

PLANNING COMMITTEE – 7 NOVEMBER 2024**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

REFERENCE NO - 21/503906/EIOUT		
PROPOSAL Northern Site - Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.		
SITE LOCATION Land to The West of Teynham, London Road, Teynham Kent.		
RECOMMENDATION Delegate to the Head of Planning to refuse planning permission, with further delegation to the Head of Planning to negotiate the precise wording of refusal reasons, including adding or amending such reasons as may be consequently necessary.		
APPLICATION TYPE - Outline application – all matters reserved		
REASON FOR REFERRAL TO COMMITTEE The Head of Planning considers that, due to the scale of the development, which meets the standard triggers for Environmental Impact Assessment submission and the difficult questions of policy interpretation that arise from the proposals, for it to be in the public interest for the application to be determined by the Planning Committee. The following Councillors requested the application be determined by the Planning Committee: Cllr Tim Gibson, Karen Watson and Sarah Stephen (Roman Ward), Cllr Julian Speed and Lloyd Bowen (Teynham and Lynsted Ward).		
Case Officer Matt Duigan		
WARD Teynham and Lynsted	PARISH/TOWN COUNCIL Teynham	APPLICANT Quinn Estates Kent Ltd, G.H. Dean & Co Ltd, Atwood Farms

West Downs Murston	Tonge	Ltd, Atwood Trustees, and AG Kent Holding BV. AGENT Montagu Evans LLP
DATE REGISTERED 10.11.2022	TARGET DATE 30.09.2024	
<p>BACKGROUND PAPERS AND INFORMATION:</p> <p>Documents referenced in report are as follows: -</p> <p>All drawings submitted. All representations received.</p> <p>Environmental Statement: Vol 1 Main Text and appendices dated January 2024 (uploaded 07/02/2024) Response to LUC Review and appendices (uploaded 16/08/2024) Planning Statement Addendum August 2024 (uploaded 16/08/2024) Outline Development Specification Rev 5 dated August 2024 (uploaded 16/08/2024) Sequential Test August 2024 (uploaded 16/08/2024) Transport Assessment dated January 2024 (uploaded 07/02/2024) Retail Statement – Final dated May 2021 (uploaded 12/7/2021) Economic Opportunity Statement dated 9/6/2022 (uploaded 10/11/2022) Landscape and Open Space Strategy Addendum dated September 2022 (uploaded 10/11/2022) Design and Access Statement addendum dated January 2024 (uploaded 7/2/2024) Arboricultural Impact Assessment dated October 2022 (uploaded 10/11/2022) Sustainable Transport Strategy dated January 2024 (uploaded 07/02/2024) Sustainability and Energy Statement dated 10/08/2022 (uploaded 10/11/2022) Environmental Statement, Vol 2, Appx. 13.3 – Outline Mineral Assessment dated May 2021 (uploaded 10/11/2022) Viability Assessment dated 22/01/2024 (uploaded 7/2/2024) Economic Benefits Technical Note (uploaded 12/07/2021) Health Impact Assessment (uploaded 12/07/2021) Sports Facilities Strategy (uploaded 12/07/2021) Statement of Community Involvement (uploaded 12/07/2021) Application Guide ((uploaded 10/11/2022) Response to National Highways (uploaded 23/08/2024) Response to KCC Highways and PRow (uploaded 23/08/2024) Archaeological Response Note (uploaded 16/8/2024) Urban Design Comments Response (uploaded 16/08/2024) Minerals Safeguarding Response (uploaded 16/08/2024)</p> <p>The full suite of documents submitted pursuant to the above application are available via the link below: -</p>		

[21/503906/EIOUT | Northern Site -Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation \(Use Class C2 and Use Class C3\), up to 2,200 sqm / 1 hectare of commercial floorspace \(Use Class E\(g\)\). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace \(Use Class E\) non-residential institutions \(Use Class F1\) and local community uses \(Use Class F2\) floorspace, and Public Houses \(Sui Generis\). Learning institutions including a primary school \(Use Class F1\(a\)\), open space, green infrastructure, woodland and community and sports provision \(Use Class F2\)\). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works. | Land To The West Of Teynham London Road Teynham Kent \(midkent.gov.uk\)](#)

1. SITE LOCATION AND DESCRIPTION

- 1.1. The Application Site covers an area of 97.94 Ha and is largely situated to the north of the A2 (London Road). The site would connect to Swale Way to the northwest, it then extends southward to connect to the A2 (London Road) in the vicinity of the junction with Blossom Street.
- 1.2. The site then extends to the east, crossing Hempsted Lane, and up to London Road. The site includes the Bapchild Cricket Club and land immediately south of the A2 (opposite the cricket club).
- 1.3. Further to the south (beyond the redline site boundary) is land which is currently farmland. It is noted that another application has been submitted for the redevelopment of the land south and east of Sittingbourne by the Applicant (see application ref: 21/503914/EIOUT).
- 1.4. The site then extends further eastward and northward encompassing land between Lower Road, Froggnal Lane and London Road.
- 1.5. To the north of the site is open farmland. To the east are residential properties along Froggnal Lane.
- 1.6. The site is dominated by arable and pasture fields, along with intensively managed orchards, woodland, scrub, grassland, tall ruderal vegetation, trees, hedgerows, a pond, a small area of traditional orchard and a watercourse.

Designations

- 1.7. The site is not subject to national ecological designations, but it is approximately 500m (at its most north-westerly point) from the Swale Site of Scientific Importance ('SSSI'), Special Protection Area ('SPA') and Ramsar site and approximately 6km from the Medway Estuary and Marshes SSSI, SPA and Ramsar site.
- 1.8. Land to the north-east of the site, beyond the existing railway line, is identified as part of an Area of High Landscape Value (Swale Level) in the Bearing Fruits 2031 The Swale Borough Local Plan 2017 (the Local Plan).

- 1.9. The site is also underlain by Head Deposits (Brickearth) which fall in a mineral safeguarding area.
- 1.10. The majority of the site is in Flood Zone 1 indicating the lowest risk of flooding from rivers and the sea. There are areas of land across the site which are shown to be in Flood Zone 3 on Environment Agency (EA) maps, which are identified in the Council's Strategic Flood Risk Assessment (SFRA) as surface water functional flood zones.
- 1.11. The vast majority of the site lies outside of the built-up area boundary. The western portions of the site lie within an area safeguarded in the Local Plan as the search area for the Sittingbourne Northern Relief Road (SNRR).
- 1.12. Parts of the western side of the Application Site lie within the Tonge Conservation Area and Tonge Country Park (which is part of an Important Local Countryside Gap). There are also several designated heritage assets (listed buildings) located in close proximity to the Application Site, including:
- Frognal House - Grade II* listed
 - Frognal Barn -Grade II listed
 - 1 School Lane - Grade II listed
 - The Post Office - Grade II listed
 - 35 The Street - Grade II listed
 - Tonge Mill - Grade II listed
 - Mill House Old Mill - Grade II listed
 - Claxfield Farmhouse - Grade II* listed
 - Claxfield House - Grade II listed
 - Radfield House and railings - Grade II listed
 - Beeches - Grade II listed
 - Little Radfield - Grade II listed
- 1.13. There are areas within the site identified as Archaeological Areas of Priority.
- 1.14. The site passes through areas towards the west of the site designated as Local Green Spaces. The following roads pass through or near to the site and are designated as Rural Lanes in the Local Plan:
- Lower Road
 - Church Road
 - Hempsted Lane
- 1.15. A number of Public Rights of Way (PRoW) transverse the site or pass close to its boundaries. Kent County Council (KCC) advise that the following Public Footpaths are located within the site and would be directly affected by the proposed development.
- | | | |
|----------|----------|----------|
| • ZR194, | • ZR191, | • ZR257, |
| • ZU16, | • ZR192, | • ZR256. |
| • ZR189, | • ZR193, | |
- 1.16. Restricted Byway ZR195 is also located within the site and would be directly affected by the proposed development.

2. PLANNING HISTORY

2.1. Planning History - Application Site

- 2.2. The application site has an extensive planning history. Set out below is the history considered relevant to the determination of the current application:

Ref no.: 21/503914/EIOUT - Land South and East of Sittingbourne Kent

Southern Site. Outline Planning Application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighborhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works.

Pending decision

Ref no.: 14/501588/OUT - Land At Stones Farm - The Street Bapchild

Hybrid application (part outline, part approval of detail) consisting of: Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/community facilities (up to 650 sq. m gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap, as amended by drawings 5257/OPA/SK001 Rev J (new red line plan), D119/52 (Swanstree Avenue Plan) and D119/53 (junction layout plan).

Approved Decision Date: 11.12.2017

[Planning case officer comment: The site is located south of the railway line and north of the A2/London Road. The eastern portion of the Stones Farm site was approved as open space (providing a countryside gap). The proposed SNRR would pass through the countryside gap.]

Ref no.: 22/502834/EIOUT - Land West of Church Road, Bapchild, Tonge, Kent

Outline application for up to 380 residential dwellings (including affordable homes) and 450 sqm of Use Class E/F floorspace, together with associated open space, play space, and landscaping (All matters reserved except for access).

Appeal upheld (permission granted) 06.11.2023.

[Planning case officer comment: The proposed Northern Relief Road would overlap the approved development.]

2.3. Planning History – other relevant sites:

2.4. Set out below is the planning history of nearby sites considered relevant to the determination of the current application.

Ref no.: SW/02/1180 - East Hall Farm, Land At, Sittingbourne

Outline Application for residential, employment, open space and supporting facilities.

Approved Decision Date: 16.07.2004

[Planning case officer comment: This area is known as the East Hall Farm Development Area is located north of the railway line, and immediately south of the proposed Northern Relief Road. The permission was granted outline planning permission in 2004 for 25-hectares of residential development; 11-hectares of employment development; and supporting development in relation to community infrastructure, open space, and access. The site has come forward for development.]

Ref no.: SW/13/0215 - Eurolink V Swale Way Sittingbourne Kent ME9 9AR

Construction of business park (use classes B1(B), B1(C), B2 and (B8), (research and development, light industrial, general industrial and storage or distribution), (up to a maximum of 43,000sqm), including associated accesses (including alteration to existing northern relief road), parking and servicing areas, landscaping, bunds, surface water storage area, and related development.

Approved Decision Date 06.01.2014

[Planning case officer comment: The site is located immediately north of the proposed Northern Relief Road and has come forward for development.]

Ref no.: 16/507689/OUT - Land Between Frogmal Lane And Orchard View Lower Road Teynham

Outline Application (with all matters reserved other than access into the site) for mixed use development including up to 300 dwellings; employment area (Use Classes B1(a), B1(b) and B1(c) (offices, research and development, and light industrial) (up to 26,840sqm); sports ground (including pavilion/changing rooms); open space (including allotments and community orchard); access, including new link road and roundabout on A2; other vehicular/pedestrian / cycle accesses (including alterations to Frogmal Lane); reserve site for health centre; and associated parking and servicing areas, landscaping, wildlife areas, swales and other drainage / surface water storage areas, and related development.

Approved Decision Date: 23.06.2021

Ref no.: 23/505541/REM - Land Between Frogmal Lane and Orchard View, Lower Road, Teynham

Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale sought) for erection of 298no. dwellings, a sports ground including pavilion, changing rooms and car

park, open space including allotments and community orchard, and associated new infrastructure including access, parking and landscaping pursuant to 16/507689/OUT.

Pending decision

Ref no.: 20/506066/OUT - Storage Land at Lomas Road Bapchild

Outline application for the development of up to 14no. residential dwellings with associated parking and landscaped areas (Appearance, Landscaping and scale being sought).

Pending decision

3. PROPOSED DEVELOPMENT

3.1. The proposals comprises an outline planning application with all matters reserved (a legitimate form of planning application), which seeks permission for a mixed-use development, the scale of which is defined by the parameter plans and outline development specification (which are discussed below).

3.2. Residential Development

3.3. The proposed development seeks permission for up to 1,250 dwellings (Use Class C2 and C3).

3.4. The residential development is proposed to be located within the eastern side of the site (east of the existing Bapchild Cricket Club) and would be delivered in phases. The phasing parameter plan submitted with the application indicates development being delivered over a 10-year period.

3.5. The proposed level of affordable housing is discussed in Section 7.6 of this report.

3.6. As well as conventional housing, the proposal includes specialist accommodation (Use Class C2). This would take the form of 'extra care' units that allow for practical living for older people (over 65s).

3.7. The building heights parameter plan submitted with the application indicates that centrally within the site, housing could rise up to 13.5m, dropping to between 12m and 10m towards the outer edges of the site.

3.8. Non Residential Development

3.9. The table below sets out the quantum of non-residential development proposed at the site.

Use Class	Proposed Use	Maximum Floorspace (GIA sqm)
E(g)	Business	2,200
E/F1/F2/Sui Generis	Commercial, business and service	1,960
	Learning and Non-residential institutions	
	Local community	
	Public houses	
F1(a)	Primary/Secondary schools	2,500

F2(c)	Sports and community facilities	900
Total		7,560

3.10. Employment space and mixed use centre

3.11. Dedicated employment space is proposed to be located adjacent to a Mixed-Use Local Centre, positioned centrally within the eastern portion of the site. The applicant's planning statement states that the intention for the Mixed-Use Local Centre is to provide a hub for both future residents and the wider existing community.

3.12. The height parameter plan indicates the mixed-use centre and employment space rising up to 13.5m in height.

3.13. Education and sports facilities

3.14. The proposals include an area of 2.05ha for the provision of a new educational facility in the form of a 2 form of entry (FE) primary school with Special Educational Needs (SEN) provision, with dedicated playing fields, facilities, and vehicle parking.

3.15. The primary school would be located northeast of the Bapchild Cricket Club and adjacent to the commercial area and Mixed-Use Local Centre. The height parameter plan indicates the school could rise up to 12m in height.

3.16. The proposals include the replacement of the existing Bapchild Cricket Club cricket pitch, and the construction of a new pavilion.

3.17. Access, highways and transport

3.18. The application proposes the completion of the Bapchild Section of the Sittingbourne Northern Relief Road (SNRR) and its integration with the development. The proposed SNRR would lead south from Swale Way and cross over the railway line (a new bridge would be created) towards the middle of Tonge Country park where a junction is proposed with two armatures.

3.19. One armature of the SNRR is proposed to lead southward to the A2 west of Bapchild. The junction with the A2 west of Bapchild would provide access to the Stones Farm development and would maintain access and parking for residents at Fox Hill.

3.20. A further armature of the proposed SNRR is proposed to the east which is shown as connecting to the A2 in the approximate location of the existing Bapchild Cricket Club. From there it is proposed to introduce further primary and secondary access points through the site leading up (northeast) to Lower Road.

3.21. Open space and green infrastructure

3.22. The proposals include areas to provide for organised sports and play, recreational use, amenity, community gardens and allotments, productive landscapes, parkland, biodiversity and ecology areas. The Bapchild Cricket Club would be enhanced, including through the provision of a new pavilion.

3.23. Green infrastructure and biodiversity corridors are proposed, the applicant's planning statement advises that these would provide areas for walking and cycling and sustainable urban drainage systems ('SUDS').

3.24. Formal open spaces are proposed, which would be more intensively managed for organised activities. The indicative proposals include the creation of linear parks radiating out through the masterplan which will provide links to other open spaces and areas of green space.

- 3.25. The indicative plans indicate that play spaces for children and young people will be provided. Approximately 50 ha of the site would be open space (50% of the total site area).
- 3.26. Demolition
- 3.27. At the point where the proposed SNRR crosses Hempstead Lane, it would pass through land accommodating farm buildings and residential accommodation associated with the farm (currently G.H Deane and Co). This would mean there would be the demolition of 2 dwellings and some of the farm buildings.
- 3.28. Format of the application
- 3.28.1. The application documentation state that the approach to seeking approval for the scheme is proposed in 3 tiers:
- 3.28.2. Tier 1 – Outline application
- 3.28.3. The outline application (with all matters reserved) seeks to secure approval for the development as defined by the Outline Development Specification (dealing with amount and uses) and 2 Parameter Plans:
- Parameter Plan - Height and Built Form: This plan shows the maximum building heights in each area, provided as heights above the existing ground level. The final dimensions for the buildings (e.g., length and width) in each parcel are not provided and would need to be determined at a later stage.
 - Parameter Plan - Development: This plan shows the boundary of the site and the general approach to layout, open space provision, landscaping, and amenity space. It also provides indicative locations the principal access points and internal access routes across the Site. The detailed location of development is not precisely provided and would need to be determined at a later stage.
- 3.28.4. If approved, the development would be required to adhere to the Outline Development Specification, 2 Parameter Plans as well as planning conditions and planning obligations. Other supporting documents accompanying the application, while helpful in understanding the intent of the development, are indicative only (not for approval).
- 3.28.5. Tier 2 – Key phase design planning
- 3.28.6. In summary, the Outline Development Specification states that it is intended that the development would be brought forward in a number of 'Key Phases'. The aim being that each 'Key Phase' would relate to a specific part of the site and would provide for a greater level of design and technical information to be submitted for approval to the Council ahead of reserved matters applications. Defining the Key Phases would need to be secured by way of planning conditions or obligations on any consent.
- 3.28.7. Following 'Key Phase Definition' further design work would be undertaken, and 'Key Phase Framework' documents would be submitted to the Council for approval, including a Design Code, a Delivery Plan outlining the proposed delivery programme.
- 3.28.8. Subsequent reserved matters applications would need to accord with the established Key Phase.
- 3.28.9. Tier 3 – Reserved matters
- 3.28.10. Reserved matters applications are proposed to provide the final level of detail and be guided by the details approved at the Tier 1 and Tier 2 stages.

4. CONSULTATION

4.1. Four rounds of consultation have been undertaken on 12/08/2021, 02/12/2022, 28/02/2024 and 5/09/2024, during which letters were sent to neighbouring occupiers; notices were displayed at the application site and the application was advertised in the local newspaper in accordance with the EIA Regulations. Full details of representations are available online. The application was accompanied by a Statement of Community Involvement in 2021.

4.2. First Round of consultation

4.3. During the first round of consultation, 631 letters were sent to nearby occupiers on 12/08/2021, site notices erected and the application was advertised in the press. Some 427 submissions were received in relation to the consultation.

4.4. Of the responses, 245 raised objection and 181 were in support with 1 being neutral (neither supporting nor objecting). Concerns were raised in relation to the following matters:

Comment	Report reference
If the cul-de-sac at Fox Hill is removed, this will remove the agreed parking area and means there is no provision for Fox Hill residents parking at this location.	3.19
The increase in vehicles will bring more pollution, highways safety issues and noise. The A2 is already congested, increase in traffic could increase by 35% to 45% over current levels.	7.13.5.3 to 7.13.5.9
Swale Way is a racetrack which will be impacted by the new road, and this raises highways safety concerns. The A249 traffic will worsen.	7.13.5.3 to 7.13.5.9
The countryside roads cannot accommodate the huge increase in vehicles.	7.13.5.3 to 7.13.5.9
The new M2 junction will increase the traffic.	7.13.5.3 to 7.13.5.9
Part of the northern relief road east towards Teynham goes through land designated for the Countryside Park.	7.7.4.1 to 7.7.46
The northern relief road backs on to the Heron Field's development which will impact neighbouring properties in terms of loss of privacy and value.	7.19.1 to 7.19.20
Access to public transport is poor, as such car use will be needed adding to congestion and air quality impacts.	7.13.8 to 7.13.23
The local area already has a lack of medical facilities and is one of the most over-subscribed areas in the UK in regards to Patient to GP ratio – the development would put further strain on this. Kent hospitals and social care are already at full capacity.	7.15.13 to 7.15.16
Schools are already over-subscribed and cannot cope with more pupils. Local facilities such as shops would not be able to support the population increase. Services including police, ambulance and fire rescue will be further strained.	7.15.10

The development will result in loss of trees, habitats and local wildlife. Loss of oak, chestnut, beech, silver birch and hawthorn trees, which will result in a loss of natural habitats for native species.	7.11.2.9
The development does not respect character of local area.	7.7.4.5, 7.7.4.6
The development would result in the loss of the North Kent Fruit Belt, a finite resource.	7.7.4.5, 7.7.4.6
Loss of farmland – the site is on grade 1 and 2 Best most Versatile agricultural farmland which will be lost due to the development. The loss of farmland will result in a loss of local food production, which has become increasingly important as a result of Brexit. Food security is at risk.	7.22.10
The development would result in the loss of heritage assets and listed buildings.	Section 7.8 and para 7.25.37 to 7.25.43
The area is subject to high risk of surface flooding in sections of the land west of Teynham and the development would worsen this.	7.17.10 to 7.17.20
The development would increase light pollution, which will result in the loss of the dark skies.	7.7.2.24
Air pollution due to traffic and construction will be detrimental to the environment and the health of residents. Teynham already has high levels of pollution, having failed National Air Quality Objectives, the development would worsen this.	7.14.13 to 7.14.15
Contamination may cause health and safety issues.	7.18.4 to 7.18.6
The development will destroy green space and be detrimental to Kent's' claim as the 'Garden of England'.	7.7.4.5, 7.7.4.6
Residents and hikers use the footpath behind Heron Fields, which will be affected by the proposed development. The footpaths are used by children and dog walkers and these will be lost.	7.13.30 to 7.13.33
Concerns are raised in relation to the impact of the development on the water pressure, sewage and foul water disposal.	7.17.22 to 7.17.24
The proposed bridge will be visually and environmentally damaging.	7.7.4.5, 7.7.4.6
Concerns are raised regarding the impact on utilities as electricity supplies are currently disrupted on a regular basis.	7.15.5
Many residents enjoy the rural lifestyle to improve mental health. The development will result in a loss of this land and therefore become detrimental to mental health of many residents.	7.7.4.1 to 7.7.4.6
The development would be overly dominant visually, resulting in a loss of amenity for neighbours due to the scale of the development.	7.7.4.1 to 7.7.4.6

The scale of development and close proximity to neighbour will result in overlooking and a loss of privacy for neighbouring properties.	7.19.11
The development represents a substantial urban extension to Sittingbourne due to the scale. The development will result in the loss of important local countryside gaps and the loss of separation between the settlements of Bapchild, Teynham and Tonge. These communities will lose their unique identity and become suburbs of Sittingbourne.	7.7.4.1 to 7.7.4.6
The development would absorb Bapchild, Rodmersham, Bredgar and other surrounding villages around Sittingbourne which will result in a loss of rural lifestyle and increase in urbanisation.	7.7.4.1 to 7.7.4.6
The proposed density is excessive and will result in an overpopulation of the area.	7.10.14 to 7.10.18
The site is not allocated for development in the Local Plan or the emerging Local Plan.	7.4.1, 7.4.2, 7.4.3
The additional population will put further strain on police services and will result in increased crime.	7.19.17
There remains a significant amount of empty commercial space on existing sites in Sittingbourne, currently served sufficiently by existing roads and it is highly unlikely that Teynham requires a new industrial estate.	7.4.2.1 to 7.4.2.10
There appears to be no new high-quality employment opportunities created by a development of such scale.	3.11
The density of buildings, extent of hard surfaces and loss of wildlife will contribute to climate change.	7.20.3

- 4.5. Comments made in support (181 were in support) of the application raised the following matters:

Comment	Report reference
The development would improve the road network. The development would result in the reduction of journey times%.	7.13.5.4 to 7.13.5.7
The development would bring new short and longer terms employment. This will bring economic benefits to the local community.	7.25.19 to 7.25.21
The development would deliver affordable homes and an appropriate density mix.	7.6.13
The development would help transition the area into a low carbon economy. The development will provide open spaces, country parks and green technology to support sustainability.	7.20.3

The development will bring new sports facilities, school provision and healthcare provision.	7.4.2.12, 7.4.3.2, 7.4.3.4
This would benefit businesses and result in the reduction of traffic on A2.	7.13.5.4 to 7.13.5.7

- 4.6. The following Parish Councils and amenity groups objected to the application on the following grounds:

Bapchild Parish Council

In summary the Bapchild Parish Council object to the proposed developments. Concerns raised include:

Comment	Report reference/clarification
The outline nature of the application means there is uncertainty over delivery of necessary infrastructure.	7.15.1 to 7.15.19
The scale, layout and density of the development will result in the loss of important local countryside gaps and separation between the nearby settlements.	7.7.4.1 to 7.7.4.6
The Parish Council is specifically concerned if the proposed Bapchild Bypass is constructed, albeit providing relief to the daily congestion that affects villagers in the area, is the decimation of the new countryside park being delivered at Stones Farm.	7.7.4.1 to 7.7.4.6
Brownfield sites should be developed before the countryside. The proposal conflicts with the Local Plan.	7.4.1, 7.4.2, 7.4.3, 7.4.5
There would be the loss of Best and Most Versatile agricultural land.	7.7.4.1 to 7.7.4.6
The BNG claims are not well founded.	7.12.28
There will be a loss of the open and undeveloped character of the land, which is currently and has been for any years actively farmed.	7.7.4.1 to 7.7.4.6
The application must be considered against the Local Plan, and the application does not support the housing objectives and constraints set out in the Plan.	7.4.1
Whilst the Ecological Mitigation Strategy sets out a net biodiversity gain, the Parish Council has concerns that the impacts of construction over many years will destroy the existing diverse range of wildlife, habitats and biodiversity.	7.12.31

Bapchild, Bredgar, Milstead and Rodmersham Parish Councils

In summary the Bapchild, Bredgar, Milstead and Rodmersham Parish Councils object to the proposed developments. Concerns relevant to this application include:

Comment	Report reference/clarification
<p>The site is not included in the emerging Swale Local Plan and is an attempt to circumvent the local plan process.</p> <p>The development is outside of the built-up area with no special circumstances that would presently warrant support in principle for the development of the site and the resultant encroachment of built development into the countryside.</p>	7.4.1, 7.4.2, 7.4.3, 7.4.5
<p>In terms of the five-year land housing supply, none of the homes proposed would deliver in the next 5 years and so approval of these applications would not meet the minor housing supply shortfall identified.</p>	7.4.1.11
<p>The proposed development would detrimentally impact areas of High Landscape Value, biodiversity Important Countryside Gaps and Rural Lanes.</p>	7.7.4.1 to 7.7.4.6
<p>The development would also impact the historic environment which would result in irreversible negative impacts on conservation areas and listed buildings.</p>	Section 7.8 and para 7.25.37 to 7.25.43
<p>The two developments would also result in the loss of land, which is in current or former agricultural use which is Best and Most Versatile land (Grade 1, 2 and 3a agricultural land).</p>	7.22.10
<p>In terms of highways, the submissions lack evidence to draw an informative conclusion as to whether the residual cumulative impact on highway safety and as such the development cannot be approved.</p>	7.13.5.3 to 7.13.5.9
<p>Whilst the submission includes reference to the delivery of new schools and health facilities, no consideration has been given to the timing of the delivery of these services.</p>	7.15.3
<p>There is a history of businesses which were engaged in activities that resulted in contamination. The proposed development may lead to the contamination reaching water sources, placing a risk to water supply and human health.</p>	7.18.4 to 7.18.6
<p>The benefits of the development are not considered to be of such magnitude so as to outweigh the harm identified, with the environmental harm considerably outweighing the benefits of the scheme.</p>	7.25.45 to 7.25.47
<p>The proposed Northern Relief Road (NRR) which cuts directly through the Tonge Conservation Area, would impact directly on an approved and promised country park and Important Local Countryside Gap.</p>	7.7.4.1 to 7.7.4.6
<p>Development should not be allowed until the necessary highway infrastructure has been delivered.</p>	7.13.4.12

Whilst the submission includes reference to the delivery of new schools and health facilities, no consideration has been given to the timing of the delivery of these services. The delivery of services to support the development need to be delivered in the early phases of the development.	17.15.3
The submissions are so lacking in evidence it is not possible to draw an informed conclusion as to whether the residual cumulative highway impacts of the development would be severe.	7.13.5.8, 7.13.5.9
Community and other infrastructure is already at capacity and would not cope with additional demand.	7.15.1 to 7.15.19
There are existing issues with the supply of water and the development would worsen the situation. Enhancements to water supply and drainage are required to cope with demand from the development.	7.17.21
The impact of the additional roads and increased traffic on noise and air quality within the area requires careful consideration.	7.14.13 to 7.14.15 7.19.13 to 7.19.19
It also remains a concern that the appropriate ownership notifications do not appear to have been carried out.	Officers have confirmed requisite notices have been served.

Doddington Parish Council

Doddington Parish Council object to the proposed developments. Concerns include:

Comment	Report reference/clarification
These two applications cannot be considered in isolation from each other as they are promoted jointly by the applicant to deliver a relief road joining Sittingbourne industrial estates to the north to a new M2 junction 5a to the south. Delivery of that relief road depends on housing and commercial developments across the whole combined site.	7.6.13
The applications should not be considered at the present time on the grounds of prematurity.	7.2.13
If granted, these applications would result in continuous construction for 30 years.	7.19.8
Best Most Versatile land would be lost forever.	7.22.10
The focus for housing and other development should be on previously developed sites as opposed to greenfield land.	7.4.1, 7.4.2, 7.4.3, 7.4.5
Traffic congestion and highway safety will worsen.	7.13.5.3 to 7.13.5.9
Air quality would worsen.	7.14.13 to 7.14.15

There would be harm to the countryside, landscape and visual impacts.	7.7.4.1 to 7.7.4.6
Rural Lanes would be harmed.	7.7.4.1 to 7.7.4.6
The countryside gap would be impacted and settlements would merge.	7.7.4.1 to 7.7.4.6
There would be a loss of trees and woodland.	7.11.2.9
There would be loss of habitats and harm to rare and protected species. There would be other ecological impacts.	7.12.31
The biodiversity net gains claimed across both applications are unrealistic.	7.12.28
The impact on heritage assets across both applications is significant and will adversely affect important listed buildings and cause substantial harm to the Tonge Conservation Area.	Section 7.8 and para 7.25.37 to 7.25.43
There are also concerns regarding the additional strain on local water supplies.	7.17.21
Social infrastructure including health care cannot cope with the demands of additional population.	7.15.1 to 7.15.9
The increased traffic during construction phases would cause congestion and result in amenity impacts. There is a lack of capacity in the sewer system to cope with increases in sewage resulting from the development.	7.13.5.8 to 7.13.5.9 7.17.22 to 7.17.24
The Parish Council supports the comments made by other Parish Councils in objection to the development.	Noted.

Hartlip Parish Council

In summary the Hartlip Parish Council object to the proposed developments for the following reasons:

Comment	Report reference/clarification
Hartlip Parish Council object to the application in the strongest possible terms. The benefits of the proposed development do not outweigh the considerable harm.	7.25.45 to 7.25.47
The site is not allocated for housing in the adopted Swale Local Plan of 2017, or the emerging Local Plan and is contrary to the emerging settlement strategy.	7.4.1, 7.4.2, 7.4.3, 7.4.5 7.2.13
The scale of the development is excessive and greater than necessary to meet housing need and would be out of character with the area in which it would be set.	7.4.1.18

The proposed development would have a detrimental impact on the local environment by resulting in the loss of Best and Most Versatile agricultural land.	7.2210
Increased vehicles and traffic.	7.13.5.3 to 7.13.5.9
The development would put a further strain on local facilities and services.	7.15.1 to 7.15.19
Other concerns include the impact on recreational activities, such as public footpaths, damage to mental and physical health.	7.13.30 to 7.13.33
The development would destroy local ecology, disturb wildlife including bats and owls. The harm of additional lighting to nocturnal animals must not be underestimated.	7.12.31
The development adversely impact the Conservation Areas and Listed Buildings	Section 7.8 and para 7.25.37 to 7.25.43
The countryside gap would be lost and settlements would merge. The application itself acknowledges significant adverse landscape and visual effects.	7.7.4.1 to 7.7.4.6
Air quality would worsen.	7.14.13 to 7.14.15
The biodiversity net gains claimed across both applications are unrealistic.	7.12.28
There would be adverse impacts from noise generated during construction and operational phases of the development.	7.19.13 to 7.19.19

Hollingbourne Parish Council

In summary the Hollingbourne Parish Council object to the proposed developments. Concerns raised include:

Comment	Report reference/clarification
The development will increase traffic though Hollingbourne and adversely impact the quality of life in the Parish.	7.13.5.3 to 7.13.5.9
The development will result in harm the local ecology, biodiversity and agricultural land.	7.12.31, 7.22.10

Lynsted with Kingsdown Parish Council

In summary the Lynsted with Kingsdown Parish Council object to the proposed developments. Concerns raised include:

Comment	Report reference/clarification
The planning applications should not be considered at the present time on the grounds of Prematurity. The development undermines	7.2.13

the plan-making process by predetermining decisions regarding scale, location or phasing of new development and the overall strategy.	
If granted, the applications would result in continuous construction for 30 years and turn 95ha and 579 ha of land into residential and commercial urban uses.	7.19.8, 7.7.4
The development would impact the ability to produce local food on Grade 1 agricultural land.	7.22.10
The proposed development would increase traffic through rural lanes such as Lower Road Teynham. Emissions from cars would result in an increase air pollution, leading to worsened health.	7.14.13 to 7.14.15
Swale will lose local wildlife, biodiversity and heritage assets.	7.12.31 Section 7.8 and para 7.25.37 to 7.25.43
The development will also further strain water supply, which some villages already struggle with.	7.17.21
The development would also impact on the capacity of existing medical services and any new medical facilities would not attract enough workers.	7.15.1 to 7.15.19

Oare Parish Council

In summary the Oare Parish Council object to the proposed developments for the following reason:

Comment	Report reference/clarification
The scale of development will adversely change the character of the Borough, and would result in a worsening of air quality.	7.7.4, 7.14.13 to 7.14.15

Teynham and Tonge Parish Council

Teynham and Tonge Parish Council submitted a detailed and lengthy objection, which can be viewed in full online. A summary of matters raised is set out below.

Comment	Report reference/clarification
Many residents were completely unaware of the planning applications. There was a very low awareness of the full scale and location of the proposals.	4.1
Supportive responses submitted from members of Sittingbourne football club and 'Just Build Homes' campaign are unrepresentative.	Officers are required to consider all consultation responses..

