

3.3 REFERENCE NO 21/505498/OUT		
APPLICATION PROPOSAL: Outline planning application for up to 135no. dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point (All matters reserved except for means of access).		
ADDRESS: Land Off Swanstree Avenue, Sittingbourne, Kent, ME10 4LU		
RECOMMENDATION: An appeal has been submitted against the non-determination of this application (Ref: APP/V2255/W/22/3311224) and it cannot now be formally determined by the Council. However, Members need to determine whether the application would have been approved if it was still before them, or on what grounds they would have refused planning permission. This will then form the basis of the Council's case regarding the development, for the purposes of the appeal.		
SUMMARY OF REASONS FOR RECOMMENDATION: As above.		
REASON FOR REFERRAL TO COMMITTEE: To seek the views of members in support of the appeal.		
WARD: Woodstock	PARISH/TOWN COUNCIL: N/A	APPLICANT: Gladman Developments Ltd AGENT: Gladman Developments Ltd
DECISION DUE DATE:	PUBLICITY EXPIRY DATE: 10.11.2022	CASE OFFICER Emma Gore

Planning History (including appeals):

14/505378/ENVSCR

EIA Screening Opinion - Residential development of up to 580 dwellings.

Environmental Impact Assessment Not Req. Decision Date: 01.12.2014

14/506248/OUT

Outline (Access not reserved) - Mixed use development of up to 580 residential dwellings, circa 400sqm (Use Class A1) retail, landscape, public open space and associated works

Appeal Against Non-Determination, though the appeal was withdrawn in January 2016, before the schedule Inquiry could take place.

15/510254/OUT

Outline application for up to 540 residential dwellings (including up to 50 C3 retirement apartments) and associated community facilities, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Swanstree Avenue and associated ancillary works. (All matters to be reserved with the exception of site access). Revised Scheme to 14/506248/OUT)

Refused - Appeal Withdrawn Decision Date: 30.06.2017

1.0 DESCRIPTION OF SITE

- 1.1. The application site is located to the south of Swanstree Avenue and to the east of Highsted Road. The application site is located just outside of the built-up area boundary of Sittingbourne which extends to the north of the application site. The boundary is located adjacent to Swanstree Avenue and Highsted Road which are to the north and west of the site respectively.
- 1.2. The application site is located in the open countryside. The site is comprised of 5.9ha of agricultural fields. The fields are located at a slightly elevated position to that of Swanstree Avenue and largely bound by hedgerows, vegetation and trees.
- 1.3. The fields is sub-divided to provide both orchards, cropped and fallow areas. The land rises to the south and a public right of way allows access to the wider countryside. To the north and the other side of Swanstree Avenue the area is predominately residential with the settlement of Sittingbourne stretching to the north.

2. PROPOSAL

- 2.1. Outline planning consent is sought for the erection of up to 135 dwellings along with public open space, landscaping and associated drainage and detailed permission is sought for the access from Swanstree Road. Matters relating to layout, scale, and landscaping are reserved for later consideration.
- 2.2. A Development Framework was submitted with the application which set out the indicative siting of residential development, pockets of open space, community orchards and other infrastructure. The siting of the proposed units would sit centrally within the plot extending up to the northern and southern boundaries. Some areas of relief would be provided in the eastern and western corners.
- 2.3. The indicative layout indicates a small buffer strip to the east of the site and eastern and western corners would contain an orchard and SUDs Pond. The plan indicates that of the 5.9ha site 3.81ha would be utilised for residential development.
- 2.4. The proposed development would provide access directly from Swanstree Avenue. An internal footpath is illustrated to the northern boundary adjacent to Swanstree Avenue. The proposal would seek to retain the public right of way and farm access.

3.0 PLANNING CONSTRAINTS

- Area of High Landscape Value – Kent Level (DM 24)
- Adjacent to Designated Rural Lanes (DM 26)
- Important Countryside Gap (policy DM25)
- Public Right of Way – ZU 31 and ZU 30
- Brick Earth
- 6km SAMMS Buffer
- Area of Archaeological Potential
- Best and Most Versatile farmland

4.0 POLICY AND OTHER CONSIDERATIONS

Bearing Fruits 2031: The Swale Borough Local Plan 2017

ST1 – Delivering sustainable development in Swale

ST2 – Development targets for jobs and homes 2014 – 2031

ST3 – The Swale Settlement Strategy

ST5 – Sittingbourne Area Strategy

CP3 – Delivering a wide choice of high-quality homes

CP4 – Requiring Good Design

CP5 – Health and Wellbeing

CP7 – Conserving and enhancing the natural environment – providing for green infrastructure

DM6 – Managing transport demand and impacts

DM7 – Vehicle Parking

DM8 – Affordable Housing

DM14 – General development criteria

DM17 – Open space, sports and recreation provisions

DM19 – Sustainable design and construction

DM20 – Renewable and low carbon energy

DM21 – Water, flooding and drainage

DM 24 – Area of High Landscape Value

DM25 – The separation of settlements – Important Countryside Gaps

DM 26 - Rural Lanes

DM28 – Biodiversity and geological conservation

DM31 – Agricultural Land

DM34 – Schedule Monuments and archaeological sites

The National Planning Policy Framework (NPPF)

Paragraph 8 (Sustainable Development)

Paragraph 11 (The presumption in favour of sustainable development)

Paragraph 174 of the National Planning Policy Framework

National Planning Practice Guidance (NPPG)

Supplementary Planning Guidance

Swale Landscape Character and Biodiversity Appraisal 2011

Air Quality and Planning – Technical Guidance Document (November 2019)

Swale Landscape Sensitivity Assessment (2019)

Kent and Minerals and Waste Local Plan 2013-2030

5.0 LOCAL REPRESENTATIONS

5.1 Letters were sent to neighbouring occupiers; a site notice was posted in the vicinity of the site and an advert was placed in a local paper. In response to these fourteen letters of objections were received and can be summarised as follows:

- The roads would be unable to accommodate additional traffic,
- Add further to periods of congestion,
- Highsted Road is an accident waiting to happen,
- Proposal does not consider the local neighbourhood and surrounding area,
- Lack of infrastructure to support additional population include schools and doctors,
- Will add pressure to accident and emergency times,
- Proposal fails to build in areas with existing infrastructure resulting in overpopulation and environmental degradation,
- Loss of local wildlife and forestry,
- Pollution levels will rise,
- Contrary to government policy,
- No intension to build infrastructure,
- Loss of greenfield land,
- Increase the risk of surface water run-off,
- Overpopulation of town with resultant mental and physical health issues,
- Loss of valuable agricultural land,
- Sewage capacity is at a maximum,
- No suggested traffic calming measures,
- 300 additional traffic movements a day will likely result in accidents,
- Noise study undertaken during lockdown and results would not be representative of the noise levels,
- No section 106 agreement,
- Housing would destroy the amenity value of the area,
- Loss of view,
- Site is not allocated as part of the local plan,
- Impact to the area of High landscape value,
- Increase to air pollution,
- Poor walking route connections, unnecessary loss of Best and Most Versatile land.

5.2 Sittingbourne Society:

Object to the above planning application on the following grounds:-

- the sewage treatment for which insufficient capacity exists
- Impact on the local highway network
- Insufficient local services and infrastructure to meet demands
- Loss of Best and Most Versatile Land

5.3 Rodmersham Parish Council:

Rodmersham Parish Council objects strongly to this latest proposal. This is essentially the same application that was proposed and refused, appealed and dropped, several times in 2014-2017, --albeit this is a scaled down version with only a quarter of the houses.

The same objections apply today as they did back then.

- 1) The site is using Grade 1 Agricultural Land – the government has stated that new housing should NOT be built on Greenfield sites. As covid and climate change has proved we need to produce more food and support our own country. We need our green spaces and be planting trees not houses.
- 2) The exists from this development are onto Swanstree Avenue – a road that has speed bumps and parked cars on it. Along Swanstree Avenue cars heading towards Eden Village estate illegally turn right on to Highstee Road towards the town on a daily basis – often damaging the road furniture in doing so!
- 3) The Highsted Road has no footpaths – and pedestrians, mainly school children risk their lives everyday walking along there – increased traffic will soon exacerbate this problem to a very dangerous situation.
- 4) This area – Swanstree Avenue/Highsted Road is already gridlocked at school times. This increase in housing/vehicles will make matters even worst for the residents and the four big schools along this road. It would also affect access to and from the surrounding villages.
- 5) This development contravenes Swale Borough Council's Local Plan and the emerging Local Plan in many ways. This site is located within the Countryside Gaps between the villages means that these villages just become part of the urban sprawl of Sittingbourne. The Local Plans states the importance of maintaining the Countryside gaps and separation of the settlements – and yet this proposed development aims to destroy that. This development should not override these policies.

In conclusion this application would cause harm to the countryside and the coalescence of Rodmersham and Sittingbourne. The development would have a detrimental impact on the rural lane network in particular Highstead Road and through Rodmersham and would negatively impact the viability of surrounding farmed and natural landscapes. Rodmersham can clearly see this site and any development on it. The light and noise pollution that would arise from it, given the topography of the site would be clearly seen and heard by Residents in Rodmersham and the surrounding area.

The destruction of prime arable land, and the countryside, the loss of green open spaces and wildlife, the impact on our already overstretched Health services and schools and lack of infrastructure are strong reasons for these plans to be refused.

Rodmersham Parish Council objects to these plans.

6.0 CONSULTATION RESPONSES

Rural Planning: Response.

I refer to your letter of 25 October 2021 concerning the issue of loss of agricultural land in relation to the planning application for residential and associated development at the above site.

The application would involve an area of some 5.9 ha (14.1 acres) of agricultural land which is understood to be used for mixed fruit and vegetable production as part of Chilton Manor Farm, a well-established business that includes Pick Your Own sales. The application site lies to the east of the Chilton Manor Farm Shop, farmyard, and a farm building, accessed off Highsted Road.

A detailed Agricultural Land Classification study of the site was undertaken in October 2014 by Land Research Associates in connection with an earlier residential planning application (14/506248/OUT) that included a larger area of land to the east and south east. Based on that study, it appears that about 1.6 ha of the current site is Grade 3b (moderate quality), whilst the remaining 4.3 ha is “best and most versatile” (BMV - Grades 1, 2 or 3a) of which the majority (about 2.8 ha) is the highest quality, i.e. Grade 1 (excellent), 0.6 ha is Grade 2 (very good) and 0.9 ha is Grade 3a (good).

