such that they permitted the possibility of likely significant effects and therefore an appropriate assessment should have been undertaken. There was some confusion over the relationship between the 2014 HRAs and Topic Paper 3 in this regard. This is clarified in the document entitled Habitat Regulations Assessment (CDLP 10.14) (June 2016). It confirms that the June and November 2014 HRA documents constitute stage 1 or screening assessments. In the light of the concerns raised by NE on its findings a second stage or appropriate assessment was undertaken which was detailed in Topic Paper 3. CDLP 10.14 includes a series of appendices that contain the earlier reports and details of avoidance, monitoring and mitigation measures. The Council considers that these documents taken together constitute the HRA. Having regard to the conclusions of the HRA and the position of NE, I consider that overall the Council has complied with the legal requirements in respect of the Habitats Regulations.

### Other Legal Compliance Matters

42. The version of the Local Development Scheme (LDS) submitted with the LP had not been formally adopted. This was remedied by securing approval at a full Council meeting in July 2015. The updated current version was adopted by the Council in June 2016.
43. **MM187** introduces into the LP a list of those policies in the adopted Local Plan that are superseded. This is required by the Regulations and therefore necessary for legal compliance.
44. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all subject to the above MM.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The LP has been prepared in accordance with the Council's LDS (June 2016).
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in April 2007. Consultation on the LP and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.

Habitats Regulations Assessment (HRA)	The Habitats Regulations Assessment (June 2016) sets out why, with the avoidance, monitoring and mitigation measures proposed, the LP will not have a likely significant effect on European sites. Natural England supports this.
National Policy	The LP complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The LP complies with the Act and the Regulations.

## Assessment of Soundness

### Main Issues

45. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified 14 main issues upon which the soundness of the Plan depends. In some cases the issues identified previously for the purposes of the examination process have been merged or recast for this report. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

### **Issue 1 – Whether the spatial strategy has been positively prepared and is soundly based and justified, presenting a clear spatial vision for the District in accordance with national policy.**

#### *Vision and objectives*

46. 'At a Crossroads: Canterbury Futures Study', published in 2006, identified possible outcomes for the District over the next 20 years, with stakeholder consultation influencing its conclusions. In the light of the changed economic circumstances following the economic downturn after 2008 the study was revisited in 2011 and its time horizon extended to 2031. This concluded that the 2006 preferred scenario remained valid but could be harder to achieve. The Study identified three preferred outcomes that form the basis of the spatial vision and four high level plan objectives set out in the LP. In that regard, the Study provides an appropriate context for the LP. The vision and objectives do not contain empirical targets or projections of the future but are expressed in broad aspirational terms. To that extent, they are also appropriate in providing a strategic direction for the plan.
47. Public opinion research carried out by Ipsos MORI in 2011 found some level of public support for the scale of development in the emerging LP at that time but also particular concerns about the loss of greenfield land and traffic congestion. There has been some criticism of the weight given by the Council to the conclusions of this research but the LP has evolved through a number of stages since then with significant further consultation on the Preferred Options as well as on the submission LP. The research findings have not been misinterpreted or had a disproportionate effect on the submitted LP.

*Presumption in favour of sustainable development*

48. The general approach to the presumption in favour of sustainable development set out in Policy SP1 is similar to that in a model policy produced in the past by the Planning Inspectorate. However, it differs in various respects. The approach to the presumption is set out in the Framework and **MM2** is necessary for SP1 to be consistent with national policy in this regard.
49. The Framework indicates that plans should be positively prepared, with local planning authorities positively seeking opportunities to meet the development needs of their areas. Development which is sustainable should be approved without delay. Many of the individual LP policies are expressed in a restrictive way indicating that development should not take place unless various criteria are met. A more positive wording for these for consistency with the support for sustainable development in the Framework is necessary as part of **MM37, MM39, MM42, MM44, MM47, MM61, MM65, MM69, MM146, MM155, MM156, MM167, MM168, MM169, MM170, MM175, MM176, MM177** and **MM178**.

*Alternatives*

50. The process of sustainability appraisal, considered above under legal compliance, involved the identification of broad spatial strategy options. Having regard to my earlier conclusions on the SA, reasonable alternatives to the overall spatial strategy in terms of the scale and distribution of development have been considered. There is also a clear audit trail summarised in the SA showing how and why the preferred overall spatial strategy was arrived at. The process undertaken by the Council and the evidence in general demonstrates that it is the most appropriate strategy.

*Settlement hierarchy and location of development*

51. In addition to the urban areas of Canterbury, Herne Bay and Whitstable, the LP identifies a rural settlement hierarchy comprising a rural service centre (Sturry), local centres, villages and hamlets. As well as the specific allocations made in the LP, the general approach to development in these different categories is set out in Policy SP4.
52. The Framework does not require the identification of a settlement hierarchy. However, it can enable the LP to take account of the different roles and character of different areas, promoting the vitality of main urban areas and supporting thriving rural communities. It can assist in ensuring that development is appropriate in scale and character to the features of individual settlements. Given the diversity of settlements here, the principle of a hierarchy is justified.
53. In this case, the hierarchy is supported by the findings of the Council's Rural Settlement Hierarchy Study of Canterbury District (2011). While this predates the Framework it nevertheless sets out comprehensively the social, economic and environmental features of each settlement. Taking account of the results of the Study, the categories in the settlement hierarchy are appropriate and justified.

54. Although there have been changes to some of the facilities or services in individual settlements since the report was produced, in general these are not so significant that they would lead to a different conclusion as to the appropriate position for individual places in the hierarchy. However, for clarity and effectiveness the settlements should be named against the categories in Policy SP4 and not just recorded in supporting text (**MM16** in part).
55. Development proposals on unallocated sites would be considered in the first instance against the provisions of Policy SP4. Given the reliance on the Strategic Site Allocations in meeting a significant share of the development needs of the area, it is important that this policy provides an appropriate degree of flexibility in dealing with windfall sites. As such, **MM16**, amongst other things, amends the policy to link development to the size and character of the settlement rather than to whether the proposal would be small scale or minor. Other than for the main urban centres, the PM does not define settlement boundaries. This will also provide flexibility as the most restrictive element of the policy will only apply to the open countryside. With this modification, the strategic approach to the location of development in Policy SP4 has been justified. It will assist in ensuring that the overall strategy is sufficiently flexible to respond to an unexpected change in circumstances.
56. The main urban area boundaries on the PM reflect the physical form of development on the ground rather than the administrative boundaries of town or parish councils. This is the correct approach as they then enable planning considerations to be addressed in an appropriate manner. In this context, the inclusion of Herne village within the Herne Bay urban area is carried forward from the adopted Local Plan PM. While the A299 passes between the village and the main part of the urban area, the juxtaposition of development either side of the road justifies the retention of the existing boundary here.

### *Conclusion*

57. I conclude that, with the MMs identified above, the spatial strategy has been positively prepared and is soundly based and justified, presenting a clear spatial vision for the District in accordance with national policy. The soundness of the detailed LP policies is considered in the remainder of this report, with MMs recommended where appropriate. Subject to that, the LP policies generally reflect the identified spatial vision and objectives.

### **Issue 2 – Whether the housing strategy has been positively prepared and whether the overall level of housing provision and its distribution are justified and appropriate.**

#### ***Objectively assessed housing needs***

##### *Housing market area*

58. The Framework requires that a Local Plan should meet the full, objectively assessed needs (OAN) for market and affordable housing in the housing market area (HMA). The Council's SHMA was produced jointly with other east Kent authorities but dates from 2009. It shows a complex pattern of HMAs mainly contained within each District but with some overlapping rural markets. However, following clarification from Swale Borough Council as to their

approach to apparent unmet housing needs, the position of neighbouring authorities, confirmed at the hearings, is that they are all aiming to meet their needs within their own administrative areas. Canterbury is also seeking to meet its own needs and, as such, those of the local housing market areas are capable of being addressed. Overall, the Council has taken an appropriate approach to defining the HMA.

### *London's housing needs*

59. The possibility that London may not be able to accommodate all its housing needs and may look to other Councils in the South East to assist was considered above under the duty to co-operate. In terms of soundness, the aim of boosting significantly the supply of housing would not be best served by delaying the LP until it is clear whether Canterbury should be planning to receive any unmet needs. This should be considered in a future review of the LP if necessary.

### *Total amount of objectively assessed housing needs*

60. The Council's conclusions on OAN were considered at the Stage 1 hearings and I came to a view on these in my preliminary findings. Subsequently, in July 2016, the Department for Communities and Local Government (DCLG) published new 2014-based sub national household projections (SNHP). I first consider those preliminary findings before going on to address any implications of the new projections.
61. The LP provides for 15,600 dwellings over the period 2011 to 2031 - 780 dwellings per annum (dpa). This was initially based on Scenario E of the DRS undertaken in 2012 by Nathaniel Lichfield and Partners (NLP). In the context of the requirements of the Framework and the publication of 2012-based SNHP in 2015, NLP undertook a Housing Needs Review (HNR) dated April 2015. The national Planning Practice Guidance (PPG) confirms that the SNHP are the starting point estimate of overall housing need. In the case of Canterbury this amounts to an annual increase of 597 new households between 2012 and 2031. Allowing for vacancy and second homes, NLP convert this to 620 dpa and no evidence was presented that would lead me to a different conclusion.
62. The PPG indicates that the housing need number suggested by household projections should be adjusted to reflect appropriate market signals. The HNR identifies problems with house prices, rents and affordability in Canterbury compared to England and Kent. An uplift of 10% to reflect a modest pressure of market signals has been used by Inspectors in other examinations. However, here NLP conclude that the scale of market signal pressure is greater than modest, such that on reasonable assumptions the uplift should be more than 10% with 20% used by way of illustration to give a need figure of 744 dpa.
63. The HNR has updated two of the economic-led scenarios that were part of the 2012 DRS. The housing need number is increased to 717 dpa to bring it in line with the unconstrained projections of employment growth used in the earlier study and to 803 dpa to reflect the higher job growth associated with Scenario E.

64. The 2012-based SNHP show lower rates of household formation than earlier national projections, most likely due to the reduced rates of household formation seen through the recession. To carry this trend forward might result in some needs not being addressed. To reflect this, NLP modelled a 'partial catch-up' scenario taking effect from 2018 assuming higher rates of household formation and resulting in a 6% increase in needs to between 744 and 853 dpa.
65. Following the approach set out in the PPG, the HNR identified a range of affordable housing needs of between 490 and 740 dpa. To deliver this based on the proportion of affordable housing (30%) sought in the Plan would require between 1,623 and 2,467 dpa, an amount far in excess of the overall needs identified in the HNR. There is no persuasive evidence that the housing market would support this scale of building throughout the plan period. I consider that simply increasing housing provision in the Plan to these levels would not be an effective way of addressing affordable needs.
66. In the light of these considerations, NLP concluded that full OAN was likely to most reasonably fall with a range of between 744 and 853 dpa. 803 dpa is within the middle of the range and may be seen as an appropriate measure of full OAN. NLP indicated that this may be seen as equivalent to the 780 dpa scenario used to inform the requirement in the Plan.
67. While other projections of housing need, both higher and lower, were put before the Stage 1 part of the Examination, I am satisfied that the HNR is a technically competent and robust basis on which to determine the OAN and that the range it has identified has been justified. However, within that the amount of uplift to be applied to the starting point estimate is a matter of judgement. The PPG indicates that establishing the future need for housing is not an exact science and that no single approach will provide a definite answer. Although the Council's preferred figure of 780 dpa falls within the HNR range it does not flow from its results. The market signals uplift of 20% is a very significant one and there would be a degree of overlap between that and some of the other needs assumptions. In that context, figures in the upper end of the range would not be appropriate. The middle range figure of 803 dwellings identified by NLP would be almost 30% higher than the 620 dpa starting point.
68. Taking these factors in the round it seemed to me that 803 dpa would achieve an uplift that took reasonable account of market signals, economic factors, a return to higher rates of household formation and affordable housing needs. Accordingly, my preliminary finding was that this represented the full OAN for the LP area. It should be rounded to 800 dpa for the purposes of the Plan – a further 400 dwellings over the Plan period (16,000 in total).
69. While the PPG has not been revised since the publication of the 2014-based SNHP and refers to the 2012-based projections as the most up-to-date estimates of future household growth, it also indicates that local needs assessments should be informed by the latest available information. As such, it is appropriate that the implications of the new projections for the LP are considered. Following their publication, parties were consulted on possible



implications and there was an additional session on this at the Stage 2 hearings.

70. Local Plans should be kept up-to-date. The PPG indicates that a meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued. In this case the 2014-based projections show about 16,400 additional households (820 per annum) over the plan period. Although the 2012 and 2014- based projections have different base years and the total household estimates for the preceding early years of the plan period are different, there is clearly a significant increase of about one-third on the 2012-based. The main cause of this difference is the underlying population projections rather than any changes to household formation rates. The projections were based in part on earlier sub-national population projections produced by the Office for National Statistics.
71. Notwithstanding the change in the projections, the Council's view is that the current Plan (with the proposed main modifications) will meet identified needs and therefore no further amendments are required. It points to the 2014-based projections being not dissimilar to my OAN figure of 800 dpa. However, this takes no account of the possibility of an uplift to the amount, as has been included when determining the OAN for the submitted LP in the context of the PPG. The large student population in Canterbury is a factor that may have implications for the projections but this would also be a consideration for those produced earlier.
72. In the time available, the Council has not been able to undertake a detailed reassessment of OAN. While parties have had an opportunity to make submissions on this matter, there are only limited comments on what the OAN figure should be in the light of the new projections.
73. It has been suggested that the examination could be suspended or paused so that the OAN can be reassessed and, if appropriate, further housing sites identified. These could be taken from the SHLAA sites promoted in representations. However, the LP was submitted in November 2014 and the examination has been delayed by the need for further work on, amongst other things, the housing land supply. It is important that the Council has an up to date plan in order to contribute to the achievement of sustainable development, consistent with the principles and policies set out in the Framework. It would provide certainty for the allocated sites and for development management generally.
74. The length of any suspension of the examination cannot easily be predicted as it would be dependent on the outcome of a detailed assessment of the implications of the 2014-based projections. The Council's updated housing trajectory shows provision for some 17,600 new dwellings over the plan period as a whole, well in excess of the 16,000 requirement that I had recommended. This would provide some flexibility in accordance with the need to boost significantly the supply of housing. As such, the resolution of these matters is not so critical to the LP that it would justify further delay.
75. In the context of all these considerations, the pragmatic and appropriate way forward is for the LP to commit the Council within a fixed timescale to a

thorough assessment of the implications of the new projections, with a partial review of the Plan if this shows that further housing sites are needed. The Plan should therefore be based on an OAN of 800 dpa as in my preliminary findings. MMs are necessary to ensure that the plan is justified and effective in this regard (**MM3, MM21**).

### *Needs of different groups*

76. The Framework requires that Councils should plan for a mix of housing based on the needs of different groups in the community. The PPG indicates that the overall housing figure should be broken down by tenure, household type and household size. The LP itself does not include such a breakdown but indicates that the mix of tenures, size and types of homes should reflect local needs and will be addressed on an individual site basis.
77. The SHMA has assessed the needs of different groups but was produced in 2009. However, more recent evidence on affordable housing is included in the HNR and the more up to date demographic projections include some information on different households. For students as a group the need is linked to the plans of the universities in Canterbury and the LP proposes joint working as the means of ensuring that is met. The LP has taken appropriate account of the need for a mix of housing.

### **Land Supply**

#### *Overall position*

78. The Framework requires that the Council should identify and update annually a supply of specific deliverable sites, sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer. It goes on to indicate that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable sites. There should be a reasonable prospect therefore that, on adoption, the LP will ensure the delivery of a 5 year supply of housing land.
79. On submission of the plan the Council calculated that, having regard to the provisions of the LP, it had 6.4 years supply of housing land. However, in May 2015 the Council and Kent County Council, as highway authority, agreed a position statement concerning the Sturry crossing and relief road. The effect of this would be that a number of the strategic housing allocations (part of Strategic Site Allocations – SSAs) could not come forward until the relief road was constructed. Accordingly, taking account of various other adjustments, the Council recalculated the land supply as 5.26 years in its hearing statement. Then, following discussions at the Stage 1 hearings, the Council revisited its calculation and some of the assumptions. The reworked figure showed about 4.2 years supply against the Council's OAN of 780 dpa and would self-evidently be less against my figure of 800 dpa.
80. As a result of this, amongst other things, the Council was asked to review the omission or SLAA sites to assess whether there were any that were sustainable and could be brought forward quickly to contribute to the 5-year

supply. Further information was requested on the Sturry Relief Road (SRR) and its relationship with sites in the supply.