Resident engagement shows that the vast majority of people oppose the proposal.	Noted.
The development sites are not supported by an existing Local Plan allocation and the development proposed is not sustainable. The development is premature and would undermine the emerging Local Plan. The proposals are outside the built up boundary contrary to policy ST3 of the Local Plan and are unacceptable in principle.	7.4.1, 7.4.2, 7.4.3, 7.4.5 7.2.13
Even if the Council does not have a 5 year supply of housing the harm to assets and areas protected by the NPPF would disengage the presumption in favour of sustainable development.	7.2.1 to 7.2.8
Concern was raised that one single area of Swale is being asked to bear the brunt of accommodating a very significant proportion of the Boroughs housing requirement.	7.4.1,
Development of brownfield or previously developed sites should be the top tier priority.	7.4.1, 7.4.2, 7.4.3, 7.4.5
The Environmental Statement (ES) does not appropriately cumulative impacts into account and as such these may be underestimated.	7.1.1
Traffic congestion would worsen. More housing is proposed than the transport modelling suggests can be accommodated.	7.13.5.3 to 7.13.5.9
The northern relief road proposed as part of 21/503906/EIOU does not accord with adopted Local Plan policy or emerging policy in the Reg 19 Submission Version Local Plan	7.4.5.5
The two road projects are entirely contingent on one another. Teynham and Tonge Parish Council argue strongly that the application proposals are intrinsically linked.	7.13.5.13
Concerns are raised over the impact that either application, in isolation, would have on congestion along the A2 which is already at an unacceptable level.	7.13.5.3 to 7.13.5.9
There is uncertainty as to how the two developments can be successfully delivered without channelling more traffic onto the A2	7.13.5.3 to 7.13.5.9
Concerns are raised in relation to the impact (visual, noise, emissions) the SNRR will have.	7.7.4.1 to 7.7.4.6 7.14.13 to 7.14.15 7.19.13 to 7.19.19
Traffic on Lower Road would increase and this road is not suitable for such an increase in traffic.	7.13.5.3 to 7.13.5.9
There would be an unacceptable impact upon highway safety and that the impacts upon the A2 in terms of additional traffic flow would indeed be severe if application 21/503906/EIOU and 21/503914/EIOU are considered independently.	7.13.5.13, 7.13.5.14

The rail infrastructure at Teynham would not support a large increase in population as proposed.	7.13.22
The sustainable transport strategy supporting the two applications is not sufficient to mitigate impacts.	7.13.17 to 7.13.23
The character of Teynham and Tonge would be harmed. The Countryside gap would be lost and settlements would be merged. Rural Lanes would be harmed, contrary to Policy DM26. There would harm to the landscape character and visual impacts.	7.7.4.1 to 7.7.4.6
The development would result in the loss of Best and Most Versatile agricultural land. The proposals are in conflict with Local Plan Policy DM30.	7.22.10
The landscape and visual impact assessment and the ES underestimate landscape and visual impacts.	7.7.4.1 to 7.7.4.6
The development would result in significant ecological impacts. Wildlife habitats would be lost, protected species would be put at risk.	7.12.31
There would be impacts to protected sites (such as the Swale SPA).	7.12.31
Concern is raised in relation to how BNG has been calculated.	7.12.28
The proposals will result in the removal and loss of areas of substantial areas of trees and hedgerow.	7.11.29
There would be harm to the setting of listed buildings and direct harm to the Tonge Conservation Area. Large-scale housing in the fields immediately south of Frognal Farmhouse and Frognal Barns will irrevocably change their rural setting. Construction works may damage listed buildings due to vibration and ground movement.	Section 7.8 and para 7.25.37 to 7.25.43
Existing sewer and drainage systems are at or over capacity and could not cope with additional population. Surface water runoff from the development would further exacerbate capacity issues.	7.17.22 to 7.17.24
Raise concern over the how sufficient water supply could be provided for the development.	7.17.21
The development may well result in surface water runoff from the site resulting in flooding elsewhere.	7.17.12 to 7.17.21
Social infrastructure (including health care) would not be able to cope with the additional demands arising from the development.	7.15.1 to 7.15.19

Teynham Parish Council

Comment	Report reference/clarification
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<p>The development sites are not supported by local plan allocation. There is an in principle objection. Teynham has already delivered more housing than was allocated in the local plan. The village does not have capacity to accommodate more.</p> <p>The applications have been brought forward prematurely in an attempt to exploit the negative housing land supply position Swale Borough Council currently find itself in.</p>	<p>7.2.13</p> <p>7.4.1, 7.4.1.8</p> <p>7.4.2, 7.4.3, 7.4.5</p>
<p>The existing road structure around Teynham and particularly the A2 is not capable of accommodating combined development traffic.</p>	<p>7.13.5.3 to 7.13.5.9</p>
<p>The proposal will lead to an increase in traffic through rural lanes such as Lower Road, Teynham which presents highway safety issues for vehicles, cyclists and pedestrians.</p>	<p>7.13.5.3 to 7.13.5.9</p>
<p>The development that would result in additional traffic using the A2 increasing vehicle emissions and degrading air quality in this location further.</p>	<p>7.14.13 to 7.14.15</p>
<p>The proposed sustainable transport strategy supporting both applications would not reduce or mitigate additional car travel.</p>	<p>7.13.17 to 7.13.23</p>
<p>Countryside gaps would be eroded and settlements would merge. This would introduce large scale urbanisation into area of undeveloped and open countryside. There would be adverse change to the character of the landscape and visual impacts.</p>	<p>7.7.4.1 to 7.7.4.6</p>
<p>The development will result in the total loss of Grade 1 and 2 agricultural land which is classified as being Best and Most Versatile.</p>	<p>7.22.10</p>
<p>The application documentation admits that each application will result in the loss and destruction of habitats and direct threat to wildlife.</p> <p>European recognised wildlife sites lie in close proximity not least the Swale Special protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site would be harmed.</p>	<p>7.12.31</p>
<p>The biodiversity net gain claims across both application areas are unrealistic.</p>	<p>7.12.28</p>
<p>The impact on heritage assets is significant and we have very grave concerns about the impact on the most important listed buildings within both parishes and the substantial harm that will be caused to Tonge Conservation Area.</p>	<p>Section 7.8 and para 7.25.37 to 7.25.43</p>
<p>The drainage network would not be able to cope with additional foul and surface water.</p>	<p>7.17.22 to 7.17.24</p>
<p>Teynham has limited shops and services and public transport links would not properly provide for the additional population being proposed.</p>	<p>7.4.2.9</p> <p>7.13.22</p>
<p>Social infrastructure such as health care would not be able to cope.</p>	<p>7.15.1 to 7.15.19</p>

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Tonge Parish Council

Comment	Report reference/clarification
<p>The development sites are not supported by local plan allocation. There is an in principle objection. Teynham has already delivered more housing than was allocated in the local plan. The villages do not have capacity to accommodate more.</p> <p>The applications have been brought forward prematurely in an attempt to exploit the negative housing land supply position SBC currently find itself in.</p>	7.2.13 7.4.1, 7.4.1.8 7.4.2, 7.4.3, 7.4.5
<p>The existing road structure around Teynham and particularly the A2 is not capable of accommodating combined development traffic.</p>	7.13.5.3 to 7.13.5.9
<p>The proposal will lead to an increase in traffic through rural lanes such as Lower Road, Teynham which presents highway safety issues for vehicles, cyclists and pedestrians.</p>	7.13.5.3 to 7.13.5.9
<p>The development that would result in additional traffic using the A2 increasing vehicle emissions and degrading air quality in this location further.</p>	7.13.5.3 to 7.13.5.9
<p>The proposed sustainable transport strategy supporting both applications would not reduce or mitigate additional car travel.</p>	7.14.13 to 7.14.15
<p>Countryside gaps would be eroded and settlements would merge. This would introduce large scale urbanisation into area of undeveloped and open countryside. There would be adverse change to the character of the landscape and visual impacts.</p>	7.7.4.1 to 7.7.4.6
<p>The development will result in the total loss of Grade 1 and 2 agricultural land which is classified as being Best and Most Versatile.</p>	7.22.10
<p>The application documentation admits that each application will result in the loss and destruction of habitats and direct threat to wildlife. European recognised wildlife sites lie in close proximity not least the Swale Special protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site would be harmed.</p>	7.12.31
<p>The biodiversity net gain claims across both application areas are unrealistic.</p>	7.12.28
<p>The impact on heritage assets is significant and we have very grave concerns about the impact on the most important listed buildings within both parishes and the substantial harm that will be caused to Tonge Conservation Area.</p>	Section 7.8 and para 7.25.37 to 7.25.43

The drainage network would not be able to cope with additional foul and surface water.	7.17.22 to 7.17.24
Teynham has limited shops and services and public transport links would not properly provide for the additional population being proposed.	7.4.2.9 7.13.22
Social infrastructure such as health care would not be able to cope.	7.15.1 to 7.15.19

Swale Footpath Group

In summary the Swale Footpath Group object to the application. Concerns included:

Comment	Report reference/clarification
The character of PROWs would be changed. Views would be adversely impacted, the same sense of freedom obtained from walking in the countryside would be lost. The Covid pandemic has underlined the importance of these benefits.	7.13.30 to 7.13.33
The application would result in the loss of best and most versatile agricultural land.	7.22.10
The additional housing would be accompanied with additional traffic generation and congestion.	7.13.5.3 to 7.13.5.9

Sittingbourne Society

In summary the Sittingbourne Society object to the application. Concerns included:

Comment	Report reference/clarification
Local social infrastructure such as health care and education cannot cope with existing demands let alone the additional population proposed.	7.15.1 to 7.15.19
There would be adverse impacts in terms of local water resources, wastewater and ecology.	7.17.22 to 7.17.24 7.17.21 7.12.31
Traffic generation would be significant and adversely impact the highway network.	7.13.5.3 to 7.13.5.9
Existing air quality issues would be exacerbated.	7.14.13 to 7.14.15
The opportunity to create open space as part of the Stones Farm development would be lost by this development. The scheme would harm a Conservation Area and country park.	7.7.4.1 to 7.7.4.6
The northern relief road will have negative environmental impacts. The elevation of the roads and railway bridge will have adverse visual impacts.	7.7.4.1 to 7.7.4.6

The development would result in the loss of valuable agricultural land and destroy the rural character of this attractive area of north Kent.	7.22.10
The rural gap between Babchild and Teynham would be lost. Sittingbourne, Rodmersham, Bapchild and Teynham would become merged in one conurbation. The character of the district would be completely changed.	7.7.4.1 to 7.7.4.6

The Countryside Charity

In summary the Sittingbourne Society object to the application. Concerns included:

Comment	Report reference/clarification
The site is not allocated for development, the proposals conflict with the Local Plan. The application is premature and will undermine the emerging plan.	7.2.13 7.4.1, 7.4.1.8 7.4.2, 7.4.3, 7.4.5
The proposals are in conflict with policies relating to the northern relief road.	7.4.5.5
There would be harm to the countryside. There would be harm to the rural lanes.	7.7.4.1 to 7.7.4.6
There would be harm to the Tonge Conservation Area.	Section 7.8 and para 7.25.37 to 7.25.43
There would be harm to ecology including protected sites such as the SPA and SSSI.	7.12.31
There would be adverse impacts to dark skies and tranquillity.	7.7.2.24
There would be the loss of Best and Most Versatile agricultural land.	7.22.10
Part of the site is within a minerals safeguarded area.	7.23.10
Consideration needs to be given to the cumulative effects of this scheme and that proposed in application ref: 21/503914/EIOU.	7.1.1

Community Planning Alliance

In summary the Community Planning Alliance object to the application. Concerns raised were:

Comment	Report reference/clarification
Prematurity: These planning applications will significantly and severely undermine the overall context of the plan-making process by predetermining decisions about the scale, location or phasing of significant new development.	7.2.13 7.4.1, 7.4.1.8 7.4.2, 7.4.3, 7.4.5

The proposals contradict the emerging local plan.	
Viability: Without the developer viability appraisal being published, it is impossible to determine whether the promises made are deliverable.	7.6.13

Rural Protection Group

Object to both Planning Applications referenced (21/503906/EIOUT & 21/503914/EIOUT).

Wormshill Village

Comment	Report reference/clarification
The ES is flawed and offers no reasonable alternatives.	7.1.1
The proposals are not in line with the Local Plan.	7.2.13 7.4.1, 7.4.1.8 7.4.2, 7.4.3, 7.4.5
No viability assessment has been submitted. There is no evidence that the proposals would be deliverable in the plan period.	7.6.13
It is not clear if Network Rail would allow a bridge to be built over the railway line. Southern Water confirmed that there is not capacity in the sewer system to cope with demand from the development. Deliverability and infrastructure are questioned.	Network Rail have confirmed agreement in principle to a bridge to traverse the railway line.
Social infrastructure (including health care) would not be able to cope with the additional demands arising from the development.	7.15.1 to 7.15.19
Air quality would worsen.	7.14.13 to 7.14.15
Settlements would merge. Countryside gaps would be impacted. Rural character of the area would be lost. Rural Lanes would be impacted.	7.7.4.1 to 7.7.4.6
Best and Most Versatile agricultural land would be lost.	7.22.10
There would be biodiversity and ecological impacts, loss of habitats and impacts to protected sites and SSSI.	7.12.31
There would be the loss of trees and woodland.	7.11.2.9

4.7. Second Round of consultation

- 4.8. A second round of consultation was undertaken following receipt of further information. Letters were again sent to nearby occupiers on 2 December 2022, and to those who had made a submission.

- 4.9. Some 164 letters of representation were received in relation to the second round of consultation. Of the responses 123 raised objection and 40 were in support with 1 being neutral (neither supporting nor objecting).
- 4.10. In relation to objections these largely reflected the concerns raised in the first round of consultation, the comments below represent additional concerns not raised in response to the earlier round of consultation:

Comment	Report reference/clarification
The increase in traffic will disproportionately impact commuters.	7.13.5.3 to 7.13.5.9
New development should not take place on green belt land – brownfield land should be used instead.	7.2.13 7.4.1, 7.4.1.8 7.4.2, 7.4.3, 7.4.5

- 4.11. In relation to the second round of consultation, Parish Council's and amenity groups reiterated earlier concerns. In addition, set out below are additional objections that were received from Parish Council's and amenity groups:

Bapchild Parish Council

Bapchild Parish Council reiterated previous concerns and confirmed the amendments did not overcome objections.

Bredgar Parish Council

In summary Bredgar Parish Council object to highway infrastructure proposed in application 21/503914/EIO/OUT

Hartlip Parish Council

Comment	Report reference/clarification
In addition, the development will increase traffic on the A2 and country roads which are not built for heavy traffic. Traffic congestion would worsen.	7.13.5.3 to 7.13.5.9
This creates health and safety concerns for those walking to school and horse riders.	7.13.5.7
The development will also increase pressure on doctors and ambulance services. Social infrastructure would not be able to cope with additional demand. Pressure on local schools will worsen and transporting pupils to the schools is an ever-increasing problem.	7.15.1 to 7.15.19
The loss of grade 1 agricultural land, which should be protected for food production.	7.22.10
The countryside gap between Teynham and Tonge and amalgamate the two villages.	7.7.4.1 to 7.7.4.6
Air quality would worsen.	7.14.13 to 7.14.15

Its environmental impacts are of grave concern and totally undermines Kent's Biodiversity Strategy	7.12.31
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Lynsted with Kingsdown Parish Council

Comment	Report reference/clarification
Object to the destruction of best most versatile farmland.	7.22.10
The volume of new housing is not needed and cannot be accommodated.	7.4.1.8
There will be adverse environmental and ecological impacts and to local water supplies.	7.12.31, 7.17.21
There will be adverse strain on community infrastructure.	7.15.1 to 7.15.19
Air quality would worsen.	7.14.13 to 7.14.15
Settlements would merge.	7.7.4.1 to 7.7.4.6

Norton, Buckland and Stone Parish Councils

Comment	Report reference/clarification
The development would eliminate the green spaces separating Bapchild and Teynham. Swales medical facilities is already at a critical state and an increase in population will worsen this.	7.7.4.1 to 7.7.4.6 7.15.1 to 7.15.19
The proposals would destroy high-grade and valuable agricultural land.	7.22.10
The increased traffic on the A2 from the developments would add approximately 15-17000 cars to an already overloaded highway, worsening air quality.	7.13.5.3 to 7.13.5.9

Teynham Parish Council

In summary Teynham Parish Council reiterated earlier concerns and in addition raised the following issues:

Comment	Report reference/clarification
The proposal will lead to an increase in traffic through rural lanes which presents highway safety issues for vehicles, cyclists and pedestrians. The A2 is already over capacity and adding additional traffic to the road would exacerbate the existing congestion problems.	7.13.5.3 to 7.13.5.9
Since the original submission in 2021, the GP surgery in Teynham has closed. Other infrastructure has deteriorated. There is no scope for accommodating the development proposed.	7.15.1 to 7.15.19

Tonge Parish Council

Comment	Report reference/clarification
Additional landscape buffer has been added near listed building, insufficient to mitigate harm. The Tonge conservation area would be impacted by noise from vehicles.	Section 7.8 and para 7.25.37 to 7.25.43
Additional landscape buffer has been added to the relief road, however this will not mitigate noise or emissions.	7.19.13 to 7.19.19 7.14.13 to 7.14.15
The loss of Countryside Gap between Teynham and Tonge/Bapchild would be replaced by some small, token green spaces crossed by massive roads and roundabouts.	7.7.4.1 to 7.7.4.6
Cumulative impacts from multiple developments underway and approved must be taken into account.	7.1.1
Many of the houses that have been built recently in the local areas are now occupied by people from out of the area, so we are not building houses for local needs. Affordable housing may not be allocated to local residents.	7.6.8
Concerned that if the Northern part of the Highsted Park application (Land to the West of Teynham) is approved and not the Southern part (Land to the South and East of Sittingbourne), then large amounts of traffic would pour from the northwest of Sittingbourne on to the A2. Then travel east through Tonge, Teynham and Ospringe.	7.13.5.3 to 7.13.5.9

4.12. Third Round of consultation

- 4.13. A further round of consultation was undertaken following receipt of further information. Letters were again sent to nearby occupiers on 28/02/2024, and to those who had made a submission.
- 4.14. Some 90 letters of representation were received in relation to the third round of consultation. All of the responses raised objection.
- 4.15. The objections largely reflected the concerns raised in the first and second rounds of consultation, the comments below represent additional concerns not raised in response to the earlier rounds of consultation:

Comment	Report reference/clarification
There are a number of current housing developments and proposed housing developments in swale and any further proposals must be considered in relation to the cumulative impact on the area. Cumulative impacts would be harmful.	7.1.1
The integrity and tranquillity of the rural communities would be harmed.	7.7.4.1 to 7.7.4.6
Property values would be adversely impacted.	This issue is not a material planning consideration.

The crossing over the railway will be visible in all directions and from a great distance and with streetlights, harming views and the countryside. The Country park at Stones Farm would be dissected by roads and would be visually and functionally harmed.	7.7.4.1 to 7.7.4.6
The school would be in the wrong place to meet existing need. Proposed infrastructure is unlikely to be delivered.	7.15.1 to 7.15.19
The roads and new junctions are only needed to support more development. Without the development the harms arising would not be necessary.	7.13.5.3 to 7.13.5.9
The development would require water mains to be diverted.	7.17.21
Infrastructure such as roads must be built first.	7.13.4.12
Construction impacts would harm amenity and health.	7.19.4 to 7.19.9
Traffic passing schools would pose a danger to children.	7.13.5.7
Inadequate parking provisions would lead to on-street parking problems, affecting both accessibility and safety.	7.13.7.1 to 7.13.7.8
The plans do not take into account adjoining development currently being implemented.	7.1.1
There is no need for the commercial space, as such the harm it would cause is not justified. Mixed use (residential adjoining commercial) does not work as the uses are incompatible.	7.4.2.9 7.4.2.16
There is no meaningful public transport, therefore people would likely use cars, adding to congestion. It is dangerous to cycle to the train station as the roads are narrow. Cycling would not be encouraged.	7.13.17 to 7.13.23
The outline nature of the proposal and the 3 tier approach is too vague and lacks the certainty needed to ensure proposals are not diminished at a later point.	3.1
The consultation period is not long enough and the applicant should not have been allowed to make the re-submission.	4.1
The housing would accommodate people from beyond Kent, not meeting local need.	7.6.8
The plans shows 50% increase of urban Sittingbourne, plus a business park to rival Eurolink in size, it is so large that it would merge 7 villages together to become a huge urban expansion of Sittingbourne.	7.7.4.1 to 7.7.4.6
The UK has nearly 250,000 empty houses, some would be in Kent, these should be used first ahead of building new homes. The Council has a 5 year supply of housing as such the additional housing in the Countryside is not justified.	7.4.1.8

The northern relief road would harm the Tonge Conservation Area, archaeology and pollute the stream feeding the historic mill pond.	Section 7.8 para 7.25.37 to 7.25.43 7.9.9
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- 4.16. The following Parish Councils and amenity groups objected to the application, reiterating earlier concerns and on the following additional grounds:

Bapchild Parish Council

Comment	Report reference/clarification
The defensible boundary of Panteny Lane, towards Teynham that was achieved through planning application SW/95/0107 (94 Detached Houses) will be lost. There would be landscape and visual impacts, and merging of settlements.	7.7.4.1 to 7.7.4.6
When the reserved matters applications are made, sometimes many years later, they then fail to fulfil the deliverables that the original scheme envisaged.	3.28
The Parish Council is specifically concerned if the proposed Bapchild Bypass is constructed, albeit providing relief to the daily congestion that affects villagers in the area, is the decimation of the new countryside park being delivered at Stones Farm (severance of the park would occur).	7.7.4.1 to 7.7.4.6
The proposed site is greenfield and rural and would have a disproportionate impact on the character, size and geography of the surrounding villages.	7.7.4.1 to 7.7.4.6
The Local Plan does not support development in the location proposed. The wider development is fundamentally inappropriate and unsuited to the context and environment. Brownfield land should be built on first.	7.2.13 7.4.1, 7.4.1.8 7.4.2, 7.4.3, 7.4.5
Biodiversity net gain may not be achieved.	7.12.28
The development would see the loss of Best and Most Versatile agricultural land.	7.22.10
The negative impacts of construction over many years would destroy the existing diverse range of wildlife, habitats, and biodiversity.	7.12.31

Bredgar Parish Council

In summary Bredgar Parish Council advised that applicant's amendments do not address concerns the Parish Council have raised previously. Therefore, the Parish Council consider that issues raised in previous submissions still apply.

Doddington Parish Council

In summary Doddington Parish Council advised that applicant's amendments do not address concerns the Parish Council have raised previously. Therefore, the Parish Council consider that issues raised in previous submissions still apply and the following additional issues were raised:

Comment	Report reference/clarification
The development is not allocated in the Local Plan.	7.2.13 7.4.1, 7.4.1.8 7.4.2, 7.4.3, 7.4.5
Local roads, many of which are rural lanes, would not be able to cope with additional traffic generated by the proposed development. The plans will greatly increase the volume of induced traffic, including increased HGV Movements.	7.13.5.8 to 7.13.5.9
The development presents Sustainable Travel challenges.	7.13.17 to 7.13.23
The development would result in harmful landscape and visual impacts.	7.7.4.1 to 7.7.4.6

Lynsted with Kingsdown Parish Council

Comment	Report reference/clarification
The proposal is not well located and requires significant transport infrastructure to support it. The introduction of the highway infrastructure would cause harmful impacts. The capacity of the highway network would be exceeded.	7.13.5.8 to 7.13.5.9
The traffic associated with the development would emit pollutants, creating harm to human health. Building over agricultural land would effectively remove a carbon sink provided by the cultivation of the land.	7.14.13 to 7.13.15
There are many omissions and a gross misrepresentation of the likely real-world impacts at the kerbside of the most dangerous pollutant – PM2.5.	7.14.13 to 7.13.15
Traffic generation has been underestimated and modelling is inaccurate, therefore air quality impacts have been underestimated. The generalised environmental benefits beyond the A2 corridor are also out of phase with the harms created at the kerbside. Heath would be impacted.	7.14.13 to 7.13.15
Air quality modelling is flawed.	7.14.13 to 7.13.15
Introducing newer and faster roads into a network leads to persistent decisions by individual drivers to benefit from the perceived 'improvement' to their driving experience.	7.13.5.8 to 7.13.5.9

Teynham Parish Council

In summary, Teynham Parish Council raise objection to the development, reiterating previous concerns and raising the following additional issues:

Comment	Report reference/clarification
The Northern Application proposals ('Teynham West') do not demonstrate integration with our existing community and would approximately double the size of the rural Parish of Teynham.	7.7.4.1 to 7.7.4.6
Water supply and wastewater infrastructure is inadequate to cope with additional demand generated by the development.	7.17.21, 7.17.22 to 7.17.24
The consultation period is inadequate.	4.1

Teynham, Doddington, Lynsted with Kingsdown and Tonge Parish Councils

A joint response was received from the Parish Councils set out above, which in summary raised the following concerns in relation to highway matters:

Comment	Report reference/clarification
Sustainable travel would be deterred by the physical layout of development. The dispersed nature of the proposed development and its distance from facilities within Sittingbourne undermine opportunities for sustainable travel. Bus provision would be poor. It is likely that after initial bus subsidies are consumed, few services would be viable.	7.13.17 to 7.13.23
There would be barriers to movement on foot and by bicycle. The A2 and the proposed A2 junction serving development to the north and south constitute further barriers to sustainable movement.	7.13.17 to 7.13.23 7.13.30 to 7.13.33
There is poor access to rail services. Teynham railway station has poor pedestrian access, very limited cycle parking, no drop-off or pick-up facilities for either cars or buses and offers only one stopping service in each direction for most of the day	7.13.22
Failure to consider induced traffic. Research, evidence and guidance show that the provision of significant new highway capacity, in this instance, the Sittingbourne Northern Relief Road (SNRR) and a new motorway junction will lead to additional induced traffic. This effect has been ignored in the transport supporting work.	7.13.5.3 to 7.13.5.9
Failure to engage with important transport issues. The applicant has responded to numerous concerns raised by the Highway Authority by suggesting that they would be overcome at later stages of the planning process.	7.13.5.3 to 7.13.5.9
Failure to consider poor safety record on Lower Road, Teynham.	7.13.5.3 to 7.13.5.9

Sensitivity of Lower Road and A2 are under-estimated. The assessment has under-estimated the sensitivity of Lower Road and the A2 through Teynham and the significance of the adverse impacts resulting from the proposals.	7.13.5.3 to 7.13.5.9
Failure to mitigate increased HGV movements on the A2. Increased HGV movements would not only lead to increased fear and intimidation but also have adverse impacts in terms of noise, vibration and air quality.	7.13.5.3 to 7.13.5.9
Failure to acknowledge or assess severe congestion on the A2 through Teynham and elsewhere. New traffic associated with the Northern Site alone will cause the A2 to exceed its capacity. The assessment work for the Combined Site indicates that the A2 would be operating far in excess of its capacity even before development traffic is added.	7.13.5.3 to 7.13.5.9
Severe impact on the Ruins Barn Road/Woodstock Road corridor.	7.13.5.3 to 7.13.5.9
There would be severe delays for traffic to and from Sittingbourne via the Ruins Barn Road/Woodstock Road corridor are likely to encourage rat-running through other sensitive areas such as Borden village. Both proposals have the potential to increase rat-running along Lower Road because of increased delays along the A2	7.13.5.3 to 7.13.5.9
The northern site, if developed in isolation, will lead to significant increases in rat-running traffic on Lower Road, worsening an already poor safety record. It will also lead to significant increases in traffic on the A2 through Teynham (including HGV movements), causing severe delays.	7.13.5.3 to 7.13.5.9
The TA relies on the Swale Transport Model (STM). It is not possible to review the assumptions that underlie this model since no Traffic Forecast Report, detailing assumptions and modelling parameters has been prepared.	7.13.5.3 to 7.13.5.9
There are over 1,500 committed dwellings in the vicinity of the site. From the information that has been submitted it is not possible to confirm whether or not all of these have been taken into account in the traffic modelling work.	7.13.5.3 to 7.13.5.9
The transport supporting work contains numerous errors, omissions Information provided in the Northern Site TA suggests that the two committed developments that are stated as having been allowed for, have been interchanged. This needs to be clarified.	7.13.5.3 to 7.13.5.9
The operational assessments for the signalised Highsted Road junction are not available for scrutiny.	7.13.5.3 to 7.13.5.9
The latest operational assessments appear to be a mix of 2037 and 2038 scenarios. These need to be consistently 2038 scenarios.	7.13.5.3 to 7.13.5.9

The Base traffic flows and predicted future Reference Case traffic flows used to assess transport environmental impacts of the Northern Site and Combined Site do not agree. This discrepancy needs to be explained.	7.13.5.3 to 7.13.5.9
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Teynham, Tonge, Lynsted with Kingsdown and Doddington Parish Councils

A further joint response separate response was received from the above Parish Councils, which focussed on planning matters and in summary raised the following concerns:

Comment	Report reference/clarification
There is uncertainty surrounding support for the development in principle. The application does not accord with the adopted settlement hierarchy.	7.4.1, 7.4.1.8 7.4.2, 7.4.3, 7.4.5
The benefits that would be realised would not outweigh the significant and very serious harm that would be caused on numerous levels.	7.25.44 to 7.25.47
There would be landscape and visual impacts	7.7.4.1 to 7.7.4.6
Loss of agricultural land.	7.22.10
Transport and highways impacts.	7.13.5.3 to 7.13.5.9
Air quality impacts.	7.14.13 to 7.14.15
Impacts to the historic environment.	Section 7.8 and para 7.25.37 to 7.25.43
Water and drainage impacts.	7.17.21, 7.17.22 to 7.17.24 7.17.12 to 7.17.21
Impacts on local infrastructure (including health care facilities).	7.15.1 to 7.15.19
The impact would add to the cumulative impact of other committed developments in the area.	7.1.1, 7.25.46
There have been multiple rounds of consultation resulting consultation fatigue and considerable cost to Parish Councils.	4.1
The application is so substantial and its cumulative effect would be so significant, that to grant permission would be to undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan.	7.2.13
The Council may well have a 5 year Housing Land Supply (HLS). It may well be that by the time of determination the Council is able to provide detailed evidence of delivery for those sites in dispute.	7.4.1.8
The presumption in favour of sustainable development should not apply in this case.	

The land in and around Teynham and particularly around the A2 is rich in archaeological interest and the development would cause harm to archaeological remains.	7.9.9
The highway infrastructure would carry vehicles with associated noise and disturbance, impacting on the amenity of nearby residents.	7.19.13 to 7.19.19
The road would pass through the Tonge Conservation Area, causing harm to the heritage asset. Construction activities may impact the foundations of listed buildings. The heritage impacts set out in the Environmental Statement have been underestimated.	Section 7.8 and para 7.25.37 to 7.25.43
Impacts would be significant and harmful and will destroy the historic character of a large section of the traditional fruit growing area of the Borough which plays a fundamental part in the historical evolution of numerous villages on the eastern side of Sittingbourne dating back to the medieval era.	7.7.4.1 to 7.7.4.6

Tonge Parish Council

A response was received from the Parish Council, which raised the following concerns:

Comment	Report reference/clarification
Tonge is the home to important historical sites including Tonge Mill and pond as well as Thomas Becket spring. The area is of historical importance. The SNRR would cut through the Conservation Area harming historical significance, and bringing noise, emissions and congestion.	Section 7.8 and para 7.25.37 to 7.25.43
The pond is also an important site for wildlife and is often visited by people who appreciate its tranquillity.	7.12.31
The extension of the Northern Relief Road would also mean a massive flyover being built at the back of the current houses on the Heron Fields estate, an area which is currently a peaceful, country field.	7.7.4.1 to 7.7.4.6

Birdwise

Comment	Report reference/clarification
Birdwise confirmed the cost of Strategic Access Management and Monitoring Strategy (SAMMS) and the additional cost of a Warden to mitigate against recreational impacts to protected sites. SAMMS £328.27 per dwelling	7.12.18

Warden £134.69 per dwelling	
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4.17. Fourth round of consultation

4.18. A fourth round of consultation was undertaken on 5 September 2024 following receipt of further information. Some 36 submissions were received in relation to the consultation.

4.19. The objections largely reflected the concerns raised in the first, second and third round of consultation. The following additional concerns and comments were raised:

Comment	Report reference/clarification
The proposed Sittingbourne Northern Relief Road would cause a high level of harm to the Tonge Conservation area. This is a major concern, as the historic Thomas A Becket spring which feeds Tonge Pond is an important natural resource and iconic feature of the local landscape.	Section 7.8 and para 7.25.37 to 7.25.43
Harm would be caused to the setting of Frogнал Farm House (Grade II* listed).	Section 7.8 and para 7.25.37 to 7.25.43
Frogнал Farmhouse provides high quality visitor accommodation, known for its tranquil rural setting. The noise, light pollution, and urban encroachment that would result from the development would reduce its appeal and threatening financial sustainability of the farmhouse, essential for its maintenance and preservation.	Section 7.8 and para 7.25.37 to 7.25.43
Documents submitted with the application reference the wrong building/location when attempting to refer to Frogнал Farmhouse, a Grade II* listed building.	Section 7.8 and para 7.25.37 to 7.25.43
Drainage systems are unable to cope, dispensing sewage into rivers and the Kent coastline adding thousands more houses will worsen a struggling system.	7.17.22 to 7.17.24
The development traffic would create traffic safety concerns. The risk of accidents to Lower Road would increase.	7.13.5.7
Parking pressures in Teynham will be exacerbated with this and other committed development.	7.13.7
Network Rail have requested a level crossing be closed, and the path should be kept open.	7.13.22
There are no direct public footpaths between the proposed development and Saxon Shore Way footpath. Existing PRow would be severed.	7.13.30 to 7.13.33

4.20. One submission was received in support of the application.

Comment	Report reference/clarification
The proposed Sittingbourne Northern Relief Road (SNRR) is critical infrastructure.	7.13.5.3 to 7.13.5.9

The route of this section of road is protected in the Local Plan which positively supports its provision under policy AS1 and ST5, recognising the environmental and economic benefits of relieving congestion and improving substandard air quality in the area.	
The provision of the SNRR which will, when combined with the Sittingbourne Southern Relief Road (SSRR) provide material environmental, social and economic benefits for Sittingbourne, Swale and the wider region providing vehicles an alternative to using the A249/M2 junction or traversing through Sittingbourne.	Please refer to application ref: 21/503914/EIOUT for discussion on the SSRR
As both applications are of benefit, if one should proceed ahead of the other provision should be made to connect the relief roads in the future.	Please refer to application ref: 21/503914/EIOUT for discussion on the SSRR

Teynham, Doddington, Lynsted with Kingsdown and Tonge Parish Councils

A joint response was received from the Parish Council's set out above, which focusses on highway matters. In summary, the response advised that the additional and revised information does not address concerns raised in the earlier objections made in earlier round of consultation. Additional comments include the following matters:

Comment	Report reference/clarification
Access should not be a reserved matter.	3.1
Highway safety concerns on Lower Road remain.	7.13.5.3 to 7.13.5.9
The highway modelling of the Reference Case is incorrect.	7.13.5.3 to 7.13.5.9
Lower Road will provide a rat-run for many drivers seeking to avoid significant delays on the A2 through Teynham.	7.13.5.3 to 7.13.5.9
Concerns about sustainable travel raised in the original objection are still relevant. The sustainable transport strategy is both unclear and conflicts with the proposed increase in vehicle capacity.	7.13.5.3 to 7.13.5.9
There would be a severe impact to the A2.	7.13.5.3 to 7.13.5.9
Mitigation proposals for Woodstock Road/Bell Road/Gore Court Road/Park Avenue mini-roundabout appears to be unacceptable leading to vehicle side-swipe collisions or rear-end shunts. The strategy is contradictory and fundamentally flawed.	7.13.5.3 to 7.13.5.9
The proposed development is far from 'vision led' design. Walking is made difficult because land uses are widely separated and the roads form a major barrier to movement.	7.13.5.3 to 7.13.5.9
For a 'monitor and manage' approach to be acceptable, there needs to be a realistic prospect of implementing measures that would manage adverse impacts. In the absence of credible measures and interventions, reliance on 'monitor and manage' is not acceptable.	7.13.5.3 to 7.13.5.9

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Bapchild, Bredgar, Milstead and Rodmersham Parish Councils

A joint response was received from the Parish Council's set out above, which focuses on planning matters, which in summary reiterated earlier objections and advised that the additional and revised information does not address concerns raised in the earlier objections. The following additional concerns were raised:

Comment	Report reference/clarification
Swale Borough Council are progressing with it new Local Plan. The site does not feature in the emerging plan and having been discounted, this is a further indication that the development is not sustainable in principle.	7.2.13
The Secretary of State approved the necessary improvements to Junction 5 of the M2, with work having commenced. This will facilitate development to the north and west of Sittingbourne and boost housing supply in the Borough.	7.4.1.8
The Council are now able to demonstrate a housing land supply equivalent to 5.13 years as of the base date of April 1, 2023. The tilted balance is not engaged.	7.4.1.8
The level of harm attributed to the development within the LVIA is worryingly underestimated for both landscape and visual receptors in the National Landscape – this is a very sensitive and high value landscape that has a high susceptibility to change.	7.7.4.1 to 7.7.4.6
Harm will also extend to Highsted North. The character of the area is defined by its lack of built development, being more clearly within the wider rural countryside character of Kent.	7.7.4.1 to 7.7.4.6
The development proposed would result in a notable detriment to the visual appeal of the landscape.	7.7.4.1 to 7.7.4.6
There would be an erosion of the dark skies and this has not been considered sufficiently in the LVIA	7.7.2.24
The evidence base for the emerging Local Plan. This identified the gap between Teynham and Bapchild as important to avoid the coalescence of settlements. There would be detrimental impacts on landscapes, Important Countryside Gaps and Rural Lanes.	7.7.4.1 to 7.7.4.6
Harm would be caused to heritage assets	Section 7.8 and para 7.25.37 to 7.25.43
There is still insufficient information submitted to allow an appropriate assessment to be undertaken in order to establish the archaeological significance of the site.	7.9.9

Adjoining Parish Councils have instructed a Highway Consultant to review the latest transport work. The concerns were reiterated in the objection.	7.13.5.3 to 7.13.5.9
Ownership and maintenance of infrastructure must be clarified at the outset and secured through the appropriate legal agreements.	7.15.1 to 7.15.19
BNG has not been considered.	7.12.28
There would be harm to protected habitat sites. Natural England object to the application. There would be ecological impacts.	7.12.31

Bapchild, Bredgar, Milstead and Rodmersham Parish Councils

A joint response was received from the Parish Council's set out above, which focussed on Landscape and Visual Impacts. In summary, the concerns raised relevant to this application include:

Comment	Report reference/clarification
The wider study area, beyond the Application Site's boundaries has not been considered thoroughly in all aspects of the LVIA.	7.7.4.1 to 7.7.4.6
Assessment of the Landscape Condition has no justification. The Landscape Condition has not been determined for each landscape receptor.	7.7.4.1 to 7.7.4.6
The Landscape Value given within the LVIA is for the Application Site as a whole and has not been divided into the sub areas actually assessed in the LVIA.	7.7.4.1 to 7.7.4.6
There are many relevant landscape receptors not considered within the LVIA. Those absent are centred around Historic and Ecological Designations, Perceptual and Sensory Character and Recreation Value.	7.7.4.1 to 7.7.4.6
More than 50% of the Landscape Values given for the listed landscape receptors are not agreed with. More than 75% of the Landscape Susceptibility judgements given for the listed landscape receptors are not agreed with.	7.7.4.1 to 7.7.4.6
The consultant was not able to verify or agree the Landscape Sensitivity Level of Landscape Effects judgements or Residual Effects given for the listed landscape receptors. The Magnitude of Effects is too broadbrush due to the scale of the Application Site and its inherent sensitivity.	7.7.4.1 to 7.7.4.6
The detail of the cumulative effect on each Landscape Character and their key characteristics is not considered acceptable.	7.7.4.1 to 7.7.4.6

<p>37 Viewpoint receptors are predicted to experience Major Substantial visual effects which equates to 47% of the assessment.</p> <p>A further 7no. receptors or 10% are predicted to experience Substantial visual effects.</p>	7.7.4.1 to 7.7.4.6
<p>Major Substantial Significant harm to the visual amenity would occur during the construction period, which is an unacceptable duration.</p>	7.7.4.1 to 7.7.4.6
<p>Even at when operational with advanced planting elements the residual visual effects in some cases will reduce to only to Moderate Adverse.</p>	7.7.4.1 to 7.7.4.6
<p>Visual effects when the development is operational rely on the success of mitigation planting.</p> <p>Planting in some areas would be established for many years ahead of the latter phases. It is critical to impose a condition on any consent for as much Advanced planting as feasible.</p> <p>The condition would have to require planting on the scale presented in the masterplans as the minimum and ensure it is not valued engineered out of the project, and successful management is achieved.</p>	7.7.4.1 to 7.7.4.6
<p>The Applicant is of the opinion that the “Proposed development is not likely to be overbearing or dominating” and would not result in an “unacceptable living condition. This may be incorrect.</p>	7.7.4.1 to 7.7.4.6
<p>Highsted Park is of the nature and scale that visual containment or assimilation in the predominantly rural landscape setting is not feasible.</p> <p>As such Major Adverse Significant landscape and visual effects will be appreciated by many landscape and visual receptors.</p>	7.7.4.1 to 7.7.4.6
<p>Highsted Park is predicted to give rise to such harm as to erode the rural visual scene and perceived tranquillity, contradicting with NPPF in terms of being “sympathetic” with local character; and NPPG relating to the “intrinsic character and beauty of the countryside”.</p>	7.7.4.1 to 7.7.4.6
<p>The proposed development will erode the dark skies and contribute to the enlargement of the general “night sky glow” emitted from existing urban areas.</p> <p>The Applicant’s assessment of Residual Lighting Effects as Moderate/Slight Adverse to Negligible Significance is ambitious.</p>	7.7.4.1 to 7.7.4.6
<p>The proposed development contrasts starkly with the ideal of respecting the special character and qualities of the area and is of the scale, form and character which enhances the rural feel and traditional settlement patterns.</p>	7.7.4.1 to 7.7.4.6

The mitigation strategy proposed to reduce visual effects is generalised and could be said lacks vision in new ways of assimilating a proposed development of this scale into the landscape baseline.	7.7.4.1 to 7.7.4.6
The extent of proposed hoarding is a concern and presents visual urbanising effects at the interface of the open countryside. A condition should be imposed on any consent to planting is introduced to screen the hoarding itself.	7.7.4.1 to 7.7.4.6
The delivery of the landscape strategy and Embedded Mitigation Measures is proposed to be left to a condition on any consent. Given the effects and scale of development it would be a normal expectation for the level of design to be undertaken to at least RIBA Plan of Works Stage 3 at this stage.	7.7.4.1 to 7.7.4.6
There is more scope to optimise the proposed woodland and orchard planting than that indicated. Additionally, more information should be provided to show how green infrastructure will link through each of the housing development parcels.	7.7.4.1 to 7.7.4.6

Tunstall Parish Council

A response was received from the Tunstall Parish Council, who advised that none of the changes in this current version affect Tunstall Parish Council's previous comments and objections to the previous application.