Paragraph 112 of the NPPF states:

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

The more detailed Policy DM 31 of the Council’s Local Plan (2017) states:

“Development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:

- 1. The site is allocated for development by the Local Plan; or*
- 2. There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development;*

and

- 3. The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land”.*

The submitted Planning Statement does not appear to address what effect the loss of the land from this holding may have on the remainder of the Chilton Farm unit, but it could well impinge on its viability, and also lead to a knock-on effect of pressure for further development on adjoining land, particularly the parcel of land that would be left between the new development and Highsted Road. Given this, along with the quality of the land, and the fact that it appears to be in a long-established, intensive, high value form of production (as opposed, for example, to extensive cereal cropping), I would regard its loss as significant, in principle, in terms of the NPPF guidance.

The NPPF guidance then considers whether such development is “demonstrated to be necessary”, whilst similarly Local Plan Policy DM31 requires consideration of whether it arises from an “overriding need that cannot be met on land within the built-up area boundaries”. This aspect of housing need is not a matter within Rural Planning Limited’s advisory remit.

Assuming, however, the test of need to be met, the NPPF points to choosing poorer quality land in preference to higher quality land, whilst Local Plan Policy DM31 (more specifically in terms of BMV land) requires consideration as to whether the particular choice of BMV land would be allowable as one of the two above Exceptions.

I understand Exception 1 does not apply, the site not currently being within a Local Plan allocation.

Regarding Exception 2 (as well as the NPPF guidance) the submitted Planning Statement does not include any detailed analysis to demonstrate that there are no other suitably sustainable sites of a lower grade with the Local Plan’s area. Nor does Rural Planning Limited possess the necessary data to advise whether there are other feasible sites of lower quality, nor whether the choice any such lower grade sites would significantly and demonstrably work against the achievement of sustainable development. The Council, however, may be aware if there are any other such sites.

Regarding Exception 2’s additional requirement “3”, as already indicated above I consider there could well be potential implications for the viability of the remaining agricultural holding and a risk of accumulated further loss of high-quality land; this aspect has not been addressed to date, as far as I can see.

In conclusion therefore, under both National and Local Plan policy I consider that the loss of agricultural land, in this case, is a factor which potentially weighs against the scheme in principle. The degree of weight to be given to this, in terms of the overall Planning balance, is of course a matter for the Council.

Swale Footpaths Group: Response.

No objection.

SBC Climate Change Officer:

Objection. Insufficient information provided as to technologies to be used to reduce climate impact.

SBC Environmental Services:

1st Comments

Contaminated land:

Due to size and location of the development, including potential contaminated land at the site or close to the boundary of the site, the following condition applies: (conditions excluded from commentary)

Air quality:

I have reviewed the Air Quality Assessment completed September 2021 by Wardell Armstrong. Section 1.1.2. states the wrong number of AQMAs. Keycol Hill AQMA was declared in October 2020, therefore there are six AQMAs in Swale. Section 3.3.3. shows three modelling scenarios, all of which do not include other committed developments to assess the cumulative impacts to the chosen receptor sites. These scenarios need to

show that other traffic flows from existing and committed developments near to site. Information on this is provided in the Air Quality and Planning Technical Guidance 2019 and the 2021 updated version (recommended).

Noise

I have reviewed the noise assessment completed September 2021 by Wardell Armstrong. Dominant noise sources are identified as road traffic to the western (Highsted Road) and northern (Swanstree Avenue) part of the site. A SoundPLAN is provided to explain the propagation of noise within the site topography.

The assessment explains to enable the northern part of the site to meet BS8233 guidelines for noise levels within the outdoor living space, will require a 2.0m close boarded fence to be installed around the proposed gardens.

The recommendations in the noise assessment also reference the dwellings facing the Swanstree Avenue which are within 40m from the roadside. The report recommends they will require noise mitigation in the form of glazing and acoustic trickle ventilation due to achieve BS8233 internal noise guidelines. The lay out of the site has not been determined therefore should be included the design stage.

It is evident that mitigation is required as well as adequate acoustic design. Due to the high risk of noise, I recommend the applicant also provides a detailed Acoustic Design Statement as part of their general planning application and prior to its approval as noted in the condition below.

2nd Comments:

The Environmental Protection Team have assessed the amended AQ assessment completed by Wardell Armstrong which addresses the points raised in my previous comments (15/12/2021). Committed development flows have now been included in the model, section 3.3.4 lists these and Table C1 illustrates the traffic flow data. The report shows that the committed developments included in the TA have been agreed with KCC highways officers.

The amended data inputs show negligible impacts using the Emission Factor Toolkit v10.1. which is less conservative but still acceptable and within guidance recommendations. The damage cost amount has not changed, as this only considers the traffic flows from this development.

REQUESTED CONDITIONS: Conditions noted in previous comments - Condition AQ 3:

The commencement of the development shall not take place until a scheme for the adequate mitigation measures equating the value of the damage cost have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved.

INFORMATIVES

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Please do not hesitate to contact me for further advice or information in relation to this matter.

3rd comments:

COMMENTS

No additional comments from those made on the 11th July.

INFORMATIVES

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Please do not hesitate to contact me for further advice or information in relation to this matter.

4th Comments:

MAIN POINTS CONSIDERED:

Air Quality

Comments:

I have reviewed the amended air quality assessment which now has a corrected reduced AADT for the development flows and damage cost amount of £39,696. The applicant has suggested this amount will be spend on an EV car club for the development site. The Environmental Team support this as a potential measure, in addition to other measures in place to encourage active travel and reduce lower euro class car ownership at the site.

It will be appropriate for a S106 agreement to be made with SBC for the proposed mitigation. I have no objection in response to the amended air quality assessment.

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected

Please do not hesitate to contact me for further advice or information in relation to this matter.

Kent County Council Drainage:

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority have the following comments:

The latest information submitted would appear to be in relation to biodiversity net gain which is outside of our remit as a statutory planning consultee on flood risk from surface water and as such we have no comment to make and would refer you to our previous response dated 15th November 2021.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Further comment:

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority have the following comments:

Whilst appreciative of the additional information provided we still have concerns with the hydraulic analysis undertaken which we would appreciate further clarification on:

1. Whilst understanding that the analysis has been undertaken via Source Control and a cumulative soakaway design has been run we have concerns regarding the dimension details shown for the deep bore soakaway.

The indicative drainage strategy drawing identifies 17 deep bore soakaways, the calculations give a chamber width of 130m and a bore diameter of 5.1m which would result in an individual chamber width of 7m+ and a bore diameter of 300mm per soakaway. Both of these dimensions would appear to be excessive and we would query if correct.

2. The applicant has 'staged' the rate of infiltration throughout the deep bore soakways to be commensurate with the results found at various depths which we understand however it would appear that the results in the calculations are in reverse. For example the results of infiltration testing give a rate of 0.105m/hr for depths up to 6.8m above invert level yet it would appear from the calculations that this rate is used for depths between 6.8 and 10m.
3. Further to the above we also have concerns with regards to the use of an infiltration rate found at 5m (6.8m above invert) in chalk to be used from 0m depth given that the soil mediums above this bears no resemblance to that at which infiltration testing was undertaken and that therefore the equivalent infiltration rate is highly unlikely. Until the above items have been dealt with to our satisfaction we would ask that a holding objection remains in place.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

KCC Ecology: Response –

We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.

Designated Sites

The development includes proposals for new dwellings within the zone of influence of The Swale and Medway Estuary and Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Swale Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North

Kent SAMMS there is a need for an appropriate assessment to be carried out as part of this application.

We also highlight that the final design should feature more open areas to relieve pressure on the nearby designated sites.

Protected Species

As the site is predominately intensively-farmed orchard, there is unlikely to be any significant protected species interest.

Reptiles

A small population of common lizards were found on-site during the reptile surveys. However, these were only found just outside the site boundary to the west and within the site boundary to the far east.

The report recommends precautionary mitigation measures for the construction phase but states that mitigation measures should “...include the passive displacement of reptiles into the retained habitats”. We concur but highlight that this must be carefully enacted during the various phases of the development to ensure reptiles are actually displaced into (and retained within) retained habitats and not harmed during construction.

Although an appropriate methodology has been proposed for the displacement of reptiles, there are no specifics of locations and context regarding the development phases (as the final design is not committed to at the outline stage).

As such, we advise that a more robust and detailed reptile mitigation strategy is provided at the reserve matter stage to demonstrate that reptiles will be displaced to retained habitat on-site (and not displaced off-site, which would be unacceptable). This will need to be safeguarded during the rest of the construction phases. Suggested wording for associated condition:

With the first reserve matters application, a detailed reptile mitigation strategy will be submitted to, and approved by, the local planning authority. The strategy will include timings in accordance with planned phase of construction and a site plan showing retained areas to be safeguarded during construction. The approved strategy will be adhered to thereafter.

Breeding Birds

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented during construction. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild

bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Environment Agency:

'We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

Please refer to the attached "When to consult the Environment Agency" document for guidance on when to consult us.

We are working hard to reduce the amount of misconultations we receive, so that we can focus our resources on applications which have the greatest environmental risks and opportunities. If you would like further guidance or a meeting to discuss when to consult the Environment Agency, please contact me on the number below'.

SBC Trees: No response.

Kent County Council Highways:

Response 3/02/2022:

1. Confirmation of the main access street width is requested. A 1.8m footway would be provided on both sides of the main access. The Western footway would lead to uncontrolled crossings of Swanstree Avenue. A behind the hedge footway is proposed on the Eastern side which would connect to the existing public rights of way network and uncontrolled crossing points at their junctions with Swanstree Avenue. Tactile paving is proposed to be added at those crossing points. 94m and 95m visibility splays are proposed at the main junction access following the completion of speed surveys which demonstrated an 85th percentile speed of 38MPH although the average speed was generally compliant with the 30MPH limit of the road. The splays indicated are agreed as appropriate. Existing traffic calming cushions are in existence although the speed survey would indicate that higher speeds are occurring.
2. The speed and traffic survey data could not be found in the application and it is requested that this be submitted for review. Swept path analysis has been completed for a 9.5m pan technicon, 10.4m refuse and 8.68m fire appliance.
3. A Stage 1 Road Safety Audit and Swept Analysis for an 11.4m refuse vehicle is required for the access to be suitably assessed.