81. The Council identified some further sites and suggested the deletion of others. Following public consultation on this the Council estimated that the supply would be 5.74 years from an April 2015 base. It also changed its approach to some of the critical infrastructure relationships. There was further discussion on these matters at a Stage 2 hearing in July 2016, as a result of which the Council reviewed more recent evidence on likely delivery rates and revised the figure to 5.39 years. The base year reflects the most recent housing monitoring data provided by the Council and it is intended that this will be updated to April 2016 in due course. I turn to consider the Council's methodology and assumptions in more detail.

### *Shortfall*

82. There is a shortfall against the requirement in the early years of the Plan period. The Council has sought to meet this past undersupply across the whole of the remaining plan period (the 'Liverpool' method). However, the PPG indicates that this should be dealt with in the first 5 years of the plan period where possible (the 'Sedgefield' method).
83. The Council points to the reliance of a number of the SSAs on critical infrastructure, including the SRR, which would mean slower delivery in the short term. The 10 SSAs in the submitted LP would provide over 65% of the Council's housing requirement figure over the plan period and, if endorsed, would help to secure the local boost in the supply of housing that the Government is seeking.
84. The shortfall in the April 2015 based calculation is about 1,300 dwellings – significantly more than the annual requirement for the Plan period as a whole. Given the likely lead times on any new sites coming forward, if Sedgefield were to be used the shortfall would not be materially addressed until years 4 and 5 of the period at the earliest. The Council's trajectory already shows a very significant increase in completions in those years. If the full shortfall were added then, in my estimation, the completions required in those years would be substantially higher than ever achieved over the last 20 years, including at the top of the market. Notwithstanding that the land supply may have been restricted in the past, the likely difference is so large that this would be an unrealistic assumption even if more sites were allocated.
85. The PPG allows the possibility that a method other than Sedgefield could be used. In this case the need for a realistic approach points to the Liverpool method as the means of securing the aspiration of addressing the past shortfall, as proposed by the Council.

### *Buffer*

86. The Framework requires that the Council should provide an additional buffer of 5% above the 5 years' worth of housing sites against the housing requirement in order to provide choice and competition in the market for land. This should be increased to 20% where there has been a record of persistent under delivery. The Council has assumed a 5% buffer.

87. In line with many other Councils, house completions in Canterbury dropped back significantly after 2008/09 due to the recession. Recent completion rates have been below that envisaged in the LP. However, variations around the annual requirement are to be expected. Taking the longer term view, including both peaks and troughs of the housing market cycle, and measured against the requirements of the former South East Plan which was operative over much of this time, the Council had a good record of cumulative delivery. In this context, there has not been persistent under delivery of housing and the Council's assumption of a 5% buffer, added to the 5 year requirement including the shortfall, is justified.

#### *Windfall sites and lapsed planning permissions*

88. Windfall sites can be taken into account in the 5 year land supply if there is compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. In this case the Council has shown that windfalls have accounted for almost 49% of all completions since 1993. However, this should be treated with some caution as windfalls are sites not identified as available in the Local Plan process. Rates can therefore depend on the provisions of the development plan and its age. In this case the saved policies of the extant Local Plan date from 2006.

89. In that context, the Council has proposed a windfall allowance of 138 dpa for small sites only (less than 5 units) based on the rate achieved between 2006 and 2014 and excluding garden land. No allowance is made for larger sites which have made a significant contribution to supply in the past. Certain changes of use to residential are now permitted development. In its most recent calculation of the land supply the Council has removed windfall completions from the first 3 years of the 5 year period as these are most likely to be included already as planning permissions. In the light of these considerations the Council's windfall allowance is clearly justified.

90. The Council has not made any provision for the possibility that some existing planning permissions may lapse. There is no requirement for this in either the Framework or the PPG. No evidence has been presented on fallout rates. In the light of the conservative assumption made about windfalls I consider that a specific estimate of lapsed permissions is not necessary in this case.

#### *Sites*

91. The Council estimates that its proposed additional site allocations would result in over 550 additional dwellings in the 5-year supply period. In addition, it considers that, as the timescale for and means of delivery of the SRR have been clarified, some of the SSAs are no longer constrained and can now contribute housing to this supply. However, critical to the land supply calculation remains the relationship of some SSAs to the SRR and lead times and build out rates for strategic sites in general.

92. For the SRR the Council has committed part funding from the South East Local Enterprise Partnership and has agreed Heads of Terms with the developers of the Sturry/Broad Oak and North of Hersden SSAs and Kent County Council in terms of the remaining funding and delivery of the scheme. There is

reasonable certainty that the road will be delivered as intended and in that context would not be a constraint on other strategic sites.

93. The justification for the housing allocations in the submitted plan and the additional sites identified by the Council and their deliverability is considered under Issues 4 and 6. Overall, in terms of lead times and build out rates, concern has been expressed that these are too optimistic, requiring good progress to be made on all sites with little room for slippage. However, the Council has shown how its development management procedures, with an emphasis on pre-application discussions, have led to a good recent record in determining major planning applications without delay, including those for some of the SSAs. The projected build out rates relate to more recent evidence, including from developers of the strategic allocations. There is a tendency for developers to be over optimistic about delivery on their sites but I note that the Council has not accepted their assumptions in all cases.
94. As the delivery rate information in the current 5-year land supply calculation is much more recent (July 2016) than the base year (April 2015), this has resulted in significantly higher numbers of house completions in the final years of the supply period than at the beginning. However, if I were to find that the Council could not demonstrate a 5-year supply, given the lead times involved it is in any event likely that any significant contribution that additional sites would make would not be until those later years.
95. I have considered whether, in the light of the Council's reliance on larger sites, a 'stepped' approach to the housing trajectory would be appropriate. This would entail a lower requirement in the earlier part of the plan period so affecting the 5-year land supply calculation. However, based on the evidence on the deliverability of the strategic sites and with the shortfall being addressed across the whole of the plan period in any event, such an approach is not justified at this time.
96. Some further evidence relevant to the 5-year land supply was submitted in representations on the MMs. It was suggested that, in the light of this new information, the supply requirement would not be met on plan adoption. Amongst other things, this would be due to delays and slower delivery rates on some of the SSAs.
97. The land supply calculation is a snapshot at a particular moment in time. There is a Framework obligation on the Council to monitor and update its land supply on an annual basis. Before or shortly after the LP is adopted it has indicated that it intends to have rolled forward the supply calculation. In which case, the SSAs are likely to be able to make a more substantial contribution than in the current period. The changes to Policy SP4 as a result of **MM16** will introduce a greater degree of flexibility in determining planning applications on potential windfall sites which will assist the Council in fulfilling its role.
98. Sustained progress on implementing the SSAs is likely to be critical to maintaining an on-going 5-year supply. The reliance on these sites and the tight current assessment is a weakness for the LP. However, on the evidence before me, tested at the hearings and based on parties involved in delivery doing as they intend, there is a reasonable prospect that there would be a

supply of specific deliverable sites sufficient to provide 5 years worth of housing against the requirements. For clarity, and therefore effectiveness, **MM26** is necessary to set out how the current land supply (5.34 years) has been calculated and the assumptions on which it is based.

99. In the period beyond the 5-year supply the SSAs should be on stream and delivering completions. While the housing trajectory (in tabular form), updated for clarity and consistency (**MM184**), shows a reduction in annual completions towards the end of the plan period, the total provision across the whole period is well in excess of the requirement. This provides flexibility and overall the LP is likely to result in an appropriate supply of specific deliverable sites or broad locations for growth in the plan period beyond 5 years.
100. The Framework requires local planning authorities to set out a housing implementation strategy for the full range of housing, describing how they will maintain delivery of a 5-year supply of housing land to meet the housing target. The Council does not have a separate implementation strategy document. The approach here is for annual monitoring of different types of housing against needs and the expectations of the LP, identifying areas where the strategy is not being delivered and requires more immediate review. The Council's development management practice in relation to the SSAs will assist in maintaining delivery. The LP is not unsound as a result of this approach.

### ***Distribution***

101. The strategic approach to the location of development is set out in Policy SP4 with the urban areas being the principal focus. The distribution of new housing between different settlements and parts of the plan area is generally in accordance with this overall spatial strategy. Reasonable alternatives to the distribution of housing development were considered as discussed above in the context of the spatial strategy options.
102. The Framework encourages the re-use of previously developed land. The LP SA considers the use of land (Objective 14), including the promotion of previously developed land, and potential housing sites have been considered through the SA process. The LP itself has sought to achieve this aim, linking it to what is described as a sequential approach to the location of development, with the focus on the urban centres. However, given the amount of new housing needed and the rural character of much of the plan area it is unsurprising that most of the new allocations are on greenfield sites. For windfall sites, Policy SP4 emphasises the main urban areas as the principle focus for development where opportunities to re-use land are likely to be greater. Overall, the plan has an adequate approach to new housing development on previously developed land.

### ***Phasing***

103. The LP refers to the phasing of housing development in the context of 5 year bands. Phasing can be justified where there is a clear link to the provision of essential infrastructure or services. However, limiting the release of land for reasons other than the delivery of key infrastructure could prevent sites coming forward at the earliest opportunity in accordance with the national aim of boosting significantly the supply of housing. In this case, the bands have

not been justified and their deletion in **MM22** is necessary for the LP to be effective.

### ***Other aspects and conclusion***

104. In February 2017 the Government published its Housing White Paper, 'Fixing our broken housing market'. All of its proposals relevant to plan making are subject to consultation before any new policy or regulatory changes would come into force later this year. The Council will in due course need to consider if the plan should be reviewed in the light of this new policy or statutory requirements. However, I am satisfied that the White Paper does not materially affect my conclusions on the soundness of the LP.

105. With the MMs indicated the LP will assist in boosting significantly the supply of housing and the housing strategy is sufficiently flexible to adapt or respond to changed or new circumstances. I conclude that the strategy has been positively prepared and the overall level of housing provision and its distribution are justified and appropriate.

### **Issue 3 – Whether the infrastructure requirements for the Local Plan are soundly based and deliverable and whether there are clear mechanisms for implementation and monitoring?**

#### *General*

106. The Council's Draft Infrastructure Delivery Plan (IDP) identifies the key infrastructure necessary to support the development proposed in the LP. There is clear evidence of ongoing working with those organisations responsible for infrastructure and facilities. Taking account of their comments on the LP, the identification by the Council of a number of items as critical to the delivery of the LP is justified. They are all transport schemes, required in relation to the SSAs (A2 Bridge Interchange, SRR, Herne Relief Road (HRR) and South Canterbury Fast Bus Link) and to address existing issues and retail needs at Wincheap (A2 eastbound off slip and A28 Wincheap Relief Road). The relationship between these transport projects and development is central to the success of the LP strategy. Their individual justification and prospect of delivery are considered elsewhere in this report.

107. The IDP sets out the likely cost and potential funding sources for the infrastructure needed and provides sufficient clarity in this regard. The delivery of various bus priority improvements in Canterbury and the A28-A257 link road are seen as the infrastructure required in the early years of the plan and it is clear how they will be funded and provided.

#### *Transport*

108. The draft Canterbury District Transport Strategy 2014-31 sets out an approach to transport issues that aligns with the LP and is reflected in the principles set out in Policy T1. The forecasts of traffic growth relating to this approach are provided by the VISUM transport model. There have been a series of reports relating to model validation and testing of development scenarios. The most recent update, in March 2016, incorporates the transport measures and development envisaged in the LP. The model has a 2008 base year and, as

such, uses data from that time. Since then there has been growth in the student population in particular. However, bespoke accommodation generally has no car parking for the students and the evidence indicates that overall traffic levels have been fairly constant since the mid 2000s. A 2012 validation report concluded that the model met the standards set by the Department for Transport.

109. The model is mainly focused on the city of Canterbury and its immediate area, where it provides a fine level of detail, whereas zoning is at a coarser level elsewhere. This reflects the character of the area. A particular consideration is the effect on the Canterbury ring road. The model remains an appropriate basis for forecasting peak traffic flows and assessing the overall impact of development. It shows potentially significant increases in travel demand and journey times, especially at the city of Canterbury.

110. The Strategy proposes to reduce the forecast potential increase in vehicle trips by encouraging alternatives to the private car, a car parking strategy and reducing travel demand, as well as through new highway schemes. It provides an appropriate basis for the LP in general terms.

111. In and around the city of Canterbury the Strategy seeks to address the cumulative traffic impact of the SSAs and other developments. These include the critical infrastructure identified above but also other smaller schemes or initiatives relating to walking, cycling and public transport. The detailed transport impacts of individual developments will need to be assessed as specific proposals come forward but in principle, with the measures proposed, the traffic impacts of the development envisaged in the LP are capable of being addressed to the extent that they would not be severe.

112. A number of the LP Policies facilitate the use of sustainable modes of transport. Policy T2 safeguards the cycle and pedestrian routes shown on the PM. Other proposals for cycle and pedestrian routes have been promoted in representations but these are not essential to the soundness of the plan. Appropriate provision is made for bus and rail improvement measures in Policies T3 and T4.

113. Policies T5 to T7 ensure that land is identified for the expansion of the Canterbury Park and Ride sites at Wincheap and Sturry Road and for the relocation and expansion of the New Dover Road site as part of the South Canterbury SSA. These are justified as part of the overall Transport Strategy. With an appropriate reference to impacts on nature conservation interests (**MM82**) Policy T8 provides appropriate guidance for park and ride facilities at Whitstable.

114. In addition to the expanded Park and Ride facility, the LP identifies a package of measures to address existing and forecast traffic problems at Wincheap. These include the A2 off slip road and an A28 relief road through the industrial estate. They relate to retail proposals at Wincheap and other development in the locality and are likely to be secured through a mixture of developer and public funding some of which is already in place. Highways England has raised no in principle objection to the slip road. There is a reasonable prospect that the measures can be funded and implemented in the required timescale.



115. The justification and delivery of the other main improvements to the highway network (included in Policies T12 to T15) are considered under the relevant SSAs in Issue 4.
116. The Written Ministerial Statement (WMS) of March 2015 indicates that local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network. In this case it has not been shown that there is a case to impose standards across the District that meets this test. In order for Policy T9 to accord with national policy therefore **MM84** is necessary to ensure that compliance with the Council's standards is not a requirement. **MM116** in part achieves the same change for Policy DBE3. Furthermore, as the Framework requires that policy on local standards should be set out in the Local Plan, the introduction of a new appendix containing the appropriate advisory standards is necessary and achieved through **MM81**, **MM83** and **MM186**.

#### *Other infrastructure and services*

117. The Water Resources Management Plans affecting the District have taken account of anticipated development. There have been no in principle objections to the LP from the water companies. On the submitted evidence water resources should not be a constraint on development in the plan period. The possibility of a new reservoir at Broad Oak is a preferred option for South East Water in the longer term. Further details on this proposal and its impacts are required but the LP makes appropriate reference to it.
118. It is not necessary for the policies for every individual site to refer to the need for suitable arrangements for the disposal of foul water. A general reference in Policy CC13 (**MM108**) will ensure that the LP is effective in this regard. Based on the available evidence, waste water infrastructure is unlikely to be a significant constraint on development.
119. The IDP shows that the Council has been working with a range of providers responsible for education and other elements of social and community infrastructure. Overall, this supports the assumptions about the requirements for those facilities. However, the more general expression of these in individual policies, including the more general wording for the SSAs used in **MM4** to **MM14**, is acceptable as it provides flexibility when detailed proposals for development come forward for consideration.