5. REPRESENTATIONS

- 5.1. As with neighbours, four rounds of consultation were undertaken with statutory and non-statutory consultees on 12/08/2021, 2/12/2022, 28/2/2024 and 05/09/2024. The comments provided as summarised below, and represent the consultee's final position:

National Highways

National Highways have considered the response to National Highways submitted in August 2024 and advise that no objection subject to the imposition of conditions on any consent to secure the following:

- The SNRR being completed prior to any other development.
- The monitoring and management of the implementation strategy
- A construction traffic management plan.

The Local Planning Authority and the applicant must consult National Highways on any conditions and planning obligations to be secured in a S106 legal agreement (or other type of agreement) associated with 21/503906/EIOOUT (Highsted North) prior to any consent being issued and/or S106 being signed.

Environment Agency (EA)

In summary the EA advised that there would be no objection subject to the imposition of certain conditions on any consent, namely, to address:

- Land contamination (An investigation and remediation strategy).
- A verification report demonstrating the effectiveness of the remediation.
- The remediation of contamination not previously identified but found during development.
- A foul drainage strategy.
- A surface water strategy.
- A piling risk assessment.

Historic England

Historic England continues to object to the application because of the high degree of harm that would be caused to the Frognal Farmhouse (grade II* listed), as well as the Tonge conservation area. The recent amendments would not meaningfully reduce the harm in our view.

- Frognal Farm House – Less than substantial harm towards or at the upper end of less than substantial. This is because, the proposed development would fundamentally alter the landscape setting of Frognal Farmhouse from a working agricultural to one which is urbanised.
- Tonge Conservation Area - Less than substantial harm, at or towards the upper end of the spectrum.

The site potentially includes archaeology of national significance, as such the lack of appropriate evaluation and the potential for harm is an additional concern. More substantive archaeological evaluation has not been undertaken and Historic England are not wholly persuaded that paragraph 200 of the NPPF is comprehensively met by the work undertaken to date.

Amendments have been made to enable the protection of a potential Neolithic causeway enclosure that may be present at this location. These changes have decreased the potential for harm to this feature.

National Health Service (NHS) Integrated Care Systems (ICS)

In summary the NHS provided advice in relation to what would be needed (in terms of both primary and acute care) in order to mitigate the impact on the NHS as a result of the net additional health care demand created by the development proposals.

The NHS request is for land and funding (to cover capital costs associated with delivering new facilities), or for the land and for the Applicant to build the facilities to an NHS specification. This would need to be secured as a planning obligation associated with any consent.

The NHS response includes an explanation as to why there is a funding gap (in terms of Government funding) for capital projects and therefore a need for the planning obligation.

The advice covers different scenarios, namely what would be required if the development in this application came forward in isolation, and a scenario of what would be required if this proposal, as well as that proposed in application ref: 21/503914/EIOUT were to both come forward.

The NHS advice is that without the land and funding (or direct delivery), the impact of the development cannot be mitigated and there will be an unacceptable adverse impact on existing facilities, access to services and waiting times impacting the existing population. Without the mitigation the NHS would not support the development.

There is currently no GP practice in Teynham, and the application proposes that, in addition to facilities needed to meet the demand of the development, land would be provided for a facility that could meet the primary health care needs of residents in Teynham (as this is not directly related to the impact of the proposed development, the NHS would have to cover the capital cost delivering a larger facility). Officers note therefore there is an amount of risk around the delivery of additional GP provision to make up for the existing shortages in Teynham given constraints on NHS funding.

Natural England

Habitats Regulations Assessment

In relation to the Habitats Regulations Assessment, Natural England do not agree with the Applicant's conclusion that there would be No Adverse Effect on the Integrity of protected sites, as a result of air quality impacts when the application is considered in-combination with other projects.

The application as provided could have potential significant adverse effects on:

- The Swale Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site
- Medway Estuary and Marshes SSSI, SPA and Ramsar site

Natural England provides the following advice on the basis that:

- Insufficient information has been provided to rule out an adverse effect resulting from in-combination increases in NOx, ammonia and nitrogen deposition.

Further evidence is needed to demonstrate emissions would not impact on the protected habitat sites. In the absence of this information, Natural England do not agree that the mitigation measures would be sufficient to avoid an adverse effect on the integrity of the Medway Estuary and Marshes and The Swale SPAs and Ramsar sites. Natural England do not consider that the Council has sufficient information to be able to grant permission at this stage.

Network Rail

Network Rail do not object in principle to the proposal for a bridge over the railway line provided engagement with relevant asset protection and property teams takes place and capacity enhancements to Teynham station are secured.

Network Rail note the proposed development and the proximity of this to Teynham station would increase usage of trains and the station. To support the demand from the proposed development, capacity enhancements to the station are required.

The response from Network Rail then sets out the mitigation required and its cost, which would need to be secured as a planning obligation on any consent.

- New shelters and seating on both platforms £430,000
- Monitoring of line loading £240,000
- Customer information screens £100,000
- Accessible toilets £100,000
- Station entrance and access improvements £633,000
- Accessible ticket machine £75,000.
- Secure cycle storage £150,000
- Offsite highway works to improve access to the station from the site for pedestrians and cyclists.

Network Rail requested a condition be imposed on any consent requiring the closure of the level crossing located to the west of Teynham Station for safety reasons, ahead of the occupation of the site.

Southern Water

In summary, Southern Water raised no objection subject to conditions being imposed on any consent to protect and extend the existing water supply and foul water disposal network.

No foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within the foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.

The advice from Southern Water included a number of procedural informatives to advise the applicant of how to engage with the organisation, along with plans identifying the location of drainage infrastructure.

Sport England

In summary, Sport England advised that the submitted sports facilities strategy did not follow the correct methodology and provided advice as to the quantum of sporting facilities and associated cost that would be necessary to mitigate the impacts of the development. Sport England raise no objection subject to conditions and a S106 agreement securing the funding for capacity enhancements in sporting facilities.

The Council's new emerging Playing Pitch Strategy and Indoor Sports Facility Strategy should be used to inform the demand arising from the proposal for additional outdoor pitches and indoor facilities and where those should most beneficially be located.

In addition to securing the above contributions, Sport England recommend that conditions are attached to any consent to secure reprovision of the cricket club.

SGN Gas Networks

In summary, SGN raised no objections and set out a number of informatives that should be included on any consent.

UK Power Networks

The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed. The advice from UKPN included various informatives in relation to standards for transformers, substations and the like and set back distances from dwellings to prevent impacts to residential amenity from electrical infrastructure. Other informatives were provided relating to access requirements to substations, and safety measures to avoid overhead lines and underground cables during construction.

Kent County Council (KCC) Highway Authority

KCC Highways have considered the Response to KCC Highways submitted in August 2024 and advise that the traffic modelling identified an increase in traffic flows along the A2 corridor east of the development, including in Teynham, where the traffic flow increases would be greatest.

An analysis of capacity has been provided to compare the development model flows against the indicative capacities. Analysis shows none of the flow capacities are expected to be

exceeded with the development in place. It is therefore be accepted that the A2 corridor links would be suitable for the increased traffic flows expected along them.

The SNRR results in a general reduction in traffic around Sittingbourne town centre and the majority of its road network, including the A2 West through to Key Street. Of note are significant reductions on the Lower Road/Tonge Road corridor, the A2 through Bapchild, and routes north of the A2 in Sittingbourne to the commercial areas at Eurolink.

There would be increased traffic on Swale Way, the A249 between Bobbing and Grovehurst, Swanstree Avenue to Woodstock Road. As mentioned already, the A2 East corridor to Faversham also experiences an increase.

The modelling shows that some routes would see a reduction in traffic, including a noticeable improvement in Sittingbourne. The comments also acknowledge that this has to be balanced against a number of other routes which would see large increases in traffic volumes.

In terms of mitigation, while there are some concerns, given the outline nature of the application, however the concerns could be resolved through the detailed design.

The details submitted in relation to the SNRR are acceptable for this stage of the planning process. The SNRR would be provided as a 7.3m wide road with additional off-carriageway cycle provision to connect to existing cycleways westwards on the A2, the Stones Farm development and Swale Way. The delivery of the route would be secured through a combination of Section and Section 278 agreements.

If approved conditions and planning obligations would need to be imposed on any consent to ensure detailed design at later planning stage is acceptable, and to secure funding for public transport (i.e., additional bus services).

On balance and in recognition of the severity tests within the NPPF, subject to conditions and planning obligations, the no objection is raised by the local highway authority.

KCC Community Services.

KCC set out the demands the development would place on community infrastructure and planning obligations needed to ensure sufficient capacity exists in the facilities including education, community learning, children's services, libraries, adult social care, community buildings, potential provision of extra care housing, supported living, waste, and monitoring.

KCC Public Transportation.

For the sustainable transport strategy to be workable, funding for public transport would be required. A minimum contribution of £2,200,000 would be required to deliver bus services to the development, the funding would secure 2 vehicles for a 5 year period.

If approved any consent would need to secure a detailed public transport phasing plan (which identifies how development phasing will support the delivery of a bus service) and a detailed bus service delivery plan to include supporting infrastructure (including bus shelters, bus stop locations, turning areas, bus standing facilities / driver facilities etc) and subsequent delivery.

A detailed plan would need to be agreed with respect to trigger points to ensure the service was delivered at an appropriate stage of build out.

KCC Public Rights of Way (PRoW)

The development would result in significant adverse impact on the PRoW Network and the significant loss of open countryside, and there is an objection to the application in this regard. Planning obligations would be needed to secure funding for PRoW mitigation.

Future residents would also use the coastal path, and funding for capacity enhancements are required in order for the coastal path to be able to cope with additional usage.

KCC Minerals

In summary, the KCC Minerals officer has considered the Minerals Safeguarding Response submitted in August 2024. Parts of the site have the potential to contain minerals (brick earth). KCC, as Minerals Authority, advised that the matter of phasing and timescales is a relevant consideration given that it is very likely that a substantial prior extraction event would cause delays. Criterion 3 of The Kent Minerals and Waste Local Plan 2013 – 2030 - Policy DM 7, that states:

3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development.

There may be delaying issues in any prior extraction scenario, dependant on such matters as archaeological evaluation and its consequences, available stockpile space to accommodate Brickearth materials and rates of Stock Brick production. However, the impact on viability would need to be proven.

KCC Flood and Water Management

In summary the LLFA noted that the drainage strategy is in outline form and provided advice to the Applicant in terms of what would be needed to be shown in the detailed drainage strategy. This included advice relating to runoff rates, avoidance of dry valleys for discharge and requirements should dry valleys be reprofiled or redirected. Advice was also given in relation to consideration of urban creep, further ground investigations, infiltration, and climate change.

Conditions should be imposed on any consent to secure:

- The assessment of flow paths, surface water drainage scheme, attenuation of rainfall,
- A detailed surface water drainage scheme, and
- A verification report.

KCC Archaeology

The KCC Archaeologist considered the Archaeological Response Note provided in August 2024 and provided advice in relation to the geophysical survey of the site, the walkover survey, geoarchaeological and palaeolithic archaeology assessment and evaluation, archaeological and historic landscape assessment, historic landscape analysis, and the overall archaeological evaluation.

In summary, the non-intrusive testing indicates that there are areas on site where archaeology of significant importance is highly likely to be located, namely a neolithic causeway enclosure.

No trial trenching has been undertaken to identify exactly where and how important the buried heritage assets are. In lieu of the evaluation trenching the KCC Archaeologist has taken a precautionary approach and assumed that the archaeological remains, particularly the remains of the neolithic causeway enclosure exist on site and are of such significance as to merit preservation.

KCC Archaeologist requested that the parameter plans be adjusted so that there would be an area of greenspace (with no buildings or roads) over the area of archaeological significance. The Applicant adjusted the parameter plans accordingly (no development is proposed within 20m of the safeguarded area) and the KCC Archaeologist now raises no objection to the proposals subject to conditions being imposed on any consent.

In summary, conditions to secure the following are necessary:

- An archaeological framework,
- An archaeological evaluation,
- An archaeological mitigation (preservation in situ),
- The safeguarding of the area of the potential causewayed enclosure during construction and operational phases,
- Community archaeology and public engagement,
- Heritage interpretation and archaeological archives.

KCC Ecological Advice Service

In summary, the KCC Ecological Advice Service raised no objection to the proposal but advised that the ecological mitigation strategy would need to be updated, along with updated species surveys. There are areas which are proposed to have minimal access to limit recreational disturbance, which are not depicted on the parameter plan.

It is proposed that Tonge Country Park will be designed to benefit farmland birds, and more detail is required as to how this would be achieved. The BNG strategy is acceptable, subject to habitat creation not being negatively impacted by recreational pressure.

In terms of the Habitat Regulations, air quality impacts will need to be considered by an appropriate air quality expert. If approved, conditions should be imposed on any consent to secure:

- Lighting designed to minimise impacts on nocturnal animals
- A detailed ecological mitigation strategy – informed by updated surveys
- An ecological enhancement plan – including integrated enhancement features
- A site wide management plan
- A site wide monitoring plan
- A habitat creation plan.

Kent Police:

Kent Police recommend a condition be imposed on any consent to ensure that the development follows Secure By Design 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.

The consultation response set out a series of informatives (to be imposed on any consent) setting out guidance for meeting the Secure by Design standards for housing, care homes, and commercial areas.

Kent Fire and Rescue Service:

The Kent Fire and Rescue Service advised that additional information would be required in relation to the specific make up (battery chemistry etc) of any Battery Energy Storage System (BESS), as well as details of:

- Layout and management.
- Multiple accesses to any BESS.
- Access between BESS units
- Adequate separation from site boundaries.
- Grounds maintenance arrangements.
- Water supply.
- Fire management and Emergency Response plans.

Access routes in and around the proposed development must meet the minimum specifications for Fire and Rescue Service vehicles.

Should this proposal be successful it would then be subject to a Building Regulations consultation where the access arrangements would again be examined.

Kent Wildlife Trust

Kent Wildlife Trust has significant concerns about the proposed development on the following grounds:

- Negative impacts to priority habitat (deciduous woodland and traditional orchard) and proposed mitigation measures.
- Concerns over recreational pressures and cat predation still stand.
- The majority of the proposed species mitigation is being pushed into one area, Tonge Country Park, this risks isolating species from the surrounding landscape and reduces the effectiveness of the mitigation.
- Concerns raised over the impact to Turtle Doves, due to lighting impacts and loss of habitat.
- Beaver surveys have not been undertaken.
- To ensure that the BNG is successful and sustainable, detailed long-term management and monitoring plans are required before a decision is made.
- The mitigation hierarchy has not been applied appropriately, and therefore KWT object.

Mid Kent Environmental Health

The Mid Kent Environmental Health Officer provided.

Noise:

The Mid Kent Environmental Health Officer advised that when considering the Standard for Highways: LA 111 Noise and vibration (formerly HD 213/11, IAN 185/15) Revision 2, Mid there is an issue with the noise assessment relative to long term and short-term model outputs. It is recommended this be rectified prior to any approval.

Air quality:

The air quality modelling should be revised to align with updated traffic modelling undertaken as part of a revised TA to ensure cumulative impacts are adequately addressed. [Planning Case Officer comment: the Applicant has now undertaken this work, which has been accepted as part of the ES review].

Monitoring of PM2.5 concentrations began in 2020 at the St Paul's Street and 2021 at Newington sampling site. Therefore, records before 2020 do not exist and this is the reason the modelling does not include data before 2020.

Land contamination, Lighting, Construction:

The impact of noise and vibration during construction has been predicted and assessed in accordance with BS 5228. The application recommends mitigation measures to be incorporated within the Construction Environmental Management Plan (CEMP) and/or detailed in construction method statement.

A CEMP including noise mitigations for works, and a BS4142 Assessment for both plant noise from commercial uses would be required prior to commencement.

Conclusion:

If approved it is recommended that the following conditions and / or obligations are secured:

- Control over impact piling
- Control over noise and vibrations during piling
- Control of construction hours,
- Construction Environmental Management Plan
- Construction Method Statement and Dust Management Plan,
- Mitigation measures set out in the ES and AQIA to be secured.
- Detailed recalculation of the damage cost.
- Scheme detailing mitigation measures to reduce the transport related air pollution during the occupational phase. Mitigation to equate to at least the value of the damage cost.
- A monitoring regime including an appointed person or people to manage the agreed mitigation. A working group of experts to ensure all mitigation is achieved, managed appropriately, and ensure enforcement procedures are put in place at each part of the developments phase.
- Investigation, remediation (and verification of remediation) of contamination,
- Discovery strategy during works to deal with any unexpected contamination
- Controls over any materials imported to or removed from the site.
- Construction protocols for workers,
- Future dwellings are protected from noise,
- Measures to mitigate noise along Highsted Road.
- Controls over noise from commercial activities.
- Noise mitigation measures outlined in Environmental Statement Addendum presented in the acoustic report implemented.
- Further assessment of air quality to include the ratio between the modelled and monitored sites and the difference in these once the adjustment has been added. The NO2 variation factor to be clarified in relation to Particulate Matter (PM10 and PM2.5).

SBC Urban Design

In summary the Urban Design and Landscaping officer has considered the Urban Design Comments Response provided in August 2024 and previous submissions and provided the following advice:

Application structure & processes for achieving good design

The latest submission commits to Design Codes and Design Review. Conditions are recommended to include:

- A detailed phasing plan for the whole site.
- The limiting of the overall unit numbers.
- A site wide detailed Masterplan and overarching Open Space Strategy informed by a Design Review Outcome Report following a design review.
- A site wide Design Code.
- Reserved Matters shall be accompanied by Masterplan and Design Code Compliance Statement.

Access, movement, and circulation

- The framework of routes allow good circulation and permeability through the site and to Teynham train station and local services and facilities.
- The updated Framework Plan shows pedestrian and cycle movement strategy could be extended so that pedestrians and cyclists can connect with Sittingbourne.
- The latest submission includes a Connections Plan and PRoW Network Plan, which demonstrate how the development proposals would relate to surrounding areas.
- The SNRR alignment would result in a loss of orchard, grassland and some trees and hedgerows. Also, it would require ground reprofiling, a new bridge and associated urbanising infrastructure. The scale and alignment of the SNRR would impact the open and undeveloped character and would remain a detractor to heritage assets into the future. Similarly, the new junction with the A2 will change the prevailing countryside in terms of urbanisation.
- There does appear to be conflict with Policy: CP4 (Requiring Good Design) which seeks the retention and enhancement of features which contribute to local character and distinctiveness and which conserve and enhance landscape, biodiversity, and local environments. Also, there is conflict with Policy DM14 (General Development Criteria) which seeks the positive characteristics and features of the site and locality to be reflected, natural and/or built environments to be conserved and enhanced and development to be well sited and of a scale, design, appearance, and detail that is sympathetic and appropriate to the location.

Spatial configuration, density, and height

- The development parcels and mix of uses appear rationally grouped and distributed across the site
- The overall height has been reduced from 15m, and is now capped at 13.5m. The overall effect would be a lower scheme with residential areas beyond the local area of predominantly 2-3 storeys. This is considered more responsive to the context, particularly the eastern part of the site closest to Teynham where committed development has been approved at 9.5m height.
- Density has also been varied and is now concentrated closer to the local centre and along the primary road with lower density on the edges of the development.
- The lack of transition in height and density to the undeveloped western rural edge would lead to an abrupt and awkward relationship between built form and undeveloped open space.
- The site experiences level changes that may affect the western edge of the development and SNRR. As such, it is recommended that detail of earthworks is submitted by condition including whether cut and fill is necessary, land cross sections and road contours.

Landscaping

- The landscaping proposes a series of formal and informal open spaces across the site.
- The larger landscaping elements help transition the scheme to its wider rural setting; help focus built form closer to the settlement.
- An Open Space Strategy should be required by condition. The reserved matters and future landscaping conditions will be expected to comply with this strategy ensuring that the quality of landscaping is embedded at an early stage and delivered throughout the various phases.

SBC Heritage Consultant

In summary, the Council's Heritage and Conservation consultant concluded that the development would fail to preserve the special interest of Grade II* and Grade II listed buildings and fail to preserve or enhance the character and appearance of the Tonge Conservation Area.

In terms of the NPPF, the development would result in less than substantial harm to the significance of a number of listed buildings and the Tonge Conservation Area as set out below:

Heritage Asset	Grade	List entry number	Harm to Significance
1 School Lane	II	1253519	Lowest level of less than substantial harm
The Post Office	II	1343896	Lowest level of less than substantial harm
35 The Street	II	1115443	Lowest level of less than substantial harm
Tonge Mill	II	1338569	Low level of less than substantial harm
Mill House Old Mill	II	1069265	Low level of less than substantial harm
Frognal Farmhouse	II*	1069261	Medium to high less than substantial harm
Barn 50 yards W of Frognal Farmhouse	II	1121138	Medium to high level of less than substantial harm
Claxfield Farmhouse	II*	1343922	Lowest level of less than substantial harm
Claxfield House	II	1343927	Low level of less than substantial harm
Radfield House and railings	II	1069268	Low level of less than substantial harm
Beeches	II	1121878	Low level of less than substantial harm
Little Radfield	II	1343950	Low level of less than substantial harm
Tonge Conservation Area			Medium to high level of less than substantial harm
Little Hempsted Farm	NDHA		Moderate harm
Oast east of Radfield House	NDHA		Low harm
Former Baptist Chapel	NDHA		Low harm

If both applications (21/503906/EIOUT & 21/503914/EIOUT) were to come forward there would be a greater impact on Radfield House and railings (less than substantial harm towards the middle part of the scale).

SBC Financial Consultant

Testing of the financial appraisal was undertaken by the Council's independent consultant. The testing examined the overall viability of the scheme against different scenarios to allow an understanding of the overall scheme viability, workable levels of affordable housing and financial contributions.

The financial contributions sought by various parties equate to approximately £31,200,000 (the acceptability of the financial obligations against the tests for obligations is discussed in Section 7.15 of this report).

The testing shows that if all the financial contributions were required to be met then the scheme could only deliver 4.24% of dwellings as affordable housing.

Conversely if 10% of dwellings were to be affordable housing, only £21,900,000 would be available for financial contributions.

It is important to recognise that the modelling and the results produced are based upon the information provided at the current time. As the Applicant develops more detailed designs, markets evolve over time, and S106 costs crystallise etc the inputs into viability and results obtained would change.

SBC Landscape and Visual Impact Consultant

The Council's consultant reviewed the Applicant's Landscape and Visual Impact Assessment (LVIA) and concluded that overall, the site has a moderately sensitive landscape, with higher sensitivities noted for the area south of the railway line around Tonge.

The main sensitivities relate to the area's function as a rural landscape, and its context as a backdrop, setting and separation between existing settlements (Teynham and Bapchild), the Tonge Conservation Area and links to the wider rural area. The proposed development would further result in visual merging of settlements in a linear form along the A2 between Sittingbourne and Teynham.

The proposal would conflict with many qualities of the landscape character, most notably the rural character of the landscape with distinct individual settlements currently separated by agricultural land and orchards.

The development does not relate well to the existing urban area of Sittingbourne, or the smaller villages of Teynham or Bapchild. The SNRR will cross the railway east of Haffenden Avenue, on a bridge elevated over the railway line, which would be a visible intrusion in an otherwise flat landscape. It would also have a visual impact on the Tonge Conservation Area which lies to the west.

For a mixed-use development and road scheme of this scale, the effects could be greater for local landscape character and some visual receptors than reported in the LVIA. The collection of landscape and visual effects will need to be considered as part of the overall planning balance.

SBC Climate Change

- The development aims to be gas free. All buildings would have roof top solar energy generating provisions.
- A fabric first approach is being taken using passive design.
- Ground Source Heat Pumps (GSHPs), Air Source Heat Pumps (ASHPs) and solar Photo Voltaic panels will be used.
- A smart grid system with battery storage will make best use of the energy generated.
- The site will be future proofed for a possible heat network.
- Domestic water use will be less than 100 lpppd and non-domestic will be a 12% or greater improvement on Building Regs.
- Greywater and rainwater harvesting will be investigated for non-potable uses.
- BREEAM and Home Quality Mark standards will be used.
- The development will be phased over a long period. Technologies and policies are constantly changing and further stages and detailed design will need to build this in. Further details of phasing are required.
- Grid capacity has been an issue nationally, the phasing of any grid improvements is needed.
- Any offsetting strategy would need to be phased.
- Battery safety is a concern for our residents and a safety plan will need to be produced and verified.

SBC Housing

- A financial Viability Appraisal has been submitted which concludes that delivering 40% of homes as affordable housing is not viable, and that instead this scheme “is deliverable and viable with 10% affordable housing as an Urban Extension site”. The FVA must be independently assessed (the starting point is that 40% of units should be affordable).
- 10% of the total number of affordable homes being delivered should be provided as affordable home ownership units. These homes should be made up of the
 - 25% First Homes (FHs)
 - 90% **Affordable** (ART) or **Social Rent** (SR) tenure housing
 - 10% Shared Ownership Housing
- This scheme also includes Extra Care housing which is also subject to the affordable housing requirements. These units should be brought forward in partnership with KCC’s Adults and Integrated Commissioning team.
- The affordable homes should be designed for use by disabled at least 10% of affordable home should be to Part M4(3) standard (wheelchair user dwellings) and the remaining affordable homes provided to Part M4(2) standard (accessible and adaptable dwellings).
- Registered Providers (RPs) will be required to deliver the affordable/social rented and shared ownership homes on this site.
- This is a very large development being brought forward in phases and over several years, as such it is acknowledged the affordable homes delivered may need to be reviewed as the scheme progresses to ensure it remains relevant and continues to meet the housing needs of local households.
- The outcome of the viability appraisal will also be relevant. If appropriate and agreed with the LPA, review mechanisms may be required at various stages of build and it will be important that the total amount of s106 affordable housing is provided upon completion of the northern scheme.

SBC Trees

The application would see the loss of a number of significant A and B grade trees, hedges and orchards when categorized under BS5837:2012. The loss of such trees is contrary to this standard particularly the loss of A grade trees, which should be retained as a priority.

From an arboricultural perspective, the Tree officer is not able to support the application.

SBC Green Spaces

The proposals provide for a wide range of open space typologies including, parks, play, amenity, natural and semi-natural allotments etc. While there would be some under provision in the Natural and Semi-natural open space typologies, this must be balanced against a significant over provision of parks and amenity space.

The proposals include the relocated and improved cricket facilities of Bapchild Cricket Club. This will need accord with Sport England requirements and be phased appropriately to ensure facilities are available during construction.

There is also a need to ensure the new population living in the development is provided with additional appropriate good quality sporting facilities, ideally on site (approximately 1.3ha) or alternatively as off-site contributions for increased capacity of grass pitches and Artificial Grass Pitches (AGP) being £490,126.

The new school could provide additional sporting facilities if a legal community use agreement is included.

In addition to sports pitches, the Built Facilities Strategy identifies the need for increased water provision (swimming pools) to provide facilities for the new population, for this a contribution of £766,035 is required.

Lower Medway Internal Drainage Board

- The site is located outside the Lower Medway Internal Drainage Board's District; however, it is spread across catchments LM72 and LM73 that ultimately drain into the district.
- A proposal to discharge surface water within these catchments will be subject to a land drainage consent in line with the Board's Byelaws.
- The Board welcomes the proposals for utilising infiltration techniques and SuDS features for surface water storage.
- Above ground features are encouraged as they are easier to maintain. A condition should be imposed on any permission requiring a full scheme for surface water disposal based on SuDS principles and including climate change. It would be prudent to condition any permission so that these features and the 'dry valleys' are safeguarded in perpetuity.
- Conditions should be imposed on any permission to secure:
 - A 'stage 2 detailed assessment/scheme' for surface water disposal based on SuDS principles and including climate change and the scheme is verified on site by a competent engineer once constructed.
 - A maintenance schedule for the surface water scheme.
 - A plan the frequency of maintenance for each SuDS feature based on guidance in the CIRIA SuDS Manual 2015 as well as details of who will carry out the maintenance.

- A plan detailing the management of surface water throughout the construction phase from entering the site and removal of topsoil to the completion of the development.

Forestry Commission

- This development would cause loss and deterioration of woodland.
- Trees and woodland should be retained and incorporated into the development design.
- Ancient woodland loss cannot be accounted for in the Biodiversity Net Gain Metric.
- Explore opportunities for using building materials and renewable energy sources from sustainably managed woodland, locally where possible.

Rural Planning Ltd

- Proper assessment of the scheme clearly needs to give due weight to the impact of the likely loss of BMV land in this case.
- Full appreciation of the impact of the loss of agricultural (including Grades 1, 2 or 3a Best and Most Versatile Land) could only be gained after the “additional field work” referred to by ADAS.
- The application states that the Applicant is agreeable to preparing a subsequent ALC Report via planning condition. However, the purpose of such a report is to enable a proper assessment of the loss of agricultural land before a decision is made. The implications for the farming regimes, and associated farm businesses affected, have yet to be identified.

Active Travel England (ATE)

ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

There does not appear to be sufficient information available to ensure that this proposal will prioritise walking and cycling in line with the requirements of NPPF paragraphs 114 and 116.

There are also concerns around the A2 and the proposed A2 junction, in particular for those potentially accessing Teynham railway station and other facilities such as schools.

A sustainable movement corridor is proposed and confirmation is required that this would comply fully with the requirements of Inclusive Mobility and LTN 1/20. Facilities should generally not be shared between cyclists and pedestrians and it is expected that any new facilities will comply with this.

ATE considers that issues around ensuring the site is sustainable should be dealt with at the earliest stage (not left to later stages of approval). Decisions made at the outline stage will have a permanent bearing on the success (or otherwise) of the individual phases to meet the need to deliver healthy, sustainable and integrated new communities.

Helen Whatley MP – Member of Parliament for Faversham and Mid Kent

A response was received Helen Whatley MP, which in summary raised the following concerns:

- Expressed the serious concerns local residents have raised with me about the proposed Highsted Park developments and the detrimental impact they are likely to have on existing residents.

- Taken together, the extra 8,400 houses of Highsted North and Highsted South will greatly increase the population of the area, fill green fields between villages with houses, completely changing the rural character of the area.
- The size and scale of this development will mean residents who currently live in the countryside will suddenly find themselves consumed into an urban area.
- Traffic generation would exacerbate congestion, including on the A2 and local lanes. Residents are sceptical as to whether or not the new junction to the M2 will be delivered.
- The size and scale of this development will mean residents who currently live in the countryside will suddenly find themselves consumed into an urban area.
- The lack of public transport will mean the future residents would be reliant on cars, exacerbating traffic congestion.
- The proposed Social infrastructure (i.e., schools, health care facilities etc) should be delivered early, otherwise existing facilities would be put under pressure.
- The loss of agricultural land would impact food security.
- While the need for housing is recognised, there is an overwhelming level of concern about the impact a development of this scale will have on such a beautiful, rural area.

Medway Council

No objection.

6. DEVELOPMENT PLAN POLICIES

Spatial Development Strategy

The planning system is plan-led (s38(6) of the 2004 Act). The presumption in favour of sustainable development does not displace section 38(6).

