

Policy DS25 – Supporting biodiversity recovery

1. These representations have been prepared by Nexus Planning (ID: WR213), on behalf of Hallam Land Management (“HLM”), who is promoting the Land at Brooklands Farm (“the Site”) (SLAA ref: SLAA104) which is allocated for a residential-led mixed use development at Policy W4 of the draft Canterbury District Local Plan (2042/43)(March 2026) (Regulation 19). The proposals at the Site will deliver a highly sustainable development on the edge of one of the most sustainable settlements in the District.
2. The Site was included as a draft allocation (Policy W4) in the previous draft Canterbury District Local Plan to 2040, which was consulted upon in 2024, as well as the Canterbury District Local Plan Focused Consultation, which took place in September – October 2025.
3. An outline planning application of the Site was submitted for the Site and validated on 2 May 2025 (ref. CA/25/00779) aligning with Policy W4. The application is currently under consideration with responses from technical consultees and third parties being considered at the time of writing. The application demonstrates that the strategic site is deliverable and viable, and that the allocation is sound.
4. The description of development is as follows and the proposed development aligns with the emerging draft allocation policy:

“Outline application with all matters reserved apart from principal access from South Street and Chestfield Road for a mixed use development of up to 1350 dwellings, including older persons housing (Classes C2 and C3); a mixed use Local Centre comprising of retail, commercial, office, health, community uses and a mobility hub (Use Classes E and F); a primary school and a SEND school, business/employment space (Use Classes B2, B8 and E(g)); open space and associated works including landscaping, drainage infrastructure, engineering operations, open space, roads, pedestrian and cycle routes; and new A299 east off / east on slip roads to the south of Chestfield.”
5. Draft Policy W4 continues to allocate the Site, which is being promoted by HLM, for a comprehensive mixed use development, to include:
 - a. Approximately 1400 new dwellings, including affordable, older persons, accessible and self-build housing;
 - b. A community hub to include a local centre, business space and mobility hub;
 - c. New two FE primary school;
 - d. SEND school;
 - e. Local shopping and community uses; and
 - f. On-site open space.
6. The Site provides a substantial proportion of the social and transport infrastructure, and the economic uses to support growth and therefore forms a key part of the South Whitstable Strategic Development Area (“SDA”), integral to future growth at Whitstable and neighbouring coastal towns.
7. HLM supports the Plan’s continued draft allocation of the SDA, as outlined within Policy W4; as well as the development spatial strategy (Policy SS3) in so far as identifying Whitstable as the secondary focus for development in the District (SS3(3)) after Canterbury City itself, having regard to the important role the coastal settlements play in the District.
8. HLM continues to support the draft allocation (Policy W4) and it is evident that the Council consider the Site to be a key and integral part of the emerging spatial, development (Policy SS3), economic (Policy SS4), movement and transportation (Policy SS5) and infrastructure (Policy SS6) strategies for growth in the District.

Approach to the Representations

9. The Framework states, at paragraph 36, the tests of soundness that Local Plan and Spatial Development Strategies are examined against, as follows, with the Consultation Plan being considered in the light of these tests:
 - a. Positively prepared: providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b. Justified: an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c. Effective: deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d. Consistent with national policy: enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant."
10. These representations respond to key parts of the Consultation, highlighting the specific policy, paragraph, or supporting evidence document being addressed. HLM has also submitted standalone representations on Policies SS2, W4, DS13 and DS15.

Policy DS25 – Supporting biodiversity recovery

Biodiversity Net Gain

11. Policy SS1 (Environmental strategy for the district) (5) requires major development across the District to incorporate measures to deliver a minimum 20% biodiversity net gain, which shall be in line with Policy DS25 (Supporting biodiversity recovery).
12. Policy DS25 requires all major developments to deliver a 20% Biodiversity Net Gain, made up of 10% mandatory net gain, and the additional 10% local net gain applied flexibly against a hierarchy of on-site net gain; off-site net gain within the district; purchased credits within the district; and in exceptional circumstances, off-site provision or purchased credits outside of the district.
13. HLM understand the aspirations of the Authority, and we support the principle and sentiment of Policies SS1 and DS25 seeking to improve biodiversity improvements in developments and creating sustainable and more efficient places is acknowledged. However, this far exceeds the 10% requirement of the Environment Act 2021, and as amended by the Levelling Up and Regeneration Act 2023 and the requirement of the Policy is not considered to be justified.
14. Additionally, this hierarchical and 'exceptional circumstances' approach is contrary to the Environment Act 2021, which allows for a delivery of net gain through on-site provision, registered off-site gains or through statutory biodiversity credits, which is not justified or in line with national policy.
15. Paragraph 006 of the Planning Practice Guidance on Biodiversity Net Gain (ID: 74-006-20240214) provides recent guidance and states 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". In proposing the 10%