#### *Implementation*

120. The PPG indicates that evidence should be proportionate to ensure that plans are informed by a broad understanding of viability. Assessing the viability of plans does not require individual testing of every site and site typologies may be used. In this context, the approach that has been taken in the Viability Assessment Main Report (2012) (VA) and its subsequent updating reports is an appropriate methodology.
121. The Council's viability evidence has taken account of the likely infrastructure requirements and policies on housing standards and affordable housing provision. The overall viability of development has been appropriately

assessed and the implementation of the LP as a whole would not be put at risk.

122. The Council has indicated that it intends to introduce a Community Infrastructure Levy (CIL) once the LP is adopted. In the meantime it will be subject to the limitation on the pooling of five or more planning obligations under CIL Regulation 123. It has indicated that in its view all the identified critical infrastructure could be delivered by less than five contributions. On the submitted evidence there is reasonable certainty that would be the case. However, there would still be other transport or community infrastructure which the IDP identifies as requiring CIL funding, particularly to address the impacts of development taking place on smaller sites.
123. The Written Ministerial Statement of 28 November 2014 and changes to the PPG include a requirement that tariff-style contributions should not be sought through planning obligations on small developments. The Council envisages that this will not have significant implications for the LP. Whereas for the SSAs s106 agreements and other mechanisms compliant with the Regulation 123 limits would be used, on smaller sites CIL would be applied to fund other measures in any event. The Council will need to bring forward a CIL promptly to ensure that this intention is achieved.
124. The approach to infrastructure requirements generally complies with CIL Regulation 122 where they would be sought by means of planning obligations. However, **MM87** and **MM136** are necessary to ensure that the provision of public art in developments accords with the Regulation tests.
125. There are several LP policies (including SP3, SP7, EMP11, TCL10, and LB1) where there are references to Supplementary Planning Documents (SPDs), development briefs or other reports as a mechanism to assist with implementation. These are in many cases worded in such a way as to confer development plan status on the other documents. However, they have not been subject to the same process of preparation, consultation and examination as a local plan. **MM15, MM20, MM51, MM78, MM79, MM80, MM90, MM144** and **MM147** would ensure that the policies reflect legal and national policy requirements in terms of the role of SPDs and other documents in relation to the development plan.
126. The LP briefly sets out an intention to monitor delivery of the strategic and other development sites through its annual monitoring mechanisms. Examples of annual monitoring reports form part of the evidence base and this is an appropriate way to manage and monitor plan implementation.
127. I conclude that the infrastructure requirements for the LP are soundly based and deliverable, with clear mechanisms for implementation and monitoring.

## **Issue 4 – Whether the Strategic Site Allocations are justified and deliverable**

### **General**

128. The LP identifies 10 Strategic Site Allocations (SSAs) in Policy SP3 which would be the focus for a significant part of the new development needed in the area. They are located in or on the edge of existing settlements.
129. The Council's approach to the identification and selection of sites is set out in the Strategic Housing Land Availability Assessment (SHLAA) Summary of Methodology and Assessment of Sites (2013), updated in 2014 to take account of further site submissions and comments made during the Preferred Options consultation. The SHLAA sites were also subject to sustainability appraisal. The basis on which the Council allocated sites (and rejected others) is clear and robust on the evidence of the process of selection and evaluation.
130. Most of the SSAs are on greenfield sites and many would involve development on best and most versatile agricultural land. The Framework requires that the economic and other benefits of such land should be taken into account. Where significant development of agricultural land is demonstrated to be necessary local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
131. The District has a significant amount of best and most versatile agricultural land. One of the SA objectives relates to the use of land. It seeks to deliver more sustainable use of land in more sustainable location patterns. The SA identifies a key question as being whether the plan would promote the wise use of land and has generally recorded significant negative impacts where best and most versatile land is involved. There is a limited supply of previously developed land and there are many factors that need to be balanced in determining which sites should be allocated for development, having regard to national policy. Overall, the site identification process has taken appropriate account of agricultural land quality. Where an SSA contains best and most versatile agricultural land, I have taken this into account in the consideration of that individual site, alongside those other significant material factors identified below.
132. The infrastructure and service requirements for each site are set out in Policy SP3. To provide an appropriate degree of flexibility in some instances and updating to reflect changed circumstances since the LP was submitted, **MM5** to **MM10** include some changes to these provisions. With these MMs the policy would be effective in providing an appropriate balance between flexibility and certainty. General considerations of the traffic and other infrastructure implications of development have been mainly considered under Issue 3 rather than under individual SSAs. The outcome of this has nevertheless been taken into account in the conclusions on the SSAs. Policies OS11 and DBE12, taken with the changes in **MM172** and **MM136**, will ensure that SSAs make proper provision for public open space, including for sport.
133. The Council's VA did not address each SSA individually but examined a range of scenarios for a number of site sizes. An additional report, Provision of Further Economic Viability Assessment of Strategic Sites and a Whole Plan

Assessment in Canterbury District (October 2014), examined various strategic site typologies. The subsequent Viability Assessment of Strategic Sites in Canterbury District (April 2016) assessed the viability of the SSAs, including the two additional allocations to address the 5-year land supply, with 30% affordable housing. Promoters of the sites were asked for information that would aid the assessment. I am satisfied that the update to the VA is based on reasonable assumptions and a robust methodology. Whereas there may be some variation when detailed proposals come forward there is reasonable certainty that the SSAs can be delivered having regard to the policies in the LP.

134. The LP intends that development briefs should be prepared for each of the SSAs prior to granting planning permission. However, given the need to boost significantly the supply of housing this additional step could unnecessarily delay progress on sites. As part of **MM15** the Council has proposed that the development brief approach should be replaced with a requirement that masterplans for each SSA are submitted with any planning application for all or part of the site. The Council would retain control as development would still have to accord with the LP requirements. The MM is necessary to ensure that the LP is effective.
135. LP Appendix 1 includes draft illustrative layout plans for some of the SSAs. While these will have assisted during public consultation they do not represent the only possible outcomes and may be misleading if retained in the adopted LP. The modified Policy SP3 would include provision for masterplans to be submitted in any event. Accordingly, **MM4** and **MM183** delete the appendix.
136. Policy SP3 expects development on the SSAs to reflect 'garden city' principles. The Framework recognises that the supply of new homes can sometimes be best achieved by planning for larger scale development that follows such principles. While avoiding unnecessary prescription, for the LP to be effective in this respect some overall guidance on what these principles would entail is necessary. The Council's **MM183** would add an appendix to the LP that would achieve this.
137. Where appropriate, the PM changes extend the urban area boundaries for Canterbury, Herne Bay and Whitstable to include the SSAs. This is a logical consequence of the allocation of these sites.

### **Canterbury sites**

#### *Site 1 – South Canterbury*

138. The LP proposes an urban extension that would include 4,000 dwellings, 70,000sqm of employment floorspace and local shopping and local community facilities. There would be a relocated and extended park and ride site and provision for the relocation of the Kent and Canterbury Hospital.
139. The site comprises mostly open farmland on the edge of the city but includes the Old Dover Road park and ride site. Most of the SSA is within the Canterbury Area of High Landscape Value (AHLV). Policy LB2 refers to development within this AHLV as having regard to the historic setting of the city and the Canterbury World Heritage Site (WHS). The proposed

development of the site could potentially affect this setting, including as perceived from the approaches to the city in the sector.

140. The Bell Harry Tower of the Cathedral is the tallest structure in the city centre and is the focus of a number of long distance views including those identified in the Canterbury Conservation Area Appraisal (2010). These include views with the Tower set against the backdrop of the valley sides that form part of the setting of the city. However, the location of the site and the topography of the area limit any inter-visibility with the Tower.
141. The site is crossed by the historic Pilgrim's Way, which is part of the North Downs Way long distance trail, providing an approach to the city for walkers and cyclists. It also straddles the New Dover Road which carries general traffic from the A2. The character of these approaches would be changed by the development. Plainly it would result in significant change to the site itself and this would be a substantial extension to a small city. However, there would be some mitigation if appropriate care was taken with the layout, landscaping and design of the development, embracing garden city principles as required by Policy SP3. Other LP policies would be applied including Policy HE2 on the WHS, and in the context of these considerations any harm to its setting would be likely to be less than substantial.
142. There is a substantial separation distance between the SSA and the Kent Downs Area of Outstanding Natural Beauty (AONB), such that a layout and form of development should be possible without significantly affecting its setting. The proposed Green Gap between Canterbury and Bridge would ensure an adequate separation between the settlements.
143. A development of this size has the potential to result in significant travel movements and traffic impacts. Taking account of the VISUM model outputs, the LP proposes both highway improvements and substantial sustainable transport measures to address this. The new A2 junction and improvements to the existing junction, the fast bus link to the city centre and the extended park and ride facility are all justified as part of a package of proposals. Policy T17 provides for Travel Plans, which would be appropriate in this case in order to deliver sustainable transport initiatives.
144. The inclusion of a significant amount of employment floorspace and provision for community, local shopping, education and health care facilities within the development, as required by policy SP3, is likely to assist in moderating its wider travel impacts. There has been no objection in principle to the SSA by the local highway authority.
145. The mitigation measures will require a considerable commitment from the developer and the local Councils. Development would need to be phased in accordance with the delivery of the key infrastructure. In this context, there is a Statement of Common Ground between the Council and the site promoters on the transport infrastructure required and its phasing. Provided that the necessary measures are introduced successfully the residual cumulative impacts of the development are unlikely to be so significant that they could be regarded as severe.
146. The SSA could accommodate acceptable provision for education, other community facilities and open space, the delivery of which could be phased in

accordance with the progress of the development. The viability evidence indicates that this could be funded as appropriate through the development. There are no in principle objections from agencies or utility providers relating to waste water treatment or surface water drainage and it is likely that appropriate measures to deal with these matters could be resolved at the planning application stage.

147. The Hospital Trust has not yet made a decision as to whether it would wish to relocate to the site. As such, **MM5** refers to reserving land for a potential relocation. This would provide an appropriate degree of flexibility without prejudicing the overall development and is necessary for effectiveness.
148. The site would provide a quarter of the new homes required in the District over the plan period and provide employment opportunities. The loss of a section of AHLV, the development of mainly best and most versatile agricultural land and other adverse impacts of the development must be balanced against the significant contribution that it would make towards meeting housing needs.
149. The submitted evidence indicates that this is a viable site, having regard to the LP policies relating to affordable housing and infrastructure. The Council has resolved to grant planning permission for a hybrid application that would include provision for up to 4,000 new dwellings. There is currently a High Court challenge to the Secretary of State's decision not to 'call in' the application. However, the SSA is both justified and developable with the changes included in **MM5**.

*Site 10 – Land at the Kent & Canterbury Hospital, Ridlands Farm and Langton Field*

150. This site includes the buildings and land of the Kent and Canterbury Hospital and areas of adjoining farmland on the edge of the city. The allocation would include 810 dwellings and part of the fast bus link from the South Canterbury site to South Canterbury Road. However, in the context of the uncertainty over the Hospital Trust's intentions as to whether the hospital should be relocated, the Council is proposing as part of **MM12** to reduce the housing allocation to 310 dwellings at this stage. A proposed change to the PM would also remove the current hospital site from the allocation. The LP policy for Site 1 would nonetheless retain land for a potential hospital relocation. This is a pragmatic and flexible response to the current position.
151. With the reduction in the size of the site some potential points of access would no longer be available. However, a route through the site will be necessary to carry the fast bus link from Nackington Road to South Canterbury Road. The Council is working to ensure that this is achieved and the highway authority has raised no objections to the amended allocation. The housing trajectory anticipates that the site would be available so that it could provide the link at an appropriate point in the development of Site 1.
152. The modified site is within an existing AHLV. However, it is on the edge of the urban area and adjacent to the hospital. Any development would be seen in that context. Part of the site is included in a larger area designated in the adopted Local Plan for protection from development to enable future use as public playing fields. However, the Council is proposing to retain an area

adjacent to Stuppington Lane and protected under Policy OS5 for this purpose. Policy SP3 would also require provision of public open space within the SSA.

153. There is no persuasive information that would contradict the Council's viability evidence on this site. Its inclusion in the LP as modified by **MM12** is justified.

#### *Site 9 – Land at Howe Barracks, Canterbury*

154. The site comprises a former army barracks within the built-up area of Canterbury, apart from the 'western slopes' at one end of the site which are in an AHLV. There is a significant part of the site that comprises previously developed land. The proposed allocation is for 400 dwellings with a new A28-A257 link road. Policy SP3 seeks to protect the open western slopes. On this basis, the principle of the allocation here is justified.

155. The link road would provide benefits by removing some A28 ring road traffic. Planning permission has been granted for the redevelopment of the site for up to 500 dwellings, including provision of the road. However, Policy SP3 does not set a ceiling on development. The Council has proposed a change to the PM so that the allocation reflects the boundary of this permission. In the context of the permission, which addresses infrastructure requirements and affordable housing through a s106 agreement, this is a deliverable site.

### ***Herne Bay sites***

#### *General*

156. Policy SP3 links all of the Herne Bay area SSAs to the provision of critical transport infrastructure. It indicates that proportionate contributions should be made to both the Herne Relief Road (HRR) and the SRR by Sites 3, 4 and 6. In the case of Site 5 the HRR should be provided through the allocation with a proportionate contribution to the SRR.
157. The A291 is the main route between Herne Bay and Canterbury and passes through the village of Herne. In the centre of the village there are tight bends. Taking account of the highway evidence, including the Sturry and Herne Highway Capacity Study (April 2016), there is justification for a relief road. The Council envisages this as a link from the A299/A291 junction to Bullockstone Road through the Strode Farm SSA, together with improvements to Bullockstone Road to where it joins the A291 south of the village.
158. The Statement of Apportionment (2016) for the HRR and SRR considers the impact that the Herne Bay SSAs would have on traffic through Herne and identifies a basis on which contributions to the HRR would be made. The Council has agreed a Statement of Common Ground (October 2016) with the promoters of the relevant sites and the County Council as highway authority that considers the relationship between the scheme and development in terms of works or financial contributions. The County Council has indicated that it would forward fund the road to secure its delivery. On this basis there is reasonable certainty that the HRR can be provided within an appropriate timescale.
159. The position in relation to the SRR has changed in the context of the additional work the Council has undertaken on its justification and delivery, considered

under Issue 2 and also the Rural SSAs, below. It no longer seeks contributions from Herne Bay sites.

160. In the light of these conclusions the relevant changes to Policy SP3 in **MM7**, **MM8**, **MM9** and **MM10** and to Policy T13 in **MM85** are necessary for the LP to be effective. The requirement for contributions to the SRR is deleted. The Herne Bay SSAs requirements are variously amended to reflect the changed position on the HRR, with Site 5 Strode Farm required to provide a new highway through the site and improvements to Bullockstone Road. In the light of representations made on the MMs, I have amended some to provide greater clarity in respect of the roles of other SSAs in the provision of the HRR, consistent with the Statement of Common Ground.

*Site 3 – Hillborough site, Herne Bay*

161. 1,300 dwellings are proposed with 33,000sqm of employment floorspace as an extension to the adjacent Altira Park. This is a large site comprising mainly agricultural land. There would be a loss of the open rural landscape but the site is between the A299 Thanet Way and the edge of the built up area and is crossed by the North Kent railway line.

162. It has been suggested that the north-western part of the site (which is in separate ownership) is capable of being developed separately from the rest and that this should be acknowledged in the LP. However, large sites are often in different ownerships and it is appropriate that there should be a masterplan for the whole SSA. The way in which it is carried forward is a detailed matter and the LP is not unsound for the approach that it is taking.

163. The evidence indicates that the infrastructure necessary to the development of the site, including local highway improvements, is achievable without compromising viability. With changes to the infrastructure requirements in **MM7** to reflect the position on the HRR and other updates the SSA is justified and developable within the plan period.

*Site 4 – Herne Bay Golf Course*

164. This allocation is for 600 dwellings with 1ha of commercial uses, local community facilities and sports and leisure provision on the former golf course. Planning permission was initially granted in 2015 for a hybrid application which would include housing, community facilities and sports provision broadly in accordance with the requirements of the policy.

