

REFERENCE NO - 21/503914/EIOUT		
PROPOSAL 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.		
SITE LOCATION Land South and East of Sittingbourne 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 West Downs Teynham and Lynsted Woodstock	PARISH/TOWN COUNCIL Tunstall Teynham Tonge	APPLICANT Quinn Estates Kent Ltd, G.H. Dean & Co Ltd, Atwood Farms Ltd, Atwood Trustees, and AG Kent Holding BV.

Roman	Bapchild Rodmersham Lynsted with Kingsdown Milsted	AGENT Montagu Evans LLP
DATE REGISTERED 12.08.2021		TARGET DATE 30.09.2024
<p>BACKGROUND PAPERS AND INFORMATION: 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 2/11/2022 (uploaded 10/11/2022) Planning Statement Addendum August 2024 (uploaded 16/08/2024) Outline Development Specification Rev 5 dated August 2024 (uploaded 16/08/2024) Sequential test (and appendices) dated August 2024 (uploaded 16/08/2024) Response to LUC ES review (uploaded 16/08/2024) Transport Assessment dated September 2022 (uploaded 10/11/2022) Retail Statement – Final dated May 2021 (uploaded 12/7/2021) Economic Opportunity Statement dated 6/6/2022 (uploaded 10/11/2022) Employment Area Masterplan Strategy dated May 2021 (uploaded 12/7/2021) 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) Ancient Woodland Assessment dated October 2022 (uploaded 10/11/2022) Habitats Regulations Assessment and Appropriate Assessment) dated 17/07/2024 (uploaded 16/08/2024) Sustainable Transport Strategy dated September 2022 (uploaded 10/11/2022) Sustainability and Energy Statement dated 10/08/2022 (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) Response to National Highways (uploaded 16/08/2024) Response to KCC Highways (uploaded 16/08/2024) Urban Design Officer 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>		

[21/503914/EIOUT | 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 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 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. | Land South And East Of Sittingbourne Kent \(midkent.gov.uk\)](#)

1. SITE LOCATION AND DESCRIPTION

- 1.1. The Application Site covers an area of 577.48 Ha and extends from land to the south of the M2 motorway and as far north as and slightly beyond the A2 / London Road.
- 1.2. To the north of the site (beyond the redline site boundary) and A2 / London Road is the Bapchild Cricket Club and land which is currently farmland and areas of woodland. It is noted that another application has been submitted for the redevelopment of the land north of the A2 and west of Teynham by the same Applicant (see application ref: 21/503906/EIOUT).
- 1.3. To the northwest of the site (beyond the redline site boundary) is the village of Bapchild and to the northeast is Teynham Village. While the Village of Rodmersham is not within the redline site, the site extends to and surrounds Rodmersham.
- 1.4. To the east of the Application Site are further areas of open farmland including arable and pasture fields, commercial fruit growing areas and orchards extending towards the town of Faversham.
- 1.5. The village of Lynsted (about 2.5 kilometres from the Application Site) and Norton (about 4.5 kilometres from the Application Site) lie between the site and Faversham.
- 1.6. The site adjoins Highsted Village at its eastern edge. Rodmersham Green is approximately 500m beyond the eastern edge of the site.
- 1.7. To the southeast and south of the site and M2 motorway is open farmland and wooded areas. To the southwest, some parts of Ruins Barn Road are within the site, as is an area of open farmland / countryside and dispersed development extending towards the villages of Tunstall and Borden.
- 1.8. The site forms an area of undulating farmland and areas of woodland on the dip slope of the North Downs and North Kent Plain with an undulating landform to the north of the M2 motorway and more open undulating ridge and valley landform to the north falling to the coastal plain. Topography is relevant to the understanding of various material considerations, such as visual impacts, drainage and flooding.
- 1.9. The site includes the Kent Science Park, arable and pasture fields, commercial fruit growing areas and orchards subdivided by hedgerows, fences, roads, lanes, and farm tracks with

pasture fields, with a scattered settlement pattern of farmsteads, hamlets and isolated dwellings.

1.10. Designations

1.11. The site encompasses the former Chalk Pits aside Cromer Road and Highsted Road. The disused quarries support habitats such as species rich grassland, that are designated as sites of local biodiversity and geological conservation in the in the Bearing Fruits 2031 - The Swale Borough Local Plan (2017). Land adjacent to the site at the southeast is designated as Cromers Wood Local Wildlife Site (LWS) and comprises ancient woodland.

1.12. In addition to this, two further areas of ancient woodland are present within the site, comprising Highsted Wood, adjacent to the southernmost of the former Highsted Quarries, and Bex Wood located towards the south of the site and to the east of Ruins Barn Road. There are trees subject to tree preservation orders within the site (Section 7.12 of this report sets out further detail in relation to trees).

1.13. The boundary of the Kent Downs National Landscape (this designation was formerly known as an Area of Outstanding Natural Beauty) designation abuts with the southern edge of the M2 motorway. As a consequence, the proposal involves development in the Kent Downs National Landscape (NL).

1.14. Portions of the eastern and south-western parts of the site are within areas of High Landscape Value (Kent Level). A part of the north and western parts of the site is within an area designated as an Important Local Countryside Gap.

1.15. The following roads pass through the site, and are designated as Rural Lanes in the Local Plan:

- Ruins Barns Road
- Highsted Road
- Church Street
- Bottom Pond Road

1.16. A preliminary assessment of the Agricultural Land Classification (ALC) has been undertaken which has reported the majority of the site to be Best and Most Versatile (BMV) agricultural land. Approximately 3% of the agricultural land has been assessed as Grade 1 with the 70% of the remainder classified as Grade 2.

1.17. The Swale Borough Council - Mineral Safeguarding Areas proposals map of the Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review) (2020) identify the presence of safeguarded mineral deposits on the site (being Brickearth).

1.18. 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 2 and 3 on Environment Agency (EA) maps, which are identified in the Council's Strategic Flood Risk Assessment (SFRA) as surface water functional flood zones.

1.19. Land surrounding the site is the subject to numerous statutory designations, including the Swale Site of Special Scientific Importance ('SSSI'), Special Protection Area ('SPA') and Ramsar site and Medway Estuary and Marshes SSSI, SPA and Ramsar site.

1.20. The Application documentation states that in and near the site are a number of designated heritage assets which may be affected by the Proposed Development. The Planning Statement accompanying the application states that these comprise:

- Four Conservation Areas;
- Seven Grade I listed buildings;

- Eight Grade II* listed buildings;
- 131 Grade II listed buildings; and
- Four key locally listed buildings.

1.21. There are numerous areas within the site identified as Archaeological Areas of Priority.

1.22. A number of Public Right of Ways (PRoW) transverse the site or pass close to its boundaries, affording public views across the site. 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 | • ZR199 |
| • ZR682 | • ZR208 |
| • ZR196 | • ZR209 |
| • ZR197 | • ZU31 |
| • ZR199 | • ZU30 |
| • ZR208 | • ZR147 |
| • ZR209 | • ZR155 |
| • ZR194 | • ZR158 |
| • ZR682 | • ZR156 |
| • ZR196 | • ZR157 |
| • ZR197 | • ZR150 |
| • ZR185 | • ZR49 |

1.23. Restricted Byways ZU34A, ZU35 and ZR151 are also located within the site and would be directly affected by the proposed development.

2. PLANNING HISTORY

2.1. The application site has an extensive planning history and set out below is the history considered relevant to the determination of the current application:

Ref no.: 21/503914/EIOUT - Land to The West of Teynham, London Road, Teynham Kent.

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.

Pending decision

Ref no.: SW/09/0118 - Kent Science Park Sittingbourne

Extension of Kent Science Park to accommodate up to 12,000m² of class B1 business development including: - (i) ancillary buildings; (ii) parking; (iii) landscaping; (iv) associated infrastructure; (v) detailed approval for new building of 2852m² to include: - (a) ancillary

buildings; (b) parking; (c) landscaping; (d) extension to Shimmin Road; (e) extension to security fence with CCTV cameras; (f) associated infrastructure.

Approved Decision Date: 01.03.2010

Ref no.: SW/13/0203 - Kent Science Park Sittingbourne

Extension to time limit of approved SW/09/0118 for extension of Kent Science Park to accommodate up to 12,000m² of Class B1 business development including - (i) ancillary buildings; (ii) parking; (iii) landscaping; (iv) associated infrastructure; (v) detailed approval for new building of 2,852m² to include (a) ancillary buildings; (b) parking; (c) landscaping; (d) extension to Shimmin Road; (e) extension to security fence with CCTV cameras and (f) associated infrastructure.

Approved Decision Date: 13.12.2017

Ref no.: 16/507650/FULL - Kent Science Park Sittingbourne

Extension of existing building to provide new production facilities and associated external works.

Approved Decision Date: 09.03.2017

Ref no.: 20/503707/HYBRID - Kent Science Park Sittingbourne

Hybrid planning application consisting of - Outline planning permission (with all matters reserved except access) for commercial development, accesses and roads, parking, associated services, infrastructure, earthworks and landscaping - Full planning permission for the erection of a manufacturing facility, associated parking, services, infrastructure, landscaping and earthworks.

Approved Decision Date: 23.12.2021

Ref no.: 22/500475/COUNTY - Land To The South of The A2 and East of Panteny Lane, Bapchild, Sittingbourne

County application - Section 73 application for the variation of conditions contained in consent SW/13/939 to extend the consent life to 31 October 2022 allowing site restoration (KCC/SW/0244/2020).

Approved Decision Date: 12/07/2022

2.2. Planning History – other relevant sites:

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

Ref no.: SW/95/0107 Land West of Panteny Lane, Sittingbourne

Erection for 94 houses with garages and estate roads.

Approved Decision Date 30/03/1999

Ref no.: 21/505498/OUT - Land off Swanstree Avenue Sittingbourne

Outline planning application for up to 135no. dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point (All matters reserved except for means of access).

Appeal allowed Decision Date: 05.05.2023

Ref no.: 21/501334/OUT - Land at Fox Hill and School Lane Bapchild

Outline application for residential development of up to 95no. dwellings including new vehicle and pedestrian access, affordable housing provision, parking, landscaping and open space provision (Access only being sought).

Refused Decision date: 19 April 2024.

Ref no.: 22/505646/OUT - Land At Ufton Court Farm Tunstall

Outline application with access being sought for the erection of up to 290no. dwellings, the formation of a new means of access onto Minterne Avenue, new footpaths and cycle routes, the creation of new surface water drainage, new landscaping and habitat creation, ground works and other infrastructure.

Appeal Allowed Decision date: 5 July 2024

Ref no.: 24/500125/FULL - Land At Pitstock Farm Pitstock Road Rodmersham

Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with inverter/transformer units, control house, substations, onsite grid connection equipment, storage containers, site access, access gates, internal access tracks, security measures, other ancillary infrastructure, and landscaping and biodiversity enhancement.

Pending decision

3. PROPOSED DEVELOPMENT

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

3.2. Residential Development

3.3. The Proposed Development seeks permission for up to 7,150 dwellings (Use Class C2 and C3). The residential development is proposed to be located in 5 new village areas. The application documentation depicts these as follows:

3.4. Residential Development: Oakwood Village North

3.5. This proposed residential area would be located immediately to the east and southeast of the existing village of Bapchild (outside of the built-up area of Bapchild). It is proposed that there would be a local centre for this new residential area.

3.6. Residential Development: Oakwood Village South

3.7. This proposed residential area would extend from the A2 (London Road) southward (to the east of the proposed Oakwood village north) and occupy land which is currently fields to the

east of Rodmersham Village. Again, it is proposed that there be a local centre for this new residential area.

3.8. Residential Development: Highsted North

3.9. Further residential development is proposed to the east of Highsted Road, immediately north of a disused quarry (a former chalk pit and LWS). The proposed housing is outside of the built up area of Sittingbourne, albeit on the opposite side of Highsted Road.

3.10. Residential Development: Highsted Village East

3.11. The application proposes to create a new residential area to the west of Highsted Valley Road and east of Highsted Wood (ancient woodland). This residential area would extend to surround the wood and cover land further south reaching the northern extent of the existing Kent Science Park.

3.12. It is also proposed that there be a local centre for this new residential area.

3.13. Residential Development: Highsted Village West

3.14. This residential area is proposed to the east and west of Ruins Barns Road, with the majority of development to the west, extending south as far as the M2 motorway. It is also proposed that there be a local centre for this new village.

3.15. Residential Development: Heights and Phasing

3.16. The building heights parameter plan submitted with the application indicates that the height of the proposed housing would range from 10m to 15m, with the higher buildings directed to the district centres in the proposed new residential areas.

3.17. The phasing parameter plan submitted with the application indicates development being delivered over a 2 to 20 year period.

3.18. The proposed level of affordable housing is discussed in Section 7.10 of this report.

3.19. 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).

3.20. Non Residential Development

3.21. The table below shows a breakdown of non-residential space proposed in the application.

Use Class	Proposed Use	Maximum Floorspace (GIA sqm)
E/B2/B8	Commercial, business and service	167,200
	General Industrial	
	Storage or distribution	
C1	Hotel	2,800
E/F1/F2/Sui Generis	Commercial, business and service	18,510
	Learning and Non-residential institutions	
	Local community	

	Public houses	
F1(a)	Primary/Secondary schools	16,970
F2(c)	Sports and community facilities	3,950
Total		209,430

- 3.22. The proposed development includes the creation of approximately 167,200sqm of commercial space, which includes flexible office accommodation and incubator uses, research and development, light industrial, manufacturing and distribution space. A hotel is also proposed near the Kent Science Park.
- 3.23. The commercial development is proposed largely through the expansion of the existing Kent Science Park located in the southern part of the site. The Outline Development Specification also states a small amount of commercial space is proposed towards the northern part of the site.
- 3.24. An area of land up to 1.5 Ha has been identified for a future Household Waste Recycling Centre, with associated landscaping and planting close to the Kent Science Park. This would need to include space for refuse collection vehicles.
- 3.25. The proposals include Mixed-Use Local Centres which the Applicant advises are to provide a series of hubs for the future residents of the new residential areas and the wider community. These hubs include 'Class E' uses with buildings designed to be able to accommodate facilities such as convenience retail, office space, community space, café and leisure uses, as well as health care.
- 3.26. Education and Sports Facilities
- 3.27. The application proposes the provision of up to three x 3 Forms of Entry (FE) primary schools, and a standalone 8FE secondary school including 6th form provision. The secondary school would be to the north of Rodmersham Village.
- 3.28. One primary school is proposed in the Oakwood South Village (to the southeast of St Nicholas Church, Rodmersham). Two further primary schools are proposed, one in the proposed Highsted Village East and another in Highsted Village West.
- 3.29. An area for formal sports provision is proposed immediately southwest of the existing Rodmersham Village. A further formal sport facility is proposed in Highsted Village West located at the southwest edge of the development area (adjacent to the M2 motorway).
- 3.30. Access, Highways and Transport
- 3.31. While access is a reserved matter, the Transport Assessment shows that it is proposed to create a Sittingbourne Southern Relief Road (SSRR) and its connection to the Strategic Road Network (SRN) at a newly proposed junction to the M2 motorway.
- 3.32. The proposed junction to the M2 would involve a circular (trumpet shaped) junction to the south of the M2 (on land within the Kent Downs NL), with slip roads on and off the M2 and an overpass above the M2 to provide a connection to land to the north of the M2.
- 3.33. The proposed SSRR would extend north from the M2 motorway running west of the Kent Science Park and east of Bex Wood (ancient woodland). The SSRR is proposed to continue northward and would run between Highsted Wood and the southernmost of three disused quarries (former chalk pits). A new junction is proposed at Cromer Road and Highsted Road.

- 3.34. The SSRR would then traverse to the northeast, intersecting with Church Street, north of Rodmersham Village. The SSRR would then continue north and would separate the proposed Oakwood North and Oakwood South Villages, connecting to the A2 (London Road) opposite the existing Bapchild Cricket Club.
- 3.35. Primary vehicular access is proposed to be provided from the SSRR into the development areas at various points along its route.
- 3.36. As part of indicative masterplan, the Applicant proposes a Sustainable Movement Corridor (as a corridor for sustainable travel modes only). A Transport Hub is indicatively proposed to be located at the southern end of the Site. This would provide scope for modal interchange, potentially including parking and cycle storage, as well as interchange with other bus services and EV charging for a potential future fleet of electric buses.
- 3.37. Indicative plans have been provided which show the proposed internal movement routes interlinking the various development areas, showing the key points of access which form part of the walking and cycle strategy. The Mixed Use Local Centres are proposed to form the hubs of the pedestrian and cycle network, with routes branching from them to adjacent neighbourhood areas.
- 3.38. Open Space and Green Infrastructure
- 3.39. The indicative landscaping strategy proposes open spaces, greenways, streetscape, and planting. These are also reflected on the Parameter Plan: Development (which is a control document in relation to this outline application).
- 3.40. The Parameter Plan: Development shows landscape buffers between Rodmersham Village and development proposed in the proposed Oakwood Village East. Community gardens are shown immediately to the south of the St Nicholas Church in Rodmersham. Further west of Rodmersham the Parameter Plan: Development shows that areas of open space and parkland are proposed (either side of the SSRR).
- 3.41. Open space and landscaping are also proposed to west of Highsted Valley Road, as a buffer to development proposed at what is labelled as Highsted Village East. A landscape buffer is proposed around Highsted Wood and Bex Wood, to facilitate access to the woods and separate the ancient woodland from the development proposed in the areas surrounding the woods.
- 3.42. New amenity areas, including a community orchard, play areas and allotments are also shown on the indicative plans.
- 3.43. The proposals indicate both formal and informal open space areas. Play spaces for children and young people are also indicatively shown. Additional landscaping is proposed to the north of the M2 motorway atop a 4m high bund.
- 3.44. As landscaping is a reserved matter the detailed design of such spaces would need to be provided at a subsequent planning stage.
- 3.45. Demolition
- 3.46. North of the point where the proposed SSRR crosses Highsted Road, it would pass through land accommodating a dwelling. Further to the south (to the west of the Kent Science Park) the SSRR would pass through non-residential buildings. This would mean there would be the demolition of an existing dwelling and a small number of non-residential buildings.
- 3.47. Format of the application
- 3.48. The application documentation states that the approach to seeking approval for the scheme is proposed in 3 tiers:

3.49. Tier 1 – Outline application

3.50. 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 Parameter Plan shows the maximum building heights in each area of the Proposed Development, 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 would need to be determined at a later stage.
- Parameter Plan Development: The Parameter Plan shows the boundary of the site and the general approach to layout, open space provision, landscaping, and amenity space. It also provides broad locations for education, community, and civic uses, along with 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.

3.51. If approved, the development would be required to adhere to the Outline Development Specification, the Parameter Plans as well as planning conditions and planning obligations. Other supporting documents accompanying the application are indicative only (not for approval).

3.52. Tier 2 – Key phase design planning

3.53. 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 condition or obligation on any consent.

3.54. 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.

3.55. Subsequent reserved matters applications would need to accord with the established Key Phase.

3.56. Tier 3 – Reserved matters

3.57. Reserved matters applications would 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, 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. It is noted that a Statement of Community Involvement was provided with the application.

4.2. First Round of consultation

4.3. During the first round of consultation, 1,752 letters were sent to nearby occupiers on 12/08/2021, 641 submissions were received in relation to the consultation.

4.4. Of the responses, 438 raised objection and 202 were in support with 1 being neutral (neither supporting nor objecting).

4.5. Concerns were raised in relation to the following matters:

Comment	Report reference
Traffic movements would significantly increase, especially at peak times resulting in congestion and concerns about highway safety.	7.15.29
Specific roads of concern include the M2, the new M2 Junction, and traffic on the A2.	7.15.31, 7.15.32
The new M2 Junction is seen as dangerous as it would be too close to Junction 5.	7.15.39, 7.15.40
The development would result in the loss of 'Muddy Lane', which is a bridal way serving Highsted and Rodmersham.	7.15.81, 7.15.84
Other issues raised include a lack of parking, increased lorry and large vehicle movements during construction. Traffic in the country lanes would increase. The width of existing roads make them unsuitable for additional traffic.	7.15.45 to 7.15.51 7.21.5 7.15,29
The SSRR would truncate Public Rights of Way and act as a barrier to east west movement of people and wildlife.	7.15.81, 7.15.84
The introduction of the SSRR raises concerns that existing congestion will simply be moved further down the M2.	7.15.39
Rural lanes would see increased traffic which were not designed for high levels of traffic. The tranquil nature of rural lanes would be eroded.	7.8.27
There are other, more suitable sites for housing, including brownfield sites.	7.4.1.1 to 7.4.1.4
There were concerns raised over a lack of affordable housing being proposed.	7.7.12, 7.7.13
Existing neighbours would be overlooked and lose privacy. Noise and emissions from vehicles would harm living conditions.	7.21.11 to 7.21.17 7.21.22 to 7.21.26
Concerns were raised over the proposed density of housing (considered excessive). If approved the development would set a precedent for further development in the countryside.	7.11.29 to 7.11.31 7.11.34 to 7.11.38 7.11.47
Concerns were raised in regard to how future homes would be accessed and that access to existing homes would be adversely impacted.	7.15.10 to 7.15.21
The height of the proposed dwellings located on what is flat land would mean the proposals would be highly visible and out of context with the existing surroundings.	7.8.67 to 7.8.73
Local facilities would not have the capacity to cope with the demands of the new development. Schools are already oversubscribed; the situation would be made worse with the	3.25, 3.26 to 3.30 7.17.10, 7.17.14, 7.17.15, 7.17.17

increased population. Medical facilities would also not be able to cope with additional demand driven by the development.	
The increased population would put further strain on the emergency services, including police, fire and ambulance services.	7.17.14, 7.17.15
With more population would come more crime and anti-social behaviour, resulting in even more strain on police services.	7.21.34
Comments raised concern that the development would not bring forward additional employment opportunities.	3.22 7.27.22 to 7.27.24
The development would not support smaller local sports clubs and would adversely impact on existing outdoor leisure activities, such as camping.	7.5.77
Local supermarkets and leisure facilities (such as swimming pools) would not have the capacity to cope with additional demand driven by the development.	7.18.16
Water supplies and water pressure are inadequate to cope with the additional development. Southern Water has stated that they may not be able to cope with the needs of additional consumers in the area.	7.19.23
There would be an adverse impact on other forms of infrastructure including the railway, sewage disposal, waste disposal, drainage, and gas and electricity provision.	7.20.8, 7.20.10, 7.20.11 7.19.27, 7.19.28
The development would result in the destruction of natural wildlife, tree removal, disturbance to natural habitats and the loss of the orchards (which are enjoyed by locals), harm to wildlife and the development would be detrimental to the North Kent Fruit Belt.	7.12.3 7.12.11 to 7.12.13 7.14.37
The proposed 15m buffer for ancient woodland is considered insufficient.	7.13.7
The SSRR would act as a barrier to movement of wildlife and truncating habitats.	7.14.35
The development does not respect the character of the Kent Downs National Landscape (NL). It would cause direct and indirect harm to the NL. Dark skies would be impacted.	7.5.108
Other impacts on the natural environment would include increased littering, loss of biodiversity, loss of visual amenity, aquifer depletion.	7.14.28 7.8.73 7.19.22, 7.19.23
It was noted that the site falls within 6km of the Swale Special Protection Area, which forms some of the most picturesque countryside and would be adversely impacted by the development.	7.14.21, 7.14.22
The development would harm Conservation Areas and the setting of listed buildings. Settlements would merge.	7.27.46

<p>It was noted that the development would result in a loss of Local Countryside Gaps, which are in place to reduce urban sprawl and the coalescence of settlements.</p>	<p>7.11.31, 7.11.38, 7.11.40, 7.9.78</p>
<p>The development would destroy some of the country's 'best and most versatile' agricultural land. The farmland that will be lost is grade 1 and 2 and of significance to the local farming industry.</p>	<p>7.24.8 to 7.24.10</p>
<p>Concerns were raised that the loss of farmland would reduce the ability to produce local and sustainable food (adversely impacting on food security).</p>	<p>7.24.4 to 7.24.10</p>
<p>Many comments raised concern that the development would increase flood risk. The concern raised was that there is already high risk of surface water flooding.</p> <p>The new development would increase this risk to existing and future residents.</p>	<p>7.19.11 to 7.19.21</p>
<p>Concerns were raised in relation to contamination, there have been a history of activities occurring which involved contaminating activities, including those involved with the former Shell Research facility. Existing and future occupiers could be exposed to contaminants as a result of the development.</p>	<p>7.20.03 to 7.20.05</p>
<p>The construction phase would increase air, light and noise pollution.</p>	<p>7.21.5 to 7.21.10</p>
<p>Pollution would also be increased as a result of increased emissions from vehicles and loss of trees and wildlife. Additional pollution would lead to ill health including lung and heart disease, asthma and type 2 diabetes.</p> <p>It was noted that there are air quality management areas on the A2 and this would be impacted by the proposed increase in traffic.</p>	<p>7.16.7 to 7.16.11 7.16.15</p>
<p>The development would destroy green space and be detrimental to Kent's' claim as the 'Garden of England'. There would be adverse changes to landscape character and visual impacts.</p> <p>Comments stated that the development would destroy 578 acres of open land.</p>	<p>7.8.67 to 7.8.73</p>
<p>The development would result in a loss of several significant PRow. These are important for local residents to enjoy walking and cycling, which improves their mental and physical health.</p>	<p>7.15.76 to 7.15.84</p>
<p>Access to nature was considered to be vital for mental health and the development would result in the loss of green space and access to nature, which would worsen both mental and physical health for residents.</p>	<p>7.5.77, 7.5.85</p>

The loss of nature would especially affect those with disabilities who enjoy the natural wildlife in the area.	
Many residents moved to the area to improve their mental health by living in a rural environment. The development would destroy the rural environment and rural lifestyle, removing the area's capacity to benefit the mental health of residents.	7.8.70
The development would appear out of character with the rural environment, the development represents a substantial urban extension to Sittingbourne and will result in a loss of rural character.	7.8.67 to 7.8.73
Concern was raised that the development is of an excessive and inappropriate scale. The development would make Sittingbourne an urban sprawl extending to Teynham and the M2.	7.8.67 to 7.8.73
The scale of the development means that it would take a long time to complete construction. Construction traffic, noise, disturbance and pollution would impact on living conditions of existing residents for decades.	7.21.5 to 7.21.19
Many comments identified that the site is not allocated within the Local Plan and other brownfield sites would be more appropriate.	7.4.1.1 to 7.4.1.5 7.4.1.18
The development would result in a loss of open spaces and biodiversity. It would lack infrastructure, and not comply with the Garden City Principles.	7.8.68 to 7.8.73 7.14.23 to 7.14.29 7.11.6 to 7.11.8
Concerns were raised that that the development would intensify the use of the Kent Science Park, with an excessive amount of employment space being proposed in what is a countryside context.	7.4.6.1 to 7.4.6.16
There would be a loss of dark skies.	7.5.103, 7.5.104

4.6. Comments made in support of the application raised the following matters:

Comment	Report reference
The new motorway junction would alleviate traffic. The development would improve the road network. The development would result in the reduction of journey times by approximately 25%.	7.15.29
The development would bring new short and longer term employment. This will bring economic benefits to the local community.	7.27.23 to 7.27.25
The development would deliver affordable homes and an appropriate density mix.	7.27.11

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.	7.27.33 to 7.27.35
The development will bring new sports development, school provision and healthcare provision.	7.27.12 to 7.27.21
This would benefit businesses and result in the reduction of traffic on A2.	7.15.29 to 7.15.33

- 4.7. In relation to the first round of consultation, the following Parish Councils objected to the application.