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

- ST 1 Delivering sustainable development in Swale
- ST 2 Development targets for jobs and homes 2014-2031
- ST 3 The Swale settlement strategy
- ST 4 Meeting the Local Plan development targets
- ST 5 The Sittingbourne Strategy
- CP 1 Building a strong, competitive economy
- CP 2 Promoting sustainable transport
- CP 3 Delivering a wide choice of high quality homes
- CP 4 Requiring good design
- CP 5 Health and wellbeing
- CP 6 Community facilities and services to meet local needs
- CP 7 Conserving and enhancing the natural environment - providing for green infrastructure
- CP 8 Conserving and enhancing the historic environment
- AS 1 Safeguarded area of search: Sittingbourne Northern Relief Road - The A2 link 2
- DM 1 Maintaining and enhancing the vitality and viability of town centres and other areas
- DM 2 Proposals for main town centre uses
- DM 3 The rural economy
- DM 6 Managing transport demand and impact

- DM 7 Vehicle parking
- DM 8 Affordable housing
- DM 14 General development criteria
- DM 17 Open space, sports and recreation provision
- DM 18 Local green spaces
- DM 19 Sustainable design and construction
- DM 20 Renewable and low carbon energy
- DM 21 Water, flooding and drainage
- DM 24 Conserving and enhancing valued landscapes
- DM 25 The separation of settlements - Important Local Countryside Gaps
- DM 26 Rural lanes
- DM 28 Biodiversity and geological conservation
- DM 29 Woodlands, trees and hedges
- DM 31 Agricultural land
- DM 32 Development involving listed buildings
- DM 33 Development affecting a conservation area
- DM 34 Scheduled Monuments and archaeological sites
- IMP 1 Implementation and Delivery Plan

Kent Minerals and Waste Local Plan 2013 - 30

- CSM 4 Non-identified land won minerals
- CSM 5 Land-won minerals safeguarding
- DM 7 Safeguarding mineral resources
- DM 8 Safeguarding Minerals Management, Transportation Production & Waste Management Facilities
- DM 9 Prior Extraction of Minerals in Advance of Surface Development
- CSW2: Waste Hierarchy
- CSW3 Waste Reduction

Supplementary Planning and Other Relevant Documents

- Swale Landscape Character and Biodiversity Appraisal (2011),
- Tonge Conservation Area Character Appraisal and Management Plan (2021)
- Parking Standards (2020),
- Swale Borough Council's Noise and Vibration Planning Technical Guidance (2020),
- Planting on new development – a guide to developers,
- Kent design – A guide to sustainable development (2000).
- National Design Guide: Planning practice guidance for beautiful, enduring and successful places (2021)
- Air Quality Technical Guidance (2021)
- Developer contributions SPD (2009)
- Renewable Energy Guide (2014)
- Infrastructure Funding Statement (2021/2022)
- Nutrient Neutrality in Swale
- Noise and vibration planning technical guidance (2020)
- Housing Supply Statement (2022 -2023)
- Open Spaces and Play Area Strategy (2018-2022)

- A Heritage Strategy for Swale (2020)
- Conservation Areas
- KCC Local Transport Plan 4: Delivering Growth without Gridlock 2016–2031

Planning (Listed Buildings and Conservation Areas) Act 1990

KCC Drainage and Planning Policy – a Local Flood Risk Management Strategy Document

Department for Transport Circular 01/2022

Countryside and Rights of Way Act 2000

Town and Country Planning Act 1990

The Community Infrastructure Levy Regulations 2010

Planning and Compulsory Purchase Act 2004

The Levelling-up and Regeneration Act (2023)

KCC Drainage and Planning Policy – a Local Flood Risk Management Strategy Document

7. ASSESSMENT

7.1. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7.1.1. An Environmental Statement (ES) has been prepared by the Applicant’s consultant in support of the planning application. The need for the EIA was determined by the definition and criteria provided in Schedule 2 (10b) of the EIA regulations. The ES considers cumulative impacts as well as alternatives.
- 7.1.2. Regulation 3 of the EIA regulations prohibits granting planning permission for EIA development unless an EIA has been carried out. Regulation 18 sets out the various matters that an ES must contain (if not compliant with the regulations the Applicant’s submission would not constitute an ES and permission could not be granted).
- 7.1.3. Under the EIA Regulations part 1, 4 (5) planning authorities are required to “ensure that they have, or have access as necessary to, sufficient expertise to examine the environmental statement”.
- 7.1.4. The Council appointed an independent and appropriately qualified consultant to undertake a review of the ES on behalf of the Local Planning Authority to confirm whether or not it is compliant with the statutory requirements of the EIA Regulations and relevant guidance. The ES must be of a high enough quality to provide confidence in the reported impacts of the scheme.
- 7.1.5. Following the initial review of the ES in 2022, it was found that clarifications and further information was required in order for the submission to be accepted as an ES. The Council requested the further information and clarifications over the course of 2022. The Applicant responded to this in November 2022. The further information received was the subject of a further round of consultation which met the Regulation 25 publicity requirements.
- 7.1.6. A review of the information established that a number of issues remained and some new issues had arisen which meant the submission could still not be considered compliant with the

Regulations. Therefore, the Council requested the further information and clarifications to address the issues in May 2024. The Applicant responded to this in August 2024. The further information received was the subject of a further round of consultation which met the Regulation 25 publicity requirements.

- 7.1.7. The further information submitted in August 2024 has been reviewed and it is still the case that the submission does not meet the requirements of the EIA regulations (a situation where permission cannot be granted). The topics which are not adequate relate to the following chapters of the ES: Noise, Ecology, Water Quality, Hydrology and Flood Risk, Ground Conditions, Archaeology, and Built Heritage.
- 7.1.8. Noise: Concerns have been raised over the modelling of road traffic noise assessment, which uses the incorrect criteria.
- 7.1.9. Ecology: There are a number of other buildings which would be demolished which still have not been subject to bat surveys. Information on bat surveys and bat roost potential for these buildings needs to be provided. Concern was also raised in relation to the potential for emissions from development traffic adversely impacting protected habitat sites (a concern shared by Natural England).
- 7.1.10. Water Quality, Hydrology and Flood Risk: Further information is needed to justify the conclusion in the ES that pre-mitigated impacts on foul water and potable water would be negligible. Excavation is proposed, as such it is not considered appropriate to conclude that the construction works will not impact groundwater. The pre-mitigated impact on flooding and changes to the current drainage regime during the operation phase would constitute a high magnitude effect, rather than a medium magnitude effect reported in the ES. Confirmation is needed that the proposals would not impact on existing flow paths and if they do, any mitigation required can be managed.
- 7.1.11. Ground Conditions: Cumulative effects on agricultural land would occur and the ES does not discuss mitigation.
- 7.1.12. Archaeology: A summary statement regarding the proposed mitigation approach is required.
- 7.1.13. Built Heritage: A note explaining the methodology detailing how effect levels have been translated into NPPF terms is required.
- 7.1.14. As is set out in section 7.24 and 7.25 of this report, quite aside from the inadequacy of the ES, there are other reasons that permission should not be granted. As such an informative should be included on any decision to refuse the application to make it clear that had the committee been minded to grant the application, further information would have been required before the submission could constitute an ES. In the event of an appeal, it would be for the Planning Inspector to determine whether any further information subsequently provided satisfies the requirements of the EIA Regulations.
- 7.1.15. It follows from the above that if the committee were minded to approve the application contrary to the recommendation in this report, officers advise that the decision should be deferred so that further environmental information on the above topics can be obtained from the applicant. That information would then need to be considered before any grant of planning permission.

7.2. PRELIMINARY CONSIDERATIONS

7.2.1. **The Approach to Decision Making**

- 7.2.2. The starting point for determining the application is the Development Plan, Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 are clear that planning applications must be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

- 7.2.3. The NPPF does not displace the statutory ‘presumption in favour of the development plan’, and policies in the NPPF, including those relating to the ‘presumption in favour of sustainable development’ do not modify the statutory framework for making decisions on applications for planning permission.
- 7.2.4. The correct approach for the decision-maker is to consider first whether the proposed development accords with the relevant provisions of the development plan. If it does not accord with the relevant provisions in the development plan, the decision-maker must then consider whether there are any other material considerations, including the NPPF, that indicate that planning permission should be granted.
- 7.2.5. In summary, paragraph 11 of the NPPF requires decision makers to consider whether development plan policies relevant to the assessment of a proposal are out-of-date. In such cases the tilted balance would be engaged, unless:
- Policies in the NPPF that protect areas or assets (such as heritage assets and protected habitat sites) provide a clear reason for refusing the development, or
 - The adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.
- 7.2.6. If the policies are out-of-date, that does not mean they should be given no weight or treated as irrelevant. The weight to be given to conflict with policies which are out of date is not a matter of law. It is a matter of judgment for the decision-maker with which the courts will not interfere unless the judgement is unreasonable.
- 7.2.7. The Statutory Development Plan currently comprises the Swale ‘Bearing Fruits 2031’ Local Plan (2017) (the ‘Local Plan’) and the Kent Minerals and Waste Local Plan 2013 – 2030 (2016). There are no adopted Neighbourhood Plans of relevance to this application.
- 7.2.8. At the time the Local Plan was being considered for adoption the Local Plan Inspector recommended a commitment to a review of the Local Plan to allow the Local Plan to be capable of adoption. The requirement for an early review was due to uncertainty relating to the Council’s proposed transport strategy beyond 2022. The review of the plan is still ongoing.
- 7.2.9. **Emerging Local Plan**
- 7.2.10. The Local Plan Review process commenced with the Regulation 18 Looking Ahead consultation in early 2018. The emerging plan progressed to Regulation 19 in February 2021, the process was challenged and as a result and the Council took a step back.
- 7.2.11. The latest timetable for the Local Plan 2040 is now as follows:
- Publication of Regulation 18 Draft Plan Consultation – quarter 2 of 2025;
 - Publication of Regulation 19 Pre-Submission Plan Consultation – quarter 4 of 2025,
 - Examination 2026,
 - Adoption – Quarter 1 of 2027.
- 7.2.12. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan; (b) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (c) the degree of consistency of relevant policies to the policies in the NPPF.
- 7.2.13. Given the early stage of the plan review process, no weight is to be afforded to any emerging plan for the purposes of determining this application. However, the evidence base that underpins the emerging plan is capable of being a material consideration to the determination of the current application.

7.3. MAIN CONSIDERATIONS

7.3.1. The main considerations involved in the assessment of the application are:

- The Principle of Development
- Size and Type of Housing
- Affordable Housing
- Landscape and Visual
- Heritage
- Archaeology
- Character and Appearance
- Trees
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Open Space, Sport and Recreation
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy
- Impact to the rural economy
- Loss of Best and Most Versatile Land
- Minerals

7.4. **Principle**

7.4.1. Principle - Housing

7.4.1.1. The proposed housing is set in the open countryside and is not within the designated built-up boundary of the Local Plan.

7.4.1.2. Local Plan Policy ST1 (4) requires development proposals to accord with the Local Plan settlement strategy. In terms of conformity with the NPPF Policy ST1 aligns with many of the NPPF topics and objectives and carries very substantial weight.

7.4.1.3. Local Plan Policy ST3 (5) relates to the settlement strategy and states that at locations in the open countryside, outside the built-up area boundaries development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside. The primary objective of the strategy is to protect the countryside from isolated and/or large scales of development (as is proposed). In terms of conformity with the NPPF, Policy ST3 carries moderate weight.

7.4.1.4. Local Plan Policy ST5 (part 4) directs development proposals to Sittingbourne or at other sites within urban and village confines, or as extensions to settlements, where indicated by proposed allocations. The site is outside of the areas stated and nor is it allocated for development. The application is in conflict with Policy ST5 which conforms with much of the NPPF and carries very substantial weight.

7.4.1.5. Given the location, the proposals for housing are contrary to Local Plan policies ST1, ST3 and ST5.

7.4.1.6. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and for decision-taking this means:

“c) approving development proposals that accord with the Development Plan without delay; and,

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:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or,

ii. 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.”

- 7.4.1.7. Footnote 8 of the NPPF states that policies which are most important for determining the application are out-of-date includes, for housing proposals, situations where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.
- 7.4.1.8. In a recent appeal decision (Appeal Ref: APP/V2255/W/23/3333811 - Land at Ufton Court Farm) the Inspector found there to be a deliverable supply that would equate to circa 4.1 years' worth of housing supply. Based on the Ufton Court Farm decision, the Council cannot demonstrate a 5-year supply of housing, as such the policies for the supply of housing are not up to date. In such circumstances, the so-called 'tilted balance' is engaged, unless protected assets or areas of particular importance are impacted to the extent the NPPF policies would provide a reason for refusing permission.
- 7.4.1.9. In terms of circumstances that would disengage the tilted balance, footnote 7 of the NPPF sets out what policies are relevant in disengaging the tilted balance, which includes impacts to designated heritage assets and protected habitat sites. The subsequent sections of this report make an assessment of the impact of the proposals in light of Development Plan policies and those in the NPPF.
- 7.4.1.10. Even if the tilted balance is engaged, this does not lead to an automatic assumption that planning permission should be granted for housing in locations that would otherwise conflict with Development Plan policies. Rather in situations where the relevant Development Plan policies are out of date, the NPPF seeks to ensure that the 'presumption in favour of sustainable development' is duly applied.
- 7.4.1.11. It is not clear to what extent the proposed housing would contribute towards the Council's current 5 year supply of housing. The Phasing Plan indicates infrastructure such as the SNRR would be delivered first (years 1 and 2), with housing being delivered over a period of between years 2 and 10. It would not be acceptable to allow delivery of housing unless accompanied by necessary infrastructure (such as the roads needed to access the homes). It may well take more than 2 years to complete necessary infrastructure (in which case housing would be delayed).
- 7.4.1.12. In addition, the application proposes a 3 tier approach (see section 3 of this report), and if approved, time would be needed for the various tiers of approval to be met ahead of development starting. This could add to delays in the timing for delivery of housing. It is not clear to what extent the development would meaningfully contribute to the 5-year supply of housing.
- 7.4.1.13. The proposals would see the loss of a dwelling (as a result of the route of the SNRR crossing to the east of Hempsted Lane), however as 1,250 new dwellings are proposed there would be no net loss.
- 7.4.1.14. In summary, the proposed development is located outside of the settlement boundary and would result in the encroachment of housing into the countryside resulting in an urbanising

impact, harmful to the intrinsic amenity value of the countryside and the amalgamation of settlements, eroding the individual character of existing villages, contrary to Local Plan policies ST1, ST3, and ST5.

7.4.2. Principle - Mixed use centre and employment space

- 7.4.2.1. The application proposes a mixed-use centre to serve the development. The Outline Development Specification states that the overall mixed use centre floor space would equate to 1,960sqm. The application states the range of uses anticipated would include convenience retail, office space, space for community infrastructure, café and leisure uses.
- 7.4.2.2. In addition, employment space is proposed in the form of up to 2,200sqm of flexible office floorspace. The Economic Opportunity Statement accompanying the application estimates this would occupy 0.59Ha of land. This is proposed to be located adjoining the western end of the Mixed-Use Local Centre.
- 7.4.2.3. Employment space should be delivered alongside infrastructure and new homes so that job opportunities are available when the first phases of housing are occupied. If approved conditions would be necessary to secure this.
- 7.4.2.4. Given the location (outside the built-up area in the countryside), the proposals for the mixed-use centre and employment space are contrary to Local Plan policies ST1, ST3 and ST5. The harm to the countryside would cumulatively add to the harm residential development would cause.
- 7.4.2.5. The sorts of uses proposed in the mixed-use centre are known as main town centre uses, the NPPF and Local Plan take a Town Centres first approach (directing town centre uses to town centres first). Paragraph 91 of the NPPF states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.
- 7.4.2.6. Local Plan Policy DM2 relates to main town centre uses and directs town centre uses firstly to the Borough's Town and Local Centres. The site is not within any of the designated centres.
- 7.4.2.7. Part 5 of DM2 relates to proposals outside of Town and Local Centres that states that proposals will be permitted where they address the tests set out in national policy and accord with various criteria, including where it is demonstrated by an impact assessment that it would not undermine the vitality and viability of existing town centres, or of other local centres and the facilities and services of other locations.
- 7.4.2.8. The application is supported by Retail Statement. The Retail Statement examines the impact of the proposal in terms of retail trade diversion. The increased demand and spending generated by future occupants of the scheme and growth in the borough, means there would be no undue retail trade diversion from existing centres.
- 7.4.2.9. If approved the proposed mixed-use centre would be needed to serve the day to day needs of the new population. Having regard to the site's distance from shops in Teynham, it would reduce the need for future occupiers to travel for basic essential services.
- 7.4.2.10. A planning condition should be imposed on any consent to secure the precise details and components of the local and town centre to secure the vibrancy and vitality of each centre in accordance with local and national planning policies. The delivery of retail and food/beverage floorspace should be linked to the delivery of housing to ensure there is no unacceptable trade diversion from existing centres (secured as a condition on any consent).
- 7.4.2.11. For the most part the mixed use centre is simply needed to serve the needs of the future population living in the proposed housing. The exception to this being a commitment to provide health care facilities, large enough to meet the needs of the future residents of the

development as well as providing land for a facility to meet the needs of the existing residents closer to where they live.

- 7.4.2.12. The GP surgery in Teynham closed in 2023, since that time residents have had to travel to Sittingbourne to see a GP. The additional land proposed for health care in this application would allow the NHS to build health care facilities to meet the needs of existing Teynham residents as well as residents that would be living in the proposed housing. The NHS would need to cover construction costs, and given NHS funding constraints there is a level of risk over the delivery of the facility, and this limits the weight that can be given to this benefit in the planning balance.
- 7.4.2.13. The NHS have advised that if the development in this application comes forward, along with that proposed in application ref: 21/503914/EIOUT, then provision of an even larger facility would be required in this application site (the northern site) to meet the needs of both developments and existing residents in Teynham. If both applications were approved, changes would need to be made to the parameter plans and outline development specification to accommodate the larger facility.
- 7.4.2.14. However, this application is required to be considered on its own planning merits and any potential additional requirements of the site arising from other potential developments should not be determinative or overly influential in the assessment of this case.
- 7.4.2.15. In terms of the 2,200sqm of employment space proposed within Use Class E(g), this would include:
- Offices to carry out any operational or administrative functions,
 - Research and development of products or processes,
 - Industrial processes.
- 7.4.2.16. To qualify as a use in Class E(g) the uses must be such that they can be carried out in a residential area without detriment to living conditions. As such no objection is raised in terms of potential impacts to living conditions. This space would be located adjacent to the mixed-use centre, again outside of the built up boundary and contrary to policies ST1 and ST3 of the Local Plan.
- 7.4.2.17. In terms of demand for office space, it is noted that the Council's Employment Land Review (2023) (ELR) states that *rents are insufficient to stimulate viable development and the long-standing weak performance of the office market, coupled with the shock of Covid and its aftermath has pulled the assessment substantially downwards.*
- 7.4.2.18. The ELR does not identify pent up demand for office space. There is existing office space within the built up boundary which is vacant and could be refurbished or redeveloped in a location preferable to the application site.
- 7.4.2.19. The proposed town centre uses and employment space would result in other impacts, which are cause for concern in relation to other policy requirements in the Local Plan (and discussed later in this report).
- 7.4.2.20. In summary, the proposal for the mixed-use centre and employment space are contrary to Local Plan policies ST1, ST3 and ST5 and add to the harm to the countryside.
- 7.4.3. Principle - Primary School
- 7.4.3.1. Following advice from KCC, the application proposes a 2 Form Entry (FE) primary school on 2.05 Ha of land.

- 7.4.3.2. While the proposed school may provide a closer option for some of the surrounding communities, no evidence has been put forward by KCC of a specific shortfall in the capacity of existing educational facilities. As such no free-standing material public benefit arises.
- 7.4.3.3. As it stands, the proposals for schools are located outside the built up boundary contrary to policies ST1, ST3 and ST5 of the Local Plan and would cumulatively add to the harm the residential and mixed-use centres would cause.
- 7.4.4. Principle - Sports facilities
- 7.4.4.1. Local Plan Policy DM17 relates to open space, sports and recreation provision. The policy requires existing open space, sports pitches and facilities to be safeguarded and for residential and other developments as appropriate to make provision for open space and for sports facilities. In terms of conformity with the NPPF, moderate weight can be afforded to this policy.
- 7.4.4.2. The proposals would see the relocation and replacement of the Bapchild Cricket Club (including the provision of a new pavilion). The existing pitch is approximately 1.43ha in area (not including the pavilion etc). The replacement cricket pitch would be set further north than the existing pitch (to facilitate access to the proposed development) and encroaches into agricultural land and would encompass a group of trees and encroach over hedges.
- 7.4.4.3. The trees of merit are to be retained (the hedges would be removed). Officers have queried whether the presence of the trees would interfere with the playing of cricket. However, even if the area of trees is discounted, the available area of land which could be used for unimpeded playing of cricket is larger than that of the existing cricket pitch. In addition, a new pavilion is proposed. Sport England raise no objection to the proposals.
- 7.4.4.4. While there is no loss of sports facilities, the benefit that would arise from the larger area proposed for playing cricket, along with the new pavilion is moderated by the fact that this is needed to meet the demand for sports facilities generated by future residents living in the proposed development (if approved). As such no material public benefit arises.
- 7.4.4.5. The sports facilities include a new pavilion, which would be in the countryside. Officers note there are existing club rooms at the Bapchild Cricket Club which would be replaced by the new pavilion, albeit in a different location, given the existing situation, and subject to conditions and planning obligations (discussed in Section 7.15 and 7.16 of this report) being secured on any permission the proposal would comply with Local Plan Policy DM17.
- 7.4.5. Principle - Highway infrastructure
- 7.4.5.1. A fundamental part of the proposals includes the proposal for Sittingbourne Northern Relief Road (SNRR). The SNRR was originally conceived as a link between the A2 to the east of the town and the A249 in the west, able to provide new links into the town's commercial areas and to free road space in the streets around the centre. Phases of the road were completed over a 10 year period from the A249 through to new developments at East Hall Farm in the northeast of the town, leaving the link to the A2 incomplete.
- 7.4.5.2. The Kent County Council's Local Transport Plan 4 Delivering Growth Without Gridlock 2016 – 2031 sets out transport priorities for the Swale Borough including the extension of the SNRR to the A2 and then M2.
- 7.4.5.3. Paragraph 4.1.26 of the Local Plan states that the Council remains committed to the longer term completion of the SNRR. Paragraph 4.3.57 of the Local Plan states that the final section of the SNRR to the A2 is needed to improve traffic and air quality conditions in central and eastern areas of the town. The final (Bapchild) section of the SNRR is identified in the Local Plan as a key transport network improvement.

- 7.4.5.4. Local Plan Policy ST5 sets out the Sittingbourne area strategy. Part 3 of the Policy states, in part, that development proposals will, as appropriate, support the completion of the SNRR to the A2.
- 7.4.5.5. Local Plan Policy AS1 relates to the SNRR and explains that various options exist in terms of the route for the final section for the SNRR. As such it safeguards the search area in which the SNRR could be located. In summary, Local Plan Policy AS1 ensures development proposals likely to reduce or remove the consideration of route options or preclude achievement of the road are not permitted and it is therefore considered that there is clear policy support for the SNRR.
- 7.4.5.6. The proposed route of the SNRR is within the designated search area set out in Policy AS1, however the route has not been determined by the Council (the proposal is not plan led). The advice from KCC Highways is relevant, in that they have evaluated the Applicant's Transport Assessment and raised no objection to the proposed location of the SNRR from a highway perspective.
- 7.4.5.7. Local Plan Policy MU2 is a site allocation and relates to land to the northeast Sittingbourne. The allocation is clear that development should not prejudice the safeguarded future alignment of the SNRR (Bapchild section). There is an interplay between the development proposed in this application and that approved as part of permission ref: 22/502834/EIOUT (Land West of Church Road, Bapchild, Tonge, Kent). The planning permission for the development at the Land West of Church Road includes several conditions and planning obligations which ensure land that may be needed to create the SNRR is safeguarded for 10 years.
- 7.4.5.8. It is proposed that the SNRR would traverse the railway line via an overbridge. The consultation response from Network Rail raises no objection to the construction of a bridge over the railway line (subject to adherence to requisite standards and safety requirements). If approved, conditions would be needed to ensure Network Rail requirements are met.
- 7.4.5.9. The SNRR would run through a part of the site designated as Local Green Space. Local Plan Policy DM18 restricts the types of development permitted in such spaces, albeit it does permit engineering or other operations provided that they maintain the openness and character of the green space. In terms of conformity with the NPPF, Policy DM18 carries very substantial weight.
- 7.4.5.10. The SNRR and the traffic it would carry would alter character and openness, however given that Policy AS1 envisaged a situation whereby the SNRR could run through the area of Local Green Space, on balance, no objection is raised.
- 7.4.5.11. There is uncertainty over whether an economic case could be found to publicly fund the final portions of the SNRR. Without public funding, delivery of the SNRR would require private funding. Delivery of the SNRR through private funding as proposed in this application infers accepting a sufficient quantum of new revenue generating development to cover the cost of the infrastructure.
- 7.4.5.12. In this case, the Applicant advises that the cost of the proposed highway infrastructure would be funded from the housing and the other revenue generating development that is proposed. A Financial Viability Assessment accompanies the application which has been independently reviewed by an appropriately qualified consultant appointed by the Council and found to be accurate.
- 7.4.5.13. The proposals for the SNRR are within the area safeguarded by Local Plan Policy AS1, and as such officers acknowledge that providing the SNRR, in principle, meets an objective of the Local Plan. It is also noted that accepting the privately funded delivery of the SNRR proposed

in this application would require an acceptance of the housing and other development proposed (which would fund it).

7.4.5.14. Summary

- 7.4.5.15. In summary, the proposed SNRR would offer the benefits set out in the Local Plan, equally the overall development would result in a number of harmful impacts discussed elsewhere in this report. Please refer Section 7.25 of this report (The Planning Balance) where the balance of benefits is weighed against harm.

7.5. Size and Type of Housing

- 7.5.1. Paragraph 9 of the NPPF states that sustainable development involves seeking positive improvements in the quality of the built environment, including widening the choice of high-quality homes. The NPPF recognises that in order to create sustainable, inclusive and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.
- 7.5.2. The Local Plan requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflect that of the Housing Market Assessment (HMA).
- 7.5.3. At the time the Local Plan was adopted in 2017 the HMA suggested that the makeup of the new housing required should be 25% affordable, 7% private rented, and 68% owner occupied. This is reflected in the supporting text to Local Plan Policy CP3 which relates to delivering a wide choice of high quality homes. The supporting text also indicates the preferred proportion of dwellings by unit size. In terms of conformity with the NPPF, Policy CP3 carries very substantial weight.
- 7.5.4. Housing needs change over time and the HMA was reviewed in 2020. The refresh of the evidence base considered changes to both Government policy and guidance but also the changing demographic and housing market pressures. The results set out in the 2020 HMA show that 66.1% of new housing in Swale should be owner-occupied, 11.6% private rented, 4.3% should be Shared Ownership and 18.0% Social Rent/Affordable Rent. The results of the 2020 HMA differ from the Local Plan (2017) and highlight how quickly housing need can change over time.
- 7.5.5. It should also be noted that the mix is for the overall Borough and there are sub areas in the Borough where a slightly different mix is in need. Local authorities are required to understand housing needs in their area (for example, as set out in an HMA) and this, along with their local Housing Register, will provide the evidence for the size of affordable homes (in terms of number of bedrooms etc) required to meet identified need.
- 7.5.6. Approval is sought for up to 1,250 residential homes, within that total a proportion of later living development for independent living for over 55's wishing to downsize within a likeminded community.
- 7.5.7. The Applicant has provided analysis which illustrates how the proposal could accommodate an acceptable mix of dwellings within the scheme parameters.
- 7.5.8. However, taking account of the duration of the proposed construction, and the potential for alteration to the character of housing demand through time, any approval would need to be sufficiently flexible to enable the approved development to respond to such changes.
- 7.5.9. It is therefore not appropriate at this point in time to fix a specific housing mix by condition to any approval. Rather, if the scheme is approved, then a condition would need to be imposed

on any consent requiring an overall housing mix strategy to be submitted to and approved by the Council prior to commencing any work on any of the residential elements of the scheme.

- 7.5.10. The condition would need to require the strategy to include a housing mix review mechanism, to be triggered with each phase of development. The strategy would need to include an updated Local Housing Needs Survey on a phase by phase basis. This would allow for future flexibility in unit mix, to account for change in housing need over time, but would also provide adequate assurance that an appropriate mix would be provided in the development.
- 7.5.11. The tiered approval process would require an update to the Housing Strategy for each phase together with an updated Local Housing Needs Survey to be incorporated into and reflected in the submissions made for the purposes of satisfying the Tier 2 conditions.
- 7.5.12. There are constraints on built form which would be secured through the parameter plans. If, in the future, evidence shows that housing demand is for a larger proportion of large family housing (e.g., 3, 4 or 5 bedroom dwellings) than has been assumed by the Applicant in the current submission, then it may not be possible to achieve 1,250 dwellings (in order to fit within the same quantum of built form). The application seeks permission for up to 1,250 dwellings (not a minimum). If fewer homes (less than 1,250) were able to be delivered given the constraints on built form and housing need, then this could be accommodated within the scope of the application.
- 7.5.13. In summary, subject to conditions, the proposals would comply with Local Plan Policy CP3 and no objection is raised in terms of the housing mix.

7.6. Affordable Housing

- 7.6.1. The NPPF sets out the requirement for setting appropriate affordable housing levels for new development based on up-to-date evidence. Policy DM8 of the Local Plan sets out the approach to securing affordable housing on development proposals of eleven or more dwellings. The policy is underpinned by viability evidence which has informed a zonal approach such that for Sittingbourne town, urban extensions and Iwade the affordable housing percentage to be sought is 10%. Percentages are set out for other locations including “all other rural areas” where the percentage to be sought is 40%. The areas in Policy DM8 are not defined on the Policies Map. In terms of conformity with the NPPF, Policy DM8 carries limited weight.
- 7.6.2. The supporting text to Policy DM8 at paragraph 7.3.7 states that the affordable housing percentages will be sought on proposals by reference to “different market areas”. The paragraph then goes on to say that viability is affected in various housing market areas, including Sittingbourne and hence a lower percentage of affordable housing is sought in that areas.
- 7.6.3. While the proposed SNRR would adjoin Sittingbourne, the proposed housing would more logically comprise an urban extension to Teynham, on what is currently rural land.
- 7.6.4. The evidence that informed the housing market areas referred to in Policy DM8 includes the Local Plan Viability Assessment. Figure 4.4 of this document shows lower property values in the Sittingbourne postcode areas (ME10) compared to adjoining rural postcodes (ME9).
- 7.6.5. The sales heat map by postcode area in the Addendum Local Plan Viability Assessment at Figure 2.1 shows the proposed housing in this application as being within areas where there are higher property values compared to Sittingbourne.
- 7.6.6. Officers are of the view that the proposed residential development is not a simple extension to Sittingbourne, rather the housing is proposed in a rural area, where Policy DM8 seeks 40% of proposed dwellings to be delivered as affordable housing.

- 7.6.7. The Council's Housing Officer has advised that the tenure split of affordable homes should be provided as:
- 25% First Homes (FHs) as per the Written Ministerial Statement (WMS) of 24 May 2021 and National Planning Policy Guidance (NPPG 2021)
 - The remaining portion of affordable housing should be split as follows:
 - 90% Affordable Rented Tenure (ART) or Social Rent (SR) tenure housing
 - 10% Shared Ownership Housing as per the Local Plan.
- 7.6.8. Given the time frame over which the development would be delivered, affordable requirements and tenures may change. As such, it is important to secure the overall provision of affordable housing at this stage, noting that the detailed mix, size and tenure should be established based on identified need as each phase of development comes forward. A condition should be imposed on any consent to secure a housing strategy to include a housing tenure and mix for each phase of development. Affordable Housing will be allocated through the Council's housing register or to those who have a local connection to the Borough.
- 7.6.9. In line with Policy DM8 and CP3 of the Local Plan the affordable homes should be designed for use by disabled persons and made available for a variety of groups including families, vulnerable and older persons. As such there should be a number of accessible and wheelchair adaptable homes provided, and it is recommended that the social rented homes be provided to Part M4(3) standard (wheelchair user dwelling) with the remaining affordable homes provided to Part M4(2) standard (accessible and adaptable dwellings).
- 7.6.10. The Planning Statement accompanying the application provides an indicative mix of affordable housing and proposes 10% of dwellings be affordable (less than the 40% required by the Local Plan).
- 7.6.11. The Applicant has justified the affordable provision on the basis that the scheme is an urban extension to Sittingbourne and that there are substantial infrastructure costs associated with the development rendering it financially unviable for the scheme to deliver a greater proportion of affordable housing. Officers do not accept that the housing would be an extension to Sittingbourne but do recognise that the proposals involve exceptional development costs (for example delivery of the SNRR).
- 7.6.12. Local Plan Policy DM8 (part 5 C) states that where an applicant can demonstrate that providing the full affordable housing provision would result in the scheme becoming unviable, a reduced requirement may be considered. Part 6 of Local Plan Policy DM8 states that if evidence demonstrates that economic conditions or the proposed characteristics of the development or its location, have positively changed the impact of viability on the provision of affordable housing, the Council will seek a proportion of affordable housing closer to the assessed level of need, or higher if development viability is not compromised. Identifying positive changes to viability would require a financial viability review (upward only).
- 7.6.13. A Financial Viability Appraisal (FVA) was submitted with the application, the Council appointed an independent, appropriately qualified financial consultant to assess the FVA for accuracy. The total quantum of financial obligations would equate to approximately £31,200,000. If all the financial contributions were required to be met then the scheme could deliver 4.24% of dwellings as affordable housing.
- 7.6.14. For illustrative purposes, on the assumption that 1,250 dwellings are built at the site, the amount of affordable housing delivered (at 4.24%) would be 53 units, with the remaining 1,197 being open-market tenure.
- 7.6.15. Conversely if 10% of dwellings were to be affordable housing, only £21,900,000 would be available for financial contributions. Higher levels of affordable housing would further reduce funding available for community and other infrastructure.

- 7.6.16. The development would be built out over a long time period (i.e., 10 years), in which time it is reasonable to assume economic conditions may improve and the scheme may viably be able to deliver more affordable housing. A series of financial review mechanisms should be secured to test at key stages to assess whether additional affordable housing can be delivered (and if so securing a level of affordable housing closer to the 40% requirement).
- 7.6.17. The Council would need to accept a low (4.24%) level of affordable housing along with the full suite of financial contributions (to fund community and other infrastructure). Alternatively, a higher proportion of affordable housing could be provided, if a lower level of financial contributions was accepted. The concern with such an approach is that full funding for necessary infrastructure (e.g., schools, health care facilities, public transport etc) would not be available.
- 7.6.18. While Local Plan Policy CP6 provides scope for reducing contributions in relation to community infrastructure where viability is constrained, the supporting text to the policy is clear that this relates to situations where the advantages of proceeding with the development would significantly outweigh the disadvantages. The NPPF is also clear that the weight afforded to viability is a matter for the decision maker.
- 7.6.19. The benefits of the scheme weighed against the disadvantages are considered in Section 7.24 of this report (The Planning Balance). As it stands there is no legal agreement in place to secure affordable housing and upward only review mechanisms and as such the proposals are contrary to Local Plan Policy DM8.

7.7. Landscape and Visual

7.7.1. Landscape designations:

- 7.7.1.1. The NPPF requires that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. In relation to landscape matters, the NPPG provides advice on how the character of landscapes can be used to inform planning decisions.
- 7.7.1.2. The site is in National Character Area NCA 113 North Kent Plain. The key characteristics include:
- An open, low and gently undulating landscape, characterised by high- quality, fertile, loamy soils dominated by agricultural land uses.
 - Large arable/horticultural fields with regular patterns and rectangular shapes predominating, and a sparse hedgerow pattern.
 - Orchards and horticultural crops characterise central and eastern areas, and are often enclosed by poplar or alder shelterbelts and scattered small woodlands.
- 7.7.1.3. The site displays many of these characteristics.
- 7.7.1.4. At the County level the 'Landscape Assessment of Kent' sub divides the County into County-wide Character Areas. Within each character area the landscape was further sub divided into smaller landscape character areas (LCA) relevant to the distinctive characteristics of the area and these areas were evaluated and "strategies" proposed for each area. The site is identified as lying within the "Fruit Belt" character area.
- 7.7.1.5. Immediately north of the railway line is the Tonge and Luddenham Area of High Landscape Value (Swale Level), and beyond this to the north is the South Swale Marshes Area of High Landscape Value (Kent Level).
- 7.7.1.6. The site is located within the following local character areas (LCA) within the Swale Landscape Character and Biodiversity Appraisal (2011).

- LCA 29: Rodmersham Mixed Farmlands
- LCA 31: Teynham Fruit Belt

- 7.7.1.7. LCA 29: Rodmersham Mixed Farmlands, is characterised by rolling landscape with steep sloping chalk valleys, agricultural land and orchards and occasional isolated properties and historic villages. The site displays many of these characteristics.
- 7.7.1.8. LCA 31: Teynham Fruit Belt, is characterised by rural agricultural landscapes, complex landscape patterns, rolling landform and scattered villages. The majority of the proposal is within this LCA and includes some of these characteristics.
- 7.7.1.9. The site and surrounding areas have historically been used for agricultural purposes or woodland centred around the historic settlements. The variation in field pattern, sizes and land uses, provides a mosaic of different uses, some seasonal variation, which contributes the landscape pattern and character of the area as well as adding interest to landscape.
- 7.7.1.10. Local Plan Policy AS1 identifies the search area within which the SNRR would be located. This encompasses most of the western part of the application site, including the Tonge Conservation Area and Tonge Country Park and Hempstead Lane (a designated rural lane).
- 7.7.1.11. The site itself includes an Important Local Countryside Gap (ILCG). While not designated, the arable agricultural land and orchards between Bapchild and Teynham also form an important rural gap between these two settlements. The Tonge Conservation Area is located within the western part of the site. Froggnal Lane, Lower Road and Hempstead Lane are all designated as Rural Lanes.
- 7.7.1.12. Neither the Applicant nor the Council's Landscape Consultant have explicitly identified the site as a valued landscape for the purposes of paragraph 180 of the NPPF.