Trip Generation and Development Impact

The Transport Assessment has considered the impact on the surrounding network and includes the following junctions;

1. Site Access/Swanstree Avenue
2. Rectory Road/Swanstree Avenue
3. Rectory Road/A2/Murston Avenue
4. Swanstree Avenue/A2/Vincent Road
5. Highsted Road/Swanstree Avenue

6. Brenchley Road/Bell Road/Capel Road
4. It is considered that this area is not sufficiently wide and should as a minimum include the Bell Road/Gore Court Road/Park Avenue roundabout and the Bell Road/Avenue of Remembrance/Stanhope Avenue traffic lights. These junctions have previously indicated capacity concerns and the impact of the development on them must therefore be included in the application assessment.
5. Automated traffic counts were completed on Swanstree Avenue on March 14th to 20th March 2021 with additional turning counts taken on a single day of Tuesday 18th May 2021. The March counts were completed during higher level Covid restrictions and the Highway Authority were not accepting counts at the times of either completed surveys. The traffic analysis and junction assessments are therefore not accepted. As restrictions have been significantly eased, the Highway Authority are however now accepting traffic counts and recommends that these be completed as soon as possible, avoiding the school holiday periods.
6. TRICs assessment has been completed using relatively historic data and as a consequence much higher rates than would be anticipated have been used. This would be considered robust but could present an unrealistic impression of the vehicular impact.
7. The traffic distribution percentages demonstrated on Figure B7 and consequently all other flow diagrams are not accepted. There appears to be a shortage of outgoing westbound flows and the outbound flow using Highsted Road would be unrealistic in our opinion due to the necessary illegal movement or U-turn at the Crocus Drive roundabout.

The analysis in the submitted technical notes 1 and 2 on growth and committed development are accepted, although it should be noted that the Stones Farm application has now commenced.

Site Accessibility

Pedestrian access –

There are in total five points of pedestrian access, the main access road and five further which make use of the existing PROW network. A 1.8m footway is proposed to link the main access road to PROW ZU31 at the east of the proposed application site. The proposed access drawing 1464/18 demonstrates the introduction of three crossings points with dropped kerb and tactile paving.

Two suitable walking routes to the town centre have been identified in the TA using either Peregrine Drive or Brenchley/Bell Road.

8. It is considered that the most direct route to local services and amenities would however be via Highsted Road, an approximate 15–17 minute walk. This route has an incomplete footway and it is recommended that local and national policy would indicate that the likely demand generated for walking from this development would necessitate mitigation that removes the need to walk on the vehicular carriageway. The Highway Authority maybe able to provide some detail on potential design options for this.
9. Whilst the application has provided dropped kerb crossings this should be placed in the context of the development to the West which benefits from staged crossing via central islands and a Southern footway. There are currently no proposed facilities heading Westwards from the development without having to cross Swanstree Avenue and as such a direct connection to Snowdrop Walk with suitable crossing facilities of Highsted Road (South) should be provided.

Two primary schools and four secondary schools are within suitable walking distances from the site.

Cycle Access –

The site directly connects to the shared use facility on Swanstree Avenue and wider network and is well located to amenities and employment that would be within the recommended 5KM cycle distance.

10. An opportunity exists within the proposed development to connect to the Snowdrop Walk cycleway from this development, extending the shared facility to the South of Swanstree Avenue should be provided to improve cycle access and safety from the site.

Public Transport Access –

The site is capable of being served by existing stops at Crocus Avenue and Brenchley Road. Most of the site would be within the expected 400m to the existing infrastructure. Access however is impeded by the current necessity to cross Swanstree Avenue twice in the case of accessing the more frequent Eden Village service. This movement would raise potential safety concerns as people may often be in a hurry to arrive in time for their bus and provides additional justification for the need to provide a direct pedestrian/cycle access between the application site and Eden Village estate South of Swanstree Avenue.

Summary

The Highway Authority requires further and more accurate information to be submitted in order for the application to be fully assessed. Whilst the site is located within suitable reach of local amenities and the services there are significant impediments to suitable safe and convenient pedestrian and cycle access which the application has not addressed.

The Highway Authority are unable to support approval of the application at this time due to the omission of necessary data and improvements to the local walking and cycling network.

Response: 13/06/2022

Thank you for consulting the Highway Authority on the above application for which we have the following observations and comments. This response addresses the outstanding issues identified in our original submission.

Development proposals

1. *Additional details were requested on the width of the main access street.*

This has been confirmed as being compliant with Kent Design Guide standards for a major access road and will be of 5.5m width. A 1.8 footway is demonstrated to the east side and a 2.5m shared footway/cycleway is demonstrated on the West side which would connect with additional facilities being provided on Swanstree Avenue.

2. *A Stage 1 Road Safety Audit and Swept Analysis for an 11.4m refuse vehicle was required for the access to be suitably assessed.*

Both requested documents have been submitted and reviewed and no concerns are raised.

Issues identified through the Road Safety Audit have either been addressed by the updated drawings or can be dealt with through the detailed approval process.

3. *It was considered that this area is not sufficiently wide and should as a minimum include the Bell Road/Gore Court Road/Park Avenue roundabout and the Bell Road/Avenue of Remembrance/Stanhope Avenue traffic lights.*

In the case of the Park Avenue junction the developments distribution demonstrates that only 5 vehicles would flow through during the peak hour. No further assessment can therefore be justified. Full assessment has been carried out on the Bell Road/Avenue of Remembrance junction which demonstrates that the queues on the arms of the junction would extend by approximately 1 vehicle on each arm. The additional impact could therefore not be concluded as being severe in regards the NPPF requirement for objection. In addition the base modelling work for this junction assumed greater queuing than was observed and as such could be viewed as an overly pessimistic analysis.

The additional information identifies that 20 additional movements would be placed through the A2/Rectory Road junction in the peak hours. 19 additional movements would be placed through the A2/Swanstree Avenue junction. Whilst again this could not constitute a severe impact the Highways Authority have been collecting contributions for proposed improvements works to these junctions on a per movement basis. The requested contribution based on the movements for the Rectory Road junction would be £14,339 and for the Swanstree Avenue junction it would be £15,376.

4. *Automated traffic counts were completed on Swanstree Avenue on March 14th to 20th March 2021 with additional turning counts taken on a single day of Tuesday 18th May 2021. The March counts were completed during higher level Covid restrictions and the Highway Authority were not accepting counts at the times of either completed surveys.*

The applicant completed subsequent traffic count surveys on Wednesday 2nd March 2022.

These have been accepted as an appropriate base.

5. *TRICs assessment has been completed using relatively historic data and as a consequence much higher rates than would be anticipated have been used. This would be considered robust but could present an unrealistic impression of the vehicular impact.*

TRICS analysis has been updated using a more appropriate methodology and is agreed.

6. *The traffic distribution percentages demonstrated on Figure B7 are not accepted. There appears to be a shortage of outgoing westbound flows and the outbound flow using Highsted Road would be unrealistic in our opinion due to the necessary illegal movement or U-turn at the Crocus Drive roundabout.*

The updated Transport Assessment has addressed our earlier concerns.

Site Accessibility

Pedestrian access –

7. *It was considered that the most direct route to local services and amenities would be via Highsted Road, an approximate 15–17 minute walk. This route has an incomplete footway and it is recommended that local and national policy would indicate that the likely demand generated for walking from this development would necessitate mitigation that removes the need to walk on the vehicular carriageway.*

The applicant has submitted analysis of the pedestrian and vehicular movements along the Highsted Road. The TRICS analysis for the development demonstrates that the site would generate approximately 21 pedestrian movements in the AM peak and 12 in the PM peak however the likely daily movements would be considerably higher. Surveys of

the existing pedestrian use identified that are 77 movements in the AM peak and 72 in the PM peak with up to 43% being under 16 years of age. The vehicular surveys identified that those users would be mixing with an average of 290 vehicles in the AM peak and 258 vehicles in the PM peak. On the basis of that analysis the applicant has agreed to facilitate the provision of a footway and traffic calming improvement scheme as demonstrated on drawing 1464/20 by way of a financial scheme would be seen as considerable betterment to the current situation and is agreed. The Highway Authority has had the scheme costed by consultants and the required contribution would to establish the necessary footway connection would be £182,434.

8. There were no proposed facilities heading Westwards from the development without having to cross Swanstree Avenue and a direct connection to Snowdrop Walk with suitable crossing facilities of Highsted Road (South) should be provided.

The updated Transport Assessment provides a new shared footway/Cycleway along the South side of the Swanstree Avenue and includes provision to cross the southern arm of Highsted Road to connect to Snowdrop Walk. Access to connect with the wider cycle network and facilitate pedestrian connectivity to the bus routes through Eden Village are now available. The measures proposed on drawing 1464/21 A are supported and would be required to be provided by the applicant through a Section 278 agreement.

Summary

The updated Transport Assessment demonstrates the proposed level of development would not constitute a severe impact on the local highway network. Additional pedestrian and cycling safety schemes have been proposed that would facilitate sustainable access from the development to a variety of local amenities within suitable distances. The Highway Authority can therefore find no reason to object to the proposed application subject to the following conditions and Section 106 contributions.

Developer Contributions:

No objection subject to securing the relevant contributions in the section 106 agreement.

Request Summary

	Per Applicable House	Per Applicable Flat	Project
Primary Education	£6,800.00	£1700.00	Towards a new Primary School in Sittingbourne
Special Education	£1,051.82	£262.97	Towards expansion of capacity through a satellite school of Meadowfield School, Sittingbourne
Secondary Education	£5,176.00	£1294.00	Towards a new Secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups
Secondary Land	£2,635.73	£658.93	Towards the land costs of the new Secondary School in Northwest Sittingbourne (Local Plan Policy MU1) and/or new Secondary Schools in Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups.

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. Please advise if any 1 bed units or sheltered accommodation is proposed?

	Per Dwelling (x135)	Total	Project
Community Learning	£16.42	£2,216.70	Contributions requested towards additional equipment and classes at Sittingbourne Adult Education Centre.
Youth Service	£65.50	£8,842.50	Towards additional resources and upgrade of existing youth facilities including the New House Sports and Youth Centre in Sittingbourne to accommodate the additional attendees, as well as resources and equipment to enable outreach services in the vicinity of the development.
Libraries	£55.45	£7,485.75	Towards additional resources, services, stock, and works to Sittingbourne Library to increase capacity to meet the needs of the development.
Social Care	£146.88	£19,828.80	Towards Specialist care accommodation, assistive technology, and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough.
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£24,795.45	Towards additional capacity at the HWRC & WTS in Sittingbourne
Broadband:	Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point		

	<p>destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.</p>
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>

Natural England:

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the [European Site's conservation objectives](#) and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent [People Over Wind Ruling](#) by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at

<https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Kent Wildlife Trust: No response.

