

Objection to Site Allocation C10 – Land at Merton Park

I write to formally object to the proposed allocation and development of Site C10 (Merton Park / Wincheap Orchards) within the Local Plan.

This objection is made on the grounds that the proposal is **unsound, contrary to national planning policy, inconsistent with the Council's own biodiversity policies, and unsupported by adequate ecological assessment.**

1. Failure to Recognise Existing Biodiversity Value

The Council has **failed to identify Site C10 as land of significant ecological importance despite clear evidence that it supports rich biodiversity, protected species, and complex ecological systems.** This is contrary to the National Planning Policy Framework ("NPPF"), paragraph 192(a), which requires planning policies and decisions to:

"protect and enhance sites of biodiversity or geological value..."

Site C10 supports 13 of the 70 bird species listed on the UK Red List of Conservation Concern, together with 12 species on the Amber List of Conservation Concern. The omission of this ecological significance from the Local Plan evidence base renders the allocation unsound.

2. Failure to Meet Statutory Biodiversity Duties

There is no evidence that the Council has properly discharged its biodiversity duty in allocating Site C10. This conflicts with NPPF paragraph 192(b), which requires planning policies to:

"promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species."

No adequate assessment has been undertaken regarding whether the proposed development would harm or disturb protected species. Such assessment is a material consideration in the planning process and should have been completed before allocation of the site.

The absence of proper ecological assessment undermines the legality and soundness of the proposal.

3. Unjustified Removal of Biodiversity Net Gain Commitments

The Council appears to have weakened biodiversity protections following private representations made by the developer, Quinn Estates.

Policy DS21 of the Local Plan repeatedly states that major developments should deliver 20% Biodiversity Net Gain ("BNG"), exceeding the statutory national minimum of 10%

established under the Environment Act 2021 and associated Government guidance on Biodiversity Net Gain.

However, representations submitted by Quinn Estates resulted in the removal of specific reference to the 20% requirement. This is evidenced in:

“QuinnWR0918 Icen Projects on behalf of Quinn Estates (Sophie Innes)_Redacted”, page 5:

“Following previous representations on the matter, it is recognised and appreciated that the updated Policy N1 has removed the specific reference to achieving 20% BNG in accordance with Policy DS21...”

This raises serious concerns regarding consistency, transparency, and fairness in the plan-making process. It is unclear whether other developers have been afforded similar dispensations.

Furthermore, there is currently **no guarantee that the development would even achieve the statutory minimum 10% BNG required by national legislation.**

This inconsistency between Policy DS21 and the amended wording relating to Site C10 renders the proposal unjustified and unsound.

4. Failure to Apply the Mitigation Hierarchy

The proposal fails to adhere to the statutory mitigation hierarchy as set out in the Canterbury District Biodiversity Strategy Draft 2026.

The hierarchy requires biodiversity harm to be avoided first, minimised second, and **compensated only as a last resort. Allocating a highly biodiverse site for large-scale housing development fundamentally conflicts with this principle.**

In addition, the general biodiversity gain condition cannot lawfully be varied or removed under section 73 of the Town and Country Planning Act, nor discharged simply through the grant of planning permission. The Local Plan **should therefore demonstrate clearly and transparently how biodiversity obligations will be met** before allocation proceeds.

5. Loss of Multifunctional Undeveloped Land

The proposal also conflicts with NPPF paragraph 125(b), which states that planning policies and decisions should:

“recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.”

Site C10 currently performs all of these functions. The orchards and surrounding land provide habitat connectivity, carbon storage, local cooling, food production, recreational value, and natural flood mitigation. The irreversible loss of these functions has not been properly justified.

6. Loss of Grade 1 Agricultural Land

The Council has also failed to comply with NPPF paragraph 188, which states:

“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.”

Wincheap Orchards comprise Grade 1 agricultural land — the highest quality and most productive classification available. Despite this, the Council proposes nearly 2,000 homes on this nationally important agricultural resource **without demonstrating why lower quality land cannot be used instead.**

This omission represents a serious policy failure.

7. Weak and Vague Commitments Regarding Orchards

The Council’s statements regarding the retention or promotion of community orchards are vague, aspirational, and insufficiently secured.

Policy SS2 paragraph 7 of the Local Plan refers to a desire to:

“incorporate and enhance areas of existing orchard as part of the Open Space provision where possible.”

The phrase “where possible” provides **no meaningful guarantee of orchard retention** or enhancement. Given the scale of the proposed development, this wording offers inadequate protection for a valuable ecological, agricultural, and cultural landscape.

For the reasons set out above, I respectfully request that Site C10 (Merton Park / Wincheap Orchards) be removed from the Local Plan allocation.

The proposal is inconsistent with national planning policy, unsupported by adequate ecological evidence, contrary to biodiversity obligations, and would result in the unnecessary loss of irreplaceable agricultural and ecological assets.

I therefore ask the Council and Planning Inspector to **find the allocation unsound.**