Bapchild, Bredgar, Milstead and Rodmersham Parish Councils

In summary, Bapchild, Bredgar, Milstead and Rodmersham Parish Councils made a combined submission objecting to the proposed development. 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 warrant support in principle for the development of the site and the resultant encroachment of built development into the countryside.</p>	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20
In terms of the five-year land housing supply, none of the homes proposed would be delivered in the next 5 years and so approval of these applications would not meet the minor housing supply shortfall identified.	7.4.1.13 to 7.4.1.15
The proposed development would detrimentally impact the Kent Downs NL, areas of High Landscape Value, areas of biodiversity importance, Important Local Countryside Gaps and Rural Lanes.	7.5.105 to 7.5.108 7.8.67 to 7.8.73
The development would also impact the historic environment which would result in irreversible negative impacts on conservation areas and listed buildings.	See section 7.9 and para 7.27.43 to 7.27.46
The two developments would also result in the loss of land, which is in current or former agricultural use. The combined loss of Best and Most Versatile land through both applications is around 550 ha (Grade 1, 2 and 3a agricultural land). Farming and food security would be put at risk.	7.24.1 to 7.24.10
The submissions lack evidence to show the cumulative impact on highway safety would be acceptable. The increase in traffic through villages such as Tunstall, Bredgar, Milstead and Rodmersham also significantly increases the risk of traffic safety issues.	7.15.29 to 7.15.38

The proposed alterations to the SRN (the new motorway junction) are not justified, they are not essential to the delivery of strategic planned growth. The new junction is merely necessary to justify an unplanned and speculative development without appropriate assessment of the alternatives.	7.15.39 to 7.15.40
Development should not be allowed until the necessary highway infrastructure has been delivered.	7.15.41
The development would result in noise, air quality and light pollution.	7.16.15, 7.21.20 to 7.21.26
Natural habitats and wildlife would be impacted. This application would cut an unacceptable vast swathe of development through the countryside.	7.14.31 to 7.14.40
There would be the direct loss of Local Wildlife Sites (Highsted Quarries and Cromers Wood) and Ancient Woodland (Highsted Wood and Bex Wood). There are no wholly exceptional reasons to allow development to affect these natural resources	7.13.11, 7.13.12 7.13.17 to 7.13.20
Traffic congestion would not be improved. Public transport has reduced meaning that the development would need to be car reliant. The development also fails to address how local train operators will address already overpacked and overstretched commuter trains.	7.15.55 7.15.64 to 7.15.69
The public use the countryside for recreation and this has mental health benefits which would be lost. This could place a greater burden on the NHS.	7.8.70
Construction and associated impacts would occur over a very long time to the detriment of amenity.	7.21.5 to 7.21.19
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.	7.17.5 to 7.17.13
There is a history of businesses within the site 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.	7.19.25 to 7.19.28 7.20.3 to 7.20.5
The need for the new motorway junction is unfounded and is certainly not in the public interest.	7.15.39 to 7.15.40
The benefits of the development are not considered to be of such magnitude so as to outweigh the harm identified, with the environmental harm instead considerably outweighing the benefits of the scheme.	7.27.47 to 7.27.50
Insufficient information was provided to allow the highway impacts of the development to be considered.	7.15.85 to 7.15.88

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.	7.15.85 to 7.15.88
Community and other infrastructure is already at capacity and would not cope with additional demand.	7.17.5 to 7.17.21
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.	7.19.23 7.19.27 to 7.19.28
The impact of the additional roads and increased traffic on noise and air quality within the area requires careful consideration.	7.16.14, 7.16.15 7.21.20, 7.21.22 to 7.21.27

Bapchild Parish Council

In summary, Bapchild Parish Council provided a separate submission and object to the proposed developments for the following reasons:

Comment	Report reference/clarification
Bapchild Parish Council reject the proposal as being totally unsustainable. Areas of concern include conflict with the plan-led system and Local Plan, housing delivery in Swale, landscape impacts, impacts on heritage impacts, loss of Best and Most Versatile agricultural land, impacts on infrastructure, highways matters and biodiversity concerns.	7.4.1.1 to 7.4.1.5 7.8.67 to 7.8.73 7.27.43 to 7.27.46 7.24.8 to 7.24.10
The scale, layout and density of the development will change the rural character of the landscape forever.	7.8.67 to 7.8.73
The applicant suggests in the Ecological Mitigation Strategy that there would be a net biodiversity gain, however the Parish Council have concerns that the negative impacts of construction over many years would destroy the existing wildlife, habitats and biodiversity.	7.14.23 to 7.14.29

Borden Parish Council

In summary, Borden Parish Council object to the application for the following reasons:

Comment	Report reference/clarification
The site is outside the Swale Local Plan built up area and contrary to the existing and draft new Local Plan.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20, 7.2.13
The development would provide insufficient affordable housing, which should be a minimum of 40%.	7.7.11 to 7.7.14

Health services are severely stretched in Sittingbourne and Swale has the lowest doctor to patient ration in the country. The additional demand generated by the development would worsen the situation.	7.17.13 to 7.17.15
In terms of water supply, the area suffers droughts during the summer and water shortage is not addressed in the proposed development.	7.19.23
Sewage treatment centres in Swale are currently inadequate and the application does not address this.	7.19.27
There will be a loss of Grade 1 agricultural farmland, which has become significant for food production since Brexit. The scale of the development is out of character and will be detrimental to the character of the rural landscape.	7.24.10
The scale of the development is out of character and will be detrimental to the character of the rural landscape.	7.8.67 to 7.8.73
The ecological impact would be considerable.	7.14.44
Part of Highsted Wood (ancient woodland) and Highsted Quarries local wildlife site would be lost.	7.13.9 to 7.13.20
The proposed development would negatively impact conservation areas and listed buildings, including churches.	See section 7.9 and para 7.27.43 to 7.27.46
The development would increase pressure to further develop farming land between Sittingbourne and the M2.	7.24.10
Other concerns included excessive population growth in the area, air quality impacts and increased traffic congestion.	7.4.1.1 to 7.4.1.5 7.16.14, 7.16.15 7.15.30 to 7.15.38

Bredgar Parish Council

In summary, Bredgar Parish Council object to the application for the following reasons:

Comment	Report reference/clarification
The proposed development does not form part of the adopted Swale Local Plan, nor the Draft Local Plan.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20 7.2.13
The size, scale and proximity of the proposals would have a deep and negative impact on the residents of Bredgar Parish, the village and its setting. Concerns include the damage to the Kent Downs NL and its setting.	7.8.67 to 7.8.73

There would be impacts on transport and traffic, water supplies, the built environment and heritage, ecology, socioeconomics, health and climate change.	7.15.30 to 7.15.38 7.19.23 Section 7.9 and para 7.27.43 to 7.27.46 7.22.6
The development would result in the loss of grade 1 and 2 agricultural land, which cannot be reversed or mitigated.	7.24.10
The proposed green areas within the site are artificial in nature, many of them forming a green corridor to surround a dual carriageway access road.	7.18.11 to 7.18.19
The retention of the current countryside gap between Bredgar, Tunstall and Sittingbourne is of vital importance to the character of both villages. The development would merge the settlements.	7.11.50
The setting of ancient woodland would be harmed.	7.13.19
Dark skies would be lost.	7.5.99 to 7.5.104
Demand for water supply would increase in a location where there is insufficient capacity.	7.19.23
The assessment of heritage impacts is insufficient.	Section 7.9 and para 7.27.43 to 7.27.46
The assessment of ecological impacts is insufficient.	7.14.44
The inevitable increase in traffic is a great concern, both during and after the construction phase.	7.15.30 to 7.15.38
The rail service from Sittingbourne is already overstretched, with commuter trains full to bursting.	7.15.68
Social infrastructure such as health care, has insufficient capacity to cope with the additional population.	7.17.5 to 7.17.15
With climate change flooding will increase and the development which is lower than the Parish will be at risk of flooding.	7.19.11 to 7.19.17
Increased surface water drainage, loss of water catchment, loss of ground water sources and development over Principal and Secondary aquifers would be detrimental to supply.	7.19.23
Additionally, local roads are not suited for additional traffic and the M2 motorway will become even more congested.	7.15.30 to 7.15.38
The sheer, unprecedented volume of objections from local people shows public opinion is against the scheme.	Noted.

Doddington Parish Council

Doddington Parish Council object to the proposed developments for the following reasons:

Comment	Report reference/clarification
The applications would undermine the emerging Local Plan.	7.2.13
Construction impacts would occur for decades.	7.21.5 to 7.21.19
Best and most versatile agricultural land would be lost. The viability of remaining areas of farmland would be impacted.	7.24.10
Traffic congestion would worsen.	7.15.30 to 7.15.38
The sustainable transport strategy is inadequate.	7.15.61 to 7.15.72
Air quality would worsen.	7.16.14, 7.16.15
The countryside would be harmed, rural lanes would be impacted. Countryside Gaps would be lost.	7.8.67 to 7.8.73
Ancient woodland would be impacted.	7.13.19
There would be ecological impacts and loss of habitats and danger to protected species. Raise concern that the Applicant's BNG claims will not be achieved.	7.14.44 7.14.23 to 7.14.29
Heritage assets would be harmed.	Section 7.9 and para 7.27.43 to 7.27.46
Concerns over water supply, which is problematic in the existing situation and this would be made worse.	7.19.23
Social infrastructure (including health care) does not have the capacity to cope with the additional population that would live in the scheme.	7.17.14, 7.17.15
Concerns include the direct and indirect impact of the development on Doddington and the surrounding area.	7.8.67 to 7.8.73
The increased traffic during construction phases would cause congestion.	7.21.5 7.15.26
There is a lack of improvements to the A2 proposed. There is no route for the northern relief road in this application.	
Infrastructure is insufficient for the scale of the development. Southern Water lack capacity in the sewerage network to cope with the additional demand proposed.	7.19.27, 7.19.28
The Parish Council supports the comments made by other Parishes in objection to the development.	Noted

The development would completely alter the character of the area, and directly and indirectly put pressure on the Kent Downs NL.	7.5.106 to 7.5.108

Hartlip Parish Council

In summary, Hartlip Parish Council object to the application for the following reasons:

Comment	Report reference/clarification
The site is not allocated for housing in the adopted Swale Local Plan of 2017, or the emerging Local Plan and contrary to the existing and emerging settlement strategy. -	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20 7.2.13
The scale of the development would exceed Sittingbourne's needs and would be out of character with the area. The proposed development would have a detrimental impact on the local environment by: <ul style="list-style-type: none"> Resulting in the loss of Best and Most Versatile Agricultural land Impacting the setting of the Kent Down NL, Destroying local ecology including ancient woodland, Result in the loss of Highsted Quarries Local Wildlife Site, Adversely impact the Conservation Areas and Listed Buildings. 	7.4.1.8 7.24.10 7.5.105 to 7.5.108 7.13.11, 7.13.19 Section 7.9 and para 7.27.43 to 7.27.46
Other concerns include the impact on recreational activities, such as walking. There would be harm to dark skies and nocturnal wildlife from additional lighting. There would be damage to mental and physical health.	7.15.73 to 7.15.83 7.5.99 to 7.5.104
There would be significant increase in population growth, increased vehicles and traffic and further strain local facilities and services.	7.15.86 to 7.15.88 7.17.14, 7.17.15

Hollingbourne Parish Council

In summary, Hollingbourne Parish Council object to the application for the following reasons:

Comment	Report reference/clarification
The development would increase traffic through Hollingbourne and adversely impact the quality of life in the Parish.	7.15.86 to 7.15.88
The development would result in the loss of part of the Kent Downs NL, local ecology, biodiversity and agricultural land.	7.5.105 to 7.5.108 7.14.23 to 7.14.42 7.24.10

Lynsted with Kingsdown Parish Council

In summary, Lynsted and Kingsdown Parish Council object to the application for the following reasons:

Comment	Report reference/clarification
The applications should not be considered independently.	7.1.1
Lynsted and Kingsdown Parish Councils object to the planning applications, which should not be considered at the present time on the grounds of prematurity.	7.2.13
The development undermines the plan-making process by predetermining decisions regarding scale, location or phasing of new development and the overall strategy.	7.2.13
If granted, the two applications would result in continuous construction for decades and turn 95ha (northern site) and 578 ha (southern site) of land into residential and commercial urban uses.	7.21.5 to 7.21.19
The development would impact the ability to produce local food on Grade 1, 2 and 3a agricultural land.	7.24.10
The proposed development would impact traffic through Rural Lanes and increase air pollution, leading to worsened health.	7.16.14, 7.16.15
The proposal would result in the loss of ancient woodland, local wildlife, biodiversity, wildlife habitats and cause harm to heritage assets.	7.13.19, 7.14.23 to 7.14.42 Section 7.9 and para 7.27.43 to 7.27.46
The development would also further strain water supply, which some villages already struggle with.	7.19.23
The development would impact medical services and any new medical facilities would not attract enough workers.	7.17.14

Teynham and Tonge Parish Council

Teynham and Tonge Parish Council submitted a combined objection which can be viewed in full on line. A summary of matters raised is set out below:

Comment	Report reference/clarification
Many residents were completely unaware of the planning applications. Generally, for all residents, there was a very low awareness of the full scale and location of the proposals.	4.1
Responses submitted from members of Sittingbourne football club and 'Just Build Homes' campaign are unrepresentative.	Officers have taken all consultation responses into account.
Resident engagement shows that the vast majority of people oppose the proposal.	Noted

The development sites are not supported by local plan allocation and the developments proposed do not offer sustainable development.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20
The emerging Local Plan does not identify the site as being preferable for development.	7.2.13
The development is premature and would undermine the emerging Local Plan.	7.2.13
The proposals are outside the built up boundary contrary to policy ST3 of the Local Plan and are unacceptable in principle. The Parish Council questions why one area of Swale should have to bear the brunt of accommodating such a significant proportion of the Boroughs housing requirement. Development of brownfield or previously developed sites should be the priority (before considering the countryside).	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20
Even if the Council does not have a 5 year supply of housing the harm to the Kent Downs NL would disengage the presumption in favour of sustainable development.	7.2.5
Cumulative impacts have been underestimated.	7.27.42
Traffic congestion would worsen. There is concern that more housing is proposed than the transport modelling suggests can be accommodated.	7.15.86 to 7.15.88
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.	7.15.25 7.2.13
The southern relief road contained in 21/503914/EIOU is being proposed at the developer's request to serve their own development. This is not a proposal that would otherwise be funded or promoted by the local authority.	7.15.39
The two road projects are entirely contingent on one another. Teynham and Tonge Parish Council argue strongly that the application proposals are intrinsically linked.	7.15.25, 7.15.26
Concern is raised that the either application would cause congestion along the A2 which is already at an unacceptable level.	7.15.29 to 7.15.40
There is uncertainty as to how the two developments can be successfully delivered without channelling more onto the A2.	7.15.29 to 7.15.40
Concern was raised in relation to the impact (visual, noise, emissions) that the proposed highway infrastructure would have.	7.8.73, 7.6.14, 7.21.22 to 7.21.27

Traffic on Lower Road would increase and that road is not suitable for such an increase in traffic.	7.15.29 to 7.15.40
The proposed M2 J5a does not meet the strategic growth test set out in national policy.	7.15.39
The addition of another junction in close proximity to the existing J5 presents the opportunity for greater highway safety issues.	7.15.38
There would be an unacceptable impact upon highway safety and that the impacts upon the A2 in terms of additional traffic flow would be severe if application 21/503906/EIOUT and 21/503914/EIOUT are considered independently.	7.15.29, 7.15.30
The development would result in a worsening of air quality.	7.16.14, 7.16.15
The rail infrastructure at Teynham would not support a large increase in population as proposed.	7.15.68
The sustainable transport strategy supporting the two applications is not sufficient to mitigate impacts.	7.15.52 to 17.15.72
The character of Teynham and Tonge would be harmed. The Countryside Gap would be lost and settlements would be merged.	7.11.31, 7.11.38, 7.8.23
Rural Lanes would be harmed, contrary to Policy DM26.	7.8.27
The development would result in the loss of Best and Most Versatile agricultural land. The proposals are in conflict with Local Plan Policy DM30.	7.24.10
There would harm to the landscape character and visual impacts. The landscape and visual impact assessment and the ES underestimate landscape and visual impacts.	7.8.67 to 7.8.73
The development would result in significant ecological impacts.	7.14.43, 7.14.44
Wildlife habitats would be lost and protected species would be put at risk.	7.14.31 to 7.14.41
There would be impacts to protected sites (such as the Swale SPA).	7.14.43, 7.14.44
Concern is raised in relation to how BNG has been calculated.	7.14.23 to 7.14.28
The proposals will result in the removal and loss of areas of substantial areas of trees and hedgerow, including ancient woodland.	7.12.11 7.13.19
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 7.9 and para 7.27.43 to 7.27.46

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.	7.19.27, 7.19.28
Raise concern over the how sufficient water supply could be provided for the development.	7.19.23
The development may well result in surface water runoff from the site resulting in flooding elsewhere.	7.19.24
Social infrastructure (including health care) would not be able to cope with the additional demands arising from the development.	7.17.14
The impacts of both proposals are harmful, either individually or cumulatively	7.27.42

Teynham Parish Council

In addition to the combined submission, Teynham Parish Council also provided a separate submission raising objection to the proposal:

Comment	Report reference/clarification
The development sites are not supported by local plan allocation. There is an in principle objection.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20
Teynham has already delivered more housing than was allocated in the local plan. The villages do not have capacity to accommodate more.	7.4.1.1 to 7.4.1.5
The applications have been brought forward prematurely in an attempt to exploit the negative housing land supply position Swale Borough Council currently finds itself in.	7.4.1.8, 7.4.1.11 to 7.4.1.15
The existing road structure around Teynham and particularly the A2 is not capable of accommodating combined development traffic.	7.15.29, 7.15.30
Concerns were raised over the safety of the new junction to the M2.	7.15.38
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.	7.15.28
The development that would result in additional traffic using the A2 increasing vehicle emissions and degrading Air Quality in this location further.	7.16.7, 7.16.15
The proposed sustainable transport strategy supporting both applications would not reduce or mitigate additional car travel.	7.15.52 to 7.15.72
Countryside gaps would be eroded and settlements would merge.	7.11.31, 7.11.38, 7.8.23

The development will result in the total loss of Grade 1 and 2 agricultural land which is classified as being Best and Most Versatile.	7.24.10
The development would introduce large scale urbanisation into area of undeveloped and open countryside.	7.8.73
The Area of High Landscape Value contained within 21/503906/EIOUT and on the edge of 21/503914/EIOUT would be degraded.	7.8.73
The Kent Downs NL would be harmed.	7.8.73
The application documentation admits that each application will result in the loss and destruction of habitats and direct threat to wildlife.	7.14.44
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.	7.14.44
The ecological impacts, including the loss of the Highsted Quarries Local Wildlife Site (21/503194/EIOUT) and the loss of irreplaceable habitats such as ancient woodland and hedgerows is unacceptable.	7.12.11, 7.13.20, 7.14.44
The biodiversity net gain claims across both application areas are unrealistic.	7.14.23 to 7.14.30
The impact on heritage assets is significant and the Parish Council have very grave concerns about the impact on the most important listed buildings and the substantial harm that will be caused to Tonge Conservation Area.	Section 7.9 and para 7.27.43 to 7.27.46
The drainage network will not be able to cope with additional foul and surface water.	7.19.28
Teynham has limited shops and services and public transport links would not properly provide for the additional population being proposed.	7.4.2.1 to 7.4.2.9 7.15.64, 7.15.68
Social infrastructure such as health care will not be able to cope.	7.17.14, 7.17.15

Tonge Parish Council

Comment	Report reference/clarification
The development sites are not supported by local plan allocation. There is an in principle objection.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20
The villages do not have capacity to accommodate more housing.	7.4.1.1 to 7.4.1.5
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.	7.4.1.8, 7.4.1.11 to 7.4.1.15

The existing road structure, particularly the A2 is not capable of accommodating combined development traffic.	7.15.29, 7.15.30
Concerns were raised over the safety of the new junction to the M2.	7.15.38
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.	7.15.28
The development that would result in additional traffic using the A2 increasing vehicle emissions and degrading air quality in this location further.	7.16.7, 7.16.15
The proposed sustainable transport strategy supporting both applications would not reduce or mitigate additional car travel.	7.15.52 to 7.15.72
Countryside gaps would be eroded and settlements would merge.	7.11.31, 7.11.38, 7.8.23
The development will result in the total loss of Grade 1 and 2 agricultural land which is classified as being Best and Most Versatile.	7.24.10
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.	7.8.73
The Area of High Landscape Value contained within 21/503906/EIOUT and on the edge of 21/503914/EIOUT would be degraded.	7.8.73
The Kent Downs NL would be harmed.	7.8.73
The application documentation admits that each application will result in the loss and destruction of habitats and direct threat to wildlife.	7.14.44
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.	7.14.44
The ecological impacts, including the loss of the Highsted Quarries Local Wildlife Site (21/503194/EIOUT) and the loss of irreplaceable habitats such as ancient woodland and hedgerows is unacceptable.	7.12.11, 7.13.20, 7.14.44
The biodiversity net gain claims across both application areas are unrealistic.	7.14.23 to 7.14.30
The impact on heritage assets is significant and the Parish Council have very grave concerns about the impact on the most important listed buildings and the substantial harm that will be caused to the Tonge Conservation Area.	Section 7.9 and para 7.27.43 to 7.27.46
The drainage network will not be able to cope with additional foul and surface water.	7.19.28

Teynham has limited shops and services and public transport links would not properly provide for the additional population being proposed.	7.4.2.1 to 7.4.2.9 7.15.64, 7.15.68
Social infrastructure such as health care facilities will not be able to cope with additional demand.	7.17.14, 7.17.15

Tunstall Parish Council

In summary, Tunstall Parish Council object to the application for the following reasons:

Comment	Report reference/clarification
Tunstall Parish Council believes this proposal is premature and undermines the Swale Borough Council plan making process. The site is not allocated in the Local Plan, nor the emerging Local Plan.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20 7.2.13
The proposal focuses on the implementation of the UK's first privately funded motorway junction however, Highway England have not agreed to the proposals.	7.15.39
The new motorway junction is almost wholly in the Kent Downs NL and the housing and commercial development will further impact the setting of the Kent Downs NL.	7.5.108
The proposals result in loss of countryside gaps, the merging of distinct villages, impact to the Conservation Areas of Tunstall, Rodmersham, Milstead and Tonge.	Section 7.9 and para 7.27.43 to 7.27.46
The development would result in the loss of Best and Most Versatile agricultural land.	7.24.10
Further impacts include worsened air quality and impact on local services including health care facilities.	7.17.14, 7.17.15

Swale Footpath Group

In summary the Swale footpath Group raised the following concerns:

Comment	Report reference/clarification
Even if all PRoWs on both sites remain on their present alignments, their whole character would be changed. Walking between houses would not give the same views, the same sense of freedom and the same fresh air as walking in the countryside. The Covid pandemic has underlined the importance of these benefits.	7.15.73 to 7.15.84
The development is also on Agricultural Land which would be lost, in addition the proposed relief road may not end up reducing traffic given the proposed housing and associated traffic proposed.	7.24.10 7.15.29, 7.15.30

Sittingbourne Society

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

Comment	Report reference/clarification
The high number of houses is not required to meet the housing needs of the people of Sittingbourne.	7.4.1.8
Local social infrastructure such as health care and education cannot cope with existing demands let alone the additional population proposed.	7.17.5 to 7.17.23
The new roads will adversely impact the Kent Downs NL and impinge on significant biodiversity. Ancient woodland would be impacted.	7.5.108 7.13.19
There would be adverse impacts in terms of local water resources, waste water and ecology.	7.19.21, 7.19.23, 7.19.28
Traffic generation would be significant and adversely impact the highway network.	7.15.29, 7.15.30
Existing air quality issues would be exacerbated.	7.16.14, 7.16.15
The application would undermine current and emerging Local Plans and bring result in a large concentration of lower paid jobs.	7.2.13
The development would result in the loss of valuable agricultural land and destroy the rural character of this attractive area of north Kent.	7.24.10

The Countryside Charity

In summary the Sittingbourne Society object to the application raising the following concerns:

Comment	Report reference/clarification
The development is not plan led.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20 7.2.13
The proposed development is not in a sustainable location. Employment uses (and schools) are not sited to encourage sustainable/active travel.	7.15.52 to 7.15.72
The site lies in the countryside and within a designated Local Countryside Gap. The development would have an adverse impact on the network of rural lanes and on Best and Most Versatile agricultural land.	7.8.67 to 7.8.73 7.24.10

The development will have a harmful impact on the Kent Downs National Landscape.	7.5.108
The proposed development will affect an Area of High Landscape Value. The proposed building heights mean the development would be highly visible. The development would result in the loss of trees and hedgerows.	7.8.67 to 7.8.73 7.12.12
The proposed development will have an adverse impact on dark skies at night. Tranquillity would be lost.	7.5.99 to 7.5.104
The development will have an adverse impact on ancient woodlands and Local Wildlife Sites.	7.13.11, 7.13.19
The proposed development would negatively impact heritage assets.	Section 7.9 and para 7.27.43 to 7.27.46
Development could result in conflict with existing adjoining uses.	7.21.1 to 7.21.28
Contamination on site would be disturbed and could reach water sources.	7.19.20 to 7.19.26 7.20.14
Part of the site is within a mineral safeguarded area.	7.25.6
Consideration needs to be given to the cumulative effects of this scheme and 21/503906 on land west of Teynham.	7.1.1, 7.27.42

Community Planning Alliance

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

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
Viability: Without the developer viability appraisal being published, it is impossible to determine whether the promises made are deliverable.	7.7.13
The proposals contradict the emerging local plan.	7.2.13

Sittingbourne, Milton and District Scouts Executive

In summary the Sittingbourne, Milton and District Scouts Executive object to the application. Concerns raised were:

Comment	Report reference/clarification
The proposed development will have a huge detrimental effect on the ability to provide the local young people of Sittingbourne, as well as the many young people from across the country and internationally that benefit from our facilities, with experiences that nurture their physical and mental wellbeing.	7.5.70, 7.5.77
At a time when more and more of our young people's time is consumed by technology and sedentary activities, particularly during this past pandemic lockdown, it is vital that they are able to access natural outdoor spaces to take risks, problem solve, team build and develop confidence.	7.5.70, 7.5.77
The new M2 junction will create noise, be unpleasant to look at and increase air pollution. Visitors to the scout camp on Bexon Lane are currently able to get away from such impacts. The housing and road development will increase traffic volume, causing excessive difficulty accessing the campsite.	7.5.105 to 7.5.108
The loss of surrounding countryside and wildlife will be hugely detrimental to the wellbeing of young people and the local ecology.	7.5.105 to 7.5.108

Rural Protection Group

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

Wormshill Village

In summary the Wormshill Village raised the following concerns:

Comment	Report reference/clarification
The Environmental Statement is flawed and offers no reasonable alternatives.	7.1.1
The proposals are not in line with the Local Plan.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20
No viability assessment has been submitted. There is no evidence that the proposals would be deliverable in the plan period.	7.7.13
It is not clear if Network Rail would allow a bridge to be built over the railway line.	7.15.25
Southern Water confirmed that there is not capacity in the sewer system to cope with demand from the development.	7.19.28
Deliverability and infrastructure are questioned.	7.17.4
The strategic need for the new M2 junction has not been justified.	7.15.39

Social infrastructure (including health care) would not be able to cope with the additional demands arising from the development.	7.17.14
There would be harmful impacts to the Kent Downs NL.	7.5.108
Rural Lanes would be impacted.	7.8.73
Air quality would worsen.	7.16.14, 7.16.15
Settlements would merge. Countryside gaps would be impacted. Rural character of the area would be lost.	7.8.67 to 7.8.73
Best and Most Versatile agricultural land would be lost.	7.24.10
There would be landscape and visual impacts.	7.8.73
There would be biodiversity and ecological impacts, loss of habitats and impacts to protected sites and SSSI.	7.14.44
There would be the loss of trees and ancient woodland.	7.12.11 7.13.19

4.8. Second Round of consultation

- 4.9. A second round of consultation was undertaken on 2/12/2022 following receipt of further information, all those who were originally consulted or provided a response were consulted again. Some 263 submissions were received in relation to the consultation.
- 4.10. Of the responses 217 raised objection and 45 were in support with 1 being neutral (neither supporting nor objecting).
- 4.11. In relation to objections, these largely reflected the concerns raised in the first round of consultation. The following additional concerns and comments were raised in relation the second round of consultation:

Comment	Report reference/clarification
Improvements to the A249 would introduce more cars on the roads (the proposal will exacerbate this). Evidence is needed to show what additional traffic would be generated as a result of introducing a flyover across the M2.	7.15.23 to 7.15.40
Traffic lights worsen traffic congestion and pollution, if more traffic lights are introduced the situation would be made worse.	7.15.23 to 7.15.40
Increased traffic levels would be introduced on Ruins Barn Road worsening congestion. The roads to the Science park road layout needs to be improved.	7.15.23 to 7.15.40
The new road layout will still increase traffic.	7.15.23 to 7.15.40
Ruins Barn Road pedestrian access needs improvement.	7.15.30
If the Northern Relief Road goes ahead and the housing west of Teynham is permitted, traffic from Sheppey will leave the A249 and	7.15.23 to 7.15.40

bypass Sittingbourne and join the A2 via the Northern Relief Road, bringing traffic to Teynham. The impact of increased cars will cause gridlock in the town centre.	
There is currently a lack of trained teachers/teaching assistants to fill new schools. There is also not enough medical staff to fill existing medical practices.	7.17.5 to 7.17.15

- 4.12. Comments made in support of the application largely reflected the same comments received in relation to the first round of consultation. The additional comments in support of the application are set out below:

Comment	Report reference/clarification
The proposed Junction 5a and delivery of the Northern and Southern and Relief Roads will provide a new route to the M2 without travelling through Sittingbourne Centre or the already congested A249 corridor.	7.15.23 to 7.15.40

- 4.13. In relation to the second round of consultation, the 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:

Borden Parish Council

Comment	Report reference/clarification
There is insufficient affordable housing provision.	7.7.13
Proposals are required to maintain varied habitat and provide wildlife corridors for birds, bats, hedgehogs, and other resident wildlife. The skylarks currently resident in this area are particularly vulnerable.	7.14.40, 7.14.41
This proposal would nearly double the population of Sittingbourne and with it the number of vehicles which would use an already overcrowded local road network.	7.15.23 to 7.15.40
Air quality would be harmed with the increase of traffic coupled with the loss of vegetation. The rat run corridors would expose residents to poor quality emissions from subsequent vehicular traffic.	7.16.14, 7.16.15
There is no need for a new junction on the M2 given existing conditions and the only justification for it is because of this development.	7.15.40

Bredgar Parish Council

Comment	Report reference/clarification
The revised application shows a proposed Junction 5A which is slightly re-designed, but this does not address fundamental issues around the proposal for a new junction.	7.15.40

The Borough is meeting its housing targets as such the harmful development is not necessary.	7.4.18
The beautiful countryside of the proposed development site is not a place where new homes make sense.	7.8.73
The Countryside gaps would be impacted, resulting on the coalescence of settlements.	7.8.73
The traffic modelling is flawed. The development would result in traffic increases to local roads, worsening congestion.	7.15.23 to 7.15.40
Local roads are not suitable for such a large increase in traffic.	7.15.23 to 7.15.40
HGV movements in the Parish would increase, with the potential to create highway safety issues.	7.21.5 to 7.21.9
Additional traffic on the M2 would create noise and air quality issues.	7.21.22
Conditions are needed to require the applicant to identify, fund and implement mitigations for these highway issues.	7.15.41
The existing infrastructure including the sewer network must be enhanced and made workable before any further development is accepted.	7.19.28
The proposed development would result in the loss of the character of existing villages, merging the settlements, harming heritage assets, the landscape and character of villages.	7.8.73
The development would harm wildlife, habitats and ecology	7.14.44

Doddington Parish Council

In summary, Doddington Parish Council advised that the amended and additional information did not address previous objections.

Hartlip Parish Council

Comment	Report reference/clarification
The development would impact the well-being of existing residents.	7.21.1 to 7.21.28
The development would increase pressure on doctors and ambulance services. Pressure on local schools would worsen.	7.17.1 to 7.17.19
The development would increase traffic on the A2 and country roads which are not built for heavy traffic. This creates health and safety concerns for those walking to school and horse riders.	7.15.23 to 7.15.40
The applications need to be considered together as they could change the area considerably and are not sustainable when considered individually or cumulatively..	7.15.25, 17.15.26
The highway network would become unacceptably congested.	7.15.23 to 7.15.40

Emissions from vehicles would worsen air quality and pose health issues.	7.16.14, 7.16.15
As a result of the additional traffic on the A2, motorists are seeking alternative routes and country lanes which were not built for heavy traffic.	7.15.23 to 7.15.40
There would be loss of grade 1 and 2 agricultural land.	7.24.10
Acute care services will not be able to cope with the additional demand.	7.17.1 to 7.17.19
Environmental impacts are of grave concern.	7.14.44

Lynsted with Kingsdown Parish Council

Comment	Report reference/clarification
The volume of new housing is not needed and cannot be accommodated. Brownfield land should be developed before open countryside.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20
Development should be plan led, and the proposals are not plan led.	7.28.1
There would be ecological impacts.	7.14.44
The development will also increase pressure on community infrastructure.	7.17.1 to 7.17.19

Norton, Buckland and Stone Parish Councils

Comment	Report reference/clarification
The development would effectively eliminate the green spaces separating Bapchild and Teynham	7.8.73
Swale's medical facilities are already in a critical state and an increase in population will worsen this.	7.17.1 to 7.17.19
The development would result in the loss high-grade and valuable agricultural land.	7.24.10
The increased traffic on the A2 from the developments would add approximately 15,000 - 17,000 cars to an already overloaded highway, worsening air quality.	7.15.23 to 7.15.40
The development is not in accordance with the Local Plan.	7.28.1
There is doubt as to whether water resources and drainage/sewage networks could cope with the demand from such a major development.	7.19.28

No application of the size and scope of these should be approved until such time as the Government's revised house building policy becomes clear.	7.2.2 to 7.2.8
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Bapchild, Bredgar, Milstead and Rodmersham Parish Councils

The Parish Councils provided a combined response raising concern that the additional information provided does not address the substantive concerns as set out in earlier objections dated November 2021 which remain relevant and material to the Councils consideration of this application.

