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31<sup>st</sup> May 2024

Dear Sir/Madam,

## **REPRESENTATION TO THE CANTERBURY DISTRICT LOCAL PLAN REGULATION 18 CONSULTATION IN RESPECT OF THE SPATIAL DEVELOPMENT STRATEGY AND DEVELOPMENT MANAGEMENT POLICIES**

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Iceni Projects, on behalf of Quinn Estates (QE), welcomes the opportunity to submit representations to the Canterbury District Local Plan (Regulation 18 Consultation). QE is one of the leading and most prominent developers in Canterbury, with the company having successfully delivered a considerable proportion of the District's residential and commercial development over the past decade. The company also has extensive land interests in the District for a range of high quality future development projects of differing scale and complexity. Economic, social and environmental growth and regeneration underpin all of QE's projects and the company always strives to work with local communities and the City Council to deliver transformational development that unlocks growth and inward investment into the District to forge significant societal benefits.

Quinn Estates considers the Regulation 18 Local Plan to be an impressive and strategic long-term Development Plan, which outlines an aspirational vision for the District with corresponding objectives that seek to capture and secure the societal benefits of well-planned growth. The Plan goes on to outline a detailed spatial strategy that is genuinely infrastructure-led and reflective of the Council's vision. Everybody at the Council should feel rightly proud of the draft Plan.

Whilst the Plan constitutes an impressive and laudable detailed spatial strategy, somewhat inevitably for a document of this level of prescription and detail, there is a need to test and apply the draft policies and, where relevant, to evolve them. This is especially the case for allocated sites, where the infrastructure requirements have been delineated in policy. There is a national policy requirement to avoid compromising sustainable development and to ensure that policies are realistic and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. National planning policy guidance seeks plan makers to work in collaboration with the community, developers and other stakeholders to create realistic and deliverable policies.

Quinn Estates has submitted a number of separate representations to the Local Plan that are specific to individual sites that the company is promoting. This representation is made specifically in respect of the core strategic policies and development management policies that are set out in the Plan, rather than site specific allocations. All of the company's representations are made constructively to help evolve and improve the plan's policies to ensure that the Plan is effective and deliverable.

### **a. The District's Key Strategic Policy SS3 - Development Strategy for the District**

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Quinn Estates supports the spatial strategy for the District, with a plan period to 2040 in order to secure significant contributions from development towards the major infrastructure that has been identified.

The principle of the spatial approach is also supported, with the majority of the growth identified for Canterbury and proportionate growth directed to other settlements identified in the hierarchy. However, Quinn Estates would question the proposed treatment of lower order settlements, which has the potential to be excessively rigid. A blanket approach of treating all settlements below local service centres as lying within open countryside, with new residential development supported only in very limited circumstances, is problematic and contrary to a recent appeal decision [ref: APP/J2210/W/23/3323592]:. If opportunities to address local housing needs and to provide much-needed social infrastructure in rural communities are unduly stifled by planning policy, there is a real risk over the plan period that smaller settlements in the District could sink into decline. It is essential that planning policy does not hamper opportunities to strengthen the sustainability and vitality of rural settlements as well as urban areas.

Quinn Estates has a proven track record of unlocking social infrastructure not only through major development proposals. The company has successfully delivered sensitive modest developments at more rural settlements with the support of local stakeholders. The spatial strategy as currently proposed presents a policy conflict with this form of development.

Para 78 of the NPPF does highlight that “in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs” and Para 79 states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.” Given the above, Quinn Estates would advocate an approach that allows sensitive, modest and appropriate development proposal at more rural communities, if the proposals are demonstrated to strengthen and help maintain the vitality and sustainability of a settlement. Such flexibility would allow smaller settlements to evolve organically if and where appropriate without compromising the Council’s control over development in rural areas.

The approach at middle order settlements of allowing new community facilities and services, business space and tourism facilities outside of settlement boundaries to be supported when it can be demonstrated that development is proportionate in scale to the relevant settlement and that the need for the development outweighs any harm is supported by QE. QE would support this approach being expanded to include residential development that adjoins settlement boundaries, provided it can be demonstrated that the scale is commensurate with that of the existing settlement. Such an approach has been taken by neighbouring districts councils such as Ashford Borough Council and Dover District Council.