requirement the Government considered evidence and discounted proposing, amongst other things, a 20% net gain requirement and in view of this, compelling local evidence must therefore be presented to justify a 20% net gain.

16. It is therefore clear from the Government's position that plans should generally not increase the requirement and only do so where there is compelling evidence.
17. The Natural Environment and Open Space Topic Paper (2026) appraises the draft Local Plan's aim at supporting biodiversity recovery and explains how the 20% net gain requirement will be implemented. At paragraph 9.19 of the Topic Paper, the Council highlight the representations raised at the Regulation 18 consultations relating to the provision of 20% net gain being above the mandatory requirements of 10%.
18. Paragraph 9.20 states that the Council's key strategies and visions demonstrate how valuable the natural environment is on nature recovery and also to health and wellbeing, and in view of public petition for the Council to declare a biodiversity emergency, and so, the Council believe the target of 20% is required and deliverable.
19. The Canterbury District Biodiversity Strategy (January 2026) is an overarching strategy and identifies a vision for creating a thriving natural environment for the District, with better connections to restore nature. The Strategy indicates the Council declared a Biodiversity Emergency in 2023, and the Council is looking to be ambitious in delivering biodiversity enhancement and restoration, with developers required to deliver a 20% net gain.
20. The Topic Paper does not provide any new evidence but considers the additional 10% of net gain against the mandatory requirements in the context of land extent and investment, and concludes that the policy, with the inclusion of 20% tree cover and open space requirements to be viable. The Policy has been amended as set out in paragraph 12 above, however, there remains a lack of compelling evidence demonstrating the local need for a higher percentage other than it being a key vision of the Council.
21. The Council's Viability Study considers the 20% biodiversity net gain requirement as relatively modest compared to the delivering 10% only. However, this is not site specific and therefore makes a number of general assumptions. Whilst many sites will be able to deliver 20% where the level of biodiversity is low at the baseline, others will require the developers to either purchase off-site credits or reduce the development area (and its capacity) where the baseline is high, which inevitably impacts viability. Furthermore, the PPG in seeking evidence to justify exceeding the minimum 10% is, in our view, suggesting evidence that indicates Canterbury is, for example, materially deprived in relation to biodiversity, when compared to other locations in England. Such evidence has not been supplied.
22. For reference, the Biodiversity Net Gain Report (by FPCR) for the planning application at Brooklands Farm demonstrates a net gain in excess of 20% (23.69% in habitat units; 41% in hedgerow units; and 30.5% in watercourse units), however this has had a material impact on the net developable area and quantum of development on the Site, with the planning application providing 50 fewer dwellings than Policy W4. Applying this across all allocated sites could materially reduce the supply of homes across the District.
23. In many cases the cost of off-site credits ranges from £30-£50,000 per unit (greater than the typical credits amount of between £30,000-£35,000 as indicated in paragraph 8.132 in the Viability Study) and may increase if capacity is not available locally.
24. As such, the Policies SS1 and DS25 are inconsistent with national policy and are unsound. Further clarity and justification is required through the submission Plan and the Council will need to demonstrate the delivery of a 20% net gain is justified through evidence. If the Council cannot provide local evidence, then the Council should revert back to a minimum of 10% as required by the Environment Act 2021, which of course does not in any event preclude an applicant from voluntarily exceeding this figure.

Proposed Changes

Modification: If further justification and local evidence of need cannot be provided, the Council should revert back to a minimum of 10% BNG, as required by the Environment Act 2021.

Modification: If the Policy is found to be sound and the 20% Net Gain requirement is maintained, then the Policy should be reworded to state that the statutory 10% is fixed, but the additional 10% can be reduced where the viability and capacity of development is impacted to ensure housing needs are addressed in full over the plan period.