7.7.2. Assessment: landscape impacts

- 7.7.2.1. The application is accompanied a Landscape Visual Impact Assessment (LVIA) which informs the ES. This establishes a 'Study Area' which was defined in part by the use of 'Zone of Theoretical Visibility' (ZTV). A ZTV is defined in the 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA3) (Ref. 10.1) as "A map usually digitally produced, showing areas of land within which, a Proposed Development is theoretically visible".
- 7.7.2.2. The ZTV takes account of topographical data, the proposed building height parameter plan and the main visual barriers within the landscape, such as existing buildings.
- 7.7.2.3. At a national level this LVIA concludes that there will no adverse impacts on nationally designated landscapes. The Kent Downs NL is located approximately 4 kilometres to the south of the site and is, therefore, too far away to be impacted.
- 7.7.2.4. The assessment concludes that there will be no adverse effects on the Areas of High Landscape Value (AHLV) which lie to the north of the site. At a regional and local level, the LVIA does conclude that the development would result in adverse impacts on the local landscape character and visual amenity.
- 7.7.2.5. Local Plan Policy ST3 sets out the Swale settlement strategy. Part 5 of this Policy advises that at locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless certain criteria are met including enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside.
- 7.7.2.6. Even though the site is not considered to be a valued landscape for the purposes of paragraph 180 of the NPPF, Local Plan Policy DM24 states that non-designated landscapes will be protected and enhanced (the development would not protect or enhance the landscape). When significant adverse impacts remain, the social and or economic benefits of the proposal

need to significantly and demonstrably outweigh the harm to the landscape character and value of the area. Policy DM24 conforms with the NPPF and carries very substantial weight.

- 7.7.2.7. Local Plan Policy DM14 relates to general development criteria, and requires development to reflect the positive characteristics and features of the site and locality, conserve and enhance the natural and/or built environments taking in to account the desirability of sustaining and enhancing the significance of heritage assets. The policy carries moderate weight in terms of conformity with the NPPF.
- 7.7.2.8. The SNRR would conflict with existing and historic pattern of development as the road would dissect agricultural fields and orchards and will run against the existing grain of the minor road network and farm tracks cutting across the rural landscape between Bapchild and the Tonge Mill.
- 7.7.2.9. The proposed SNRR (and associated traffic) would pass through the Tonge Conservation Area and Tonge Country Park and cross Hempstead Lane (a designated rural lane). Officers consider that it would adversely impact on the rural and tranquil character of area (accepting that the railway line to the north of the site and A2/London Road to the south already impact on the tranquillity of the area).
- 7.7.2.10. There would be adverse impacts on the character and experience of users of local PRoW and accessible land within Tonge Country Park, much of this as a result of the SNRR which would cut across the landscape.
- 7.7.2.11. It must be acknowledged that Local Plan Policy AS1 identifies the search area within which the SNRR would be located. This covers an extensive area, including land north of the railway line, the Tonge Country Park and Tonge Conservation Area as well as Hempstead Lane. The evidence base underpinning the safeguarded search area identified potential locations for the route of the SNRR, namely:
- Northern route: Travels from Swale Way eastward to the north of the railway line, crossing Church Road (a Rural Lane), through land designated as an Area of High Landscape Value (Swale Level), before turning south at a point just east of Bunces Farm (Grade II listed), traversing the railway line, crossing Lower Road (a Rural Lane) and connecting to the A2 in the vicinity of the Bapchild Cricket Club.
 - Western route: Travels from Swale Way eastward and turns south, traversing the railway just east of Haffenden Avenue, then travelling south through the Tonge Country Park to join the A2 west of Bapchild.
 - Central route: Largely follows the route of the western route to the middle of Tonge Country Park, then turns east through the Tonge Conservation Area, crosses Hempstead Lane (Rural Lane), joining the A2 in the vicinity of the Bapchild Cricket Club.
 - Combined route: Largely follows the route proposed in the current application, connecting to the A2 west of Bapchild, with a second arm which travels through the Tonge Conservation Area connecting to the A2 in the vicinity of the Bapchild Cricket Club.
- 7.7.2.12. Local Plan Policy AS1 clearly anticipates that the SNRR would traverse the railway line and have associated visual impacts. All routes would have adverse impacts on the character of the landscape and visual impacts as well impacts to Rural Lanes and either direct or indirect impacts to heritage assets. Arguably the combined route (which is the option proposed in this application) would traverse areas that are more sensitive (e.g, the Tonge Conservation Area) than the western and northern routes. The need to connect the SNRR to the A2 to the east of Bapchild relates to diverting traffic from the A2 onto the SNRR before it reaches Bapchild, thereby reducing vehicle trips through that village.

- 7.7.2.13. While harm to the landscape would occur as a result of the SNRR proposals in this application, this needs to be balanced against the fact that Local Plan Policy AS1 anticipates this area would accommodate the SNRR and its inherent landscape and visual impacts. This issue needs to be considered in the planning balance (see Section 7.25 of this report).
- 7.7.2.14. Policy ST5 relates to the Sittingbourne area strategy. Part 6 of this Policy advises that planning proposals should maintain the individual character and separation of important local countryside gaps around Sittingbourne in accordance with Policy DM25. Parts of the site are within an Important Local Countryside Gap and it is proposed that the SNRR run through the gap.
- 7.7.2.15. Policy DM25 relates to the separation of settlements and Important Local Countryside Gaps (ILCG). This Policy seeks to retain and protect the individual character and setting of settlements. The ILCG designation relates to the planning function of the landscape, preventing the coalescence of settlements rather than to its landscape character and visual qualities although the policy seeks to maintain the areas rural open and undeveloped character. In terms of conformity with the NPPF, Policy DM25 carries very substantial weight.
- 7.7.2.16. Policy DM25 does not preclude roads within an ILCG, where allocated in the plan. Given the intention of Local Plan Policy AS1, no objection is raised in terms of the impact from the SNRR to the designated ILCG.
- 7.7.2.17. In addition to the SNRR, the proposal includes a significant new urban intrusion into the countryside (1,250 dwellings, a school and other non-residential space) east of the safeguarded SNRR area of search. While heights are lower at the edges of the development (10m), they step up to 12m and 13.5m.
- 7.7.2.18. Existing development is predominantly 2 storey in scale. The visual mass of the development proposed to the eastern side of the site would affect views from local receptors as well as those on the higher ground to the west and south with open elevated views into the site.
- 7.7.2.19. The proposed built form would contribute to a sense of continuous urban development along the A2. The proposed residential, local centre and commercial development to the east would reduce the gap between the settlements of Bapchild and Teynham. Therefore, the proposal would not protect the individual character and setting of settlements.
- 7.7.2.20. Objections have been raised in consultation responses to landscape and visual impacts, including from Bapchild, Bredgar, Milstead and Rodmersham Parish Councils. The objection raises numerous concerns with the Applicant's LVIA and in many instances, officers share the concerns raised.
- 7.7.2.21. The LVIA includes a number of views and how they would be impacted, including views over orchards, open arable fields and Tonge Country Park. There are views from PRow and users of roads around the site. The LVIA identifies a number of moderate and in some cases major adverse impacts to views.
- 7.7.2.22. Teynham is identified in the Swale Landscape Sensitivity Analysis as TM2, the eastern part of the Site occupies a large part of TM2 (north of the A2) and currently comprises largely arable farmland. The proposals would introduce residential development and associated infrastructure across all of this part of the Site. Medium and large-scale arable fields would be permanently lost.
- 7.7.2.23. The proposals would bring built form closer to Frogal Farm House (and the listed barn to the west of the farm house) on the southside of Lower Road. Long views across the site looking norther from the A2 and from local footpaths would be likely to be lost. There is also likely to be some hedgerow and tree loss to accommodate new residential development. The

proposals would inevitably change the character of the whole area from agricultural to residential. A major adverse impact has been identified.

- 7.7.2.24. The proposal would adversely impact on the landscape character, most notably the rural, tranquil character of the landscape and the lack of built development apart from the distinct individual settlements currently separated by agricultural land and orchards. The development would need to be lit at night, impacting 'dark skies'. The proposal would not conserve and enhance the local environment.
- 7.7.2.25. The development leaves small areas of undeveloped land which do not appear to have a purpose or function and are likely to be vulnerable to further infilling.
- 7.7.2.26. There are roads/lanes within and close to the site are identified as 'rural lanes' under Policy DM26. The Policy seeks to prevent development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes. Policy DM26 conforms with the NPPF and carries very substantial weight.
- 7.7.2.27. The designated Rural Lanes at Frogmal Lane and the east of Lower Road would be adversely impacted by the proposals. Hempstead Lane would be severed by the SNRR (albeit access to existing properties would still be provided). It is difficult to see how the impacts could be mitigated. The proposals would result in a permanent change to the land use, character and appearance of the landscape.
- 7.7.2.28. The introduction of the development on the site would involve lighting along new streets, buildings would be lit at night, cars using the SNRR at night would use headlights, as such consideration has been given to the impact of the development on Dark Skies. The impact of lighting from development and general noise and disturbance and activity would have an adverse impact on tranquillity.
- 7.7.3. Assessment: mitigation
- 7.7.3.1. The landscape strategy for the proposals is largely based on the formation of a site wide green grid. The proposed areas of open green space and parkland within the western extent of the section are likely to be compromised by the SNRR that will bisect this area. Areas of advanced planting are proposed along the southern boundary to provide screening to Bapchild and the relief road. Advanced planting is also proposed around the eastern site boundary to provide visual screening from the adjacent countryside and surrounding villages. If approved conditions would be required to ensure advanced planning is secured.
- 7.7.3.2. The planting itself would represent a change to the character of the landscape (views would be reduced and impacted), the landscape would be harmed and the mitigation would not be entirely successful.
- 7.7.3.3. If approved conditions should be imposed on any consent to require a lighting strategy to try and mitigate against light spill and ensure mitigation is implemented.
- 7.7.4. Conclusion: landscape and visual impacts
- 7.7.4.1. In landscape terms, harmful impacts would be particularly perceptible from PRow routes that traverse the site. The useability of Tonge Country Park, and character and appearance of the rural landscape, which is of substantial importance to the Tonge Conservation Area (as will be discussed further below). Views over the open fields to the east would be lost. Even the proposed planting to screen the development would change the character of the landscape. While noise and disturbance from the railway line north of the site and the A2 to the south are existing detractors, the introduction of the SNRR and other development would harm the tranquillity of the landscape.

- 7.7.4.2. The development would not contribute to or enhance the natural and local environment. It would erode the individual character and setting of existing settlements. It would physically and as a result of traffic levels significantly harm the character of rural lanes.
- 7.7.4.3. The landscape character changes and visual impacts weigh against the scheme in the planning balance, this needs to be considered against the benefits of the scheme and the fact that the SNRR is facilitated by the Local Plan Policy AS1. That Policy anticipates that the SNRR would traverse the railway line. All potential routes for the SNRR would have adverse impacts on the character of the landscape and visual impacts.
- 7.7.4.4. That said, the proposal also includes 1,250 residential dwellings, a school, mixed use centre and employment space, which would adversely alter the landscape character and result in visual impacts to the eastern side of the site, quite separate from the impacts associated with the SNRR.
- 7.7.4.5. The Applicant's approach is for the housing and other revenue generating development to cross subsidise the cost of the SNRR. However, if a development of the size and scale proposed in this location were to be progressed, the harmful landscape and visual impacts identified in the LVIA would need to be accepted.
- 7.7.4.6. The housing and other development towards the eastern part of the site are not supported by Local Plan policy in the same way as the SNRR is in the western part of the site. The landscape and visual impacts across the site would be permanent and are considered contrary to policies ST1, ST3, ST5, DM14, DM24, and DM26 of the Local Plan, and weigh heavily against the scheme in the planning balance.

7.8. Heritage

7.8.1. Legislative and Policy Context

- 7.8.2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.8.3. Section 72(1) PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 7.8.4. The South Lakeland District Council v Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that "preserving" in both s.66 and s.72 means "doing no harm".
- 7.8.5. Local Plan Policy CP8 sets out various requirements proposals must accord with to sustain and enhance the significance of Swale's designated heritage assets. Policy DM32 relates to listed buildings and is clear that proposals affecting listed building must preserve the buildings setting and any features of special architectural or historic interest. Policy DM33 relates to development affecting a conservation area and states that development within, affecting the setting of, or views into and out of a conservation area, will preserve or enhance all features that contribute positively to the area's special character or appearance. Policies CP8, DM32 and DM33 conform with the NPPF and carry very substantial weight.
- 7.8.6. In assessing heritage impacts, the first step is for the decision-maker to consider each of the designated heritage assets, which would be affected by the proposed development in turn and

assess whether the proposed development would result in any harm to the significance of such an asset.

- 7.8.7. There are three categories of harm being: substantial, less than substantial and none. The extent of harm within the broad categories is relevant to weight.
- 7.8.8. The NPPG states that in general terms, substantial harm is a high test (the significance of the asset would need to be vitiated altogether or very much reduced).
- 7.8.9. Harm may arise from works to an asset or from development within its setting. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. The importance of a setting lies in what it contributes to the significance of the heritage asset.
- 7.8.10. The site does not contain any listed buildings; however, it does include part of the Tonge Conservation Area (CA). Direct impacts would therefore be limited to the Tonge CA. Indirect impacts would be to the setting of nearby heritage assets.
- 7.8.11. Clear and convincing justification is required by NPPF paragraph 206 for any harm to the significance of a designated heritage asset. The second step is therefore to balance that harm against the public benefits of the scheme, applying the requirements of NPPF paragraph 208 in the case of less than substantial harm.
- 7.8.12. A public benefit can be anything that delivers economic, social or environmental objectives, which are the three overarching objectives of the planning system as set out in the NPPF. The Planning Practice Guidance advises that “public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit”.
- 7.8.13. Importantly, the balancing exercises required by NPPF paragraph 206 (relating to designated heritage assets) are not simple unweighted exercises in which the decision-maker is free to give heritage harm whatever degree of weight they wish.
- 7.8.14. In Barnwell Manor the Court of Appeal identified that the decision-maker needed to give “considerable importance and weight” to any finding of likely harm to a listed building or its setting in order properly to perform the section 66 duty. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 amount to a statutory presumption against development that would harm the significance of a listed building or a conservation area.
- 7.8.15. In the Forge Field case the High Court explained that while the presumption is a statutory one, it is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But a Local Planning Authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 7.8.16. The case-law also establishes that even where the harm identified is less than substantial, that harm must still be given considerable importance and weight. The NPPG states that when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.
- 7.8.17. The assessment of the nature and extent of harm to the significance of a non-designated heritage asset is a matter for the planning judgement of the decision-maker, looking at the facts of the application and taking into account the importance of the asset in question.
- 7.8.18. The applicant’s ES provides an assessment of the impact of the development based on a methodology which considers significance (Heritage Value), sensitivity and susceptibility to

change, magnitude of impact and an assessment of likely effects. The effects of the development are assessed using a scale which ranges from Major Adverse to Negligible Adverse. Moderate to major likely effects are considered to be 'significant'. The Applicant provided a translation of the effect on the significance of the heritage assets in terms of the NPPF as follows:

- 7.8.19. Applicant provided a translation of the effect on the significance of the heritage assets in terms of the NPPF as follows:

Effect	Harm to Significance (in NPPF terms)
Major Adverse	High level of less than substantial harm
Minor to Moderate Adverse	Lower end of less than substantial harm
Minor Adverse	Lower end of less than substantial harm
Negligible Adverse	Very lowest end of less than substantial harm

- 7.8.20. The Council's Heritage consultant questioned why the levels of harm in NPPF terms is the same for 'Minor Adverse' and 'Moderate Adverse' effects. The Council has expressed the assessment of harm to the heritage assets in this report in terms its assessment in relation to the NPPF and the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.8.21. Heritage impacts

- 7.8.22. Set out below is an assessment of the extent of harm which would result from the proposed development to heritage assets. This includes the Tonge Conservation Area, Listed Buildings and non-designated heritage assets.

- 7.8.23. For ease of reference and identification, where there is an impact, this is presented under the same locational headings identified in the applicants' Heritage Baseline Study.

7.8.24. Tonge Conservation Area

- 7.8.25. The Tonge Conservation Area Character Appraisal and Management Plan (2021) notes that the Tonge Conservation Area is significant as a good example of a rural industrial site with 18th and 19th century mill buildings and mill pond. The milling process was dependent on a water source and a springhead on the southern boundary of the conservation area. The spring is an important feature of the mediaeval landscape which became associated with the cult of Thomas Becket. The mill spring flows north and fed the mill pond.

- 7.8.26. The Conservation Area's proximity to a springhead and spring to the south are fundamental to understanding its occupation and the industrial processes which shaped the conservation area's character and appearance.

- 7.8.27. Fields to the south of the mill pond are now farmed as orchards and let for pasture, but partially represent water meadows associated with the industrial process. Collectively these features and their interrelationship illustrate a rural industrial process and make a major contribution to the significance of the Conservation Area.

- 7.8.28. As well as the illustrative value associated with components of the milling process, the conservation as a whole also holds a great deal of aesthetic value as an attractive rural hamlet focused on milling. Despite its proximity to Sittingbourne, the Conservation Area maintains a tranquil character which illustrates its isolated location away from major development.

- 7.8.29. Earthworks exist towards the north of the conservation area are associated with a Norman Motte and Bailey Castle founded in the late 12th century which then developed into a fortified house.
- 7.8.30. It is proposed that the eastern part of a new SNRR would pass through the Tonge Conservation Area. The road would run across the mill stream, introducing hard landscaping, noise and vehicular movement with an urbanising effect on the landscape character, all with permanent impact. The road would also appear in and disrupt views within the Conservation Area from PRow.
- 7.8.31. The SNRR would also pass through the immediate setting of the Conservation Area, which contributes to its significance. The development would visually separate the built settlement from the spring, appearing in key views to and from the Conservation Area.
- 7.8.32. The Council's Heritage and Conservation consultant advises that the impact would represent a medium to high level of less than substantial harm. The assessment made by Historic England concluded that the degree of direct change within the Tonge Conservation Area would fundamentally alter its historic character and appearance thus causing a high level of harm, towards the upper end of the spectrum of less than substantial harm (Historic England object to the proposal).
- 7.8.32.1. As with landscape and visual impacts, it must be acknowledged that Local Plan Policy AS1 (the area of search for the location of the SNRR) encompasses the Tonge Conservation Area. All potential routes for the SNRR would have adverse impacts on the character of the landscape and visual impacts. Albeit the 'combined' route proposed is more harmful than a route north of the railway line, avoiding the Tonge Conservation Area.
- 7.8.32.2. While the harm to the Tonge Conservation Area (which is towards the upper end of the spectrum of less than substantial harm) is accorded great weight and importance, this will need to be considered against the fact that the SNRR (and its impacts) is facilitated by the Local Plan Policy AS1 and the other public benefits of the scheme.
- 7.8.32.3. Group 10 - Bapchild
- 7.8.33. There is a group of listed buildings near Bapchild, these comprise:
- 1 School Lane (The Toll House, 1 Fox Hill) Grade II listed
 - The Post Office Grade II listed
 - 35 The Street Grade II listed
- 7.8.34. The significance of the listed buildings derives primarily from their architectural interest. The rural setting of the listed buildings also contributes to their significance. It is proposed that the SNRR would join the London Road and run across what is currently open agricultural land to the north of the listed buildings. The road is proposed to be screened with new planting which will change the agricultural character of the landscape, and the introduction of the road would have an urbanising effect.
- 7.8.35. The impact would be harmful and is categorised as the lowest level of less than substantial harm.
- 7.8.36. Group 12 - Tonge
- 7.8.37. Group 12 relates to listed buildings in Tonge and includes:
- Tonge Mill Grade II listed
 - Mill House Old Mill Grade II listed

- 7.8.38. The significance on Tonge Mill and Mill House Old Mill derive primarily from their age and architectural interest. The mill pond, mill stream and wider surrounding rural landscape setting of the listed building also make an important contribution to their significance. These features also make an important contribution to enabling the mills historic function to be understood.
- 7.8.39. Part of the new SNRR would pass to the south and west of the listed buildings (approximately 250m away), visually severing the listed buildings from their historic water source and introducing hard landscaping, noise and vehicular movement with an urbanising effect on the landscape character, all with permanent effect.
- 7.8.40. The impact would be harmful and is categorised as a low level of less than substantial harm. The harm will need to be considered against the fact that the SNRR (and its impacts) is facilitated by the Local Plan Policy AS1 and the other public benefits of the scheme.
- 7.8.41. Group 13 - Teynham
- 7.8.42. Group 13 relates to Teynham and includes:
- Frogna Farmhouse and Garden Wall Grade II*
 - Barn 50 Yards West of Frogna Farmhouse Grade II listed
 - Claxfield Farmhouse Grade II*
 - Claxfield House Grade II listed
 - Radfield House and Railings Grade II listed
 - Beeches Grade II listed
 - Little Radfield Grade II listed
- 7.8.43. The significance of Frogna Farmhouse derives primarily from its age and architectural interest as a rural vernacular farmhouse. Historic England advise that the surrounding open fields make an important contribution to an appreciation of the significance of Frogna Farmhouse. Frogna Farmhouse was essentially an isolated country dwelling. Agricultural fields around the farmhouse sustain its rural setting, and views across these fields (including the site) contribute to an understanding and appreciation of the building.
- 7.8.44. Frogna Barn derives significance primarily from its age and architectural interest. The historic function and direct relationship with the Grade II* listed Frogna Farmhouse contribute to its significance.
- 7.8.45. It is proposed that development of buildings would be introduced on the agricultural land to the south, east and west of the listed farmhouse and barn. The development would sever the assets from their historic setting. The closest buildings to the farmhouse would be beyond a buffer of semi-natural green space to the south. The development would remove views towards the listed building from PROW.
- 7.8.46. The extent and scale of proposed development would be dominant and highly conspicuous in the setting of the listed buildings, distracting from the assets, introducing built form and associated hard landscaping, vehicular movement, activity, noise, lighting effects and light spill, represent a fundamental change in landscape character and land use with an urbanising effect.
- 7.8.47. The impact to both listed buildings would be harmful, categorised as a medium to high level of less than substantial harm.
- 7.8.48. Claxfield Farmhouse, Claxfield House, Radfield House and Railings, Beeches and Little Radfield derive significance from their age and architectural interest.
- 7.8.49. The development would impact on the setting of these listed buildings (which is important to their significance). The impact would be harmful categorised as a low level of less than

substantial harm, apart from Claxfield Farmhouse, which is set further away and would experience the lowest level of less than substantial harm.

- 7.8.50. It should be noted that Radfield House and Railings (Grade II listed) would also be impacted by the development proposed in application ref: 21/503914/EIOUT. If that other development were to be approved and be built out, then the impact to Radfield House and Railings would be greater than that assessed in relation to this application alone.
- 7.8.51. In addition, there would be harm caused to non-designated heritage assets, including Little Hempsted Farm (moderate harm), which is located on the east side of Hempstead Lane and the significance of the farmhouse derives primarily from its age and architectural interest as a rural vernacular dwelling. The SNRR would pass directly north of the farmhouse and would have an urbanising impact. There would be a moderate level of harm to this asset.
- 7.8.52. Oast east of Radfield House is a non-designated heritage asset located on the south side of London Road and has been converted for residential use. The significance of the Oast derives from its age and architectural interest as a distinctive regional agricultural building typology. The setting of the building makes a contribution to its significance and enabling its architectural interest to be appreciated.
- 7.8.53. The proposal would introduce a new roundabout, road and buildings in proximity to the asset with an urbanising effect on the character of the landscape, representing a fundamental change in land use and land cover, all with permanent effect, resulting in a low level of harm.
- 7.8.54. The former Baptist Chapel is a non-designated heritage asset and is a red brick building located on the north side of The Street. The significance of the building derives primarily from its age, historic and architectural interest as a former place of worship of traditional materials and construction that once formed part of a small linear rural settlement in an agrarian landscape. The rural setting of the building makes some contribution to its significance.
- 7.8.55. It is proposed that a new road providing access to the development would run across what is currently open agricultural land to the north of the asset. The road is proposed to be screened with new planting which would change the agricultural character of the landscape, and the introduction of the road would have an urbanising effect. This will be experienced in peripheral views of the building when travelling east along London Road and in views to the north from the building. A low level of harm would be caused to this non-designated heritage asset.
- 7.8.56. In terms of the impact to non-designated heritage assets, in accordance with paragraph 209 of the NPPF, the Local Planning Authority must make a balanced judgement as to the weight given to the impact having regard to the scale of harm and the significance of the non-designated heritage asset.
- 7.8.57. In considering the impact of this proposal on designated heritage assets, Officers have had regard to the Council's obligations pursuant to s16, s66 and s72 of the Planning (Listed Building and Conservation Areas Act) 1990. Clear and convincing justification is required by NPPF paragraph 206 for any harm to the significance of a designated heritage asset. Sections 66 and 72 of the PLBCAA amount to a statutory presumption against development that would harm the significance of a listed building or Conservation Area.
- 7.8.58. The second step is therefore to balance that harm against the public benefits of the scheme, applying the requirements of NPPF paragraph 208 in the case of less than substantial harm.
- 7.8.59. The decision-maker needs to ensure that they give considerable importance and weight to any harm to the significance of a designated heritage asset and ensure that, in the balancing exercise, more weight is given to the harm where the asset is of more importance.

- 7.8.60. A public benefit can be anything that delivers economic, social or environmental objectives, which are the three overarching objectives of the planning system as set out in the NPPF. Benefits are discussed in Section 7.26 of this report (The Planning Balance), where the heritage harm is weighed against benefits and an assessment made of whether the application complies with Local Plan policies CP8, DM32, and DM33 and the provisions of the NPPF.
- 7.8.61. Technical issues have been identified in relation to the heritage chapter of the ES, namely that there is not an explanation in relation to the methodology used to translate EIA effects in the ES to levels of harm used in the NPPF (i.e., substantial and less than substantial) and an informative should be added to any decision to highlight this shortcoming.

7.9. Archaeology

- 7.9.1. Ancient Monuments and Archaeological Areas Act 1979 provides for nationally important archaeological sites to be statutorily protected as Scheduled Monuments. Reference to relevant asset is defined as including a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979 (see section 1(11) of that Act).
- 7.9.2. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.9.3. Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 7.9.4. Portions of the application site are potentially of archaeological interest, and as such the Applicant undertook a geophysical survey to map contrasts between the physical properties of buried archaeological remains and the surrounding soil. The applicant also used Light Detection and Ranging (LiDAR). Intrusive testing was not undertaken.
- 7.9.5. The non-intrusive surveys identified anomalies of probable archaeological origin in some areas of the site. In lieu of the evaluation trenching the KCC Archaeologist has taken a precautionary approach and assumed that the archaeological remains, particularly the remains of the neolithic causeway enclosure, exist on site and are of such significance as to merit preservation.
- 7.9.6. The Applicant adjusted the parameter plans and other relevant plans so as to ensure there would be no encroachment of development into the area where significant archaeological remains are assumed to exist, and the KCC Archaeologist advised that no objection is raised, subject to conditions being imposed on any consent.
- 7.9.7. A check of the drainage and proposals indicates that drainage related works are proposed (including for a balancing pond) within the area of archaeological interest. The KCC Archaeologist advised that all development (including drainage works) should be excluded from the entire area of archaeological interest.
- 7.9.8. The drainage strategy is in outline form and the KCC Flood and Water Management Team advised that it would be possible at the detailed design stage to relocate drainage infrastructure to avoid any archaeologically important areas and conditions should be imposed on any consent to secure this.
- 7.9.9. In conclusion, by safeguarding areas of archaeological importance from development, the area in question can be investigated and any remains preserved in situ, and as such subject to conditions to secure the safeguarded areas the proposals would accord with Policy DM34 of the Local Plan.

- 7.9.10. A technical issue has been identified in relation to the archaeological chapter of the ES, an informative should be added to any decision to highlight this shortcoming.

7.10. Character and appearance

- 7.10.1. The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.10.2. Local Plan Policy ST1 states in part that development proposals will achieve good design through reflecting the best of an area's defining characteristics. Policy CP4 relates to requiring good design and states that all development proposals will be of a high-quality design that is appropriate to its surroundings. The policy goes on to set out a series of criteria development should meet, in terms of conformity with the NPPF, Policy CP4 carries moderate weight.
- 7.10.3. Policy DM14 relates to general development criteria, and sets out 10 criteria development proposals should meet, including reflect the positive characteristics and features of the site and locality, conserve and enhance the natural and/or built environments (including heritage assets). The policy also requires development to be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location.
- 7.10.4. The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. The Kent Design Guide seeks to provide a starting point for good design while retaining scope for creative, individual approaches to different buildings and different areas and provides criteria necessary for assessing planning applications.
- 7.10.5. The application is in outline form with all matters reserved. As such at this stage the broad approach is set out in Parameter Plans, the Outline Development Specification and Phasing Plan which provide the applicant's intent in terms of character and appearance (and are for approval). This ensures certain aspects of the scheme are fixed at the outline stage.
- 7.10.6. The Parameter Plans cover the disposition of land uses and building heights. The Outline Development Specification sets out, for example, the structure of the application, procedural requirements, the quantum of land uses and open space.
- 7.10.7. Intent is also shown in the indicative plans and documents (including local area studies and a comprehensive design and access statement). While the indicative plans and documents are not for approval, they provide a strong indication of what the Applicant is seeking to achieve.
- 7.10.8. At the pre-application stage the proposals were peer reviewed by Design Southeast on several occasions between 2018 and 2020. There is evidence that the application has responded to the matters raised by the Design Review Panel.
- 7.10.9. The Design and Access Statement (DAS) and the subsequent addendums explain how the proposals have been developed to reflect planning policies and consultation responses. It analyses the site and its surrounds and assesses the design principles for the site.
- 7.10.10. The application was referred to the Council's Urban Design advisor who advised that the high-level nature of the design principles, means that there is a need to secure design quality through structural conditions imposed on any outline consent. The relevant conditions are set out in the Urban Design officers comments summarised in Section 5 of this report.
- 7.10.11. The conditions would secure the preparation and approval of a design code, detailed masterplan, overarching open space strategy and for the scheme to be tested on a phase-by-phase basis by a design review panel. This is necessary to ensure the development delivers a high-quality design and place making. These conditions would accord with the objectives

and aspirations of the Local Plan and NPPF to create high quality, beautiful and sustainable places.

- 7.10.12. The NPPF encourages the use of design guides and codes to provide a local framework for creating beautiful and distinctive places with a consistent and high-quality standard of design. This is echoed in the Kent Design Guide. It goes on to say that they should be tailored to the circumstances and scale of change in each place. Future detailed design codes for each phase would need to be consistent with the principles set out in the Outline Specification (a control document).
- 7.10.13. Spatial configuration, density, and height
- 7.10.14. The development parcels and mix of uses appear rationally grouped and distributed across the site. When considered in the context of other proposed development within the vicinity of the site, the residential development parcels would appear as an urban extension with links to Teynham.
- 7.10.15. Higher density and heights would be clustered around the new mixed use local centre and primary road with lower densities and heights proposed along the rural edges and within the setting of heritage assets. Residential heights would be capped at 13.5m.
- 7.10.16. The area that will accommodate the highest elements has also been reduced so that it is further concentrated around the local centre and next to the primary road immediately adjacent to the centre.
- 7.10.17. Immediately to the west of the commercial space and adjoining residential development to the south would be an area of open space. There would be an abrupt transition from the built development to undeveloped open amenity space, a more gradual transition between the new edge and the surrounding countryside would be more appropriate.
- 7.10.18. There are level changes across the site, including at the western edge of the housing and other development. If approved, conditions would be needed to understand and control earthworks (including whether cut and fill is necessary, and to obtain details of land cross sections and road contours).
- 7.10.19. Access movement and circulation
- 7.10.20. Vehicular, cycle and pedestrian accesses are proposed. These include accesses via Frognal Lane and Lower Road in the north and east.
- 7.10.21. New cycle and pedestrian linkages, access to the school, new local centre and community facilities could help serve both existing and proposed new communities. The residential parcels would be focussed on a local centre that groups a range of community, commercial, educational, and healthcare uses which could provide a focal point along the primary movement corridor with access to public transport.
- 7.10.22. It is also proposed to deliver the SNRR which integrates with the proposed development, with new junctions with the A2 near to the existing Bapchild Cricket Club. The position and alignment of the SNRR runs through open countryside and would detract from the character and appearance of the Tonge CA and divide the country park with roads. The application is accompanied by a drawing showing the Tonge Country Park Bridge Crossing to address the impact on the CA, however the road alignment undermines integrity of the CA and country park by acting as a barrier for movement for those visiting the park and CA.
- 7.10.23. The SNRR would result in a loss of orchard, grassland and some trees and hedgerows. It would require ground reprofiling, new bridge and associated urbanising infrastructure. As such, the scale and alignment of the SNRR through the landscape would impact its open and undeveloped character and, notwithstanding new tree planting, would remain a detractor to

heritage assets into the future. Similarly, the new junction with the A2 will change the prevailing countryside in terms of urbanisation.

- 7.10.24. The applicant advised that the alignment of the SNRR was dictated by highway modelling and a desire to avoid listed buildings and farm buildings. There were limited options in terms of location for new junction with the A2.
- 7.10.25. That said, the proposal would cause harm to the Tonge Conservation Area and conflict with Local Plan Policy CP4 (Requiring Good Design) which seeks the retention and enhancement of features which contribute to local character and distinctiveness and which conserve and enhance landscape, biodiversity, and local environments. There is also conflict with Local Plan Policy DM14 (General Development Criteria) which aims to see the positive characteristics and features of the site and locality to be reflected in development proposals (which the proposals do not achieve) and for the natural and/or built environments to be conserved and enhanced and development to be well sited and of a scale, design, appearance, and detail that is sympathetic and appropriate to the location.
- 7.10.26. The adverse impacts conflict with Local Plan policies and weigh against the scheme in the planning balance.
- 7.10.27. Appearance
- 7.10.28. The details of appearance are a reserved matter and not for determination at this stage. Given the scale of development it is anticipated a range of character areas could be provided to deliver different identities and building typologies to respond to differing site and edge contexts.
- 7.10.29. Landscaping
- 7.10.30. The landscaping proposes a series of formal and informal open spaces across the site. It would comprise parts of a country park, sports hub, amenity greenspace and productive community gardens to the west of the built development parcels. Within the parcels are a green grid comprising greenways, semi natural green space and play areas. Also, landscape buffers are proposed to the edges, integrated SuDs, and existing and new woodland.
- 7.10.31. While an indicative open space strategy accompanies the application, the illustrative nature of the document means that to secure a comprehensive strategy, a condition should be imposed on any consent to ensure this. The open space strategy would need to provide a strategic approach for the provision, development, maintenance, and management of open space within the scheme. Subsequent tiers of approval would then need to comply with the strategy ensuring that the quality of landscaping is embedded at an early stage and delivered throughout the various phases.
- 7.10.32. Conclusion
- 7.10.33. While the scheme is in outline form, details shown in the parameter plans and the direction of travel shown in illustrative plans provide an understanding of what is proposed and where. Concerns are raised in relation to the way the western edge of the development would transition to areas of open space.
- 7.10.34. The location and scale of development would not reflect the best of the area's defining characteristics, the SNRR would truncate the Tonge CA and Country Park and as such would not retain and enhance features which contribute to local character and distinctiveness and there is therefore a degree of conflict with NPPF paragraph 135 Local Plan Policies ST1, CP4 and DM14.

7.11. Trees

- 7.11.1. The majority of the application area is formed of agricultural fields and accommodating commercial orchards. The Applicant's Arboricultural Impact Assessment (AIA) states that the site contains 90 individual trees, 51 groups of trees, 30 hedgerows, 9 commercial orchards and one parcel of woodland.
- 7.11.2. The AIA advises that to facilitate the development it is proposed to remove 18 individual trees. In terms of the quality of trees to be removed, there would be the 2 category A, 3 category B and 13 category C removals.
- 7.11.2.1. In addition, there would be the removal of 8 groups of trees, 10 hedges and 2 parcels of commercial orchard. In terms of partial removal, the scheme would involve the partial removal of 5 groups of trees, 5 hedgerows, 5 orchards and 1 woodland.
- 7.11.2.2. At this point officers note that the scheme is in outline form, with all matters reserved, the final position of development, including roads etc are not for determination at this stage. If, for example, the final position of highway infrastructure differs from that assessed in the AIA accompanying the application, tree impacts may differ.
- 7.11.2.3. There is evidence that the scheme has evolved and been amended to minimise tree removal and there are significant replanting plans to try to mitigate the loss of existing trees.
- 7.11.2.4. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. The Local Plan requirement is set out primarily within policies CP4 and DM29 of the Local Plan.
- 7.11.2.5. In summary, Policy CP4 of the Local Plan states that development should retain trees where possible (including old orchards and fruit trees, hedgerows, shelter belts, woodland and scrub) particularly those that make an important contribution either to the amenity, historic, landscape character or biodiversity value of the site or the surrounding area.
- 7.11.2.6. Local Plan Policy DM29 relates to woodlands, trees and hedges and states that unless the need for, and benefits of development in a location clearly outweigh the adverse impacts, planning permission will be refused where there is a loss of trees (including individual trees, old orchards, fruit trees, hedgerows and woodland scrub) that make an important contribution either to the amenity, historic, landscape, townscape or biodiversity value of the site and/or the surrounding area. This policy conforms with the NPPF and carries very substantial weight.
- 7.11.2.7. The trees to be removed currently make an important contribution to the amenity, historic, landscape and biodiversity value of the site and the surrounding area. There would be removal of category A trees (highest quality) and an even greater number of category B trees, this along with the extensive removal and part removal of other arboricultural features (including hedgerows etc) and trees of a lesser grade would have a considerable impact, reflecting the size of the site and scale of development.
- 7.11.2.8. The AIA states that the proposed SNRR road would be flanked by significant strategic and structural planting, comprising both formal and naturalistic areas. While landscaping is a reserved matter, the AIA states that further large scale planting is proposed in the areas of public open space. While the mitigation is acknowledged, the replacement planting is compensatory, a neutral benefit. There is not an arboricultural reason for the majority of the tree removals.
- 7.11.2.9. The proposals conflict with Local Plan policies CP4 and DM29 and, while mitigation is proposed, the extent of tree loss is regrettable and weighs against the scheme in the planning balance.