## **b. Policy SS4 - Movement and Transportation Strategy for the District**

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QE supports the transport strategy articulated in the policy and the focus upon achieving modal shift through a public transport-led strategy with footpath and cycle infrastructure maximised to reduce the need to use private motor vehicles. The success of this approach could potentially even negate the need to deliver expensive infrastructure to serve the private car such as new slips, and park and ride infrastructure. Accordingly, until or unless it is proven that this infrastructure is necessary to support the Plan, it is recommended that references to it should be removed from the policy.

## **c. The District’s Housing Policies (DS1, DS2, DS4, DS5)**

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### **Policy DS1 – Affordable housing**

Quinn Estates supports Policy DS1. However, QE would ask that the Council considers whether an additional policy component should be introduced in respect of stand-alone self and custom build developments and the method of affordable housing delivery. QE (incorporating Quinn Homes) is the leading developer of self/custom build housing in Kent and the company has a number of landholdings where self and custom build housing can realistically be delivered to meet the needs of self and custom builders. These sites comprise both large-scale housing sites and smaller-scale sites at smaller settlements where a more bespoke stand-alone self/custom build development is proposed. In these latter instances, there are difficulties in providing, delivering and managing affordable homes on site, because the number of on-site units will inevitably be low and therefore of little interest or value to

Housing Associations. Additionally, where the wider development is self-build involving a number of different builders, there will not necessarily be a single developer able to construct/deliver the affordable housing. The policy should recognise these practical difficulties and the potential barrier to delivery that this creates.

In order to address this issue, it is suggested that stand-alone self and custom house-building schemes of below 20 homes should be permitted to provide a commuted sum towards off-site affordable housing provision via a financial contribution, thereby facilitating a more appropriate, better-located affordable housing product provided by a specialist Housing Association. The ability for self/custom housing developers to agree a commensurate off-site affordable housing contribution would make a positive difference and would ensure the opportunities to deliver self/custom build are being taken and would increase the delivery of affordable in the District.

#### **Policy DS2 – Housing mix**

Given the longevity of the Local Plan and the likely fluctuating housing trends and demand that will occur across this period, it is inevitable that housing demand and need for house sizes will change throughout the plan duration. Quinn Estates is therefore concerned that the policy as proposed could lead to developments that do not meet housing need and demand. Accordingly, a larger buffer than 5% deviation from the outlined mix is sought to be able to maximise the housing delivery rate by ensuring homes are being brought forward to meet demand and local need.

Whilst greater flexibility will enable homes to better reflect demand and housing need, it will also provide place makers with greater scope to deliver environments that better suit each site's individual characteristics and avoids a 'one-size fits all' approach. Such flexibility has been reflected in appeal decisions relating to the current local plan.

#### **Policy DS5 – Specialist housing provision**

Quinn Estates supports Policy DS5, apart from the requirement for specialist older person accommodation to be located within a settlement boundary and with easy access to public transport. In this regard, it should be noted that older person accommodation generates much lower trip rates than more conventional residential development, whilst the nature of the inhabitants and characteristic of the use can lend itself to more tranquil locations where the potential exists to create accommodation within a parkland setting. The types of sites that are suitable for a care village are typically settlement edge/semi-rural, such as the redevelopment of previously developed land within the countryside or land immediately adjoining a settlement. Accordingly, consideration should be given to removing the strand of the policy necessitating a site to be within a settlement boundary and instead refer to a sustainable area or, where applicable, a requirement to development proposals being in or adjoining settlement boundaries.

### **d. The District's Employment Policies (DS8, DS12)**

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#### **Policy DS8 – Business and employment areas**

Quinn Estates supports Policy DS8 and the policy approach of giving primacy to the nine designated business and employment areas. Of these nine areas, Canterbury Business Park is considered to be arguably the best performing estate and with the greatest market demand given its highly strategic location off the A2, its excellent highway infrastructure and latent capacity, and its unique selling point as a bespoke estate with its focus on viticulture, food and associated business uses.

