

INDEPENDENT EXAMINATION OF THE BRIDGE
NEIGHBOURHOOD DEVELOPMENT PLAN 2022-2037

EXAMINER: DEREK STEBBING B.A. (Hons), Dip. E.P., MRTPI

Alan Atkinson
Chairman Bridge Parish Council

Jennifer Heap
Clerk to Bridge Parish Council

Andrew Thompson
Canterbury City Council

Examination Ref: 01/DAS/BNP

22 August 2023

Dear Mr Atkinson, Ms Heap and Mr Thompson

BRIDGE NEIGHBOURHOOD DEVELOPMENT PLAN EXAMINATION

Following the submission of the Bridge Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Bridge Parish Council (the Qualifying Body) and Canterbury City Council (the Council), to which I would like to receive a written response(s) by **Friday 15 September 2023** if possible.

- Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment (SEA) Environmental Report, the Habitats Regulations Assessment (HRA) Appropriate Assessment Report and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

- Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 11 September 2023. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to

prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

- Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the Parish Council and the Council.

I have four questions seeking further clarification, which I have set out in the Annex to this letter.

I would be grateful if you can seek to provide a written response(s) by **Friday 15 September 2023**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within round 6 weeks of submission of the draft Plan. However, as I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable may be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPe office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and Council's websites.

Thank you in advance for your assistance.

Yours sincerely

Derek Stebbing

Examiner

ANNEX

From my initial reading of the Bridge Neighbourhood Plan 2022-2037 (Submission Version, dated May 2023), the supporting evidence and the representations that have been made to the Plan, I have the following questions for the Qualifying Body and the Council. I have requested the submission of responses **by Friday 15 September 2023**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Question 1: Re. Policy B2 (Page 11)

Policy B2 states, inter alia, that *“Development applications that would significantly increase the parking problems in Bridge will not be supported.”*

‘Parking problems’, including on-street car parking and any relevant enforcement, are not a matter that can be directly resolved by land-use planning policies, as it is a matter covered by other legislation, normally the Highways Act and accompanying Regulations. It is not a matter that can be addressed by the local planning authority.

The second part of Policy B2, as presently drafted, is therefore defective and I therefore invite the **Qualifying Body** to consider whether the Policy text should be reviewed to focus on the provision of appropriate car parking provision in accordance with the adopted standards of Kent County Council and the City Council. I also consider that this Policy, or Policy B1, should make reference to the appropriate provision of bicycle and powered two-wheeler (PTW) parking, again in accordance with the adopted standards. I would be grateful if the **Qualifying Body** can provide me with a note containing any suggested revisions to the text of Policy B2, and if appropriate Policy B1.

Text for Policy B2 should now read “All development proposals will endeavour to provide adequate provision for off street parking except where local settings or characteristics will not reasonably allow this, then the standards set out in the Adopted Canterbury and District Local Plan shall be followed”.

No change to Policy B1.

Question 2: Re: Policy C2, paragraph 4.15 and Appendix E (Pages 15, 16 and 38)

From everything that I have read, including the representations made to the draft Plan, I consider that the proposals by Cantley Ltd. described as *‘Bridge Fields’* are, at this stage, still at an illustrative stage and that no pre-application discussions on the development proposals have yet commenced with the City Council.

As such, the illustrative drawings included at Appendix E cannot constitute a formal Site Allocation plan within the Plan to accompany Policy C2. Such a Site Allocation plan should clearly define the boundaries of the site on an Ordnance Survey (OS) base and at an appropriate

scale, which is probably 1:1250 in this case, to enable users of the Plan to clearly identify the land so defined within the Policy. The Site Allocation plan should not contain the type of illustrative material shown on the drawings at Appendix E.