KCC Public Rights of Way:

Thank you for your consultation letter regarding the above planning application. Public Footpaths ZU30 and ZU31 would be directly affected by proposed development. The locations of these paths are indicated on the attached extract of the Network Map. The Network Map is a working copy of the Definitive Map. The existence of the Right of Way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way (PROW). While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or Rights of Way not recorded on it.

KCC PROW and Access Service have **no objection** to the proposed development, however we would expect that following points are resolved prior to any planning consent being given.

KCC PROW and Access Service would require a **PROW Management Scheme with regard to ZU30 and ZU31** giving full details of alignment, width, surface, crossings, site exit points, signage, legal orders, to be approved by us before commencement of any future works, and to be **conditioned** within any future permission.

Comments – on site

The development of this site would impact the local walking resource of the area, changing the outlook and value of Footpaths ZU30, ZU31 and Restricted Byway ZU35. KCC PROW support the “overall strategy” to “encourage the community to walk and cycle and promote healthy living”, however the more developed setting will inevitably result in the PROW losing value as a recreational resource. The PROW routes will though, gain significance as Active Travel routes, providing opportunities for both new and existing communities to access Sittingbourne facilities, schools, shops, public transport, on foot and connect to cycle networks. The additional circular routes and links will offer good amenity value, and the applicant should be aware that the County Council would not wish to see these additional routes dedicated as Rights of Way.

We would request that the route of Public Footpath ZU31 within the site is upgraded to Public Bridleway via a s25 Creation Agreement (with Landowner consent), in order to future proof the network as the area is likely to see further development to the South and East as which will see upgrades to the connecting PROW network. This development should therefore be viewed with regard to the wider area and the cumulative effect on the PROW network from this application and planning applications 21/503914 and 21/503906.

Offsite connectivity

As referenced in the *Transport Assessment*, 5.1.5 – 5.1.5.2, ZU30 and ZU31 connect onward to the wider PROW network. ZU31 runs into Sittingbourne through existing residential areas, connecting to schools, shops and public transport and ZU30 connects in a similar fashion, running Northeast, with both routes crossing Swanstree Avenue.

Restricted Byway ZU35 again provides connections to the East of Sittingbourne and all routes will also potentially link to the proposed development Land to the Southeast of Sittingbourne. As the Transport Assessment states, it is “important for residents of the Site to access amenities to the North”. KCC PROW and Access Service therefore request the following s106 contributions to improving the network in the wider area and North of Swanstree Avenue:

Public Footpath ZU31: from junction with north side of Swanstree Avenue to junction with Peregrine Avenue, 2m wide tarmac/sealed surface for 81m : **£6,480**

Public Footpath ZU30 South of Swanstree Avenue, from junction with Highsted Road to site boundary – clearance and surface scrape 331m : **£9,930**

Public Footpath ZU31 South of Swanstree Avenue, from site boundary to connection with ZU31A – clearance and surface scrape, 575m : £17,250

Restricted Byway ZU35 South of Swanstree Avenue from junction with Swanstree Avenue to connection with ZU31, clearance and surface scrape of 584m, £17,520.

Total of s106 contributions: £51,180

KCC PROW and Access Service would also request that a new Toucan Crossing is provided across Swanstree Avenue to connect to the continuation of ZU31, to reflect the increase in use of the routes north.

KCC PROW and Access Service would also request details **of PROW Management during construction**, as the PROW must be kept open and safe for use (see below re TRO process).

Finally, I should be grateful if you could bring the following to the applicant’s attention:

- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority (KCC PROW and Access Service).
- No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Right of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, I would need six weeks notice to process this.

This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.

Comments are made in reference to the following planning policy;

- **National Planning Policy Framework - Paragraph 98**

States that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

- KCC ROWIP and Kent Design Guide

Kent County Council Archaeology: No response.

UK Power Networks: No response.**Southern Water: Response.**

Thank you for your letter dated 25/10/2021.

Please see the attached extract from Southern Water records showing the approximate position of our existing water main assets in the immediate vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 8 Inches public water distribution main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water main.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Our investigations indicate that Southern Water can facilitate foul sewerage disposal (at manhole reference TQ91623704) to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a

SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

The proposed development would lie within a Source Protection Zone. The applicant will need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern Water of the outcome of this consultation.

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Kent Police:

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behavior (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We request a condition for this site to follow SBD Homes 2019 guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. ...(General advice provided).

Kent County Council Minerals:

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application.

I can confirm that the application site is not within 250 metres of a safeguarded minerals or waste management facility. Therefore, it does not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30.

With regard to land-won minerals safeguarding matters it is the case that the area of the application site is coincident with a safeguarded mineral deposit in the area, that being the Brickearth. Therefore, the application details should include a Minerals Assessment (MA) to determine if the safeguarded mineral deposit is being needlessly sterilised, and if not whether an exemption to mineral safeguarding pursuant to Policy DM 7: Safeguarding Mineral Resources of the Kent Minerals and Waste Local Plan 2013-30 can be invoked.

The applicant has prepared a Mineral Assessment (MA), by Wardell Armstrong in support of the application. The MA identifies the area where the proposed development is coincident with the safeguarded development, this being 2.1 ha in area. It does not then investigate if the mineral is a viable deposit with any reported investigation of the depth of the deposit.

This information would reveal the overall quantity of the potentially useable mineral deposit in terms of a tonnage. Nor does the MA demonstrate if the mineralogical characteristics of the deposit are suitable, or not, for brick manufacture. It concludes that criterion 1 and 2 of

Policy DM 7:

Safeguarded Land-won Minerals applies given that the presence of nearby residential development necessitates a no extractable margin of 100m. However, the justification for 100m of depth as a 'stand-off' that reduces the available mineral deposit area to 1 ha is not given.

It is the County Council's view that the MA fails to demonstrate if the threatened with sterilisation deposit is of a type and quantity that can be a viable prior extraction yield from the site or not and fails to adequately justify why a 100m 'stand-off' would be required. The mineral type is a superficial deposit typically 1-2m in depth and prior extraction may not be any more impactful on adjacent residential amenity than the development proposed, unlike a hard rock quarry operation that *might* justify a 'stand-off' distance of 100m given the nature of hard rock quarrying techniques (blasting and

crushing and forming a graded aggregate in stockpiles) this type of mineral operation does not apply to brickearth extraction.

Therefore, the submitted information on mineral safeguarding assessment, to ensure that there would not be needles sterilisation of a safeguarded mineral deposits, the submitted MA fails to provide sufficient information to fully assess whether the proposed development can invoke any exemption criterion of Policy DM 7: Safeguarding of Land-won Minerals, of the Kent Minerals and Waste Local Plan 2013-30 (as Partially Reviewed).

I hope the above is helpful in drawing up your comments, if you would wish to discuss them further, please do not hesitate to contact me again.

3rd Comments:

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application.

The County Council has no minerals or waste management capacity safeguarding objections or comments to make regarding the submitted revised details for this proposal.

SBC Lower Medway Board: No response.

Asset Engineer: No response.

NHS Swale:

	Total Chargeable units	Indicative Total (See Appendix 1)	Project
General Practice	135	£116,640	Towards refurbishment, reconfiguration and/or extension of The Chestnuts Surgery and/or
			Teynham Surgery and/or Memorial Medical Centre and/or Green Porch Medical Partnership and/or towards new general practice premises development in the area

SBC Conservation Officer:

'Heritage-related site constraints/opportunities

- The application site lies approximately 0.25km south of the nearest designated heritage asset, which is grade II listed Chilton Manor, dating from C18 (see: <https://historicengland.org.uk/listing/the-list/list-entry/1031372?section=official-list-entry>).
- The historic mapping sequence provided in the submitted archaeological desk-based assessment indicates that Chilton Manor was the farmhouse to a sizeable farmstead with a traditional collection of agricultural buildings clustered around it. None of the barns and other agricultural buildings survive at the site of the original farmhouse, and it appears that the farming operation (including a replacement farmhouse) moved to the location forming part of the proposed development area at some point from the late 1980s.

- The historic mapping sequence clearly shows that the PDA formed part of the farmland managed/operated from the former farmhouse (i.e. the grade II listed Chilton Manor, and this is a material planning consideration.
- Without further research being undertaken, it is unclear at this point as to the full extent of farmland associated with the former (listed) farmhouse, but it appears to have included land to the southwest of Highsted Road which now forms the playing field area to Fulston Manor School, and which was also the site of a Roman Cemetery. The other areas forming part of the farmstead clockwise from northwest around to the southeast have mostly if not completely been developed for housing.
- Fulston Manor itself (after which the aforementioned school is named) was the centre of another farmstead to the southwest of Chilton Manor. This is now completely surrounded by modern estate housing and is located off the development known as The Meadows, constructed in recent years. The development includes the retention and conversion of one of the barns associated with the former farmstead at Fulston, into a single dwelling.
- Whilst there was a historic functional relationship between grade II listed Chilton Manor and the PDA, there is no longer any visual connection between the two due to a combination of intervening modern housing development and tree cover.
- The long-established Rodmersham Green Conservation Area lies almost due south of the PDA, whilst the newly designated Rodmersham Church Street Conservation Area lies almost due east of it. Both lie just over 1km away at their nearest point to the PDA and due to a combination of distance, intervening tree and hedge screening and topography, there does not appear to be any intervisibility between each conservation area and the PDA. Even from the public footpaths leading north from the former and northwest from the latter (outside the boundary of each CA) it seems to be the case that there is no intervisibility, and this is backed up by the information contained in the submitted LVIA report.

