

Date: 23 January 2015
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Mr M Moore
The Planning Inspectorate
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Dear Mr Moore

**Canterbury District Local Plan – Examination
Canterbury City Council Response to Inspector’s letter dated 18.12.14**

Thank you for your letter of 18th December in which you raise a number of initial queries. The Council has numbered these for ease of reference and sets out its response to each of these in turn.

1. Duty to Cooperate

Inspector’s question 1: Is there any more evidence of recent co-operation on strategic housing matters?

Council’s Response 1: Since the SHMA report was undertaken, the East Kent councils have met to discuss a range of common issues.

The East Kent authorities of Ashford, Canterbury, Thanet, Dover and Shepway have entered into a Memorandum of Understanding (MoU) which agrees the principle of co-operation on strategic matters in local plan making. The MoU has been agreed by senior officers and Members through the East Kent Regeneration Board. In preparation for the formal Memorandum of Understanding (MoU) on cooperation (in 2014), the Councils jointly produced a paper on key topic issues, setting out the extent of cooperation on the various issues. This was presented to the East Kent Regeneration Board (EKRB) referred to in the Duty to Cooperate Statement. Ashford Borough Council led on this work and presented a report to the meeting of their Cabinet in April 2014, setting out the process and detailed matters (See Annex 1).

Since the MoU has been agreed, joint work has taken place to identify and agree the strategic issues, and summary papers have been produced. This has included consideration of housing matters. EKRB was provided with an update of this work at their meeting in October.

An Officer meeting was held on 18th December 2014 to discuss next steps. With regard to housing, work is on-going to identify the need across East Kent and ensure that this is



provided for appropriately. (See Annex 1). Work so far suggests that individual authorities plan to meet their own needs and that there will be no shortfall across the East Kent MOU area.

There are no other formal reports on housing requirements since that time.

Inspector's question 2: On what basis was it decided that a joint approach was no longer appropriate, particularly as it appears that one Council considers that it is unable to achieve this?

Council's Response: The practice in East Kent (supported by the NPPF) has been that each Council should in principle seek to meet its own housing needs within the wider East Kent context, where possible, although there is no formal agreement to this effect. It is also a practical recognition of the different stages which the various Local Plans have reached. It does not denote an abandonment of joint approaches to cross-boundary issues, to which the East Kent councils remain committed. Dover has an adopted Core Strategy and is well through the process of preparing and adopting its Development Land Allocations DPD (forthcoming DDC Council meeting 28/01/15). Shepway also has an adopted Core Strategy and is working on preparation of its Development Land Allocations DPD.

Inspector's question 3: Is the East Kent area regarded as the appropriate housing market area to which the requirements of Framework para 47 would apply and, if so, why was it decided not to update the SHMA but to address only the needs of Canterbury in the further work undertaken by Nathaniel Lichfield and Partners (NLP)?

Council's Response: The East Kent SHMA (CDLP 5.1) was commissioned in a different context to current SHMA requirements and was at a time when housing provision was determined through the South East Plan. The EK authorities commissioned the study to look at the Housing Market Areas (HMA) within the East Kent sub-region. It therefore was not aimed at the whole East Kent sub-region but was aimed at looking at specific areas for joint procurement reasons. The SHMA contained a section on local HMAs for each of the Districts indicating that there are separate HMA's within the wider East Kent sub-region.

In December 2013, the Council had an advisory visit from a Planning Inspector, and one part of the advice sought was whether the Council should carry out a review of the SHMA. The advice given was that, in the light of the work carried out and the robustness of the Development Requirements Study, together with the importance of progressing the Local Plan, the Council should proceed without further work.

The advisory Inspector also indicated that the Council should take account of the latest population projections in coming to a conclusion about housing need that needed to be addressed in the local plan and thereafter the relevant requirements. The Council has done so, and this is set out in more detail in the Council's response in relation to objectively-assessed housing needs.

Furthermore, there was no realistic prospect of undertaking a review of the SHMA on an East Kent basis, given the progress on the Dover and Shepway Plans as set out above. Thanet District Council (TDC) are in the process of undertaking a review of their own District based on the SHMA. Canterbury City Council will be consulted as part of this work and is in consultation with Thanet District Council.