7.12. Ecology

7.12.1. The development is within approximately 500m of The Swale Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. The Medway Estuary and Marshes SSSI, SPA and Ramsar site are approximately 4.9km from the site. Given the scale of the proposed development, there is potential for a significant effect in relation to recreational pressure and air quality on the Swale SPA and Ramsar as a result.

7.12.2. Emissions from vehicles associated with the development could affect protected habitats in the vicinity of the A249. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981.

7.12.3. Regulation 63 of the Habitat Regulations states that a competent authority (in this case the Council), before giving any consent to a project which:

- is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the project. The competent authority (in this case the Council) may only agree to the project if it will not adversely affect the integrity of the protected site.

7.12.4. Under the Natural Environment and Rural Communities Act (2006), the authority must have regard to the purpose of conserving biodiversity. Furthermore, the NPPF states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible'. The NPPF is clear that if significant harm resulting from a development cannot be avoided, adequately mitigated, or compensated for then planning permission should be refused.

7.12.5. The Application includes a shadow Habitat Regulations Assessment (HRA) and Appropriate Assessment (AA), which concludes that it is possible to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.

7.12.6. Having considered the assessment, and the mitigation measures proposed, officers do not agree that it is possible to conclude that the proposal would not result in adverse effects on the integrity of the sites in question. Natural England are of the same view. The potential harm to the integrity of protected sites relates to Air Quality.

7.12.7. Were the LPA minded to consider granting planning permission, it would be necessary to carry out an appropriate assessment as to the potential effects of the proposal and for this to be incorporated as part of any overall planning balance of the scheme. On the information currently before the Council, and given the advice of Natural England, the assessment would find adverse effects on the integrity of relevant sites, adopting the precautionary approach. The results of this would then need to feed into further consideration by the Council, which would need to identify lawful reasons and justification for granting planning permission, because of the legal constraints imposed by the Habitats Regulations.

7.12.8. Air quality

7.12.9. The Applicant's shadow HRA/AA examines potential impacts from vehicular emissions associated with development traffic travelling along the A249. The main area of concern is that emissions spread from vehicles using the road and are deposited on saltmarsh, grazing marsh and estuarine habitat aside of the A249 (which are important to protected SPAs and Ramsar Sites).

- 7.12.10. Natural England have raised concern that the impact of the current application in combination with other developments (including that proposed in application ref: 21/503914/EIOUT) have not been adequately tested. There is therefore a lack of a detailed explanation as to why the increases in air pollution levels as a result of the current application in combination with other projects would not adversely affect the protected sites.
- 7.12.11. The Habitat Regulations are endorsed by policies CP 7 and DM 28 of the Local Plan, which relate to the protection of sites of international conservation importance including SPAs, or Ramsar Sites. In terms of conformity with the NPPF, policies CP7 and DM28 carry substantial weight.
- 7.12.12. The application fails to demonstrate that an adverse impact on the integrity of protected sites would not result from air quality impacts contrary to the Habitat Regulations, NPPF paragraph 186 and 187 and policies CP7 and DM28 of the Local Plan.
- 7.12.13. Paragraph 188 of the NPPF states that the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on protected habitat sites.
- 7.12.14. Recreational pressure
- 7.12.15. Without mitigation, there would be an increase in recreational pressure at the protected sites that could result in significant disturbance to bird species associated with The Swale SPA and Ramsar, and an adverse effect on integrity. This would be in addition to any recreational increases in combination with development proposed in application 21/503914/EIOUT and other proposals.
- 7.12.16. Swale Borough Council has an agreed position with the North Kent Environmental Planning Group and Natural England (NE) that development proposed within 6km of these designated sites will, in the absence of mitigation, have a likely significant effect of the integrity of the SPA and Ramsar due to increased recreational pressure.
- 7.12.17. A Strategic Access Management and Monitoring Strategy (SAMMS) tariff has been put in place in order to mitigated recreation impacts on a strategic basis. The North Kent SAMMS set out the tariff applicable to developments within 6 km of the designated sites. In this case the scale of the development is such that mitigation over and above the SAMMS tariff would be required (additional funding for a Warden is required).
- 7.12.18. The Applicant has agreed to meeting the SAMMS tariff and funding for a Warden, as such recreational impacts would be mitigated.
- 7.12.19. Protected species
- 7.12.20. Bat emergence surveys were carried out in 2023 and no evidence of roosting bats were recorded within the site. The KCC Ecological Advice Service reviewed the bat emergence survey and are satisfied that the survey information is sufficient to determine this application.
- 7.12.21. The KCC Ecological Advice Service have raised concern that ecological mitigation areas could also be used for other purposes such as the provision of SUDS and recreation. The application proposes that dedicated amenity areas and informal recreation zones would be created to try and manage visitors/residents to the site. A condition would need to be imposed on any consent to secure this.
- 7.12.22. To protect retained ecological designations, habitat and faunal species and minimise disturbance to these during construction works, a series of safeguarding and mitigation measures will be implemented during the construction phase. This would need to be secured by way of a condition on any consent.

- 7.12.23. The ecological mitigation proposes that further bat surveys be undertaken at the appropriate stage prior to works to confirm presence/absence of roosting bats and inform implementation of appropriate safeguarding measures (such as pre-inspection checks and felling of trees). This would need to be secured by way of a condition on any consent.
- 7.12.24. Two badger setts are likely to be lost as a result of the development. To avoid killing or injury of individual Badgers that may be using these setts, the setts will be closed under licence from Natural England prior to any vegetation clearance and ground works in the area. Measures to safeguard faunal species including Water Vole, Otter, nesting birds and reptiles would need to be secured by way of a condition on any consent.
- 7.12.25. To minimise effects on foraging and commuting bats (and other nocturnal species) as a result of light spill across the site, a sensitive lighting design strategy would need to be secured as a condition of any consent. This would need to incorporate measures to reduce the effects of lighting on bats and other nocturnal species such as Badger.
- 7.12.26. For a scheme of this size, if approved there should be an ecological clerk of works appointed throughout the construction period for each phase.
- 7.12.27. Other ecological matters
- 7.12.28. Local Plan Policy DM28 requires development proposals to conserve, enhance, extend biodiversity, and provide for net gains where possible. The application is seeking to deliver a biodiversity net gain of 20%. A condition should be imposed on any consent to ensure the applicant's BNG proposals are delivered.
- 7.12.29. KCC have advised that the school site (2.05Ha) is large enough to accommodate the primary school, however the size does not allow for provision of BNG for the school, which would need to be delivered elsewhere on the site.
- 7.12.30. Conclusion on ecology
- 7.12.31. While a number of matters could be resolved through the use of planning obligations and conditions imposed on any consent, the application fails to demonstrate that it would not (in combination with other projects) result in harm the integrity of protected sites as a result of air quality impacts contrary to Local Plan policies CP7 and DM28 and the Habitats Regulations. This is a matter which disengages the 'tilted balance'.
- 7.13. Transport and Highways**
- 7.13.1. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:
- “Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”*
- 7.13.2. The NPPF (at paragraph 115) also 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.”*
- 7.13.3. Local Plan policies CP2 and DM6 promote sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.

7.13.4. Access proposals

- 7.13.4.1. The proposals involve the completion of the SNRR, for which there is support in the Local Plan. While access is a reserved matter, the road layout is shown indicatively within the Transport Assessment (TA) accompanying the application.
 - 7.13.4.2. The indicative design is provided to a high level of detail and forecasts of traffic levels on the link have been made. The proposed road would be formed of a single lane carriageway in both directions with localised widening to accommodate right turning vehicle movements towards the southern end of the link.
 - 7.13.4.3. Access to Bapchild via The Street would be maintained by new junction arrangements at either end of the village. The bypassed section of the A2 would see reduced traffic levels through Bapchild.
 - 7.13.4.4. Although the SNRR would traverse Hamstead Lane, access to the existing Hempstead Farm would be maintained via a simple priority junction. The point at which the SNRR would join the A2 east of Bapchild is in the vicinity of the existing Bapchild Cricket Club.
 - 7.13.4.5. The junction has been designed as a three-arm signalised junction. The northeast arm of the junction provides access to proposed development (housing, employment space a school and mixed-use centre). The eastern arm is the existing A2 towards Faversham.
 - 7.13.4.6. The northwest arm forms the proposed SNRR Bapchild Link which connects into the existing Swale Way (SNRR) to the northwest and also a bypass of Bapchild village before connecting back into the A2 towards Sittingbourne town centre.
 - 7.13.4.7. The junction between the SNRR and the A2 west of Bapchild has been designed to incorporate the access to the Stones Farm development and local access to Fox Hill. The proposed junction would be signalised and incorporate formal pedestrian crossing facilities on all approaches to the junction to aid pedestrian connectivity.
 - 7.13.4.8. At the north-east edge of the Proposed Development site there is provision for secondary vehicle access onto Frogal Lane and a bus only gate onto Lower Road.
 - 7.13.4.9. Internally, the primary routes would be mixed mode corridors. They would incorporate carriageways of adequate width to accommodate two-way conventional bus movement. They would also include dedicated, segregated pedestrian and cycle facilities, with crossings at grade.
 - 7.13.4.10. With respect to the current Kent Design Guide, the primary routes would be to a minimum of the Major Access Road standard. Speed limits on the routes would be a maximum of 30mph with lower, 20mph, limits introduced locally where appropriate.
 - 7.13.4.11. Within the development, extending off the primary network would be a secondary network of smaller streets, providing access to the proposed homes etc. It is then proposed that there would be tertiary accesses of the secondary streets, for example residential cul-de-sacs, shared surface environments or non-car spaces.
 - 7.13.4.12. The KCC Highways officer has been clear that the SSRR and other highway works must be delivered at an early stage, and conditions should be imposed on any consent to secure this.
- #### 7.13.5. Traffic generation
- 7.13.5.1. The TA assesses trip generation for the application as a stand-alone development, the trip generation is based on vehicle trips taken from the same TRICS data base. Consideration has also been made of trip generation taken together cumulatively with other committed development.

- 7.13.5.2. Local Plan Policy CP2 seeks to maintain and improve the highway network at key points to improve traffic flows and respond to the impact of new development and regeneration. In terms of conformity with the NPPF, Policy CP2 carries substantial weight.
- 7.13.5.3. The traffic model provides forecast traffic flow outputs on all links and junctions within the detailed model area. By comparing the outputs from respective peak periods between the modelled scenarios the 'net' traffic impact of the Proposed Development and associated infrastructure was forecast in the TA.
- 7.13.5.4. The modelling shows that completion of the SNRR would result in increases in traffic flows on Swale Way, as more traffic would be able to use the road. There would be an increase in traffic on the northern section of the A249, as it accesses Swale Way at the Grovehurst Junction.
- 7.13.5.5. There would be reductions in traffic on the roads around Sittingbourne Town Centre, particularly those linking to the northern commercial areas. These reductions also extend across the majority of the road network of Sittingbourne, including the A2 out to Key Street and B2006 out to Bobbing junction.
- 7.13.5.6. There would be increases in traffic on the A2 east of Bapchild, including at Teynham and towards Faversham. The modelling suggests that the completion of the SNRR encourages traffic to stay on local roads, rather than use the strategic road network routes of the A249 and M2.
- 7.13.5.7. The highway proposals would bring benefits in some areas (for example in Bapchild and Sittingbourne) but increase traffic flow (with associated congestion) in other areas further east. KCC Highways examined collision data and confirmed the data does not identify any pattern of incidents that would require addressing by the development.
- 7.13.5.8. Concerns have been raised in objections (including detailed objection from Parish Council) to the adequacy of the highway modelling and mitigation and the content and conclusions of the TA. The detailed objections have been provided the KCC Highway Authority who have advised that they agree with some concerns but not others. The objections have been considered in detail and do not alter the advice provided by KCC Highways.
- 7.13.5.9. KCC Highways have considered the situation (including concerns raised in objections) and, on balance, advise that (in view of severity text set out at paragraph 115 of the NPPF) the scheme is considered to offer more benefits than disbenefits in highway terms and therefore on balance no objection is raised by the Local Highway Authority. National Highways have also raised no objection in terms of impacts to the Strategic Network.
- 7.13.5.10. Local Plan Policy CP2 aims to ensure that development contributes to transport network improvements, where capacity is exceeded. Local Plan Policy DM6 also requires impacts to be mitigated where traffic generation would exceed to capacity of the highway network.
- 7.13.5.11. The junction of Woodstock Road / Bell Road / Gore Court Road / Park Avenue is currently a four-arm mini-roundabout arrangement. The traffic modelling indicates that this junction would operate significantly over capacity without any mitigation. An improvement scheme is proposed which would increase the capacity on the junction through widening of the approaches to provide two lanes at the give-way line. Modelling shows that the mitigated junction would operate within capacity. Other off site mitigation works would also be required. If approved, conditions would be required to secure the offsite mitigation works.
- 7.13.5.12. If the application is approved, the timing for delivery of the SNRR is critical, it would need to be delivered ahead of the residential and commercial elements of the current scheme. The phasing plan submitted with the application indicates that early delivery of the SNRR is proposed, conditions should be imposed on any consent to ensure the highway infrastructure is delivered as proposed.

- 7.13.5.13. It is worth noting that unlike planning application ref: 21/503914/EIOUT (to develop land to the south and east of Sittingbourne), this application is not reliant upon the highway infrastructure proposed within that application (i.e., ref: 21/503914/EIOUT).
- 7.13.5.14. Without the Sittingbourne Northern Relief Road (SNRR) proposed in this application (ref: 21/503906/EIOUT), traffic using the Sittingbourne Southern Relief Road (SSRR) would be heavily reliant on the A2 London Road, and would result in severe impacts to traffic congestion on the A2.
- 7.13.5.15. Therefore, the development proposed in application ref: 21/503914/EIOUT should not come forward unless the highway infrastructure proposed in this current application ref: 21/503906/EIOUT (namely the SNRR) is delivered. Planning obligations and conditions would be needed to link any planning permissions and control the timing for delivery of infrastructure.
- 7.13.6. Construction logistics are discussed in Section 7.19 of this report, in summary a suite of measures would need to be secured in order to ensure construction impacts are mitigated.
- 7.13.7. Servicing and parking
- 7.13.7.1. The development would be designed to ensure that layouts do not impede movement of current and emerging refuse/recycling collection vehicle fleets.
- 7.13.7.2. A number of proposed land uses in the development, including retail, commercial and education have specific servicing and delivery requirements that will need to be designed into the positioning of the land use and the layout around it. Conditions would need to be imposed on any consent to secure a delivery and servicing strategy for non-residential elements of the scheme on a phase-by-phase basis.
- 7.13.7.3. There has been a shift towards home shopping and therefore increases in home deliveries will be an on-going challenge. The TA seeks to address this by adopting a coordinated approach. The development would incorporate the provision for collection points, located within the new local centre. Conditions would need to be imposed on any consent to secure the detailed design and location of collection points and ensure servicing arrangements for the residential element is acceptable.
- 7.13.7.4. The provision of parking across the development needs to balance the need for good placemaking with the objective of encouraging sustainable travel. The approach taken in relation to car parking would vary by land use.
- 7.13.7.5. Car parking for residential land uses is related to ownership, not necessarily use. It is not uncommon for cars to be owned but not used as the primary mode of regular transport.
- 7.13.7.6. The TA suggests it could be more effective and practical to encourage sustainable travel through car parking constraint at employment or other non-residential land uses. However, this would need to be carefully considered given the sites location in relation to public transport. The Swale Borough Council Parking Standards set out the Council's requirements in terms of car parking.
- 7.13.7.7. The development would take place over a 10 year period, and it is important to ensure that the proposals remain flexible throughout the life of the build-out to evolving car parking patterns and requirements.
- 7.13.7.8. If approved a condition should be imposed on any consent requiring a parking strategy (to be delivered on a phase by phase basis) that balances the necessity of car ownership with the need to avoid car parking that dominates the street scene to the detriment of local amenity. The parking strategy would need to deliver well designed and accessibly located cycle parking facilities within the mixed use local centre and school.

- 7.13.8. Sustainable Transport Strategy (STS)
- 7.13.9. Local Plan Policy CP2 and DM6 seek to promote sustainable transport and a key component of the Applicant's STS is a Community Travel Plan that would set the framework for delivery of development component specific Travel Plans, which would remain live documents during and beyond completion of the development.
- 7.13.10. A separate component of this STS is that targeted towards wider sustainable transport solutions across the district. The STS states that it has a vision of supporting growth through delivery of the development in a manner that enables and encourages sustainable travel patterns.
- 7.13.11. The central spine road through the development is intended to form a connecting corridor connecting the development to Teynham and in particular the railway station. The STS discusses opportunities to use automated transport options as part of any solution. The proposal envisages the provision of a wide (5m+) shared non-car space alongside the main spine road, connecting between the junction with the A2 in the south and the access to Lower Road in the north.
- 7.13.12. The STS proposes to implement coordinated ticketing (e.g., between bus and train travel) and other measures to maximise the scope for combined real-time information system. Timetabling of buses and trains is proposed to be co-ordinated.
- 7.13.13. Off-site improvements are proposed to the Lower Road corridor between the site and the station. Travel within and between land uses within the site is indicated for walking and cycling. Leisure walking activities, within and beyond the site through connectivity to network of PROWs are mentioned.
- 7.13.14. The STS states that the primary road network would include segregated cycle facilities alongside the carriageways. Lower order roads would provide elements of mixed pedestrian/cycle facilities as well as on road provision. There is an aim for cycling to be provided in traffic free environments.
- 7.13.15. The proposals include an electric cycle hire scheme and secure cycle parking for homes and at destinations (such as the mixed-use local centre).
- 7.13.16. A concern officers have with the broader measures to promote use of sustainable transport (such as co-ordinated ticketing and co-ordinated timetabling of different transport nodes) is how this would be funded and actually delivered.
- 7.13.17. While the application identifies sustainable transport initiatives and highlights their importance, the information contained within the STS is high level with much of the sustainable travel information still emerging.
- 7.13.18. The advice from KCC is that funding would be needed for additional bus services, and the Applicant has agreed to this. The funding includes the cost of actual busses and pump priming for 5 years, if approved a planning obligation would be needed to secure this.
- 7.13.19. Within any resultant S106 agreement, the contribution would need to be flexible in order to allow either of the new or extension service options to be delivered. A detailed plan would need to be agreed with respect to trigger points to ensure the service was delivered at an appropriate stage of build out.
- 7.13.20. The KCC Public Transport department require the developer to produce a detailed delivery plan to support the delivery of the bus service with respect to supporting infrastructure and subsequently deliver / fund the delivery plan as part of their build out in order to facilitate the bus service. This would need to be agreed with the KCC (and Swale Borough Council with

respect to bus shelters) as part of any S106. The delivery plan would need to include provision for bus stop locations (temporary and permanent), any temporary turning areas due to phasing or works, bus standing facilities / driver facilities and any supporting infrastructure linked to any bus only links.

- 7.13.21. Key infrastructure delivery (including walking, cycling and public transport measures) has yet to be defined. Definition would need to include the actual measures, agreement from the providers (such as bus companies), along with firm action and phasing plans for delivery, along with a committed funding stream from the development to bring the necessary measures forward. A further planning obligation would need to be imposed on any consent to secure this.
- 7.13.22. Network Rail have requested financial contributions to improve Teynham Station (and access to the station), and a planning obligation would need to be imposed on any consent to secure this. Network Rail have also requested a condition of any consent be the closure of the level crossing (north of Lower Road and West of Frogmal Lane) for safety reasons. This is not linked to a PRoW and as such no objection is raised.
- 7.13.23. A comprehensive suite of planning conditions and planning obligations would be required as part of any consent to require the detailed design, funding, management and timing for the delivery of measures at a later stage.
- 7.13.24. Public Rights of Way (PRoW)
- 7.13.25. The NPPF states at paragraph 104 that planning policies and decisions should protect and enhance PRoW 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.
- 7.13.26. Local Plan Policy DM6 relates to managing transport demand and impact states that the location, design and layout of development proposals will demonstrate that existing PRoW are retained, or exceptionally diverted, and new routes created in appropriate locations. In terms of conformity with the NPPF, Policy DM6 carries moderate weight.
- 7.13.27. There are numerous PRoW across the site, and the application sets out indicative proposals for paths and realigning PRoW affected by the proposes. The approach seeks approval for the detailed strategy to be approved at reserved matters stage.
- 7.13.28. The application was referred to KCC who advised that it is not appropriate for the PRoW strategy to be determined at a later stage. For a development of this scale, KCC advise that the reserved matters stage would be too late to allow timely discussions and contributions and therefore avoid potential conflict and oversights.
- 7.13.29. While access and landscaping are reserved matters (where a PRoW strategy could come forward with detailed proposals on a phase-by-phase basis) the concern raised by KCC is acknowledged, within the illustrative detail there are examples of situations where PRoW would be truncated or required to cross the SNRR.
- 7.13.30. The proposed development would both sever and fragment the existing network over a considerable area and considerable period. There is a clear need for solutions to mitigate the impact to the network given the scale of the development proposed.
- 7.13.31. The KCC PRoW officer advised that mitigation to on and off site PRoW is necessary (ZR191 / ZU14 / ZU16 / ZU17/ ZR207 / ZR681 / ZR238 / ZR239). The necessary funding would equate to £643,392.
- 7.13.32. Sections of the King Charles III England Coast Path within the 2.5km buffer from the site redline boundary should also be enhanced to cope with additional usage directly related to the development. The necessary funding would equate to £686,448.

7.13.33. Subject to conditions and planning obligations, the fragmentation and severance of PRow would be mitigated, and the proposal would not conflict with the paragraph 104 of the NPPF and Local Plan Policy DM6.

7.13.34. Transport and Highways conclusion

No objection has been raised to the proposal by the KCC Highway Authority or by National Highways, give the outline nature of the proposal, details are at a high level, and as such a suite of conditions and planning obligations (discussed above) would be necessary to secure an acceptable scheme. While there is an objection to the proposal in terms of impacts to PRow, subject to conditions and planning obligations, mitigation could be secured, and the proposals would accord with Local Plan Policy CP2 and DM6.

7.14. Air Quality

7.14.1. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.

7.14.2. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to or being put at unacceptable risk as a result of levels of air pollution. It also requires the effects of air pollution to be taken into account in planning decisions.

7.14.3. The Planning Practice Guidance on Air Quality states that:

“whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation.....”.

7.14.4. Local Plan at Policy DM6 (which can be afforded moderate weight) sets out that development proposals will 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.

7.14.5. The applicant has undertaken an Air Quality Assessment in support of this proposal, this has been reviewed by the Environmental Health Officer, who asked for clarification on certain matters (which has been provided). The Environmental Health Officer has advised that the air quality modelling should be updated to reflect the traffic modelling undertaken as part of a revised TA to ensure cumulative impacts are adequately addressed. For clarity, this work has been undertaken and the modelling can be accepted.

7.14.6. Natural England have raised concern that the application fails to demonstrate that air quality impacts as a result of the development, when considered in combination with other projects (including the proposals in application ref: 21/503914/EIOUT) would not harm the integrity of protected habitat sites (the Medway Estuary and the Swale SPAs and Ramsar sites). This concern has been discussed in Section 7.12 of this report and does not relate to human health.

7.14.7. Detailed concerns have been raised in consultation responses relating to the adequacy of the air quality monitoring, the concern being that air quality impacts have been underestimated and harm to health would result in the development came forward. The objection has been considered by the Environmental Health officer who has not raised the same issues.

7.14.8. An assessment of the potential impacts during the construction phase was carried out. This shows that during construction there is a risk of potential releases of dust and PM10 during

site activities. Therefore, mitigation is proposed through good site practice and the implementation of suitable mitigation measures (e.g., dust management plans). Subject to the mitigation, the impact of dust and PM10 releases could be effectively mitigated.

- 7.14.9. Detailed modelling has been undertaken to determine the impacts of the development on the air quality in the vicinity of the site once operational. The assessment found that concentrations of pollutants would be below the relevant government air quality objective across the site and within the local area, subject to mitigation (such as travel plans and electric bikes etc).
- 7.14.10. Defra's air quality appraisal guidance sets out the approach to assessing and valuing adverse impacts to air quality. It recommends analysts follow the 'damage cost' approach where impacts are valued. This assists in quantifying the value of mitigation that would be required. The Applicant calculated the Damage Cost as being £292,165. The Environmental Health Officer requested a condition be imposed on any consent requiring further details to be provided in relation to how the Damage Cost was calculated (in the interests of accuracy and transparency).
- 7.14.11. If approved, conditions and planning obligations would need to be secured which require a scheme detailing and quantifying measures and offsetting schemes to be included in the development, in order to reduce the transport related air pollution when the development is occupied.
- 7.14.12. Air quality mitigation for each operational phase of the development is required. This would need to be reasonable, measurable, and tangible to reduce the transport related air pollution of the development during the occupational phase. The Environmental Health officer advised that a monitoring regime is required and for a scheme of this size an appointed person or people would be required to manage and monitor the agreed mitigation. Due to the size of this scheme, it is recommended that a working group of experts is put in place (funded by the developer) to ensure all mitigation is achieved, managed appropriately, and ensure enforcement procedures are put in place at each part of the developments phase.
- 7.14.13. Detailed concerns have been raised in consultation responses including from Parish Council's, which relate to the adequacy of the air quality monitoring, the concern being that air quality impacts have been underestimated and harm to health would result if the development came forward. The objection has been considered by the Environmental Health officer who has not raised the same issues.
- 7.14.14. Conclusion on air quality
- 7.14.15. Subject to the conditions and planning obligations requested by the Environmental Health Officer, air quality impacts to existing and future residents could be mitigated, and no objection is raised in relation to air quality impacts in terms of human health (the proposals would accord with Local Plan Policy DM6).
- 7.14.16. The application documentation states that there would be significant benefits in terms of air quality improvements as a result of the application. The Environmental Health officer does not share this view.

7.15. Community Infrastructure and Planning Obligations

- 7.15.1. If approved, it is critical that necessary social and other infrastructure to support the future population occupying the site is delivered in a time frame that ensures infrastructure is in place when it is required.

- 7.15.2. Any request for financial contributions need to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations. These stipulate that an obligation can only be a reason for granting planning permission if it is:
- Necessary.
 - Related to the development.
 - Reasonably related in scale and kind.
- 7.15.3. The KCC Developer Contributions Guide states that across the county, a proportion of new housing and employment growth is expected to be planned for through the provision of large-scale, strategic developments. Their success depends on timely and efficient delivery of infrastructure, services, and facilities, including community, employment, and environmental infrastructure, to enable residents to ‘live, work and play’ in resilient, well-connected, and inclusive places.
- 7.15.4. A Delivery Management Strategy (DMS) would be required to set out the approach to the delivery and long-term management of the development. If approved the proposal would need to be delivered coherently through multiple phases of development and avoid a fragmented approach.
- 7.15.5. Provision of utilities, highway infrastructure, water supply, wastewater disposal, schools and housing, open space, sport pitches, community buildings, sustainable transport etc would all need to be carefully considered and timing for delivery co-ordinated. UKPN provided advice in relation to electricity supply and raised no objection.
- 7.15.6. It is important that the facilities are managed and maintained by an appropriate organisation for the life of the development. The submission of a strategy for the long-term stewardship would be required. There would be a requirement to ensure the quality of open space and physical assets is adequate on handover to the appropriate body (such as the NHS for health clinics, KCC for schools and the household waste recycling centre) and this should be secured as a planning obligation.
- 7.15.7. Where infrastructure is not to be handed over to a statutory provider, the long term stewardship would need to be developed through some form of Business Plan that incorporates lifecycle and operational cost benchmarks for each item with the precise legal and operational structure to be agreed as a planning obligation. Planning obligations should be secured to require the management of renewable and low carbon energy infrastructure and energy supplies as part of the overall stewardship proposal.
- 7.15.8. Further details of the proposed legal status, funding arrangements and governance structure should be required prior to commencement of development. The initial focus would need to be on delivery of key infrastructure and design quality but this would shift as the development progresses to focus more on management and maintenance.
- 7.15.9. Community infrastructure
- 7.15.10. Additional educational facilities would be needed to meet the educational needs of the future population. The NPPF assigns importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. This is also reflected in policies CP5 and CP6 of the Local Plan, which set out that provision shall be made to accommodate local community services, social care and health facilities within new developments. Both policies conform with the NPPF and carry very substantial weight.
- 7.15.11. The delivery of other community facilities would also be secured via a planning obligation, requiring a Community Facilities Plan to bring forward of community space in order to meet

the needs of the development. The strategy for community facilities would include the proposed timing for construction and direct delivery or funding in lieu of direct delivery and the approach to triggers (expressed in terms of restrictions on dwelling occupations).

- 7.15.12. The school could be delivered either, by the Applicant transferring the school land to KCC who would deliver the school, or by the Applicant delivering the school themselves and transfer to completed building to KCC. KCC have raised no objection in relation to the location of schools.
- 7.15.13. National Health Service (NHS)
- 7.15.14. The application is accompanied by A Health Impact Assessment in 2021, while this has been taken into account the NHS have undertaken an independent analysis and advised that planning obligations are required to ensure provision of necessary health care facilities. Primary care should be provided as early as practical. The NHS have advised that given the size of the development in addition to primary care, capacity enhancements to acute care facilities would also be needed. The NHS advise that revenue costs can be managed by the Service, however there is a gap in relation to capital funding and without land and funding for the buildings the necessary floor space could not be provided.
- 7.15.15. Without delivery of additional health care floor space, health care would need to take place in existing health care facilities, which do not have the capacity to cope with additional demand from future occupiers of the development. Without capital funding (or direct delivery of health care facilities by the developer and transfer to completed building to the NHS), the result would be delays in the delivery of primary and acute care, which would no doubt have implications for patient health. A planning obligation is required to secure the delivery (either direct delivery or sufficient financial contributions) of the health care floor space necessary to meet the demands of the development.
- 7.15.15.1. The GP surgery in Teynham closed in 2023, since that time residents have had to travel to Sittingbourne to see a GP. The additional land proposed for health care in this application would allow the NHS to build health care facilities to meet the needs of existing Teynham residents as well as residents that would be living in the proposed housing. The NHS would need to cover construction costs, and given NHS funding constraints there is a level of risk over the delivery of the facility, and this limits the weight that can be given to this benefit in the planning balance.
- 7.15.15.2. The NHS have advised that if the development in this application comes forward, along with that proposed in application ref: 21/503914/EIOUT, then provision of an even larger facility would be required in this application site (the northern site) to meet the needs of both developments and existing residents in Teynham. If both applications were approved, changes would need to be made to the parameter plans and outline development specification to accommodate the larger facility.
- 7.15.15.3. However, this application is required to be considered on its own planning merits and any potential additional requirements of the site arising from other potential developments should not be determinative or overly influential in the assessment of this case.
- 7.15.16. The health care obligations have been considered against the tests set out in Regulation 122 of the Community Infrastructure Regulations. While officers agree there is a need for capacity enhancements to health care facilities to meet demand generated by the development, as it stands at this time the Council does not have sufficient detail to confirm the exact sums requested comply with all of the requisite tests. The Council has requested that the additional information be provided.
- 7.15.17. Network Rail
- 7.15.17.1. Network Rail have advised that given the proximity of future occupiers of the site to Teynham Station, that capacity enhancements would be needed at the station, including accessibility

enhancements and measures to ensure travel by public transport remains workable and is encouraged.

7.15.17.2. The obligations to enhance the capacity of the station to cope with additional demand generated by the development have been considered against the tests set out in Regulation 122 of the Community Infrastructure Regulations. Officers agree there is a need for capacity enhancements to the railway station, and further information has been sought from Network Rail to confirm the exact details of what is required.

7.15.17.3. Housing

7.15.17.4. As well as conventional housing (including affordable housing), the proposal includes specialist accommodation (Use Class C2). This would predominantly take the form of 'extra care' units that allow for practical living for older people (over 65s) and the delivery of care and assistance safely in that setting. The application is in outline form and exact details on the provision of extra care accommodation are not known at this stage. Once this detail is known, it may alter the funding necessary for other obligations, by way of example, future residents of extra care housing would not generate the need for school places, but may increase demand for health care facilities.

7.15.18. Planning obligations.

7.15.19. In addition to the requirements discussed above there are a range of other obligations that would be necessary if the development were to be approved. Set out in the table below are the planning obligations would be necessary to mitigate the impact of the development and make it acceptable in planning terms.

Requirement	Value	Towards
Ecology		
SAMMS payment	£328.27 per dwelling	North Kent Strategic Access Management and Monitoring Strategy.
Warden	£134.69 per dwelling	Funding to cover the cost of a warden to prevent recreational pressure at designated sites.
Education		
Education Delivery Strategy		The Strategy shall set out explicitly occupation restrictions aligned with the timing for delivery of infrastructure.
Nursery	26 Place nursery at each new primary school.	Delivery of a nursery as part of the primary school.
Primary Education Contribution	£7,081.20 per house £1,770.30 per flat	New on-site 2FE primary school
Primary Land		1 No. 2FE Primary School site of 2.05ha at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)
Special education	£559.83 per house	Contribution towards a new special needs school serving this

	£139.96 per flat	development and SRP provided within the Mainstream Education Schools on-site and within the Borough.
Secondary Education	£5,587.19 per house £1,396.80 per flat	Towards new secondary school to serve this development in the Sittingbourne non-selective and Sittingbourne and Sheppey Selective Planning Group
Secondary Education Land Contribution	£3,022.72 per house £755.68 per flat	Towards land acquisition costs of a new secondary school in the Sittingbourne area
Education review mechanism		Should either the mix or age restricted unit numbers change, Kent County Council to reassess the requirement for education places.
Community Learning and skills	£34.21 per dwelling	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.
Community		
Community Facility Delivery Strategy		The Strategy shall set out explicitly occupation restrictions aligned with the timing for delivery of infrastructure.
Integrated Children's Services	£74.05 per dwelling	Towards additional resources and equipment to enable outreach services delivery in the vicinity, and/or the upgrade of existing youth facilities or sport infrastructure in the Borough.
Library Service	£62.63 per dwelling	Towards additional resources, services and stock, the local mobile Library service and works to Sittingbourne Library to increase capacity to meet the needs of the development.
Social Care	£180.88 per dwelling	Towards Specialist care accommodation, assistive technology systems, adapting 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). Levels of Extra Care provision to be defined.
Community Buildings Specification		<ul style="list-style-type: none"> • Design that is Dementia friendly with dementia friendly decoration and signage. • A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc. • Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets (changing-places.org) • Provision of secure storage for Kent County Council's Social Care, Community Learning, Libraries and Youth Service.
Waste		
Waste - Contribution	£194 per dwelling	Towards a new Household Waste Recycling Centre (HWRC) on the Highsted Park South site and/or HWRC at Sittingbourne and/or increases in capacity at Faversham HWRC. Increases in capacity at the Waste Transfer Station in Sittingbourne.
Waste site land (in the event both this application and that proposed in ref: 21/503914/EIOUT come forward)		Proportionate financial contribution.
Wheelie Bins	<p>For houses (per house)</p> <p>1 x 180ltr green bin for refuse £51.20</p> <p>1 x 240ltr blue bin for recycling £51.20</p> <p>1 x 23ltr food bin £11.90</p> <p>1 x 5ltr food caddy £6</p> <p>For Flats (every 5 flats):</p> <p>1 x 1100ltr refuse - £497</p> <p>1 x 1100ltr recycling - £497</p> <p>1 x 140ltr food - £45.20</p>	Waste and recycling storage.