National & local planning policy framework particularly relevant to the heritage conservation considerations for this proposal

- National Planning Policy Framework (July 2021):
 - Chapter 2 (Achieving sustainable development)
 - Chapter 4 (Decision making)
 - Chapter 12 (Achieving well designed places)
 - Chapter 16 (Conserving and enhancing the historic environment)
- Planning Practice Guidance on each of the above topics
- Historic England's Good Practice in Planning Advice Note Series:
 - Note 2: Managing Significance in Decision-Taking in the Historic Environment (Mar. 2015)
 - Note 3: The Setting of Heritage Assets (2nd. Ed, Dec. 2017)
- Bearing Fruits 2031: The Swale Borough Local Plan 2017 (the adopted Local Plan):
 - Policy CP4: Requiring good design
 - Policy CP8: Conserving and enhancing the historic environment
 - Policy DM14: General development criteria

- Policy DM19: Sustainable design and construction
- Policy DM24: Areas of high landscape value (Kent Level)
- Policy DM25: Important local countryside gap
- Policy DM26: Rural lanes
- Policy DM32: Development involving listed buildings
- Local Planning Guidance:
 - Listed buildings: a guide for owners and occupiers (Feb. 2011: see - <https://www.swale.gov.uk/assets/Planning-Forms-and-Leaflets/listed-buildings-feb-2011.pdf>)
 - Planting on new developments: a guide for developers (Feb. 2011: see - <https://www.swale.gov.uk/assets/Planning-Forms-and-Leaflets/Planting-On-New-Developments-feb-2011.pdf>)
 - Swale Borough Council Parking Standards (May 2020: see - <https://services.swale.gov.uk/assets/Planning-Forms-and-Leaflets/Supplementary-Planning-Documents/SBC-Parking-Standards-May-2020.pdf>)
 - Developer Contributions (Nov. 2009: see - <https://services.swale.gov.uk/assets/Planning-General/Planning-Policy/Topic-Paper/Final-document-Nov-30-with-cover.pdf>)
- Local Planning Guidance – Area Specific:
 - (none)

Relevant site and planning history

- 15/510254/OUT: Outline application for up to 540 residential dwellings (including up to 50 C3 retirement apartments) and associated community facilities, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Swanstree Avenue and associated ancillary works. (All matters to be reserved with the exception of site access). Revised Scheme to 14/506248/OUT) (refused – appeal withdrawn)
- 14/506248/OUT: Outline (Access not reserved) - Mixed use development of up to 580 residential dwellings, circa 400sqm (Use Class A1) retail, landscape, public open space and associated works (appeal against non-determination – appeal withdrawn)

Scheme assessment

- From a conservation & design perspective, it would have been appropriate if a heritage statement had been provided which examined the issue of any impact on built heritage – in addition to the archaeological report submitted. This could of course still be requested, but ultimately, it almost certainly seems likely to be the case that any possible harm found (through developing on land historically associated with grade II listed Chilton Manor – but now functionally separated and with the visual connection also now effectively cut) would have concluded that this would be at the very low end of a less than substantial harm scenario in NPPF terms.
- As such, whilst there may be other reasons to refuse this application, I would advise that we could not sustain a heritage related reason for refusal were you looking on balance to recommend refusal.

SBC Planning Policy:

'Thanks for the opportunity to comment on the proposals for 135 dwellings on Land Off Swanstree Ave in Sittingbourne.

This is a site that has been promoted for development through the Local Plan Review and was previously discussed as a potential allocation for Bearing Fruits. It's quite a tricky one because it is in a relatively sustainable location and not too far from the town centre. Added to that, it is not subject to any high level constraints such as flooding or AONB. However, Swanstree Avenue forms a strong physical boundary to Sittingbourne urban area in this location and I consider the 'bite' into the countryside here would have significant detrimental impacts on the landscape and the character of the wider area.

When it comes to allocating sites for housing in the local plan review, there are no easy choices. 60% of the borough is subject to high level constraints and the remaining 40% is constrained by other issues such as highways capacity. I consider this means that when looking at potential housing sites, all of the issues need to be finely balanced and considered within the context of maximising opportunities for contributing to our infrastructure and broad placemaking aims. I am not convinced that the proposals before me deliver but instead take a bite into the locally designated Area of High Landscape Value (Policy DM24).

I believe the site has already been subject to a refusal of planning permission (and subsequent dismissed appeal), principally on the grounds of significant visual and landscape harm. Other than the increase in the housing numbers Swale is expected to deliver in the local plan review, I do not consider there to be any changes in circumstances that would make the impacts of the site less significant or harmful.

Although the Council cannot demonstrate a 5 year housing land supply, it is relatively close at 4.8 years. Many of the reasons for this are beyond our control, for example delays to the M2J7 improvements that constrain delivery of strategic sites at north west Sittingbourne. This is before taking into consideration the impacts of the covid pandemic.

If this site is to be developed for housing, it should only be done so through the local plan process so as to ensure an appropriate policy framework is in place to mitigate the impacts of development on the landscape and the settlement separation (provided this can be achieved)'.

SBC Housing:

- The Affordable Housing Statement that forms part of the planning application notes the provision of **30% affordable housing as 41 homes**. This is much welcomed and noted as significantly above the required local plan adopted DM8 affordable housing policy of 10% for the Sittingbourne area.
- As this is an outline planning application a full accommodation schedule has not yet been provided. However, as supported by **policy CP3**, a good choice of housing types should be provided, including as affordable, to ensure the delivery of a **reasonable and proportionate mix** to the open market homes so that a balanced combination of affordable housing is delivered that meets the wide variety of housing.
- The tenure split has also not yet been referenced in the application documents. Therefore, although the total affordable delivery is above Policy DM8 at 30%, it is recommended that in the first instance the tenure split align with adopted local policy

as **90% affordable/social rent tenure (37 homes) with 10% Intermediate/Shared Ownership Housing (4 homes)**.

- In accordance with First Homes Planning Practice Guidance, the transitional provision for First Homes needs to be considered, which notes that the 25% requirement for First Homes will not apply to sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021 (or 28 March 2022 if there has been significant pre-application engagement), although local authorities should allow developers to introduce First Homes to the tenure mix if they wish to do so. This transitional allowance will also apply to permissions and applications for entry-level exception sites. I would therefore suggest that there is **no developer contribution obligations at the current time to provide any of the 41 affordable homes as First Homes**.
- As supported by policy's DM8 and CP3, the affordable homes should be designed for use by disabled and made available for a variety of groups including families, vulnerable and older persons households. Along with housing need demonstrated on the Council's Housing Register and with the requirements of the Equality Act, I would recommend that **2 affordable/social rent tenure homes are provided to Part M4(3) building regulation standard** (wheelchair user dwelling). The **remaining 39 affordable homes should be provided as Part M4(2) standard** (accessible and adaptable dwellings).
- The affordable homes should be well integrated within the development, not be visually distinguishable from the market housing and ideally be located in clusters of no more than 15 units.
- Due to the scheme size and the increased number of affordable homes on this site, securing an RP should not be a problem. I am happy to assist with this process and understand that as the planning process develops and RP interest increases it may become necessary to be flexible with the affordable housing mix. However, any changes must be made in agreement with the Council and the Affordable Housing Manager.
- I can confirm that Swale's Housing Register demonstrates a need for all types and sizes of accommodation for those in housing need in the Sittingbourne area, including supported older persons housing and adapted homes.

Urban Design Officer:. Abbreviated comments:

- Location requires strategic high-level consideration as it is a designated as an Area of High Landscape Value and is part of the protected chalk dry valley,
- Area is part of a designated Important Local Countryside Gap.
- Aside from pockets, development is not located on the south side of Swanstree Avenue.
- Debate is whether the environmental designation and countryside gap outweighs need for housing,
- Further identity studies required,
- Street hierarchy requires improvement,
- Open space should be more clearly defined.

SBC Parks and Open Spaces: No response.

7.0 BACKGROUND PAPERS AND PLANS

- Wardell Armstrong Brick Earth Letter (SDB/ST18667/03)
- Gladman Development Rural Planning Response Letter
- Technical Note – Preliminary Biodiversity Net Gain Assessment Rev B
- Indicative Drainage Strategy SHF.1132.260.HY.D.101.P04
- Flood Risk Assessment SHF.1132.260.HY.L.001.A
- Arboricultural Assessment May 2022 (Amended)
- Transport Assessment Land off Swanstree Avenue, Sittingbourne May 2022 (Amended)
- Development Framework 06302-FPCR-ZZ-ZZ-DR-L-0002 Rev 07
- Air Quality Assessment July 2022 (Amended)
- Evaluation of Brick Earth Deposit
- Design and Access Statement Part 1
- Design and Access Statement Part 2
- Access Plan 1464/18
- Site Location Plan 06302-FPCR-ZZ-ZZ-DR-L-0003 P02
- Affordable Housing Statement October 2021
- Archaeological Desk Based Assessment JAC27100 (Badger Report) – Sensitive
- Bat Survey Report FPCR
- Bird Report FPCR
- Ecological Appraisal FPCR
- Flood Risk Assessment SHF.1132.260.HY.R.001.A
- Landscape and Visual Appraisal
- Mineral Resource Assessment
- Noise Assessment Report
- Planning Statement October 2021
- Reptile Survey Report
- Socio-Economic Sustainability Report
- Statement of Community Involvement
- Travel Plan
- Sustainability and Energy Statement

8.0 APPRAISAL

Principle

- 8.1 Policy ST 3 of the Swale Local Plan outlines the settlement strategy for the Borough. The strategy sets out that the urban centre of Sittingbourne will provide the primary urban focus for growth. Criteria 5 of policy ST 3 indicates that for locations outside of the built-up area boundaries, development will not be permitted unless supported by national planning policy. The development would also need to demonstrate that it would contribute to protecting and where appropriate, enhancing the countryside.
- 8.2 The application site is located outside of the built-up Area boundary of Sittingbourne. As the site is located outside of the built-up area boundary it is located in the countryside and is subject to criteria 5 of policy ST 3.
- 8.3 It is recognised that the application site has close relationship with Sittingbourne as its nearest urban settlement. The close relationship and siting of the application site in the

context of the confines of the built-up area boundary would mean any development in this location would represent an expansion of Sittingbourne.

8.4 Policy ST 5 of the Local Plan identifies Sittingbourne as the primary location for development within the Borough. The proposal would sit outside of the confines of Sittingbourne as defined by the Local Plan.

8.5 The National Planning Policy Framework defines previously developed land as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings...'

8.6 The application site is not subject to permanent built form and is used for agricultural purposes. The site is not therefore considered to represent previously developed land in association with Chilton Manor Farm.