Inspector's question 4: In this context, I should be grateful for a copy of the following:

- a) Swale's initial letter to neighbouring authorities. What evidence did Swale put forward to Canterbury in support of their request?
- b) Canterbury's response to Swale.
- c) Any notes or minutes of the meetings that took place between the two authorities.

Council's Response: Please see attached files In Annex 2

- a) Swale Duty to Cooperate Letter to Neighbours 20Aug 2013
- b) ccc letter Swale LP 300913
- c) There are no notes or minutes of the meetings that took place between the two authorities.

There was very little opportunity for cooperation on the issue of meeting Swale's housing needs. The letter from Swale BC (20th August 2013) was received after the publication of their Preferred Option Plan for consultation (19th August 2013), after their decision on housing requirements had already been taken.

See also response to question 6.

Inspector's question 5: Topic Paper 3 states that none of the other Councils approached have indicated at this time that they are able to assist in meeting the Swale shortfall. Could you confirm that they have formally responded to Swale's request in those terms?

Council's response: Please see attached files in Annex 3:

- a) Ashford letter Swale LP response
- b) Medway Letter - Swale LP - 30 September 2013

Maidstone were also approached by Swale but the council understands that they did not respond.

Inspector's Question 6: The proposal not to meet objectively assessed housing needs was in Swale's Preferred Option Draft Local Plan. Is there any indication as to whether that Council intends to carry this forward in the submission version?

Council's Response: It does appear to be the case that Swale Borough Council is continuing to pursue this approach. The Committee/Panel reports clearly indicate that the decision to pursue a lower housing number was made by Members, this was against the recommendation of officers. Paragraph 4.2.34 of Swale's pre-Submission draft local plan states that "*The Council's unmet need is from a relatively self-contained housing market area and only envisaged to be short-term in nature. Therefore, it is not critical to address any unmet need elsewhere as it will be addressed in due course within Swale's own boundaries via a future Local Plan review.*"

We also understand that Swale received advice from an Inspector in relation to this issue.

Please see links to Swale's Local Plan below.

- Preferred Option LDF Panel report and associated minute – [http://services.swale.gov.uk/meetings/celestdocuments.aspx?MID=708&DF=21%2f02%2f2013&A=1&R=0&F=embed\\$Notice%20of%20Meeting\\$.htm](http://services.swale.gov.uk/meetings/celestdocuments.aspx?MID=708&DF=21%2f02%2f2013&A=1&R=0&F=embed$Notice%20of%20Meeting$.htm)

- Swale Cabinet report on Publication - <http://services.swale.gov.uk/meetings/documents/g1288/Public%20reports%20pack%2026th-Nov-2014%2019.00%20Council.pdf?T=10>
- Pre-Submission draft Local Plan - http://swale-consult.limehouse.co.uk/portal/planning/lp_part_1/local_plan_part_1
- Swale Housing Topic Paper - <http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Local-Plan-2014/Swale-Development-Targets-Topic-Paper.pdf>

The City Council has an outstanding objection to the previous version of the Swale plan on the basis that their position on housing is untenable. The Council's position remains unchanged and CCC will be reaffirming its position during the current consultation on the pre-submission draft. The City Council considers that Swale can in fact meet its own needs.

Inspector's Question 7: The table on pages 9-10 of Topic Paper 5 seeks to show that Councils in the East Kent area are meeting housing needs for the area overall. I should be grateful for your comments on the relevance of the table to Swale's unmet needs

Council's Response: The table on pages 9-10 was intended to show that housing supply and requirements in each authority are in balance. Each district is meeting its own needs in the area and there is agreement to this effect, between the East Kent Authorities. Swale is the only exception and is also the only authority to have made a request of neighbouring authorities to take some of its unmet housing need. In particular, Swale is not part of the East Kent MoU as they are not part of the East Kent Regeneration Board as their partnership working has centred on the North Kent authorities and Medway.

Inspector's Question 8: In its representations on the submitted LP Swale have indicated that they understand Canterbury's response to its request and do not wish to dispute the evidence upon which it has been made. However, they also refer to possible further analysis of overlaps between the respective housing market areas. Has any work on this been undertaken?

