

## CHAPTER SEVEN

### 7. OBJECTIONS TO THE CHAPTER ON PRESERVING, ENHANCING AND CONSERVING OUR BUILT AND NATURAL ENVIRONMENTS

#### POLICY BE1 – HIGH QUALITY DESIGN - AND PREAMBLE IN PARAGRAPHS 6.1-6.29

##### Objections and Key Issues

*Re: 6/001 - Paragraph 6.6 - Good Design Principles*

RD137 MHP Partnership represented by Davies Arnold Cooper (20640)

- Say "residential development on derelict & underused brownfield land on south facing slopes should be particularly encouraged"

*Paragraph 6.7 – Good Design Principles*

RN228 Kent County Council (1636, 1655)

- There is not much encouragement to use secondary aggregates or other recycled materials or minimise waste
- The checklist should include the location of the site relative to the range of transport modes currently available or that may be provided as part of the development

*Paragraph 6.20 – Context and Local Distinctiveness*

RN060 Coker (2240)

- St. Edmunds Road should be designated as a home zone

*Policy BE1- High Quality Design*

RN010 Wilks (337)

RN216 Symons (814)

- Noise policies inadequate & should be amended to incorporate WHO Guidelines for Community Noise 2000. Say that all applications and EIA will be examined thoroughly & Council will object if such problems arise
- In a new policy take account of the ten-foot ways between the rear gardens of housing estates in Tankerton

*Re: A6/004 Policy BE1 - High Quality Design*

RD132 Whitstable Beach Campaign (20448)

RD137 MHP Partnership represented by Davies Arnold Cooper (20641)

RD146 BSF Planning Consultants (20708)

- Add to BE1(a) "and the need to deal with derelict, damaged & neglected brownfield land". Add new (l) "and the need to take full advantage of south facing locations"
- Amend BE1 amend by adding (m) Flood Risk
- Should the need for the development be a criterion for all development proposals?

##### Reasoning and Conclusions

7.1 The policy follows a long, but never irrelevant section of supporting text touching on key matters like good design and local distinctiveness. I am satisfied that in drafting the Policy, the gist of a number of objections have been incorporated into the Revised Deposit Draft text. I find nothing unacceptable about the legitimacy of the Council considering the principle of need, among other factors, in considering a particular development; also, that consideration may often, perhaps nearly always, legitimately concern a part, rather than the whole of it. The flooding issue has no need of a mention here, since it is dealt with in detail in Plan Chapter Seven. Finally, I do not think it possible or necessary to make mention of a specific candidate for the Home Zone concept, or of the Tankerton foot-ways in the text.

7.2 The Council has put forward two Proposed Changes. PC6/001 considerably expands the text in an explanatory manner about relevant supplementary planning guidance. PC6/002 removes a minor textual error. The Council has also put forward Further Amendment FA6/001, inserting new text in new paragraph 6.29a to expand on the context for noise generating or noise affected development. The changes are all improvements without any obvious drawbacks.

### Recommendation

7.3 I recommend that the Local Plan be modified to incorporate Proposed Changes Nos. PC6/001, PC6/002 and Further Amendment FA6/001S, as set out in Core Documents CD1.14, CD1.19 and CD1.21, but that no other modification be made to the text of the Revised Deposit Draft of the Local Plan in respect of these objections.

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## POLICY BE2 - THE PUBLIC REALM - AND PARAGRAPHS 6.30-6.52

### Objections and Key Issues

#### *Paragraph 6.34 – Place-making: The Urban Design Approach*

RN161 Ramblers Association (1906)

- Preserve areas of natural land within built environments for the benefit of wildlife

#### *Paragraph 6.39 – Landscape Design*

RN322 English Heritage (1785)

- Such a Landscape Design Strategy should address conservation area character where there is an overlap

#### *Paragraph 6.43 – Outdoor Lighting*

RN316 Herne and Broomfield Parish Council (2372)

RN199 East Kent District Green Party (1525)

RN161 Ramblers Association (1907)

- Resist additional - and if possible reduce existing - light pollution
- Insist on well designed lighting fixtures on any new development
- Council should positively encourage good design of outdoor lighting, and warn against poor design

#### *Paragraph 6.46 - Outdoor Lighting*

RN316 Herne and Broomfield Parish Council (2373)

- Reject the suggestion that high density lighting is necessary for safety

#### *Paragraph 6.47 – Outdoor Lighting*

RN316 Herne and Broomfield Parish Council (2374, 2375)

- Reject the suggestion that high density lighting is necessary for security
- The Council should take powers to prevent light spillage outside properties where it is a nuisance or a hazard

#### *Paragraph 6.50 - Outdoor Lighting*

RN348 Littlebourne Parish Council (2534)

- With regard to lighting, care needs to be taken about light pollution and public/highway safety

#### *Policy BE2*

RN255 GOSE (2639)

- rephrase

### Reasoning and Conclusions

7.4 The Council has adopted English Heritage's suggestion for rewording in paragraph 6.39. The sentiment in the Ramblers Association objection does not invalidate or suggest to me a need to add to the well drafted sentiments already contained in paragraph 6.34.