Teynham Parish Council

Comment	Report reference/clarification
Teynham has already delivered more housing than was allocated in the Local Plan. The village does not have capacity to accommodate more.	7.4.1.1 to 7.4.1.5
The proposal will lead to an increase in traffic through rural lanes which presents highway safety issues for vehicles, cyclists and pedestrians.	7.15.28
The A2 is already over capacity and adding additional traffic to the road would exacerbate the existing congestion problems.	7.15.29, 7.15.30
Additional traffic using the A2 increasing vehicle emissions and degrading Air Quality in this location further, harmful to health.	7.16.7, 7.16.15
Teynham has limited shops and services and public transport links would not properly provide for the additional population being proposed.	7.4.2.1 to 7.4.2.9 7.15.64, 7.15.68
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.	7.17.14, 7.17.15

The Countryside Charity

Comment	Report reference/clarification
The proposed development still conflicts with the adopted local plan and there are no material or exceptional considerations why the plan should not be followed. The applications have been brought forward prematurely in an attempt to exploit the negative housing land supply position SBC currently find itself in.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20

Sittingbourne, Milton and District Scouts Executive

Comment	Report reference/clarification
The negative impact of the loss of the surrounding countryside and wildlife, and the increase in carbon emissions, noise and general	7.5.108, 7.11.44, 7.16.14

pollution caused by the motorway junction and the new housing and industry, will be hugely detrimental to the wellbeing of young people and the local ecology.	
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4.14. Third Round of consultation

4.15. A third round of consultation was undertaken on 28/2/2024 following the receipt of further information. Some 221 submissions were received in relation to the consultation.

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

Comment	Report reference/clarification
Concern over the lack of clarity over where refuse vehicles would park. Concern over traffic congestion as a result of the Household Waste Recycling Centre.	3.24
Local people will not be able to afford the homes, they would therefore be occupied by those who currently live beyond the borough. Affordable housing would not be allocated to local people. Local homeless people will not benefit from this scheme.	7.7.9
There is no need for new sporting facilities.	7.18.2 to 7.18.17
The proposals would lead to vermin as a result of the household waste recycling centre. There would be noise and odours as a result of the household waste recycling centre. Land would be contaminated by it.	7.20.8
The site is in an area with poor access to public transport, meaning future residents are likely to drive, increasing congestion and showing that the site is in an unsustainable location.	7.15.52 to 7.15.71
There is no demand for a hotel, as such the harm to the countryside it would cause is not justified.	7.4.2.3, 7.4.2.4
The Royal Mail may not be able to cope with the additional deliveries.	7.15.45
The existing vacancy rate for retail, office in Sittingbourne is higher than the national average. Existing vacant space should be exhausted, prior to development of further space. There remains notable unused space at the adjacent Kent Science Park and existing consented planning permissions which are not being used; for example, the research facility mothballed by GFarm. There is no demand for public houses.	7.4.2.18, 7.4.6.16
A waste/surface water main would need to be diverted, and there is no detail as to how this would be phased and co-ordinated so there is no loss of functionality.	7.19.20 to 7.19.28
The application should be assessed in relation to the cumulative impacts it would have when considered alongside other committed development.	7.1.1

The planning application for a solar farm at Pitstock Farm when combined with this application would mean Rodmersham Green would no longer be a village or countryside location but instead marooned between new buildings and main roads.	7.8.73
The applications make a mockery of the time residents and members spend engaging in the Local Plan process.	7.2.10 to 7.2.13
The application is dependent on the building of significant infrastructure to enable house building on a massive scale and expand Kent Science Park, which will be expensive and consequently with very high risk of failure to deliver the applicant's suggested benefits of the scheme.	7.7.13
The harm to the Kent Downs NL will be profound. The development will harm the environment, tranquillity, dark skies and heritage assets in the area.	7.5.108
The schools would be in the wrong location.	7.4.3.1
The proposals are premature and would undermine the emerging Local Plan.	7.2.13
No funding has been secured to deliver necessary social infrastructure.	7.17.23
The Applicant would have a monopoly over commercial space in the Borough.	7.4.6.10
The new M2 junction would not comply with DFT Circular 1/2022 (Strategic road network and the delivery of sustainable development) as it is not plan led nor meets the exceptions for junctions to high speed motorways. There is doubt over the deliverability of the new M2 junction.	7.15.39
The development raises the issue of prematurity and would undermine the emerging Local Plan.	7.2.13
Financial viability should be assessed and has not been.	7.7.13
Traffic will impact villages beyond Swale Borough boundary. Other impacts beyond the Borough boundary would need to be mitigated yet S106 funding would not extend to locations outside Swale.	7.15.29
Public transport would need to be increased to discourage car use.	7.15.52 to 7.15.71
The proposals focus on financial gain for the developer and not sustainable development.	7.28.1
The proposed development does not take in to account the combined impact of other developments already approved.	7.1.1

The sports hub would be highly visible and as a sports facility with flood lights there would be significant light and noise pollution and disruption at night.	7.21.15
The proposals offer a low level of affordable housing, so will not be of much benefit to locals looking for affordable rented accommodation.	7.7.13
There would be impacts to tranquillity and dark skies from light spill.	7.5.99 to 7.5.104
Additional demand for trains will exceed capacity.	7.15.68
Trade drawn away from existing retailers would harm existing town centres.	7.4.2.7

4.17. In relation to the third round of consultation, the following Parish Council's and amenity groups reiterated earlier concerns: Borden, Bredgar, Tunstall, The Sittingbourne Society and the Swale Footpath Group.

4.18. In addition, set out below are additional objections that were received from Parish Council's and amenity groups:

Bapchild Parish Council

Comment	Report reference/clarification
The applications need to be considered together and will lead to the over development of the village.	7.1.7, 7.15.25, 7.15.26
The defensible boundary of Panteny Lane, towards Teynham that was achieved through planning application SW/95/0107 (94 Detached Houses) would be lost if this proposal is approved.	7.8.73
The outline nature of the application is problematic, the reserved matters applications may fail to deliver the benefits the outline scheme envisaged. Reserved matters should be considered at this stage.	3.1
The sheer scale, layout, and density of construction for this development will change the rural character of the landscape forever.	7.8.73
The development would result in the loss of important local countryside gaps and the loss of separation between the settlements of Bapchild, Teynham and Tonge. These villages would effectively suffer the loss of their unique identities and become suburbs of Sittingbourne.	7.8.73
There will be a significant loss of the open and undeveloped character of the land and risks Bapchild becoming completely built over as it now only has a small area of greenfield between the village and Sittingbourne.	7.8.73

The proposed site is greenfield and rural land. The proposals would have a disproportionate impact on the character, size and geography of the surrounding villages.	7.8.73
The proposals would set a dangerous precedent that may make future control over development more difficult and allow over-development.	7.2.2
The Local Plan does not support development in the location proposed.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20
Biodiversity net gain may not be achieved.	7.14.28
The proposal would lead to the loss of agricultural land.	7.24.10
The wider development is fundamentally inappropriate and unsuited to the context and environment. Brownfield land should be built on first.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20

Borden Parish Council

Borden Parish Council continue to object to the proposal.

Bredgar Parish Council

The applicant's latest amendments do not address concerns Bredgar Parish Council have raised previously.

Doddington Parish Council

The 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. Additional concerns include:

Comment	Report reference/clarification
The scale of the developments is inappropriate to the rural area in which it is proposed.	7.8.73
The development is not allocated in the Local Plan.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20
The significant increase in the number of residents will impact on community infrastructure.	7.17.23
The development would have direct and indirect adverse impacts on the North Downs NL.	7.5.108

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 result in harmful impacts	7.15.29
The traffic associated with the development would emit pollutants, creating harm to human health. Increases in the most harmful pollutant Particulate Matter (PM2.5) would be associated with increases in vehicle usage associated with the development.	7.16.14, 7.16.15
Levels of PM2.5 (and other pollutants) in Greenstreet (A2) already breach Government commitments.	7.16.14, 7.16.15
The proposed northern and southern relief roads would increase traffic flows through communities and worsen air quality in air quality management areas.	7.16.14, 7.16.15
Building over agricultural land would effectively remove a carbon sink provided by the cultivation of the land.	7.16.14, 7.16.15
Concentrated PM2.5 (friction from brakes, tyres and road wear) in A2 communities is created and recirculated immediately next to pedestrians, cyclists, other road users, residents, visitors and workers.	7.16.14, 7.16.15
The air quality modelling is flawed as it relies on traffic generation that has been underestimated. Emissions and pollutants would be greater.	7.16.14, 7.16.15
The generalised environmental benefits beyond the A2 corridor are also out of phase with the harms created at the kerbside. Heath would be impacted.	7.16.14, 7.16.15
The impacts of introducing the development are considerable and there is overriding uncertainty as to whether impacts can be satisfactorily and acceptably mitigated.	7.16.14, 7.16.15 7.15.29

Teynham Parish Council

Comment	Report reference/clarification
Environmental and ecological Impacts.	7.14.44
Harm to community wellbeing.	
Water supply and wastewater infrastructure is inadequate to cope with additional demand generated by the development.	7.19.23
Increased traffic and congestion.	7.15.29

Sustainable transport proposals are inadequate.	7.15.52 to 7.15.71
Infrastructure is inadequate to cope with additional demand.	7.17.1 to 7.17.23
The consultation period is inadequate.	4.1

Teynham, Doddington, Lynsted with Kingsdown and Tonge Parish Councils

A joint response was received from the Parish Council's set out above, which was prepared by a Transport Consultant on behalf of the Parish Council's, which in summary raised the following concerns:

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.	7.15.52 to 7.15.71
There would be barriers to movement on foot and by bicycle. The SSRR constitute a serious barriers to sustainable movement.	7.15.79 to 7.15.84 7.15.87
Bus provision would be poor. It is likely that after initial bus subsidies are consumed, few services would be viable.	7.15.67
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	7.15.68
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.	7.15.85 to 7.15.88
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.	7.15.85 to 7.15.88
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.	7.15.85 to 7.15.88
Increased HGV movements will not only lead to increased fear and intimidation but also have adverse impacts in terms of noise, vibration and air quality.	7.16.15, 7.21.43
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.	7.15.85 to 7.15.88

Severe impact on the Ruins Barn Road/Woodstock Road corridor.	7.15.85 to 7.15.88
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	7.15.85 to 7.15.88
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.	7.15.85 to 7.15.88
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.	7.15.85 to 7.15.88
The operational assessments for the signalised Highsted Road junction are not available for scrutiny.	7.15.85 to 7.15.88
The latest operational assessments appear to be a mix of 2037 and 2038 scenarios. These need to be consistently 2038 scenarios.	7.15.85 to 7.15.88
A predicted reduction in flows on Bell Road south resulting from the Combined Site appears inconsistent with a very substantial increase in traffic flows on Woodstock Road that feeds directly into Bell Road south. This needs to be explained.	7.15.85 to 7.15.88
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.	7.15.85 to 7.15.88

Teynham, Tonge, Lynsted with Kingsdown and Doddington Parish Councils

A further joint response was received from the Parish Councils, which focussed on planning matters and in summary reiterated earlier concerns and raised the following additional issues:

Comment	Report reference/clarification
There is uncertainty surrounding support for the development in principle.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20
The benefits that would be realised would not outweigh the significant and very serious harm that would be caused on numerous levels.	7.27.47 to 7.27.50
The development would result in the loss of an Important Local Countryside Gap.	7.8.73

There would be adverse impacts on landscape character.	7.8.73
Loss of agricultural land.	7.24.10
Transport and highways impacts.	7.15.85 to 7.15.88
Air quality impacts.	7.16.14, 7.16.15
Impacts to the historic environment.	Section 7.9 and para 7.27.43 to 7.27.46
There have been multiple rounds of consultation resulting in 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.	7.1.1 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. The presumption in favour of sustainable development should not apply in this case.	7.4.1.8
The Council refused permission for 95 dwellings outside of the settlement boundary (ref: 21/501334/OUT Land at Fox Hill), the same approach should be taken with the Highsted Park applications.	7.4.1.1 to 7.4.1.5 7.4.2.18, 7.4.3.5, 7.4.4.4, 7.4.5.7, 7.4.6.16, 7.4.7.20
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.	7.10.11
The layout of the development would undermine opportunities for sustainable travel.	7.15.85 to 7.15.88
The highway infrastructure would create barriers to walking and cycling.	7.15.85 to 7.15.88
Additional traffic would be generated worsening congestion.	7.15.85 to 7.15.88
The highway infrastructure would carry vehicles with associated noise and disturbance, impacting on the amenity of nearby residents.	7.21.24
Construction activities may impact the foundations of listed buildings.	7.21.27, 7.21.28
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	7.8.73

evolution of numerous villages on the eastern side of Sittingbourne dating back to the medieval era.	
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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 areas referred to are beyond the application boundary.
The pond is also an important site for wildlife and is often visited by people who appreciate its tranquillity.	The areas referred to are beyond the application boundary.
The SNRR would cut through the Conservation Area harming historical significance, and bringing noise, emissions and congestion.	The areas referred to are beyond the application boundary.
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.	The areas referred to are beyond the application boundary.

Swale Footpath Group

The Swale Footpath Group reiterated concerns raised in 2021.

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 Warden £134.69 per dwelling	7.14.21

4.19. Fourth round of consultation

4.20. A fourth round of consultation was undertaken on 5/09/2024 following receipt of further information. Some 79 submissions were received in relation to the consultation.

4.21. 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 new Government's targets for house building should not fall so heavily on the South East.	7.4.1.8

Kent science park needs relocating. It should never have been located in the fields outside of Sittingbourne. Its expansion into the countryside is not supported.	7.4.6.2, 7.4.6.3
Concern that the renewable energy infrastructure will result in harm to the countryside and visual impacts.	7.22.10
The Woodstock Buildings are attractive buildings of solid brick construction and have been hosting social events, weddings and funerals for over 70 years. The Woodstock is a 'heritage' building which would add character and echoes of the past to what are often new and characterless new building estates. There is an objection to its loss.	7.4.3.3
The site for the proposed Household Waste Recycling Centre is wholly inappropriate while there are many dilapidated industrial sites locally available. HGV movements associated with the Household Waste Recycling Centre would cause unacceptable congestion.	7.17.17
The development will adversely impact of the value of existing dwellings.	This issue is not a material planning consideration.
The proposals will draw trade from Sittingbourne Town Centre, impacting the viability and vitality of the centre.	7.4.2.7
Natural drainage features will be built over and concrete will reduce the amount of land that rain would normally have soaked into, increasing the risk of flooding.	7.19.10 to 7.19.24
Increase in litter across the area. This is particularly hazardous to wildlife, but also attracts rats and foxes into urban areas which can be a nuisance. More homes increase the pet cat population. Pet cats are responsible for a decline in the numbers of our native birds and other wildlife.	7.14.44
The SSRR is not of benefit in its own right, it is only needed to access the development.	7.15.39
Public transport, in particular train services, would also be put under grave pressure, and miserable overcrowding at peak periods would become even worse.	7.15.68
Construction impacts would occur over decades, adversely impacting on amenity.	7.21.9
Trees in the woodland that support the trapping of carbon emissions would be lost.	7.12.13
Existing villages will lose their identity. Individual villages will be part of a massive urban sprawl. Tranquillity and the living conditions in existing villages would be lost.	7.8.73

The Kent Science Park has already expanded, traffic associated with it causes congestion.	7.15.85 to 7.15.88
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- 4.22. In relation to the fourth round of consultation, the 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:

Teynham, Doddington, Lynsted with Kingsdown and Tonge Parish Councils

A joint response was received from the Parish Council's set out above, which was focussed on transport matters, which in summary advised that the additional and revised information does not address concerns raised in the earlier objection made in the third round of consultation, specific comments include in relation to the following matters:

Comment	Report reference/clarification
Access should not be a reserved matter.	
The problems with the proposed closure to general traffic of the section of Highsted Road south of Swanstree Avenue to give priority to pedestrians, cyclists and buses has not been addressed.	7.15.85 to 7.15.88
The closure of Highsted Road south of Swanstree Avenue will lead to an increase in traffic on the Ruins Barn Road/Woodstock Road corridor. This closure had not been considered in the modelling work.	7.15.85 to 7.15.88
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, a reliance on 'monitor and manage' represents an abnegation of the responsibility of the applicant to mitigate impact to an acceptable degree.	7.15.85 to 7.15.88
Woodstock Rd/Bell Road/Gore Court Rd/Park Avenue mini-roundabout (Junction 58). The unacceptability of the proposed junction layout and the conflict between mitigating vehicle impact while at the same time promoting the corridor for sustainable modes apply equally.	7.15.85 to 7.15.88
The section of cycle priority along Ruins Barn Road south of the existing built-up area of Sittingbourne is not shown to connect with any cycle facilities further north and the provision of any such facilities is likely to further exacerbate severe constraints on vehicle movement.	7.15.85 to 7.15.88
The proposed development, without mitigation, will lead to severe adverse impacts on the Ruins Barn Road/Woodstock Road corridor.	7.15.85 to 7.15.88
The proposed development is far from 'vision led' design. Walking is made difficult because land uses are widely separated and the SSRR forms a major barrier to movement.	7.15.85 to 7.15.88

Cycling is made difficult both because of the presence of the SSRR and because of the lack of safe and convenient routes into Sittingbourne. Bus accessibility is clearly an ‘afterthought’.	7.15.85 to 7.15.88
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.	7.15.85 to 7.15.88
The sustainable transport strategy is both unclear and conflicts with the proposed increase in vehicle capacity.	7.15.85 to 7.15.88
Walking is made difficult because land uses are widely separated and the SSRR forms a major barrier to movement. Cycling is made difficult both because of the presence of the SSRR and because of the lack of safe and convenient routes into Sittingbourne. Bus accessibility is clearly an ‘afterthought’.	7.15.85 to 7.15.88
The section of cycle priority along Ruins Barn Road south of the existing built-up area of Sittingbourne is not shown to connect with any cycle facilities further north and the provision of any such facilities is likely to further exacerbate severe constraints on vehicle movement.	7.15.85 to 7.15.88
Without mitigation the development will lead to severe adverse impacts on the Ruins Barn Road/Woodtock Road corridor.	7.15.85 to 7.15.88

Bapchild, Bredgar, Milstead and Rodmersham Parish Councils

A joint response was received from the Parish Council’s set out above, 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 relevant to this application were raised:

Comment	Report reference/clarification
Swale Borough Council are progressing with a 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 emerging Local Plan does not identify a need for the proposed new motorway junction on the M2. The scale and infrastructure requirements of the proposed development would undermine the plan led mechanism to delivering the housing that the Council needs.	7.2.13

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 housing mix should reflect the Swale Housing Market Assessment.	7.6.2 to 7.6.9
The applicant has submitted an LVIA which has been reviewed by the Parish Council's consultants Red Kite who have identified the deficiencies which must be addressed.	The concerns raised by Red Kite are set out in the following table.
The formation a new motorway junction to the M2 (and its associated road infrastructure) would have significant and wide-ranging impacts on the National Landscape.	7.5.108
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.	7.8.73
The character of the area is defined by its lack of built development, being more clearly within the wider rural countryside character of Kent.	7.8.73
The development proposed would result in a notable detriment to the visual appeal of the landscape.	7.8.73
The Kent Downs NL Unit point out that there has been a significant change in the policy position relating to Areas of Outstanding Natural Beauty, following the introduction of the Levelling Up and Regeneration Act 2023. There is now a duty to further the conservation or enhancement of the natural beauty of the Kent Downs NL.	7.5.108
There would be an erosion of the dark sky of the National Landscape and that this has not been considered sufficiently in the LVIA	7.5.103
No assessment of visual cumulative effects on the Kent Downs AONB/ National Landscape.	7.5.108
The new motorway junction is proposed within the National Landscape for no other reason than to support the significant and speculative developments proposed. There is not an existing overriding highway safety issue that needs to be addressed by a new junction.	7.15.29, 7.15.30
The new junction would represent major development in the NL. There must be exceptional circumstances for the development and it must be in the public interest.	7.5.108
For the development to be considered to be in the public interest, the potential benefits must outweigh the national significance of conserving and enhancing the natural beauty of the Kent Downs NL.	7.5.108

The significant infrastructure works within the National Landscape are not necessary and alternatives to development within the National Landscape are available through the allocations within the Local Plan and other less sensitive sites within the Borough. There are not exceptional circumstances.	7.5.108
There would also be harm to the setting of the NL.	7.5.108
A large swathe of the application site is identified as an Area of High Landscape Value, this would be lost to development.	7.8.73
Highsted South would encroach on an existing designated Countryside Gap resulting in the coalescence and erosion of the character of the settlements close to Sittingbourne.	7.8.73
The evidence base for the emerging Local Plan. This identified the gap between Teynham and Bapchild as important to avoid the coalescence of settlements.	7.8.73
The local road network is comprised primarily of Rural Lanes which would be harmed by the development.	7.8.73
There would be detrimental impacts on landscapes, Important Countryside Gaps and Rural Lanes.	7.8.73
The setting of numerous listed buildings would be harmed. Harm to heritage assets would not be outweighed by the benefits of the scheme.	Section 7.9 and para 7.27.43 to 7.27.46
The settings of the Rodmersham Green, Tunstall, Bredgar and Milstead Conservation Areas would be impacted by the development.	Section 7.9 and para 7.27.43 to 7.27.46
Bexon is a hamlet which would be subject to a significant impact as a result of the proposed new junction on to the M2.	7.8.73
There is still insufficient information submitted to allow an appropriate assessment to be undertaken in order to establish the archaeological significance of the site.	7.10.11
Ownership and maintenance of infrastructure must be clarified at the outset and secured through the appropriate legal agreements.	7.17.5 to 7.17.8
BNG has not been considered. Protected species surveys are out of date. Mitigation proposals are inadequate. There would be harm to protected habitat sites. Natural England object to the application.	7.14.44

Bapchild, Bredgar, Milstead and Rodmersham Parish Councils

A joint response was received from the Parish Council's set out above, which was prepared by a Landscape and Visual Impact Assessment (LVIA) consultant on behalf of the Parish Council's. In summary, the following concerns relevant to this application were raised:

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.	7.8.73
Assessment of the Landscape Condition has no justification. The Landscape Condition has not been determined for each landscape receptor.	7.8.73
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.	7.8.73
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.	7.8.73
<p>More than 50% of the Landscape Values given for the listed landscape receptors are not agreed with.</p> <p>More than 75% of the Landscape Susceptibility judgements given for the listed landscape receptors are not agreed with.</p>	7.8.73
<p>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.</p> <p>The Magnitude of Effects is too broadbrush due to the scale of the Application Site and its inherent sensitivity.</p> <p>The Level of Landscape Effect at Operational - On Completion / at Year 15 has no associated narrative to give explanation for the Level given.</p>	7.8.73
The detail of the cumulative effect on each Landscape Character and their key characteristics is not considered acceptable.	7.8.73
<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>	7.8.73
Major Substantial Significant harm to the visual amenity would occur during the 20year construction period, which is an unacceptable duration.	7.8.73
Even at Year 15 with potentially 33years growth of advanced planting elements the residual visual effects in some cases will reduce to only to Moderate Adverse.	7.8.73
Visual effects at Year 15 rely on the success of mitigation planting.	7.8.73

<p>Planting in some areas would be established for almost 20 years for 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>	
<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>	7.8.73
<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>	7.8.73
<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>	7.8.73
<p>The proposed development will erode the dark sky of the Kent Downs National Landscape 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>	7.8.73
<p>No assessment of visual cumulative effects on the Kent Downs National Landscape in conjunction with the numerous proposed developments in the vicinity which have been identified has been undertaken.</p>	7.8.73
<p>The weighting of Significance should be heightened when assessing National Landscapes for visual and residual effects.</p>	7.8.73
<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>	7.8.73
<p>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.</p>	7.8.73
<p>The extent of proposed hoarding is a concern and presents visual urbanising effects at the interface of the open countryside.</p>	7.8.73

<p>A condition should be imposed on any consent to planting is introduced to screen the hoarding itself.</p>	
<p>The delivery of the landscape strategy and Embedded Mitigation Measures is proposed to be left to a condition on any consent.</p> <p>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.</p>	<p>7.8.73</p>
<p>There is more scope to optimise the proposed woodland and orchard planting than that indicated.</p> <p>Additionally, more information should be provided to show how green infrastructure will link through each of the housing development parcels.</p>	<p>7.8.73</p>

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 are summarised below, with these representing the consultee’s final position:

National Highways

National Highways have considered the latest submission, including the ‘Response to National Highways submitted in August 2024. National Highways consider that the application does not demonstrate compliance with the requirements set out in Department for Transport (DfT) Circular 01/2022 and the NPPF (2023) in respect of matters related to National Highways interests and the safety, reliability and efficient operation of the Strategic Road Network (SRN).

There is insufficient information to enable the Secretary of State for Transport to assess whether a strategic case exists for the proposed new SRN infrastructure (including the proposed M2 Junction 5a) and is compliant with relevant national policy, in particular Circular 01/2022.

The “principle” of the proposed new junction in terms of Circular 01/2022 has yet to be proven.

Modelling replaces approximately 6,000 dwellings from the Borough’s assumed growth to reflect the quantum of development proposed to be delivered by the application by 2038 to avoid double-counting. In applying a flat percentage reduction to all of the potential allocation sites in the earlier 2038 model, the approach cannot demonstrably be linked to any feasible “real world” scenario the council would take in practice.

Questions remain over how reliable the traffic assignment in the “with development” model is. This directly affects the ability of National Highways to fully appraise the impacts of the proposed development.

The response from National Highways sets out other matters which would need to be resolved before agreement could be reached in relation to the acceptability of impacts to the SRN.

There is insufficient information to enable National Highways to determine whether the operational, safety and environmental impacts of the proposed developments can be mitigated sufficiently to ensure that there is no significant detriment to, or to obtain a clear view of the impacts of the proposed development on the SRN.

There is insufficient evidence to enable National Highways to determine if:

- The principle of the development is acceptable,
- A technical design solution can be agreed,
- Whether for a range of practical reasons (including finance, phasing of delivery, absorption of impacts during construction etc) an acceptable programme of delivery can be agreed.

National Highways have advised that planning permission should not be granted until such time as the issues have been addressed.

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 this application or ref: 21/503906/EIOUT (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 conditions on any consent to secure:

- Investigation and remediation strategy for land contamination.
- Verification report demonstrating the effectiveness of the remediation.
- Remediation of contamination not previously identified but found during development.
- Foul drainage strategy.
- Surface water strategy.
- Piling risk assessment.

A standard rules permit or a bespoke environmental permit would be required for the household waste recycling centre. Waste must be stored and treated on an impermeable surface with a sealed drainage system.

The layout of any development should be informed by the sequential approach in terms of flooding.

The detailed design should identify potential flow routes from any flood source and ensure they are routed across the site and managed such that they neither cause flooding to proposed development or to any existing development off site. Known flow routes should be incorporated into the surface water drainage strategy.

Regarding the need for a Sequential Test, this would be a matter of consideration for Swale Borough Council.

Historic England

Historic England does not object to this application but, due to the impacts on heritage assets, continues to have serious concerns about the identified harm to designated heritage assets including the highly graded Church of St Nicholas (Grade I), the Tunstall, Rodmersham Green and Rodmersham Church Street Conservation Areas. The following degrees of harm have been identified with respect to those heritage assets:

- Church of St Nicholas, Rodmersham – less than substantial harm, towards the middle of the range.
- Tunstall Conservation Area - less than substantial harm, towards the lower end of the range.
- Rodmersham Green Conservation Area - less than substantial harm, towards the lower end of the range.
- Rodmersham Church Street Conservation Area - less than substantial harm, towards the middle of the range.

Historic England consider that the application has the potential to harm the historic character of the Kent Downs National Landscape.

Given the lack of a full understanding of the significance of the non-designated archaeological remains, Historic England cannot accurately identify the nature of the impact.

Given the current evidence, Historic England consider that there is a high potential for archaeological remains of high significance (which may be of equivalent significance to scheduled monuments) to be damaged or destroyed, or be harmed through development within their setting. This includes geoarchaeological and palaeoenvironmental deposits.

This impact could not be lowered by mitigation measures associated with ‘preservation by record’, as the harm to significance is not altered by the ability to record and should not be a factor in deciding whether such loss should be permitted.

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

In summary the NHS provided advice in relation to what would be needed (in terms of primary, community 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 direct delivery of the facilities by the Applicant to an NHS specification and transfer at no cost. 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: 21/503906/EIOUT were to both come forward.

The NHS advice is that without the land and funding (or direct delivery), the impact of the development would not 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.

Kent Downs National Landscape (NL) Unit

In summary, the Kent Downs NL Unit object to the application. The amended scheme proposes relatively minor changes to the proposal in terms of potential impacts to the Kent Downs NL.

Conclusion of the NL Unit:

- The proposed creation of a new motorway junction within the Kent Downs remains unchanged and the Kent Downs NL Unit are still of the view that this comprises ‘major

development' for the purposes of assessment under paragraph 183 of the NPPF and Swale Local Plan Policy DM24.

- No changes are proposed in respect of the employment development but there have been changes to the building heights, densities and parameter plans in respect of the proposed development comprising Highsted Village immediately north of the motorway and therefore close to the Kent Downs NL boundary.
- These changes include an enlargement of the sports area adjacent to the NL boundary, a reduction in extent of residential building heights, with generally lower heights now proposed on the outer edges of the residential areas in Highsted Village East and West.
- The Kent Downs NL Unit remain of the view that the conclusions reached in the Applicant's LVIA in respect of impacts to the Kent Downs National Landscape remain substantially under-assessed.
- Both national and local planning policy are clear that that major development should not be permitted within NLs except in exceptional circumstances and where public interest can be demonstrated.
- For the development to be considered to be in the public interest, the potential benefits must outweigh the national significance of conserving and enhancing the natural beauty of the NL.
- The proposal would result in significant harm to the NL as a result of the introduction of substantial new highways infrastructure within the NL itself and major scale development within its immediate setting, both of which would fail to meet the key planning policy tests of conserving and enhancing the landscape and scenic beauty of the NL.
- The duty of regard has been amended by the Levelling Up and Regeneration Act. It now requires that a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the NL. This is a strengthening of the duty. The proposal fails to further the purpose of conserving and enhancing the natural beauty of the area.
- Should the application be approved, additional measures would need to be secured to ensure compliance with the new duty. Compensatory enhancement could help demonstrate that the Council is complying with its statutory duty.
- The harm resulting from the proposal would not further the conservation or enhancement of the natural beauty of the Kent Downs National Landscape.
- The Kent Downs NL Unit therefore objects to the application.

Natural England

In summary, Natural England maintains their objection to the proposal.

Kent Downs NL

As submitted Natural England consider it will have a significant adverse impact on the purposes of designation of the Kent Downs NL.

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 Integrity of protected sites as a result of impacts to air quality and functionally linked land, alone and in-combination with other projects.

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

- The integrity of The Swale Special Protection Area (SPA) and Ramsar site and Medway Estuary and Marshes SPA and Ramsar site.
- Damage or destroy the features of interest for which The Swale Site of Special Scientific Interest (SSSI) and Medway Estuary and Marshes SSSI have been designated.

Natural England advised that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of protected sites contrary to the Habitat Regulations. Further evidence and consideration of mitigation options is required. Natural England do not consider that the Council has sufficient information to be able to grant permission at this stage.

Network Rail

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.