Council's Response: The Council has been liaising with Swale Borough Council to understand its position. We understand that Swale is already carrying out some work on its housing market area which is to inform the position as set out in their pre-submission plan. We will continue to liaise over any housing market issues should they arise.

Inspector's Question 9: The Sustainability Appraisal indicates that Scenario E of 780 dpa represents the best balance between social, economic and environmental criteria... I should be grateful for the Council's views therefore as to how the 'balance' sought in the LP relates to the step by step approach set out in the Framework (para 14).

Council's Response: NPPF Paragraph 14 clearly states that "local planning authorities should positively seek opportunities to meet the development needs of their area;

- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted (footnote 9)”

The footnote 9 to paragraph 14 states that “For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion”.

If the footnote applies then the NPPF states that development should be restricted.

The City Council has followed a step by step approach and has carried out an objective needs assessment.

As set out in the Development Requirements Study a number of different and higher scenarios were considered - scenario F (1167 dwellings pa), scenario I (1140 dwellings pa) and scenario J (1149 dwellings pa). The impact of these scenarios was assessed on the sensitive areas within the District, for example the internationally important wildlife habitats, SSSIs, the Kent Downs AONB and the World Heritage Site, through the Sustainability Appraisal of Development Scenarios.

Given the significant impact that these higher development scenarios would have on these sites, as evidenced by the chapter 4 and Appendix A of the SA of Development Scenarios (June 2012) CDLP 1.8, these scenarios were not accepted because of these consequences.

The ultimate conclusion that Scenario E (780) was the appropriate requirement was therefore based on a step by step approach which reflects and accords with the current guidance.

Inspector’s Question 10: The Development Requirements Study (CDLP 1.6) concludes that the ‘upper end’ scenarios (F, J and I) would represent a significant increase over past development rates, resulting in “inevitable questions over whether such a scale of development is achievable... (and) over the ability of the market to bring forward such a scale of development”. However, what evidence is there to support this assertion?

Council’s Response: The City Council has, in this plan, proposed a higher housing requirement than in the past, equivalent to more than 50% higher than the South East Plan requirement. The Council could have chosen a housing requirement within one of the higher scenarios, in excess of Objectively Assessed Need, however, the Council chose not to because of the level of constraints faced by the District and the impacts such levels of development would have. The test in the NPPF is to meet the full Objectively Assessed Need and at a level of 780 units a year, the City Council is meeting this need which will represent a significant boost to house building in the District.

With regard to the ability of the market to bring forward such scales of development, the following table provides a profile of housing delivery to date.

Year	Annual Requirement	Completions	Balance	Running Balance
2006/07	510	638	128	128
2007/08	510	1,284	774	902
2008/09	510	965	455	1,357
2009/10	510	305	-205	1,152
2010/11	510	357	-153	999
2011/12	510	624	114	1,113
2012/13	510	524	14	1,127

Source: CCC Annual Monitoring report 2012/13

Inspector's Question 11: The Habitat Regulations scoping report (CDLP 10.8) concludes that the development proposed in the LP is not likely to result in significant effects on European sites. Nevertheless, you consider that accommodating unmet housing needs from Swale would be likely to increase the risk that such effects would arise. Notwithstanding my queries on that report, below, what evidence can you draw on to support this view? Is there evidence to suggest that a ceiling of some kind in terms of impacts on European sites is being reached whereby no unmet needs from elsewhere could be addressed in the District?

Council's Response: As can be seen from the Habitat Regulations Topic Paper, a significant level of work has been undertaken to ensure that development proposed in the draft Plan does not result in breaches of the Habitat Regulations. In particular, the air quality threshold for the Blean SAC (1%) is very close to being breached with a 0.883% increase in deposition resulting from development proposed in the Plan. Additional housing in this part of the district would push this figure close to/over that threshold. It should be noted that this can only be achieved through the implementation of ambitious measures in the Council's draft Transport Strategy. We have only recently received confirmation from NE that they have withdrawn their Habitats Regulations objection to the draft Local Plan, which indicates that there are a number of difficult issues to resolve and the levels of development in the draft Plan are therefore close to the limit of what can be accommodated without significant implications under the Habitat Regulations. Please see response to Question 17 and Annex 6 letter from Natural England.