- 7.5 The objections about lighting have induced the Council to expand and greatly improve text about outdoor lighting. I find it gratifying that this is no longer a Cinderella subject, and I consider that the Council is now addressing the matters that can be controlled, while clearly setting out its stance against the harmful and wide ranging problems caused by crude overuse of unsympathetic installations. A local Plan document has to make its points strongly but succinctly.
- 7.6 Textual strengthening comes in six Further Amendments put forward by the Council. FA6/002 amends paragraph 6.50 to expand on the need to avoid proposals which have adverse lighting characteristics. However, the wording goes against the GOSE objection about words or phrases that are unclear, imprecise or ambiguous. I consider that a better form of words would use the text of FA6/002 as far as the end of the third sentence. The fourth sentence should be reworded as: "Planning permission will not be granted for such schemes. Relevant proposals should aim to achieve good design, enhancement of the urban fabric, energy efficiency, and avoidance of significant impact on the surrounding countryside, sites of nature conservation value and the amenity of local residents". I find the remainder of the amended paragraph to be uncontroversial.
- 7.7 Further Amendment FA6/003 to the last sentence in paragraph 6.45 makes the Council's intention to encourage sensitive illumination more positive. Further Amendment FA6/004 to paragraph 6.47 adds a final sentence enlarging on appropriate action to reduce light pollution and the creation of deeply shadowed areas. Further Amendment FA6/005 adds two sentences to paragraph 6.48 to increase the information it offers already. Further Amendment FA6/006 adds an informative sentence to paragraph 6.49. Further Amendment FA6/007 adds a new paragraph 6.50a to follow paragraph 6.50: this mentions specific needs of different kinds of development proposals, points to County level policy and guidance, and signals the production of supplementary planning guidance on outdoor lighting.
- 7.8 I realise that some objectors still want more text on this subject in the Local Plan. However, the new text gives notice of the Council's intended Lighting Design Strategies for the District's three urban areas, refers to the supplementary planning guidance it is publishing, and mentions the best external written advice: the Institute of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution. The one useful improvement still missing is a very succinct description of what the three Lighting Strategies will do; the present mention in the text is not quite adequate.

### Recommendation

- 7.9 I recommend that the Local Plan be modified to incorporate Further Amendment Nos. FA6/002 – FA6/007 inclusive, as set out in Core Documents CD1.14, CD1.19 and CD1.21, and the altered wording I suggest above in paragraphs 7.6 and 7.8, but that no other modification be made to the text of the Revised Deposit Draft of the Local Plan in respect of these objections.

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### POLICY BE3 – DESIGN STATEMENTS AND DEVELOPMENT BRIEFS – AND PARAGRAPHS 6.53-6.59

#### Objections and Key Issues

*Paragraph 6.59 – Design Statements and Development Briefs*

# INSPECTOR'S REPORT ON THE CANTERBURY DISTRICT LOCAL PLAN

RN229 Property Review & Development (2595)

- Objects to Development Briefs, as more detail is required in terms of permissible land uses, and the mechanism for adoption of the Briefs

*Re: A6/008 Paragraph 6.59– Development Briefs*

RD135 KCC Education & Libraries (20561)

- CCC misunderstands the relationship between Policy in a statutory plan & SPG. SPG cannot be used to make a Policy - it should elaborate & explain Policy. Insert text to clarify role of SPG. Amend plan to clearly describe CCC's land use & development requirements for identified sites

*Re: A6/009 Paragraph 6.59a– Development Briefs*

RD135 KCC Education & Libraries (20562)

- CCC misunderstands the relationship between Policy in a statutory plan & SPG. SPG cannot be used to make a Policy - it should elaborate & explain Policy. Insert text to clarify role of SPG. Amend plan to clearly describe CCC's land use & development requirements for identified sites

*Policy BE3 – Design Statements and Design Briefs*

RN255 GOSE (2647)

RN322 English Heritage (1776)

- Given the importance of the historic environment, English Heritage is concerned that development briefs include consideration of it
- Objection to use of “appropriate”

*Re: A6/010 Policy BE3 – Design Statements and Design Briefs*

RD079 GOSE (20176)

RD092 BT Group Plc Represented By RPS (20224)