Southern Water

In summary, Southern Water object to the Household Waste Recycling Centre as it is positioned inside the Source Protection Zone 1 (SPZ1) with the potential for contaminants to impact the water supply.

Sports and recreational uses are also proposed in SPZ1, further detail of what this entails will need to be provided. The Geo-environmental Phase 2 report does not include assessment of construction or operational risks associated with the proposed development.

The Drainage Strategy states that deep bore soakaways could be installed, which are not preferred as these transect the unsaturated zone which allow for attenuation and dispersion of contaminants.

The hydrogeological risk appreciation is lacking in the Drainage Strategy and requires urgent consideration, preferably from the input of a hydrogeologist.

No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within 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. Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.

Southern Water did not raise concerns in relation to being able to supply drinking water to the development.

Sport England

In summary, Sport England raise no objection subject to conditions and a S106 agreement securing the funding for capacity enhancements in existing facilities equivalent to that set out below.

Facility	Space needs	Cost
Swimming pools	4 lanes	£4,381,722
Sports halls	5 courts	£3,988,720
Indoor bowls	0.28 rinks	£138,497
Artificial grass pitches	0.5	Sand £588,117 3G £650,926
Total		£9,097,056 to £9,159,865

In addition to securing the above contributions, Sport England recommend that conditions are attached to any consent to secure:

- More detailed proposals brought forward in the 'Tier 2' and 'Tier 3' Reserved Matters applications to be measured against the Active Design Checklist
- Reversion of any sports pitch, court or facility lost as a result of the development.
- Standards required for the construction of any sports pitch, court or facility.
- Details of the design and layout of pitches, courts and facilities.
- Certification and of new football sports hub Artificial Grass Pitches and confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches.
- Quality and standards for new natural turf pitches.
- Lighting for the football and hockey Artificial Grass Pitches.
- Community use agreement for sports facilities.
- Management and Maintenance Scheme for sports facilities.

Kent County Council (KCC) Highway Authority.

KCC Highways have considered the latest submission, including the 'Response to KCC' submitted in August 2024. The KCC Highway Authority raises a holding objection and would recommend, if the issues cannot be addressed, that the application be refused for the following reasons:

- Inadequate information has been submitted to satisfy the Local Highway Authority that a satisfactory means of access to the site can be achieved.
- Inadequate information has been submitted to satisfy the Local Highway Authority that the existing road network in the vicinity of the site has sufficient capacity to accommodate the increase in traffic likely to be generated by the proposal.
- Inadequate information has been submitted to satisfy the Local Highway Authority that the impact of the proposed development can be adequately mitigated.

KCC Highways did note that that the collision data does not identify any pattern of incidents that would require addressing by the development.

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 £8,800,000 would be required to deliver bus services to the development, the funding would secure 4 vehicles for a 10 year period.

If approved any consent would need to secure a detailed public transport phasing plan (which identifies how development phasing would 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 severity of the impact on the PRoW Network remains underestimated. The effects of severance, loss of PRoW, alongside traffic, noise, visual intrusion, loss of tranquillity, combine to harm the useability of PRoW. The development would result in significant adverse impact on the PRoW Network and the significant loss of open countryside. If approved, 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 Mineral and Waste Authority

The KCC Mineral and Waste Authority examined the Mineral Assessment (including the most recent Mineral Safeguarding Response provided in August 2024) and provided the following advice:

Delays to the early delivery of critical highway infrastructure as a result of mineral extraction would trigger exemption 5 of Policy DM7 of the Kent Minerals and Waste Local Plan 2013-2030 for phases 1 and 2..

Phase 3 of the overall development proposal is anticipated to be developed in years 10 to year 20. The proposal seeks to defer establishing if it is feasible for prior extraction until and later stage in the planning process Given the anticipated timescales, and the fact that the application is in outline form, this appears reasonable.

No objection.

KCC Flood and Water Management

In summary, KCC Flood and Water Management raised no objection subject to the following conditions being imposed on any consent to secure:

- Evidence that surface water drainage for all rainfall durations and intensities can be accommodated.

- Evidence that effective outfall for surface water is provided for within the development layout.
- A phasing plan for the surface water drainage scheme.
- A detailed sustainable surface water drainage scheme for the site.
- A Verification Report, pertaining to the adequacy of any completed surface water drainage system.
- Detailed information to demonstrate that sufficient measures are in place to protect receiving waters, to include a Hydrogeological Risk Assessment to specifically demonstrate that there is no risk of pollution to groundwater.

Whilst Southern Water maintains their objection to the use of infiltration, the LLFA accept the general principles proposed for managing water quality. Ultimately, the remit of groundwater protection rests with the Environment Agency, who raise no objection.

KCC Archaeology

The KCC Archaeological advisor raised objection to the application. The additional information submitted by the Applicant in August 2024 has been reviewed and this has not resolved earlier concerns raised by the KCC Archaeologist. There is strong evidence to suggest that there are potentially archaeological remains of high significance within the developable area and the applicant has not sufficiently evaluated the archaeology of the site to enable the remains and their significance to be sufficiently understood and an informed planning decision to be reached.

The applicant maintains that evaluation fieldwork can be deferred until Tier 2 applications. It is the view of the KCC Archaeologist that parameter plans, densities of development and other aspects that are set and established at the outline application stage will limit the potential for preservation. Many of the potential archaeological remains are substantial in their extent and fall within extensive areas of built development. Opportunity for Preservation in Situ in such areas would be very limited and any substantial areas of archaeology where preservation may be appropriate would not be able to be preserved within the set parameters.

There is potential for the development proposals to cause harm to nationally important archaeological assets.

KCC Ecology Advice Service

In summary, the KCC Ecological Advice Service provided the following advice:

- The proposed development is not following the steps of the mitigation hierarchy as the proposal will result in the direct loss of Local Wildlife Site and Ancient Woodland.
- The ecological mitigation areas would also be used for other purposes such as the provision of SUDS and recreation, which could put pressure on the protected species.
- There is a need to ensure the proposed habitat creation can be implemented and retained on site to ensure the proposed species and habitat mitigation can be achieved.
- A green bridge is proposed, however it is within the urban area which does not appear to be the best location to support wildlife connectivity. 3 x Animex bridges are also proposed.
- Swale Borough Council must be satisfied that there are wholly exceptional reasons for the loss of ancient woodland.
- The results of the BNG metric is largely based on the proposal to improve the condition of the retained habitats within the site. Concern is raised that the recreational pressure will not enable the habitats to establish as intended and therefore not achieving the anticipated BNG.

- The lighting plan restricts light spill at night to the benefit of nocturnal animals. It is important to ensure that restricted lighting is achievable (given the need to illuminate roads).

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.
- Water supply.
- Fire management and Emergency Response plans.

Kent Wildlife Trust

Kent Wildlife Trust (KWT) raise concern regarding:

- The unacceptable loss of Highsted Quarries Local Wildlife Site (LWS) and ancient woodland as well as the significant loss of higher quality woodland habitat, loss of 25% (>4.8km) of existing hedgerows and treelines
- Potential encroachment into Cromers Wood LWS and KWT Nature Reserve,
- Potential encroachment into Bex Wood ancient woodland, inadequate mitigation and compensation measures and overall neglecting the mitigation hierarchy.
- Biodiversity Net Gain (BNG) cannot rely on mitigation areas for protected species as part of the BNG metric, as they can only be considered as providing no net loss. BNG as proposed would not be achieved.
- From reviewing the amended documents, the concerns have not been addressed.
- KWT strongly objects the proposed development.

Mid Kent Environmental Health:

In summary, the Mid Kent Environmental Health Officer advised that air quality modelling should be reassessed to include clarity over which adjustment factor was used for PM10 and how this compared to the monitored PM10 data. Further information is required in relation to the modelling of air quality impacts arising from HGV movements during construction.

If minded to approve the application the following conditions and obligations should be imposed on any consent:

- Intrusive investigation for contamination,

- Contamination remediation plan
- Carry out and verify the remediation of contamination,
- Ensure materials proposed to be reused are free from contamination,
- Construction Method Statement and Dust Management Plan,
- Consider emissions from HGV movements and mitigation in more detail when detailed information on construction traffic movements is available.
- Environmental Method Statement to include alternative routes to minimise air quality impacts during construction.
- Mitigation measures set out in the ES and AQIA to be secured.
- An emission mitigation/ damage cost calculation must be provided as part of the amended air quality assessment. Mitigation for each operational phase of the development must be included.
- A scheme detailing and quantifying what measures (reasonable, measurable, and tangible) or offsetting schemes are proposed to offset impacts and to equate to 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 in place to ensure all mitigation is achieved, managed appropriately, and ensure enforcement procedures are put in place at each part of the developments phase.
- Noise assessment and control of noise associated with commercial activities. Further consideration given at the detailed design stage, to ensure BS 8233 upper guidelines are met throughout the proposed dwellings.
- Noise mitigation set out in noise assessment to be implemented.
- Control of construction hours,
- Control of noise and vibration,
- Construction protocols for workers,
- Future dwellings are protected from noise,
- Measures to mitigate noise along Highsted Road.

SBC Urban Design

Following an examination of the most recent submission (Urban Design Officer Response August 2024), the Council's Urban Design advisor has advised that the alterations in the submission are positive and welcome, however they do not successfully address the fundamental issues around significant scale of development, coalescence of settlements, extent of urbanisation, landscape, visual and heritage impacts identified through the consultation and in previous UD comments. There is conflict with Local Plan policies ST1, CP4 and DM14 notwithstanding the changes proposed.

Application structure & processes for achieving good design

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

- The following conditions are required to be discharged:
 - A detailed phasing plan for the whole site.
 - Limit to overall unit numbers.
 - Submission of a site wide detailed Masterplan, Strategic Design Principles and overarching Open Space Strategy. The Masterplan and overarching Open Space Strategy should be informed by a Design Review Outcome Report following a design review process.
 - A site wide Design Code
 - Design Code required for each phase or each village area.
- Reserved Matters applications shall be accompanied by a Masterplan and Design Code Compliance Statement.

Relief road, movement and circulation

- Concern is raised in relation to the SSRR, which has the potential to act as a barrier separating new development parcels and existing communities. Connectivity across the SSRR road is limited to few new junctions. Some development parcels are significantly separated from crossing features. The proposed Oakwood Villages are better served in terms of crossing points as compared to the Highsted Villages.
- The alignment of the relief road would result in a loss of ancient woodland and is likely to be a highly visible urbanising element within the landscape.
- No further information was submitted regarding the character of the SSRR or its relationship with townscape or landscape. The submission provides fails to provide a clear design framework for the SSRR

Density, height & open space alterations

- Generally, lower densities and heights are proposed towards the rural edges of the site, at the interface between existing and new development for instance Rodmersham village or other existing pockets of development
- Open spaces and play areas have been adjusted to be incorporated/integrated more effectively into the development areas or rationally grouped at the edges.

Oakwood Village South

- The development's significant scale and distribution across this part of the site would result in a significant urbanising presence and in general detract and degrade the characteristics of the rural landscape and erode the setting of those settlements (in particular Rodmersham).
- The changes will be visible from a range of public viewpoints and would be harmful to the settlement setting and character.
- The location of the sports hub is remote from the communities that would use it.

Oakwood Village North

- The scale and extent of development proposed would be disproportionate to the size of Bapchild. When taken with Oakwood South, the proposal would result a continuous urban development along the A2 and south to Rodmersham.

Science Park and commercial uses

- Positioning commercial units towards the southern edge of the site on some of the highest ground levels of the site would mean visibility and impact on the setting of the Kent Downs National Landscape.
- The commercial development parcels would not benefit from good cycling and pedestrian connectivity.
- Ancient woodland could be impacted (Bex Wood) by the scale of development to its south.

Highsted Village North

- Would be an extension to Sittingbourne and result in landscape and visual impacts in a countryside gap. Care is needed to ensure this residential development integrates with committed development on adjoining land immediately north of the site.

Highsted Village East

- The site includes Highsted Wood ancient woodland and also lies close to Bex Wood and Cromer Wood both ancient woodlands. Part of the site also forms part of the important countryside gap. The northern section is also an area of high landscape value.

- A scheme of this significant scale would give rise to an erosion of the important countryside green gap and result in a loss of the special qualities that make up the Area of High Landscape Value.
- Development would lead to a degree of coalescence undermine the character of rural and the alignment of relief road here would result in a partial loss of ancient woodland (Highsted Wood).
- Some parcels are remote and isolated from the proposed local centre.

Highsted Village West

- Part of the site lies within the Area of High Landscape Value and its special qualities that contribute to the landscape will be significantly eroded by the scale and extent of the proposal.
- The development would also result in coalescence between the new village and existing development at Dove's Croft on Bredgar Road and reduce the undeveloped landscaped setting to Tunstall.
- As with the commercial units, this area forms part of the setting to the National Landscape.

Landscaping

- The proposal would result in a significant loss of woodland, some of it ancient, tree lines and hedgerow, which is regrettable.
- The SSRR would result in severance of open spaces.

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 I and Grade II listed buildings and as well as Non Designated Heritage Assets (NDHA), and fail to preserve or enhance the character and appearance of the Rodmersham Church Street, Rodmersham Green and Tunstall Conservation Areas.

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 above Conservation Areas as set out below:

Heritage Asset	Grade	List entry number	Harm to Significance
Morris Court Farmhouse	II	1069324	Lowest level of less than substantial harm
Grove End	II	1069352	Low level of less than substantial harm
Barn 30 Yards N Of Grove End	II	1115681	Low level of less than substantial harm
Stables 30 Yards N Of Grove End	II	1069353	Low level of less than substantial harm
Barn 60 Yards NE Of Grove End	II	1343911	Low level of less than substantial harm
Bexon Court	II	1186015	Towards the middle part of less than substantial harm
Woodstock Cottages	II	1343952	Low level of less than substantial harm
Woodstock Cottage Farmhouse	II	1069277	Towards the middle part of less than substantial harm
Oakwood Farm	NDHA		Moderate level of harm
Broadoak Farm	NDHA		Moderate level of harm

Oasthouse Broadoak Farm	NDHA		Moderate level of harm
The Oast House, Primrose Lane	NDHA		Low level of harm
Old Cottage	II	1120885	Lowest level of less than substantial harm
Highsted Farmhouse	II	1069289	Towards the middle part of less than substantial
Stanley Villas	II	1343924	Lowest level of less than substantial harm
Victoria House	II	1323163	Lowest level of less than substantial harm
Orsett House	II	1069292	Lowest level of less than substantial harm
Vine Cottages	II	1120864	Lowest level of less than substantial harm
Elizabeth Cottages	NDHA		Lowest level of harm to significance
The Ramblers	NDHA		Lowest level of harm to significance
Rodmersham Green Conservation Area			Low level of less than substantial harm
Radfield House	II	106298	Lowest level of less than substantial harm
Church of St Nicholas Rodmersham	I	1120902	Towards the middle part of less than substantial harm.
Barn at TQ921618	II	1120908	Low to medium less than substantial harm.
Matsons	II	1343920	Low to medium less than substantial harm.
Church House	II	1323761	Low level of less than substantial harm
Church Cottage	II	1069287	Low level of less than substantial harm
No. 5 Church Cottage	NDHA		Low level of harm
Glebe House	NDHA		Low level of harm
Glebe Cottage	NDHA		Low level of harm
Ashgores House	NDHA		Moderate harm
Orchard	NDHA		Moderate harm
Rodmersham Church Street Conservation Area			Middle to high less than substantial harm
Woodstreet House	II	1121893	Lowest level of less than substantial harm
Woodstreet Cottage	II	1069271	Lowest level of less than substantial harm
Dully House	NDHA		Moderate harm
The Old Vicarage	II	1480835	Low to medium less than substantial harm
Haywood	NDHA		High harm to significance
Tunstall Conservation Area			Low level of less than substantial 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 Viability 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 £146,425,297 (the acceptability of the financial obligations against the tests for obligations is discussed in Section 7.17 of this report).

The testing shows that if all the financial contributions were required to be met then the scheme could deliver 15.83% of dwellings as affordable housing and remain viable.

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 LVIA (including the September 2024 submission) and concluded that overall, this landscape has a moderate-high sensitivity, with higher sensitivities noted in the south associated with the Kent Downs NL and the dry valley running from the south of Sittingbourne to the west of Rodmersham and Bottom Pond Road.

The proposals are fundamentally at odds with the aims of the Area of High Landscape Value (Kent level). In Swale there is no precedent for urban development climbing the dip slope transition between the fruit belt and chalk downs of the National Landscape or extending within the dry valleys. The grain and pattern of the landscape is orientated east west following the chalk downs of the National Landscape to the south.

There are limited opportunities to fully mitigate the landscape and visual impacts in this sensitive landscape. The LVIA identifies a large number of moderate adverse effects and a very few major adverse effects, for a mixed-use development and road scheme of this scale, the effects could be greater for local landscape character and some visual receptors.

These significant landscape and visual effects will need to be considered as part of the overall planning balance.

SBC Climate Change

- Concern is raised over the fact the development would be phased over a long period. Technologies and policies are constantly changing and further stages and detailed design would need to build this in. A phasing strategy is required in relation to energy.
- A fabric first approach is being taken using passive design.
- Ground Source Heat Pumps (GSHPs) and Air Source Heat Pumps (ASHP) and solar Photo Voltaic (PV) panels would be used. A smart grid system with battery storage will make best use of the energy generated. Battery storage might be integrated with Electric Vehicle (EV) charging hubs.
- 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.

- Grid capacity has been an issue nationally and it's not clear that an all-electric ambition is physically possible or the phasing of any grid improvements are needed.
- Should the development go ahead and the net zero targets cannot be met then an offsetting strategy is needed.
- Solar photo voltaic panels would connect to battery storage. Battery safety is an issue and a safety plan would be needed and verified.

SBC Housing

A financial Viability Appraisal has been submitted which concludes that delivering 40% of homes as affordable housing is not viable. The FVA must be independently assessed (the starting point is that 40% of units should be affordable).

The Councils 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.

Other comments from the Affordable Housing officer are set out below:

- 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 each phase of development and it will be important that the maximum reasonable amount of affordable housing is delivered on a phase by phase basis.

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. The impact to existing ancient woodland is also unacceptable.

The NPPF sets a high bar for development that would result in loss or deterioration of ancient woodland - paragraph 186 "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists").

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

SBC Green Spaces

The proposal provides a wide range of open space typologies. The proposals provide access to facilities such as allotments, community orchards, play and fitness along with an emphasis on, biodiversity and the use of native plant/tree species.

In terms of formal sports there is an identified shortfall of approximately 2ha in provision required for the development.

The proposed indicative provision includes football pitches, hockey pitches, new clubhouses, tennis courts and a bowling green in two proposed sports hubs.

The two hockey AGPs are an over provision of that specifically required to meet demand from the development. This is balanced against an under provision of on-site cricket and rugby facilities. The cost value of the two hockey pitches is estimated at £837,000 and should be taken into account in balancing any under provision in cricket and rugby facilities.

Using the Sport England Facility Cost Guidance, it is estimated that the value of the two sports hub facilities is approximately £7,750,000 (not including land costs).

The standard and construction of all facilities would need to comply with Sport England standards and it is key that appropriate space is given to the football hub given the stadium requirements, seating, car parking etc. that are needed for Sittingbourne Football Club.

The latest Built Facilities Study identifies the need for additional sports halls, while some allocated development could be displaced by the proposal, but it remains the case that additional sports hall facilities would be needed as a result of demand generated by this development.

Community use of school facilities could assist if a community use agreement can be incorporated into legal agreements.

The level of population growth that would be generated by the development would also require a contribution toward swimming pool facilities in the Borough with the Built Facilities Study identifying the need to redevelop and extend water provision at Sheppey Pool from 6 lanes to 8 lanes.

Given the increased population created by the proposed development the Sport England Sports Facility Calculator identifies the required contribution level at £4,381,722.

It is essential to ensure there is no loss of current provision during the construction period.

Lower Medway Internal Drainage Board

In summary the Lower Medway Internal Drainage Board advised that the masterplan has been updated to provide sufficient open space to accommodate attenuation basins and swales within the green grid. The aim of the proposed hydrology is to manage the surface water on site; the 'dry valleys'. There will be some widening of the green corridors.

Drainage consents would be required if the development proceeds. Surface Water Development Contributions would be required to cover the cost of accommodating increased flow and/or volume in its maintained drainage network. 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.
- Details of 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

- The development would cause loss and deterioration of ancient 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

A total of 323 Ha, i.e., 85% of the agricultural land to be developed, would be “best and most versatile land” and very largely Grade 2 (“very good quality”). Given the scale of the scheme, it is clear that it would have a very major negative impact in terms of the loss of agricultural land in this area.

The implications for the affected farming regimes, and associated farm businesses, have yet to be identified.

Woodland Trust

The Trust objects to this planning application on the basis of loss and deterioration of Highsted Wood, deterioration of Bex Wood and Cromer’s Wood, all designated as Ancient Semi Natural Woodland.

Concerns relate to:

- Direct loss of ancient woodland.
- Serious deterioration of irreplaceable habitat through disturbance, pollution and other indirect impacts.
- Increased vehicle use and traffic emissions.
- Fragmentation of the ancient woodlands from adjacent semi-natural habitats
- Impacts on potential veteran trees.
- Cumulative effect of the above impacts resulting in long-term deterioration.

Ancient woodland is characterised by a unique, complex and irreplaceable ecosystem of plants and animals, both above ground and in the soils. It is therefore impossible to recreate the ecosystem of an ancient woodland by planting new woodland. The routing of the southern relief road will result in the loss of ancient woodland at Highsted Wood. There is no wholly exceptional reason for the loss of ancient woodland and as such this development should be refused on the grounds that it does not comply with national planning policy.

The loss and deterioration of ancient woodland associated with the construction of the southern relief road cannot be mitigated.

Cromer’s Wood would be surrounded by residential development, a household waste recycling centre, and sports/recreational development. The two adjacent parcels of ancient woodland at Bex Wood would be surrounded by employment development to the south and west boundaries, in addition to the relief road.

The Woodland Trust raise concern that the tree survey may not have identified trees which are actually Veteran trees, which are protected.

The Trust objects to this proposal on account of direct loss and deterioration of irreplaceable habitat.

UK Power Network

Provided advice in relation to separation of substations and power lines from residential development and construction specifications for substations.

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.

While a walking and cycling plan is included in the plans for both sites, for example, it is unclear what standard these routes will be provided to, and whether they will be designed in such a way as to make them safe and attractive (in both highways and personal safety terms).

It is noted that there are concerns around the proposed Sittingbourne Southern Relief Road's (SSRR) potential impact on active travel due to severance. It is understood that the SSRR will also have a negative impact on a number of public rights of way (PROWs) as it severs them in many instances. A number of these provide links between Sittingbourne and other areas and therefore this is unacceptable.

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. Note that LTN 1/20 sets out that 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.

6. DEVELOPMENT PLAN POLICIES AND LEGISLATIVE CONTEXT

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
- ST5 The Sittingbourne area strategy
- ST 7 The Faversham area and Kent Downs 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
- Regen 4 Kent Science Park, Sittingbourne: Regeneration Area
- 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
- CSW6 Location of Built Waste Management Facilities

Supplementary Planning Documents

- Landscape Character and Biodiversity Appraisal (2011)
- Rodmersham Church Conservation Area Appraisal (2022)
- Rodmersham Green Conservation Area Character Appraisal and Management Strategy (2022)
- Tunstall Conservation Area Character Appraisal and Management Strategy (2022)
- 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)

Kent Downs NL Management Plan 2021-2016 (3rd Revision)

The NL Management Plan is a material consideration in decision-making.

- SD1 Projects should adopt a landscape-led approach
- SD2 The local character, qualities, distinctiveness and natural resources of the NL will be conserved and enhanced
- SD3 Development shall cumulatively conserve and enhance the character and qualities of the NL
- SD7 Development shall conserve and enhance the tranquillity and where possible the dark skies
- SD8 development shall not negatively impact upon, e.g., distinctive landform, character, setting and views

- SD9 The design and materiality of development shall respect local character
- SD11 Major development shall avoid the NL in accordance with the NPPF
- SD12 transport and infrastructure schemes should avoid the NL where possible, or where unavoidable, mitigate their impacts
- SD13 BNG
- LLC1 The protection, conservation and enhancement of the NL's special qualities and natural beauty will be pursued
- LLC5 The landscape character assessment shall be used to inform proposals
- BD1 Creation of new habitats will be pursued

Kent Downs Setting Position Statement (2018)

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)

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

7. ASSESSMENT

7.1. ENVIRONMENTAL IMPACT ASSESSMENT

- 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. This included consideration of cumulative impacts (taking account of other development, including that proposed in application ref: 21/503906/EIOUT) and consideration of 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. The Council appointed an independent 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 environmental impacts of the scheme.
- 7.1.4. 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 in 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.

- 7.1.5. 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.
- 7.1.6. 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 technically adequate relate to the following chapters of the ES: Air Quality, Noise, Ecology, Water Quality, Hydrology and Flood Risk, Ground Conditions, Built Heritage and the Conclusions.
- 7.1.7. Air quality: HGV movements would exceed the screening criteria within the Institute of Air Quality Management (IAQM) planning guidance which indicates a potentially significant impact on local air quality. The advice from the Council's consultant is that this should be considered in more detail.
- 7.1.8. Noise: There are issues identified with the criteria that have been used to assess noise impacts with and without the development, at different times on Highsted Road. The assessment is therefore inaccurate and mitigation measures may be insufficient.
- 7.1.9. Ecology: Some Ancient Woodland would be lost to make way for the SSRR, the SSRR could potentially be rerouted to avoid the Ancient Woodland. There is also concern over impacts to functionally linked land and air quality impacts and how these would impact protected habitat sites, insufficient information has been provided to rule out harm to the integrity of protected sites.
- 7.1.10. Water Quality, Hydrology and Flood Risk: Insufficient information has been provided to justify effects on ground water, foul water resources and potable water during construction. The magnitude of effect from flooding and changes to the current drainage regime during the operational phase could be higher than set out in the ES and further information is needed to justify the level of effect in the ES. Insufficient information has been provided to justify effects on foul water resources, potable water, ground water, and surface water runoff during operational phases. A similar concern exists in relation to or the cumulative effects. Information is needed to show the proposals would not impact on existing overland surface water flow paths, and if there is an impact, clarity is required over what mitigation is required and how it will be managed.
- 7.1.11. Ground conditions: Further detail is required in relation to cumulative impacts associated with the loss of agricultural land.
- 7.1.12. Built heritage: Further detail is needed to show how level of EIA effects to heritage assets translate to levels of harm used in the NPPF.
- 7.1.13. The conclusions for each topic chapter would need to be updated following the submission of further information.
- 7.1.14. As is set out in section 7.28 of this report, quite aside from the technical adequacy 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' in favour of sustainable development could be engaged, unless:

- Policies in the NPPF that protect areas or assets (such as heritage assets, habitat sites, ancient woodland and the Kent Downs NL) 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 Plan to be adopted. 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.

7.2.14. New junction to the M2 and Nationally Significant Infrastructure Projects (NSIP).

7.2.15. A new junction is proposed at the M2 motorway (which is part of the strategic road network). New roads which are to form part of the strategic road network (motorways and trunk roads) operated by National Highways (above certain thresholds) can constitute an NSIP. Under the Planning Act 2008 (as amended) a developer intending to construct an NSIP must obtain 'development consent'. The National Infrastructure Directorate of the Planning Inspectorate receives and examines applications for development consent. The type of consent referred to is known as a Development Control Order (DCO).

7.2.16. Access is a reserved matter, while indicative detail has been shown in relation to the junction it is not clear whether the proposed new junction would exceed the thresholds for an NSIP (the junction would cover a very large area encompassing slip roads, the 'trumpet junction', embankments and cuttings etc). However, even if the threshold was exceeded, this would not automatically trigger the need for a DCO because of the provisions of Section 22(7) of the Planning Act 2008.

7.2.17. Section 22(7) lists circumstances when highway related development is not to be regarded as an NSIP which include where planning permission has been granted (i.e., a DCO is not required before the application is determined).

7.3. MAIN CONSIDERATIONS

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

- The Principle of Development
- Kent Downs NL
- Landscape and Visual
- Size and Type of Housing
- Affordable Housing
- Landscape and Visual
- Heritage
- Archaeology
- Character and Appearance
- Trees
- Ancient Woodland
- Ecology and Biodiversity
- Transport and Highways
- Air Quality
- Community Infrastructure and Planning Obligations

- Open Space Sport and Recreation
- Flood Risk, Drainage and Surface Water
- Contamination and Waste Management
- Living Conditions
- Sustainability / Energy
- Impact to the Rural Economy
- Loss of Best and Most Versatile Land
- Minerals

7.4. Principle

7.4.1. 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 is not 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. 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, including unacceptable impacts to a National Landscape, irreplaceable habitats; designated heritage assets or assets of archaeological interest.
- 7.4.1.10. The site includes parts of the Kent Downs National Landscape (NL), there are irreplaceable habitats (such as ancient woodland), and numerous designated heritage assets and potentially assets of archaeological interest could be impacted. 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.
- 7.4.1.11. Even if the tilted balance is engaged, this does not lead to an automatic assumption that planning permission should be granted for housing and other uses 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.
- 7.4.1.12. Whilst it is acknowledged that the delivery of housing and economic growth is a key objective of the Local Plan, the need for housing and jobs does not justify harmful development at any cost. If the 'tilted balance' is engaged, it would still be necessary to assess whether harm would arise that would significantly and demonstrably outweigh the benefits of the development.
- 7.4.1.13. In terms of the extent to which the proposed housing would contribute towards the Council's 5 year supply, it is noted that the Phasing Plan indicates infrastructure such as the SSRR would be delivered first (years 1 and 2), with housing being delivered over a period of between years 2 and 20. It would not be acceptable to allow the delivery of housing unless it is accompanied by necessary infrastructure (such as the roads needed to access the homes).
- 7.4.1.14. Concern is raised as to whether such a large amount of infrastructure (which includes for example a new Junction to the M2, the SSRR, numerous junctions and interchanges) could be delivered within 2 years. If a longer construction time frame was needed, then housing delivery would be delayed.
- 7.4.1.15. 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 cause delays in the timing for the delivery of housing. It is therefore not clear to what extent the development would contribute to housing delivery over the next 5 years.
- 7.4.1.16. Residential development is proposed east of Highsted Road and north of former chalk pits, and south of Cromer Road, this is an area within an Important Local Countryside Gap. Policy DM25 relates to countryside gaps does not permit unallocated development with the gap. Given the extent of development proposed in the countryside gap, the proposals would conflict with Policy DM25. In terms of conformity with the NPPF, this policy carries very substantial weight.
- 7.4.1.17. The proposals would see the loss of a dwelling (as a result of the route of the SSRR), however as 7,150 new dwellings are proposed there would be no net loss.