8.7 The Council's Agricultural Consultant considered the proposal and referenced a previous Agricultural Land Classified study of the site, which was undertaken with a previous application 14/506248/OUT. The 2014 scheme was for a larger residential scheme and included a larger degree of land but did include land outline for this proposal. The agricultural land has been considered previously and 4.3ha is considered to represent Best and Most Versatile Land.

8.8 The Development Framework does illustrate a small community orchard on the site this would be unlikely to be managed as a commercial operation. However, clearly the proposal would result in the loss use of the land for agricultural production. The proposal would not see the loss of the farm shop and business.

8.9 Policy DM 31 of the Swale Local Plan indicates that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. The policy also indicates that development on best and most versatile agricultural land (specifically Grade 1, 2 and 3a which is referred to as best and most versatile land - BMV) will not be permitted unless the three criteria have been met.

8.10 An assessment of the three criteria will therefore be undertaken below:

Criteria 1: The site is allocated for development by the Local Plan; or

8.11 The application site is not allocated within the Local Plan. The proposal would fail to conform to criteria 1 of policy DM 31. This matter is not disputed by the applicant. It therefore falls to the further two criteria to consider the release of the land for development purposes.

Criteria 2: There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and

8.12 As part of the proposal Rural Planning were initially consulted and identified conflict with exemption 2 indicating insufficient information had been provided by the applicant in regard to other available land. A response was submitted by Gladman.

8.13 The Local Planning Authority cannot currently demonstrate a 5-year housing land supply. Certainly, there is a requirement for Best and Most Versatile Land, and it is often found adjacent to settlements. Policy ST 3 does indicate Sittingbourne to be the primary location for development and the site is in close proximity to this settlement. However, the proposal would see the loss of land which is characteristic of the Kentish countryside which is synonymous with agricultural land an exemplar of paragraph 174 of the NPPF. The loss of land which is considered of high visual amenity results in permanent loss to the environment which is not outweighed by temporary housing short falls.

Criteria 3. The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high-quality agricultural land.

8.14 The Rural Planning consultant has suggested that the proposal could have a knock-on effect to the viability of the agricultural holding. The loss would occur due to the loss of high-quality land which is still in use for agricultural purposes. The applicant did provide a rebuttal to this consideration given the scale of the land to be lost.

8.15 Further, a breakdown of the land was provided. The impact of the loss of BMV would need to be balanced with the social benefit of housing to meet the boroughs need. It is noted that Best and Most Versatile Land has other benefits not solely economic. Indeed, the character of such land often contributes to the landscape characteristics.

8.16 Further, to the above the site is also located on a parcel of land where minerals are potentially present, in the form of brick earth. The Kent Minerals and Waste Team have assessed the proposal against policy DM7 of the Kent Minerals and Waste policy.

8.17 While it is confirmed that brickearth is located on site, investigations have indicated it is of poor quality. While the end user brick manufacture has not commented on whether the brick earth would be marketable, the reports indicate it would not be of sufficient quality. Kent Minerals and Waste have not objected on this basis.

8.18 Paragraphs 11 and 73 of the National Planning Policy Framework (NPPF) requires Local Planning Authorities to meet its full, objectively assessed needs (OAN) for housing and other uses. The Council should annually update a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional 5% buffer.

8.19 Swale Borough Council latest housing land supply figure has been published in the 'Statement of Housing Land Supply 2020/21' published in June 2022. The position is held that the Council currently has a 4.8 Housing Land Supply (HSL). As result of the latest published figure Swale Borough Council cannot demonstrate a 5 supply, as such the presumption in favour of sustainable development will be applied under paragraph 11 of the National Planning Policy Framework.

8.20 Paragraph 11 of the National Planning Policy Framework states that:

“Plans and decisions should apply a presumption in favour of sustainable development....

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless: the application of policies in this Framework that protect areas of particular importance provides a clear reason for refusing the development proposed⁷; or

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.”

8.21 Footnote 7 of the NPPF identifies areas defined as ‘areas of particular importance’. The application site is not bound by any constraint which would place the site in an ‘area of particular importance’. The site would therefore fall to be considered under, Paragraph 11 (d)(ii). It must be considered whether the site represent sustainable development.

8.22 Paragraph 8 of the National Planning Policy Framework (2021) states that:

‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)’.

8.23 An assessment of the three branches of sustainability is made below:

an economic objective – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

8.24 The proposed development seeks permission for residential development only. The development itself would not result in the creation of a specific employment area. The proposed economic benefits as the result of the construction period would be of a temporary nature and the development itself would not result in a direct source of income or job provision in the long term.

8.25 Paragraph 81 of the National Planning Policy Framework does attribute weight to the growing the economy. The paragraph states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving

innovation⁴², and in areas with high levels of productivity, which should be able to capitalise on their performance and potential”.

8.26 The applicant submitted a ‘Socio-economic Recovery Following Covid-19: The vital role of the housing sector within Swale Borough’. The statement provided details of the economic benefits of the proposal to the local economy.

8.27 The statement outlines the socio-economic benefits that would be generated through the construction process. The overall construction spend was estimated to be £17.26 million. The proposal would also be estimated to generate 147 direct jobs and 160 indirect jobs in the local area. The provision of jobs and the associated spend power over the estimated 3.86 built out period is put forward as an economic benefit. While economic benefits could be seen in the short term from the construction spend, the benefits in the longer term have to be balanced against the impact to services required to support residential development which in effect can be mitigated but neutralise the economic benefits of the scheme.

a social objective – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

8.28 The provision of housing is seen as a significant social benefit. The proposal would provide both social and market housing for which, due to the Council’s lack of 5-year housing supply, are an identified need. The provision of housing does add to the vibrancy of local areas.

8.29 The site is located in such a position as it would be located in close proximity to amenities needed for every day life. The proximity to Sittingbourne its services and its place on the development hierarchy does represent a tangible benefit of the proposal.

an environmental objective – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

8.30 The impact to the environment will be assessed in respect to the landscape below:

Landscape

8.31 Policy DM 25 of the Local Plan seeks to ensure the separation of settlements and the retention of important countryside Gaps. The Important Local Countryside Gaps (ILCGs) have been identified by policy DM25 and includes the land subject of this application.

8.32 The policy advises that the within the identified gaps, unless allocated by the local plan, planning permission will not be granted for development that would undermine one or more of their purposes. The application site, as per the proposal map (16), is within land highlighted as an Important Countryside Gap.

8.33 The purposes of the ILCGs are clearly set out in policy DM25 and seek to:

- Maintain the separate identities and character of settlements by preventing their merging;
 - Safeguarding the open and undeveloped character of the areas;
 - Preventing encroachment and piecemeal erosion by built development or changes to the rural open character; and
 - Influence decisions on the longer-term development of settlements through the preparation and review of Local Plans.
- 8.34 Policy DM 24 of the Local Plan states that the value, character, amenity and tranquillity of the Boroughs landscapes will be protected, enhanced, and, where appropriate, managed.
- 8.35 The landscape for which the site is located is identified by the Swale Landscape Character and Biodiversity Appraisal 2011, as the Tunstall Farmlands. The landscape is considered highly sensitive and is defined as in moderate condition. The area is noted for having a diverse range of landscape types and is identified as having several key characteristics:
- Gently rising North Downs dip slope overlain with drift deposits of Thanet and Bagshot beds and clay with flint,
 - Dry valley to the east with strong sense of remoteness given the proximity to the urban edge,
 - Areas of traditional orchard lost to agricultural intensification,
 - Historical villages and hamlets.
- 8.36 The application site is an Area of High Landscape Value, which is clear when travelling around the site. Furthermore, the extensive network of Public Rights of Way surrounding the site provide wide and overarching views of this valued landscape. From both within and outside of the site, the key elements of this landscape can be clearly observed and are characteristic of the Kentish landscape.
- 8.37 The application site provides wide views of the dry chalk valley to the south east. The topography and natural character are considered highly sensitive in this location. The Public Rights of Way which extend into this area provide areas of peaceful tranquil countryside. The landscape stands in clear contrast to that of the urban edge of Sittingbourne which can be seen to the north and partly to the west of the site. The site is formed of a collection of irregular fields, orchards and farmland which depict the enclosed agricultural character of Kent landscapes. These can be viewed widely from the wider and open valley which sits to the southeast of the site.
- 8.38 The area represents an area of widely utilised tranquillity which offsets the urban character of Sittingbourne. The landscape here acts not just as a highly valued setting, but as a separation and transition, as clearly indicated by the designated countryside gap, from rural to urban. The open green space in this location provides relief to the density of the urban environment and acts as areas of recreation for the local population.
- 8.39 The proposed development would erode this character with the loss of orchards and irregular field patterns disrupted by the presence of housing. While some development does exist to the east of the site, a designated rural lane separates the landscape and this development. It is clear to those both walking the rights of way and utilising Swanstree Avenue that the area represents open landscape in contrast to the urban

setting to the north. The open space continues to the south and Swanstree Avenue does act as a natural barrier between development and the countryside.

- 8.40 The application site acts as a corridor to the valued landscape which extends in a southerly direction. The presence of development in this location could not be adequately mitigated through screening as the topography makes the site widely visible. In addition to this, the presence of housing would lead to the permanent harm to this highly valued landscape with the insertion of all associated infrastructure including light, and noise generated by roads and other associated requirements of residential development.
- 8.41 The short-term gain of housing when weighed against the longer-term harm and erosion to the highly valued landscape and the countryside gap, is considered to significantly and demonstrably outweigh the benefits of a short-term solution to a wider housing issue. The proposal would fail to meet the terms of the purpose of the countryside gap, which ensures the curtailment of the urban fringe into the countryside and to preserve and enhance the landscape.
- 8.42 The proposal would be considered to have limited environmental benefits, as despite any ecological gains, the loss of the landscape in of itself would be considered harmful. The proposal is considered contrary to both local and national policy with regard to the landscape impact.

Character and appearance

- 8.43 Policy CP 4 of the Local Plan seeks to ensure that development proposals will be of a high-quality design that is appropriate to its surroundings. Policy DM 14 of the Local Plan requires development to reflect the positive characteristics and features of the site and locality. The development should be well sited and of a scale, design, appearance, and details that is sympathetic and appropriate to the location.
- 8.44 Although design, scale, layout and landscaping are reserved matters, the submitted plans demonstrate that 135 dwellings can be comfortably accommodated within the site, providing sufficient garden space and off-road parking.
- 8.45 The proposal would see landscape corridors retained alongside the Public Rights of Way. Further, tree lined streets, pockets of open space and landscape buffers between Swanstree Avenue and the site. The proposal would require some redefining in strengthening street hierarchy and further work on identify. However, these matters could be captured in the imposition of a Design Code condition.