- The word “appropriate” makes the Policy unclear
- Objects to the inclusion of sustainability statements. Policy does not clarify what a sustainability statement is nor does it provide details of circumstance where statements should be provided. Paragraph should be removed

## Reasoning and Conclusions

7.10 I find the text of this section unsatisfactory, in that it does not clearly spell out to an applicant or potential applicant the circumstances in which a design statement, or development brief, or sustainability statement will be expected. PPS1 of 2005 (which needs to be mentioned) talks of the critical importance and benefit of pre-application discussions. The whole text should be revisited, together with the following uncertainties:

In 6.53, if the Council means that all applicants for planning permission should provide this written statement for all new built development, then it should say this in terms. If it does not, it should instance the kinds and/or scale of development not thought significant enough to merit a written statement.

In 6.54a, the Council should make clear if this is also expected for all applications, or if the Council will inform the applicant of the need to produce one in pre-application discussions or, if there are no such discussions, on receipt of an application if the need is perceived by officers.

7.11 The wording of the Policy itself should be revised to meet the GOSE objection; I agree that “appropriate” is quite unsuitable here. It seems easier, and best, to set out clearly and briefly in the Policy text what these “circumstances” are, in a way that is easy for an applicant or developer to understand. The time delays that will inevitably stem from failure to discuss development ideas with Council officers before an official application should also be spelt out in an applicant-friendly way in the supporting text. In other respects I consider that the revised text addresses deals adequately with objectors’ specific concerns.

7.12 Council has put forward Proposed Change PC6/003, which adds explanatory text to new Paragraph 6.54a about sustainability statements. I consider this useful and adequately detailed.

### Recommendation

7.13 I recommend that the Local Plan be modified to incorporate Proposed Change No. PC6/003, as set out in Core Documents CD1.14, CD1.19 and CD1.21, and the altered wording I suggest in my paragraphs 7.10 and 7.11 above, but that no other modification be made to the text of the Revised Deposit Draft of the Local Plan in respect of these objections.

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## POLICIES BE5 & BE6 - LISTED BUILDING ALTERATIONS AND EXTENSIONS - AND PARAGRAPHS 6.67-6.71

### Objections and Key Issues

#### *Paragraphs 6.67 to 6.71 – Listed Buildings*

RN010 Wilks (358)

- New policy needed to record and protect buildings from 1920's onwards. E.g. Buildings of light construction erected in 1920's, and typical 1920's & 1930's semi's found throughout Tankerton

#### *Policy BE5*

RN156 BSF Planning Consultants (1855)

RN325 Mr R Strickland represented by Christian Leigh Town Planner (2406)

- Delete the words; "consider the need for the alterations to..." as these are not covered by PPG15
- Local Listing has no statutory role. These references should be deleted

#### *Re: A6/012 Policy BE5 – Listed Building alterations*

RD134 English Heritage (20519)

RD146 BSF Planning Consultants (20706)

- Is it a function of the planning authority to consider if alterations are required or desirable?
- Listed building Policy should also refer to safeguarding their setting in the wider context, because development in the vicinity can also affect the setting of a listed building

#### *Policy BE6*

RN255 GOSE (2640)

- Rephrase policy wording avoiding "encouraged"

#### *Re: A6/013 Policy BE6 – Listed Building extensions*

RD134 English Heritage (20520)

- Listed building policy should also refer to safeguarding their setting in the wider context, because development in the vicinity can also affect the setting of a listed building

### Reasoning and Conclusions

7.14 I agree that the Council has no need or obligation to deal with inter-war buildings of perceived interest in this Local Plan. The matter is better taken up through local recording and research by individuals, perhaps acting with local societies in consultation with a national body such as the Twentieth Century Society. The Council reference to local list buildings in Policy BE5 and its supporting text seems to me useful, enlightened and absolutely appropriate in a Local Plan for a District with such varied and interesting building stock – likewise the policy text stating that the requirement for, and desirability of, specific alteration to buildings of interest will also be examined.

7.15 The Council has put forward Proposed Change PC6/004, which usefully expands on the setting of a building, to meet the point made by English Heritage. The Revised Deposit Draft text also meets GOSE's well-made objection about use of the term "encouraged".

### Recommendation

7.16 I recommend that the Local Plan be modified to incorporate Proposed Change No. PC6/004, as set out in Core Documents CD1.14, CD1.19 and CD1.21, but that no other modification be made to the text of the Revised Deposit Draft of the Local Plan in respect of these objections.