165. The site was initially considered for a smaller number of dwellings. However, on the basis of masterplanning work relating to the planning application it is clear that the amount proposed in the LP can be accommodated in an acceptable development. While mainly on open land the site is situated between the A299 and the edge of the urban area of Herne Bay. The evidence indicates that it is both justified and deliverable, with the relevant changes in **MM8** relating to infrastructure.

*Site 5 – Strode Farm, Herne Bay*

166. The LP allocates 800 dwellings and 15,000sqm of employment floorspace with local community facilities.



167. At present, the SSA comprises mainly open agricultural land with a complex of farm buildings. It is situated between Herne village and the A299 Thanet Way. On the opposite side of this road is Site 4, the former golf course, so it has been contended that there would be the loss of a substantial green gap. There would be new development extending from the edge of the village to the existing urban area at Greenhill.
168. The identity of the village is clearly a significant matter for local residents. However, there is already continuous development to the north east towards Broomfield where there is some development immediately on the other side of the A299. The inclusion of Herne village within the urban area boundary in the adopted Local Plan PM reflects the position that there is currently some continuous development back to Herne Bay, albeit bisected by the A299. The existing agricultural landscape has an open character with views across the site but carries no special designation. The relationship between the SSA and the village is a matter that can be addressed through a masterplan and the development management process.
169. Although the Site 5 development would be a substantial extension to the village, Policy SP3 includes provision for community facilities, including a new parish hall, which could have some wider benefits. With **MM9** it would require education and health care impacts to be addressed. The HRR has been considered above and would assist in mitigating the effects of additional traffic generated by the development.
170. The site is adjacent to a Conservation Area, with a very small part within it. While the setting would change as a result of the SSA, it has not been demonstrated that in this case the effect on the heritage asset would be such that it would affect the principle of the development. It could be addressed in the detailed layout and design of the site.
171. Although the site is fairly close to the Altira Park employment allocation, it is well related to the A299 and an overall need for additional employment land in the plan period has been demonstrated, as considered under Issue 7. As such, an employment component to the SSA is appropriate.
172. The Council's viability evidence uses similar assumptions for this SSA as for the nearby Site 4 where there is a s106 agreement in place. The precise mix of development in detailed proposals for this site would be subject to a specific financial assessment, taking account of the requirements of the various LP policies. However, there is sufficient certainty to conclude that this is a viable and deliverable site and overall that, with **MM9**, it is justified for inclusion in the LP.

*Site 6 – Land at Greenhill, Herne Bay*

173. 300 dwellings with community facilities are proposed here. This is a reduction from 600 dwellings in the Preferred Option Consultation Draft LP. The change was based on concerns from the highway authority about the impact of a higher figure on the highway network. Further evidence has been submitted by both the site promoter and the highway authority. Taking this into account it is not clear that a higher figure could be accommodated without a potentially

severe impact on the local network. As such the lower figure in the submitted LP is appropriate.

174. The site comprises a large field and an area of open space between Greenhill and the A299. While not considered appropriate for housing by a previous Inspector following an earlier local plan inquiry, the site has been assessed against other options and its inclusion in the LP has been justified with the changes in **MM10**.

### **Whitstable site**

#### *Site 7 – Thanet Way site, Whitstable*

175. The site comprises mainly open farmland with some areas of woodland. It is adjacent to Duncan Down which has Village Green status and includes a Local Wildlife Site. A small part of the Wildlife Site is within the allocated area. The LP provides for 400 dwellings, the extension of Duncan Down Country Park and additional open space, including allotments.

176. There are some extensive existing views across the site from Thanet Way (A2990) towards the urban area of Whitstable. However, the indicative plan in the submitted LP and details submitted with a planning application for the site show that it is large enough for the amount of housing proposed to be accommodated on land adjacent to existing development on the edges of the settlement. This would leave an extensive part of the site available as open space, including areas adjacent to the Country Park. The areas of woodland could be retained.

177. There have been concerns expressed about the effect of the development on Duncan Down. However, the site is capable of being developed in such a way that the wildlife and open space interests associated with Duncan Down could be protected and potentially enhanced.

178. The Council has resolved to grant outline planning permission for up to 400 dwellings, including up to almost 20ha of public open space, subject to a s106 agreement. There are no unusual infrastructure requirements and the evidence indicates that what is proposed would be viable.

### **Rural sites**

#### *General*

179. In addition to the Herne Bay SSAs, Policy SP3 identifies a new Sturry crossing as infrastructure necessary for the 'Rural' Sites 2 and 8.

180. The A291 joins the A28 on a tight bend, close to where the A28 passes over the railway line at the Sturry level crossing. The Sturry and Herne Highway Capacity Study summarises the significant issues caused by the peak periods closure of the crossing for trains to pass. These include substantial queuing on both the 'A' roads. Furthermore, some traffic on the A291 seeking to avoid the Sturry crossing uses an unclassified road through Broad Oak village to reach another crossing. There is clear justification for a scheme to tackle these problems.

181. The SRR is proposed as the means of addressing these concerns. It would entail a new link road across Site 2 from the A291 and A28 to a new bridge over the railway line with a river crossing and further new section of road to then re-join the A28 into Canterbury at Sturry Road. Through the Statement of Apportionment the Council has provided a reasonable basis for determining the impact of the traffic generated by SSAs on the crossing and the contribution that they should make to the SRR.
182. The Council has secured some part funding for the route from the South East Local Enterprise Partnership. It has agreed Heads of Terms for agreement to deliver the SRR with the County Council and the promoters of Sites 2 and 8. This shows that it would be constructed in part by the developers of Site 2 and in part by the County Council and indicates the developer contributions required. The County Council would forward fund construction if necessary. The details give sufficient certainty that the SRR can be provided within a reasonable timescale to ensure that it does not prevent development coming forward. The relevant parts of **MM6**, **MM11** and **MM86** are necessary to ensure that this approach is reflected in the LP.

*Site 2 – Land at Sturry/Broad Oak*

183. This allocation includes 1,000 dwellings, some local business floorspace and community facilities. It is currently a mixture of woodland, orchards, ponds, paddocks and fields with some farm buildings on the edge of the villages of Broad Oak and Sturry.
184. Part of the site is within the existing small designated Green Gap between Sturry and Broad Oak. This Green Gap is considered under Issue 13 and can be addressed through the masterplanning process.
185. An extension to the Canterbury and Sturry Green Gap is proposed on part of the SSA and again this is a matter for the masterplan.
186. A much larger section of the site, including woodland and open fields, is within an AHLV. However, that must be balanced against the need for housing land and the advantages of the site. It is well located in relation to Sturry railway station, capable of being well served by buses and would include part of the SRR. It is reasonably close to Canterbury. Evidence on masterplanning indicates that ancient woodland within the site could be retained and Policy SP3 requires its protection and management. In terms of wildlife impacts, NE has raised no objection in principle. Taking all relevant factors into account, including the alternatives considered through the site selection process, the SSA has been justified.
187. Taking account of the infrastructure requirements, including the SRR, the conclusions of viability assessments by both the Council and the site promoters and the changes in **MM6**, the SSA is deliverable in the plan period.
188. A proposal to extend the site boundary to include land at Shalloak Road, and increase the dwelling capacity of the SSA accordingly, was not part of the Council's consultation on proposed amendments to address the 5-year land supply issue and is not essential for the LP to be sound.

*Site 8 – Land North of Hersden*

189. The LP proposes 500 dwellings on this site with 1ha of new business space. It would be an extension to the village of Hersden which is to the east of Sturry on the A28. It currently comprises open cultivated agricultural land.
190. The need for a buffer between development and the listed Bredlands Farmhouse and also in relation to the possible pylon route for a high voltage line as part of the Richborough Connection project had been identified as reasons to limit the allocation to 500 dwellings. However, it is evident that there is sufficient land within the allocation for the setting of Bredlands Farmhouse to be appropriately safeguarded. The pylon route buffer is no longer required and the Council has proposed to revert to an allocation of 800 dwellings as indicated at the Preferred Option stage. Further consultation took place on this as part of the 5-year land supply amendments. The increase is included in **MM11** and this is necessary to make effective use of the site.
191. The SSA is located on the Stour valley ridge in a countryside setting. However, this does not carry a special landscape designation. Development would be perceived in the context of the adjacent village. Some off site areas of woodland and appropriate on site planting would assist in addressing impacts on the wider landscape.
192. This would be a substantial extension to a modest village. However, Hersden is a former colliery settlement which has had some recent development that has a distinctly different character to the older part. The SSA would relate well to both areas and the existing schools and other services in the village. It would enhance the provision of local facilities and bring regeneration benefits. The site is close to the Lakeside Business Park. Transport impacts could be appropriately addressed through contributions to the SRR and improvements to the A28.
193. Significant new development at Hersden was rejected by the Inspector following the Inquiry into the adopted Local Plan, describing the site as visually pleasing agricultural land. However, this was over ten years ago and the national policy and housing need context has changed since then. As proposed and with the changes to Policy SP3 in **MM11**, the benefits of the SSA, including its contribution to meeting housing needs, would outweigh concerns. Its inclusion in the LP has been justified.
194. The site promoter intends to include provision for a new stadium for Canterbury City Football Club at the eastern end of the allocation. The Club has funding that would contribute to the construction costs of delivering the stadium complex but this is time limited. However, its provision is not specified in the mix of uses in Policy SP3 on which consultation has taken place. This is a matter that can be dealt with through the development management process in the context of the LP policies in general. Its inclusion in the LP is not necessary for soundness. In reaching that conclusion no judgement is made on the merits of the proposal.
195. Taking account of the Council's viability evidence and the provisions of the LP policies on affordable housing and infrastructure this is a deliverable SSA.

### *Conclusion*

196. In the light of these considerations and with the MMs proposed the overall amount and mix of development at these SSAs has been justified. Infrastructure implications have been appropriately considered and having regard to the viability evidence they should be deliverable within the plan period.

### ***Additional strategic sites to address housing land supply***

197. Two of the additional housing sites that the Council has proposed to ensure that a 5-year housing land supply will be achieved were promoted as SSA omission sites and are of a size that they can be considered as such. They have been included in **MM13** and **MM14** which would add them to Policy SP3 as Sites 11 and 12. They would assist in providing a continuous supply of specific deliverable sites sufficient to help provide 5 years' worth of housing against the housing requirement.

#### *Land at and adjacent to Cockerling Farm, Thanington (Site 11)*

198. This additional site would provide for 1,150 dwellings and some employment space. The amended housing trajectory shows about 190 units being provided in the 5 year land supply period.

199. The site comprises mainly agricultural land on the Canterbury urban fringe to the south of Thanington. The site is within an existing AHLV and development here will have some impact on the wider landscape. However, there is scope for landscaping to limit these effects. The Cathedral can be seen in long distance views from part of the site and there would be an effect on its wider setting and that of the WHS. While attaching considerable weight to the setting of the WHS, with appropriate layout and landscaping the effects should not be so significant that they would prevent the principle of the development here. An appropriate buffer could be formed with the nearby Larkey Valley Woods Site of Special Scientific Interest.

200. Development at Thanington, which is adjacent to the A2/A28 interchange at Wincheap, would have implications for the A28 Wincheap corridor where there are existing traffic issues. The Council has proposed a series of measures to address these. In that context, it has identified various requirements for the Thanington development, including a new eastbound A2 off slip road at the interchange and contributions to the expansion of Wincheap Park and Ride site and to the provision of the A28 Wincheap Relief Road.

201. The Council has granted planning permission for up to 750 dwellings on part of the site. A s106 agreement makes provision for funding of the slip road and various sustainable transport measures, including a contribution to the Park and Ride site. Taking account of the education requirements and provision of affordable housing, the promoter of this part of the SSA is satisfied that the development is viable and there is no persuasive evidence that this would not be the case for the site as a whole.

202. The SSA would be an extension to the existing urban area boundary of Canterbury. It would accord with the overall strategy of focusing development at the urban areas, particularly Canterbury, and is a suitable location for

development. It would assist in ensuring that a 5-year housing land supply is achieved.

*Land South of Ridgeway (John Wilson Business Park), Whitstable (Site 12)*

203. The additional site includes provision for 300 dwellings, of which the Council's trajectory shows about 100 would be in the 5 year land supply period. The Council has also included provision for employment space.
204. The report of the Inspector who conducted the Inquiry into the adopted Local Plan concluded that with good design and landscaping the site could accommodate housing (with a notional capacity of 200 dwellings), employment and a large area of landscaped open space. He recommended its inclusion in the plan but this was not pursued by the Council. Since his report there have been changes in circumstances, including to national policy, and the proposal by the Council is for more dwellings.
205. The site mainly comprises an open grassed area, used currently as a hayfield. It is designated in the adopted Local Plan as an area of Protected Existing Open Space and has local visual amenity value due to its open character. However, the public right of access is limited to two footpaths that cross the site.
206. The proposed allocation is within the Whitstable urban area boundary as defined on the PM. It is in an urban setting, being mostly surrounded by development which contains any wider views across the site. The allocation would not result in encroachment of the open countryside. It would provide the opportunity to provide some open space on the site to which the public would have access, as provided for in **MM14**.
207. Part of the site is within Flood Zones 2 and 3. The Framework requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Local Plans should apply a sequential approach to the location of development to avoid, where possible, flood risk to people and property. Development should not be allocated if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
208. Flooding from the Swalecliffe Brook, including of nearby properties, has occurred in the past after heavy rainfall. However, the major part of the site is outside Zones 2 and 3. The built residential development could be accommodated on that part of the site and, as such, in sequential terms would be in an area with a lower probability of flooding. No in principle objection to development has been raised by the EA. The Council's change to the PM would retain part of the site at risk of flooding as Protected Existing Open Space. The details of managing run off from the site and its potential effects on flooding could be dealt with in a detailed flood risk assessment at the planning application stage.
209. While some upgrades to off site waste water sewerage may be necessary, these should not be such that they would affect the principle of the development. Appropriate provision could be made for education and other services.

210. While there is evidence of wildlife on the site it does not contain any special habitats or significant populations of specially protected species. There could be some ecological enhancement and mitigation on the parts of the site where there was no built development.
211. The main access to the site would be from Reeves Way. This currently serves the John Wilson Business Park and retail and other developments and joins the A2990 Thanet Way at a roundabout. A traffic assessment prepared by the site promoter indicates that with various highway improvements, including to the roundabout, adequate mitigation would be provided to address the impact of the development. Reeves Way is within the higher flood risk zone but the emergency access proposed to Richmond Way would be outside the area of risk. Any current on street parking on Reeves Way that might have to be displaced could be addressed at least in part through replacement provision within the allocation.
212. There has been no in principle objection to the allocation from the local highway authority. There is sufficient evidence to conclude that appropriate mitigation of the transport effects of the development could be achieved to ensure that the residual cumulative impacts of the development would not be severe.
213. The site would assist in meeting the housing needs of the area. On the balance of these main considerations its inclusion in the LP in **MM14** has been justified. A hybrid planning application for the development of the site has been submitted to the Council. On the submitted evidence the site is viable and deliverable.

### **'Omission' sites**

214. A number of other sites ('omission sites') were promoted in representations as alternative or additional SSAs. In the context of the Council's process of site identification and SA and my conclusions on the allocated SSAs and the housing land supply, I am satisfied that the LP is sound without the inclusion of these sites. As such, it is not necessary to consider them in any detail, other than to record some main issues associated with some of these sites. Given these factors none are clear cut options for inclusion as SSAs.
215. *Land at Stuppington Lane, Canterbury* is on the edge of the city and adjacent to the A2. However, it is not clear whether a new access to that road would be acceptable and, if not, what the implications would be for the local highway network.
216. *Former Colliery Land, South of A28, Hersden (SHLAA/041)* is proposed for up to 400 dwellings. It was last used in connection with Chislet Colliery over 40 years ago. There are parts of the site that are significantly overgrown and the character of what was previously developed land can change over time. However, that has not yet happened to that extent here and it can still be regarded as brownfield land. Such land has a vital role to play in meeting the need for new homes where it is suitable for housing. In this case, although the site is adjacent to a business park, it sits to the south of the busy A28. Most of Hersden village is to the north of the road. In comparison with SSA Site 8 it is not as well related to the existing community.