Inspector's Question 12: Finally, the Topic Paper indicates that an analysis of the SHLAA shows that there are no sites that could serve the needs of Swale. I should be grateful for the details of this. What criteria were used to determine whether or not sites would be appropriate to serve Swale and which sites were considered? Is there any reason to suggest that there are no additional sites not identified in the SHLAA that might be included?

Council's Response: There were sites proposed in the north-west quadrant of the District through the SHLAA process which theoretically could serve Swale. However, when these sites were assessed and the Sustainability Appraisal assessments were carried out, the sites were not suitable for development irrespective of whose need they could potentially serve. We understand that Swale's own analysis also shows it has sites that could meet its own needs.

Inspector's Question 13: It is stated that London cannot meet its objectively assessed housing needs and therefore has to look at whether they could be accommodated within its commuter belt, including potentially at Canterbury. I note that the hearings into the Examination of the Further Alterations to the London Plan were concluded recently. Has the Council been approached by the Mayor or Greater London Authority with a view to accommodating some of London's housing needs? If so I should be grateful for a copy of the relevant correspondence and, in any event, for the Council's comments on this matter in terms of the duty to co-operate.

Council's Response: The Council is aware of the debates surrounding London's housing need, however, it is recognised by authorities outside of London that this should be considered in a systematic way by a sub-regional commission looking at the relevant housing and economic markets with all parties concerned. To date the Council has not been contacted directly by either the Mayor or the GLA. An e-mail was received from South East England Councils (SEEC) 18th December 2014, regarding a planning "Summit" in Spring 2015 which will start this process. (Please see Annex 4 SEEC London Plan email 18.12.14)

2. Meeting Objectively Assessed Housing Needs

Inspector's Question 14: I note that it is a plan objective (p11) to provide sufficient housing to meet *local* housing need and support economic growth. I should be grateful for an explanation of what is meant by 'local' in the context of the Framework requirements.

Council's Response: "Local" in the plan objective referred to the Canterbury District and considering that need, factors in in-migration which supports economic growth. The Council considers this in accordance with the framework requirements.

Inspector's Question 15: In para 4.26 of Topic Paper 2: Housing you refer to initial analysis by Kent County Council of the possible implications of the 2012 - based population projections which anticipates a significant fall from previous figures. Is this analysis available and if so could you provide me with a copy? What specific factors, if any, would the Council refer to in considering adjustments to national projections? How has the Council taken account of market signals in relation to the household projections (PPG ID 2a-019-20140306)?

Council's response: In October 2014, KCC published an interim analysis of the latest Sub-National Population Projections. (See Annex 5 containing KCC household projs_Oct 2014_CA_comp ONS 2012 SNPP). This clearly indicates that the projected household projections for Canterbury District equate to 592 per annum, a significant reduction from the 840 per annum derived from the previous CLG figures (see Annex 5 containing KCC household projs_Oct 2014_CA_comp ONS 2012 SNPP: annual change in households between 2013 and 2033).

Based on the KCC analysis it therefore shows that the 840pa figures is far too high and if one was starting this exercise today, the 592 would be the relevant projection figure.

With regard to taking into account market signals, the original Development Requirements Study identified and addressed market pressure. This was considered and was reflected in the scenarios in that report.

As set out above the projection shown in the most recent analysis is now 592. The Council has sought information about current market signals which if applied to the figure of 592 mean that a figure of 780 gives adequate scope for market signal uplift.

Inspector's Question 16: It goes on to record that the Band would "increase housing supply markedly to *go some way to meeting needs* and tackling affordability problems in the District" (my emphasis). The Framework requires that plans meet *full* objectively assessed needs. Can the Council reconcile what appears on the face of it to imply a shortfall in meeting the Framework requirements?

Topic Paper 2 paras 3.6 to 3.8 - In this context, what would be the Council's view as to the appropriate figure for annual affordable housing need and how would that relate to the overall housing requirement? A key factor in the lower figure is a change to the residency requirement for the register. In which case how are the needs of those who do not achieve this being recognised and addressed? Is there a distinction to be made between the local authority waiting list and the underlying affordable housing need?