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## POLICIES BE7 & BE8 - CONSERVATION AREAS - AND PARAGRAPHS 6.72-6.84

### Objections and Key Issues

#### *Paragraph 6.72 - Demolition*

RN322 English Heritage (1786)

RN156 BSF Planning Consultants (1856)

- Local Listing has no statutory role. These references should be deleted
- The Plan should reflect the tests for demolition of locally listed buildings set out in PPG15

#### *Re: A6/014 Paragraph 6.72 - Demolition*

RD134 English Heritage (20521)

RD146 BSF Planning Consultants (20707)

- Demolition of locally listed buildings - the approval of the Planning Authority is not always required outside Conservation Areas. The Policy should be reworded
- Amendment fails to make the point that efforts to find alternatives uses should have manifestly failed & there is no charitable or community ownership prospect as an alternative

#### *Policy BE7*

RN017 Harbledown Parish Council (613)

RN164 Railtrack PLC (599)

RN226 BT Group Plc Represented By RPS (1679)

RN274 Davis (1750)

- New building given permission alongside existing homes should be appropriate in scale and design to those already there
- This policy should not seek to place undue restrictions on development, and should have regard to Policy ED6
- Conservation areas must not delay maintenance and upgrading of the railway network. Railtrack's permitted development rights should be acknowledged in the local plan
- Open land south of Kent College at Harbledown suggested as a Green Gap should be also be designated as a Conservation Area to protect it

### Reasoning and Conclusions

7.17 I see nothing incorrect or ill-judged in the Council's text about locally listed buildings in conservation areas; the text gains support from what is said in paras. 4.27 and 6.16 of PPG15. The Council has put forward Proposed Change PC6/005, which answers specific objections, clarifying and expanding the context and requirements in paragraph 6.72 that might make demolition of locally listed buildings acceptable.

7.18 As to the specific objections about Policy BE7, none of them is so central or relevant that the wording needs to be amended or extended. As to the merits of the Harbledown land mentioned, I did not see this land as possessing the pinch point characteristics necessary

for a Green Gap designation; any claims to conservation area status seem to me, after visiting the area, to fall down in respect of identifiable or significant architectural or historical interest.

Recommendation

7.19 I recommend that the Local Plan be modified to incorporate Proposed Change No. PC6/005, as set out in Core Documents CD1.14, CD1.19 and CD1.21, but that no other modification be made to the text of the Revised Deposit Draft of the Local Plan in respect of these objections.

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POLICY BE10 - HISTORIC LANDSCAPES, PARKS & GARDENS, & POLICY BE11 – SHOP FRONTS - AND PARAGRAPHS 6.88-6.91

Objections and Key Issues

*Policy BE10*

- RN161 Ramblers Association (1903)
- RN179 Kent Wildlife Trust (194)
- RN322 English Heritage (1787)

- There is no reference to archaeological features such as standing remains and earthwork monuments as a component of the historic landscape
- The policy does not sufficiently emphasise and protect the nature conservation importance of historic landscapes and gardens, veteran trees and hedgerows. It needs also to protect ancient woodland
- Fully support preservation of the historic landscape including Parish boundaries, historic landmarks etc

*Policy BE11*

- RN255 GOSE (2636)
- Rephrase policy wording

Reasoning and Conclusions

7.20 The Council has amended Policy BE10 to take account of the English Heritage point about archaeological features, but I see no need further to augment a Policy that covers the relevant matters fully but succinctly.

7.21 Policy BE11 could be more directly worded to aid planning, listed building and conservation area control if the first line read: “Permission will not be given to alter or replace existing shopfronts... (etc)”.

Recommendation

7.22 I recommend that the Local Plan be modified to incorporate altered wording as suggested in my paragraph 7.21 above, but that no other modification be made to the text of the Revised Deposit Draft of the Local Plan in respect of these objections.

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POLICY BE12 - ADVERTISEMENTS - AND PARAGRAPHS 6.92-6.99

Objections and Key Issues

*Paragraph 6.97 - Advertisements*

# INSPECTOR'S REPORT ON THE CANTERBURY DISTRICT LOCAL PLAN

RN055 Outdoor Advertising Association represented by Malcolm Judd & Partners (86)

- This paragraph unfairly implies a blanket restriction on certain types of advertisements in conservation areas, and should be amended to reflect PPG19

## *Policy BE12 – Advertisements*

RN055 Outdoor Advertising Association represented by Malcolm Judd & Partners (87)

RN255 GOSE (2648)

- This policy should avoid being overly prescriptive, and should reflect PPG19.