- 7.4.1.18. 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, ST5 and DM25 of the Local Plan.
- 7.4.2. Principle - Mixed use centres
- 7.4.2.1. The application proposes 4 mixed use centres to serve the development. The district centres would be located within the proposed new residential settlements, outside of the built-up boundary.
- 7.4.2.2. The Outline Development Specification accompanying the application states that the overall non-residential development would equate to 18,510sqm. The application states the range of uses anticipated would include:
- Medical facilities
 - Pharmacy
 - Retail Food Stores
 - Professional/ Financial
 - Nursery
 - Community Centres
 - Pub/ Restaurant
- 7.4.2.3. A hotel is also proposed, this is indicatively shown to be located in the vicinity of the Kent Science Park (beyond its existing boundary).
- 7.4.2.4. Given the location (outside the built-up area in the countryside), the proposal for the mixed-use centres and a hotel are contrary to Local Plan policies ST1, ST3 and ST5 which direct development of housing/mixed uses away from the countryside. The harm to the countryside would cumulatively add to the harm residential development would cause.
- 7.4.2.5. These sorts of uses are known as town centre uses, the NPPF and Local Plan take a Town Centres first approach (directing town centre uses to town centres first). Local Plan Policy DM2 relates to main town centre uses and directs town centre uses firstly to the Borough's designated Town and Local Centres. The policy conforms with the NPPF and carries very substantial weight. The proposed mixed use local centres would not be located within any of the designated centres.
- 7.4.2.6. Part 5 of Local Plan Policy DM2 relates to proposals outside of Town and Local Centres and 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.
- 7.4.2.7. The application is supported by Retail Statement, which 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 generally means there would be no undue retail trade diversion from existing centres.
- 7.4.2.8. Given the scale of the proposed residential development, if approved, the network of proposed mixed-use centres would be needed to serve the day to day needs of the new population. Having regard to the location of much of the proposed housing relative to the existing town centre use provisions, the provision of the District Centres would reduce the need for future occupiers to travel for basic essential services.

- 7.4.2.9. The delivery of retail and food/beverage floorspace etc should be linked to the delivery of housing to ensure there is no unacceptable trade diversion from existing centres (this could be secured as a condition on any consent).
- 7.4.2.10. The presence of the mixed-use centres (in isolation) would not be needed to meet existing local needs. As such no free-standing material public benefit arises from the provision of the proposed mixed use centres.
- 7.4.2.11. The proposed town centre uses would result in other impacts (including visual impacts, loss of agricultural land and urbanisation of the countryside) which are cause for concern in relation to other policy requirements in the Local Plan (and discussed latter in this report).
- 7.4.2.12. The Applicant has not provided any evidence to demonstrate that there is a quantitative need for additional hotel accommodation that would outweigh the cumulative impact that the hotel would have on the character of the countryside; nor have they provided a sequential assessment to show that more sustainable locations are not available. As such, not only would this element of the scheme contribute to cumulative harm to the countryside, but it would also be contrary to the spatial objectives of the Local Plan.
- 7.4.2.13. The consultation response from the NHS sets out what would be required if the development proposed in this application were to come forward in isolation. In that scenario the NHS would need 0.64ha of serviced land and funding (or direct delivery) for a facility of c. 2,100 sqm GIA. Funding would also be required for acute care.
- 7.4.2.14. In a scenario where the development in this application comes forward, along with that proposed in application ref: 21/503906/EIOUT, then the NHS advice is that they would seek provision of a larger facility to be delivered on the northern site to meet the needs of both developments.
- 7.4.2.15. The provision of health care facilities on the site, and the inclusion of community facilities is expected for a development of this scale particularly given the distance of much of the development from the nearest settlements and the existing provisions contained therein.
- 7.4.2.16. Again, it should be noted that the demand for community uses (including health care) is driven by the future population that could be expected to be living on site (if approved). While the proposed community uses may provide a closer option for some of the surrounding rural communities, no evidence has been put forward by the NHS of a specific shortfall.
- 7.4.2.17. The need for health care is driven by the future population that could be expected to be living on site (if approved). As such no free-standing material public benefit arises from the health care facilities.
- 7.4.2.18. In summary, the proposal for the mixed-use centres are contrary to Local Plan policies ST1, ST3 and ST5 and add to the harm to the countryside.
- 7.4.3. Principle - Schools
- 7.4.3.1. The application proposes 4 schools (3 primary and 1 secondary school), the application was referred to Kent County Council who advised that to service the future residential population 2 x 3 Form Entry (FE) Primary and 1 x 2 FE primary schools and an 8 FE secondary school would be required to meet the educational needs of the future population living in the development. Kent County Council have provided advice on the size and location of the schools and raise no objection to the locations proposed.
- 7.4.3.2. While the proposed schools 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. It is noted that the school proposed in the Highsted East Village would be in the location of the existing Woodstock Centre (the existing centre would be replaced). Objections have been received from the public in relation to the loss of the Woodstock Centre, being that the building is of historic value and should be refurbished and reused rather than lost. However, the building is not a designated heritage asset and is not considered to be a non-designated asset.
- 7.4.3.4. The existing sports and leisure facilities at the Woodstock Centre would be re-provided elsewhere on site and there is space within the mixed-use local centres where food and beverage uses currently operating from the Woodstock venue could locate, and as such no objection is raised in principle to the loss of The Woodstock Centre.
- 7.4.3.5. As it stands, the proposals for schools are located outside the built-up boundary contrary to polices 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 proposals 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 sports facilities are required because of demand generated by future occupiers, and because existing sports facilities would be displaced by the proposed development. It should be noted that the sports facilities would result in various adverse impacts, including (but not limited to) encroachment into the open countryside, visual and lighting impacts, impacts to the rural economy and loss of Best and Most Versatile (BMV) land, and impacts to the setting of the Kent Downs NL.
- 7.4.4.3. The acceptability of the proposed sports facilities hinges on the acceptability of the wider scheme (as they are not required if the development did not go ahead). If the residential development was deemed to be acceptable, it would be logical to provide supporting infrastructure such as sports facilities.
- 7.4.4.4. The sports hubs are located outside the built-up boundary contrary to polices ST1, ST3 and ST5 of the Local Plan and would cumulatively add to the harm to the countryside.
- 7.4.5. Principle - Waste and recycling centre.
- 7.4.5.1. KCC have advised that existing waste facilities are at capacity, and additional waste generated by the development would need to be dealt with in an additional facility. To respond to the advice from KCC, the proposals include 1.5Ha of land (up to 15,000 sqm of floor space) to be set aside for development of a household waste and recycling centre.
- 7.4.5.2. The location of the household waste and recycling centre would be located in Groundwater Source Protection Zone 1, and to the north of an existing ground water extraction point and reservoir. Officers have therefore considered whether the proposal is acceptable in terms of risk to protected water.
- 7.4.5.3. Policy CSW 6 of the Kent Minerals and Waste Local Plan (2020) relates to the location of built waste management facilities and sets out criteria for the siting of waste management facilities, including avoiding Groundwater Source Protection Zone 1. The aim is to ensure waste activities do not result in contamination of drinking water.
- 7.4.5.4. Policy DM10 of the Kent Minerals and Waste Local Plan (2020), seeks to ensure waste activities do not result in contamination of drinking water. Swale Local Plan Policy DM21 relates to water and at part 10 requires development to protect water quality, including

safeguarding ground water source protection zones from pollution to the satisfaction of the Environment Agency. The Environment Agency have not raised an objection, subject to various conditions being imposed on any consent.

- 7.4.5.5. While, Southern Water have raised an objection to the location household waste and recycling centre, Southern Water is not a statutory consultee (the advice from the EA takes precedence). It is noted that the KCC Flood and Water Management Team have also not raised an objection.
- 7.4.5.6. In this case the need for the household waste and recycling centre is driven by the proposed development. If the other proposals in this application are not developed, the household waste and recycling centre would not be needed. As such no material public benefit arises from the provision of the facility.
- 7.4.5.7. The waste and recycling centre would be located outside the built-up boundary contrary to polices ST2, ST3 and ST5 of the Local Plan and add to the other harms to the countryside.
- 7.4.6. Principle - Employment space
- 7.4.6.1. The application seeks approval for over 160,000sqm of employment space. The bulk of this is proposed as an extension to the Kent Science Park (outside of the designated built-up boundary).
- 7.4.6.2. Policy CP1 which aims to build a strong and competitive economy, and is a policy which carries substantial weight). Local Plan Policy Regen 4 relates to the Kent Science Park, the policy sets out criteria that must be met for proposals in and around the Kent Science Park. This includes a requirement that proposals comprise uses compatible or complementary to the use of the site as a 'Science Park'. The proposed employment space has the potential to be complimentary and compatible to the use of the site as a science park, equally given the range of uses and the amount of space proposed, the employment space may well be occupied by traditional industrial and distribution type operations (which does not neatly align with Policy Regen 4).
- 7.4.6.3. Part B of Policy Regen 4 sets out specific criteria for development proposed outside the existing boundaries of the Kent Science Park and therefore it is envisaged that development may be acceptable in principle outside of the existing boundaries of the Science Park, subject to meeting the various criteria set out in the Part B of the policy (including compliance with policies DM 24, DM 28 and DM 29).
- 7.4.6.4. Policy DM24 relates to conserving and enhancing valued landscapes and carries very substantial weight. Policy DM 28 relates to biodiversity and geological conservation and carries substantial weight. Policy DM 29 relates to woodlands, trees and hedges and carries very substantial weight. Landscape and visual impact are discussed in detail in Section 7.8 of this report, impacts to trees in Section 7.12 and biodiversity in Section 7.14. In essence there would be harmful impacts that conflict with the policies referred to above.
- 7.4.6.5. The area where employment space is proposed is largely farmland, the Parameter Plan - Development shows portions of the employment space would extend over land within the setting of the NL and designated as areas of high landscape value (Kent level). The Parameter Plan Height and Built Form indicates that heights would vary between 16.5m (adjoining the existing Kent Science Park and extending south and westward). The building heights would reduce from 13.25m and down to 10m towards the south-eastern portion part of the site (north of the M2).

- 7.4.6.6. While Policy Regen 4 provides for proposals that may come forward beyond the built-up boundary of the existing science park, concerns are raised in relation to the scale and the impact that the proposals in the current application.
- 7.4.6.7. As such there is a tension between Policy Regen 4 and policies to protect landscapes and the setting of the Kent Down NL, namely policies ST1, ST3, ST5 and DM24. The Economic Opportunity Statement submitted with the application indicates that there would be 34Ha of land to accommodate employment space around (but outside) the existing Kent Science Park boundary.
- 7.4.6.8. The supporting text to Local Plan Policy Regen 4 (paragraph 6.7.71) states that proposals to expand the Park (beyond that shown on the Proposals Map) should come forward in the context of a landscape strategy and framework prepared for agreement by the Council. This should seek to conserve and enhance the parkland character of surrounding land, including its remaining landscape structure, whilst diversifying and restoring features and habitats and creating links between features. The proposals would not conserve and enhance the parkland character or restore features and habitats. Policy Regen 4 also states that attention should be given to any impacts within views of the site, especially from the south. The proposed development would adversely impact views, including from the south.
- 7.4.6.9. The application is accompanied by a landscape strategy and framework, and as is discussed in Section 7.8 of this report while the proposed approach to building heights and landscaping assist, the mitigation is not entirely successful.
- 7.4.6.10. The Council's recent Employment Land Review (ELR) identifies a need for 45Ha of additional industrial land. The ELR goes on to test and identify preferred sites where the needed 45Ha industrial land could be located.
- 7.4.6.11. The ELR identifies that there are relatively few sites categorised as 'good prospects', and these are all comparatively small that collectively could contribute 17.7 ha to the supply. Collectively these sites reduce the minimum need to 27.4 ha.
- 7.4.6.12. The ELR then considered other 'possible' sites, where the land is attractive in terms of employment use, but there are major policy constraints (mostly landscape) that may either rule the sites out or substantially restrict the scale of employment provision that could come forward. Almost 100 ha is in the 'possible' category. The ELR states that there is considerable scope to 'plug' the minimum need from within the 'possible' category, and the ELR recommends these sites be actively pursued by the Council.
- 7.4.6.13. The application site is not one of the preferred sites identified in the ELR. This is identified in the ELR as being for several reasons, including:
- Highsted Park is remote and poorly connected compared to all the sites referred to as 'possibles', and these are preferable locations for employment use purposes.
 - The provision of a number of sites provides choice in the market and also potentially provides opportunity in different parts of the Borough.
- 7.4.6.14. The sites identified in the ELR are preferable to the application site in terms of location, for example they benefit from being well related to existing employment areas and to the labour force, have existing transport connections, and do not require new highway infrastructure within the Kent Downs NL. To provide significant levels of industrial accommodation in the location proposed in this application also risks an adverse impact upon the demand for space in preferable locations.

- 7.4.6.15. Towards the south of the site one existing business would be demolished (to make way for the SSRR), however given the significant quantum of employment space proposed, there would be no net loss.
- 7.4.6.16. In summary, harmful impacts to the landscape would arise from the proposed employment space. Additionally, the highway infrastructure needed to access the employment space and other development proposed to fund delivery of the SSRR would cause further harm. Demand for employment space can be met in other preferable locations. The proposed employment space is considered contrary to policies Regen4, ST1, ST3 and ST5 of the Local Plan.
- 7.4.7. Principle - Highway infrastructure
- 7.4.7.1. The proposal includes the Sittingbourne Southern Relief Road (SSRR). This would extend from the M2 to the A2. The Application states that the SSRR would provide Sittingbourne with more options to connect to and from the M2.
- 7.4.7.2. A connection between the M2 motorway and the Kent Science Park would improve accessibility to the science park, and potentially support its growth (aligning with Local Plan Policy CP1 which aims to build a strong and competitive economy, and is a policy which carries substantial weight).
- 7.4.7.3. In terms of a basis for seeking delivery of the SSRR, Kent County Council's Local Transport Plan 4 Delivering Growth Without Gridlock 2016 – 2031 sets out transport priorities for Swale including extension of the SNRR to the A2 and then M2. The Kent County Council Growth and Infrastructure Framework also makes mention of congestion in central Sittingbourne potentially being relieved via extending the SNRR to the A2 and linking to a Southern Relief Road to relieve pressure on the A2.
- 7.4.7.4. Historically there has been commentary about the SSRR, and work undertaken to understand traffic modelling and costs and approaches to funding. The evidence base for the Local Plan notes that plans for the SSRR were not included as the highway infrastructure modelling showed a weak case for the relief road and no realistic means of delivery. Without a strategic justification for the SSRR an objection to its inclusion in the plan was generated by National Highways. It was decided that the SNRR should be pursued separately, so as not to prejudice its delivery by linking it to the SSRR.
- 7.4.7.5. The Local Plan does not safeguard a route for the SSRR, nor are there policies to require or encourage its provision.
- 7.4.7.6. KCC Highways are currently consulting on Local Transport Plan 5, which states that:
'plans have existed for new routes to divert traffic away from the A2 road corridor and these are likely to remain beneficial given the limited remaining options for addressing traffic congestion.'
- 7.4.7.7. The consultation document also states:
'The schemes under consideration, such as a new junction to access the A2 for the south of Canterbury City, or a new relief road for Sittingbourne linking the A2 to the M2, could also provide benefits to existing users of the transport system irrespective of whether new development is actually delivered.'
- 7.4.7.8. However, there is no evidence to suggest that the SSRR is required to meet an existing need. National Highways have advised that there is currently insufficient information to enable the Secretary of State for Transport to assess whether a strategic case exists for the proposed new SRN infrastructure (including the proposed M2 Junction 5a).
- 7.4.7.9. National Highway also raise concern that that at present there is insufficient information to determine whether the operational, safety and environmental impacts of the proposed

developments can be mitigated sufficiently to ensure that there is no significant detriment to the SRN.

- 7.4.7.10. National Highways advised that there is insufficient evidence to determine whether, for a range of practical reasons (including finance, phasing of delivery, absorption of impacts during construction etc) an acceptable programme of delivery can be agreed that will secure the short to long term safety, reliability and/or operational efficiency of the SRN.
- 7.4.7.11. National Highways refer to Circular 01/2022 which is the policy of the Secretary of State in relation to the SRN which should be taken into account with all other material considerations when Local Planning Authorities are making decisions on planning and development proposals under the Town and Country Planning Act 1990. It requires new junctions to the SRN to be justified.
- 7.4.7.12. The justification for such significant infrastructure (including a new junction with the M2) is the need to access the significant quantum of development proposed in this application. However, in terms of employment space, there are other locations where the need for industrial space could be met, the Council does not have before it evidence to demonstrate that there is a strategic justification for the SSRR.
- 7.4.7.13. Local Plan Policy CP2 relates to the promotion of sustainable transport and in terms of conformity with the NPPF, it carries substantial weight. The policy requires proposals to contribute to transport network improvements, with particular emphasis on those identified in the Infrastructure Delivery Schedule. The SSRR is not included in Swale's Infrastructure Delivery Schedule.
- 7.4.7.14. Policy DM6 (Part 2 C) of the Local Plan can be afforded moderate weight and states development proposals will avoid the formation of a new direct access onto the strategic or primary distributor route network where possible, or unless identified by the Local Plan. The new junction to the M2 is not allocated in the Local Plan and, therefore, conflicts with this policy.
- 7.4.7.15. The delivery of such a large infrastructure project such as the SSRR would be very expensive and as such there is little prospect of public funding in the foreseeable future (the SSRR is not referenced as a transport project where funding would be directed in the Kent and Medway Growth and Infrastructure Framework).
- 7.4.7.16. Without public funding, delivery of the SSRR would require private funding associated with revenue from new development to cover the cost. Accepting the delivery of the SSRR through private funding would require accepting a sufficient quantum of new revenue generating development (as is proposed) to cover the cost of the infrastructure.
- 7.4.7.17. In this case, 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 concludes the quantum of development proposed would be needed to fund the infrastructure proposed. This has been independently reviewed by an appropriately qualified consultant appointed by the Council and found to be accurate.
- 7.4.7.18. While the quantum of revenue generating development would be required to cover the cost of the SSRR, officers are of the view that the need for the SSRR in itself is not so compelling as to justify the harmful impact that would arise as a result of the highway infrastructure and other development proposed to cross subsidise its cost.
- 7.4.7.19. Local Plan Policy DM6 (Part C) states that proposals for new access onto the highway networks will need to demonstrate that they can be created in a location acceptable to the

Borough Council and appropriate Highway Authority. There is no agreement at this stage for the SSRR from National Highways (the appropriate Highway Authority).

- 7.4.7.20. The SSRR would have significant impacts on a protected area, being the Kent Downs National Landscape (the impacts are discussed in the following section of this report) as well as the loss of irreplaceable habitats, landscape character and visual impacts as well as impacts to heritage assets. The strategic case for the SSRR has not yet been evidenced and given the location (outside the built-up area in the countryside), the highway infrastructure, as well as the proposals for housing, employment and other space needed to fund the infrastructure would result in adverse impacts and are contrary to Local Plan Policies ST1, ST3, ST5, CP2 and DM6.

7.5. Kent Downs National Landscape (NL)

- 7.5.1. Planning permission is sought for the creation of a new junction to the M2 motorway (the M2). This would be a 'trumpet' shaped junction to the south of the M2. There would a fly over above the M2 and slip roads (north and south of the M2) created to facilitate traffic movements onto and off the M2.
- 7.5.2. While access is a reserved matter, a lot of indicative detail has been provided in relation to the junction design and traffic modelling of potential traffic impacts. The land on which the junction is proposed south of the M2 is part of the Kent Downs NL, as such there would be direct adverse impacts to the NL.
- 7.5.3. Not only does part of the application site fall within the boundary of the Kent Downs NL (accommodating the proposed motorway junction), areas of the site (north of the M2) fall within the setting of the Kent Downs NL, given the scale of development proposed in the setting of the NL, there would also be indirect adverse impacts on the NL.
- 7.5.4. NL are a nationally designated landscapes, afforded a high level of protection for their landscape and scenic beauty. The changes introduced through the Levelling-Up and Regeneration Act 2023, came into force on 26 December 2023. The Act amends the Countryside and Rights of Way Act, which is the primary legislation relating to NL and replaces the previous Duty of Regard with a new, strengthened requirement where the Council must seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.
- 7.5.5. This places a much stronger duty on the Local Planning Authority to ensure that decisions seek to conserve and enhance NL. The Kent Downs NL object to the application, and advised in the latest consultation response that if the application were to be approved compensatory measures (at least as large as the area to be lost to the new highway junction) would be required to demonstrate that the Council has complied with its statutory duty to Seek to Further the conservation and enhancement of the natural beauty of the Kent Downs NL.
- 7.5.6. The NPPF (at paragraph 182) also seeks to conserve and enhance NL. The new junction could not be said to conserve or enhance the NL. The NPPF is clear that the extent of development within NL should be limited, in this case the highway infrastructure would cover several hectares of land, involve embankments, slip roads and an overpass (not a small amount of development).
- 7.5.7. Local Plan Policy DM24 aims to protect NL from unacceptable harm and sets out the criteria all development needs to achieve including conserving and enhancing the special qualities and distinctive character of the NL. Officers consider that allowing the direct (new junction on land south of the M2 in the NL) and indirect impacts (development north of the M2 harmful to the setting of the NL) to the NL proposed in this application would not conserve or enhance the NL.

- 7.5.8. Policy DM24 conforms with the relevant paragraphs in the NPPF in relation to situations where valued landscapes are to be protected and enhanced. Policy ST7 also relates (in part) to the NL and requires development to ensure the landscape qualities and distinctive features of the Kent Downs NL remain valued, secure and strengthened.
- 7.5.9. At paragraph 183 of the NPPF it states that permission for major development should be refused in NL other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Local Plan Policy DM24 reflects the same requirements and can be afforded very substantial weight. It is therefore important to make an assessment of whether the proposal represents major development in the NL, and this is considered in the subsequent sections of this report.
- 7.5.10. Major Development in the NL
- 7.5.11. Officers have considered whether the proposed development in the NL (the highway works, embankments, junction, fly over and associated slip roads, signage etc) would constitute major development in the NL.
- 7.5.12. Even where a proposal is not major, if it is in the Kent Downs NL “great weight” is to be given to “conserving and enhancing scenic beauty” because these areas have “the highest status of protection”. If the proposal is for a “major development” the test is higher; there needs to be “exceptional circumstances” and the development must be in the “public interest” if it is to be supported.
- 7.5.13. Footnote 64 to the NPPF states that for the purposes of paragraphs 182 and 183, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 7.5.14. In addition to considering nature, scale and setting, the determination of whether a development in a NL is major also requires consideration of the local context. With the exception of a derelict building, the land in question is open agricultural land, with trees and hedges around it. A PRoW (ZR185) leads through this part of the site (i.e., south of the M2).
- 7.5.15. While the M2 motorway is immediately north of the land where the junction is proposed, generally the setting is that of the open countryside. The area around the proposed new junction is sparsely populated and features listed buildings (including near the junction of Hawks Hill Lane and Bexon Lane). Historic England have concluded that the application has the potential to harm the natural beauty of the NL in so far as this relates to its historic character. This is because of the way in which the development, and specifically major road infrastructure in the form of a new motorway junction, would visually impact on the appreciation of its historic landscape character.
- 7.5.16. In terms of topography, to the east of the site (north and south of the M2) land drops down into a dry valley. To the north land slopes downward and to the south it rises. The impacted land sits relatively high in the landscape and the highway works need to be elevated in part to cross the motorway (meaning the junction would be more visible). The local context is considered to be rural, farmed landscape typical of the Kent countryside.
- 7.5.17. The proposal would introduce highway infrastructure into the NL, the nature and scale of which would have a significant visual presence and high volumes of traffic (with associated noise, vibration and (at night) lights). Highway infrastructure is used throughout the day and night and there would need to be physical measures in place to isolate the junction from pedestrians etc. PRoW would have to be realigned. The impact of the M2 motorway (traffic, noise etc) would be extended south into the Kent Downs NL.

- 7.5.18. While access is a reserved matter, the indicative plans show the scale of the proposed junction would extend over many hectares of land. Foot note 64 of the NPPF states that whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the NL has been designated.
- 7.5.19. In this case the scale and nature of the proposal would represent a serious and significant piece of highway infrastructure, involving changes to levels, creation of embankments, drainage, a flyover, slip roads etc. It would be a highly visible and audible form of development in what is a rural setting. It would not be set within an existing built-up area.
- 7.5.20. The proposal would have a significant adverse impact on the purposes for which the NL has been designated. Officers have also taken account of relevant case law relating to what constitutes major development in an NL, and in conclusion are of the view that the proposal would represent major development for the purposes of paragraph 183 of the NPPF. The Application was referred to the Natural England and the Kent Downs NL Unit who also consider the proposal to represent major development in the NL.
- 7.5.21. In addition to the general requirements for assessing development in the NL, in this case there is a specific requirement for the Council to establish if exceptional circumstances exist and if the development is in the public interest.
- 7.5.22. Whilst there is no statutory definition of ‘exceptional’ and the matter is very much for the decision maker, paragraph 183 of the NPPF provides guidance in relation to the assessment of proposals involving major development in the NL, namely an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.*
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*
- 7.5.23. The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.
- 7.5.24. The planning statement suggests that the imperative need for the development relates to the housing need in Swale and lack of deliverable plan-led strategy to meet the minimum requirement.
- 7.5.25. The proposed junction in the NL would provide access to the proposed development (including housing). The advice from the Kent Downs NL Unit is that the need for housing in Swale is not exceptional as it reflects what is happening nationally. If need for housing alone equated to exceptional circumstances and public interest, then that would be to effectively say housing (and by default the highway infrastructure needed to access the housing) is acceptable in all cases.
- 7.5.26. The comments from the Kent Down NL Unit cite an appeal decision (APP/P/Z3825/W/21/3266503, CD 19.12), where the appellant argued that housing need contributed to the exceptional circumstances case, the Inspector stated that (paragraph 119).
- “I recognise that the identified benefits in relation to housing matters would clearly be in the public interest. However, the reality is that the circumstances of the housing shortfall, including huge challenges around providing for affordable housing and self-build and custom-build housing, are not unusual”.*

- 7.5.27. Officers contend that the same conclusion applies in respect of this application.
- 7.5.28. The Planning Practice Guidance is also relevant here (see Paragraph: 041 Reference ID: 8-041-20190721) which recognises that the NPPF policies for protecting areas such as an NL may mean that if it is not possible to meet objectively assessed needs for development in full through the plan-making process, NL are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas.
- 7.5.29. The Council is taking action to prepare an emerging Local Plan and it is noted that the ELR identifies preferable locations where employment space could be located. The need for the junction located in the NL relates to the need for access to the proposed housing and non-residential space. Officers do not consider that this overrides the need to protect the NL.
- 7.5.30. In terms of the impact of permitting or refusing the application on the local economy, the application is accompanied by an Economic Opportunities Statement which quantifies economic benefits. It is recognised that there would be jobs created and spending on materials during the construction phase. During the operational phase, there would be people working in the non-residential space proposed.
- 7.5.31. While the proposed employment space may serve local businesses, the majority of space would likely be occupied by new workers (for example residents of future housing or new businesses to the area). It is reasonable to expect that the employment elements of the site would principally attract staff from the wider employment catchment. The target market for any employment space that would interrelate with the Kent Science Park could well be national (if not international).
- 7.5.32. The mixed-use centres would primarily meet the needs of the proposed future residential occupiers (rather than to meet unmet needs of the existing local economy). Taking account of the loss of agricultural land, the local economy reliant on farming would be adversely impacted if the scheme was permitted.
- 7.5.33. The Council has identified sites (not involving highway junctions in the NL) where the industrial land could be located. To provide significant levels of industrial accommodation in the location proposed also risks an adverse impact upon the demand for space in preferable locations.
- 7.5.34. The local economy currently functions, there is no evidence to suggest the local economy would be harmed if the development did not proceed. As is discussed in detail in Section 7.23 of this report, the local economy would be adversely impacted through the loss of agricultural land, orchards and the like, if the development were permitted.
- 7.5.35. Officers have considered the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy, and are not of the view that the proposals can be justified against these considerations.
- 7.5.36. The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way.
- 7.5.37. The planning statement advises that there is no ability to provide the required junction on non-designated land owing to the blanket NL designation on land south of the M2 surrounding Sittingbourne. As a highway junction, the infrastructure (roads connecting to the M2) would be needed to the north and south side of the M2 (so that both east and west bound traffic could enter and exit the M2).
- 7.5.38. The interchange could potentially run beneath the M2 (rather than involve a flyover), but no information has been provided on the feasibility of such an approach or in relation to costs. In any event, some form of highway infrastructure would be needed on the south side of the M2 motorway for west bound traffic.

- 7.5.39. The new junction would facilitate access to the proposed development, including housing and employment space. But the junction is not required as a standalone requirement to respond to an existing highway issue.
- 7.5.40. The delivery of employment space can be met at other sites, not involving highway infrastructure in the NL.
- 7.5.41. Officers have considered the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way and are not of the view that the proposals can be adequately justified as an exceptional circumstance against these considerations taken as a whole.
- 7.5.42. Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 7.5.43. Environmental impacts.
- 7.5.44. The special components, characteristics and qualities of the Kent Downs NL include biodiversity rich habitats. Detrimental effects on the environment would include the loss of any vegetation and habitats necessary to facilitate the new junction. Through the relocation of protected species, habitat creation, appropriate drainage etc the impacts on the environment could be moderated (there would still be harmful residual impacts).
- 7.5.45. Traffic would bring noise, vibration (and lights from vehicles at night), given the nature of motorway junction it is difficult to see how these impacts could be mitigated. This adversely impacts on remoteness and tranquillity. One way to mitigate this would be the use of extensive acoustic fences or earth bunds, however given the size and height (including a flyover across the M2) this which would result in further landscape and visual impacts, and as is discussed in Section 7.8, there an objection to the proposals in relation to the harm to the landscape and visual impacts.
- 7.5.46. The proposal would see the loss of farmed landscape, which would not be mitigated. There are historically listed buildings near to the proposed motorway junction whose setting would be harmed. There would be visual impacts which could in part be mitigated through landscape screening, although taking account of the visualisation in the Landscape and Visual Impact Assessment (LVIA), this would not be entirely successful.
- 7.5.47. Landscape and recreational impacts
- 7.5.48. The Kent Downs Management Plan is a material consideration, it identifies various Landscape Character Types (LCT). The site is located within what is termed Landscape Character Type 1 Chalk Downs. The portion of the site that is within the NL is within LCT 1B (Mid Kent Downs).
- 7.5.49. The LCT 1B (Mid Kent Downs) is sub-divided into Local Character Areas (LCA) to reflect their internal variation. The portion of the site that is within the NL is within the Bicknor LCA.
- 7.5.50. The description notes that the Bicknor LCA is a coherent, sparsely settled area with arable farmland. The site in which the new junction is proposed reflects these qualities. Access and Transport are identified as an issue, with pressure to widen lanes to accommodate larger and faster vehicles, resulting in loss of character. The proposed highway infrastructure would result in a loss of the existing character.
- 7.5.51. Section 89 of the Countryside and Rights of Way Act 2000 is relevant and requires that in taking decisions on planning applications, decision-makers must 'adopt' the policies of any NL Management Plans (NL MP) that cover their area. This is also reflected in the NPPG.
- 7.5.52. The aspirational landscape strategy in the Kent Downs Management Plan is for any new development to respect the special character and qualities of the area, and be of a scale, form

and character which enhances its rural feel and traditional settlement patterns. This includes roads and boundary treatment. The proposed highway infrastructure in the NL would not be consistent with the Kent Downs Management Plan.