#### **Policy DS12 – Rural economy**

Quinn Estates strongly supports policy DS12 and the positive approach outlined towards the growth and diversification of the rural economy. It is a credit that the Canterbury Development Plan does not seek to overlook or undermine the need for a strong rural economy, which should play an important role in supporting the District economy. Furthermore, given the District's identified growth sectors, it is considered that well located, strategic locations in rural areas have a critical role to play in delivering the Spatial Strategy.

## **e. The District's Transport and Infrastructure Policies (SS4, DS14, SS5 and DS7)**

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### **Policy DS14 - Active and sustainable travel**

Quinn Estates fully supports Policy DS14 and commends the policy approach of requiring major development proposals to maximise opportunities for alternative and innovative travel options from the site through the provision of a mobility hub, whilst identifying the kind of innovative measures that should be incorporated, without necessitating them. In this regard, the plan period is long and the potential for greater innovation than what is currently known and deliverable is high, and the policy strikes the right balance in accentuating and strengthening the Plan objectives without predicating new and imaginative ways to achieve the policy objectives.

### **Policy DS7 - Infrastructure delivery**

Quinn Estates supports Policy DS7 and recognises the importance of working with the Council through the progression of the Local Plan to ensure the IDP is realistic and deliverable and that the policy requirements for each allocation are deliverable to the best of understanding at the commencement of the Plan.

QE would recommend that under Part 8 a) of the policy, additional wording should be provided such that the policy states that "additional infrastructure or abnormal development costs which could not reasonably have been foreseen *or understood* at the time of the development plan's adoption...", as at there is typically a great deal of uncertainty as to the costs of infrastructure at plan making stage. In the case of the Plan's key strategic development sites, it should be recognised that the Plan is placing onerous requirements upon the promoters to finance significant pieces of infrastructure, some of which constitute improvements to the City, as well as mitigation for the development areas.

## **f. The District's Environmental Strategy and Policies (SS1, DS18, DS21, DS22 and DS24)**

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### **Policy SS1 – Environmental strategy for the district**

Quinn Estates supports the Council's objectives for enhanced biodiversity, new environments that foster a healthier and more active lifestyle, the protection and enhancement of heritage assets, and an enhanced network of open spaces and green and blue infrastructure for the District. Accordingly, the aims of Policy SS1 are very much supported. However, QE would question the approach of quantifying minimum quantum of space, tree cover etc, with the policy taking a numeric, rigid, and inflexible approach to green infrastructure, which may inhibit the optimum design.

QE would not want to weaken or water down the policy requirement for such important infrastructure and clearly it is of critical importance that the Council's green infrastructure objectives are met. However, QE considers that these objectives can be fully achieved without having to require a quantitative minimum amount. Securing a high quantity does not necessarily translate to securing a high quality of green infrastructure and with policy-making unable to properly consider the place-making potential that can be achieved on a site-by-site basis, it is important that policy does not serve to straitjacket masterplanning and landscape-planning and stifle creative, high quality, bespoke solutions.

It is right that the effectiveness and deliverability of key headline minimum targets in the policy are scrutinised and thoroughly tested through the evolution of the Local Plan. On the face of it, a minimum biodiversity gain requirement of 20% for the District as a whole could prove to be unduly ambitious and could have the potential of rendering important sites undeliverable. We note National Planning Policy Guidance relating to Biodiversity Net Gain which stresses that plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. Such policies must be justified and evidenced, including as to local need for a higher percentage, local opportunities for a higher percentage, and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented. The justification required in order to increase local BNG targets above the 10% standard, including relating to detailing circumstances for local need, as well as the required nuance related to specific local opportunities or viability concerns do not appear to have been

adequately set out within the Local Plan. A requirement for a minimum 20% tree cover on all large sites appears to be an arbitrary figure.