## *Re: A6/021 Policy BE12 – Advertisements*

RD102 Highways Agency (20266)

RD079 GOSE (20177)

- The word “appropriate” makes the Policy unclear
- Amend criterion a) as follows: The advertisements do not constitute a risk to public safety or to road safety and do not visually harm their landscape or townscape setting. Supporting text should refer to safety hazard distracting drivers

## Reasoning and Conclusions

7.23 In the Revised Deposit Draft the Council has taken pains to incorporate objectors' points into its rewordings within paragraph 6.97 and the Policy. It has also put forward Proposed Change PC6/006, which brings in the consideration of road safety to criterion (a) of Policy BE12. The only remaining point of substance is the GOSE objection to “appropriately” in the first line of the Policy. I consider that the first sentence would be clearer if it read: “Advertisements should demonstrate a high quality of design, and should be located to maximise visual amenity and public safety”.

## Recommendation

7.24 I recommend that the Local Plan be modified to incorporate Proposed Change No. PC6/006, as set out in Core Documents CD1.14, CD1.19 and CD1.21, and the altered wording I suggest in my paragraph 7.23 above, but that no other modification be made to the text of the Revised Deposit Draft of the Local Plan in respect of these objections.

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## POLICY BE13 - BLINDS, AWNINGS AND SECURITY - AND PARAGRAPHS 6.100-6.103

### Objections and Key Issues

#### *Paragraph 6.102 - Blinds Awnings and Security*

RN257 Herne Bay & District Chamber of Commerce (2162)

- Objects to the last sentence in this paragraph. The Herne Bay conservation area covers the whole retail centre. External roller shutters should not be resisted in conservation area and on listed buildings

#### *Policy BE13 – Blinds Awnings and Security*

RN130 Herne Bay and District Residents Association (1611)

RN257 Herne Bay & District Chamber of Commerce (2164)

- The plan needs to be reconsidered in the light of the activity of insurers. E.g. Retailers may be required to fit external shutters.
- There is a conflict in the policy, and as worded, forbidding external shutters will send insurance premiums up and have an adverse impact on retail activity

#### *Paragraph 6.103 – Street Furniture*

RN316 Herne and Broomfield Parish Council (2371)

- There is proliferation of traffic signs, bollards etc. in residential and rural areas which create a harsh and unfriendly ambience. Should conduct a review of signs and only retain those necessary

Reasoning and Conclusions

7.25 Paragraph 6.103 concerning street furniture has been amended to meet the Parish Council points, in major part. The objections to Policy BE13 are quite understandable. Herne Bay town centre is the subject of a conservation area designation, the size of which I can only describe as very generous. However, it is a fact, and I have no reason at all to doubt that socio-economic conditions in the town may require quite elaborate and expensive security precautions for certain shop and commercial premises. In essence, I find the Policy and supporting text reasonable and well-argued.

7.26 I think in practice it will be possible for owners of street front premises in Herne Bay – on all but statutory or local list buildings – to argue for adequate external physical security measures to protect façades. Criterion (d) and the supporting text are there to assist the owner or occupant in this regard. However the whole tenor of the Policy is that the avoidance of harm to the visual appearance of the premises and street scene is the primary consideration, so the design and scale of the proposals must always be of demonstrably high quality. The impressive draft of supplementary planning guidance on Shopfront Design (CD6.4) convinces me that its final form will demonstrate a number of good and affordable solutions to this problem.

Recommendation

7.27 I recommend that no modification be made to the Revised Deposit Draft Local Plan in respect of these objections.

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POLICIES BE14, BE15 AND BE16 - DEVELOPMENT AFFECTING ARCHAEOLOGY - AND PARAGRAPHS 6.104-6.112

Objections and Key Issues

*Policy BE14 – Scheduled Ancient Monuments*

RN265 Cerullo (2232)

RN322 English Heritage (1788)

- Inconsistency with PPG16; policy should consider “setting” of other nationally important archaeological sites
- Archaeologists are not advised of all planning applications in archaeologically sensitive areas. The Archaeological Adviser to the Council should be informed of all planning applications in areas suspected of having archaeological implications

*Paragraph 6.106 - Archaeology*

RN322 English Heritage (1789)

- The reference to the database should be developed by reference to the intention to undertake assessment and strategy phases based upon the database

*Re: A6/023 Paragraph 6.106 - Archaeology*

RD132 Whitstable Beach Campaign (20449)

- Amend para 6.106 after “in the city”; add “and elsewhere in the District”

*Policy BE15 - Archaeology*

RN003 Hollamby Estates represented by Kitewood Estates (398)

RN010 Wilks (332)

RN226 BT Group Plc Represented By RPS (1680)

RN265 Cerullo (2233)

# INSPECTOR'S REPORT ON THE CANTERBURY DISTRICT LOCAL PLAN

RN322 English Heritage (1790)