- 7.5.53. The Kent Downs Management Plan includes Landscape Management Recommendations, one of which is to protect the remote, rural quality of the landscape, for example through retaining the traditional, quiet narrow lanes, and the small-scale nature of settlement. The proposed highway infrastructure would tend to erode rather than protect the rural quality of the landscape. Compensation would be required to further the purpose of conserving and enhancing the natural beauty of the National Landscape.
- 7.5.54. The ES identifies that during construction Major Substantial to Moderate Substantial Adverse effects would occur to the landscape patterns and character within the southern area of the site, depending on the phasing and location of the construction works due the 'higher' sensitivity of this part of the site with a 'medium to very high' magnitude of change.
- 7.5.55. In terms of the setting of the NL, construction around the Kent Science Park is shown on the indicative phasing plan as taking place up to year 10. Residential development to the southwest of the site over a period between years 5 to 15 (some elements between years 10 to 20). The adverse construction impacts would occur over a long period of time.
- 7.5.56. The highway infrastructure is located in the NL and in addition development proposed north of the M2 would impact on the setting of the NL (there would be direct and indirect impacts).
- 7.5.57. The ES proposes mitigation between the Science Park extension and the M2 motorway. Earth mounding up to 4 metres in height is proposed to minimise the impacts of the motorway junction and assist in minimising the impact of the proposed commercial development to the north of the M2. The ES advises that landscape 'buffers' would also be provided adjoining the M2 motorway (approximately 100 metres in depth) and along the southern and western boundaries of Highsted Village.
- 7.5.58. While the proposed screening would assist with mitigating impacts to setting, it would not mitigate direct impacts or the impact to views arising from the highway infrastructure from within the NL (particularly from the south) and the impacts to the special qualities of the NL.
- 7.5.59. Protecting the setting of the NL is important (and is considered later in this section of the report), however paragraph 183 of the NPPF relates to assessing the acceptability of major development within the NL (in this case the highway infrastructure), as compared to mitigating the impact on the setting of the NL arising from the development proposed north of the M2.
- 7.5.60. The ES concludes that by year 15, there would be Slight Adverse to Negligible effects in terms of the impact to the NL. The ES advises that this would primarily be due to the establishment and maturing of landscape planting to break up the scale and mass of built development, screen parts of it and control views of other parts of the development.
- 7.5.61. One of the challenges of reviewing an EIA-led approach to landscape impacts is that the ES can become quite a formulaic process, with judgements of character, sensitivity and impact set into 'boxes' with hierarchical judgements as to the degree or scale of sensitivity, change and impact. Regulation 26 of the EIA regulations is clear that in addition to taking account of the ES the Local Planning Authority may undertake their own supplementary examination. Ultimately, it is for the decision-maker to make their own rational assessment and having regard to the evidence.
- 7.5.62. In this case it is considered that the LVIA (informing the ES) underplays both the sensitivity of the landscape to the proposed development and the magnitude of change and therefore underestimates the significance of effects, notably at the 15-year development period. Both

Natural England and the Kent Downs NL Unit also raise concern that sensitivity has been underestimated in the ES.

- 7.5.63. Natural England advise that the mitigation measures do not adequately mitigate the adverse impacts of the development upon the purposes of designation for the NL. The application relies heavily upon screening to mitigate visual impacts. The screening would not address impacts to the distinctive character and natural scenic beauty of this part of the NL. There would be impacts to open views over a predominantly rural landscape. The screening would not address impacts upon tranquillity, remoteness and dark skies in relation to the NL. The screening itself would result in considerable change to the landscape.
- 7.5.64. Natural England's consultation response notes that the significance of effects was concluded to be slight adverse to negligible in year 15 for multiple viewpoints, yet the LVIA acknowledged that some rooftops, two storey buildings and 'upper parts of commercial buildings would remain visible'. The new highway junction would remain highly visible.
- 7.5.65. Natural England also disagree with the sensitivity given to a number of key viewpoints including public rights of way in the NL, the sensitivity should be higher. The Council's reasoned conclusion is that that the significance of impacts would be greater than stated in the ES.
- 7.5.66. While mitigation measures might be able to be used to limit views of the development (e.g., landscape screening), there would still be a flyover (which would rise to a height that would mean it would likely to be seen above landscape screening) and screening would not change the fact that landscape in the NL would be lost. The proposed masterplan shows a strong contemporary gateway at this location which would not integrate into the NL without eroding some of its special qualities.
- 7.5.67. The proposed junction would adversely impact the special qualities of the NL, particularly its farmed landscape, tranquillity, remoteness and historic cultural heritage. The open fields, hedges, lanes add to the historic look and feel of Kent's rural landscape and the highway junction would have a significant adverse impact on these qualities.
- 7.5.68. The pastoral scenery is a particularly valued part of the landscape in the NL, and the existing agricultural field in the NL would be lost to become a highway junction. The historic and cultural heritage is also part of the special qualities of the NL. In this case there are listed buildings near the site and the proposed junction would adversely impact on the setting of the heritage assets.
- 7.5.69. Tranquillity and remoteness is an important factor in quality of life. It's a key reason why people want to visit the NL. While it is acknowledged that the M2 motorway adjoins the NL to the north, introducing a junction to the M2 in the location proposed would exacerbate the impact of the motor way, with noise, fast moving vehicles and the physical presence of the junction adversely impacting on the tranquillity and remoteness of the area.
- 7.5.70. The recreational use of PRoW and Bexon Lane (for example, by pedestrians and horse riders) would be impacted by the visual and acoustic impacts of the highway junction. Landscape offering recreational opportunities involving experience of the landscape is important. There is a network of extremely well used footpaths in and around the area of the new highway junction. The recreational opportunities do not have to be on site. The open farmland is considered part of the landscape that forms part of a views that are important to the enjoyment of a recreational activity.
- 7.5.71. The LVIA, which informs the ES, provides visualisations to show the impact of the development at different years. Visualisation 'VIS 5' relates to a view of the area proposed to accommodate the highway infrastructure (from Bexon Lane looking northwards). The

visualisation shows at year 15 that the trumpet roundabout and flyover (over the M2) would still be highly visible.

- 7.5.72. While visual impacts may be reduced by proposed landscaping, the elevated element of the junction (fly over) would mean the infrastructure would remain visible in views. The landscape screening itself would contrast with the existing pastoral setting of the land in which the highway infrastructure is proposed (changing the landscape character in this part of the NL).
- 7.5.73. Visualisations showing the impact of the junction from footpath ZR185 are not shown in the LVIA and in any event the PRow would have to be relocated given the proposed slip roads and junction. Given the proximity to the new junction, the experience of users of this public footpath would be harmed.
- 7.5.74. Officers acknowledge that the existence of the M2 is already a detractor to this part of the NL. That said, the proposals would significantly exacerbate the situation. The development in the NL would not be appropriate to the economic, social and environmental wellbeing of the area. Nor would it be desirable for the understanding and enjoyment of the area.
- 7.5.75. It is also important to make an assessment of changes in the character of the landscape, rather than simply whether the development can be hidden from view. In this case the highway infrastructure would adversely impact the character of this part of the NL. It is worth noting that the proposed new junction would represent a permanent adverse change.
- 7.5.76. Impacts would not just be confined to the visual or physical effects such as on habitats or watercourses connecting the NL with its surroundings but will also add to the traffic travelling through it, affecting the sense of naturalness, remoteness, tranquillity and dark skies.
- 7.5.77. In terms of recreational impacts, officers note that PRow would be severed and relocated, consultation responses from a Bexon Lane Scout Camp (who provide outdoor activities and facilities for many young people in the area of the proposed junction) advise that recreational enjoyment of the countryside (e.g., PRow users, horse riders, the Scout Camp etc) in the vicinity of the junction would be negatively impacted by the increased traffic, noise, visual impacts and severance.
- 7.5.78. Officers have considered detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated and are not of the view that the proposals can be adequately justified as an exceptional circumstance against these considerations.
- 7.5.79. Exceptional circumstances: Conclusion
- 7.5.80. On the basis of the considerations as set out above officers are not of the view that the proposals can be adequately justified as an exceptional circumstance.
- 7.5.81. Public interest
- 7.5.82. The highway infrastructure would facilitate access to proposed housing, employment space, health care, open space, recreational and educational facilities. However, the Council has identified land elsewhere where industrial and other employment space can be provided to meet the Borough's needs. The proposals for education, sports, open space and health care facilities are required to meet the needs of the development (rather than to correct an existing deficiency), as such no free-standing benefit arises. There is not an existing overriding highway safety issue that needs to be addressed by a new junction.
- 7.5.83. In the response from the Kent Downs NL Unit, it was highlighted that when considering whether the development is in the public interest it is important to note that NLs are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's

interest to safeguard them. As such, for the development to be considered to be in the public interest, the potential benefits of developing in the NL must outweigh the national significance of conserving and enhancing the natural beauty of the NL.

- 7.5.84. The highway infrastructure would not be in the interest of those wanting to use the PRoW, or visit the area for its open spatial landscape, tranquillity or remoteness. Residents and visitors to the area would experience adverse impacts in terms of views, noise, and disturbance. The highway junction would cover many hectares of land and would not be a small incursion. Public interest must also take into account the value that people place on nationally important landscapes.
- 7.5.85. Officers are of the view that the scale and extent of the highway junction would adversely impact the experiences of the public using/enjoying the NL for its special qualities. Given that jobs could be delivered in locations that do not require access via a highway junction in the NL, and that the proposals cannot be said to comply with the Development Plan and looking at the situation as a whole, the major development proposed in the NL would not be in the public interest.
- 7.5.86. Setting of the NL
- 7.5.87. The proposed junction would facilitate the development proposed north of the M2, some of which would fall within the setting of the NL. Paragraph 182 of the NPPF states that development within the setting of a NL should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 7.5.88. At paragraph: 042 (Reference ID: 8-042-20190721), of the NPPG it states that land within the setting of a NL often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.
- 7.5.89. The 'Kent Downs Setting Position Statement' 4 is a guidance document which confirms that local authorities should take into consideration the setting of the Kent Downs NL in determining planning applications, and that development likely to result in a negative impact on the setting of the NL will not be supported, unless it can be satisfactorily mitigated.
- 7.5.90. The Setting Position Statement provides examples of adverse impacts on the setting of the Kent Downs NL include:
- development which would have a significant impact on views in or out of the NL;
 - loss of tranquillity through the introduction or increase of lighting, noise, or traffic movement or other environmental impact including dust, vibration and reduction in air quality;
 - introduction of abrupt change of landscape character;
 - loss or harm to heritage assets and natural landscape, particularly if these are contiguous with the NL;
 - development giving rise to significantly increased traffic flows to and from the NL, resulting in erosion of the character of rural roads and lanes; and
 - increased recreational pressure as a result of development in close proximity to the NL.
- 7.5.91. The Kent Downs NL Management Plan states that often the setting of the Kent Downs has great value and was a principal reason for the Kent Downs NL designation.

- 7.5.92. The Applicant's LVIA states that to the north of the NL boundary following a line from Doves Croft to Kent Science Park (KSP) and extending south eastwards from KSP is an area of the site considered to lie within the setting of the NL, where the character is similar to the landscape of NL and there is intervisibility between parts of the Application Site and NL.
- 7.5.93. The southern portion of the site (north of the M2) is sensitive given its proximity to the NL and role in setting. The Applicant's assessment notes that land south of the Kent Science Park provides an important rural and visual separation between the Kent Downs NL and the Science Park.
- 7.5.94. Although the M2 (and trees along its sides) limit some views between the site and the NL, there are views, for example, of the Science Park visible from the NL, partly as a result of the NL to the south being on higher land than that of the proposed development north of the M2.
- 7.5.95. The southern part of the site forms a 'gateway' to the NL from the north and is a transition zone between the NL and the built-up urban areas of Sittingbourne. The scale of development proposed in the southern part of the site would have a harmful impact on the experience of moving out from Sittingbourne and its suburban areas into the rural areas of the NL to the south of the M2. The proposal involves the loss of what is currently rural, agricultural land. This would be replaced with extensive areas of housing and employment space and would create a more abrupt change in land use close to the NL boundary.
- 7.5.96. To mitigate impacts to the setting of the NL, lower building heights are proposed on the boundaries of the development. Moreover, the application is supported by an Employment Area Master Plan Strategy, which indicates that it is proposed to lower ground levels so buildings would be set lower in the landscape (to limit visibility from the NL), and in addition create a raised bunded area just north of the M2, atop which would be tree screening.
- 7.5.97. The visualisations presented in the LVIA indicate that by year 15 (when planting has started to mature) show that the proposed employment space would still be visible. A sports hub is proposed to the north of the M2, which would be flood lit and this would also impact the setting and tranquillity of the NL, impacting on dark night skies.
- 7.5.98. In summary, the proposed development would have an adverse impact to the setting of the NL, is important to the significance of the NL and the impact weighs against the scheme in the planning balance.
- 7.5.99. Tranquillity and lighting impacts
- 7.5.100. The proposed development would involve lighting along new residential and non-residential streets, buildings would be lit at night, playing pitches would include flood lighting, cars using the SSRR at night would use headlights, as such consideration has been given to the impact of the development on Dark Skies.
- 7.5.101. Included within the principles of the NL Management Plan are the need to provide and protect tranquil areas, dark night skies being a valued part of the experience of tranquil rural areas. The NPPF states that development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 7.5.102. 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.
- 7.5.103. Large parts of the wider application site are generally devoid of light sources creating relatively 'dark skies' with the southern parts of the application site either within or adjoining the Kent Downs NL.

7.5.104. Parts of the site are designated as AHLV and NL, where planning policy seeks to minimise light pollution in the open countryside and therefore, the general area can be considered relatively sensitive to the introduction of new lighting with higher sensitivity to the south. While development at Kent Science Park already affects parts of the site adjoining the Kent Downs NL, the proposals would significantly worsen the situation and the proposals would conflict with the Kent Downs NL Management Plan.

7.5.105. Kent Downs NL: Conclusion

7.5.106. In this case, Officers are of the view that the proposed development represents major development in the NL. There are not exceptional circumstances which would justify the proposal, nor would it be in the public interest. The NPPF is clear that in such cases permission should be refused.

7.5.107. Even if the proposals in the NL were not considered to be major development, having regard to the following matters, the proposals would not protect and enhance the valued landscape:

- The part of the site in the NL possesses several defining landscape character features and special qualities for which the NL is designated. Open countryside would be replaced by highway infrastructure.
- The proposed highway infrastructure would have an adverse impact on recreational opportunities in the NL,
- The significant scale of the development (highway infrastructure in the NL and development in the setting) would be far from limited,
- The development would fundamentally change in the character of the part of the site in the NL,
- The visual and other impacts, taken individually and cumulatively, could not be wholly mitigated,
- The proposals would not align with the NL's management plan,
- The proposals would have adverse impacts of the setting of the NL, which is important to its significance.

7.5.108. The development would not further the purpose of conserving and enhancing the natural beauty of the National Landscape and is contrary to NPPF and Local Plan Policy ST1 and DM24 and the Kent Down NL Management Plan.

7.6. Size and Type of Housing

7.6.1. 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.

7.6.2. 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).

7.6.3. 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.

7.6.4. 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.

- 7.6.5. It should also be noted that the mix is for the overall Borough and there are sub areas in the Borough where a different mix is in need. Local Authorities are required to understand housing needs in their area (for example, via 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) required to meet identified need.
- 7.6.6. Approval is sought for up to 7,150 residential units, within that total a proportion of later living development for independent living for over 55's wishing to downsize within a likeminded community.
- 7.6.7. The Applicant has provided analysis which illustrates how at 7,150 units, the proposal could accommodate a mix of units that would align with the HMA. However, taking account of the duration of the proposed construction, and the potential for alteration to the character of housing demand through this time, any approval would need to be sufficiently flexible to enable the approved development to respond to such changes.
- 7.6.8. 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 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.
- 7.6.9. 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.
- 7.6.10. 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.
- 7.6.11. 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 homes than has been assumed by the Applicant in the current submission, then it may not be possible to achieve 7,150 dwellings. The application seeks permission for up to 7,150 dwelling, if fewer (but larger) homes were to be delivered then this could be accommodated within the scope of the application.
- 7.6.12. 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.

7.7. Affordable Housing

- 7.7.1. 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.

- 7.7.2. 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 most affected in housing market areas including Sittingbourne and “.....hence a lower percentage of affordable housing will be sought in these areas”.
- 7.7.3. In some locations (for example the housing proposed adjacent to Highsted Road) the proposed housing would clearly comprise an urban extension to Sittingbourne (and be within the ME10 post code). However, in other locations the proposals are set well away from Sittingbourne and would represent residential enclaves in the countryside (in the ME9 post code).
- 7.7.4. 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). While some parts of the site (where housing is proposed) are within the ME10 post codes, the majority of the site is not.
- 7.7.5. The sales heat map by postcode area in the Addendum Local Plan Viability Assessment at Figure 2.1 shows the majority of the application site as being within areas where there are higher property values associated with the ME9 post code.
- 7.7.6. Officers are of the view that the parts of the site within the ME10 post code, which are genuinely urban extensions to Sittingbourne should deliver 10% of dwellings as affordable housing. Beyond the ME10 post code, where values are higher and it is apparent that the proposed residential development is not a simple extension to Sittingbourne, officers are of the view that Policy DM8 requires 40% of those dwellings to be delivered as affordable housing where there are higher property values associated with the ME9 post code. This is a blended approach where, as phases come forward, the proportion of affordable housing required would need to be established depending on the location and associated land values.
- 7.7.7. The Councils 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.
- 7.7.8. 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 requirement for a housing strategy to include a housing tenure and mix for each phase of development would need to be secured on as part of any consent.
- 7.7.9. 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). Affordable housing would be allocated through the Council's housing register or to those who have a local connection to the borough.

- 7.7.10. The Planning Statement accompanying the application provides an indicative mix of affordable housing and proposes 10% of dwellings be affordable.
- 7.7.11. The Applicant has justified the affordable provision on the basis that the scheme is an urban extension to Sittingbourne and that there would be substantial infrastructure costs associated with the development and it would not be financially viable for the scheme to deliver a greater proportion of affordable housing. Officers do not accept that the housing would all be an extension to Sittingbourne but do recognise that the proposals involve exceptional development costs (for example delivery of the SSRR).
- 7.7.12. 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 (upward only) financial viability reviews.
- 7.7.13. 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 £146,400,000. If all the financial contributions were required to be met then the scheme could only deliver 15.83% of dwellings as affordable housing.
- 7.7.14. Conversely if 20% of dwellings were to be affordable housing, only £127,200,000 would be available for financial contributions. Higher levels of affordable housing would further reduce funding available for community and other infrastructure.
- 7.7.15. If approved, the development would be built out over a long time period (i.e., 20 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 whether additional affordable housing can be delivered. The Applicant has not agreed to upward only reviews of viability throughout the life of the development.
- 7.7.16. The Council would need to accept 15.84% of dwellings as 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.
- 7.7.17. 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.
- 7.7.18. The benefits of the scheme weighed against the disadvantages are considered in Section 7.27 of this report (The Planning Balance). At present there is not agreement to upward only viability review mechanisms (to secure a level of affordable housing closer to that required),

the proposals are contrary to Local Plan Policy DM8 and there is an objection to the development in this regard.

7.8. Landscape and Visual

7.8.1. Landscape designations

- 7.8.2. The NPPF requires that decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside.
- 7.8.3. The Landscape Institute's definition states that a 'valued landscape' is an area identified as having sufficient landscape qualities to elevate it above other more everyday landscapes.' The parts of the site that lie within the Kent Downs NL and the Rodmersham, Milstead and Highsted dry valleys Area of High Landscape Value and would constitute a 'valued' landscape in terms of NPPF paragraph 180(a)) and the remaining parts of the site are undesignated countryside.
- 7.8.4. In relation to landscape matters, the NPPG explains the key issues in implementing policy to protect biodiversity and natural environment and provides advice on how the character of landscapes can be used to inform planning decisions.
- 7.8.5. At a national level, the proposals are located within Natural England's National Character Areas (NCA) NCA 113: North Kent Plains and NCA 119: North Downs.
- 7.8.6. 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 and landscape to the south and east of Sittingbourne is identified as lying within the "Fruit Belt" character area with the area to the south of the M2 motorway as lying within the "Bicknor: Mid Kent Downs" character area.
- 7.8.7. The Kent Historic Landscape Characterisation Study indicates that land to the south and east of Sittingbourne (which includes the application site) forms part of 'Northern Horticultural Belts' Historic Landscape Character Area No.17 with the land to the south forming part of the Central North Downs Historic Landscape Character Area No.16.
- 7.8.8. At the local level the proposed developments are located within the following local character areas (LCA) within the Swale Landscape Character and Biodiversity Appraisal (2011).
- LCA 29: Rodmersham Mixed Farmlands
 - LCA 40: Rodmersham and Milstead Dry Valley
 - LCA 42: Tunstall Farmlands
- 7.8.9. The site is highly sensitive and includes part of the Kent Downs NL (to the south of the M2 motorway) and its immediate setting (land north of the M2) and representing NL special qualities (dry valley) extending out from the NL boundary.
- 7.8.10. The landscape quality is recognised by the local landscape designation, which covers a substantial part of the site, with the dry valley forming a key valued landscape enclosing the south-east edge of Sittingbourne.
- 7.8.11. Large parts of the site and surrounding areas have historically been used for agricultural purposes or woodland centred around the historic settlements, including Bapchild, Bexon, Rodmersham, Rodmersham Green and Tunstall, with little change occurring until the 18th Century which included the establishment of Woodstock Mansion and parkland (now Kent Science Park).

- 7.8.12. 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.
- 7.8.13. The site is in an area of undulating topography and focused on a steep sided dry valley (Highsted Valley) that extends through the central southern parts of the site in a northwest to southeast direction with a broad ridgeline / area of elevated ground extending northwards from Rodmersham Green to connect to the western edge of Sittingbourne.
- 7.8.14. A number of the lanes within and close to the Application Site (Bottom Pond Road, Slough Road, Cheney Hill, Bottles Lane, Highsted Road, Green Lane, Church Street, Dully Road, Wood Street, Claxfield Road, Pitstock Road) are designated as rural lanes.
- 7.8.15. Assessment: landscape impacts
- 7.8.16. The application is accompanied a Landscape Visual Impact Assessment (LVIA) which is included at Chapter 10 of the ES, this establishes a 'Study Area' which was defined in part by the use of 'Zones of Theoretical Visibility' (ZTV). 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.
- 7.8.17. The LVIA divides the site into 3 areas (north, central and south) and makes an analysis of landscape visual impacts within each. Seventy-four assessment viewpoints were used to represent typical views from publicly accessible locations. The overall value of the application site is assessed in the ES as 'high to moderate'.
- 7.8.18. Northern area - impact
- 7.8.19. This area is located within LCA 29: Rodmersham Mixed Farmlands, which is characterised by rolling landscape with steep sloping chalk valleys, agricultural land and orchards and occasional isolated properties and historic villages. This part of the development extends across and up the lower dip slope of arable and orchards on the undulating topography south of Bapchild.
- 7.8.20. The SSRR would connect to the A2 just south of the existing Bapchild Cricket Club and extend southward towards the M2 motorway. The SSRR would conflict with the existing and historic pattern of development as the road would dissect fields and orchards and would be out of character with the existing minor road network.
- 7.8.21. The residential development proposed south of the A2 would reduce the separation between Bapchild and Teynham and create the impression of continual development along the A2 and down to Rodmersham. Although landscape buffers are proposed, there would still be a large change in the rural setting of the villages. Development would envelop existing scattered houses and farms on Dully Road and Church Road.
- 7.8.22. When considered cumulatively with the development proposed in application 21/503906/EIOUT, the separation between the settlements of Teynham, Bapchild and Rodmersham would be greatly reduced. Local Plan 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 DM 25.
- 7.8.23. Policy DM25 relates to the separation of settlements and Important Local Countryside Gaps. This Policy seeks to retain and protect the individual character and setting of settlements, with reference to the Important Local Countryside Gap (ILCG) around Sittingbourne and its satellite villages. While the northern study area is not a designated ILGC, the policy aims to preserve the existing individual character of settlements which would be eroded by the proposals.

- 7.8.24. The topography in this part of the site is undulating dipping to the north as part of the North Downs dip slope. The proposed development would impact on the long views out from the dip slope towards the Isle of Sheppey. The positioning of development in relation to the undulating topography means the proposal would be very prominent in wider views.
- 7.8.25. The proposed Oakwood East settlement would remove the rural setting to Rodmersham, although there are landscape buffers between Rodmersham and the proposed development, there would still be a large change in the rural setting of the village.
- 7.8.26. The proposed formal sports and recreation area to the south of Rodmersham would separate the settlement from its rural setting. Similarly, the primary school to the south-east of Rodmersham would not act as a rural buffer to the historic settlement.
- 7.8.27. Development would envelop existing scattered houses and farms on Dully Road and Church Road. Local Plan Policy DM26 relates to rural lanes and states that planning permission will not be granted for development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes. Policy DM26 conforms with the relevant paragraphs in the NPPF on reducing impact from development and associated road infrastructure and carries very substantial weight. Parts of Dully Road would be stopped up, the rural lane would be physically severed resulting in significant harm the character of the lane. Development and increased traffic would impact on Bottom Pond Road (designated as a Rural Lane).
- 7.8.28. 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. The proposals would not achieve this.
- 7.8.29. While this part of the site has no formal landscape designation, 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.
- 7.8.30. 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. The proposals would harm the setting of heritage assets and would not conserve or enhance the natural environment.
- 7.8.31. Landform will be affected by drainage proposals, highway infrastructure and creating level platforms for the positioning of development and the undulating landform would be eroded, and in the proposed new villages largely lost.
- 7.8.32. Noise, lighting and activity associated with the proposed development (including traffic) would also have an impact on the tranquil character of the area, which is an important aspect of its character. The proposals would not protect or enhance the intrinsic value, landscape setting, tranquillity and beauty of the countryside.
- 7.8.33. Northern area – mitigation
- 7.8.34. Advanced woodland planting is proposed to screen the development. However, substantial tree cover is not a characteristic of this landscape. The development would become visually

prominent due to the woodland that is proposed to screen it (the existing landscape is largely an open, unwooded landscape).

- 7.8.35. The road would reduce the attractiveness of the parkland and reduce the value for wildlife and recreational users. While access is a reserved matter, approval is sought for the SSRR in principle, and shown in the parameter plans.
- 7.8.36. Community orchards are proposed and would be appropriate and reflect the existing historic land use of fruit production which contributes to local landscape character. A landscape buffer is proposed to the grade II listed The Old Vicarage, Dully Road. The development cells were reduced around Rodmersham and the green buffer increased. A vista corridor is proposed introduced to protect views towards the church from the southeast.
- 7.8.37. A viewing corridor has been inserted to the south-east to allow for long views towards the Church of St Nicholas. That said views would still be greatly reduced and impacted; the mitigation would not be entirely successful. If approved conditions would be required to ensure advanced planting is secured.
- 7.8.38. Central Area – impact
- 7.8.39. This part of the study area extends from Rodmersham almost as far as the Kent Science Park. Within this area, land is designated as Rodmersham, Milstead and Highsted dry valleys Area of High Landscape Value - Kent Level.
- 7.8.40. The relief road would cut into and across the dry valley landscape east of Highsted Road, which will be highly visually prominent in the landscape. The relief road will run through the centre of the proposed Highsted Country Park. A road is not a usual component of a country park and will reduce the quiet and tranquil enjoyment of the park.
- 7.8.41. Parts of the central area are within an Important Local Countryside Gap (ILCG) and Highsted Road and Bottom Pond Road are designated rural lanes. The topography includes the distinctive steep-sided dry valley running from the edge of Swanstree Avenue through Highsted. The SSRR would cut into and across the dry valley landscape east of Highsted Road, which will be visually dominant in the landscape.
- 7.8.42. As with the Northern Area, the proposals would conflict with Local Plan Policy ST1 and ST3 being located in the countryside. Changes to landform would also be necessary (e.g., to facilitate infrastructure and development platforms).
- 7.8.43. To the western edge of the site residential development is proposed east of Highsted Road and north of the former chalk pits, this is an area within an Area of High Landscape Value (AHLV) Kent level. Policy DM24 seeks to ensure development in such locations conserves and enhances the landscape and when significant adverse impacts remain (as is the case with this application), that the social and or economic benefits of the proposal significantly and demonstrably outweigh harm to the AHLV.
- 7.8.44. The development proposed in the AHLV would impact on its sensitivities and special qualities. This includes the dry valley topography, land cover pattern of pasture, woodland and orchards, and channelled views along the valley floor to the open ridges, tranquillity of the landscape and rights of way.
- 7.8.45. Policy DM14 at part 6 refers to the desirability of conserving and enhancing the natural environment. This is relevant given the fact that the development would adversely impact upon an Area of High Landscape Value.
- 7.8.46. The ELR identifies other less sensitive areas where employment space could be located. The proposed community and other infrastructure are only needed to serve the development (of

neutral benefit), as a matter of planning judgement the social and or economic benefits of the proposal would not significantly and demonstrably outweigh harm to the AHLV, contrary to Policy DM24.

- 7.8.47. The residential development proposed east of Highsted Road and north of the former chalk pits is within an Important Local Countryside Gap (ILCG). Policy DM25 is clear that that these gaps are in place to retain the individual character and setting of settlements. Within these gaps, unless allocated for development, planning permission will not be granted where this would undermine one or more of the ILCG purposes.
- 7.8.48. The residential development would amalgamate with development approved in appeal permission ref: 21/505498/OUT - Land off Swanstree Avenue Sittingbourne, adding to the encroachment into the gap contrary to the aims of Local Plan Policy DM25. Moderate weight was given to the conflict with Policy DM25 in the Swanstree Avenue appeal decision.
- 7.8.49. A large junction is proposed between Highsted Valley, Cromer Road and the SSRR, which would be visually prominent and change the landscape character of this area. Development and increased traffic would adversely impact on the character of the designated rural lanes (including Highsted Road).
- 7.8.50. The Flood Risk Assessment submitted with the application notes that the dry valleys convey surface water flows, where the SSRR crosses the dry valleys as part of the proposals to ensure flows are not disrupted the SSRR would be elevated (4m) above the valley floor, while access is reserved and detail of the flyovers has not been provided it is considered that the infrastructure would be highly visible and add to landscape change and visual impacts.
- 7.8.51. Central area - mitigation
- 7.8.52. The Landscape and Open Space Strategy submitted in support of the application shows that a country park is proposed to be created. However, the country park would be dissected by the SSRR. While access is a reserved matter it is not clear how users of the park would be able to easily cross the SSRR, which is also likely reduce the value for wildlife. A road is not a usual component of a country park and would reduce the quiet and tranquil enjoyment of the proposed country park (as well as raising safety and health/air quality issues).
- 7.8.53. The SSRR road would be visually prominent as it crosses the crest of the dry valley east of Highsted Road. Any woodland buffer planting would also be visually prominent, and out of character with the existing landscape character. The application proposes areas of open green space adjacent to the SSRR, however the useability of the open space is likely to be compromised by the relief road and associated traffic.
- 7.8.54. Areas of community orchard are broadly welcomed, as this is a traditional characteristic of the landscape. The Highsted quarries which are an important wildlife site and would be severed and isolated from the development proposed on the eastern side of SSRR. While Public Right of Way crossing points are shown across the SSRR, it is not clear how this would work in practice given the volumes of traffic that would be using the SSRR. If approved conditions would be required to ensure advanced planting is secured.
- 7.8.55. Southern area – impact
- 7.8.56. The southern portion of the site includes land south of the M2 that is within the Kent Downs NL and land north of the M2 is within its setting. Impacts to the NL have already been discussed, in section 7.5 of this report.
- 7.8.57. Views north from Bredgar and other public footpaths within the Kent Downs NL would be impacted by the employment and residential development. The potential height of employment

development at this location on the edge of the NL is a concern. The sport hub is likely to involve flood lights and buildings up to 10m in height and would impact views.