217. *Land at 42 Golden Hill, Whitstable (SHLAA/135)* has been proposed for housing or mixed uses. It would be adjacent to the urban area boundary. However, significant development to the south of Thanet Way and to the west of frontage development on Golden Hill would be a substantial encroachment into the countryside. It is not clear that an acceptable access could be formed as the SHLAA site does not have a Thanet Way frontage.

218. *Land at Bodkin Farm, Thanet Way, Chestfield (SHLAA/178)* is within the existing Green Gap between Herne Bay and Whitstable. It would be a significant extension to the built up area of Whitstable in the A2990 corridor and harmful to the aims of the Green Gap.

### **Overall conclusion**

219. My overall conclusion on this main issue is that, with the MMs identified, the SSAs are justified and deliverable.

### **Issue 5 - Whether the Local Plan makes appropriate provision for affordable housing and provides appropriate guidance on the size, type, tenure, range and standard of housing.**

#### *Affordable housing – percentage and thresholds*

220. Policy HD2 requires on-site provision of 30% affordable housing on sites of 7 or more units. For sites of 2 to 6 units, provision can be either on-site or by way of a financial contribution.

221. Amongst other things, the November 2014 WMS provides that for sites of 10 units or less affordable housing and tariff-style contributions should not be sought. The Council initially suggested that the policy should be modified so that it aligned with the WMS. However, during the course of the examination the Council reconsidered its position in the light of the Court of Appeal judgement in *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441*. While it proposed various changes to HD2, it sought to retain the thresholds as in the submitted Plan.

222. The judgement confirms the correct approach to the WMS where a Council submits for examination local plan policies with thresholds below that in the national policy. An Inspector must consider whether the evidence base and local circumstances justify the proposed thresholds. The new national policy is only one of the matters to be considered when formulating local plan policies, albeit one to which the Secretary of State considers very considerable weight should be attached.

223. The adopted Local Plan Policy (H4) expects 30% affordable housing on sites in excess of 15 units. As such, the existing policy does not conflict with the WMS. Commuted sums have only been sought in exceptional circumstances. However, based on evidence from the last 5 years the Council has concluded that raising the threshold in the submitted LP in line with the WMS would potentially result in a loss of £2 million of commuted sum receipts and about 11 on-site affordable units annually. When compared with recent schemes delivered using commuted sums alongside funding from registered providers



the £2 million would deliver between 20 and 40 units per annum. In this context the Council estimates that there would be an overall reduction in delivery of about 445 units over the remainder of the plan period. There is a backlog of affordable housing need of about 1,550 households on the Council's waiting list and significant needs identified in the HNR. However, substantial affordable housing need is not a matter particular to Canterbury and it is not clear that it is materially different here than from many other areas.

224. As current policy uses a higher threshold there is no direct evidence of any effect that affordable housing may have on smaller sites coming forward in Canterbury. The Council's 2012 VA indicates that in the past small sites have played a major part in housing supply with a large amount of housing delivery from sites that do not qualify to make affordable housing contributions. It has examined the viability of small sites and concludes that size is not a determinant of viability in itself. It comes down to site specifics. In that context, it is likely that small sites will vary in their ability to absorb the cost of providing affordable homes. Developers of such sites would need to assess whether this would be crucial to viability, which could deter some schemes.
225. The aim of the WMS is to assist in tackling a disproportionate burden of developer contributions on small-scale builders. The reduction in potential affordable housing delivery that might result is an inevitable outcome of the Government's policy. While there is clear evidence of need, I am not persuaded that circumstances locally are of such weight that they justify a departure from the WMS. The lowering of the threshold in Canterbury from 15 at present to 10 in Policy HE2 would provide the opportunity for some additional affordable homes. For soundness therefore, this policy and supporting text should be modified to comply with national policy in accordance with **MM29**, **MM30**, and **MM33** in part. These take account of a lower threshold for the Area of Outstanding Natural Beauty as a designated rural area under the Housing Act 1985, as permitted by the WMS.

#### *Affordable housing - viability*

226. The VA and the updates in 2014 and 2016 provide the basis for the percentage of affordable housing sought and the thresholds in Policy HD2. When taken in the round their conclusions form an adequate basis for the policy, incorporating assumptions about infrastructure and housing standards.
227. The specific costs of developing individual sites will vary according to circumstances. The Council's **MM33** is necessary to introduce more flexibility into Policy HD2 by accepting lower provision where this is supported by a financial appraisal. **MM32** and **MM33** provide more flexibility for the calculation of commuted sums. In this context, the effect of affordable housing provision on the overall viability of development has been appropriately considered.

#### *Affordable housing – other aspects*

228. The VA suggests a target of 70% rented and 30% suitable intermediate tenure as being viable and achievable. However, the LP provides appropriate flexibility by indicating that the exact tenure and type of units will be negotiated on an individual site basis. It is likely that the application of vacant

building credits will not have a significant effect on the viability of development and affordable housing delivery. **MM30** and **MM33** are nonetheless necessary to clarify the approach that the Council intends to take.

229. Policy HD3 provides for affordable housing on rural exception sites. The various changes to the policy and supporting text included in **MM34**, **MM36** and **MM37** bring this into accordance with national policy.

#### *Housing standards*

230. In the light of the March 2015 WMS the Council is proposing to delete references to Lifetime Homes from the plan. However, in achieving this through **MM43**, **MM127**, **MM128**, **MM130**, **MM131**, **MM132** and **MM133** it is instead seeking to meet Part M4(2) of the Building Regulations relating to accessible and adaptable dwellings in 20% of homes on major developments and strategic sites built. This is similar to the Lifetime Homes standard.
231. The PPG indicates that it is for the local planning authority to set out how it intends to demonstrate the need for such dwellings. It gives an indication of the factors which can be considered and taken into account. The SHMA for the East Kent Sub-region (2009) had recommended that 20% of market units should be to the Lifetime Homes standard, based on an assessment of the housing requirements of older people. More recent projections have broadly carried forward the general scale of growth in older households on which this is based. I am satisfied that there is a clearly evidenced need for Part M4(2) to be applied. The MMs are therefore necessary along with other clarifying changes to Policy DBE8.
232. The Council's suggested modifications to Policy DBE7 and Table D3 would require the application of the nationally described residential internal space standards. These would replace the local standards in the submission LP. The Council's case is based largely on national evidence. However, the Government has decided that the national standards should not be mandatory. The Council indicates that currently most planning applications conform to these standards in any event. While the evidence base should be proportionate, the specific requirement in the WMs to establish a clearly evidenced need in order to apply the optional standards has not been met. As such, the deletion of the standards in **MM127**, **MM128** and **MM129** is necessary for consistency with national policy.

#### *Other housing types*

233. **MM28**, **MM31**, **MM35** and **MM37** include changes necessary to anticipate the coming into effect of the Government's policy towards the provision of starter homes. They are appropriately worded to reflect the current position on this matter. **MM28** also clarifies the Council's approach to the provision of self build housing in accordance with national policy.

#### *Travellers*

234. The LDS indicates that the Council will produce a separate Gypsy and Traveller Sites Development Plan Document (DPD). The DPD will identify the need for gypsy and traveller accommodation within the district, and will make the

necessary provision for the period up to 2027. The LDS includes a timetable for this and a call for sites has already taken place. This LP does not identify the accommodation needs of travellers or allocate sites. This is justified as these will be matters for the DPD.

235. Until the DPD is adopted any planning applications relating to traveller accommodation will be considered in accordance with the criteria in LP Policy HD10. In various respects these do not comply with national policy in 'Planning policy for traveller sites' (August 2015). **MM44** sought to remedy this. As a consequence of representations made in response to the MMs consultation, further changes have been made and incorporated in the final **MM44** to ensure full consistency with the national approach.

### *Conclusion*

236. With the above main modifications the LP makes appropriate provision for affordable housing and provides appropriate guidance on the size, type, tenure, range and standard of housing.

**Issue 6 – Whether other allocated housing sites are justified and deliverable and whether the development management policies provide an appropriate basis for assessing proposals for residential accommodation.**

### *General*

237. In addition to the housing provision made in the SSAs, the LP also makes a number of smaller new residential allocations (generally 200 dwellings or less) and carries forward some existing allocations from the adopted Local Plan, shown on the PM. The new allocations are referred to in a table in supporting text to Policy HD1 but not in the policy itself. **MM23**, **MM24** and **MM27** incorporate these new sites into the policy and clarify the position of the retained allocations by reference to an appendix. This is necessary for the policy to be effective.

238. The new smaller allocations were selected through the same process using the SHLAA and SA as the SSAs. The overall basis for their assessment and selection is therefore clear.

239. The cumulative implications of development have been factored into the IDP. Nonetheless, the LP does not identify individual infrastructure requirements for each of the smaller allocations. However, relevant plan policies will apply to each of these sites and it is not essential or practical for the detailed requirements to be specified in every case. The VA has satisfactorily examined the viability of development for different site sizes.

240. In seeking to address the 5-year housing land supply concerns, the Council reviewed some of the existing allocations and, on the basis that it was not certain that they could be delivered by 2031, has proposed that they should be removed from the PM. These changes were subject to public consultation alongside the MMs and are necessary for the LP to be sound in that regard.

### *New allocations*

241. 200 dwellings are proposed at *St Martin's Hospital, Canterbury*. This is a complex of public health buildings. Some development principles for the site have previously been prepared, involving a mainly residential development comprising part conversion and part new build. Although the buildings are in a setting of open grounds and within a Conservation Area, the site is within the identified urban area of Canterbury and an acceptable development could be achieved. In terms of deliverability, the Council has adjusted its trajectory for the development to reflect the intentions of the promoters of the site.
242. Provision is made for 15 dwellings at *Kingsmead Field, Canterbury* on part of an area of grassed public open space. This was originally proposed as a larger allocation of 100 dwellings. However, the site now identified means that a significant and usable playing field would be retained and would be protected as Existing Open Space on the PM. **MM163** is necessary to include reference to this in the LP as significant recreational space. The allocation would be reasonably well related to neighbouring development. Other concerns, such as the effect on a wildlife corridor, could be addressed in detailed proposals having regard to other policies in the plan.
243. *Land at Bullockstone Road, Herne Bay* is allocated for 190 dwellings. The site comprises an agricultural field but abuts the Herne Bay urban area and is separated from the wide countryside by Thanet Way. It is an appropriate location for development. The site is more likely to be developed towards the end of the plan period.
244. *Land at Spires, Bredlands Lane, Hersden* comprises an area of former school buildings. 81 dwellings are proposed on this previously developed land. Planning permission has been granted and the site is anticipated to contribute to the 5-year land supply. The inclusion of the site in the LP has been appropriately justified and there is no persuasive evidence that it is not deliverable.
245. *Barham Court Farm, Church Lane, Barham* is proposed for an allocation of 25 dwellings. The site is within the AONB. The Framework attaches great weight to conserving the landscape and scenic beauty of AONBs. In this case the site is also within a Conservation Area. However, it currently mainly comprises vacant agricultural buildings. The scale of development in the context here could not be described as major. The site promoter has undertaken a Landscape Character and Visual Capacity Study. The evidence indicates that an appropriate development could be achieved without unacceptable harm to the AONB or the Conservation Area.
246. *Land at Baker's Lane, Chartham* is an allocation for 20 dwellings. While it is mainly a grassed field used for grazing, it is well related to other development in the village. The evidence indicates that it is capable of being developed early in the plan period and that it is a suitable site for inclusion in the LP.
247. *Land at Chaucer Road, Canterbury* is identified in Policy HD1 as an opportunity site for housing and shown as such on the PM. This is a mainly brownfield site in the Council's control, comprising its main offices and adjacent housing. The LP identifies the possibility of the site coming forward later in the plan period.

As such, **MM27** includes the proviso in Policy HD1 that this is intended as a site for the longer term and it is not included in the housing trajectory for this reason. With this change the inclusion of the site is justified.

*Additional sites to address housing land supply*

248. In addition to those allocated in the LP the Council is also proposing some further smaller sites as part of the measures to help ensure that a 5-year housing land supply will be achieved. These were all subject to SA and public consultation.

249. *Land at rear of 51 Rough Common Road* entails an extension to an existing allocation of 16 dwellings to give 28 in total. It comprises mainly grassed agricultural land and is within an AHLV. However, the allocation would be contained on three sides by existing development in Rough Common and would avoid the adjacent steeply sloping land towards Canterbury where there would be a more significant visual impact. The inclusion of the site in the LP has been justified.

250. An additional allocation of 14 dwellings is proposed on *land adjacent to Cranmer and Aspinall Close, Bekesbourne*. The site has had problems with fly-tipping in the past and is adjacent to an existing residential area in a small village. Trees and hedging provide some screening from the wider countryside. It is a suitable housing site.

251. These additional sites are included in **MM27**, which is necessary in order to ensure that there is a reasonable prospect that the LP will result in a supply of specific deliverable sites sufficient to provide 5 years worth of housing against the requirements.

252. A further site which the Council had sought to add to the LP as part of its additional land supply allocations is *Land at Brickfield Farm, Mill Lane, Bridge* (SHLAA 186) where 40 dwellings were proposed. The site is within the AONB. It is in the ownership of the Council and could therefore potentially be brought forward quickly for development.

253. In the context of the size of the village and the general extent of the AONB, the scale of the development proposed could not be described as major. However, the proposed allocation would entail an extension of the village potentially beyond existing development into surrounding countryside. There are views of the site from Mill Lane and from public footpaths. While it is adjacent to a recent small development at Brickfield Close, I am informed that this is affordable housing, permitted as an exception. It has not been demonstrated that the amount of housing proposed here could be accommodated without material harm to the AONB landscape.

254. A Neighbourhood Plan (NP) for Bridge is in preparation. The Council has indicated that Brickfield Farm is a site being considered but I heard that other options for more housing were preferred by those promoting the NP. Bridge has good services and facilities. However, it is washed over by the AONB so landscape impacts are likely to be an important consideration for all possible sites. The most appropriate location for further development in Bridge is a matter that could be addressed in the NP. The site is not so large that the 5-

year land supply is critically dependent on it. The additional allocation here has not been justified at this point and it has not been included in the MMs.

255. With this exception, the evidence indicates that the allocated sites in the LP and those brought forward in MMs to remedy the housing land supply position are justified and deliverable.

#### *Other sites*

256. The Council included *Herne Bay Golf Driving Range and land adjacent* in its consultation and SA on housing land supply additional sites. This is next to the SSA at Herne Bay Golf Course (Site 4) and could provide some 80 dwellings. It is unlikely to contribute to the land supply at adoption of the plan. However, while the land is open in character it would provide a logical extension of the SSA to infill with existing development at Herne Bay. It would also provide some flexibility in the longer term and its inclusion in **MM27** is therefore justified.

257. A number of the housing allocations carried forward from the adopted LP relate to existing car parks in Canterbury, owned by the Council. At the hearings the Council indicated that there was a commitment to no overall loss of parking in the city centre and that any decisions about development on these sites would take account of its overall parking strategy. **MM79** makes it clear that the location of new development will have regard to the parking strategy and that the disposal of smaller city centre car parks is linked to replacement at other locations, having regard to the overall supply. In that context, the continued allocation of these sites is justified.

#### *Omission Sites*

258. About 20 other sites were promoted for housing development in representations on the submitted LP and a further 10 or so as part of comments made as a result of the Council's consultation on the additional housing land supply sites. I have considered the written submissions on these sites and the oral evidence where promoters appeared at hearings. As with the SSAs, in the context of the Council's process of site identification and SA and my conclusions on the allocated sites and the housing land supply, I am satisfied that the LP is sound without the inclusion of these omission sites.

#### *Development Management*

259. Canterbury is a small city with a significant student population. The Council has identified issues relating to the impact of houses in multiple occupation (HMOs), arising at least in part by the increasing number of student private rented properties in the city. These include the loss of family housing, disturbance, untidy gardens, litter and poor refuse storage. Since the LP was submitted for examination, an Article 4 Direction has been adopted by the Council that results in planning permission being required for changes of use from a dwellinghouse to a HMO. The Direction applies to wards in the city of Canterbury and surrounding area. **MM40**, **MM41** and **MM185** amend Policy HD6, its supporting text and an appendix to take account of this. Based on the evidence submitted, the approach to HMOs in the designated area in Policy HD6 is justified.