	1 x 5ltr food cady per flat– £6.00	
Health care		
Scenario 1 (assumes only this application proceeds)		
NHS primary and community care - Land		0.25 ha land for two storey healthcare facility and parking (0.3 Ha single storey and parking) – includes “minimum” size requirement and to accommodate potential for practice to relocate back to area. Serviced land to be available for transfer to NHS Kent and Medway ICB or its nominee at nil cost at commencement of development.
NHS primary and community care - Contribution	£1,666,872 or direct delivery of the health care facility by developer to NHS specification	
Scenario 2 (assumes this application and the development in 21/503914/EIOUT both come forward)		
NHS primary and community care - Land		0.73 ha land for two storey healthcare facility and parking (0.68 ha for 3 storey facility and parking)
NHS primary and community care - Contribution	£11,316,392 or direct delivery by developer to NHS specification.	Towards a health care facility of c. 2,520 m2 GEA or 2,400 m2 GIA on the northern site. Combined contribution (represents the cost if this application and the development in 21/503914/EIOUT both come forward).
Acute care		
NHS acute care - Contribution	£4,512,778	<ul style="list-style-type: none"> • Second cardiac catheter lab. • Increased Diabetes community clinics and workforce to deliver. • Increased Endoscopy suites and workforce to deliver. • Increased Community Diagnostics beyond the current CDC programme. • On site diagnostics expanded to meet inflated demand. • Emergency Department expansion. • Local Urgent Treatment Centre (Sittingbourne and Sheppey) provisions expanded.

Healthcare Facility Delivery Strategy		<p>The Strategy shall be produced in consultation with NHS.</p> <p>The Strategy shall set out explicitly occupation restrictions aligned with the timing for delivery of facilities.</p>
Energy		
Delivery, management and maintenance.	<p>Assess the feasibility of establishing an Energy Services Company (ESCo) on a phase-by-phase basis with the purpose of managing the renewable and low carbon energy infrastructure and energy supplies to individual households and non-domestic users to support the net zero aspiration. Establishing the ESCo if feasible.</p> <p>Strategy for managing the renewable and low carbon energy infrastructure and energy supplies to individual occupiers should a ESCo prove unfeasible.</p>	
Sport and open space		
Sport and open space delivery strategy.		<p>The Strategy shall set out explicitly occupation restrictions aligned with the timing for delivery of facilities.</p> <p>Transitional arrangements for the playing of cricket during the construction phase.</p>
Country Park		<p>Specification and Design Brief.</p> <p>Establishment of appropriate stewardship arrangements.</p>
On site sports facilities		<p>Specification and Design Brief.</p> <p>Cricket Club and pavilion.</p> <p>Establishment of appropriate stewardship arrangements.</p>
Play space		<p>Specification and Design Brief.</p> <p>Establishment of appropriate stewardship arrangements.</p>
Open Space Delivery and Certification Procedure		<p>Delivery of open space</p> <ul style="list-style-type: none"> • Process for certifying practical completion of each relevant piece of Open Space. • 12 month maintenance period following practical completion (Owner to make good any defects) prior to issue of final certificate.
Manage And Maintain		<p>Manage and maintain in accordance with the Estate Management</p>

		Principles approved as part of the Stewardship Vehicle. <ul style="list-style-type: none"> Restrictions on use for open space and no other purpose Permit general public access. Temporary open space provision.
Other sports facilities (in addition to cricket).	£490,126 (or direct delivery on site of 1.3ha)	Contribution towards off site facilities or direct delivery on site, or community use agreement with the primary school.
Swimming pools/indoor sports facilities.	£766,035	Capacity enhancements.
Highways and transportation		
Teynham railway station	£430,000	New shelters and seating on both platforms
Teynham railway station	£240,000	Monitoring of line loading
Teynham railway station	£100,000	Customer information screens
Teynham railway station	£100,000	Accessible toilets
Teynham railway station	£633,000	Station entrance and access improvements
Teynham railway station	£75,000	Accessible ticket machine.
Teynham railway station	£150,000	Secure cycle storage
Teynham railway station		Offsite highway works to improve access to the station from the site for pedestrians and cyclists.
Transport delivery strategy	The Strategy shall set out explicitly occupation restrictions aligned with the timing for delivery of infrastructure.	
Travel Plans and compliance Monitoring (KCC)	Travel plans and contributions towards the cost of KCC and monitoring compliance with travel plans.	
Transport Review Group (TRG) & Transport Monitoring Report	To set up TRG include arrangements for its future operation and the funding and coordination of its work- observe and perform the requirements of the TRG Terms of Reference (made up of National Highways, KCC Highways and Swale Borough Council and the Applicant's Highway consultant).	
Monitor and Manage Framework	Requirement for Transport Monitoring for the whole development.	

	Monitor and manage ("M&M") schemes (to be agreed via the TRG and subject to relevant approvals by overseeing highways authorities).
Highway Adoption Strategy	<p>Highway Adoption Strategy to be submitted for approval and include:</p> <ul style="list-style-type: none"> • The elements of the transport network which shall be offered for adoption by the local highway authority. • The elements of the transport network within the site which shall be retained in private ownership, with details of the management arrangements for these elements of the network for the life of the development. • The elements of the recreational path network that shall be offered for adoption as Public Rights of Way. • The elements of the recreational path network which shall be retained in private ownership, and the management arrangements for these elements of the network.
Busses	£2,200,000 representing 5 years of pump priming for 2 additional bus services.
Bus delivery and management strategy	Strategy to deliver publicly accessible bus services through the site, including trigger points for funding to ensure the service is delivered at an appropriate stage of build out, along with timing for delivery of supporting infrastructure in order to facilitate the bus service.
PRoW Management Scheme	<ul style="list-style-type: none"> • PRoW Management scheme to be provided to include each Public Right of Way affected, to cover pre-construction, construction and completion over the prolonged phasing schedule. • A separate scheme to be provided and agreed as each Phase comes forward for approval in the described Tier process. All details to be approved by KCC PRoW and Access Service prior to commencement of any works.
PRoW enhancement	<p>Scenario 1 application ref: 21/503906/EIOUT comes forward alone:</p> <p>PROW routes: £643,392 King Charles III England Cost Path: £686,448</p> <p>Scenario 2 both application ref: 21/503914/EIOUT and 21/503906/EIOUT come forward:</p> <p>PROW routes: 15,171m x £72m =1,092,312 King Charles III England Cost Path: £ 686,448</p> <p>Future commuted sum to cover future maintenance costs</p>
On-site pedestrian and cycle access	<ul style="list-style-type: none"> • Covenants to provide the pedestrian / cycle / routes and signage across each relevant phase. • Ensure each section links to existing network of pedestrian/cycle/existing network.

	<ul style="list-style-type: none"> • Covenants to maintain the cycleways and footways in good condition and repair. • Allow the general public free and unobstructed access (unless closed for construction activity, emergency or maintenance repair and agreed with Council). • Ensure they are kept lit (where appropriate), clean and free from obstruction in accordance with Green Infrastructure and Arboricultural Statement for each phase. • Submit for approval: • A plan of a network of pedestrian footways and cycle routes across that phase, which are not on plots disposed to plot developers. • Details and timetable for delivery of pedestrian footways and cycle signage to be installed across that phase.
Affordable housing	
Affordable housing	<p>Phase by phase review of the financial viability of the scheme to establish if additional affordable housing can be delivered.</p> <p>Affordable housing provision to be determined in conjunction with viability testing and consideration of financial contributions.</p>
Environmental	
Air quality mitigation	<p>Scheme detailing and quantifying measures and offsetting schemes to be included in the development, to reduce the transport related air pollution when in occupation.</p> <p>Mitigation measures to exceed damage cost in value.</p>
Air quality Working Group (AQWG)	To set up AQWG of air quality experts to include arrangements in place for its future operation and the funding and coordination of its work to ensure all mitigation is achieved, managed appropriately, and ensure enforcement procedures are put in place at each part of the developments phase.
Delivery and phasing	
Overarching Delivery Management Strategy (ODMS)	Set out the approach to the delivery and long-term management of the development.
Long term stewardship strategy	<p>Stewardship Vehicle set up to hold, manage, develop or otherwise deal with the freehold and/or leasehold interests of relevant areas of land or assets on the application site.</p> <p>Production of a Stewardship Vehicle Proposal (SVP) which means a written statement which shall include the following:</p> <ul style="list-style-type: none"> • proposed legal status, draft memorandum and articles of association; • the proposed Stewardship Business Plan; • the proposed Stewardship Vehicle funding arrangements including key principles for service charges, service charge increase and proposed limits; • the proposed Stewardship Vehicle governance structure;

	<ul style="list-style-type: none"> the proposed Stewardship Vehicle constitution and the proposed relationship to the Council; the proposed default and step in right arrangements; the proposed Estate Management Principles. The process to be followed for securing the LPA's written approval to periodic review of the SVP.
Asset Phasing Statement	<p>Written statement relation to each phase which shall include the following information:</p> <ul style="list-style-type: none"> the land and/or assets and facilities for each phase that are proposed to be transferred into the vehicle for long-term stewardship and trigger events to be approved for transfer into the vehicle with reference to number of dwelling occupations in the relevant phase; the anticipated costs of managing and maintaining the relevant land or asset based on actual figures where possible or examples of similar land or assets; the proposed sources of income and revenue; the most appropriate governance model to apply to each relevant area of land or asset; the timing of implementation of the chosen governance model and any interim measures required, including management by the LLP; any linkages between different areas of land or assets that should be reflected and/or considered as part of the governance model.
Monitoring	
Monitoring fee	<p>Contribution to cover the cost of monitoring the delivery of various planning obligations.</p> <p>KCC monitoring fee: £300 per trigger</p> <p>SBC monitoring fee: equivalent to 5% of financial contributions</p>

7.15.20. Viability

7.15.21. The supporting text to Local Plan Policy CP6 recognises that in some cases developer contributions may need to be reduced for viability reasons, however the Council will only agree to this where the advantages of proceeding with the development would significantly outweigh the disadvantages and, provided the Council's ability to comply with statutory duties would not be compromised. Viability review mechanisms would also be required to capture any uplift in value, which could then be used to fund any contributions that were initially unmet.

7.15.22. In terms of conformity of Local Plan Policy CP6 with the NPPF, it should be noted that paragraph 58 of the NPPF differs from Policy CP6, by stating the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. There is misalignment between CP6 and NPPF and officers consider moderate weight can be afforded to the policy.

- 7.15.23. In this case, the total quantum of financial obligations would equate to approximately £31,200,000. As has been discussed earlier in this section, further information is needed from the NHS and Network Rail in order for the Council to be able to justify these obligations.
- 7.15.24. Financial viability testing shows that if all the contributions were required to be met then the scheme could only deliver 4.24% of dwellings as affordable housing.
- 7.15.25. Conversely if 10% of dwellings were to be affordable housing, only £21,900,000 would be available for financial contributions (less than the total of £31,200,000). Higher levels of affordable housing would further reduce funding available for community and other infrastructure.
- 7.15.26. The Council has not reached agreement with the Applicant in relation to the planning obligations. If agreement had been reached in relation to obligations and the advantages of proceeding with the development would significantly outweigh the disadvantages, potentially the financial obligations could have been prioritised as envisaged by Local Plan Policy CP6 (subject to an upward only review mechanism).
- 7.15.27. The benefits of the scheme weighed against the disadvantages are considered in Section 7.25 of this report (The Planning Balance). In any event, no legal agreement is in place to secure necessary obligations, and in the absence of this the proposal would be contrary to policies ST1, CP1, CP2, CP3, CP4, CP5, CP6, CP7, DM8, DM17, DM19, DM20, DM28 of the Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 and policies CSW1, CSW3, CSW4, CSW6, DM17 of the Kent Minerals and Waste Local Plan 2013 – 30 and the KCC Developer Contributions Guide 2023 and Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011, Planning obligations PPG - Paragraph: 036 Reference ID: 23b-036-20190901 and The Community Infrastructure Levy Regulations 2010.

7.16. Open Space, Sport and Recreation

- 7.16.1. Policy DM17 of the Local Plan relates to open space, sports and recreation provision. The Policy aims to safeguard existing open space, sports pitches and facilities, make provision for open space and for sports facilities. Where it is not appropriate to make provision for new open space and sports facilities on site, make contributions to the off-site funding of facilities. Moderate weight can be afforded to this policy.
- 7.16.2. The existing Bapchild Cricket Club is to be relocated to facilitate the development. The cricket ground would be moved further to the north, with the proposed cricket facilities consisting of the provision of a cricket pitch and outfield with an associated Clubhouse providing changing facilities and toilets.
- 7.16.3. In terms of compliance with Table 7.5.1 in Policy DM17, the table below shows site wide provision against requirements.

Type	Requirement ha	Proposed ha	Short fall
Parks and gardens	3.33	11.88	No
Natural and semi-natural greenspace	13.08	9.58	Yes
Formal outdoor sport	3.27	3.64	No
Amenity greenspace	1.35	28.43	No
Provision for children and young people	0.15	1	No
Formal play facilities	Contribution either on or off site to enhance existing		
Allotments	0.60	0.60	No

- 7.16.4. Care is needed in relation to the standards set out in Policy DM17 in that requirements change depending on the provision of the various typologies and as Swale's population changes (noting that the ratios required in table 7.5.1 date from 2017). That said, the table above shows that there would be a shortfall in natural and semi-natural greenspace. Officers note that there would be a generous over provision of parks and gardens and amenity greenspace. In addition, landscaping buffers are proposed along roads, and on balance no objection is raised to the shortfall in natural and semi natural greenspace.
- 7.16.5. Sport England advised that the future population living in the scheme would generate significant demand for sports facilities and financial contributions would be needed to fund capacity enhancements made necessary as a result of the development.
- 7.16.6. The enhancements proposed in the application to the Bapchild Cricket Club are noted, the cricket ground would remain in situ with improvements made to the cricket outfield and the development of a new pavilion.
- 7.16.7. Sport England expect the new facilities to be designed in accordance with relevant guidance for the construction and maintenance of pitches, outfield, pavilions and clubhouses.
- 7.16.8. Future occupiers of the scheme would increase demand for facilities. Financial contributions should be secured as part of any consent to ensure there is sufficient capacity in offsite (indoor and outdoor) sporting facilities to cope with the additional demand generated by the development.
- 7.16.9. Off-site contributions for increased capacity of grass pitches and AGP would equate to £490,126. In addition to sports pitches, the Built Facilities Strategy identifies the need for increased water provision (swimming pools) to provide facilities for the new population and Sport England Facility Calculator identifies required contributions of £766,035.
- 7.16.10. The proposal includes a range of formal and informal open space areas. These would provide large and small areas for organised sports and play, recreational use, amenity, productive landscapes, biodiversity and ecology.
- 7.16.11. The proposal distributes play spaces across the site, with natural landscape assets and the existing character of the site provides a natural backdrop for the play areas, with emphasis on natural play and accessibility. The play areas will vary in character to reflect the landscape and provide interest to the play areas. The NEAP proposed within Tonge Country Park is located directly off the Footway/Cycleway route to provide access from the development cells.
- 7.16.12. It is proposed to deliver access to food production in the form of traditional allotments, community gardens and community orchards. In addition to the public open space areas, there will also be additional areas of private space as part of front and rear private gardens, courtyards, balconies and terraces for residential dwellings.
- 7.16.13. Semi-natural Greenspace is proposed to be planted with native plants of the sort that are naturally found in the surrounding landscape and woodland areas.
- 7.16.14. The proposals would provide a variety of landscapes close to homes, which are connected, to allow people to move freely within the landscape. There would be contrast of wide, wild open spaces to small, intimate and calm spaces.
- 7.16.15. Subject to conditions and planning obligations, officers consider that the proposals would broadly accord with Policy DM17 of the Local Plan and no objection is raised.

7.17. Flood Risk, Drainage and Surface Water

- 7.17.1. The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in Policy DM 21 of the Local Plan (the policy carries substantial weight). The KCC Drainage and Planning Policy SuDS Policy 4 also seeks to reduce and avoid existing flood risk.
- 7.17.2. Environment Agency's (EA) Flood Mapping for Planning (Rivers and Sea) suggests that the majority of the site (approximately 98%) is located within Flood Zone 1. The topography of the site features several significant dry valleys, which have been classified as Flood Zone 2 and 3 on the EA Maps for planning.
- 7.17.3. The Applicant raised concern that Flood Zone 2 and 3 relates to rivers and the sea, which are not present on site. The Swale Borough Council Level 1 Strategic Flood Risk Assessment confirms that the dry valleys are surface water overland flow paths. The dry valleys collect and convey a considerable volume of water across the site and pose a flood risk.
- 7.17.4. It is clear that when a site is at risk of flooding from any source, planning applications relating to development on the site would need to first satisfy the Sequential Test. Paragraph 165 of the NPPF confirms that relevant development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Given the development proposed and as there are flooding sources across the site, a Sequential Test is necessary for this application.
- 7.17.5. Paragraph 168 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites (appropriate for the proposed development) in areas with a lower risk of flooding.
- 7.17.6. The Applicant provided a Sequential Test which confirmed that there are not sequentially preferable sites where the proposal could be located. The SNRR would need to be located within the search area set out in Local Plan Policy AS1. It would not be logical to disaggregate the proposed village, as the interconnected benefits arising from the proposed mix of uses (e.g., the school and other community infrastructure supporting housing) would be lost.
- 7.17.7. Taking account of the quantum of development proposed, officers are of the view that there are not sequentially preferable sites (in terms of flood risk) where the development could be located. It is important to state at this point, that while officers are satisfied for flood risk purposes there are not sequentially preferable sites, the principle of the developing the proposed uses in this location is contrary Development Plan policies, as is discussed in Section 7.4 of this report.
- 7.17.8. In terms of the Exception Test (which follows on from the Sequential Test), there are two requirements:
- development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
 - the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 7.17.9. The Applicant has advised that this relates to delivery of housing, employment space (and associated jobs) in light of the Borough not having an UpToDate Local Plan. The Applicant advises that the proposal is sustainable development and the benefits provided to the community outweigh the flood risk.

- 7.17.10. As is set out in the Conclusion section of this report, the development is not considered to represent sustainable development, however it is accepted that the illustrative drainage proposals and flood risk mitigation measures (subject to conditions being imposed on any consent to secure these) result in an overall reduction in flood risk to the wider community (a wider sustainability benefit to the community).
- 7.17.11. It remains critical that the application shows that the development would be safe for its lifetime and that it would not increase flood risk elsewhere. To mitigate impacts during construction it is proposed to implement a Construction Environmental Management Plan (CEMP) and install temporary drainage network to ensure adequate levels of pollution treatment prior to discharge from Site.
- 7.17.12. The early delivery of the operational surface water drainage strategy and additional temporary construction measures is also proposed to ensure that the surface runoff is controlled and discharged so as not to increase the overall runoff rate.
- 7.17.13. It is generally proposed that development would be steered away from dry valleys, as they convey surface water run-off during prolonged heavy rainfall. These flow paths would be managed within the masterplan as landscape corridors of blue-green infrastructure passageways. The FRA states that all built development, including excavation for ponds would be set back from the major surface water flow paths.
- 7.17.14. Where the proposed SNRR crosses the dry valley and Tonge Mill stream, it is proposed that the flood path would be maintained by a provision of appropriately sized bridge. The bridge would be sized to take into account of potentially increased flows due to the climate change. The size of the bridge would be confirmed at a reserved matters application stage (a condition should be imposed on any consent to secure this).
- 7.17.15. An area of the site (within a dry valley and flow path) has been identified as potentially being suitable for mineral extraction (brick earth). The extraction of minerals within the flow path in the future has potential to redistribute overland flows and as such would be of significant concern. This is discussed in further detail at Section 7.23 of this report.
- 7.17.16. Part of the outline drainage strategy involves locating drainage infrastructure (a balancing pond) in an area with a high potential of accommodating archaeological remains of great significance. The drainage feature would have to be repositioned to elsewhere within the development. Conditions should be imposed on any consent to ensure any relocated drainage infrastructure is located suitably close to the phase it would be draining. The Applicant would need to undertake further work to identify suitable areas and if necessary, redesign the relevant element of the drainage strategy.
- 7.17.17. As the existing site is undeveloped and is predominantly soft landscaped, surface water runoff from the developed site will be restricted to the existing greenfield rate. To ensure the run-off from the developed site mimics or is less than that of the existing site, sustainable drainage measures are proposed to be utilised. Conditions should be imposed on any consent to ensure runoff is restricted to the 1 year Qbar rates (0.82 or 0.96 l/s/ha).
- 7.17.18. The introduction of infiltration techniques would also potentially reduce existing surface water flooding downstream. The site is within ground water Source Protection Zones (SPZ) 2 and 3. The EA highlighted that the use of deep boreholes can facilitate the movement of contamination to ground water, the EA recommended a suite of conditions be imposed on any consent to protect ground water and control infiltration.
- 7.17.19. Where the eastern most dry valley leads through the developable area, green-blue infrastructure corridors are proposed (these are shown in on the land use parameter plan), culverts are shown in the FRA beneath any areas where access is required. The KCC Flood

and Water Management team raised concern that if housing is allowed too close to the flow path it could become 'squeezed' which would increase the speed of flows.

- 7.17.20. If approved conditions should be imposed on any consent requiring further details of the flow path width, the location of buildings relative to it and to control the velocity of surface water flows. The KCC Flood and Water Management team advised that modelling of flow should factor in 'urban creep'. This is the conversion of permeable surfaces to impermeable over time e.g., extensions to existing buildings, creation of large patio areas and the like.
- 7.17.21. Southern Water recommended a series of conditions to ensure the development, including landscaping and tree planting do not adversely impact on the existing drainage network. If approved the recommended conditions would need to be imposed on any consent. Southern Water have raised no concern in relation to the ability to supply water to the development.
- 7.17.22. In terms of foul water, in the existing situation there are known problems with the capacity of the sewer system in Teynham (foul water flooding from the sewer network).
- 7.17.23. A study by Southern Water indicates that the additional flows associated with the introduction of 1,250 new homes could lead to an increased risk of foul flooding from the sewer network. Network reinforcement that is deemed necessary to mitigate the risk of foul water flooding would be provided by Southern Water.
- 7.17.24. Southern Water requires that the developer work with them ensure the delivery of sewer network reinforcement aligns with the proposed occupation of the development. The EA also raised this as a concern. The EA recommend that conditions be imposed on any consent to ensure occupation of the development is restricted until such time as adequate capacity is provided to the sewer network to prevent risks to ground water.
- 7.17.25. It should be noted the review of the ES identified concerns in relation to the technical adequacy of the water quality, hydrology and flood risk chapter of the ES.
- 7.17.26. Had the application been recommended for approval, further information would have been sought to address concerns raised in relation to the adequacy of the ES. If the concerns in relation to the ES were to be adequately addressed and the additional environmental information did not give rise to substantive planning objections, subject to the conditions required by the EA, KCC Flood and Water Management and Southern Water being imposed on any consent the proposals would comply with Policy DM 21 of the Local Plan, the NPPF and guidance with respect to reducing flood risk and water management.

7.18. Contamination and waste management

- 7.18.1. The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.
- 7.18.2. The site has historically been agricultural land. Historic Chalk and Clay pits with associated infrastructure and tramways was located on the east of the Site. The potential for the mobilisation and spread of contaminants during construction is possible; however, subject to a Piling Risk Assessment and the Construction Environmental Management Plan, the construction activities could be appropriately controlled (including leaks and spills).
- 7.18.3. The site includes areas which are designated as ground water Source Protection Zone (SPZ) 2 and 3 and there is a risk of vertical leaching occurring due to underlying geology and a high water table. The Applicant's Preliminary Risk Assessment also identified the potential for ground gas (methane and carbon dioxide). Further investigation was therefore undertaken to assess ground conditions and contamination levels across the Site. Works included shallow and deep boreholes across the site for ground gas and groundwater monitoring.

- 7.18.4. Made ground was encountered within all exploratory locations, and testing showed exceedances in the acceptable levels of some contaminants. The conclusion of the further investigation was that a moderate risk to controlled waters identified, and that further targeted investigations, including groundwater monitoring, and ultimately a remediation strategy would be required. The EA reviewed the investigations and agreed with the findings.
- 7.18.5. Additional site investigation works would be required as part of mitigation (Remediation Strategy) in relation to ground water, soils, geology and contamination (including ground gas). Should unacceptable contamination be encountered then a Detailed Remediation Strategy would need to be undertaken. This would be required to be instigated ahead of each phase of development.
- 7.18.6. Ground gas protection measures may need to be incorporated within residential and commercial development. Groundwater monitoring to assess on-going risks to controlled waters would also be required.
- 7.18.6.1. Policy CSW3 of the Kent Minerals and Waste Local Plan (2020) relates to waste reduction and requires new development to minimise the production of construction, demolition and excavation waste and manage any waste. New development should include detailed consideration of waste arising from the occupation of the development including consideration of how waste will be stored, collected and managed.
- 7.18.6.2. Swale's Local Plan Policy DM19 requires the promotion of waste reduction, re-use, recycling and composting, during both construction and the lifetime of the development. The policy conforms with the NPPF and carries very significant weight. The ES identifies anticipated waste types during construction and operational phases along with waste management strategies to reduce waste to landfill. The residual effects are identified as neutral during construction and operational phases (with mitigation).
- 7.18.6.3. If approved, waste targets and the other mitigation measures proposed should be secured by a condition on any consent, with the aim of directing the majority of waste for reuse and recycling and minimising waste sent to landfill, promoting a circular economy. A financial contribution is required to enhance capacity in off-site waste facilities and would need to be secured as a planning obligation on any consent.
- 7.18.6.4. A Preliminary Unexploded Ordnance (UXO) Threat Assessment was undertaken, this found there was no bombing or bomb damage recorded in the vicinity of the site during WWII, there is no evidence to suggest that further investigation into UXO is warranted.
- 7.18.7. With appropriate embedded and additional mitigation implemented (secured by conditions on any consent), construction and operational phase impacts from contamination would be appropriately mitigated.

7.19. Living Conditions

7.19.1. Existing residents

- 7.19.2. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Paragraph 135(f) of the NPPF states that decisions should ensure high standards of amenity for existing and future users. Local Plan Policy DM14 sets out general design criteria and also requires proposals to cause no significant harm to amenity.
- 7.19.3. Construction activities generate noise and disturbance with the potential to harm the living conditions of existing residents. Measures would be needed to mitigate the impacts. These are recommended in the ES and appropriate conditions (securing a comprehensive suite of measures in place to mitigate and control impacts during the construction phases) should be imposed on any consent.

- 7.19.4. Potentially adverse impacts from construction can be reduced or offset through the implementation of effective management controls. The ES includes an Outline Construction Environmental Management Plan (CEMP). The Outline CEMP contains provisions relating to contractor and general public liaison, hours of work, methods to deal with complaints and outline management practices to control dust, traffic and access, waste, water pollution, ecological and archaeological effects throughout the construction work.
- 7.19.5. If approved, for each reserved matters application within a specific phase, a detailed CEMP, would need to be prepared by the principal contractor, who would be required to subscribe to the Considerate Contractors Scheme (CCS). The detailed CEMPs would be required to adhere to the requirements of the Outline CEMP and be tailored to the phase coming forward and cognisant of any additional information which has come forward over the intervening time period. The detailed CEMPs would have to take into account any legislation, guidance or best practice which has come forward over the intervening time period from when any outline consent was granted.
- 7.19.6. A specific Project Environmental Manager (PEM) would be included as a requirement. The PEM would have primary responsibility for liaising with the Local Planning Authority and other statutory agencies on environmental matters. It is anticipated that regular meetings would take place to review progress and to agree necessary options.
- 7.19.7. The PEM would deal with queries from the public and other complaints and enquiries. This nominated individual would be named at the site entrance for each phase, with a contact number.
- 7.19.8. The purpose of the CEMPs would be to identify potential adverse environmental issues, to specify measurable limits and targets, and to detail the mitigation measures to be undertaken and the management tools and procedures required. The CEMPs would effectively provide an operational manual detailing the management, monitoring, auditing and training procedures to be followed during the works. It would also set out the specific roles and responsibilities of the contractors and wider project team personnel. This is particularly important given the length of time it is proposed for construction works to take place (10 years).
- 7.19.9. A Site Waste Management Plan (SWMP) would be required detailing how waste created during the construction phase would be managed. Specific detail relating to the management of construction traffic should be secured within a dedicated Construction Transportation Plan (CTP). Conditions should be imposed on any consent to secure the SWMP and CTP.
- 7.19.10. Looking beyond construction impacts, most of the proposed development is set well away from existing residential occupiers, however there are instances where there are close adjacencies and as such care is needed to ensure adequate separation is maintained to prevent harm from overlooking, overshadowing or a loss of outlook.
- 7.19.11. The Council's Design and Extension - a guide for Householders Supplementary Planning Guidance (SPG) suggests that at least 21m separation distance should be maintained between habitable room windows in different dwellings. This is to prevent a significant loss of amenity relating to daylight/sunlight, visual intrusion to outlook and privacy. The distance is not applied to dwellings facing each other across a street.
- 7.19.12. The parameter plan – Development, indicates a green buffer between proposed housing and existing residential dwellings. This would provide some relief between existing residents (for example along Frogmal Lane and Lower Road). As a control document, if approved the development would need to adhere to the parameter plan. The Parameter Plan Built Form Heights – North shows building heights reduce to 10m towards the edges of the site, again as a control document, if approved the development would need to adhere to the parameter plan.

- 7.19.13. If approved, conditions would be needed to ensure adequate acoustic insulation of proposed buildings, plant and equipment, along with controls over lighting, delivery times and hours of use of the various non-residential proposals.
- 7.19.14. To the west of the site the proposed SNRR would extend from Swale Way and traffic noise has the potential to adversely impact the living conditions of existing residents. It should also be noted that consent for a residential development has been granted north of the railway line adjacent to the SNRR (Ref no: 22/502834/EIOU - Land West of Church Road) While not existing residents, it is important that the development proposed in this application has an appropriate relationship with committed development.
- 7.19.15. The newly introduced road has the potential to increase noise levels at existing buildings at facades overlooking the proposed road. An acoustic fence is proposed to be installed. The proposed mitigation measures including an acoustic barrier of at least 2m in height to provide screening between the road link and the existing residential receptors and low noise road surfacing to adequately reduce noise levels at existing properties.
- 7.19.16. The application makes the assumption that existing housing is typically fitted with double and attenuated trickle ventilation, with this the calculated noise levels indicate that no further specific mitigation would be required to achieve suitable internal noise levels within the existing dwellings.
- 7.19.17. However, there is no evidence to show all existing dwellings near the proposed road have double glazing. If approved conditions should be imposed on any consent requiring further assessment, testing and if necessary further noise abatement measures to protect existing residents from undue noise. Kent Police recommend a condition be imposed on any consent to ensure that the development follows Secure By Design guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety.
- 7.19.18. External ambient noise levels in garden spaces have also been considered, the testing indicates that noise levels within the closest gardens will fall below the British Standard for noise levels in external amenity spaces.
- 7.19.19. The Council's Environmental Protection team have raised concern over the noise assessment relative to long term and short-term model outputs and has recommended that the modelling be revised to overcome the issue before any consent is issued. This undermines the accuracy of the noise modelling, potential impacts and required mitigation, and prevents an informed decision being made in relation to the impact from traffic noise. There is an objection to the scheme in this regard.
- 7.19.20. To control the impact of vibration during construction, limits relating to the perceptibility of vibration are proposed. Subject to a condition being imposed on any consent to limit vibration as proposed no objection is raised in terms of compliance with Policy DM14.
- 7.19.21. Future residents
- 7.19.22. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings and should generally provide dual-aspect accommodation and avoid overlooking between dwellings. The Council's Design and Extension - a guide for Householders Supplementary Planning Guidance (SPG) suggests that at least 21m separation distance should be maintained between habitable room windows in different dwellings.

- 7.19.23. It is proposed that the new dwellings would include insulated double glazing and sufficient attenuated double glazing to avoid adverse impacts from noise. This should be secured by way of a condition on any consent.
- 7.19.24. The Technical housing standards – nationally described space standard (2015) sets out internal space standards for new dwellings. While no internal floor plans have been provided, the Outline Development Specification (a control document) states that all residential dwellings would comply with relevant nationally described space standards across all tenures, subject to evidenced local need and where the viability of the development is not compromised.
- 7.19.25. There is therefore some ambiguity over whether proposed homes would all meet the space standards. Swale has not adopted the space standards, there is however commentary in the Council's Developer Contributions SPD (2009) relating to affordable housing which states:
- Internal space standards, should as a minimum, comply with current Homes & Communities Agency Design and Quality Standards.*
- 7.19.26. If approved, conditions should be imposed on any consent to ensure affordable housing meets the nationally prescribed space standards. If approved, care would be needed at the reserved matters stage to make a balanced assessment of the quality of private sector accommodation to ensure it is adequately sized and meet the identified local need at the time detailed proposals are put forward.
- 7.19.27. A proportion of proposed dwellings would provide accommodation for families, and it is important to ensure the dwellings are provided with adequate external amenity/garden space. It is important that all flats, particularly those providing family accommodation have direct access to an outside amenity space. Reserved matters applications would need to be designed to achieve the above.
- 7.19.28. Given the outline nature of the application, no information of internal daylight light levels for the proposed homes has been made available. If approved, early testing of outlook, light and overlooking impacts will be needed as part of reserved matters applications to establish the acceptability of the proposed arrangements.
- 7.19.29. Policy CP3 of the Local Plan states that dwellings should meet the needs of specific groups including disabled persons and as the scheme is developed details should be provided to show how this could be achieved. The policy accords with the NPPF and carries very substantial weight. To demonstrate accessibility requirements have been met an Accessibility Assessment should be required as part of reserved matters applications. A condition should be imposed on any consent to secure this.
- 7.19.30. The mixed-use centre could accommodate food businesses (with associated cooking odours), employment space is also proposed which often require plant and equipment. Conditions should be imposed on any consent to ensure noise (including from plant), fumes and odours associated with non-residential uses are appropriately mitigated. Further conditions would be necessary to control hours of operation, delivery times and lighting.
- 7.19.31. Conclusion
- 7.19.32. It should be noted the review of the ES identified a key concerns in relation to the technical adequacy of the noise chapter of the ES. The Environmental Health Officer has raised the same concern, which relates to the way model outputs have been compared. The Environmental Health Officer has recommended that the modelling be revised to overcome the issue. This concern undermines the accuracy of the noise modelling, potential impacts and required mitigation, there is an objection to the scheme in this regard. The application

fails to demonstrate it would not result in harmful noise impacts to the living conditions of residents, contrary to Policy DM14 of the Local Plan.

7.20. Sustainability / Energy

- 7.20.1. The Local Plan energy policies DM19 (which carries very substantial weight) and DM20 (substantial weight) require that the development meets prevailing energy efficiency standards through the implementation of the energy hierarchy. The Applicant's Sustainability and Energy Statement was prepared in accordance with the sustainability criteria outlined in Policy DM19. The overall approach is the same as that for application ref: 21/503914/EIOUT.
- 7.20.2. Water consumption, sustainable transportation, adaptation to climate change, material use, waste management and sustainability assessment methodologies such as BREEAM and Home Quality Mark (HQM) were all considered.
- 7.20.3. The application would meet the Local Plan policy requirements, achieving a 100% reduction in operational carbon compared to 2013 Building Regulations (offsetting carbon associated with both regulated and unregulated energy use).
- 7.20.4. An assessment of the energy demand and carbon dioxide emissions has been made to demonstrate the expected energy and carbon dioxide emission savings from energy efficiency and renewable energy measures incorporated in the development. The recommended energy strategy is based on a fabric first approach, utilising passive design measures, well insulated and airtight building fabric and high efficiency lighting and ventilation systems.
- 7.20.5. To achieve the carbon target for operational energy (both regulated and unregulated energy use) the calculations conducted to show that a solar Photo Voltaic (PV) arrays would be required. It is proposed that solar panels be mounted on the roofs of proposed buildings (not ground mounted panels part of a separate solar farm).
- 7.20.6. Although roof mounted solar thermal panels were considered to have some benefit, analysis shows it would be preferable to utilise the south sloping roofs within the proposed site for PV, as PVs are a more efficient way of achieving savings CO2 emissions. Utilising solar PV with battery storage is recommended as part of the sites renewable and low carbon strategy to assist in achieving net zero carbon.
- 7.20.7. The Applicant's Sustainability and Energy Statement calculated the energy demand from the development and the quantity of PV panels that would be required to meet this and offset carbon. Conditions would need to be imposed on any consent to ensure, for example, the energy is used in the way proposed.
- 7.20.8. Battery Energy Storage Systems (BESS) would be needed, battery packs could either be located within individual dwellings or located in large communal battery banks to support communal services and infrastructure. The Applicant's Sustainability and Energy Statement states that centralised 'energy hubs' connected to a smart energy network with communal battery storage could be investigated further during detailed design.
- 7.20.9. The statement is ambiguous, indicating the potential for 'further investigation' and as such a condition should be imposed on any consent to secure further details of exactly what is proposed in terms of BESS. The Kent Fire and Rescue Service were consulted and provided advice in relation to what information would be required from a safety perspective. A condition should be imposed on any consent to secure this. In addition, information should be provided to show how and where energy would be generated (panel details), stored (BESS) and distributed on a phase by phase basis.
- 7.20.10. Local Plan Policy DM20 aims to encourage renewable energy, but also sets out criteria to ensure such development does not take place at any cost, for example in terms of landscape,

visual and heritage impacts. The development on which the PV panels would be mounted (houses and other buildings) would result in such significant adverse impacts (as is discussed in other sections of this report), as such there would be a degree of conflict with Policy DM20.