- 7.8.58. Parts of Highsted Village West and Highsted Village East are within the AHLV. Residential development in these locations would impact on the sensitivities and special qualities of the AHLV, including the dry valley topography, rural character of grazed parkland and pasture, land cover pattern of pasture, woodland and orchards, ancient woodland at Highsted Wood and Cromer's Wood, channelled views along the valley floor to the open ridges, tranquillity of the landscape and PRoW.
- 7.8.59. Residential development to the north-west of the Kent Science Park, part of Highsted West, would be on steeply sloping land, and would be visible within the wider landscape. As with the Northern and Central Areas changes to landform would be required, with associated landscape character changes and visual impacts.
- 7.8.60. The proposed household waste and recycling centre and the parcel of residential development proposed east of the Kent Science Park along Broadoak Road do not fit with the rest of the development pattern. The visual impacts on the approach on Broadoak Road would be considerable. These residential areas are adjacent to Cromer's Wood (ancient woodland and LWS).
- 7.8.61. The SSRR would also pass in close proximity to Bex Wood and cut through parts of Highsted Wood (both ancient woodland). There would be impacts to the character, landscape and amenity of designated Rural Lanes at Ruins Barn Road and Bottom Pond Road, particularly given the additional development proposed around the rural lanes and additional traffic that would be using them.
- 7.8.62. The Kent Science Park is currently contained, and this limits its influence on the setting of the NL. It would be difficult to limit impacts to the setting of the NL give the height and scale of development proposed.
- 7.8.63. Southern area – mitigation
- 7.8.64. Buffer planting is proposed along the M2 corridor would be created as semi-natural greenspace, with woodland and woodland glades proposed. This will create a new wooded landscape character. The mitigation includes changes to create a raised bund atop which to place landscape screening can be planted. Changes to landform are proposed to lower ground levels so that employment building sit lower in the landscape. It should be noted that these mitigation measures would represent a significant change to the landscape character.
- 7.8.65. A green bridge is proposed at the junction north of the Kent Science Park. While this is laudable, it would have a visual presence in its own right and impact the character of the landscape.
- 7.8.66. Mitigation planting is proposed the western edge of Highsted West to provide screening for Tunstall village. While landscape screening would help to hide the development, the woodland cover is not currently characteristic of this landscape and would be a significant change. If approved conditions would be required to ensure advanced planning is secured.
- 7.8.67. Conclusion on landscape impacts
- 7.8.68. This is a very challenging site for development for a road, residential and other development of the scale proposed. In landscape terms much of the area is highly sensitive including part of the Kent Downs NL to the south and its immediate setting and representing special qualities (dry valley) extending out from the Kent Downs NL boundary. The landscape quality is recognised by the landscape designation (including AHLV), which covers a substantial part of

the planned development area, with the dry valley forming a key valued landscape enclosing the south-east edge of Sittingbourne.

- 7.8.69. The proposals are fundamentally at odds with the aims of the Area of High Landscape Value (Kent level). Within Swale there is no precedent for urban development climbing the dip slope transition between the coastal plain, fruit belt and chalk downs of the NL or extending within the dry valleys. If a development of the size and scale proposed in this sensitive location were to be progressed, significant adverse landscape impacts would need to be accepted.
- 7.8.70. 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. The development would see the loss of the rural environment and rural lifestyle, seen to be a key reason residents live in the area.
- 7.8.71. There are limited opportunities to fully mitigate the landscape and visual impacts in this sensitive landscape. The LVIA for the scheme identifies a large number of moderate adverse effects and a very few major adverse effects. The Council's Landscape Consultant has advised that for a mixed-use development and road scheme of this scale, the effects could be greater and significant for local landscape character and some visual receptors.
- 7.8.72. The development of housing, employment space, mixed use centre, amenity spaces suitable for the settlements, garages, access roads, internal circulation roads, footways, parking areas and other permanent site infrastructure such as light columns and signage, vehicular traffic, resident and visitor use and servicing replacing the distinctive landscapes would represent a profound urbanising influence on the countryside.
- 7.8.73. As it stands, the development by virtue of the scale, location, and nature of the proposals would not contribute to and enhance the natural and local environment, nor would it protect and enhance valued landscapes, including the Kent Downs NL and AHLV. 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. As such the proposals are considered contrary to policies ST1, ST3, ST5, DM14, DM24, DM25 and DM26 of the Local Plan and paragraph 180 of the NPPF.

7.9. Heritage

- 7.9.1. Legislative and Policy Context
- 7.9.2. 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.
- 7.9.3. 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.
- 7.9.4. 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".
- 7.9.5. 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.

- 7.9.6. 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.
- 7.9.7. 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.
- 7.9.8. 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.
- 7.9.9. 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).
- 7.9.10. The harm may arise from works to the asset or from development within its setting. The importance of a setting lies in what it contributes to the significance of the heritage asset.
- 7.9.11. 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.
- 7.9.12. 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.
- 7.9.13. 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.
- 7.9.14. 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.
- 7.9.15. 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.
- 7.9.16. 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.
- 7.9.17. 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.

- 7.9.18. 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.
- 7.9.19. 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 stated to be considered 'significant'. The 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 Adverse 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

- 7.9.20. The Council's Heritage consultant questioned why the levels of harm in NPPF terms is the same for 'Minor Adverse' and 'Moderate Adverse' effects. Regulation 26 of the EIA regulations is clear that in reaching a reasoned conclusion the Local Planning Authority can take into account their own supplementary examination. The Council has therefore expressed the assessment of harm to the heritage assets in this report in relation to the NPPF and with regards to the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.9.21. Heritage impacts
- 7.9.22. The effect of the proposal on designated heritage assets has been assessed in the ES (Chapter 16 – Built Heritage), and the scale and nature of means there will be significant effects on some the identified heritage assets.
- 7.9.23. Since the application was submitted in 2021, the Rodmersham Church Street Conservation Area (CA) has been designated. The impact to the Rodersham Church Street CA is included in the assessment set out in this report.
- 7.9.24. Set out below is an assessment of the extent of harm which would result from the proposed development to heritage assets. This includes to Conservation Areas, Listed Buildings, as well a Non-Designated Heritage Asset (NDHA). Cumulative change has been taken into account.
- 7.9.25. For ease of reference and identification, where there is considered to be an impact, these have been presented under the headings of the Groups identified in the applicants' Heritage Baseline Study.
- 7.9.26. Group 2 – Grove End Farm
- 7.9.27. There is a Group of listed buildings near Grove End Farm, which include:
- Grove End Grade II listed
 - Stables 30 Yards North of Grove End Grade II listed
 - Barn 30 Yards North of Grove End Grade II listed
 - Barn 60 Yards North of Grove End

- 7.9.28. The significance of the buildings derives primarily from their age and architectural interest. The rural setting contributes to its significance. Due to the extent and scale of proposed new development, it would be conspicuous in the setting of the listed buildings, introduce 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 and permanent impact.
- 7.9.29. The impact would be harmful and is categorised as a low level of less than substantial harm.
- 7.9.30. Bexon Court
- 7.9.31. Bexon Court is Grade II listed, its significance derives primarily from its age and architectural interest. The rural setting of the listed building contributes to its significance.
- 7.9.32. It is proposed to construct new road infrastructure (in the form of a new motorway junction) to provide access to the proposed development north of the M2. This would be in the field just to the northeast of the listed building. This is agricultural land which forms part of the historic setting of Bexon Court and currently provides separation between the asset and the M2 motorway. The new junction would include an elevated flyover.
- 7.9.33. Due to the scale,, the development would be prominent and conspicuous, distracting from the asset and introducing noise, movement, lighting effects and light spill with an urbanising change to the character of the landscape, representing a change in land use and land cover, all with permanent effect.
- 7.9.34. The impact would be harmful and is categorised as less than substantial harm, towards the middle of the scale.
- 7.9.35. Group 6 – Kent Science Park
- 7.9.36. As well as the non-designated heritage assets that are set out below, this group includes the following heritage assets that would be impacted:
- Woodstock Cottages Grade II listed
 - Woodstock Cottage Farmhouse Grade II listed
- 7.9.37. The significance of the listed buildings derives primarily from their age and architectural interest. The rural setting of the listed building enables its architectural interest to be appreciated and contributes to its significance.
- 7.9.38. It is proposed to significantly extend the Kent Science Park and develop close to the listed buildings. The proposed household waste and recycling centre would be up to 10m in height and be located the land immediately north of Woodstock Cottages. The waste and recycling centre would have a physical presence and involve noise, disturbance, odour and traffic.
- 7.9.39. The proposed SSRR would also be in the setting of Woodstock Cottage Farmhouse, separated by intervening new built development. Due to the dimensions and scale, the proposed development would be prominent and conspicuous in the setting, introducing greater levels of movement and activity, lighting effects and light spill with an urbanising effect on the landscape.
- 7.9.40. The impact to Woodstock Cottages would cause a low level of less than substantial harm. The impact to Woodstock Cottage Farmhouse would be harmful and is categorised as less than substantial harm, towards the middle of the scale.
- 7.9.41. Oakwood Farm is a non-designated heritage asset west of Ruins Barn Road. The oasthouse is a distinctive regional agricultural building typology. The proposed development known as Highsted Village will introduce new built form to the north, west and south of Oakwood Farm. The development would result in a moderate level of harm to the significance of the building.

- 7.9.42. Broadoak Farm and Oasthouse are also non-designated heritage assets. It is proposed to significantly extend the Kent Science Park currently located to the north and west of these assets. The SSRR would also be in the setting of the farmhouse and oasthouse. A moderate level of harm to the significance of these buildings would be caused.
- 7.9.43. The Oast House, Primrose Lane is a non-designated heritage asset directly fronting Primrose Lane (on the south side of the road). The significance of the oasthouse derives primarily from its age and architectural interest.
- 7.9.44. The proposed Highsted Village would introduce new built form to the east of the Oast House at an approximate distance of 150 metres. This will represent a fundamental change in land use and land cover, with an urbanising effect. There would be a low level of harm caused to this asset.
- 7.9.45. Group 8 - Highsted
- 7.9.46. This group includes the following heritage assets that would be impacted:
- Highsted Farmhouse Grade II listed
 - Stanley Villas Grade II listed
 - Old Cottage Grade II listed
- 7.9.47. The significance of the listed buildings derives primarily from their age and architectural interest. The surrounding agrarian landscape setting of the listed building makes an important contribution to its significance.
- 7.9.48. For Highsted Farmhouse there would be change to the setting in the form of new woodland planting, the road and buildings. The new built form will introduce greater levels of noise, movement and activity, lighting effects and light spill with an urbanising effect on the landscape. The impact would cause less than substantial harm to significance towards the middle part of the scale.
- 7.9.49. For Stanley Villas and Old Cottage, the development would introduce a belt of woodland planting, beyond which will be built development and access roads with buildings of a height of up to 10 metres. Taking account of the greater levels of noise, movement and activity, lighting effects and light spill with an urbanising effect, the impact would cause the lowest level of less than substantial harm.
- 7.9.50. Group 9 – Rodmersham Green
- 7.9.51. This group includes the following heritage assets:
- Victoria House Grade II listed
 - Orsett House Grade II listed
 - Vine Cottage Grade II listed
- 7.9.52. The significance of the listed buildings derives primarily from their age and architectural interest. The agrarian landscape setting to the north and west of the listed buildings makes a contribution to their significance.
- 7.9.53. The Southern Relief Road to the west and north of Rodmersham Green, which would cut through the agricultural landscape. This will have an urbanising effect on the wider setting of the listed buildings introducing hard surfacing, vehicular movement, noise, lighting effects and light spill, representing some change to land use and land cover, all with permanent effect. The impact would result in the lowest level of less than substantial harm.
- 7.9.54. There are also NDHAs in Rodmersham Green, being Elizabeth Cottages and The Ramblers. The harm to setting would be similar to the listed buildings in Rodmersham Green (the lowest level of less than substantial harm).

7.9.55. Rodmersham Green CA

7.9.56. The Conservation Area Character Appraisal notes the contribution to the significance and special interest includes:

The strong historic, visual and functional link between the settlement and its surrounding landscape in particular the views which connect Rodmersham Green to Rodmersham and the parish church and the more distant views across the landscape.

7.9.57. The SSRR would cut through the landscape and have an urbanising impact, which would result in a low level of less than substantial harm.

7.9.58. Group 10

7.9.59. Within this group, the setting of only one heritage asset would be harmed. Morris court farm house is a Grade II listed two storey red brick former farmhouse which has been converted to two cottages. The significance of the listed building derives primarily from its age, evidential and architectural interest as a rural vernacular building of traditional materials and construction.

7.9.60. The development would introduce a school and highway infrastructure near to the heritage asset, representing a change in land use and landscape character and introducing vehicular movement, noise, lighting effects and light spill. any proposed tree screening to the new road will also represent a change in land cover, truncating and reducing the sense of openness to the landscape, all with permanent effect. This will represent the lowest level of less than substantial harm.

7.9.61. Group 13 – Teynham

7.9.62. Radfield House and Railings is a Grade II listed timber framed and brick clad house, which derives its significance primarily from its age and architectural interest.

7.9.63. The development would introduce a new roundabout, road and buildings in proximity to the listed building and appear in views from it to the south and east, with an urbanising effect on the character of the landscape, representing a fundamental change in land use and land cover, all with permanent effect. The impact would be to setting and cause the lowest level of less than substantial harm.

7.9.64. It should be noted that Radfield House and Railings (Grade II listed) would also be impacted by the development proposed in application ref: 21/503906/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.

7.9.65. The Oast east of Radfield House is a non-designated heritage asset and its significance from its age and architectural interest as a distinctive regional agricultural building typology. The development will introduce a new roundabout, road and buildings in proximity to the building and appear in views from it to the south west, with an urbanising effect on the character of the landscape, representing a fundamental change in land use and land cover, all with permanent effect. This would result in a low level of harm to the asset.

7.9.66. Group 14 – Rodmersham

7.9.67. The following heritage assets that would be impacted include:

- The Church of St Nicholas Grade I listed
- Church Cottage Grade II listed
- Church House Grade II listed
- Matsons Grade II listed
- Barn (at Muddy Lane, south and west of Rodmersham) Grade II listed

- 7.9.68. The Church of St Nicholas derives significance primarily from its age and architectural interest as a medieval parish church of great aesthetic merit. The church tower is an important landmark (being on higher ground). Views to and from the church, its visual dominance as a focal point, tranquillity, and agricultural land use contribute to significance.
- 7.9.69. The development would wrap around the northern, eastern and southern part of Rodmersham resulting in the urbanisation of much of the agricultural landscape around the church. Residential development nearest to the church would include buildings of up to 10 metres in height and introduce primary and secondary development access roads.
- 7.9.70. The church would no longer be experienced within an agrarian landscape as part of a small rural village. The new development would have an urbanising effect, the sports area would change the character of the landscape. The SSRR would cut through the landscape with hard surfacing, vehicular movement, noise, lighting effects and light spill. All of these effects will be permanent.
- 7.9.71. The impact would be harmful, causing less than substantial harm towards the middle part of the scale.
- 7.9.72. The significance of the Church Cottage, Church House and Matsons derives primarily from their age and architectural interest. They form part of a part of a very small settlement in a wider agrarian landscape. The development would wrap around the settlement resulting in the urbanisation of much of the agricultural landscape. The SSRR would cut through the landscape to the east and north of the church with hard surfacing, vehicular movement, noise, lighting effects and light spill. All of these effects will be permanent.
- 7.9.73. In relation to Matsons (which would be closest to the development) impact would result in a low to medium level of less than substantial harm. For Church Cottage, Church House and the Barn, a low level of less than substantial harm would be caused.
- 7.9.74. The Barn would also be harmed (a low to medium level of less than substantial harm).
- 7.9.75. There are 5 x NDHA in Rodmersham being 5 Church Cottage, Glebe House, Glebe Cottage, Ashgores House and the Orchard (a modest single range building). The proposed development will result in a low level of harm to the significance of Number 5 Church Cottages, Glebe House, Glebe Cottage. Ashgores House and the Orchard would be in close proximity to the new residential development resulting in a moderate level of harm to its significance.
- 7.9.76. Rodmersham Church Street CA
- 7.9.77. The CA Character Appraisal notes the contribution to the significance and special interest of Rodmersham Church Street CA includes ‘the strong historic, visual and functional link between the settlement and its surrounding landscape in particular the views which connect Rodmersham with its surrounding landscape and vice versa.’
- 7.9.78. The CA Character Appraisal also notes that the strong and independent sense of identity and place, despite the close proximity of the village to Sittingbourne, are also a key positive characteristics of the CA. Development is proposed around and close to the CA, which would no longer be experienced a small rural village within an agrarian landscape. The new development would have an urbanising effect, representing a fundamental change in land use and land cover. The SSRR would also detract from the CA. The impacts would be permanent and result in less than substantial harm to the middle to high part of the scale.
- 7.9.79. Group 15 – South Teynham
- 7.9.80. Within South Teynham are two Grade 2 listed buildings being Woodstreet House and Woodstreet Cottage that would be impacted. The significance of the listed buildings derives

primarily from their age and architectural interest. The attributes of setting which contribute to significance include the surrounding agrarian landscape character, views from, towards and including the assets, tranquillity, a sense of seclusion and agricultural land use.

- 7.9.81. The development would be approximately 150m away from the listed buildings and while there would be impacts to the setting resulting from the urbanising impact of the development, the harm caused would be the lowest level of less than substantial harm.
- 7.9.82. In addition, Dully House is a non-designated heritage asset which faces east onto Dully Road. The significance of the farmhouse derives primarily from its age and architectural interest. Oakwood Village East would wrap around the site of Dully House and its associated outbuildings in close proximity, introducing built form and primary and secondary access roads to the north, west and south.
- 7.9.83. The development will be prominent and conspicuous in the setting of Dully House, representing a fundamental change in land use and land cover, introducing greater levels of vehicular movement and activity, lighting effects and light spill, all with an urbanising effect. All of these effects will be permanent. This would result in a moderate level of harm.
- 7.9.84. Tunstall CA
- 7.9.85. Tunstall CA comprises a small and historically isolated settlement which was centred on the medieval Church of St John the Baptist, Tunstall House and Hales Place.
- 7.9.86. The proposed residential development of Highsted Village would be approximately 500m from the southern edge of the CA. The development would introduce the effects of noise, lighting and increased movement and activity in the setting of the Conservation Area. The impact would result in a low level of less than substantial harm.
- 7.9.87. Other heritage assets
- 7.9.88. The Old Vicarage is a Grade II listed former vicarage and is located on the west side of Dully Road. The significance of this listed building primarily derives from its age and architectural interest. Attributes of setting which make a contribution to significance include the immediate garden space, the open grain of the surrounding rural landscape, green space and vegetation, history and a low degree of change over time.
- 7.9.89. It is proposed to develop the land on the east side of Dully Road, directly to the east of the listed building, with associated development access roads and the SSRR beyond the new buildings to the east. The Old Vicarage would no longer be experienced as an isolated rural dwelling remote from the settlement.
- 7.9.90. Less than substantial harm would be caused at the low to middle part of the scale.
- 7.9.91. Haywood has been identified as a NDHA, it is located in an isolated position on the west side of Dully Road. The open landscape which surrounds the asset in all directions has contributed to the significance. It is proposed to surround the NDHA with new residential development and associated access roads. Buildings are proposed to be in close proximity to Haywood. The impact would represent a high level of less than substantial harm to the significance of the NDHA.
- 7.9.92. Subsequent assessment
- 7.9.93. Harm to the setting of designated and NDHA has been identified, ranging between the lowest level of less than substantial harm to middle to high level of less than substantial harm, to the setting of 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.

- 7.9.94. 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.
- 7.9.95. 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.
- 7.9.96. For designated heritage assets, the balancing exercises required by NPPF is not a simple unweighted exercise in which the decision-maker is free to give heritage harm whatever degree of weight they wish. In Barnwell Manor the Court of Appeal identified that the decision-maker needed to give “considerable importance and weight” to any finding of harm to a Conservation Area, listed building or its setting in order properly to perform the duty under section 66 and 72 of the PLBCAA.
- 7.9.97. The presumption against development that would harm the significance of a listed building or Conservation Area (including its setting) can be outweighed, but only if there are material considerations (which include a proposal’s public benefits) that are strong enough to do so.
- 7.9.98. 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 the more important the asset, the more the weight that is given to the harm in the balancing exercise.
- 7.9.99. 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 7.27 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.

7.10. Archaeology

- 7.10.1. Ancient Monuments and Archaeological Areas Act 1979 provides for nationally important archaeological sites to be statutorily protected as Scheduled Monuments. Reference to 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).
- 7.10.2. 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.
- 7.10.3. Policy DM 34 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.
- 7.10.4. Portions of the application site are identified as accommodating archaeological remains, 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).
- 7.10.5. The survey did identify numerous anomalies of probable archaeological origin in some areas of the site. Intrusive testing (e.g., through trial trenches) was not undertaken. The application is in outline form and the Applicant’s approach is to defer detailed testing until the reserved matters stage when detailed building locations are known.
- 7.10.6. The application was referred to the KCC Archaeologist who raised concern that leaving the intrusive testing until a later date would mean that knowledge about the site’s archaeological

importance will not be available to inform the scheme layout. Detailed testing should be undertaken now, so that the position of roads and built form etc could be adjusted to avoid harm to important archaeological remains.

- 7.10.7. While the potential of the site has been estimated, the applicant has not yet provided sufficient description of the heritage assets affected for their significance to be understood. The Applicant was asked to undertake the additional testing (e.g., trial trenches) and use this to inform an archaeological constraints parameter plan aligned to the development parameter plan.
- 7.10.8. This work has not taken place. The site is very large and given the extent of development proposed, there is the potential for there to be extensive impacts to archaeological remains. Historic England consider that there is a high potential for archaeological remains of high significance (which may be of equivalent significance to scheduled monuments) to be damaged or destroyed, or be harmed through development within their setting. This includes geoarchaeological and palaeoenvironmental deposits.
- 7.10.9. While it is possible to require further testing (secured a condition on any consent) ahead of reserved matters applications, it must be noted that the application seeks approval for the development parameters, which if approved would effectively set locations for development. While there would be some flexibility to site development so as to avoid harm to significant archaeological finds, given the quantum of development and the nature of some proposals (such as highway infrastructure, housing and employment space) there would be limited scope for alteration.
- 7.10.10. The application fails to meet a fundamental requirement of the NPPF (Paragraph 200) to describe the significance of heritage assets affected by a proposal. Local Plan policy DM14 states in part that all development proposals will, as appropriate, include information sufficient to enable the Council to determine the application.
- 7.10.11. By failing to establish the level of significance of archaeological remains, the potential impact of the proposal on archaeological remains cannot be sufficiently understood and the proposal fails to demonstrate that an acceptable level of mitigation of adverse archaeological effects can be achieved. The application is considered contrary to paragraph 200 of the NPPF and Local Plan Policy DM34, which can be afforded very substantial weight.

7.11. Character and appearance

- 7.11.1. The NPPF 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.
- 7.11.2. 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 and in terms of conformity with the NPPF, Policy CP4 carries moderate weight.
- 7.11.3. Policy DM14 relates to general development criteria, and sets out 10 criteria development proposals should meet, including reflecting 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.
- 7.11.4. 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.

- 7.11.5. The application is in outline form whereby all matters are reserved. As such at this stage the broader approach to the master plan, as set out in parameter plans (control documents) provide the applicants intent in terms of character and appearance. Intent is also shown in the indicative plans and documents (including local area studies and a 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.
- 7.11.6. 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.
- 7.11.7. Following the submission of the application in 2021 (and in response to comments received as part of the statutory consultation) the master plan was further amended. There is evidence that the proposals have responded to matters raised in the consultation.
- 7.11.8. The Design and Access Statement and subsequent addendums set out the vision for Highsted Park being the creation of new mixed-use communities, designed in line with Garden Communities design principles, and arranged as a series of villages to create individual character areas, interlinked via a network of cycle ways and pedestrian routes.
- 7.11.9. 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.
- 7.11.10. Conditions should be imposed on any consent to secure a site wide detailed Masterplan, Strategic Design Principles and overarching Open Space Strategy and Design Code. A design code should also be required for each phase as part of the tiered approval process. Reserved matters application would need to be consistent and comply with the master plans and design codes.
- 7.11.11. SSRR
- 7.11.12. The SSRR is a significant piece of highway infrastructure, given its location relative to development parcels and open spaces, the road has the potential to act as a barrier separating new development parcels and preventing wider integration of development east of the road with Sittingbourne and Bapchild.
- 7.11.13. There is an inherent tension between the proposal to move traffic efficiently between the M2 and A2, and the need to integrate the development parcels arranged either side of the road.
- 7.11.14. The proposed Highsted Villages have very few SSRR crossing options in comparison to the Oakwood Villages. Without high levels of integration between development parcels, proposed open spaces and habitats, the proposed Highsted Villages would not be highly permeable and walkable.
- 7.11.15. The proposed Oakwood Villages appear better served. The additional information now shows the Oakwood Villages have several SSRR crossings via existing or proposed roads and PRowS. Walking cycling connectivity has been strengthened with key linkages between the centres.
- 7.11.16. While access and layout are reserved matters, some development parcels shown on parameter plans are located well away from indicative crossing features and junctions. The low frequency and location of crossing facilities proposed would limit opportunities for

movement and connectivity across the SSRR resulting in a barrier effect which functionally restricts integration of communities proposed on either side of the SSRR.

- 7.11.17. There is a risk that pedestrian and cycle movement is discouraged in favour of car use and that the SSRR would act as a barrier between the east and west of the site. If approved, conditions should be imposed on any consent to require information to demonstrate that the different parts of the site can be adequately connected.
- 7.11.18. While there is illustrative detail for the movement hierarchy within the proposed villages, it is unclear what the high-level principles are for the different parts of the SSRR.
- 7.11.19. There is a need to ensure there are high-level placemaking principles embedded in any consent to ensure the SSRR is more than simply highway infrastructure and responds to the proposed development and the landscape it would truncate. As is discussed in Section 7.8 of this report, the SSRR would result in adverse changes to the character of the landscape, as well as visual impacts. Parts of ancient woodland would be lost to the road, and such impacts weigh against the scheme.
- 7.11.20. The SSRR would not reflect the best of the area's defining characteristics, and would not conserve and enhance the natural environment, and would conflict with Local Plan policies ST1, CP4 and DM14.
- 7.11.21. General movement, and circulation
- 7.11.22. The illustrative plans and details show that within the proposed individual villages there would be a network of primary, secondary and tertiary streets. If approved, conditions should be imposed on any consent to ensure there is a greater commitment to street trees.
- 7.11.23. The Council's Urban Design advisor has raised concern that there is a lack of detail showing how routes to sustainable transport infrastructure, services, and facilities both inside and outside the site would be facilitated. This limits an understanding of how movement beyond the site would be encouraged or how this would be co-ordinated.
- 7.11.24. Cyclists would be segregated from the traffic on primary roads; however, the indicative cycling routes appear to have limited separation from the highway and the routes shown do not necessarily follow the most direct and convenient course through development parcels. This may dissuade pedestrian and cycle movement in favour of car use. It is acknowledged that layout and access are reserved matters, conditions would need to be imposed on any consent to ensure the subsequent tiers of approval include detailed proposals for safe and convenient movement for pedestrians and cyclists.
- 7.11.25. Spatial configuration, density and height
- 7.11.26. The application proposes a series of new villages which are discussed below:
- 7.11.27. Oakwood Village North.
- 7.11.28. Oakwood Village North would see development to the south and east of Bapchild. Development parcels are located logically in relation to Bapchild and arranged around community, commercial and educational uses. The new uses are close to pedestrian and cycle routes and points of access from Bapchild. The new village would be within reasonable walking distance to bus routes. Although the development parcels are separated from Bapchild by planted buffers, there is potential for appropriate integration with the existing village at these points.
- 7.11.29. The illustrative plans show higher and medium densities are arranged around the new mixed use local centre and the SSRR. Lower densities are indicated along the interface with Bapchild.

- 7.11.30. Variations in density and height is a reasonable approach and can respond to the different characteristics within the site and to suit the context and surroundings. That said, the heights set out in the parameter plan and indicative densities shown would be above the general pattern in the area.
- 7.11.31. The proposals would represent a significant change in the character of the area and would not conserve and enhance the natural environment, nor is it considered that the scale would be sympathetic to the location. The proposals would extend Bapchild to the east and south and while separated by the SSRR it would interface with development proposed in Oakwood Village South
- 7.11.32. Oakwood Village South
- 7.11.33. Oakwood Village South would be a new neighbourhood that would extend from the A2 southward and occupy land which is currently fields to the east of Rodmersham Village. The new village would be arranged around a new mixed use local centre containing a range of retail, community and commercial services and facilities.
- 7.11.34. Higher densities and heights have been more concentrated and focussed on the centre of the villages or main routes. The northern most development parcels are located some distance from the local centre and may choose to use the facilities in Oakwood Village North. A green buffer is proposed between new development and the existing village of Rodmersham, which attempts to avoid coalescence with this rural village. While layout is a reserved matter, the disposition of land uses is shown on the parameter plans, as such, if approved, the buffer to Rodmersham would be fixed.
- 7.11.35. Higher densities and build heights of built form would be primarily focussed on the central zones, around the new local centre and SSRR, with densities graduating outward. The residential development and school proposed to the southern edge of the new village would not provide sympathetic transition to the open countryside.
- 7.11.36. The rural setting to the village would be eroded by development, there are also a series of potentially awkward relationships with neighbouring buildings outside of the site boundary (e.g., 2 to 4 Dully Road).
- 7.11.37. Parts of the southeastern edge of the new village would adjoin large existing agricultural buildings and officer consider that this has the potential to compromise the amenity for future residential occupiers in this part of the development.
- 7.11.38. The proposals would represent a significant change in the character of the area and would not conserve and enhance the natural environment, nor is it considered that the scale would be sympathetic to the location. Taken together with Oakwood Village North, the proposals would create an urban area extending from Bapchild to the south and east of Rodmersham, eroding the individual identity of existing settlements.
- 7.11.39. Highsted Village North
- 7.11.40. Further residential development is proposed to the north of the former Highsted Quarries (east of Highsted Road). This development would be adjacent to development approved at appeal (see ref: 21/505498/OUT - Land off Swanstree Avenue, Sittingbourne). The proposals in this location would introduce development in an Important Countryside Gap, which would add to the development approved at appeal.
- 7.11.41. Highsted Village East
- 7.11.42. Highsted Village East constitutes a residential area with district centre east of Highsted Valley Road and east of Highsted Wood, north of Bex Wood and Cromer Wood which are all ancient

woodlands. The majority of development parcels are grouped and clustered around a proposed new mixed-use centre, which is located so that it could also serve commercial and educational uses.