Council's response: The Council does not consider that there is a shortfall in meeting the Framework requirements. In coming to this conclusion the Council is basing this approach on the most up to date projections as set out in the KCC October 2014 analysis. The Council considers that, in the light of the up-to-date evidence relating to household projections and housing need set out in this letter and the Topic Papers, the draft Plan does meet the full OAN.

The Council recognises that one of the key aims of the NPPF (para 47) is to "boost significantly the supply of housing", and the Council would argue that it has sought to do so, increasing the level of housing proposed significantly from its draft Core Strategy to the current draft Plan, setting a requirement some 50% above that required in the South East Plan. The NPPF also requires that local plans are "positively prepared", and the Council believes it has done so, setting out a clear economic growth strategy and seeking to provide the housing needed to support that strategy.

On affordable housing issues, the 2009 Housing Needs Survey (SHMA) did indicate a need of 1,104 dwellings per annum. However, more recent research indicates that the housing need figure should be significantly lower. Like other Councils in Kent, the Council's Housing Allocations team has reviewed its housing policy to ensure that it reflects genuine local need for affordable housing in line with the new DCLG guidance Allocation Of Accommodation: Guidance For Local Housing Authorities in England (June 2012) and Providing Social Housing For Local People: Statutory Guidance On Social Housing Allocations For Local Authorities in England (December 2013).

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5918/2171391.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269035/131219_circular_for_pdf.pdf

Up to date details of the number of households on the Housing Register can be found in the attached KCC publication The Housing Register Bulletin 2014. (Please see Annex 5). The affordable housing need figure to be used for planning purposes should be

related to actual need identified through the housing need register (in September 2014, 1844 registered). The Council considers that this is a more accurate and robust

assessment of local affordable housing need than applying a simple “backlog” calculation.

3. Habitat Regulations

Inspector’s question 17: However, I need to be satisfied that Natural England are able to withdraw the concerns in their representations and that, in the light of the new evidence, that they consider the plan as submitted to be sound. I should therefore be grateful if you could obtain formal reassurance from them in this regard.

Council’s Response: The Council has worked with Natural England for the past 2 years to resolve the issues raised by Natural England with respect to likely significant effects resulting from the allocations in the draft Canterbury District Local Plan. As part of this, as outlined in Topic Paper 3, has been:

- The assessment of impacts of visitors on the coastal environment and the production of two Strategic Access Management and Monitoring Plans for the North Kent and Thanet Coasts SPAs and Ramsar sites;
- The strategic assessment of any impacts on increased nitrogen deposition on the Blean Complex SPA resulting from increases in traffic;
- Confirming at a strategic level that the sewage utility provider (Southern Water) and the Environment Agency consider that the increased sewage can be processed and disposed of in a manner that will not have significant effects on Stodmarsh SAC, SPA and Ramsar site; and
- Ensuring that there is unlikely to be any significant impact on the Tankerton Slopes and Swalecliffe SPA.

Natural England indicated in a meeting on 17 December 2014 that their strategic and soundness concerns and their Habitat Regulations objections relating to the international wildlife sites have been resolved by the additional studies done and the proposals and information contained in Topic Paper 3, subject to amendments to draft Policy SP7 so that it relates specifically to the coastal SPAs.

The Council has now received a letter from Natural England (dated 19th December 2014, and copied to the Programme Officer), withdrawing their Habitat Regulations objections to the draft Local Plan. (Please see Annex 6 letter from NE).

Inspector’s Question 18: If Natural England’s withdrawal of their concerns is contingent on main modifications being made I should be grateful for the suggested wording of those, which you might want to agree with them. I note that Natural England suggested several modifications to the plan in its representations but many of these may be minor and not relevant to my consideration of soundness.

Council’s response: NE’s withdrawal of their concerns is contingent on minor amendments to the wording of Policy SP7.

I hope these responses address the queries you raise.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Brown', with a long horizontal flourish extending to the right.

Ian Brown

Assistant Director Planning & Regeneration