Given the above concerns, QE would ask the Council to consider a policy approach that is less quantitative and more qualitative and ensure any such requirements have been vigorously tested with regards to local need and opportunities, and have been proven viable. We also refer to comments contained within this letter regarding Policy DS21, below.

### **Policy DS18 – Habitats and landscapes of national importance**

Policy DS18 is supported and considered to adequately reflect national planning policy on development in the AONB. Clearly, the spatial approach presented in the Plan has sought to steer the majority of the District's development away from the AONB. A major commercial viticulture-led development is proposed within the AONB, but this decision has been taken in recognition of the site constituting one of the District's most successful business estates, its strategic location off the A2 which happens to coincide with outer edge of the AONB designation, and the potential to enhance the sustainability of this important commercial estate. The approach is consistent with both national planning policy, Policy DS18 and the Kent Down AONB Management Plan, which recognises that there will be instances where decisions will be taken to site development in the AONB.

### **Policy DS21 – Supporting biodiversity recovery**

Quinn Estates supports the aims and objectives of the strategy to achieve a minimum 20% tree cover and 20% Biodiversity Net gain requirements, but is aware that on some sites this may not always be achievable – please see Quinn Estate's representation on Merton Park for an example. Whilst off site provision is an option it is not understood if a 20% BNG stipulation has been fully considered through viability appraisals to see if this can be delivered. Quinn Estates would therefore welcome further discussion with the Council on how these objectives can be realised and considers more flexibility could be built into the policy to allow this to be a firm target but not an absolute requirement in cases where site constraints or viability will not allow. It is considered this approach is not justified given neither minimum quantum appears to be consistent with national planning policy. This policy should consider whether a qualitative approach to biodiversity gains to maximise opportunities for a range of species should dovetail with the quantitative measure of the biodiversity metric for the site and whether setting site specific parameters for both within the policy criteria could achieve the best outcome for nature and wildlife.

In addition, although it is acknowledged that tree cover does enhance the appearance and quality of a development, Quinn would seek further discussion on the 20% tree cover figure, as also noted in draft policy SS1, and the replacement tree ratio requirement of three new trees to one lost tree, in relation to how this can be achieved and how the benefits the Council are seeking can be realised. In particular, there may be other ecological enhancements which could achieve similar or improved benefits without the same land take and therefore may be worthwhile considering.

For example, the following is unclear:

1. The basis for a minimum 20% increase in tree cover. Neither the draft Local Plan or the District Tree and Woodland Strategy explain how and why this minimum requirement has been derived. Moreover, the Tree Strategy indicates that Canterbury benefits in having significantly more tree coverage than most of Kent.
2. The extent to which the tree cover requirement helps or hinders the ability to maximise on-site biodiversity gain. In this regard, in certain instances, it is considered that the landtake implications of the tree cover may inhibit the ability to maximise BNG.
3. Why such a significant ratcheting up of BNG over and above the 10% figure outlined in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and relevant associated Regulations has been identified. In this regard, it is feared that the 20% requirement, especially on greenfield sites, may not be deliverable and could compromise the ability to accommodate the development requirements outlined in the policy. We note National Planning Policy Guidance relating to Biodiversity Net Gain which stresses that 'plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain,

either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented.’ The justification required in order to increase local BNG targets above the 10% standard do not appear to have been adequately set out within the Local Plan.

Given the above, QE would propose that the Council considers a policy evolution that includes the quantitative measure of the metric (10% minimum target) in line with national legislation, but which opens opportunities to deliver new habitat and opportunities for a variety of species on a site-specific basis. The full benefits of this approach may not be captured in the metric nor helped by setting arbitrary minimums for BNG and tree cover.

### Policy DS24 – Publicly Accessible Open Space and Sports

Whilst Quinn supports a policy that sets out requirements for open space and sport provision on development sites, they raise concerns about the requirement for all open space to be “publicly accessible”, and about the need to deliver both educational and standalone sports pitches on every development site under Policy DS24.

