

DLUHC consultation – NPPF – joint response from WOAW & CARE
Parish of Adisham (Canterbury, Kent)

Introduction to WOAW and CARE

WOAW (*Watch Over Adisham's Woods*) and **CARE** (*Conserve Adisham's Rural Environment*) are two action groups from one parish, each with a different focus but a shared concern. Both are volunteer-run by parishioners & villagers, with no pecuniary interest in the outcome of their entirely lawful and legal public interest campaigns. We use established procedures, the media and rational, fact-based argument. We are part of the community of the Parish of Adisham (the parish first entering written records in the year 623, so 2023 is our 1,400th anniversary).

WOAW is a group of local volunteers seeking to watch over, cherish and protect all woodlands in the Parish of Adisham. In our parish, there are 12 privately-owned ancient woods (five being SSSIs), all existing at 1600CE, all registered on the Ancient Wood Inventory (AWI). Part of our work involves positive collaboration with the new owners of the five SSSI woods. However, WOAW is obliged to oppose building development in two ancient woodlands elsewhere in the parish (Oxenden Shaw and n-w Woodlands Wood). Here, we drew the attention of the local planning authority (LPA) to various undesirable building, earth-moving and construction/motorway waste-dumping activities; the local planning authority (Canterbury City Council) then issued, absolutely correctly, six enforcement notices for the removal of six buildings and other structures and to make the ground good. The developers are currently appealing against these. The saga pinpointed a loophole in the planning system which we ask you to close in the NPPF and with an amendment to the LUR Bill (A).

CARE is a volunteer action group, active when there is a major threat to the countryside of our parish and to the rural character of our village. It has been relaunched to oppose an existential threat, the LPA's scheme for a 3,200 housing-unit new town joining Adisham to our larger neighbour Aylesham (which neither community wants), ending our history as a separate, rural community.

Please see WOAW and CARE links at the end of this, our consultation response.

A. Planning loophole allowing buildings in woodland

The loophole works as follows:

- *You buy a plot of woodland or a plot of land adjacent to a woodland;
- *You submit a permitted development notification to the local planning authority (LPA) saying that you need to construct a building for 'forestry' or 'agriculture';
- *You construct the building with water/electricity connected, internet hub established, surprisingly high grade fencing for a barn (possibly electrified or with razor/barbed wire), CCTV & security lights, camera-doorbells, post-code and a post-box which receives mail;
- *Four years after your building is 'substantially complete' (or, if it was out of sight, you might claim it has been substantially complete for four years), you say that you have been living in it continuously for four years (even if you have not);
- *You apply for a '*certificate of lawful living*' from the LPA, which the LPA will find difficult to refuse (the four year rule, above); and
- *So, well done, you have an authorised dwelling in a beautiful location without applying for full planning permission (which you well knew would have been refused by the LPA if you had made a full planning application).

The situation in England: This loophole has been exploited for decades and is well-known. WOAW was aware of cases elsewhere in Kent, so surveyed all CPRE county branches. Many had such cases. As for so-called 'forestry buildings', the Forestry Commission: '*... even on very large lots, there is no need for permanent buildings or structures "for the purposes of forestry". Indeed whole woods, and even collections of woods are well managed without such development*' (source – 'Woodland Lotting in Kent', LUC, 2007).

Outcome sought: (1) no new buildings in or adjacent to ancient woods
(2) No further conversions of existing buildings to dwellings in or adjacent to ancient woods

First, amend the NPPF so that LPAs refuse all applications for buildings and woodland roads in or adjacent to ancient & long-established woodlands, including when permitted development notifications are submitted by would-be developers of ancient & long-established woodland. Second, the NPPF should direct LPAs that no existing building in or adjacent to ancient woods should be converted to a residence of any sort. Third, give these two policy changes statutory force in the LUR Bill.

B. Amend the England part of the Ancient Woodland Inventory (AWI)

Obviously, ancient woodland is now recognised in England as 'irreplaceable habitat' which should never be destroyed (excluding national infrastructure and other projects of genuine national importance). The 1600CE ('wood established by') date, as a cut-off date for the definition of a wood as 'ancient', is arbitrary. Furthermore, much ancient woodland has been wiped out completely as a result of development of one sort or another since the AWI was set up and, as is well-known, the value of a very considerable area of ancient woodland has been denatured by heavy-handed plantation and overplanting with exotic species.

Outcome sought: Create a new 'long-established wood' category within the England section of the AWI for those woods that became established (or were recognised for the first time) between the years 1601 and 1850. [Latter date survey dependant].

C. Planning, land, house-building, development, infrastructure & pollution

1. We welcome the shift towards a community-led and want more.
2. We welcome the changes that make the housing figures 'advisory'.
3. The most up-to-date projections must now be used.
4. The current method ('the standard method'), has consistently failed in identifying the minimum number of homes expected to be planned and should be scrapped. A new method should be devised that does not simply help developers to build houses where-ever they want to, doing nothing more than feeding market demand.