- Unreasonable for applicants to undertake a full archaeological evaluation before an application is determined; say prior to commencement of development
- Criterion (c) could be misconstrued by appearing to put preservation in situ and preservation by record on an equal footing. Preference is for in situ preservation
- Desktop analysis more appropriate with an agreed programme of archaeological works after permission granted
- Archaeological Adviser to the Council should be informed of all planning applications in areas suspected of having archaeological implications
- Policy only covers known sites. Expand or add new policy to ensure enough archaeological work is carried out on all relevant land in District to make sure what is beneath the land in question

*Re: A6/025 Paragraph 6.109 - Archaeology*

RD134 English Heritage (20525)

- Should refer to the setting of nationally important sites

*Policy BE16 – Archaeology*

RN322 English Heritage (1791)

- LPA should determine whether or not disturbance of remains is unavoidable or not feasible. Also, a competent archaeological organisation should be referred to

## Reasoning and Conclusions

7.28 The detailed text of this section in the Revised Deposit Draft, which already closely follows the tenets of PPG16, has been sensibly revised to take account of informed objections. It does not impose any burdens on a developer not envisaged or encouraged by that national policy guidance. The Council has put forward Proposed Change PC6/007, which adds mention of the Countywide Sites and Monuments Record in paragraph 6.106, to cover archaeology matters in the District outside the Historic City.

7.29 I do not really understand the wording of the Revised Deposit Draft text of BE16, even after its revision to meet the English Heritage objection. I assume it deals with cases where physical disturbance of archaeological remains is unavoidable. So I cannot see why it does not start: “Where the City Council considers that disturbance of archaeological remains or deposits is unavoidable, and physical preservation in situ not feasible, the developer will be requested....”.

## Recommendation

7.30 I recommend that the Local Plan be modified to incorporate Proposed Change No. PC6/007, as set out in Core Documents CD1.14, CD1.19 and CD1.21, and the altered wording I suggest in my paragraph 7.29 above, but that no other modification be made to the text of the Revised Deposit Draft of the Local Plan in respect of these objections.

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## POLICY NE1 - DEVELOPMENT AFFECTING PROTECTED AND IDENTIFIED SPECIES - AND PARAGRAPHS 6.113-6.126

### Objections and Key Issues

*Paragraph 6.114 – The Natural Environment*

RN021 Leatham (632)

- SNCI in Area N.W. Wincheap Industrial Estate adj. A2 to Canterbury/Ashford railway is low quality, little nature conservation interest, and no landscape value. Should be used for North Canterbury Park and Ride

*Paragraph 6.115 to 6.120 – Protected Sites*

# INSPECTOR'S REPORT ON THE CANTERBURY DISTRICT LOCAL PLAN

RN284 RSPB (980)

RN120 English Nature (474)

RN061 PACE (169)

- There is an absence of specific local plan policies to protect designated sites of wildlife interest
- Include a policy which makes some categories of land within the district sacrosanct, with absolute protection from development
- International, national and county level sites are listed in the plan. No mention, however, is made of the nature reserves in the district

## *Paragraph 6.117 to 6.122 - Protected Sites*

RN120 English Nature (471)

RN179 Kent Wildlife Trust (195, 202, 203, 205)

- The Policy should make clear that there is a rolling programme of designations of SNCIs
- A Local Plan policy is needed for each KSP policy
- A policy should be drawn up to protect semi-natural habitats against adverse impacts
- For SNCI's there would have to be a regional overriding need, and for SSSI's an overriding national need
- Policies relating to SSSI's should explicitly reflect the obligations under the Countryside and Rights of Way Act 2000
- There should be a specific policy for sites of international importance and the provisions of the European Habitats Directive would apply
- The proposals maps only show the SSSI boundaries, not those sites to which European legislation applies, as implied in the text

## *Paragraph 6.118 - Protected Sites*

RN120 English Nature (473)

- There are 15 SSSI's within the district, rather than 14 as stated in the paragraph

## *Paragraph 6.120 - Protected Sites*

RN034 National Grid represented by Malcolm Judd & Partners (1603)

- The National Grid requests that the SNCI designation will not restrict essential utilities development

## *Re: A6/038 Paragraph 6.120 - Protected Sites*

RD085 National Grid Company Plc represented by Malcolm Judd and Partners (20302)

- Concerned that the SNCI designation at the National Grid's Canterbury Substation site may restrict essential utility development

## *Paragraph 6.121 to 6.122 – Nature Conservation outside Protected Sites*

RN048 Stebbing (430)

- The downs at Beltinge also need protection; wildlife is present there in abundance

## *Paragraph 6.125 – Protected Species*

RN329 Environment Agency (2489)

- There are more species than those named. The text should refer to the species identified as some of those listed under the European Habitats Directive