260. Policy HD7 seeks to encourage the construction of purpose built student accommodation as part of a joint approach with the universities to some of the issues relating to HMOs. It is mainly a criteria based policy and, subject to **MM42** which includes support for provision on campus, provides an appropriate framework for the consideration of proposals.

261. Policies HD8 and HD9 make appropriate provision for the retention of housing accommodation and bringing empty property into residential use.

#### *Conclusion*

262. To conclude on this Issue, with the main modifications indicated, the housing sites are justified and deliverable and the development management policies provide an appropriate basis for assessing proposals for residential accommodation.

**Issue 7 – Whether the Local Plan would proactively drive and support sustainable economic development. Whether the allocated employment sites are justified and deliverable and whether the development management policies provide an appropriate basis for assessing proposals for employment and tourism development.**

#### *Strategy*

263. The Council's vision for the District includes support for the growth needed to deliver a strong dynamic economy. In that context, the LP objectives include strengthening and broadening the local economy and supporting economic growth. The DRS has examined a number of potential economic trajectories and the preference for the 'Preferred Economy Led' Scenario (Scenario E) has been carried forward into the development requirements in the plan. As such, the LP sets out a clear economic vision and strategy for the area which proactively encourages sustainable economic growth.

#### *Objectively assessed needs*

264. The DRS sets out the basis on which the need for new employment floorspace has been derived, consistent with Scenario E. I have already concluded that the amount of housing to be provided should be somewhat higher than that in this Scenario. However, given the assumptions necessary in determining the relationship between population and job growth and the conversion of that into floorspace requirements, this does not materially affect the LP conclusions on the amount of employment development required.

265. The LP incorporates a development requirement of some 96,775sqm of employment floorspace. This is based on reasonable assumptions set out in the DRS and the Canterbury District Employment Land Review (2013) (ELR). It is an appropriate basis on which to determine the amount of employment land or premises required.

#### *Employment floorspace provision*

266. The ELR identifies a gross supply of employment floorspace of over 240,000sqm, which is well in excess of the requirement. However, it has

identified a range of factors that might affect this notional supply, both in quantitative and qualitative terms. It has appraised individual sites and, based on this robust analysis, has drawn conclusions about those that could be released or de-allocated. This brings down the supply to about 159,000sqm, still substantially above that needed. A different scenario shows a supply running out some 3 years before the end of the plan period. However, this is related to pessimistic assumptions about those sites with deliverability or other difficulties. Having regard to the significant provision being made as part of some strategic site allocations (118,000sqm of employment floorspace) and reasonable assumptions about deliverability the LP makes appropriate provision to meet needs.

267. The ELR demand projections are split between Canterbury, Herne Bay, Whitstable and the rural parts of the District. The additional allocations in the LP directed at Canterbury and Herne Bay ensure that there is a reasonable distribution of employment floorspace against the spatial requirements.
268. Taken as a whole, the LP assists in providing a supply of land for economic development that is sufficient and suitable to meet the identified needs. My findings on some individual employment sites, below, do affect the total land supply but not to the extent that they would disturb this conclusion.

#### *Sites*

269. In addition to the provision made as part of the SSAs, considered under Issue 4, the LP allocates a number of sites for business purposes in Policy EMP1. Some of these are carried forward from the adopted plan while others are new.
270. Site assessments were undertaken as part of the ELR. This included a review of existing allocations and other sites in employment use as well as some new sites that had been put forward by consultees.
271. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The Council has robustly assessed the position on individual sites in the ELR and its updates. With the changes to Policies EMP1 and EMP4 in **MM45** (in part) and **MM47** and the provisions of Policy EMP2 the approach to the protection or release for redevelopment or change of use of existing employment sites or premises is consistent with national policy. Overall, the Council has used an appropriate methodology for assessing which employment sites to include in the LP.
272. The LP allocates *Land at Sturry Road, Canterbury* that is within both the existing Green Gap between Sturry and Canterbury and an Area of High Landscape Value. However, it is adjacent to a waste water treatment works and would be contained by the line of the SRR which would form a logical new edge to the Gap. This would still leave a meaningful Gap between the settlements. Concerns relating to flood risk could be addressed satisfactorily at the planning application stage.
273. Policy EMP1 allocates the site for uses other than Class B, including D1, D2 and possible *sui generis* uses such as car showrooms. Given the range of



possible uses and with clarification of the position of trade counters as part of **MM45**, the allocation is justified and deliverable.

274. *Land adjacent to Canterbury West Railway Station* is an existing employment allocation proposed for retention which is currently in use mainly as a surface car park. There is an existing development brief for the site and the Council has suggested a main modification that would require replacement car parking as part of any development proposal.
275. The site is owned by the Council. During the course of the examination it resolved to provide a two-deck multi storey car park with funding provision being made in the capital programme. While there may be an element of commercial development, particularly on the road frontage, the primary use of the site would remain as a car park. Given the very clear intentions of the Council, on the evidence before me the site cannot be regarded as developable for employment purposes. For the LP to be effective and therefore sound in this respect the allocation should be deleted from Policy EMP1 (**MM45, part**) and the PM.
276. An extension is proposed to the employment site at *Altira Park, Herne Bay*, which is adjacent to the SSA at Hillborough. Some enabling development and infrastructure provision have already taken place and the site benefits from a new access on to the A299 Thanet Way. Since the ELR was undertaken planning permission has been granted for a Class A1 superstore on part of the site. This has been built but not occupied. The site has been promoted for employment for some time, with an outline planning permission granted in 2003 and some subsequent reserved matter approvals. However, even though recent marketing has taken place no lettings or sales of units or land have been achieved as a result.
277. Various changes to Policy EMP1 in **MM45** provide more flexibility towards the possible uses on employment sites in general, while retaining their main focus. Given the length of the plan period, the identified need and that some land has already been released for alternative uses, it would be premature to make more explicit provision for other forms of economic development, such as further retail. This is a prominent 'gateway' site, very well located in relation to the highway network. The allocation is justified and, if the Council works with the developer in the context of the modified policy, has a reasonable prospect of being used for the allocated purpose in the plan period.
278. The *former Metric site* is a small allocation reflecting a previous planning permission. Although not yet developed, it is adjacent to the Hillborough Business Park and there are no obvious reasons why it should not be implemented within a reasonable period.
279. *Land at Wraik Hill, Whitstable* (Chaucer Business Park) has some current business activity but also a recent planning permission for various retail and community uses, which is being implemented. This would take up the remaining developable land. In this context, the Council has suggested that the site should not be retained as an employment allocation and included its removal from the LP in **MM45** (and in a change to the PM). This modification is necessary as the site is no longer deliverable for its original intended purpose.

280. *Land at the Joseph Wilson Business Park, Whitstable* is an extension to the existing employment area. This was evaluated in an ELR addendum note (2014). The site comprises farmland within an AHLV. It is quite close to existing residential development. However, development here would be seen or experienced in the context of the existing buildings and activity on the business park. Adverse impacts could be mitigated by appropriate landscaping and any other potential issues could be addressed through the planning application process. There is a need for employment land in the Whitstable area over the plan period and the advantages of extending an existing site here would outweigh any concerns.
281. Development at *Office Connection site, St Andrews Close, Canterbury* has been completed and its deletion from Policy EMP1 as part of **MM45** (and from the PM) is therefore appropriate.
282. Other sites identified in Policy EMP1 include the Innovation Centre, University of Kent, Broad Oak/Vauxhall Road, 3 sites at Eddington Lane, Herne Bay and the Canterbury Business Park (Highland Court). On the evidence before me these sites are both justified and deliverable.
283. With some adjustments to some site areas to reflect changed circumstances as part of **MM45** and with the other modifications indicated the LP has identified soundly based sites for employment purposes.
284. Representations were made in support of other potential 'omission' employment sites. Some of these had been considered by the Council through the ELR process but the additional sites were also evaluated in further worksheets in June 2016.
285. Among the other sites promoted is the former *FDS Site, Hawthorne Corner, Hillborough*. This has been an allocated site but is not included in Policy EMP1. Whether planning permission for commercial development on the site had been lawfully commenced was not agreed between the Council and the site owner. However, given the acceptable employment land supply position the allocation of this site is not crucial to soundness. More generally, the Council has demonstrated that it has identified sufficient employment land to meet the objectively assessed needs and has evaluated alternative sites in an appropriate manner. Accordingly, the LP is not unsound by virtue of excluding the additional or alternative sites that were promoted in representations.

#### *Employment development management policies*

286. **MM47** would ensure that Policy EMP4 was positively worded. While there have been recent changes to permitted development rights, the parts of the policy affected by this would only operate where planning permission was required and further changes are not essential for soundness. **MM46** clarifies this position. Policies EMP3 and EMP5 concerning office use of retail and commercial premises and home-working are justified and consistent with national policy.

### *Education sector*

287. Subject to **MM49** for clarity, Policy EMP7 provides an appropriate planning framework for the further development of the University of Kent. The PM defines an amended boundary for the extent of the campus. The University is preparing a masterplan which could identify proposals outside this boundary. **MM48** recognises this possibility and sets out how this might be addressed in terms of planning applications or a future review of the plan. It is necessary for the plan to be effective in this respect. Other LP policies would ensure that proposals would be subject to the necessary planning considerations. Policy EMP8 and the campus boundary shown on the PM provide an appropriate context for the development of Canterbury Christ Church University.
288. **MM50** to Policy EMP9 is necessary for the LP to be effective through the Council working with all education providers to ensure that provision is made for needs arising from new development.

### *Whitstable Harbour*

289. Policy EMP11 provides the context for addressing development proposed at Whitstable Harbour, whereas Policy TV5 deals generally with any proposals for marinas along the coast. It has been suggested that there should be a specific site allocated for a marina at Whitstable and there is evidence of need in North Kent between Ramsgate and the Medway estuary. However, while Whitstable may be an appropriate location for this and it would bring economic benefits, there may be other possibilities in the District. A general policy as proposed is therefore a more appropriate and flexible way of dealing with this matter. The inclusion in **MM89** of a requirement in Policy TV5 for there to be a masterplan or development brief for such proposals would be an effective way of carrying forward development and ensuring that it accorded generally with the LP.
290. The LP seeks to maintain an appropriate balance of operational and non-operational uses at the Harbour which is also within Whitstable town centre and subject to the provisions of Policy TCL10. Ensuring that the business use of the Harbour is maintained is an important consideration. With more positive wording and a more appropriate expression of the relationship of the LP to the non-statutory Whitstable Harbour Strategic Plan in Policy EMP11, incorporated in **MM51**, the LP makes appropriate provision for development at Whitstable Harbour.

### *Tourism and culture*

291. Policies TV1 and TV2 broadly provide a justifiable and effective strategy for the promotion of tourism and culture.
292. The requirement in Policy TV3 for a minimum marketing period of two years prior to the loss of visitor staying accommodation is unduly onerous and is therefore not justified. It is however, reasonable in principle for there to be a marketing requirement and **MM88** introduces an acceptable shorter period. There are sufficient safeguards in Policy TV4, which cross refers to other LP policies, for environmental considerations to be appropriately addressed when considering proposals for touring and static caravans. Policies TV3 (as

modified) and TV4 are supported by the evidence base and consistent with national policy.

### *Conclusion*

293. Taken in the round, the LP policies for economic development and tourism support the role of the city of Canterbury in the economy of the District while ensuring that the needs of the plan area as a whole are met. With the MMs proposed the LP employment policies are sufficiently flexible that they could accommodate needs not anticipated in the plan.

294. I conclude that, subject to the MMs indicated, the LP would proactively drive and support sustainable economic development. The allocated employment sites are justified and deliverable and the development management policies provide an appropriate basis for assessing proposals for employment and tourism development.

## **Issue 8 – Whether the Local Plan provides a sound basis for retail and leisure development and the management and growth of town and local centres**

### *Objectively assessed needs*

295. The strategy for retail and town centre uses is based on the conclusions of the Canterbury Retail and Leisure Study (2011) and the Herne Bay and Whitstable Retail Capacity Study (2011) in terms of objectively assessed needs. After the completion of outstanding planning permissions, retail provision between 2011 and 2031 of some 50,000sqm of comparison shopping floorspace in Canterbury and 3,250sqm in Whitstable is made in Policy SP2 (with no provision for convenience goods). However, the more recent Canterbury Retail and Leisure Study 2015 concludes that there is less capacity for growth in comparison floorspace, with 8,564sqm (net) in Canterbury by 2020, growing to 19,924sqm by 2025, and 33,800sqm by 2031. While there is no current need for more convenience floorspace, forecast expenditure growth would support 266sqm of additional net retail floorspace by 2025, growing to 2,608sqm (net) by 2031.

296. The 2015 Study is a robust basis for the objective assessment of needs and **MM3** which would incorporate these revised figures into Policy SP2 is therefore necessary for the LP to be effective in that regard. The Council's strategy to accommodate these needs is based on retaining market share for Canterbury district.

### *Retail hierarchy*

297. The Framework requires the definition of a network and hierarchy of centres that is resilient to future economic changes. The LP includes a retail hierarchy with Canterbury city centre as a sub-regional centre, district centres at Whitstable and Herne Bay, local neighbourhood centres and larger village centres. This is referred to in supporting text but the Council has proposed **MM54** to **MM58** which explain the hierarchy and set it out in a new policy which includes, in Canterbury city, the network of other retail locations, including the Wincheap Industrial Estate. The latter is considered in more

detail below. However, this approach recognises the limited opportunities for growth in the city centre and for a substantial role for additional floorspace to be accommodated elsewhere in the city. With these MMs the LP would contain an appropriate and effective retail hierarchy.

#### *Wincheap Retail Area*

298. Policy TCL7 allocates the current Wincheap Industrial Area and Riverside Retail Park as a satellite retail area in Canterbury that would accommodate the identified additional comparison goods floorspace by the end of the plan period. The redevelopment of this area would have regeneration benefits. The Canterbury Sequential Assessment and Wincheap Capacity Study (2016) has considered whether there is scope for in or edge of centres sites that could accommodate the identified needs in preference to Wincheap. There are some retail planning permissions and some capacity on centre or edge of centre sites but this would leave in excess of 25,000sqm still to be found. This provides justification for the selection of the site as a satellite retail area. The 2016 Study also demonstrates that there is on site capacity to accommodate the required floorspace.

299. On the face of it, the total amount of retail and leisure floorspace proposed at Wincheap could result in the District total exceeding the identified need. However, **MM77** in part would phase provision in accordance with the requirements of Policy SP2 as amended by **MM3**. Floorspace capacity would be expressed as a maximum, with impact assessments needed for any applications that would take the District total above that in any of the phasing periods in Policy SP2. Such assessments would clearly need to take account of any relevant new planning permissions elsewhere in the District. A series of MMs to supporting text (**MM70** to **MM76**) would explain how provision at Wincheap would relate to overall need and would be taken forward. These changes are necessary to ensure that there would not be harmful impacts on the city centre and other centres, including those in neighbouring authorities, while providing an appropriate degree of flexibility. As a result there would be an appropriate scale of retail and leisure floorspace at Wincheap.

300. The delivery of the Retail Area is linked to measures to manage traffic in the Wincheap area and, in particular, the impact of traffic on the A28 corridor, considered under Issue 3. This should not be a constraint on the Wincheap development as the main part is phased towards the latter part of the plan period. The measures include a relief road/mini gyratory system through the industrial estate. As the Council controls a significant amount of the land this also should not present a development constraint. For effectiveness, **MM76** and **MM77** include appropriate references to the traffic management measures. With these safeguards the LP is consistent with the conclusions of the 2015 Retail and Leisure Study.

#### *Mixed use sites*

301. Policy TCL10 includes a number of sites allocated for mixed use, carried forward from the adopted Local Plan. There would be regeneration benefits from redevelopment in most cases. However, some are out of centre locations. **MM78** makes it clear that any retail or leisure elements should satisfy the requirements of Policy TCL6 in respect of its test for main town

centre uses in such locations and, on that basis, the approach and mix of development is justified.