Living Conditions

- 8.46 Policy DM14 of the Local Plan provides general development criteria and requires that development results in no significant harm to amenity.
- 8.47 The proposal is in outline form with all matters reserved except for access. As part of the application some indicative layouts were provided. The developments separation from other residential development would appear sufficient to prevent any material impact upon the living conditions of nearby dwellings. However, the proposed dwellings along the northern boundary would sit in part at an elevated position to those existing units to the north of Swanstree Avenue. As such, if approved, conditions regarding the overall height of the development would need to be imposed.

8.48 Taking this into account the proposal is considered to accord with policy DM14 of the Local Plan 2017 and the NPPF.

Highways and Parking

8.49 Policy DM6 of the Local Plan seeks to manage transport demand and impact while policy DM7 of the Local Plan provides guidance on parking standards. Paragraph 111 of the National Planning Policy Framework states that:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

8.50 The proposed development is outline with all matter reserved except for access. The proposed access for the 135 units would be provided along Swanstree Avenue and would consist of a singular vehicular access point in the form of a main arterial route approx. 5.5m in width with pedestrian access adjacent. A further four pedestrian access points would be provided allowing access to the Public Rights of Way network.

8.51 The main access road would be 5.5m in width which would accord with Kent Design Guide standards for major access roads. Further to this a 1.8m footway is demonstrated to the east of the site and a 2.5m shared footway/cycleway is shown on the west side to connect to additional facilities to be provided along Swanstree Avenue.

8.52 Safety audits and the refuse tracking were found acceptable subject to review. The proposal would provide 94m and 95m visibility splays at the main junction access following the completion of speed surveys. The splays indicated were found acceptable by KCC Highways.

8.53 The Transport Assessment considered the overall impact of the development on the local highway network. The assessment included a number of junctions including:

- Site Access/Swanstree Avenue
- Rectory Road/Swanstree Avenue
- Rectory Road/A2/Murston Avenue
- Swanstree Avenue/A2/Vincent Road
- Highsted Road/Swanstree Avenue
- Brenchley Road/Bell Road/Capel Road

8.54 Following comments from KCC Highway the assessment was extended. The additional assessment included the Park Avenue junction which demonstrated that only 5 vehicles would flow through as a result of the development distribution. Further, on the Bell Road/Avenue of Remembrance junction demonstrated queues on the arm of the junction would be extended by 1 vehicle on each arm.

8.55 The assessment identified that an additional 20 vehicle movements would be placed through the A2/Rectory Road junction during peak hours. The vehicle trips would not be considered to result in a severe impact to the highway network. However, given the increased movement to the Rectory Road junction and Swanstree Avenue junction would be required to make contributions towards improvement works.

- 8.56 Adjustments were made to the TRICS analysis in accordance with the comments made by KCC Highways who were satisfied with the adjustments and the updated Transport Survey was considered to address the concerns. A severe impact to the highway network as a result of vehicle movements associated with the proposed development would not be considered to occur. Conditions and contribution could be imposed and collected to mitigate impacts.
- 8.57 The proposal would also generate pedestrian movements. The analysis submitted by the applicant, regarding pedestrian movements along Highsted Road indicated the site would generate 21 pedestrian movements in the (am) and 12 in the (pm) peak hours. The existing pedestrian use identified 77 movements in the (am) and 72 in the (pm) with 43% under 16 years old.
- 8.58 The surveys indicated that these pedestrians would be mixing with the average of 290 vehicles in the (am) and 258 vehicles in the (pm). On this basis the applicant would be providing a contribution towards a footway and traffic calming improvement scheme. KCC Highways consider given the constraint of the available highway land the scheme would be seen as a considerable betterment to the current situation. The contribution would amount to £182, 434.00 secured by means of section 106.
- 8.59 In addition to the above a new shared footway/cycleway along the southern side of Swanstree Avenue and a provision to cross the road to the southern arm of Highsted Road to connect to Snowdrop Walk. These measures are supported by KCC Highways and would be subject to Section 278 agreement.
- 8.60 The proposal would not be considered to result in a severe impact to the highway network and would provide the means of betterment to the current accessibility of Highsted Road. The proposal would also provide additional pedestrian and cycling safety schemes providing sustainable access to amenities. Appropriate conditions would need to be secured as the result of any grant of consent and contributions secured via Section 106 to ensure accordance with the Local Plan 2017 and the NPPF.

Ecology

- 8.61 Policy DM28 of the Local Plan seeks to conserve and enhance and extend biodiversity and, where possible, provide net gains for biodiversity and minimise adverse impacts via compensation where mitigation is not possible.
- 8.62 Paragraph 180 of the National Planning Policy Framework states that in determining planning application, local planning authorities should refuse applications where significant harm, which cannot be mitigated for, or as a last resort, compensate, would occur to biodiversity.
- 8.63 The application site is formed of farmed agricultural fields. Such land is likely to have limited habitat value and are unlikely to contain a strong degree of protected species found within the site in accord with the assessment of KCC Ecology. Reptile surveys were undertaken on the site and a small population of common Lizards were found on site. As a result, a precautionary mitigation approach was recommended by the Ecology report. The recommended approach is also considered acceptable by KCC Ecology Officers.

- 8.64 It was noted that as the application is in outline stage a robust and detailed reptile mitigation strategy would be provided at the Reserved Matters Stage. Such a condition would be secured upon any grant of permission to ensure effective mitigation regarding reptiles.
- 8.65 The application site is surrounded by hedgerow and contains suitable habitats for breeding birds. As a result, any works that may affect vegetation which offers suitable habitat for breeding birds would need to be undertaken outside of the breeding bird season. An informative would be attached to any grant of consent.
- 8.66 Residential development often generates a larger degree of light spill which has the potential to disrupt foraging and commuting bats. To ensure the proposal limits its impact in regard to bats a condition would be applied to any grant of consent for a lighting scheme in accord with the Bat Conservation Trust Guidance. Note 8.
- 8.67 Paragraph 180(d) of the National Planning Policy Framework states that:
- 'When determining planning applications, local planning authorities should apply the following principles:...*
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'.*
- 8.68 Both the NPPF and section 40 of the NERC Act 2006 require that biodiversity is maintained and enhanced through the planning system. The policy seeks to encourage enhancement where possible. The KCC Ecology Officer has noted that while the site has low biodiversity value, the proposal would result in the minor loss of grassland and intensely farmed orchard.
- 8.69 To offset the minor loss of biodiversity the KCC Ecology Officer has suggested that this should be offset through the following provisions:
- Implement a native species-only landscape scheme.
 - Plant native tree/hedgerow wherever possible.
 - Retain/enhance/create grassland habitat (notably wildflower meadow).
 - Integrated bird nest bricks (especially for declining species like Swifts).
 - Integrated bat roost bricks.
 - 'Green' areas in which residential recreation is deterred.
- 8.70 A Landscape and Ecological Management Plan (LEMP) should be provided to demonstrate that green space habitat will be managed in a beneficial manner. The measures illustrated could be secured via condition.
- 8.71 In addition to the enhancement the developer has provided a Biodiversity Net Gain report. The results of the report indicate that with the proposed measure to create a high-quality habitat and an enhancement of retained habitats could deliver results in excess of 10%. The KCC Ecology Officer has confirmed that it would be viable to achieve net gains in excess of 10%.

- 8.72 The proposal would be considered to accord with the requirements of the NPPF and policy DM 28 of the Local Plan.

Special Protection Area

- 8.73 The application site is located within the zone of influence of The Swale and Medway Estuary and Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention. Residential development within the zone of influence adds to recreational pressures within these designated sites. Swale Borough Council has an agreed approach to within the North Kent Strategic Access Management and Monitoring Strategy to mitigate for additional recreational impacts.

- 8.74 A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS there is a need for an appropriate assessment to be carried out as part of this application. An appropriate assessment will be undertaken below:

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017

- 8.75 The application site is located within the 6km buffer of (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations) and Wetland of International Importance under the Ramsar Convention.
- 8.76 SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 8.77 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 8.78 The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£275.88 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.79 In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment.
- 8.80 The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out

of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

- 8.81 The proposal would have an impact upon the SPAs, however the scale of the development (135 residential units) is such that it would not be considered, alongside the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff, that the impacts would be significant or long-term.
- 8.82 Based on the potential of up to 135 residential units being accommodated on the site A SAMMS contribution of up to £37, 243.80 could be secured under the Section 106 agreement. The legal agreement could be worded such that it sets out that the SPA mitigation contribution is to be secured prior to the occupation of any dwelling. Therefore, taking into account the above it is considered that there will be no adverse effect on the integrity of the SPAs.
- 8.83 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).
- 8.84 The proposal would be considered to reflect the aims of policy DM 28 and would provide on-site improvements for biodiversity as well off-site mitigation through SAMMS contributions.

Flooding and Drainage

- 8.85 Policy DM21 of the Local Plan addresses Water, flooding and drainage. Criterion 4 of policy DM21 sets out that when considering drainage implications of developments proposals should:

'Include, where possible, sustainable drainage systems to restrict runoff to an appropriate discharge rate, maintain or improve the quality of the receiving watercourse, to enhance biodiversity and amenity and increase the potential for grey water recycling. Drainage strategies (including surface water management schemes) for major developments should be carried out to the satisfaction of the Lead Local Flood Authority'.

- 8.86 Paragraph 165 of the National Planning Policy Framework (NPPF) states that:

'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate'.

- 8.87 The application site is located within Flood Zone 1. The proposal has offered in part a SUDS scheme in accord with policy DM 21. However, the Local Lead Flood Authority has objected. The objection concerns the dimensions of the deep bore soakaway which appear excessive. Further concerns relating to the infiltration rates have been proffered. Further technical information would be required to understand the implications of this matter. These details will be further assessed.
- 8.88 Due to the current information available it is not considered the proposal can currently be considered to accord with the requirements of policy DM 21 of the Local Plan nor the provisions of the NPPF.