## *Re: A6/031 Paragraph 6.125 – Protected Species*

RD110 PACE (20403)

RD132 Whitstable Beach Campaign (20450)

- Amend para 6.125 after several bat species: add and wintering birds, such as Brent geese

## *Paragraph 6.126 - Protected Species*

RN329 Environment Agency (2488)

RN120 English Nature (475)

- English Nature objects to this point as it implies that permission will be granted regardless of the presence of protected species
- Translocation may not be an acceptable form of mitigation, and should only be considered after all other options have been pursued

## *Policy NE1 - Biodiversity*

RN120 English Nature (476)

# INSPECTOR'S REPORT ON THE CANTERBURY DISTRICT LOCAL PLAN

RN179 Kent Wildlife Trust (197)

RN329 Environment Agency (2487)

- English Nature objects to this point as it implies that permission will be granted regardless of the presence of protected species
- Amend to consider alternative sites, minimising impact on species, and appropriate/agreed mitigation
- Policy now implies that development will be permitted provided mitigation proposals are submitted. These measures should be satisfactory and enforceable through conditions

## Reasoning and Conclusions

7.31 The text has been improved in detail, and occasionally as to facts, in response to informed objections. Most importantly, NE1 has been rephrased to avoid any impression that a development proposal on a sensitive nature site will prevail, provided certain measures are carried out. I am satisfied of its robustness in the Revised Deposit Draft version, and nothing now needs to be added. I am in agreement that relevant matters in Structure Plan policies do not need to be re-iterated or directly paraphrased in the Local Plan, as both together comprise the development plan for the District.

7.32 The range of development plan policies on this matter do allow for the vital interests of a statutory undertaker like the National Grid in undertaking necessary works, although there would always be negotiation to mitigate adverse effects. As to the objection about the SNCI designation near the Wincheap Industrial Estate, the Local Plan is not the vehicle for altering a SNCI designation; the content of the objection is, in any event, scanty and unconvincing about any particular deficiencies in the features of special interest for which the site was designated.

## Recommendation

7.33 I recommend that no modification be made to the Revised Deposit Draft Local Plan in respect of these objections.

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## POLICY NE2 - DEVELOPMENT AFFECTING SEMI-NATURAL HABITAT - AND PARAGRAPHS 6.127-6.130

### Objections and Key Issues

*Paragraph 6.127 to 6.130 – Enhancing Biodiversity*

RN329 Environment Agency (2485)

RN284 RSPB (985)

RN010 Wilks (374)

- New policy required to create a nature reserve on protected open space bounded by the rear gardens of Millstream and Stream Walk, Whitstable
- Amend text to: "Development should, where practical, make positive contributions to the retention, creation and management of wildlife habitats that could contribute to a network of wildlife corridors
- Objects to the absence of a policy for the enhancement of biodiversity

*Policy NE2 – Semi-natural Habitat*

RN179 Kent Wildlife Trust (199)

RN329 Environment Agency (2486)

- The policy should add the requirement of planning conditions to strengthen obligations to protect and enhance a site's wildlife interest
- A provision should be included to minimise any impact upon semi-natural habitats

Reasoning and Conclusions

7.34 The desire for a new nature reserve in Whitstable must be taken up outside the Local Plan process. The other objections are expressing ways of improving the Plan text, but none of the suggestions appears to me necessary or relevant enough to demand changes.

Recommendation

7.35 I recommend that no modification be made to the Revised Deposit Draft Local Plan in respect of these objections.

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POLICY NE3 – BLEAN WOODS SLA AND THE WANTSUM CHANNEL AHLV – AND PARAGRAPH 6.131. POLICY NE4 - SEASALTER AND GRAVENEY LEVELS - AND PARAGRAPH 6.132

Objections and Key Issues

*Policy NE3 – Enhancement of Biodiversity*

RN010 Wilks (372)

RN255 GOSE (2664)

RN284 RSPB (986)

- Apply Policy to all the District, not just the Blean Woods SLA
- Containing material not directly relating to specific sites/areas without providing certainty re the determination of development proposals or land use
- Need for a new policy to treat the area of Benacre Wood as SSSI + open space

*Paragraph 6.132 - Seasalter*

RN010 Wilks (324)

- How will this be achieved? How will land be cleared and how will CCC prevent problem recurring? Might require purchase of more of the sites, money, staff time, perseverance and bold enforcement

*Policy NE4 - Seasalter*

RN120 English Nature (478)

RN255 GOSE (2665)

- English Nature would like to support the Council's policies regarding enhancing biodiversity on the Seasalter and Graveney levels.
- This is a promotional statement, rather than a land use policy

Reasoning and Conclusions

7.36 All the above text is appropriate if stated succinctly in a Local Plan. However, NE3 and NE4 are effectively statements of intent: that is, they simply express an intention to carry out a future programme of work. They are not, as drafted, innately connected to the planning decision process. The text should be redrafted as supporting text, and inserted within the Plan Chapter at the most appropriate place, possibly the introductory section.