*Town Centres, Primary Shopping Area and Shopping Frontages*

302. **MM59** ensures that Policy TCL1 is effective in providing clarity over the approach to development in town centres.
303. The Canterbury Primary Shopping Area defined on the PM is consistent with the definition in the Framework and is justified. The Primary Shopping Frontages (PSF) for Canterbury, Herne Bay and Whitstable are also shown on the PM. It has been contended that the St Georges Street (west) and Clock Tower Square frontages of the Whitefriars Shopping Centre in Canterbury should be more appropriately Mixed Shopping Frontages as the smaller units there are more difficult to let and there is already a significant presence of A3 operators. However, there is no evidence of significant vacancy in this area, which is at a 'gateway' to the Shopping Centre, and the PSF here is justified.
304. Policy TCL2 sets out the basis for considering changes of use from A1 within a PSF. This includes the need for marketing evidence for a period of at least one year in Canterbury or 6 months in Herne Bay and Whitstable. The PSF is intended to include a high proportion of retail uses and there is a need for some mechanisms to ensure that the retail function for the centre is maintained where possible in order for it to remain competitive. The policy provides some flexibility where a proposal would clearly be beneficial to the vitality and viability of the primary retail function. As such, the marketing aspect of the policy is acceptable.
305. The Mixed (Secondary) Shopping Frontages at Canterbury, Herne Bay and Whitstable and the Canterbury Cultural Enhancement Area shown on the PM and their relevant policies are consistent with national policy and justified by the evidence base. **MM60** to **MM64** are necessary to ensure that there is clarity over the terminology applied to Frontages and the policy approach.

*Other development management policies*

306. With **MM65** Policy TCL5 provides a justifiable and effective approach to development in Local Centres. Policy TCL6 on main town centre uses includes a threshold of 920sqm above which planning applications outside town centres would require an impact assessment. However, the Council accepted that there was not appropriate evidence to support this and for consistency with national policy has suggested **MM68** and **MM69** which would increase the threshold to the default of 2,500sqm in the Framework. With this, and other changes in **MM66**, **MM67** and **MM69** in order to clarify the sequential approach and the relationship with other LP policies, Policy TCL6 is both justified and consistent with national policy. Other town centre and leisure policies in LP Chapter 4 are justified and likely to be effective in supporting the viability and vitality of town centres.
307. I conclude that with the proposed MMs the LP provides a sound basis for retail and leisure development and the management and growth of town and local centres.

## **Issue 9 – Whether the Local Plan is consistent with national policy relating to development in the countryside**

308. Within settlements the strategic approach to new development set out in Policy SP4 will apply. However, the PM only defines settlement boundaries for the main urban areas so elsewhere a judgement must be made as to whether proposed development would be within a settlement or in the countryside. The relevant policies must therefore be considered and applied in this context. Policy HD4 provides for new dwellings in the countryside. **MM38** includes changes to this policy necessary to align it with the Framework.
309. The Framework supports the re-use of redundant or disused rural buildings as dwellings where this would lead to an enhancement to the immediate setting. It is therefore appropriate for Policy HD5 to include tests by which it can be established that the building is redundant and to secure the appropriate enhancement. However, a two year marketing requirement is too onerous. Subject to a reduction in this and to inclusion of a reference to ecological factors in **MM39**, HD5 is consistent with national policy.
310. Allocated sites on best and most versatile agricultural land have been considered above, as appropriate. With **MM52** Policy EMP12 concerning the general approach to development on agricultural land is consistent with national policy in this regard.
311. Subject to appropriate criteria, Policies EMP13, EMP14 and EMP15 promote the development and diversification of agriculture and land-based businesses. **MM53** is necessary to explain the relationship of Policy EMP14 to permitted development rights. Subject to this, these policies accord with the Framework. Policies TV6 to TV8 are supportive of sustainable rural tourism and leisure developments. Policy OS8 on sports and recreation in the countryside does not conflict with the Framework. Overall, the LP takes a positive approach to sustainable new development in rural areas. With the MMs proposed I conclude that the LP is consistent with national policy relating to development in the countryside.

## **Issue 10 – Whether the Local Plan makes appropriate provision to address climate change, flood risk and coastal change management**

### *Climate change*

312. Policies CC1, CC2 and DBE2 together are the main policies setting out the LP strategy to promote energy from renewable and low carbon sources. The Council has accepted that following the WMS of 18 June 2015 there is a need to amend the LP in respect of wind energy development. The WMS requires that planning applications for wind turbines should only be approved where the site is in an area identified as suitable for wind energy as part of a local plan. In this case the Council is proposing to delete references to wind energy schemes while undertaking an assessment of the District to ascertain where such development might be appropriate. This could then be taken forward in an early review of the LP or a separate DPD as appropriate. **MM91** to **MM96** and **MM114** carry forward this and other changes necessary for consistency with national policy.

313. Policy CC3 includes a requirement for developments over 200 units to provide site wide renewable or gas fired Combined Heat and Power (CHP) or to connect with an existing CHP distribution network. There is evidence that CHP may not be the appropriate option in all cases. **MM97** and **MM98** would allow other alternatives to be considered and for viability or feasibility factors to be dealt with appropriately. This is necessary for the LP to be justified and effective in this respect.
314. The LP generally and Policy DBE1 in particular, seek the achievement of Code for Sustainable Homes Level 4. However, following the review of housing technical standards and the WMS of 25 March 2015 the Government has withdrawn the Code. Councils should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings, including requiring any level of the Code. In this context, the Council's series of changes proposed in **MM109** to **MM112** that, amongst other things, delete reference to the Code are appropriate in order to comply with national policy. **MM97** would simplify Policy CC2, requiring that any measures to reduce carbon and greenhouse gas emissions should be proportionate.
315. Policy CC13 requires water efficiency and water recycling measures in new homes that would accord with Code Level 4. The new system comprises additional optional Building Regulations on water which can be required in a local plan if addressing a clearly evidenced need and where impact on viability has been considered. The Council has suggested in **MM108** that the lower national technical standard of 110 litres maximum allowable usage per person per day should apply.
316. As the lower standard is in excess of that in the submitted LP it is less onerous than that tested in the VA and would not have an unacceptable effect in this regard. The Water Resources Management Plans for both Southern and South East Water draw attention to East Kent being a particularly dry area with low rainfall and growing water supply demand. There are areas of serious water stress. Improved water efficiency is identified as part of the response to this. The lower national technical standard is clearly justified. As such, **MM108** (and a supporting text change in **MM107**) is necessary for the LP to be both effective and consistent with national policy.
317. Policy DBE6 sets out the circumstances in which a sustainability statement would be required, including an energy statement. **MM126** would delete the policy while in part **MM112** would introduce a clause in the overall sustainable design and construction policy (DBE1) that would limit to major developments the circumstances in which these would be required. Changes to Table D1 to which the latter policy refers are included in **MM113**, while **MM124** and **MM125** would delete Table D2 on energy statements. These changes are necessary for the requirements to be proportionate and clearly expressed.
318. Following the March 2015 WMS, the Council is more limited in the extent to which it can influence the sustainability of dwellings where these are matters included in the Building Regulations. However, there are aspects not covered by the Regulations and which would assist in the achievement of sustainable development. As such, with the MMs identified the requirements for a sustainability statement have been justified.



319. In the context of the Council's VAs, it has been demonstrated that with the MMs the LP requirements for climate change mitigation measures would not threaten the viability of development. Overall, the LP contains a proactive strategy to mitigate and adapt to climate change.

#### *Flood risk*

320. Policies CC4, CC5 and CC6 set out the approach to development proposed in areas of flood risk. **MM99** and **MM100** are necessary to ensure that this complies with the sequential approach in national policy and would be effective in managing flood risk.

321. The Government's expectation is that sustainable drainage systems will be provided wherever this is appropriate. In major developments they are expected to be put in place unless demonstrated to be inappropriate. **MM105** would make changes to Policy CC11 that ensured it was consistent with this. Other changes in **MM103** and **MM104** would carry this through in supporting text.

#### *Coastal management*

322. A series of policies for the coast (CC7 to CC10) broadly reflect the conclusions of the Isle of Grain to South Foreland Shoreline Management Plan Review 2010. Subject to the amended wording in **MM101** and **MM102**, the approach to coastal management is justified and consistent with national policy.

323. My overall conclusion on this Issue is that with the MMs indicated the LP makes appropriate provision to address climate change, flood risk and coastal change management.

### **Issue 11 – Whether the Local Plan provides an appropriate strategy and policies for the conservation and enhancement of the historic environment and the achievement of good design**

#### *Design*

324. The LP contains a series of policies that seek to promote high quality design. These include some overlap, with the potential for confusion. Amongst other changes, **MM115** to **MM119**, **MM122** and **MM135** would include deletion of Policy DBE4 and amendment to DBE3 and DBE10. They are necessary for the plan to be effective in this regard. With these changes the design policies provide an appropriate degree of detail. The MMs would simplify and clarify the LP and result in robust and comprehensive policies that set out the quality of development that will be expected for the area. Overall, I am satisfied that the LP's provisions relating to inclusive design and accessible environments are consistent with the Framework.

325. In the light of the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 for the submission of Design and Access Statements, the deletion of Policy DBE5 in **MM123** and relevant supporting text in **MM120** and **MM121** is necessary for consistency with the statutory approach.

326. The Council's proposed deletion of Policy DBE9 on residential intensification (**MM134**) is justified as the concerns it seeks to address would be covered by other policies.

#### *Heritage assets*

327. Policy HE1 sets out the overall approach to the historic environment and heritage assets. It is supported by a series of policies (HE2 to HE13) relating to individual types of heritage asset. In various respects some of the policies do not accord with the Framework and for this reason **MM137** to **MM143** are necessary modifications. Some parties questioned whether the Council had sufficient resources to ensure the effective implementation of the heritage policies. However, as modified they will provide an effective basis for development management.

328. Development affecting the Canterbury WHS and its Buffer Zone is addressed in Policy HE2. The boundary of the Buffer Zone as defined on the PM is derived from the WHS Management Plan (2002). It is reasonably tightly drawn, including the gaps between the three component parts of the WHS (the Cathedral and Precincts, St Augustine's Abbey and St Martin's Church) and also their immediate surroundings. The boundary is based on the position as it was some years ago but any change should be addressed through the Management Plan review process. As such, on the current evidence, it is appropriately defined and justified. Policy HE3 provides a robust approach to protecting significant views of the WHS. Together the policies provide a sound approach to the protection and enhancement of the WHS.

329. Subject to the MMs the LP provides an appropriate strategy and policies for the conservation and enhancement of the historic environment and the achievement of good design.

### **Issue 12 – Whether the Local Plan provides an appropriate strategy and policies for the protection and enhancement of the landscape and for nature conservation and biodiversity**

#### *Kent Downs Area of Outstanding Natural Beauty (AONB)*

330. Subject to **MM144** the requirements of Policy LB1 relating to the AONB are consistent with national policy.

#### *Areas of High Landscape Value (AHLV)*

331. The LP defines AHLVs with the approach to development in those areas being contained in Policy LB2. More generally, Policy LB4 requires consideration to be given to the landscape character of the locality when considering development proposals. The Canterbury Landscape Character and Biodiversity Appraisal (2012) defines landscape character areas and the policy expects developments to address its findings.

332. The Framework seeks to protect valued landscapes, indicating that criteria based policies should be set, against which development proposals in landscape areas will be judged. In principle therefore the use of AHLVs and

character areas is not inconsistent with national policy. With appropriately positive wording and references to the Landscape Character Appraisal document incorporated in **MM145** and **MM147**, Policies LB2 and LB4 accord with national policy. In combination they are an effective and consistent way of addressing the landscape impacts of development.

333. The six AHLVs defined on the PM are an amalgamation of Special Landscape Areas (SLAs) identified by Kent County Council and previous AHLVs identified by Canterbury. They have been carried forward from the existing adopted Local Plan PM as a single designation. The SLAs were identified as having county significance whereas the AHLVs were seen as having local significance. This reflects their different origins. The LP AHLVs have different characteristics. However, in policy terms making a separate distinction is unnecessary as the test of any proposals in Policy LB2 is based on the effect on local landscape character. In principle therefore the merger into a single designation is justified.
334. The Inspector who conducted the Inquiry into the adopted Local Plan considered the evidence base for these designations and their boundaries. His main concern related to the Canterbury AHLV which he supported as a designation that might help prevent visual damage to the setting of the city but considered did not have exceptional landscape quality. Amongst other things, he recommended a review of the boundary to reflect this, setting out some parameters by which this should be done. A study for the Council was subsequently undertaken by Jacobs Babbie in 2005 and its recommendations were taken on board in changes to the outer boundary of the AHLV in the adopted Local Plan. The Council has relied on this and the adopted Plan evidence base as justification for the AHLV designation in the LP.
335. I have considered representations that suggest that the designated Canterbury AHLV includes areas that do not play a role in the protection of the setting of the historic city and that no review of the inner boundary took place. As a result it is contended that the Inspector's recommendations were not followed in full. However, the Jacobs Babbie conclusions were not before him and are persuasive in supporting a meaningful continuous designation area rather than the 'mosaic' the Inspector may have favoured.
336. I share my predecessor's view that the reasons for the Canterbury AHLV relate to the setting of the city rather than to significant landscape quality. Representations have been made to exclude some areas from the AHLV because they do not contribute to that setting. The LP does include some allocations within the AHLV that have been established through the plan making process. However, other piecemeal changes to the AHLV in the absence of a further overall review may lead to inconsistencies. Furthermore, this is not necessary for the LP to be sound, provided that the policy recognises that any development proposed on a particular site in this AHLV should be assessed in terms of its impact on the historic setting of the city. This is achieved in **MM145**. There is no evidence that demonstrates that the other AHLVs have not been appropriately defined.

### *European wildlife sites*

337. There are a number of habitat or species sites of international importance in or adjacent to the District. The HRA identifies particular issues for the coastal sites – the Thanet Coast and Sandwich Bay Special Protection Area (SPA)/Ramsar site and the Swale SPA/Ramsar site - arising from the development proposed in the plan.
338. Strategic Access Management and Monitoring Strategies (2014) have been developed to address potential disturbance impacts in these areas, especially to wintering birds. They consider alternative mitigation measures and zones of influence. The zones, within which development would be expected to contribute to the mitigation, have been developed through an analysis of visitor survey information. The Council is proposing **MM19** and **MM20** that incorporate these measures in the plan and also changes to the PM to show the extent of the zones. They are supported by the evidence base and are justified for the LP to be effective in preventing significant adverse impacts on these international sites. In terms of delivery, the Council's evidence indicates that the measures that would be funded through tariff style planning obligations would not be capital projects and therefore would not be subject to the pooling limitations imposed by the CIL Regulations.
339. The agreed Statement of Common Ground between the Council and Natural England supports the approach in the MMs. With **MM149** to **MM154**, which deal with the policy towards European sites in general (LB5) and supporting text, Natural England is satisfied that the LP would be compliant with the Habitat Regulations.

### *Other wildlife sites and biodiversity policies*

340. The Framework requires that the degree of protection afforded to the hierarchy of wildlife sites should be commensurate with their status. Policies LB6 to LB8 concern other sites and biodiversity networks. They include appropriate differences in their amount of protection in accordance with national policy. **MM148** and **MM157** are necessary to ensure that appropriate consideration is given to creating and maintaining a network of habitats.
341. Policy CC12 seeks to ensure that the quality of the water environment is maintained or enhanced and is supported by the EA. Subject to **MM106**, which gives it a clear focus on meeting the Water Framework Directive, the policy is sound. Neither Southern Water nor South East Water have objected to the scale and distribution of development in the LP and Policy CC12. There is no compelling evidence that the development envisaged in the LP would compromise Water Framework Directive objectives.
342. Policy LB9 sets out the Council's approach towards the impact of development proposals on nature conservation interests generally. With **MM158** which is necessary to ensure consistency with the Framework the policy is sound. Subject to **MM159** to **MM161** the other biodiversity policies (LB10 to LB13) are justified, effective and consistent with national policy.