5. We are also disappointed that the government is wasting this opportunity to not bring in a mandatory 'brownfield first' policy or provide strong protection of high-quality farmland from development that had been promised.
6. Policy needs to focus on achieving sustainable land use and minimise the unnecessary loss of green field land to build development, whilst improving the provision of genuinely affordable homes to create thriving rural communities.
7. We strongly agree that local planning authorities should not have to continually demonstrate a deliverable five-year housing land supply.
8. Speculative proposals for housing developments that have not been allocated in plans should not be permitted.
9. Developers should be obliged to use brownfield sites before green field sites.
10. Developers should be obliged to deliver on agreed numbers of affordable housing that is genuinely affordable.
11. A more local or county approach is needed to calculate and then to set out, for developers, the requirement of what is 'affordable' for that assemblage of LPAs or a particular county.
12. Local authorities must be disallowed from setting housebuilding targets higher than their assessed need in an attempt to raise planning gain funds to build new roads. This leads to a vicious circle & cycle of development. CARE sees this with our own LPA (Canterbury CC). This old approach negates efforts to control climate change and pollution.
13. LPAs should be required to demonstrate how a new development will not breach statutory air pollution limits including particulate pollution.
14. Local authorities should only plan for the number of homes that are genuinely needed in that district.
15. As part of the plan process, local authorities must be required to show, with evidence, what alternative strategies they have considered.
16. We are sceptical of the concept of 'Biodiversity Net Gain' in the context of large developments in green field sites. For example, we have seen proposals for our North Downs area, where the introduction of ponds was to be used by developers to achieve BNG, a truly false approach to BNG. Similarly, we have heard suggestions that flower and tree species (those not normally found in a downland habitat), if introduced into the new domestic gardens by

the new householders in a new development might count towards a BNG (compared to the field of commercial crops destroyed for the development).

17. Planning policy should be strengthened regarding the recognition of the beauty and the character of the countryside, as well as be re-awakened to the strategic importance to our country of protecting versatile agricultural land for food production.
18. It is critically important, as we have witnessed in East Kent, that infrastructure should be put in first before houses are built, otherwise huge problems follow. Sewage/wastewater, water resources and road/transportation problems must be planned for in detail and then infrastructure installed in advance of the development.
19. Higher standards are required on light and noise pollution; LPAs need to be obliged to take on developers who fail these standards.
20. As we in Adisham see in neighbouring parishes, neighbourhood plans take several years to prepare and a huge amount of time from dedicated volunteers. If there is a neighbourhood plan, it should count when new development is proposed (and when plans are being drafted).
21. For a genuine community-led housing policy, the plan-making system will have to change. Firstly, a shift is needed in the existing LPA behavioural model of **Decide Announce Defend** to **Engage Deliberate Decide**. Secondly, there should be no 'call for sites' until the **Deliberate**/thinking phase has been concluded. Thirdly, communities must be asked what sites they might put forward for development before a formal 'call for sites', i.e. developers must come below communities in order of priority. This may enable developers to shift their own patterns of behaviour.
22. We agree with the consultation that the past bad behaviour of a planning applicant/developer should be taken into account. Conversely, if a developer has completed their previous scheme well, fulfilling and meeting all their obligations & conditions, that success should count in their favour.
23. Please note again our request (Section A above) that the 'permitted development notification'/'certificate of lawful living' planning loophole should be closed immediately, certainly for ancient and long-established woodlands. No further building in these woods should be allowed by this route and no existing buildings in these woods should be given permission for conversion to a residence/dwelling.

In conclusion

Trust in the planning system is very low. Trust in our own local authority (CCC) to make the right decisions is very low indeed and this appears to be the state of play with many local authorities across England. Many people do not hear about consultations and this makes them very distrustful and cynical when, further down the line, unpopular decisions are made with the local authority claiming that the 'consultation' pointed to this or that decision.

The planning system is often badly understood. Planning and development/building have become conflated in many people's heads, that they are the same thing. This is because 'planning' is seen to lead to bad, unwanted outcomes. It is no longer seen as 'The People's Charter' as it once was. Estates that developers claim were needed to meet local housing need do nothing of the sort. The housing, once claimed as necessary for meeting local need, is then advertised in London and beyond. In East Kent, years of poor planning decisions have led to a transport/road infrastructure that cannot cope, sewage pollution of our rivers, wetlands and coast with, as an example, for the first time in history coastal sailing clubs having to cancel sailing because of levels of floating sewage in the sea and once-popular beaches closed to bathers and sun-lovers for the same reason.

Overwhelmingly, it is clear from the work of WOAW and CARE's work that most people do not want a development free-for-all. They want a clear distinction between town and country, they want better, more precise planning that really does meet genuine local needs that have been carefully identified and that protects and enhances the environment. To regain trust, it is essential that local authorities follow evidence-based assessments of genuine need and of what sustainability means in this context. They must eschew the enticements of developers and central government needs to more to do more to help local authorities meet the needs of the local communities, the countryside and settlements within their boundaries and the environment in general.

WOAW/CARE
01/03/2023

<https://adishamwoods.co.uk/>

<https://adishamwoods.co.uk/new-town-impact-on-sssi>

<https://photos.wturrell.co.uk/Conserve-Adisham's-Rural-Environment-response-2023-02-11-1834.pdf>

<https://www.adisham-countryside.com/>

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