Affordable Housing

- 8.89 Policy DM 8 of the Swale Local Plan sets out the affordable requirement as per the area of the development. The policy outlines a requirement for 10% affordable housing for Sittingbourne Town and urban extensions.
- 8.90 The proposed development would seek to provide up to 135 residential dwellings, which triggers the requirement for the provision of affordable housing. The application site is located just outside of the built-up area boundary of Sittingbourne and would be considered an urban extension to Sittingbourne. As such, the policy compliance provision would be 10% of the total units to be provided as affordable units.
- 8.91 The proposed development has offered the provision of 30% affordable units on site. The proposal would contribute 41 residential units for the affordable market. The proposal would therefore exceed the policy requirement by 20%.
- 8.92 As noted by the Housing Officer as the application is in outline an accommodation schedule and tenure split has not been provided. Policy CP 3 of the Local Plan indicates that affordable housing should be provided as a reasonable and proportionate mix of the open market homes. The guidance of policy DM 8 at paragraph 7.3.8 indicates that the tenure split should see the provision of 90% affordable social rented housing and 10% intermediate products.
- 8.93 The Written Ministerial Statement of the 24th of May 2021 and the National Planning Policy (2021) states that a minimum of 25% of all section 106 housing units should be provided as First Homes. As a result, 10 of the proposed affordable units would need to be provided as First Homes. The Housing Officer has noted that the remaining 75% of the affordable units, which would amount to 31 units, should be provided as social rented homes.
- 8.94 The proposal would exceed the required affordable requirement in this area and could secure onsite affordable housing, for which there is an identified need. The affordable housing could be secure via means of section 106.
- 8.95 Taking the above into account the proposal is considered to accord with policy DM 28 of the Local Plan 2017 and the NPPF.

Developer Contributions

- 8.96 Policies CP 6 and IMP1 seeks to deliver infrastructure and facilities. The development would generate a requirement to make contributions towards infrastructure and other facilities as listed in the consultation section above.
- 8.97 The application site is located on the outskirts of Sittingbourne and the addition of 135 residential units would generate additional requirements on existing infrastructure in the local area. As a result, contributions towards infrastructure requirements have been made and would be secured via means of Section 106 agreement. These requests are set out below.
- 8.98 The NHS Clinical Commissioning Group has made a request for contributions towards the refurbishment/reconfiguration/and(or) extension of The Chestnuts Surgery and/or Teynham Surgery and/or Memorial Medical Centre and/or Green Porch Medical

Partnership and/or a new general practice premises in the area. The proposal would generate additional pressures on medical services. The contribution sought would be for £116, 640.00.

8.99 As above contributions would also be sought towards highway improvement works. These would include £182, 434.00 towards the Highsted Road pedestrian footway and safety scheme, £14, 339.00 towards highway improvement works to the A2/Rectory Road signalised junction, £15, 376.00 towards the highway improvement works A2/Swanstree Avenue junction.

8.100 Further contributions have been requested by Kent County Council Public right of way team to ensure the improvement of the Rights of Way network to cope with the additional traffic. A total contribution of £51,180.

8.101 Kent County Developer Contributions have request contributions towards Primary Education, Special Education, Secondary Education, Secondary Land, Community Learning, Youth Services, Libraires, Social Care, and Waste. The contributions would be put towards infrastructure within Sittingbourne as the closet settlement for which additional pressures would occur.

8.102 As the application is outline details of the tenure have not been secured and as a result the total contribution cannot be provided exactly. The contributions would be sought in accord with the table supplied by KCC.

8.103 If approved contributions including Air Quality Damage Cost Calculations, bin payments, SAMMs payment, open space contributions would also need to be secured.

8.104 All such measures would need to be secured via a section 106 agreement to ensure compliance with Local and National Policy.

Air Quality and Contaminated Land

8.105 Policy SP 5 of the Local Plan criteria 12 states that development will be consistent with local air quality action plans for Teynham Greenstreet and East Street bring forward proposal for mitigation of adverse impacts. Swale Borough Council Air Quality Action Plan (2018 – 2022) sets out local AQAM Measures.

8.106 Policy DM 6 managing transport demand and impact criteria (d) states that:

“integrate air quality management and environmental quality into the location and design of, and access to, development and, in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree especially taking into account the cumulative impact of development schemes within or likely to impact on Air Quality Management Areas”.

8.107 Paragraph 186 of the National Planning Policy Framework states that:

“Planning Policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management,

and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan”.

8.108 The Wardell Armstrong report undertook an air quality assessment for the site considering both the construction process and the impact as a result of the development. The Environmental Health Officer has confirmed a Damage Cost Calculation of £39,696.00. The contribution would be utilised for an EV Car Club on site. Such a measure is supported in addition to other measure which would be secured for active travel, cycle spaces etc.

8.109 In terms of contamination, the application has primarily been utilised for agricultural purposes and there is no indication of previous use. The Environmental Health Officer has suggested a series of conditions to ensure any residential development would be safe for occupation.

8.110 The proposed development could be adequately mitigated through the securing of the proposed mitigation measures via a Section 106 agreement and the imposition of conditions.

Public Rights of Way

8.111 Public Rights of Way ZU 30 and ZU 31 are located within the application site towards the eastern boundary. Kent County Council Public Rights of Way team have commented on the proposal and have no objection to the proposal. The Rights of Way team considered some matters would require resolution prior to consent of planning permission.

8.112 The Rights of Way team considered that a Public Rights of Way Management Scheme would be required in connection with ZU30 and ZU31. The management scheme would need to provide details of alignment, width, surface, crossing, site exist points, signage, legal orders, which would need to be approved by Kent prior to the commencement of any future works. Such matters are considered capable of being reasonably dealt with through the imposition of a pre-commencement condition.

8.113 The Rights of Way team commented on the application noting that the proposal would have an intrinsic impact to the outlook of the Public Rights of Way, as discussed above, and as a result a loss in value of these walking routes. The increased presence of development would have a negative impact to the setting of the Rights of Way.

8.114 It is however noted that the proposal would offer a wider strategy to encourage the public to walk and cycle in the local area. As a result of the strategy the Public Rights of Way would gain significance as an Active Travel route. The additional links would also be considered to provide good amenity value.

8.115 The Rights of Way Officer did note that they would wish to see ZU31 upgraded to a Public Bridleway via a Section 25 Creation Agreement. The proposal would see greater use of the Public Rights of Way and Restricted Byway in order to gain access to the wider Sittingbourne area and amenity provisions along Swanstree Avenue. As a result,

the proposal would seek section 106 contributions to improve the network in the local area.

8.116 The contributions would include the following:

8.117 Public Footpath ZU31: from junction with north side of Swanstree Avenue to junction with Peregrine Avenue, 2m wide tarmac/sealed surface for 81m - £6,480

8.118 Public Footpath ZU30 South of Swanstree Avenue, from junction with Highsted Road to site boundary – clearance and surface scrape 331m - £9,930

8.119 Public Footpath ZU31 South of Swanstree Avenue, from site boundary to connection with ZU31A – clearance and surface scrape, 575m - £17,250

8.120 Restricted Byway ZU35 South of Swanstree Avenue from junction with Swanstree Avenue to connection with ZU31, clearance and surface scrape of 584m, £17,520.

8.121 Total of S106 contributions is £51,180, which would be spend on the projects outlined above.

8.122 Conditions and contributions would be sought upon any grant of permission.

8.123 Subject to the imposition of conditions and the securing of section 106 contributions the impact to the physical (not visual) impacts to the Public Right of Way Infrastructure could be mitigated in accord with Local and National Policy.

Area of Archaeological Potential

8.124 Policy DM 34 of the Local Plan considers archaeological sites with a preference to preserving archaeological sites in-situ.

8.125 The application is located within an Area of Archaeological Potential. KCC Archaeology has not commented on the application. Given the wider coverage of the Area of Archaeological potential conditions would need to be secured prior to any grant of consent to ensure that appropriate investigation prior to any commencement of development.

8.126 Subject to the imposition of appropriate conditions the impact to archaeology could be mitigated in accord with both Local and National Policy.

9.0 CONCLUSION

9.1 The proposed development would be considered to erode the intrinsic rural character of the site. The area is formed of a varied pattern of rural fields which are considered synonymous with the Kentish countryside. The site is widely visible from a public perspective with a wide network of public rights of way which sit in places at an elevated position to the site due to the natural topography. The landscape is highly valued and is designated at the Kent level (as an Area of High Landscape Value) due to its characteristics, which have a positive influence on the setting of Sittingbourne.

9.2 The proposed development would erode the countryside gap which protects the rural character and areas of tranquil recreation for users of the public rights of way by

preventing the coalescence of settlements. The impact to the landscape are considered to significantly and demonstrably outweigh the benefits in the form of housing and highway improvements.

- 9.3 It is considered, as a result of the above, that the proposal would have been refused had an appeal against non-determination not been lodged. As such the report and reasons as listed below should form part of the Statement of Case related to the appeal of this application.

10.0 RECOMMENDATION

- 10.1 The following reasons for refusal would have been applied should the Local Authority had the opportunity to determine the application:

1. The proposed development would fail to protect the intrinsic value, tranquillity and beauty of the countryside and rural context by virtue of its location outside the defined urban built-up area boundary of Sittingbourne. The proposal would see the erosion and urbanisation of the Important Countryside Gap and the permanent loss of open countryside, and damage the landscape quality in an area designated as an Area of High Landscape Value (Kent Level). This harm both significantly and demonstrably outweighs any benefits from the proposal. The development is therefore contrary to policies ST1, ST3, ST5, CP7, DM14, DM24 and DM25 of the "Bearing Fruits 2031: The Swale Borough Local Plan (2017)" and would be contrary to paragraphs 8 and 174 the National Planning Policy Framework (2021), and the Swale Landscape Character and Biodiversity Appraisal SPD.
2. Insufficient information has been provided to ensure that the proposal would provide adequate surface water drainage. The proposal is considered contrary to policy DM 21 of the Swale Local Plan and paragraph 169 of the National Planning Policy Framework. (2021).
3. In the absence of a completed S106 agreement to secure relevant contributions, the development fails to mitigate the impacts of the additional residential units on local services and infrastructure. Further, the absence fails to mitigate ecological impacts on the Swale and Medway Estuary Special Protection Areas and Ramsar sites, contrary to policies CP6, CP7 and DM28 of "Bearing Fruits" - The Swale Borough Local Plan 2017. Such contributions being required towards the following infrastructure - healthcare, community learning, libraries, youth services, social care, waste services, bin provision, off site sports and open space and management of recreational impacts on the Swale SPA and Ramsar sites, NHS, Highways, and Air Quality.