I am further concerned that Appendix E contains information which is of a possible contractual nature between the Parish Council and Cantley Ltd./Woodchurch Properties and which should not form part of a land use development plan and its policies. However, matters that may be the subject of any necessary planning obligations between the City Council and the developer, as part of any planning permission that may be granted, can be identified. I am of the view at the present time that Appendix E should be removed from the draft Plan, although it can form part of the supporting material to the Plan. In that context, other references in the Plan to Appendix E, e.g. at Policy E3, will need to be removed.

Appendix E to be removed. To insert Site Allocation Plan within C2.

I also note an inconsistency between the stated housing capacity of the site at Policy C2 and Appendix E (47 dwellings) and at paragraphs 4.23 and 5.21 of the SEA Environmental Report (a maximum of 40 dwellings), and I would be grateful for a clarification from the **Qualifying Body** on that point.

As part of the SEA, the assessment of reasonable alternatives considered different approaches based on an approximate (but relatively specific) number. Option 2 replicates the final allocation 47 dwellings; it was assessed as an alternative option alongside the others.

I am also mindful that paragraph 177 of the National Planning Policy Framework (NPPF) requires consideration of the exceptional circumstances that will need to be assessed as part of any planning application for major development within an Area of Outstanding Natural Beauty (AONB).

As drafted, I consider that Policy C2 is flawed in several respects:

- It fails to identify that the site is within the Kent Downs AONB and the Bifrons Park Conservation Area, and does not identify the mitigations that will be necessary to justify development of the scale proposed (47 dwellings and a new Village Hall of some 500-600 sq. m.) or any reference to other relevant Policies in the draft Plan that will need to be taken into consideration; **Addressed below.**
- It fails to identify the size of the site which (from the SEA Environmental Report at paragraph 4.18) I believe to be 7.44 ha.; **Addressed below.**
- It fails to specify with sufficient detail the full extent of the proposed development at the site, including the housing mix and the number of affordable housing units; **Addressed below.**
- It fails to identify the mitigations regarding Flood Risk, and I note that approximately 35% of the site is within Flood Zone 3 and a further 10% is within Flood Zone 2. I consider that any development proposals will need to be accompanied by a Flood Risk Assessment and Drainage Strategy, which will need the approval of the Environment Agency and the Lead Local Flood Authority (LLFA). (I also wish to establish beyond any doubt that there is no conflict between Policy C2 and Policy E1

in the draft Plan regarding the proposed development of the site); The housing development falls completely within flood zone 1 and therefore no conflict with Policy E1. It is noted within the SEA that *“In terms of climate change adaptation, the Neighbourhood Plan has a close recognition of the flood risk issues present locally in the parish, including linked to the presence of the Nail Bourne. This includes relating to the flood risk present on and adjacent to the site allocated through the Neighbourhood Plan. In this context approximately 35% of the site is within Flood Zone 3, and a further 10% is within Flood Zone 2. The flood risk is mainly along the southern part of the site adjacent to the Nail Bourne, although it extends north towards the centre of the site across a lower-lying area of ground. This area also corresponds with the part of the site at risk of surface water flooding.*

As highlighted by masterplan accompanying the site allocation, the main areas proposed for development on the site (delivering 40 dwellings and a village hall) are in locations away from areas at risk of flooding. This recognises that the site is of sufficient size for development within Flood Zones 2 and 3 to be avoided. This will be further reinforced by Policy E1, which states that no development will be supported which takes place in Flood Zone 2 or 3. Policy C4 also seeks to ensure that developers are required to identify and manage any increased risk of flooding which results from new development, including areas off-site”.

- It fails to identify the proposed vehicular and pedestrian access arrangements to the developments proposed, and the potential ‘new school access’ shown on one of the drawings at Appendix E; **Addressed below.**
- It fails to identify the need to safeguard existing mature trees within the site; **Addressed below.** and
- Finally, I note that the drawings at Appendix E show the provision of a car parking area with 30 spaces for School Staff, but which is not specifically referenced within Policy C2, within its supporting text or within Appendix E. I wish to understand the justification for this specific car parking provision, which is additional to the 84 car parking spaces, described at Appendix E as being *“for school and village hall”*. **Addressed below.** 84 additional parking spaces consist of 30 spaces for school staff parking and 54 space for village hall parking.