Different typologies of open space perform different functions, including but not limited to informal and formal recreation, and to support wildlife conservation and biodiversity enhancements. Sometimes, these functions can co-exist, but more often than not, there are specific open spaces which require public exclusion to enable positive wildlife conservation, biodiversity and ecological outcomes and growth. These spaces usually fall within the semi natural and natural, and landscape buffer categories. The visual amenity function of these spaces is usually maintained, but public access, in whole or part, may need to be restricted. As the visual amenity is not lost in these circumstances, these open spaces still meet the definition of Open Space<sup>1</sup> within the NPPF and should therefore not be discounted from open space quantum/delivery. It is recommended that Policy DS24 is updated to remove the requirement for all open space to be publicly accessible, and to acknowledge that open space can play an important ecological and wildlife function and that the different functions of open spaces may need to be balanced during development of sites.

In addition to the above, Quinn Estates note that Policy DS24 requires sports pitches to be provided over and above those that are provided as part of any on-site school provision. Quinn Estates question whether this is appropriate given that stand-alone sports pitches are usually occupied by community groups/clubs in the evenings and during the weekend, at the very times when school playing pitches are usually not being used. In order not to waste development land, it is recommended that when sports pitches are provided with education provision, that a Community Use Agreement is used to secure community use of school playing pitches and reduce the need to double up on infrastructure within development sites. This is a position that is supported by Sport England and is also likely to ensure that the playing pitch in question is maintained and managed to a higher standard, than a standalone pitch. Sport England agree, stating that “*many educational sites, including schools of all kinds, academies, sports colleges and universities have very good sports facilities which are often underused out of normal school hours. Approximately 70% of sport halls in England and 48% of grass playing pitches on educational sites.*”<sup>2</sup> It is therefore recommended that Policy DS24 is updated to remove the requirement for sport pitches to be provided in addition to any sports pitches provided within school sites.

In addition to the above, Quinn Estates is aware of areas of the District where there is an open space deficiency and where committed development in the Local Plan strategy is unable to reconcile the deficiency. Accordingly, QE considers that an added component of the policy should be considered which highlights that proposals for new open space that helps to address an existing deficiency will be welcomed by the Council.

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<sup>1</sup> “Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”

<sup>2</sup> Planning For Sport Guidance, Sport England, June 2019

## **g. Design Policies SS2 and DS6**

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### **Policy SS2 - Sustainable design strategy for the district**

Quinn Estates supports the principles and component parts of Policy SS2, which are considered to be sound and progressive plan making principles.

### **Policy DS6 – Sustainable Design**

Quinn Estates supports the requirement for sustainable design in Policy DS6 however, raise concerns that this policy goes over and above requirements with respect to whole life carbon, and questions the effect this policy may have on the deliverability of schemes, when considered in combination with other requirements of the specific allocations, especially social infrastructure, which is frequently unviable to deliver in isolation.

QE considers the requirements that new non-residential buildings must meet the BREEAM ‘Excellent’ standard and should be designed to meet an A Energy Performance Certificate using the Standard Assessment Procedure unless robustly shown not to be technically feasible, to be overly onerous.

## **h. Conclusion**

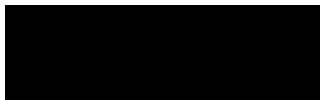
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Quinn Estates wishes to support Canterbury in evolving and refining the Plan’s policies and allocations to ensure the Plan functions as a long term successful, effective and sound Local Plan that will serve the District across the Plan period.

Understandably for such a detailed and prescriptive Strategic Development Plan that is still reasonably early in its evolution, there are considered to be some refinement required and this representation identifies a number of Strategic and Development Management policies that it is considered could and should be amended and developed further.

Quinn Estates would welcome the opportunity to collaborate with the Council, in accordance with national planning practice guidance, to ensure the infrastructure requirements for each Quinn promoted development allocation is realistic and deliverable, and the company looks forward to playing a full participatory role in the rest of the Local Plan process. Should the Council wish to discuss any or all of the issues raised in these representations, please do not hesitate to contact me.

Yours Sincerely,



James Waterhouse  
DIRECTOR