### *Regionally Important Geological/Geomorphological Sites (RIGS)*

343. Planning policies should aim to prevent harm to geological conservation interests. The Council has provided appropriate evidence to support the designation of a number of RIGS on the PM with the approach to development that might affect the sites defined by Policy LB7.

344. I conclude that the LP provides an appropriate strategy and policies for the protection and enhancement of the landscape and for nature conservation and biodiversity, provided that it includes the MMs indicated.

### **Issue 13 – Whether the Local Plan provides an appropriate strategy and policies for the protection, enhancement or designation of open space**

#### *Local Green Space*

345. The Framework enables communities to identify for special protection green areas of particular importance to them. However, this Local Green Space (LGS) designation will not be appropriate for most green areas or open space and the circumstances in which it can be used are prescribed in the Framework.

346. The Council has adopted a rigorous approach to the designation of Local Green Space (LGS). It has set out in assessments in April 2014 and June 2016 its reasons for designating some areas while rejecting others, based on the Framework criteria. In the cases of *Prospect Field, Whitstable* and *Columbia Avenue Recreation Ground, Whitstable* the criteria are clearly met and the designation justified.

347. The Council has also sought to designate *West Beach, Whitstable*. It originally considered the whole stretch of Whitstable Beach from the Sportsman public house in Seasalter to the coastguard cottages at Swalecliffe, an area of about 38ha covering 9.5km of coast. It decided not to proceed with designation as this would be an extensive tract of land, has protection in other ways and serves the wider district. It further considered that designation could impact upon flood protection and coastal works, leisure activities and business uses, including harbour operations, fisheries and redevelopment. Furthermore, maintenance and enhancement of flood and erosion defences may alter the character and value of the beach.

348. Instead the Council has sought to designate a single section of the beach (West Beach) between Whitstable Harbour and the West Beach Pavilion Caravan Park, an area of about 4.26ha, covering 1.17km of coast. It is mainly a pebble beach with some grassed areas adjacent to the sea wall. It is in close proximity to Whitstable Town Centre and residential areas, having no promenade, and has historic associations with boatbuilding and oyster fisheries. However, many of the reasons for not designating the full length of beach apply here. While special to the local community, West Beach has much wider usage, including by visitors and holidaymakers in the summer. Although the area concerned is not large, it nevertheless still relates to an extensive length of coast. The beach contains groynes and other features that protect it from coastal erosion and the town centre from flooding – a wide area is in Flood Zone 3. Policy OS1 would allow engineering or other operations

required for public safety but these might change the character of the beach as a public space.

349. The Beach is part of a Site of Special Scientific Interest and SPA, within a Conservation Area and designated as Existing Open Space in the adopted LP. It therefore receives a significant existing degree of protection. For the reasons given above West Beach should not be designated as LGS in the LP but should be retained as Existing Open Space. **MM162 (part)** to Policy OS1 is therefore necessary and the designation should not be included on the PM.

350. A number of other locations have been promoted in representations for designation as LGS. These have been considered by the Council in either its 2014 or 2016 assessments. The conclusions clearly demonstrate that they do not meet the Framework criteria and therefore their inclusion in the plan is not necessary for soundness.

351. **MM162** (part) includes changes to Policy OS1 so that it is consistent with policy for Green Belts in accordance with the Framework.

### *Green Gaps*

352. Policy OS6 sets out the basis on which development proposed in identified Green Gaps designated on the PM would be assessed. These are mainly carried forward from the adopted Local Plan but include some new proposals.

353. The Green Gaps are intended to retain the separate identities of existing settlements by preventing their coalescence through development. The LP indicates that in the main they have been identified between built up areas which are gradually expanding, particularly on road frontages. They have mostly been limited to 'pinch points' where settlements are at particular risk of coalescence.

354. There are no references to Green Gaps in the Framework. However, local plans should identify land where development is inappropriate. Taking account of the different roles and character of different areas is part of a core planning principle underpinning national policy. The Gaps can contribute to local distinctiveness and identity. In principle therefore, while they have been part of local planning policy for some time, they are also consistent with current national policy. The criteria in Policy OS6 are appropriate in seeking to maintain their open character.

355. The LP proposes a new Green Gap between the main part of the city of Canterbury and the University of Kent. It comprises an area of undeveloped open or wooded land sloping down from the university towards central Canterbury. It forms a backdrop to the historic city and there are views across it towards the Cathedral. The Council indicates that the designation here is intended to provide a separating function between the residential area of Canterbury and the University, highlighting the importance of the setting of the city with far reaching views of the Cathedral.

356. The purpose of the designation here is not related to the potential coalescence of distinct settlements but more to the role that the land plays in the historic setting of Canterbury. In this regard, the proposed Green Gap is within the

Canterbury AHLV which has been identified to protect the historic and landscape setting of the city and the WHS. Policy LB2 generally does not permit development that would impact directly upon historic settings and in the Canterbury AHLV requires that particular regard is paid to the historic setting of the city and the WHS.

357. This land also falls within the University boundary as designated on the PM. The University is preparing a masterplan that is intended to provide the context for the future development of the campus. This is in its early stages but should take account of the aims of the AHLV. Policy LB2 would provide the appropriate context for the Council to consider any proposals that might come forward as a result of the masterplan. Green Gap policy is intended to serve different objectives and the designation here has not been justified. As such, the Canterbury and University of Kent Green Gap should be deleted from the LP (**MM165**, in part, and **MM166**) and the PM.
358. In the context of the South Canterbury SSA the new Green Gap between Canterbury and the village of Bridge has been justified. The Green Gap between Sturry and Broad Oak overlaps SSA Site 2. A masterplan for the allocation is proposed which could indicate a change to the Gap while still fulfilling its objectives. However, it is not clear what form this might take. In the circumstances, for effectiveness the Gap should be retained as proposed but with an appropriate reference to its relationship with the masterplan included in the LP (**MM165** in part).
359. The Green Gap between Blean and Rough Common includes land that is not easily seen from Whitstable Road. However, there are public footpaths adjacent to it and the Gap is limited in its extent. The retention of the existing designation is therefore justified. The Sturry and Westbere Gap still serves the purposes of designation. Reference has been made to appeal decisions relating to Green Gaps elsewhere but my conclusions relate to the specific circumstances here.
360. Policy OS7 relates specifically to the Herne Bay to Whitstable Green Gap. The possible development that might be acceptable in this Gap is somewhat different to elsewhere, particularly in terms of education, leisure and allotment uses. This reflects the character of these coastal settlements. Subject to clarification of the leisure uses that would be appropriate in the Gap (**MM168**) for consistency with Policy OS6, the policy is justified.
361. Other proposals for Green Gaps were made in representations. However, in the light of other plan policies and the location of these proposals they are not necessary to achieve the prevention of coalescence. The LP is therefore not unsound by their omission.

#### *Playing fields*

362. In various respects the criteria in Policy OS2 relating to the loss of playing fields do not accord with the Framework. This would be addressed by **MM164**. While Policies OS3 to OS5 relate to particular playing field allocations, there is no evidence to indicate that they are unsound.

### *Other open spaces*

363. Policies OS9 and OS10 deal with the circumstances in which a loss of open spaces in general could be justified while OS11 relates to the provision of open space on new developments. In part **MM172** is necessary in order to ensure a consistent, and therefore effective, approach to protecting open space provided as part of new developments.
364. The wording of Policy OS9 is derived from that in the equivalent policy in the adopted Local Plan. This was included in that plan as the result of the recommendation of the Inspector who conducted the Public Inquiry into it, as he had misgivings about the large number of open spaces that were designated in the absence of a completed Open Space Strategy. The Policy accordingly provides for some flexibility by referring to the possibility of balancing harm arising from the loss of such space against the need for development.
365. The LP carries forward from the adopted Local Plan designated areas for the Protection of Existing Open Space, shown on the PM, where Policy OS9 would apply. The Council has produced a Draft Open Space Strategy 2014 to 2019 but this does not include details of individual sites and the basis for their inclusion on the PM. The retained areas include SHLAA site 136 (land at Grasmere Road, Chestfield) which is designated for its visual amenity value as public access is limited to a footpath.
366. Since the current Local Plan was adopted the Framework has been published. Its definition of open space includes that which acts as a visual amenity. The Framework open space policy does not refer to balancing need against harm. However, on the basis of the evidence presented to the examination and subject to some changes for clarity and consistency with national policy (**MM170**) the flexibility included in Policy OS9 is justified. Taking that approach, circumstances have not changed to the extent that any of the previously designated open spaces should be deleted from the PM.
367. The LP also designates some new areas of existing open space. Having regard to the above, the suitability of these new locations was confirmed by my visits to them. Although the LP might be clearer if all the areas of protected open space were listed in the plan as well as shown on the PM, this is not crucial to soundness.
368. Policies OS14 and OS15 provide soundly based guidance for the provision and protection of allotments.

### *Open space standards*

369. Local open space standards for new development are included in the LP. However, in parallel to the process of producing the LP the Council had been consulting on revised standards as part of its Open Space Strategy. For the LP to be effective it is necessary for these to be substituted for those existing as they are the latest available (**MM171**). There is some concern that the Strategy and standards are out of date but in the absence of more recent evidence the LP is not unsound in this regard. This could be addressed as appropriate in a future review of the plan.



### *Green infrastructure*

370. Guidance for the preparation of a Green Infrastructure Strategy is included in Policy SP5. Although the LP should plan positively for green infrastructure networks and such a strategy can play an important part in this, the policy does not provide a basis for deciding what will or will not be permitted and where. This is addressed in Policy OS12. The Council's proposed **MM17** and **MM18** would delete Policy SP5 while largely retaining the supporting text. At the same time, **MM173** would amend Policy OS12 to reflect the provisions of the Framework. With these changes the LP would provide an effective basis for considering the Green Infrastructure implications of development.

### *River corridor*

371. The Council has a Riverside Strategy for the River Stour between Chartham and Sturry. Amongst other things, this seeks to improve access to the riverside and manage its environment. Policy OS13 seeks to protect land from development within the corridor as identified on the PM. Subject to **MM174**, which clarifies the relationship between the Strategy and the PM, Policy OS13 provides an effective basis for protecting the river corridor.

372. During the examination the Council adopted an updated Riverside Strategy, entailing a process of public consultation, as a result of which additional areas for protection of open space at Tannery Park and Kingsbrook Park have been proposed for inclusion on the PM. These are necessary for the plan to be effective in achieving its aims for the riverside corridor.

373. Provided that the MMs indicated are made, I conclude that the LP provides an appropriate strategy and policies for the protection, enhancement or designation of open space.

### **Issue 14 – Whether the Local Plan plans positively for the provision and use of community facilities and other local services, including health services, and whether it has taken appropriate account of air quality.**

#### *General*

374. Policies QL1 to QL7 set out how the LP would deal with proposals for a variety of community facilities, the loss of existing services and the allocation of land for community purposes.

375. The Framework promotes the retention of local services and facilities in villages. It seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Local communities have the ability to nominate facilities as assets of community value but would need an appropriate opportunity to assemble their case. In that context, the demonstration that the loss of village and community facilities is no longer viable by Policy QL3 requiring a 2 year marketing period is justified in this instance.

376. Policy QL5 requires provision of community facilities within new residential and mixed use facilities. However, this will depend on the scale of the development and the availability of existing facilities in the area. On larger,

phased sites it may not be possible to identify the funding for the community facilities prior to planning permission as the policy seeks. As such, more flexibility is needed for the policy to be effective. This is achieved by **MM177**. Otherwise the LP includes appropriate policies for the provision and protection of valued community facilities and services in accordance with national policy.

### *Health*

377. Amongst other things, Policy QL8 seeks to ensure that adequate provision is made for health and social care facilities arising from the impact of new development. As the provision is linked to impact this would ensure that it was of a scale and kind that is fairly and reasonably related to the development. Where it was achieved by the pooling of contributions this would be limited by the CIL Regulations but this will be a matter that the Council can consider in deciding whether to proceed with the Levy.

378. **MM179** and **MM180** are necessary following the changed position concerning the potential relocation of the Kent and Canterbury Hospital which was considered under Issue 4. With these changes the LP includes appropriate and soundly-based policies for the provision of health care facilities.

### *Air quality*

379. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and the cumulative impacts on air quality from individual sites in local areas.

380. The links between poor air quality and health are well established and it is a factor in determining the pattern of development. Air quality was a consideration in the SA of the plan (Objective 7).

381. The Council declared an AQMA in the Broad Street and Military Road part of the city of Canterbury in 2006 and produced an Air Quality Action Plan (AQAP) for nitrogen dioxide (NO<sub>2</sub>) in 2009. A wider AQMA including the original area but also the city centre ring road and various arterial roads was declared in 2009. The Council is updating and revising the AQAP to cover the wider AQMA.

382. There have been continued exceedances of NO<sub>2</sub> limits within the AQMA. The High Court judgement in *ClientEarth (No 2) v Secretary of State for the Environment, Food and Rural Affairs [2016] EWHC 2740 (Admin)* declared that the Government's Air Quality Plan for achieving compliance with the EU limit values for NO<sub>2</sub> was inadequate in extent and timescale for compliance. It did not accord with the requirements of Directive 2008/50/EC. However, it remains in place until modified in accordance with a timetable set by the Court. The judgement was issued after the hearings had concluded and so the views of parties on any implications were sought and have been taken into account in this report.

383. The main source of NO<sub>2</sub> emissions is road traffic. The LP seeks to control the environmental impact of vehicular traffic, including through encouraging alternatives to the private car and reducing travel demand. Even so, the scale

and distribution of development proposed around the city will potentially increase traffic. The Council will need to monitor carefully the achievement of modal shift targets. However, the time horizon of the LP, to 2031, means that there will be the opportunity for the introduction of appropriate local measures if necessary as well as cleaner vehicles and more use of alternative fuels. The High Court judgement nonetheless means that there is some uncertainty over future emissions projections.

384. Canterbury was not one of the five cities identified as a particular focus for action in the Government's plans. Although the Council does not have an AQAP for the extended AQMA, the work in hand on this will in due course identify the actions necessary to achieve compliance. The judgement requires a quicker national response to improving air quality. The emerging AQAP can take account of the most up to date information, including any revised projections of air quality produced by the Department for the Environment, Food and Rural Affairs as a result of the judgment.

385. Reference has been made also to issues with ozone and particulate matter. However, the evidence does not indicate that these are so significant that they would require material changes to the LP.

386. I am not persuaded on the basis of current evidence that the overall amount and pattern of development should be changed as a result of air quality considerations. However, there is a need to ensure that particular proposals, individually or in combination, do not result in unacceptable air quality.

387. Policy QL11 makes it clear that development that could directly or indirectly result in material additional air pollutants and worsening levels of air quality within the area surrounding the development site will not be permitted. The Council's suggested MM strengthened this by including reference to impacts on the AQMA and requiring an air quality assessment if the proposal is likely to have a significant impact in this regard. However, it does not refer to cumulative impacts. For the LP to be both consistent with national policy and effective in addressing the effects of development a requirement for cumulative impacts to be part of any assessment is included in **MM181**. The modified Policy QL11 will ensure that there will not be unacceptable effects on air quality as a result of development. Overall, the LP has given appropriate consideration to air quality matters and achieving compliance with limit values and national targets for pollutants.

### *Waste*

388. Following the adoption by the County Council of the Kent Minerals and Waste Plan in July 2016, Policy QL13 on waste management and recycling is unnecessary and may cause confusion if retained. The Council's **MM182** to delete the policy is appropriate therefore.

389. My overall conclusion on this main issue is that, as modified, the LP plans positively for the provision and use of community facilities and other local services, including health services. It has taken appropriate account of air quality.

## **Other Matters**

390. The Framework requires that a Local Plan should have a key diagram indicating broad locations for strategic development. The LP was submitted without this but **MM1** remedies the omission.

## **Overall Conclusion and Recommendation**

391. The Plan has a number of deficiencies in respect of soundness and/or legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

392. The Council has requested that I recommend MMs to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Canterbury District Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*M J Moore*

Inspector

This report is accompanied by an Appendix containing the Main Modifications.