Text for Policy C2 should now read “On the site, contained within the Site Allocation Plan, covering 7.44 ha, there is allocation for a Village Hall, sports pitches, recreational play areas for undeveloped land for recreational use, and for a housing development of 47 housing units including 12 affordable homes, which will comprise of 2 bed, 3 bed, 4 bed and 5 bed homes. There will be 54 parking spaces for the new village hall and 30 additional spaces created for school staff parking which will also assist in alleviating the pressures for parking spaces at peak times around the primary school. There will be a new entrance to access the school away from the road and moving vehicles which will improve pedestrian safety. A new access road will be built for the new homes from Patricbourne Road. There will be access to the village hall

and parking including school staff parking via the school road.

The support for planning permission for any part of the housing development will be subject to the transfer of the Recreation Ground freehold from private ownership to Bridge Parish Council so as to enable the community use of the Recreation Ground in perpetuity, and the provision of such other elements as are agreed by Cantley Limited and Bridge Parish Council as set out in the Site Allocation Plan.

The land contained within the Site Allocation Plan falls within the Bifrons Conservation Area and Kent Downs AONB. In order to mitigate the impact of the development a Landscape and Visual Impact of the site was carried out and can be found within Appendix F. As part of the mitigation measures mature trees on the site will be safeguarded.

Part of the site falls within Flood Zones 2 and 3 however the residential development falls entirely within Flood Zone 1 and is consistent with Policy E1 of this Neighbourhood Plan. As part of the Flood mitigation both the accesses roads to the housing development via Patricxbourne Road and emergency access via the school road will be controlled by a control gate in the event of the Patricxbourne access road becoming flooded by the Nailbourne. Any residential development within Flood Zone 3 would not be supported unless the development satisfies a Flood Risk Assessment and is accompanied by Drainage Strategy approved by the Environment Agency and Lead Local Flood Authority (LLFA)

This safeguarding of the recreational facilities by way of this development falls fully within the guidance set for permitted exceptions as set out in NPPF 2021 paragraphs 99 and 177.

Any such development must comply with all the relevant policies, particularly those relating to building within areas prone to flooding, which are set out elsewhere within this Neighbourhood Plan”.

In view of the matters of concern raised above, can the **Qualifying Body** please provide me with a full note addressing each of the points, including suggested revisions to the text of Policy C2 and paragraphs 4.15-4.21, that I may consider as proposed modifications to the Plan. I also request a draft Site Allocation plan, which will be suitable for inclusion in the draft Plan linked to Policy C2. As noted above, this should simply define the boundaries of the site on an OS base and at an appropriate scale, titled appropriately including the address of the site.

Text for 4.15 should now read “The housing development site, located adjacent to the

Recreation Ground, where 47 houses are being proposed by Cantley Estates as set out within Policy C2 is designated Kent Downs AONB and falls within Bifrons Park Conservation Area. It is enclosed upon two sides by residential housing, and upon the third by a Primary school that serves a large area, and upon its fourth side the site is bounded by the raised viaduct which lifts the twin carriageways of the A2 highway across the Nailbourne. Please refer to Appendix F 'Landscape and Visual Impact Assessment' to read the mitigation measures supported by this Neighbourhood Plan".

Text for 4.16 should now read “ By allocating 47 housing units to include social housing units adjacent to the Recreation Ground, the village has the opportunity to secure, in perpetuity for the village, space for football pitches and the associated pavilion building, tennis courts, a formal children’s play area, as well as additional open space which has traditionally staged village events such as fetes, Jubilee events and firework displays. All this, plus a new Village Hall with appropriate car parking spaces, would safeguard and enhance the recreational possibilities available within the village, and so is compliant with CDLP policy OS2”.