Recommendation

7.37 I recommend that the Local Plan be modified to incorporate altered wording as suggested in my paragraph 7.36 above, but that no other modification be made to the text of the Revised Deposit Draft of the Local Plan in respect of these objections.

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POLICY NE5 - TREES, WOODLAND AND HEDGEROWS - AND PARAGRAPHS 6.133-6.137

Objections and Key Issues

*Paragraph 6.133 to 6.135 – Trees, Woodland and Hedgerows*

RN010 Wilks (365)

- Would like to see maximum policy protection for Honey Wood, Tyler Hill. Should also be protected by TPO due to high amenity value and natural history interest

*Policy NE5*

RN010 Wilks (315)

RN179 Kent Wildlife Trust (201)

RN221 E Kent Hospitals Trust represented by Broadway Malyan (1697)

RN274 Davis (1732)

- Take account in the policy wording of the importance of trees, etc to the bio-diversity and nature conservation interest of a site
- The protection of these features should be enforced through the policy
- Policy need for protection of hedgerows with a function as linear nature reserves
- The policy should ensure an appropriate balance between the retention of important features and efficient re-use of brownfield sites

Reasoning and Conclusions

7.38 Honey Wood, Tyler Hill is already protected as a SSSI and a conservation area, says the Council, and there is no need for the Plan to deal with it specifically. The Policy has been strengthened on the lines suggested by the Kent Wildlife Trust. It is strongly worded, but not in a way that is intrinsically hostile to a developer who approaches a potential site with sensitivity and ingenuity.

Recommendation

7.39 I recommend that no modification be made to the Revised Deposit Draft Local Plan in respect of these objections.

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OMISSION SITES IN HERNE AND BROOMFIELD PARISH: HERNE COMMON

Objections and Key Issues

RN274 Davis (1754, 1755)

RN316 Herne and Broomfield Parish Council (2381-2388, 2390-2392)

- Curtis Wood Park should be designated open space and Curtis Wood marked as a local nature reserve
- Designate the fields on Home Farm adjacent to Canterbury road as open space, to protect the open setting of historic Herne Village
- Land on Home Farm from Canterbury Fields Estate to Carden's Field should be designated as open space to safeguard the setting of the village
- Object to the non-allocation of land at end of Bogshole Lane, Broomfield, adjoining public footpath CH47 as protected open space
- Object to the non-allocation of land to the rear of the Huntsman and Horn public house as protected open space for public use

## INSPECTOR'S REPORT ON THE CANTERBURY DISTRICT LOCAL PLAN

- Object to the non-allocation of land at Broomfield Community Woodland Park, Ford Road as protected open space (no longer being pursued)
- Object to the non-allocation at Broomfield Pond as public open space

### Reasoning and Conclusions

- 7.40 It is obvious that the Parish Council has put much thought into its Local Plan submissions. It has a vision of a connected series of improvements to facilities, in what it somewhat ruefully recognises as a Parish that has become a dormitory settlement of some 9,000 people. I have looked at all the areas mentioned in the objections.
- 7.41 The sites in this “wish list” brought up by the Parish Council have all run into opposition from the Council for a variety of reasons, which have been made known to the Parish Council. I agree with the Council the logic of not extending open space protection policies outside demarcated Urban Area Boundaries, because normal countryside protection policies do this job with equal efficiency. Significantly, both types of policies are not absolute stops to development in all circumstances, so the effect of the Council’s thinking does not result in a materially different effect, in safeguarding a particular area from development.
- 7.42 The Council’s evidence is that it is still in the process of producing a District-wide review of its open space provision. While it has not produced any evidence of positive enthusiasm for any of the suggested sites, it does say that none should absolutely be ruled out of contention before this work is produced, and public consultation has been carried out. Open space with access rights on what is private land implies substantial expenditure. Any recommendation by me involving public expenditure really requires me to have a comparative view of all other candidate sites in the District, but I do not possess that knowledge. No single site brought up by the Parish Council appears to me to be needed urgently to fill a critical deficiency of public open space; thus I am not recommending any site as a specific new allocation. The best way forward appears to be participation by the Parish Council to the utmost degree possible in the process leading to production of the final District-wide review.

### Recommendation

- 7.43 I recommend that no modification be made to the Revised Deposit Draft Local Plan in respect of these objections.

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