- 7.20.11. The Applicant's Sustainability and Energy Statement advises that the size, scale and variety of renewable energy types proposed to be generated on the site (solar PV, air and ground source heat pumps) coupled with the use of onsite battery storage provides the site with the ability to balance generation and demand throughout the day and night and across the seasons. Further details as to how this would be achieved should be secured by way of a condition on any consent.
- 7.20.12. Due to the limited amount of information available at the outline stage, the energy calculations are estimated based on typical dwelling/building designs. If approved, detailed energy calculations to confirm the building design energy performance would need to be secured at the detailed design stage. Conditions and planning obligations should be secured to ensure there is a testing regime (post construction of buildings) to ensure the completed buildings actually achieve the requisite standards.
- 7.20.13. The installation of Ground Source Heat Pumps (GSHPs) for the provision of primary space and domestic hot water (DHW) heating is recommended in the Applicant's Sustainability and Energy Statement as a solution for the larger non-domestic buildings as well as a communal heating system for apartments.
- 7.20.14. The installation of Air Source Heat Pumps (ASHPs) for the provision of primary space heating is also recommended as a solution for the proposed dwellings and some of the commercial units or smaller non-domestic buildings. The heat pumps could also be integrated into a reverse cycle system that could also provide cooling if required. To ensure none of the dwellings will be reliant on gas heating, using an ASHP is the preferred electric sourced heating system.
- 7.20.15. The Applicant's Sustainability and Energy Statement advises that the Applicant's approach is to be gas free, while this is laudable, if weight is to be given to this commitment, then it must be secured as a condition on any consent.
- 7.20.16. The Energy Strategy states that the microgrid infrastructure needed for the energy network could be developed and managed by a community energy service company (ESCo) allowing flexible demand, generation and storage across both the domestic and business sectors.
- 7.20.17. Achieving this would be extremely complicated, and evidence would be required to show the ESCo, as an organisation, is appropriately funded, qualified and experienced and able to deliver energy in the long term. The ESCo would need to ensure an end-to-end solution with integrated energy distribution networks, heat and air pumps, batteries, solar PV, EV and electric bike charging on a phase-by-phase basis.
- 7.20.18. There would also need to be some form of control in place to ensure the cost of energy to consumers is competitive. While the use of an ESCo could theoretically be successful, the approach involves a degree of risk.
- 7.20.19. The feasibility of involving an ESCo would need to be well established before this approach could be agreed for any phase. Conditions and planning obligations would be needed on any consent to ensure the management and maintenance of onsite energy generation is acceptable.
- 7.20.20. The Applicant's Sustainability and Energy Statement states that the development has used the Smart Solar Homes: Journey to Net Zero report prepared by Solar Trade Association as a guide in developing the energy strategy. The energy strategy for the development will target

the Generation 4 (G4) Ultra-Flexible standard with PV, battery storage, intelligent controls and electrically powered heating & cooling (such as heat pumps).

- 7.20.21. The Generation 4 (G4) standard is laudable, however simply targeting the standard could mean a lesser standard is achieved. A condition requiring achievement of this commitment would need to be imposed on any consent if positive weight is to be attributed to this.
- 7.20.22. The consumption of potable water from all sources is proposed to be limited to no more than:
- 100 litres per person per day in the homes; and
 - a greater than 12% improvement on building regulations maximum water consumption for non-domestic elements.
- 7.20.23. A condition would need to be imposed on any consent to secure the water consumption limits.
- 7.20.24. The Applicant's Energy Strategy recommends that the buildings are assessed against the BREEAM and Home Quality Mark (HQM) sustainability assessment methodologies. It is also recommended that detailed Pre-Assessments should be conducted as soon as possible and completed prior to the end of the concept design stage (RIBA Stage 2) to ensure early-stage credits are not missed. Conditions should be imposed on any consent to secure this.
- 7.20.25. The proposals commit to the non-residential development being assessed against the BREEAM methodology and achieve a BREEAM Excellent rating, or equivalent, as a minimum. A condition should be imposed on any consent to secure this.
- 7.20.26. The proposals are acceptable for this stage of the planning process, conditions and planning obligations would need to be imposed on any consent to ensure the detailed design of buildings in each phase deliver the carbon and energy saving set out in the Sustainability and Energy Statement and to ensure energy generation is delivered and managed appropriately. Subject to this the application would comply with Local Plan Policy DM19.

7.21. Impact to the rural economy

- 7.21.1. The site is in a rural location and as such Policy DM3 of the Local Plan is considered relevant. The Policy states that planning permission for residential development will not be permitted where this would reduce the potential for rural employment unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable.
- 7.21.2. The majority of existing farmland on the site is currently used for crop growing, orchards and the like (in demand and suitable). Clearly the loss of this land would impact on those rural workers who are engaged in planting and harvesting and associated activities. The existing farming operations support the rural economy (and much of this would be displaced).
- 7.21.3. In the absence of evidence to demonstrate there is no demand for the farmland or that it is undesirable or unsuitable for this use the proposals are contrary to Policy DM3 of the Local Plan.
- 7.21.4. In terms of the weight that can be afforded to Policy DM3, the aims of the Policy generally conform with the NPPF, moderate weight can be given to the Policy.
- 7.21.5. In terms of space to meet local business need, it is noted that 2,200sqm (Class E (g)) of employment space is proposed, however (and noting the contents of the ELR), there is no evidence to suggest this space is needed to meet local business needs. As is discussed in previous sections of this report, concerns are also raised in relation to whether the development would be sensitive to its surroundings and not have an unacceptable impact on local roads.

7.21.6. In summary, the proposal is considered contrary to Local Plan Policy DM3 and this weighs against the scheme in the balance of considerations relevant to determination of the application.

7.22. Loss of Best and Most Versatile Lane

7.22.1. The site extends predominantly over agricultural land in arable use. The application is accompanied by an Agricultural Land Classification report which assesses the quality of the agricultural land and provides the following conclusion which is set out in the table below:

Grade	Description	Area (Ha)	Agricultural land %
1	Excellent		
2	Very good quality		
3a	Good quality	78.9	87.6%
Total grade 1, 2 and 3a		78.9	87.6%

7.22.2. Local Plan Policy DM 31 aims to ensure that Best and Most Versatile land is only developed where there is a demonstrated need and where other options have been examined first; and having regard to other sustainability considerations.

7.22.3. The explanatory text to Policy DM31 explains at paragraph 7.7.97 that agriculture continues to shape the nature and character of the countryside and that Swale remains associated with a long history of fruit production. Significant areas currently in fruit production would be lost. Policy DM31 refers to national concerns over food security and food miles, and carries moderate weight..

7.22.4. Local Plan Policy ST5 (part 11) states that unless allocated by the Local Plan, development should avoid the loss of high-quality agricultural land.

7.22.5. In terms of conformity with the NPPF, Policy ST5 does conform with much of the NPPF because it sets out how the local plan will deliver sustainable development in the wider Sittingbourne area (and is afforded very substantial weight).

7.22.6. Natural England advised that if the development is approved, the developer should use an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and if approved conditions should be imposed on any consent to require the developer to adhere to this.

7.22.7. Given the extent of encroachment into agricultural land there is concern that the development would result in the remainder of some of the agricultural holdings becoming unviable.

7.22.8. The NPPF at paragraph 180 states in part that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued soils and the wider benefits from natural capital and ecosystem services, by recognising the economic and other benefits of the best and most versatile agricultural land.

7.22.9. The ES discusses cumulative effects on agricultural land, with no discussion of mitigation. The Applicant states that further detailed assessment will be required but does not specify what. The ES is inadequate in this regard and an informative should be added to any decision to highlight this shortcoming.

- 7.22.10. The proposed loss of best and most versatile agricultural land is contrary to Policy ST5 and DM31 and paragraph 180 of the NPPF, resulting in the loss of arable farmland for food production and security. The application is contrary to both local and national policy which weighs against the proposal.

7.23. Minerals

- 7.23.1. Brickearth around the Sittingbourne area has been extensively quarried for the production of 'London Stock' bricks and is a designated safeguarded mineral within Kent for the continuing production of this kind of brick. Kent Minerals and Waste Local Plan 2013 – 2030 Policy CSM5 identifies the areas in which safeguarding applies to mineral resources in Kent. The Mineral Safeguarding Areas cover the known locations of specific mineral resources that are, or may in future, be of sufficient economic value to warrant protection for future generations.
- 7.23.2. The site is identified as having the potential to contain safeguarded minerals (brick earth). Paragraph 218 of the NPPF states that development proposals (unrelated to mineral extraction) should not normally be permitted in Mineral Safeguarding Areas if it might constrain potential future mineral working.
- 7.23.3. The Kent Minerals and Waste Local Plan 2013 – 2030 - Policy DM7 also relates to safeguarding mineral resources. The policy sets out the circumstances when non-minerals development may be acceptable at a location within a Minerals Safeguarding Area. This policy recognises that the aim of safeguarding is to avoid unnecessary sterilisation of resources and encourage prior extraction before non-mineral development occurs.
- 7.23.4. The Applicant prepared a Mineral Assessment, which forms part of the ES. Ground Investigations were undertaken, mainly to identify if contamination was present on site. No ceramic testing has been undertaken to assess the performance of the potential Brickearth /Head deposits. The Minerals Assessment states that in the absence of qualitative ceramic testing, it is not possible to confirm the suitability of the Head deposits as a brickearth suitable for brick manufacture (further intrusive ground investigation would be required to establish the quantity of brickearth and obtain samples for ceramic analysis).
- 7.23.5. The Mineral Assessment identifies two areas mapped by the British Geographical Society as containing head deposits which have a likelihood of containing potentially viable brickearth deposits. That said, the areas in question are constrained.
- 7.23.6. One of the areas on site with the potential for minerals also has a high potential for accommodating significant archaeological remains. Advice from the KCC Archaeologist is that the potential is so significant that development should not be allowed in the area in question, this has informed the parameter plans, which show the area is to be kept as undeveloped open space.
- 7.23.7. Archaeological investigation would be required as a part of any consent, if finds are made, then the preference would be for preservation in situ, effectively precluding mineral extraction.
- 7.23.8. The other area on site with the potential for minerals is in an area which is an overland flow path for surface water flooding, mineral extraction in this location would have significant impacts on hydrology and potential flood risk implications.
- 7.23.9. It is noted that brick earth extraction is typically done on a seasonal basis. It would take an extended period of time to extract any viable brick earth from the land likely to contain relevant minerals. This would impact on the timing for delivery of the development (including housing, highways and community infrastructure) within the area where minerals are likely to exist. Delays would adversely impact the financial viability of the development, as would any implications mineral extraction would have for construction costs.

- 7.23.10. Viability and deliverability impacts are a consideration relevant to determining if the application benefits from an exemption to the requirement for prior extraction under Kent Minerals and Waste Local Plan 2013 – 2030 Policy DM7. The Council's financial consultant has examined the issue and advised that delay and cost implications associated with mineral extraction would adversely impact viability (which is already constrained). Given the situation, no objection is raised in relation to minerals.

7.24. Other matters

7.24.1. Equalities and Human Rights

7.24.2. Human rights: overview

- 7.24.3. In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impacts that are most relevant to planning are Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.

- 7.24.4. Where the peaceful enjoyment of someone's home and/or their private life is adversely affected, their Article 8 (Art 8) and/or Article 1 of the First Protocol (A1P1) rights may be engaged.

- 7.24.5. A1P1 and Art 8 rights are both what are known as 'qualified rights', that is, they are not absolute rights but involve some form of balancing exercise between the rights of the state to take various steps and the rights of the individual or other affected body/organisation.

- 7.24.6. Any interference in such rights caused by a planning decision has to be balanced with and against all other material considerations. That balancing exercise is one of planning judgment.

- 7.24.7. Article 8 rights are important, but it is not to be assumed that, in an area of social policy such as planning, they will often outweigh the importance of having coherent control over town and country planning.

7.24.8. Equalities: overview

- 7.24.9. In line with the Public Sector Equality Duty ('PSED') the Council must have due regard to the need to eliminate discrimination and other forms of less favourable treatment such as harassment and victimisation, and to advance equality of opportunity and foster good relations as between persons who share a protected characteristic and persons who do not share it. The PSED is set out in section 149 of the Equality Act 2010. A protected characteristic for these purposes is age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 7.24.10. In planning terms, the potential impacts of a proposal should be addressed by the decision-maker as a material consideration.

7.24.11. Existing occupiers

- 7.24.12. While access is a reserved matter, the indicative highway plans are highly likely to represent the future location of roads. The route shows that the proposed road would require the demolition of 2 dwellings as well as part of the business that currently occupy part of the site immediately adjacent to the eastern side of Hempsted Land (GH Dean and Co). The Applicant advised that the dwellings are used by agricultural workers.

- 7.24.13. As regards existing non-residential occupiers, the Applicant has identified that those who would be affected by the development are agricultural workers working for GH Dean and Co.

- 7.24.14. One option for the residential occupiers is to relocate back into one of the newly proposed residential units if permission is granted and the development completed. Agricultural uses

and buildings are compatible uses within sites in the countryside, and an option for the occupiers of non-residential space at GH Dean and Co would be to relocate into other existing non-residential spaces at the property.

7.24.15. Effect of displacement - residential occupiers

7.24.16. As regards Art 8 rights (that is, the right to respect for the home and private life), for the purposes of assessing the application on the basis that the right is engaged by the loss of the existing 2 homes. The existing occupier/s would be required to find alternative accommodation. The question is whether the interference with the rights of affected individuals can be considered proportionate and necessary and so able to be justified under the second limb of Art 8.

7.24.17. This involves weighing the interference against other material considerations in order to arrive at a fair balance between the interests of the individual and the interests of the community as a whole.

7.24.18. Officers acknowledge that occupiers would have to move and that moving can be disruptive for those affected. Some groups (namely children, young people, older residents, those with disabilities and/or long-term health problems, pregnant women and those on maternity/paternity absence, ethnic minorities, and low-income households) are likely to be more sensitive than others to displacement.

7.24.19. As regards A1P1 rights in relation to residential occupiers, officers have proceeded for the purposes of assessing this application on the basis that this right is engaged by the loss of the existing residential dwellings. That interference can be regarded as being in the general interest, the operation of the planning system being a legitimate interest of the state.

7.24.20. In officers' assessment, taking account of the nature of the impact on residential occupiers, the proposed mitigation measures and the public benefits of the scheme, if the development were to merit approval then a fair balance would be arrived at between the protection of the rights of affected individuals and the interests of the wider community and a disproportionate or excessive burden would not be imposed. This means that convention rights are not a decisive matter for the application one way or the other.

7.24.21. Displacement - business occupiers

7.24.22. As regards A1P1 rights in relation to business occupiers, officers have assessed the application on the basis that the right is engaged in relation to the displacement of existing business occupiers.

7.24.23. In terms of impacts, relocation or displacement of occupiers may lead to loss of employment, which in turn could disproportionately affect certain protected groups. Groups with protected characteristics that experience barriers to the labour market may be disproportionately adversely affected, including younger people, older people, those with disabilities and/or long-term health problems, women, and ethnic minorities. Low-income groups may also be proportionately more severely affected by the loss of employment.

7.24.24. In terms of mitigation measures for business occupiers, the existing occupiers are engaged in operations of an agricultural nature and may be able to locate back onto other space on the site. There would also be an uplift in the number of jobs created on the site.

7.24.25. In terms of the striking of a fair balance between the protection of the rights of individuals/organisations in relation to business occupiers, and the general interests of the public, officers draw attention the benefits of the scheme specifically relevant to businesses set out in Section 7.25 of this report.

- 7.24.26. Taking account of the nature of the impacts and the various mitigation measures proposed and weighing the interferences with fundamental rights in the form of the displacement of existing business occupiers against the public benefits of the scheme, officers consider that if the development were to merit approval then the necessary fair balance required for those interferences to be considered proportionate would be arrived at in relation to business occupiers. This means that convention rights are not a decisive matter for the application on way or the other.
- 7.24.27. Construction phase impacts
- 7.24.28. Children can be more sensitive to poor quality as their lungs have not finished developing and older people are more likely to suffer from cardiovascular and respiratory conditions so can be differentially affected by poor air quality.
- 7.24.29. Those with disabilities may have an increased sensitivity to loud noise and those with a disability whose lungs are not functioning at a healthy capacity are at an increased risk of adverse air quality effects.
- 7.24.30. For pregnant women, drastic increases in noise exposure can adversely affect the health of the baby. The same applies to parents on maternity/paternity with babies or small children, who are more susceptible and vulnerable to loud noises. Poor air quality, and high concentration of NO₂ in particular, can increase the risk of lost pregnancy.
- 7.24.31. It is noted that if approved any consent would include conditions to secure mitigation measures to control noise and air quality impacts, thereby mitigating construction impacts.
- 7.24.32. The development would have a positive effect on employment and skills due to the jobs created. This could benefit those who face barriers to entry in the labour market, which disproportionately affects ethnic minorities, young and disabled residents.
- 7.24.33. Operational phase impacts
- 7.24.34. There is the potential for a number of neutral or positive impacts on people with protected characteristics as a result of the development. The proposed development would include funding for capacity enhancements to sports facilities. This would have a moderate positive impact on children, young people, older people, those with disabilities and/or long-term health problems, pregnant women and those on maternity/paternity, ethnic minorities and religious groups.
- 7.24.35. There would be a moderate beneficial impact on crime and anti-social due to the crime reduction and secure by design measures of the scheme. This would have a moderate positive impact on children, young people, older people, those with disabilities and/or long-term health problems, women, pregnant women and those on maternity/paternity, ethnic minorities, religious groups.
- 7.24.36. The development could improve accessibility and active travel and this would have a moderate positive impact on children, older people, those with disabilities and/or long-term health problems, those experiencing gender reassignment or identities, pregnant women and those on maternity/paternity, ethnic minorities, religious groups and low income groups.
- 7.24.37. The development would have a positive effect on employment and skills due to the jobs created and associated support for local residents. This could benefit younger and older residents, age, those with disabilities and/or long-term health problems, women, pregnant women and those on maternity/paternity, ethnic minorities and religious groups.
- 7.24.38. Equalities conclusion

- 7.24.39. The decision-maker needs to consider the nature and extent of adverse impacts on persons with protected characteristics, including taking account of the extent to which mitigation measures may reduce impacts, and weigh those against the public benefits of the scheme. In this application, there are number of different impacts that have been identified arising from the displacement of existing residential, business and community use occupiers, construction and operational impacts.
- 7.24.40. It is for the planning decision-maker to consider the contemplated benefits of the proposal and decide whether those outweigh any negative impacts on people with protected characteristics. In officers' assessment, if the development were to merit approval, then the negative impacts would be outweighed for the purposes of equalities and human rights.

7.25. The Planning Balance.

- 7.25.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Under s70(2) of the Town and Country Planning Act 1990, the decision-maker needs to have regard to the provisions of the development plan and any other material considerations.
- 7.25.2. Compliance with the development plan
- 7.25.3. The assessment in this report has found that the proposed development is not compliant with the following Development Plan policies:

Local Plan

- ST 1 Delivering sustainable development in Swale
- ST 3 The Swale settlement strategy
- CP 4 Requiring good design
- CP6 Community facilities and services to meet local needs.
- CP7 Conserving and enhancing the natural environment
- CP 8 Conserving and enhancing the historic environment
- DM 3 The rural economy
- DM 6 Managing transport demand and impact
- DM8 Affordable housing
- DM14 General development criteria
- DM 24 Conserving and enhancing valued landscapes
- DM 25 The separation of settlements - Important Local Countryside Gaps
- DM 26 Rural lanes
- DM 28 Biodiversity and geological conservation
- DM 29 Woodlands, trees and hedges
- DM 31 Agricultural land
- DM 32 Development involving listed buildings
- DM 33 Development affecting a conservation area

- 7.25.4. In terms of the compliance with the development plan, officers consider that in view of the nature and extent of the identified non-compliances with specific policies of the development plan, when looked at as a whole the Development Plan cannot be said to be complied with.
- 7.25.5. This means that the application should be refused planning permission unless there are material considerations weighing in favour of the application that are of sufficient weight to justify the grant of planning permission contrary to the development plan.

- 7.25.6. Benefits

- 7.25.7. Officers consider that the proposed development would have the following public benefits (the weight given to the public benefits is explained below).
- 7.25.8. Biodiversity Net Gain (BNG)
- 7.25.9. The proposal seeks to achieve a BNG of 20%, the Council seeks a 20% uplift in BNG on applications of this scale. Concerns have been raised by the KCC Ecological Advice Service that there is a risk from recreational pressure to habitat areas, which if not mitigated many mean the BNG aspirations may not be met.
- 7.25.10. Officers note that the application precedes the Government's mandatory requirement (the mandatory requirements are not applicable to this application). In view of this, **significant weight** is afforded to the BNG proposal.
- 7.25.11. Housing and affordable housing
- 7.25.12. The proposal includes delivering housing including affordable housing. The Council has declared an affordable housing emergency given the identified need. **Significant weight** is afforded to the housing.
- Infrastructure needed to support the new communities including schools, mixed use centres, community facilities etc
- 7.25.13. In terms of schools, paragraph 99 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should give great weight to the need to create, expand or alter schools through decisions on applications.
- 7.25.14. Kent County Council as Local Education Authority (KCC) have confirmed that the proposed school would be needed to serve the needs of future residents living in the scheme. While the proposed school may provide a closer option for some of the surrounding rural communities, no evidence has been put forward by KCC of a specific shortfall in the existing situation, the schools are simply needed to mitigate the impact of the development (**neutral** in the planning balance).
- 7.25.15. Given the scale of the proposed residential development, if approved, the proposed mixed-use centre would be needed to serve the day to day needs of the new population. It would reduce the need for future occupiers to travel for basic essential services. The proposed mixed-use centre is necessary to mitigate the impacts of the development. The centre would not be needed if the rest of development was not constructed (**neutral** in the planning balance).
- 7.25.16. The need for the proposed health care uses is largely driven by the future population that could be expected to be living on site (if approved). Teynham does not currently have a GP surgery and the Applicant has agreed that additional land (over that required to meet the needs of the development) be dedicated to the NHS to allow for a larger facility which could provide a GP surgery for existing residents closer to where they live. That said, the larger facility is not necessary to mitigate the impacts of the development and under the CIL Regulations it cannot constitute a reason for granting planning permission and **weight cannot be afforded to it**.
- 7.25.17. The proposed schools, mixed use centres, community facilities etc are necessary to mitigate the impacts of the development. If they were not provided on site, planning obligations would need to be secured to ensure additional capacity was provided off site to meet the needs of the development. Without the mitigation, the housing proposals would be unacceptable.
- 7.25.18. No material public benefit arises from the schools, mixed use centres, community facilities, etc (**neutral weight** in the planning balance).

Employment and economic activity

- 7.25.19. The application was supported by an Economic Benefits Technical Note in 2021, the proposal would result in an increase in employment space (and associated jobs). During the construction phase, there would be jobs on site, a proportion of which can be expected to be Swale residents. While construction jobs only occur during the construction period, in this case one-time construction jobs would be in place over a 10-year period.
- 7.25.20. During the operational phase there would be increased employment opportunities suited to a range of skills within the labour market, including lower to intermediate skilled positions to provide accessible opportunities through to career progression opportunities into higher-skilled occupations on-site. The mixed use centres would also provide benefits in terms of jobs and spending.
- 7.25.21. However, there is nothing unusual about the economic benefits which flow from all such developments, the benefit is afforded **limited weight**.

Open space and sports facilities

- 7.25.22. The provision of public open space, sports facilities and recreation areas within the proposed development is a normal planning requirement of good place-making and to mitigate impacts of the development. Investment in facilities on site (such as enhancements to the Bapchild Cricket Club) has been recognised in the proportionately lower contributions the scheme would make to offsite sport and recreational facilities and is therefore attributed **limited weight** in the planning balance.

7.25.23. Remediation of contaminants

- 7.25.24. The risk of there being contamination on site has been identified. Additional site investigation works would be required as part of mitigation. Should unacceptable contamination be encountered then a Detailed Remediation Strategy would then need to be undertaken.
- 7.25.25. Paragraph 124 (c) of the NPPF sets out certain circumstances where substantial weight can be afforded to remediation, which are not met in this instance and a such **moderate weight** can be afforded to remediation.

7.25.26. Sustainability and carbon reduction

- 7.25.27. The proposed development has been designed in accordance with sustainability principles. The application proposes to achieve the net zero carbon target for operational energy (both regulated and unregulated energy use) which is above current targets.
- 7.25.28. This a positive component in the overall planning balance, moderated by the uncertainty that the aspirations would actually be achieved given the ambiguity around commitments in the Applicant's Sustainability and Energy Statement, the benefit should be afforded **moderate weight**.

Positive health impacts

- 7.25.29. The ES concludes that the Socio-economic, Population and Human Health residual impacts of the Proposed Development will be Beneficial or Negligible and Officers attribute this **very limited weight** in the planning balance.

Air quality

- 7.25.30. Detailed modelling has been undertaken to determine the impacts of the development on the air quality in the vicinity of the site once operational. The assessment found that concentrations of pollutants would be below the relevant government air quality objective across the site and within the local area, subject to mitigation (such as travel plans and electric bikes etc).

- 7.25.31. The results of traffic modelling and associated air quality impacts indicated that the impacts of the emissions arising from the traffic generated by the development would be negligible across the majority of the study area and **neutral weight** is afforded to this benefit.

Transport

- 7.25.32. Local Plan Policy AS1 safeguards the search area for the final section of the SNRR. Policy ST5 includes a requirement that development as appropriate to support the completion of the SNRR to the A2. The proposals would see the delivery of the SNRR, which would bring forward the highway and transport benefits envisaged by the policy, that said the SNRR is not noted as required to deliver growth, rather to improve highway congestion and associated emissions in Sittingbourne, the benefit is localised and accorded **significant weight**.

Local finance considerations

- 7.25.33. The Town and Country Planning Act 1990 sets out general considerations in the determination of applications requires the authority to have regard to any local finance considerations, as far as material to the application.
- 7.25.34. The application proposes a significant amount of residential and non-residential space, and it's reasonable to assume the space would be occupied as it is delivered, with associated Council tax being received from occupiers and able to be used by the Borough to carry out its statutory functions. The funding is needed to mitigate the impacts of the development and **very limited weight** is afforded to this benefit in the planning balance.

7.25.35. Cumulative benefits with application 21/503914/EIO/OUT

- 7.25.36. This scheme has been submitted alongside another application made by the applicant (Ref: 21/503914/EIO/OUT) as such officer have considered cumulative benefits, however in this case it is difficult to see how cumulative benefits could be more than **neutral** in the planning balance because when weighed against the harm caused by the other application the harms outweigh the benefits.

7.25.37. Heritage impacts and balance.

- 7.25.38. Planning policy requires harm to heritage assets to be balanced against the public benefits of the proposed development. Having set out the benefits above, for the sake of convenience the heritage balance is addressed now. As is set out in Section 7.8 of this report, the development would result in harm to designated heritage assets, including the setting of listed buildings (including Grade II* buildings). The proposals would also harm character, appearance and setting of the Tonge CA and non-designated heritage assets
- 7.25.39. The level of harm to the heritage assets would be less than substantial. The extent and scale of the proposal means that multiple assets would be harmed. Even in cases where the heritage harm falls in the 'less than substantial' category, as is the case here, this still requires being given great weight and importance. In many cases the level of harm identified is not at the lower end of the spectrum. While the significance of heritage assets impacted varies, many are of significant historical importance (e.g., Frogna Farmhouse is Grade II* and there would be a medium to high degree of less than substantial harm to its setting).
- 7.25.40. Officers have been mindful of the statutory duty and have placed **great weight and importance** on the fact that less than substantial harm would be caused to the designated heritage assets.
- 7.25.41. In terms of impacts to the Tonge Conservation Area, these are largely as a result of the SNRR, for which there is support in the Local Plan. In adopting Policy AS1 the Council clearly anticipated the potential for a road to run through the Tonge Conservation Area. This does

not mean harm should not be recognised, rather that this needs to be balanced against the benefits of the scheme.

- 7.25.42. Officers have considered the benefits the application would bring forward; and note that the heritage harm would occur to a large number of assets and the level of harm in some cases is at the upper end of the spectrum. The proposals also involve a significant urban intrusion to the east of the site which results in harm to the setting of designated heritage assets. There would also be a medium to high level of harm to the Tonge Conservation Area.
- 7.25.43. Officers are of the view that the harm would be to such a degree that the benefits would not outweigh the heritage harm. Officers are of the view that the proposals are contrary to Local Plan policies CP8, DM32, and DM33 and the provisions of the NPPF and this weighs heavily against the proposal.
- 7.25.44. Conclusion on the Balance
- 7.25.45. This report strikes the planning balance required by section 38(6), namely, to decide applications in accordance with the development plan unless material considerations indicate otherwise. For the reasons given above, the tilted balance is not engaged.
- 7.25.46. Officers have taken account of the cumulative impacts (positive and negative) that would arise in the event this application and application ref: 21/503914/EIOUT were both to be approved.
- 7.25.47. In this case, the benefits would not outweigh the harms that have been identified including the breaches of development plan policy.

7.26. Conclusion

- 7.26.1. The proposal is not in accordance accord with the development plan and does not benefit from the 'presumption in favour of sustainable development' as set out in para. 11 of the NPPF. Whilst the proposal would provide a number of economic, social and environmental benefits, these are outweighed by the harm, including the harm to, heritage assets, landscape and other impacts resulting from the proposals (as identified in this report). The harmful aspects of the development are in breach of the development plan and the benefits do not amount to material considerations sufficient to outweigh the development plan breach. Accordingly, planning permission should be refused.
- 7.26.2. Should the Committee be minded to reach a different conclusion to that in this report and recommendation, in addition to addressing the relevant policy tests, there are procedural requirements that must be met, including:
- The deficiencies in the ES and shadow HRA/AA would need to be remedied, and statutory consultation requirements met.
 - Undertake an appropriate assessment in accordance with the Habitat Regulations or adopt the remedied shadow HRA/AA (because of the legal constraints imposed by the Habitats Regulations the outcome of any future HRA/AA may have implications for any decision to grant permission which the Council was minded to make).
 - Providing a 'statement of reasons' in accordance with the EIA Regulations.
 - Advertising the Application as a departure from the development plan.
 - Referring the Application to the SoS in order for him to consider whether to call-in The Application.

8. RECOMMENDATION

- 8.1. That the application be Refused for the following reasons:

1. Ecology

The application fails to demonstrate that it would not (in combination with other projects) harm the integrity of protected habitat sites (the Medway Estuary and the Swale SPAs, SSSI and Ramsar sites) as a result of air quality impacts, contrary to Local Plan policies ST1 (11), ST5 (9), CP7 and DM28 the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act (2006).

2. Heritage

The proposed development, as arranged within the details that have been submitted for approval and as would not be altered by any subsequent applications, would result in harm (less than substantial) to the following designated and non-designated heritage assets:

Heritage Asset	Grade	List entry number	Harm to Significance
1 School Lane	II	1253519	Lowest level of less than substantial harm
The Post Office	II	1343896	Lowest level of less than substantial harm
35 The Street	II	1115443	Lowest level of less than substantial harm
Tonge Mill	II	1338569	Low level of less than substantial harm
Mill House Old Mill	II	1069265	Low level of less than substantial harm
Frognal Farmhouse	II*	1069261	Medium to high less than substantial harm
Barn 50 yards W of Frognal Farmhouse	II	1121138	Medium to high level of less than substantial harm
Claxfield Farmhouse	II*	1343922	Lowest level of less than substantial harm
Claxfield House	II	1343927	Low level of less than substantial harm
Radfield House and railings	II	1069268	Low level of less than substantial harm
Beeches	II	1121878	Low level of less than substantial harm
Little Radfield	II	1343950	Low level of less than substantial harm
Tonge Conservation	Area		Medium to high level of less than substantial harm
Little Hempsted Farm	NDHA		Moderate harm
Oast east of Radfield House	NDHA		Low harm
Former Baptist Chapel	NDHA		Low harm

The harm is not outweighed by the public benefits of the scheme. As such the proposals would be contrary to National Planning Policy Framework (2023) paragraph 135(c), 208 and 209 and policies ST1, CP8, DM14, DM32, and DM33 of the Bearing Fruits 2031: The Swale Borough Council Local Plan 2017, the National Planning Policy Framework, Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Development in the countryside

The proposed development is located outside of the settlement boundary resulting and its scale, amount and disposition in the encroachment of buildings and infrastructure into the countryside and would result in the loss of best and most versatile agricultural land on a site that is not allocated for development, and harm to the rural economy.

The development would have an urbanising impact, harmful to the intrinsic amenity value of the countryside. The location and scale of development would not reflect the best of the area's

defining characteristics, which include low scale dwellings and areas of open space. The development would not promote or reinforce local distinctiveness. In addition, the development would result in the loss of trees hedges (including individual trees, groups of trees, fruit trees and hedgerows) that make an important contribution to the amenity, historic, landscape, and biodiversity value of the site and the surrounding area.

These harms taken together would outweigh the benefits of the development contrary to policies ST1, ST3, ST5, CP4, DM3, DM14, DM29 and DM31 of the Bearing Fruits 2031: The Swale Borough Local Plan (2017), together with the National Planning Policy Framework (2023) paragraphs 135 and 180.

4. Landscape and visual impact

The proposed development, by virtue of its scale, amount, location, height and disposition, would have a significant adverse urbanising impact, harmful to the undeveloped landscaped character and intrinsic value, landscape setting, tranquillity and beauty of the countryside. The development would not conserve and enhance the natural and local environment and would see the loss of trees and hedges which make an important contribution to the amenity, historic and landscape value of the site and surrounding area.

It would also represent a level of growth out of proportion to the size, scale and character of existing settlements resulting in undue levels of coalescence and significant loss of landscaped setting. It would physically and as a result of traffic levels significantly harm the character of Rural Lanes. As such the proposals are considered contrary to paragraph 180 of the National Planning Policy Framework (2023), policies ST1, ST3, ST5, CP4, DM14, DM24, DM25, DM26 and DM29 of the Bearing Fruits 2031: The Swale Borough Council Local Plan 2017.

5. Noise

The submitted noise assessment, by virtue of the inaccurate assessment of long term and short-term model outputs, fails to demonstrate that the development would not result in harmful noise impacts to existing and future residents, contrary to paragraph 135(f) of the NPPF and Policy DM14 of the Bearing Fruits 2031: The Swale Borough Council Local Plan 2017.

6. Planning obligations

In the absence of an appropriate Section 106 legal agreement, the application fails to secure and provide measures to meet development plan policy requirements and mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of ecology, education (including special needs), community learning, youth service, social infrastructure, waste, health care, energy, sport and open space, highways and transportation (including sustainable transport), affordable housing, infrastructure delivery and associated management maintenance, monitoring of planning obligations). As such the development fails to mitigate its impact on local services, amenities, infrastructure and environment. The proposal would be contrary to policies ST1, CP1, CP2, CP3, CP4, CP5, CP6, CP7, DM8, DM17, DM19, DM20, DM28 of the Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 and policies CSW1, CSW3, CSW4, CSW6, DM17 of the Kent Minerals and Waste Local Plan 2013 – 30 and the KCC Developer Contributions Guide 2023 and Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011, Planning obligations

PPG - Paragraph: 036 Reference ID: 23b-036-20190901 and The Community Infrastructure Levy Regulations 2010.

INFORMATIVES

1. The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), September 2023 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

2. In the event of an appeal, to make an informed judgment that the development would not be likely to have significant effects on the environment, it is respectfully advised that the Planning Inspector would need to have sufficient evidence of the potential adverse environmental impacts and the availability and effectiveness of the proposed remedial measures. The Local Planning Authority has reviewed the information submitted and does not consider that the submitted Environmental Statement (ES) meets the requirements of Regulation 18 of the Environmental Impact Assessment Regulations. The topics which are not considered adequate relation to the following chapters of the ES: Noise, Ecology, Water Quality, Hydrology and Flood Risk, Ground Conditions, Archaeology, Built Heritage, Socio-economics and the Conclusions.

3. The Application includes a shadow Habitat Regulations Assessment (HRA) and Appropriate Assessment (AA), which concludes that it is possible to ascertain that the proposal will not result in adverse effects on the integrity of The Medway Estuary and Marshes and the Swale Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA) and Ramsar sites. Having considered the assessment, and the mitigation measures proposed, Swale Borough Council do not agree that it is possible to conclude that the proposal would not result in adverse effects on the integrity of the sites in question. Natural England are of the same view. The potential harm to the integrity of protected sites relates to functionally linked land and Air Quality impacts.