Text for 4.17 should now read “Alternatively, these recreational and cultural assets would risk having to be relocated or being lost to the village, and hence to the District, at some point after the current lease with the private owner of the freehold of the Recreation Ground expires in 2024”.

Question 3: Re. Policies D1 and E4 (Pages 20 and 24), Map of Important Local Green Spaces (Page 25) and accompanying List of Sites (Page 26)

With regard to the proposed designation of Site Nos. 1-7 (as shown on the Map at page 25 and listed at page 26) as Local Green Spaces (LGS), I shall require inset maps on an OS base, at an appropriate scale, which is likely to be at 1:1250 or 1:2500 (depending upon the varying sizes of the sites) clearly defining the boundaries of each of the seven sites and suitable for inclusion in the draft Plan to enable users of the Plan to clearly identify the land so designated by the Policy. I therefore request that the **Qualifying Body** provide a set of plans that meet this requirement, which I can consider for inclusion in the Plan as a proposed modification.

To follow.

I also require further information, beyond that set out on page 26, to support the proposed designation of the seven proposed LGSs in accordance with the specific three criteria set out at paragraph 102 of the NPPF, and I would be grateful if the **Qualifying Body** can provide me with a note setting out the available supporting justification for each site.

The table set out on page 26 should be replaced by the following table.

			Meets the criteria set within NPPF paragraph 102.		
			1	2	3

1.	Church Meadow	Enhances the setting of Bridge Parish Church and graveyard. Start of green corridor along the Elham Valley. Essential to maintain this water meadow which contains numerous underground streams and acts as a natural flood relief area so preventing further flooding on Bridge High Street and Brewery Lane. This space has an abundance of wildlife.	•	•	•
2.	Land between Brickfields and the Nailbourne	Recreational and visual amenity enhances the setting of the residential development at Brickfields, and is important also for the setting of the listed Jacobean manor house. Important natural floodplain, alongside river rich with an abundance of wildlife.	•	•	•
3.	Water Meadows along Brewery Lane/Nailbourne	Recreational amenity and visual amenity used frequently by residents and walkers along the public rights of way. Essential to retain these water meadows to protect Brewery Lane and subsequently the High Street from flooding. Currently farmland and wildlife haven.	•	•	•
4.	Land along Patrixbourne Road at the entrance to Riverside Close (both sides of the Nailbourne)	A managed planted area surrounded by a residential area of the village. Local visual amenity, enhancing the setting of the residential development and is in keeping with local character of other residential areas within the village.	•	•	•
5.	Land to the west of the main road leading from the village, northwards towards Canterbury	Land is currently largely used as allotments, a well-used facility for residents. The space also acts as a green corridor between the village and A2/city.	•	•	•

6.	Recreation Ground Managed green space.	As set out elsewhere within this Plan, this large area will sit adjacent to space to be used for a future Village Hall and associated amenities whilst retaining its present character.	•	•	•
7.	Areas along Western Avenue	These are managed planted areas within a main residential area of the village. Enclosed by residential properties these green spaces are green wildlife corridors valued by residents. Green Court is managed by garden volunteers and has been transformed into a pollinator and wildlife haven. Weston avenue and Ford close have been enhanced with the planting of new trees and shrubs for wildlife.	•	•	•

Additionally, can the **Qualifying Body** please confirm that all owners of the proposed Local Green Spaces have been consulted individually on the proposed designation during the course of the Plan’s preparation, and given the opportunity to make representations concerning the designation.

Landowners have been consulted on the designation.

I confirm that I shall visit each of the sites during the course of my site visit.

Question 4: Re. Draft Canterbury District Local Plan 2020-2045

Can the **Council** please advise me whether the preparation of the Draft Canterbury District Local Plan 2020-2045 is progressing in accordance with the timetable contained at Appendix 1 to the City Council’s most recent Local Development Scheme (LDS), which envisages the submission of the Draft Plan for Examination in October 2023?

N/A CCC has responded.