- 7.11.43. There would be one plot, to the eastern edge of the site (Plot H.R38 as shown in the Development Structuring Plan - Highsted) which is unacceptably fragmented and isolated from Highsted Village East. This residential plot and the household waste and recycling centre as well as some of the southeastern most residential parcels would adjoin Cromers Wood (ancient woodland) and concern is raised that given the close proximity that there would be impacts to the ancient woodland in terms of recreational pressure and to wildlife habitats.
- 7.11.44. Housing is proposed close to the Highsted Wood (ancient woodland). The proposed dwellings would be set back behind a buffer, however given the proximity of housing proposed to the wood, it is likely that the woodland would experience additional recreational pressure and habitat impacts.
- 7.11.45. The illustrative documentation and plans submitted with the application indicate that pedestrian and cycle connectivity within the village could be appropriate, albeit the SSRR would act as a barrier to the west.
- 7.11.46. To traverse the SSRR from east to west a new junction is proposed, which could include a green bridge. This would assist with non-vehicular movement and would have benefits for wildlife. If approved, conditions should be imposed on any consent to secure details of the Green Bridge as well as the timing for its delivery.
- 7.11.47. Highsted Village West
- 7.11.48. The Highsted Village West proposal forms the westernmost neighbourhood area in the development. The village would comprise a number of development parcels situated around a mix-use local centre and focussed on a new village green. The arrangement and disposition of density and building height are graduated across the site with highest concentrations around the district centre and primary routes. Given the topography in the area, the development would be visible within the landscape.
- 7.11.49. As with the proposed commercial units, development in this area forms part of the setting to the Kent Downs NL and forms areas of higher ground, and the height and position of development (including for example flood lights serving the sports pitches) would impact the NL.
- 7.11.50. In terms of permeability and connectivity for pedestrians and cyclists, there would be good links westwards towards Sittingbourne. While the proposed village would not encroach into a designated countryside gap, it would introduce built form between Tunstall and Bredgar.
- 7.11.51. Science Park/commercial uses
- 7.11.52. It is proposed that commercial uses would be developed to the south and west of the existing science park close to the proposed new junction with the M2 and SSRR. The close proximity to the existing science park, motorway and new proposed junction would ensure commercial uses would benefit from good vehicular connectivity to the wider strategic road network and commercial advantages associated with business clustering. Also, the positioning of commercial uses, which are less sensitive to noise close to busy roads is sensible, the commercial units would help act as a barrier to noise and disturbance to residential uses located further north.
- 7.11.53. The positioning of the commercial units towards the southern edge of the site on some of the highest ground levels of the site would mean visibility and impact on the setting of the Kent

Downs NL (notwithstanding a proposed reduction in heights towards this edge, the new bund earthworks and landscape screening).

- 7.11.54. The commercial units with significant heights and footprints would, together with creation of a new junction to the M2 motorway and relief road, introduce considerable new built infrastructure and development within the boundary and immediate setting of the Kent Downs NL. This would result in a complete change of landscape character in this area, and the experience of users of that landscape.
- 7.11.55. The commercial development parcels would not benefit from good cycling and pedestrian connectivity, this could lead to future occupiers being reliant on cars rather than sustainable transport modes.
- 7.11.56. The commercial space is also proposed close to Bex Wood (ancient woodland). While the commercial units would be set back from the woodland by at least 15m, given the southerly location of the commercial units and significant heights and footprints there would be indirect impacts.
- 7.11.57. Appearance
- 7.11.58. 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.
- 7.11.59. Landscaping
- 7.11.60. The landscaping proposals include a series of formal and informal open spaces across the site. Broadly, it would comprise a large area of public open space which follows the route of the SSRR. Landscape buffers and planting are proposed around existing settlements, proposed development and to the boundaries of the site. Areas of sports pitches, community gardens and play areas are shown within or close to the proposed villages together with amenity, natural and semi natural green spaces.
- 7.11.61. Landscaping is a reserved matter, and while many of the major landscape areas are shown at the edges of the development, there is an opportunity to integrate open space more effectively into the built development. Conditions should be imposed on any consent to ensure reserved matters applications in relation to landscaping better integrate landscaping within the proposed villages.
- 7.11.62. The severance caused by the SSRR bisects and fragments a range of open spaces and habitats with only limited pedestrian and wildlife crossings. Noise and disturbance caused by the road may compromise its rural and tranquil character of open space areas. The proposed country park would also be bisected by the SSRR which detracts from connectivity for people and wildlife east and west of the new road.
- 7.11.63. Conditions should be imposed on any consent to secure an Open Space Strategy and provide a strategic approach for the provision, development, maintenance, and management of open space within the scheme. Reserved matters relating to landscaping 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. If approved further conditions should be imposed to secure planting at an early stage, particularly where buffers are proposed around existing settlements.
- 7.11.64. Conclusion

- 7.11.65. While the scheme is in outline form, details shown in the parameter plans and the direction of travel shown in illustrative plans provides an understanding of what is proposed and where.
- 7.11.66. The most recent amendments to the design are positive, however they do not successfully address the fundamental issues around significant scale of development, coalescence of settlements, extent of urbanisation, landscape, visual and heritage impacts. The SSRR would truncate the site and act as a barrier between the east and western sides of the site, it would not retain and enhance features which contribute to local character and distinctiveness, and the proposal is considered contrary to Local Plan Policies ST1, CP4 and DM14.

7.12. Trees

- 7.12.1. The Applicant's Arboricultural Impact Assessment (AIA) states that the site contains a very large number of arboricultural features. These are formed of in excess of 300no. individual trees, approximately 150 groups of trees, 99no. hedgerows, 27no. areas of commercial orchard and four parcels of woodland.
- 7.12.2. Within the site are two trees subject to Tree Preservation Orders (TPO). These comprise: TPO TP-70-2, which affords protection to a single Veteran Oriental Plane (T122) within the Woodstock Complex, and; TPO TP-98-2 which affords protection to four Copper Beech and one English Oak (T53-T57) situated adjacent to Church Street to the south of Bapchild.
- 7.12.3. The AIA advises that to facilitate the development it is proposed to remove 52 individual trees. In terms of the quality of trees to be removed, there would be the 14 category A, 20 category B and 18 category C removals.
- 7.12.4. In addition, there would be the removal of 18 groups of trees, 9 hedges and 12 parcels of commercial orchard. In terms of partial removal, the scheme would involve the partial removal of 20 groups of trees, 14 hedgerows and 3 woodlands.
- 7.12.5. 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 the SSRR differs from that assessed in the AIA accompanying the application, tree impacts may differ.
- 7.12.6. 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. However, the mitigation is not entirely successful with numerous trees requiring removal.
- 7.12.7. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. The Local Plan tree protection requirement is recognised through policies CP4 and DM29 of the Local Plan.
- 7.12.8. 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. Moderate weight can be afforded to Policy CP4.
- 7.12.9. 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.

- 7.12.10. Some of the trees to be removed do make an important contribution to the amenity, historic, landscape, townscape or biodiversity value of the site and/or the surrounding area. By way of an example, a high quality tree being removed would be a Copper Beech set immediately west of Church Street to the south of Bapchild. The tree forms the southernmost component of a high quality collection of four Copper Beech and one moderate quality English Oak (T53-T57). The collection is afforded protection within Tree Preservation Order number TP-98-2.
- 7.12.11. Given the proposed removal of category A trees (highest quality) and an even greater number of category B trees set out above, this along with the extensive removal and part removal of other arboricultural features (including hedgerows etc) and trees of a lesser grade, the proposals would have a considerable impact, reflecting the size of the site and scale of development.
- 7.12.12. Tree removal across the site is proposed to be replaced with c.30ha of new woodland planting, 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.
- 7.12.13. The proposals conflict with Local Plan policies CP4 and DM29, while mitigation is proposed, the extent of tree loss is regrettable and weighs against the scheme in the planning balance.

7.13. Ancient woodland

- 7.13.1. There are areas of ancient woodland within (Bex Wood and Highsted Wood) and adjoining the site (Cromers Wood) that would be impacted by the development. At paragraph 186 of the NPPF it states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists (any compensation strategy must not be a part of considerations of wholly exceptional reasons).
- 7.13.2. Footnote 67 of the NPPF sets out examples of exceptional circumstances including infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.
- 7.13.3. Policy DM28 relates to biodiversity and geological conservation. At Part B of the Policy, it states in part that development proposals will apply national planning policy in respect of the preservation, restoration and re-creation of aged or veteran trees and irreplaceable habitat, including ancient woodland and traditional orchards. Substantial weight can be afforded to this policy.
- 7.13.4. 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 or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees.
 - 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.
- 7.13.5. Natural England standing advice states that the existing condition of ancient woodland is not a material consideration in the decision-making process.
- 7.13.6. Bex Wood is ancient woodland and is directly contiguous to an existing area of parkland to the north and some small areas of semi-natural woodland. It also benefits from connection to the wider hedgerow network, although otherwise is relatively isolated within the wider landscape. The proposed SSRR would pass close to the Bex Wood (an indirect impact), the

SSRR would form a barrier to movement of wildlife to the east of the woodland and create a risk to animals from road traffic accidents.

- 7.13.7. Residential development is proposed close to Bex Wood, and there is the potential for the woodland to be used by future occupiers, increasing recreational pressure. Natural England advice is that there should be a 15m buffer between development and Ancient Woodland, the submitted Ancient Woodland Assessment confirms a 15m buffer is proposed. If approved planning obligations or conditions would be required to secure the management of the Ancient Woodland to mitigate against any harm arising from an additional population in the vicinity and to ensure adequate buffers are introduced as proposed.
- 7.13.8. Residential development as well as the household waste and recycling centre are proposed in close proximity to Cromers Wood (also ancient woodland). While the wood is outside of the redline site, given the proximity of the development to the wood, there would be impacts arising from recreational pressure as well as noise and disturbance.
- 7.13.9. A section of ancient woodland at Highsted Wood (ancient woodland) would be lost to the development (0.21ha), being the SSRR. Relative to the total area of ancient woodland forming Highsted Wood (5.34ha), this equates to a loss of approximately 4%. Highsted Wood is listed as Ancient & Semi-Natural Woodland (ASNW) on the Ancient Woodland Inventory (AWI). Ancient & Semi-Natural Woodlands are areas of ancient woodland with evidence of continuous cover since 1600AD.
- 7.13.10. The drainage strategy shows that there would be a drainage 'balancing pod' 41m, x 42m in size encroaching into the ancient woodland. While drainage proposals are indicative, the road would displace part of the ancient woodland. The proposal would result in a loss and deterioration of irreplaceable habitats contrary to Local Plan Policy DM29.
- 7.13.11. Highsted Wood is directly contiguous to further areas of semi-natural woodland surrounding Highsted Quarries. With the SSRR proposed to run between the former quarry and Highsted Wood there is the potential for fragmentation of surrounding woodlands and reduction in the area of other supporting semi-natural habitats. The proposed loss of woodland would result in some loss of habitat for wildlife species, along with potential for indirect effects such as noise and light disturbance.
- 7.13.12. The SSRR would reduce existing connectivity to other woodlands to the south and to the former quarry (now a local wildlife site) to the north.
- 7.13.13. While new habitat creation is proposed, it could not form a direct replacement for the lost ancient woodland. The application proposes a package of compensation measures to offset the loss of woodland occurring under the scheme. The compensation includes:
- New woodland planting and woodland translocation (an area of new woodland planting is to be provided to the east of Highsted Wood).
 - Management and enhancement of existing woodland.
 - An area of new woodland planting is to be provided, resulting in a compensation ratio of approximately 1:35.
- 7.13.14. Further measures are proposed to mitigate water, air quality and recreational impacts. If approved the mitigation would need to be secured by way of conditions and planning obligations associated with any consent.
- 7.13.15. Natural England's standing advice in relation to ancient woodland is clear that as ancient woodland is irreplaceable, proposed compensation measures should not form part of the assessment of the merits of the development proposal.

- 7.13.16. The NPPF (paragraph 186) states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional circumstances. In this case the loss of ancient woodland is brought about by the proposed SSRR.
- 7.13.17. The Applicant advises that the need for the SSRR is driven by a need to access the proposed residential and employment space and to provide another junction to the M2, which would connect to the A2 and SNRR. The submitted Ancient Woodland Assessment states that Sittingbourne is currently constrained in terms of access to the motorway network which gives rise to local congestion issues.
- 7.13.18. While unmet demand for industrial/employment land is identified in the ELR, there are other less sensitive sites (not involving highway infrastructure involving the loss of ancient woodland) where demand could be met. While the need for housing and jobs is recognised, the reality is that these demands are not exceptional. Wholly exceptional reasons for allowing the loss of ancient woodland are not considered to exist.
- 7.13.19. The application would result in harm to Highsted Wood (ancient woodland). The proposals are contrary to the NPPF and Policies CP4, DM28 and DM29 of the Local Plan.
- 7.13.20. 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 harm irreplaceable habitats such as Ancient Woodland.

7.14. Ecology

7.14.1. Habitat Regulations Assessment

- 7.14.2. The site lies within 6km of the Swale and Medway Estuary and Marshes Special Protection Areas (SPAs) and Wetland of International Importance under the Ramsar Convention (Ramsar Sites). Given the scale of the proposed development, there is potential for a significant effect in relation to recreational pressure, functionally linked land and air quality on the Swale and Medway SPAs and Ramsar as a result.
- 7.14.3. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by policies CP7 and DM28 of the Local Plan, which relates 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.
- 7.14.4. Regulation 63 of the Habitat Regulations states that a competent authority (in this case the Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or 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 plan or project for that site in view of that site's conservation objectives.
- 7.14.5. Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard to 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 states that 'if significant harm resulting from a development cannot be avoided,

adequately mitigated, or as a last resort, compensated for then planning permission should be refused'.

- 7.14.6. The Application includes a shadow HRA/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. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, the Council, as the Competent Authority, 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 the protected sites relates to functionally linked land and air quality impacts.
- 7.14.7. 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.
- 7.14.8. Air quality
- 7.14.9. The Applicant's 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 are deposited on saltmarsh, grazing marsh and estuarine habitat (which are important to the protected sites). Traffic from the development would worsen the situation.
- 7.14.10. Natural England have advised that there is a lack of a detailed explanation as to why the increases in air pollution levels will not adversely affect the protected sites. The application fails to demonstrate that an adverse impact on the integrity of protected sites (namely the Swale and Medway Estuary and Marshes SPAs, SSSI and Ramsar Sites) as a result of air quality impacts associated with the project (alone and in combination with other projects) can be ruled out. The review of the ES also identified issues related to air quality and resulting impacts to the habitat sites.
- 7.14.11. Functionally linked land
- 7.14.12. The term 'functionally linked land' (FLL) can be described as an area of land or sea that occurs outside of the boundaries of a designated site (in this case the Swale SPA and Ramsar Site), but nonetheless is considered to be either critical to or necessary for, the ecological or behavioural functionality of a qualifying feature for which that protected site has been designated.
- 7.14.13. The application site provides functional linkage to The Swale SPA and Ramsar site for overwintering curlew. The areas on site are of importance to birds as they provide them with suitable foraging opportunities. High numbers of overwintering curlew have been recorded on the application site.
- 7.14.14. The Applicant proposes land be used to compensate for FFL given over to development. However further information (in the form of surveys) would be needed to determine:
- The extent of FLL, when is the FLL used, and how much energy resource potential from the FLL is to be lost through development.
 - What resource the FLL offers, how is the site currently managed, and how can it be replaced.

- What mitigation land is proposed and whether it equals or exceeds the function of lost FLL.
- Evidence to show that the mitigation land will be functional prior to the loss of existing FLL, and what long-term management of the land is required to deliver the mitigation (foraging resource & habitat) in perpetuity.

7.14.15. The shadow HRA does not provide satisfactory or a sufficiently robust mitigation to address adverse impacts from the loss of FLL for overwintering curlew of The Swale SPA and Ramsar site.

7.14.16. Overall, the Council is of the view (which is supported by Natural England) that the shadow HRA/AA does not demonstrate that the development would not harm the integrity of protected sites contrary to Local Plan Policy CP7, DM28 the Habitats Regulations and the Natural Environment and Rural Communities Act (2006), there is an objection to the scheme in this regard.

7.14.17. 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.

7.14.18. Recreational pressure

7.14.19. Without mitigation, there would be an increase in recreational pressure to the protected sites that could result in significant disturbance to bird species associated with the SPAs and Ramsar sites, and an adverse effect on integrity.

7.14.20. 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.

7.14.21. 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 (for example funding for a warden).

7.14.22. The Applicant has agreed to meeting the SAMMS tariff and funding for a Warden, as such recreational impacts would be mitigated.

7.14.23. Biodiversity Net Gain (BNG) and Mitigation Hierarchy

7.14.24. National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".

7.14.25. Local Plan Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.

7.14.26. The 'mitigation hierarchy' described in British Standard BS 42020:2013, which involves the following process:

- Avoidance – avoiding adverse effects through good design;
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;

- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

7.14.27. The proposed development does not follow the steps of the mitigation hierarchy as the proposal will result in the direct loss of parts of Local Wildlife Site and Ancient Woodland.

7.14.28. A BNG assessment has been submitted and it has assessed that an anticipated net gain of up to 20.22% is proposed. There are concerns with the proposed approach in that 8.1Ha of ancient woodland compensation planting is included (and should not be) in the calculation. Removing this and any mitigation areas for protected species would reduce the BNG able to be achieved on site.

7.14.29. The KCC Ecological Advice Service has also raised concern that recreational pressure in the habitats relied on for the BNG calculation may not enable the habitats to establish as intended and therefore the resulting in the development not achieving the anticipated net gain.

7.14.30. KCC have advised that the school sites are large enough to accommodate the proposed schools, however the size does not allow for provision of BNG for the schools, that would need to be delivered elsewhere on the site.

7.14.31. Protected species

7.14.32. The submitted ecological information provides a good understanding of the ecological interest of the site. An overarching mitigation strategy has been submitted as part of the application and mitigation largely relies on the creation of the proposed country park. For the majority of species there is capacity within the site to support the species. However, the ecological mitigation areas would also be used for other purposes such as recreation. While it is proposed to limit access to these areas, the KCC Ecological Advice Service has raised concern given the scale of the development it may be very difficult to prevent access in actuality.

7.14.33. To protect retained ecological designations, habitat and faunal species and minimise disturbance to these during construction works, a series of safeguarding and mitigation measures would need to be implemented during the construction phase.

7.14.34. To mitigate construction effects on Highsted Quarries LWS and Ancient Woodlands, it is proposed that specific method statements are produced in relation to these habitats, detailing how construction works will be managed. Conditions should be imposed on any consent to secure this on a phase-by-phase basis.

7.14.35. To enable connectivity across the SSRR, one green bridge and 3 Animex bridges are proposed. The proposed Animex bridges would increase connectivity across the site but these must be located within areas where they can receive minimal lighting. The Highway Authority would need to be satisfied that areas of restricted lighting can be accommodated along the SSRR. Wildlife tunnels are also proposed beneath the SSRR.

7.14.36. The proposed green bridge is within the urban area which is not optimal for wildlife connectivity. Details of the green bridge would need to be secured by way of a condition on any consent.

7.14.37. Prior to any works affecting habitats supporting European Protected Species (EPS), namely roosting bats, Dormouse and Great Crested Newt, EPS mitigation licences would need to be obtained from Natural England. These would be informed by updated survey work at the appropriate stage, with specific mitigation measures to be detailed as part of the method statements accompanying.

- 7.14.38. Light spill would also need to be controlled. Measures would need to be put in place to protect badgers and other faunal species including nesting birds and reptiles during construction. Conditions should be imposed on any consent to secure this on a phase-by-phase basis.
- 7.14.39. The proposal would result in the direct loss of a portion of a LWS and Ancient Woodland as a result of the SSRR. A large number of the protected species identified on the site were recorded within the LWS and the Ancient Woodland, as such the impact of the road would impact on habitat and protected species would need to be translocated. Conditions would need to be imposed on any consent to secure this.
- 7.14.40. There is a need to ensure the proposed habitat creation can be implemented and retained on site to ensure the proposed species and habitat mitigation can be achieved. If approved, conditions would be needed as part of any consent to secure this on a phase-by-phase basis, this would need to include management and maintenance roles and responsibilities.
- 7.14.41. A skylark mitigation strategy has been proposed which relates to land off site for skylarks. Some of the offsite skylark land may not be suitable as a mitigation option due to the numbers of skylarks which have been recorded within the area. Any skylark mitigation proposed would have to be designed following breeding bird surveys, conditions or planning obligations would be needed to secure this.
- 7.14.42. For a scheme of this size, if approved there should be an ecological clerk of works appointed throughout the construction period for each phase (secured by condition on any consent).
- 7.14.43. Conclusion on ecology
- 7.14.44. 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 result in harm the integrity of protected sites as a result of air quality impacts, and harm to functionally linked land contrary to Local Plan policies CP7 and DM28 and the Habitats Regulations. This is a matter which disengages the ‘tilted balance’.

7.15. Transport and Highways

- 7.15.1. 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.”*
- 7.15.2. The NPPF 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.”*
- 7.15.3. Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised.
- 7.15.4. Local Plan policies CP2 and DM6 promote sustainable transport through utilising good design principles. The policies set out that where highway capacity is exceeded, or safety standards are compromised proposals will need to mitigate harm.
- 7.15.5. Access proposals
- 7.15.6. The TA advises that the proposed location of the new M2 junction (J5a) has been selected to provide appropriate access to the Highsted Park development within land controlled by the

applicant. The junction is proposed to be located between Ruins Barn Road and Bottom Pond Road to the south of the Application Site.

- 7.15.7. The proposal for M2 J5a is in the form of a 3-way/2 level 'Trumpet' shaped arrangement. The proposed arrangement incorporates traffic signal control at the convergence of the eastbound and westbound off-slips entering the proposed link road.
- 7.15.8. From the junction with the M2 the SSRR would then run north to the A2. Fundamentally the route's primary function would be to allow travel within the development and to safely link the SRN and the local highway network.
- 7.15.9. The TA advises that the road alignment has largely been determined by the topographical and landscape constraints within the site. Speed limits would vary along the SNRR, 50mph towards the south near the M2, reducing to 30mph and 20mph further north.
- 7.15.10. Within the site 7 junctions are identified which would be altered to accommodate the SSRR and the network of secondary roads accessing the development parcels. The newly formed junctions which are part of the proposed strategic highway infrastructure are listed below:
- M2 J5a;
 - Proposed Link/Employment Area
 - Proposed Link/Broadoak Rd;
 - Proposed Link/Highsted Rd, incorporating Cromer Road;
 - Proposed Link/Church St;
 - Proposed Link/Oakwood Village North
 - Link Rd/A2/SNRR;
- 7.15.11. Most of the junctions interact with the existing highway network, the link to the proposed employment area and to Oakwood Village north provide access to the development but do not impact the existing highway network.
- 7.15.12. A sustainable movement corridor is proposed to run parallel to the SSRR, allowing a dedicated route for public transport.
- 7.15.13. Between the M2 and the first junction, the SSRR would be flanked by commercial uses, it would be more heavily trafficked as it provides connectivity to the M2. As the route continues north alongside the existing science park, it will transition into a more semi-rural character.
- 7.15.14. The route continues through a grade separated junction with Broad Oak Road, the crossing takes the form of a 'green bridge'. The SSRR then continues north of this junction and changes from a dual carriageway into a conventional single carriageway.
- 7.15.15. The junction between the proposed SSRR, Highsted Road and Cromer Road would be signalised and is designed to prioritise public transport on the dedicated sustainable movement corridor. North of this junction the route continues as a single carriageway road.
- 7.15.16. It is proposed that the SSRR would have a junction with Church Road north of Rodmersham junction acting as a gateway to the two proposed villages north and south of the SSRR. Beyond the junction the SSRR transitions to a more formal multilane dual carriageway with a new junction to the A2.
- 7.15.17. In the south, Ruins Barn Road is proposed to be changed, namely to the existing bridge crossing over the M2, to facilitate the new M2J5a. In addition to this the development perimeter road is anticipated to join Ruins Barn Road. Two further connections would be made between the development and Ruins Barns Road.

- 7.15.18. Officers note that the northern part of Highsted Road would be for non-car modes only as part of the Sustainable Gateway to the development. The development would integrate with Broad Oak Road in a number of locations.
- 7.15.19. In addition to the SSRR connecting to Church Street via a junction, there would be a further junction to provide access to the proposed sports hub. Parts of Dully Road would be stopped up as it is bisected by the SSRR.
- 7.15.20. Internally within the development there would be a network of secondary and tertiary transport networks providing access to the development parcels.
- 7.15.21. The application does not seek approval for access, therefore the proposals are illustrative only, and provide a level of detail to give an indication of where the roads, junctions and site access locations may be located, and allow assessment of the high level road network.
- 7.15.22. 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.
- 7.15.23. Traffic generation
- 7.15.24. 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.
- 7.15.25. Unlike planning application ref: 21/503906/EIAOUT to develop land to the north of the A2, the Traffic Impact Assessment submitted with this application has not been updated to separate the two schemes. This is because this application is reliant upon the highway infrastructure (namely the SNRR which is supported by Local Plan Policy AS1) proposed within application ref: 21/503906/EIAOUT. If the SSRR does not connect to the SNRR then traffic using the SSRR would be heavily reliant on the A2, leading to unacceptable highway impacts. Network Rail have not raised an objection to the SNRR traversing the railway line as proposed in application 21/503906/EIOUT.
- 7.15.26. Therefore, this SSRR should not come forward unless the highway infrastructure (namely the SNRR) proposed in application ref: 21/503906/EIAOUT comes forward and connects to the SSRR. Planning obligations and conditions would be needed to link any planning permissions and control timing and delivery of the highway infrastructure. Equally, should application ref: 21/503906/EIAOUT be refused, then there would be a fundamental objection to the highway infrastructure and associated impacts proposed in this application.
- 7.15.27. 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.
- 7.15.28. 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. KCC Highways did note that that the collision data does not identify any pattern of incidents that would require addressing by the development.
- 7.15.29. The Application was referred to KCC Highways who raised concern in relation to the scheme, advising that the proposal fails to provide appropriate modelling or sufficient information to provide KCC as the Local Highway Authority with an adequate understanding of the impact of the development in respect of highways and transportation. Inadequate information has been submitted to show that the existing road network in the vicinity of the site has sufficient capacity to accommodate the increase in traffic likely to be generated by the proposal. The proposal

is considered contrary to Local Plan Policy CP2 and DM6. National Highways have also raised concern in relation to modelling and the sufficiency of information.

- 7.15.30. Concerns have been raised in other consultation responses (including detailed objections from Parish Councils and their highway consultant) to the adequacy of the highway modelling, mitigation, the content and conclusions of the TA. The detailed objections have been provided to National Highways and the KCC Highway Authority who, in some instances do not hold the same concerns.
- 7.15.31. The KCC Highway Authority have raised an objection to the development as it fails to demonstrate that a satisfactory means of access to the site can be achieved. The concern is that the results of modelling of impacts to some junctions show capacity would be exceeded. In some cases, necessary mitigation is either not proposed or the mitigation has not been tested to show it would be successful.
- 7.15.32. The scale of the development is such that there will be numerous other points of access established between the development and the existing road network. The KCC Highway Authority advised that this has the potential to draw traffic through rural lanes and villages beyond the application site. In most cases the traffic model does not take this into account. Without any assessment of the distribution of traffic routing through these lanes, it is not possible to appraise the impact on the highway network.
- 7.15.33. 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.
- 7.15.34. National Highways do however raise other issues, including the fundamental assumption in the traffic modelling, that traffic impacts from approximately 6,000 dwellings that would arise from assumed growth (site allocations identified as part of the Local Plan making process) have been removed from the modelling to avoid double-counting.
- 7.15.35. That is to say, if the development in this application comes forward, the traffic modelling assumes that the Council would not need to allocate a proportionate amount of other sites to meet the demand for housing.
- 7.15.36. However, the approach is problematic, by deducting an even proportion of housing from emerging/allocated sites ignores the practical ramifications (in spatial terms) of traffic impacts. In the real world, replacing assumed growth could raise viability issues for the remainder of an allocation. It is not clear whether only a part of, or the whole of, an allocation would be replaced (and as assumed growth is in different parts of the Borough, in each scenario highway impacts would be different). There are a host of other practical issues which make the Applicant's assumption problematic.
- 7.15.37. The Council's position has also evolved over time, with new sites in different locations having been approved and others being considered, which is not accounted for in the Applicant's traffic model.
- 7.15.38. There is therefore a question over how reliable or "fit for purpose" the resulting traffic assignment in the "with development" model are. National Highways raise concern that this directly affects their ability to fully appraise the impacts of the proposed development. As it stands the proposal fails to provide appropriate modelling, sufficient to demonstrate that the development would not result in unacceptable transport and highway impacts.
- 7.15.39. National Highways are also of the view that the strategic case for the SSRR and its associated junction with the M2 has yet to be evidenced. Officers are also of this view. The new junctions would be contrary to Local Plan Policy DM6 which states that development proposals should avoid the formation of a new direct access onto the strategic or primary distributor route network where possible, or unless identified by the Local Plan.

- 7.15.40. The new junction to the M2 is not allocated in the Local Plan, and in any event the information submitted fails to demonstrate the proposed junctions onto the networks can be created in a location acceptable to the Borough Council and appropriate Highway Authority, and as such the proposal is contrary to Local Plan Policy DM6.
- 7.15.41. If the application was to be approved, the timing for delivery of the SSRR and other highway infrastructure is critical, it would need to be delivered ahead of the residential and non-residential elements of the current scheme. The phasing plan submitted with the application indicates that early delivery of the SSRR is proposed, conditions should be imposed on any consent to ensure the highway infrastructure is delivered as proposed.
- 7.15.42. Construction logistics are discussed in Section 7.21 of this report, in summary a suite of measures would need to be secured in order to ensure construction impacts are mitigated.
- 7.15.43. Servicing and parking
- 7.15.44. The development would need to be designed to ensure that inappropriate, narrow or impermeable layouts do not impede movement of current and emerging refuse/recycling collection vehicle fleets.
- 7.15.45. A number of proposed land uses in the development, including retail, commercial and education have specific servicing and delivery requirements that would 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. Concerns have been raised in objection that Royal Mail may not be able to cope with additional deliveries, while the concern is noted it is not a material planning consideration.
- 7.15.46. 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.
- 7.15.47. 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.
- 7.15.48. 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.
- 7.15.49. 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.
- 7.15.50. The development would take place over a 20 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 (as opposed to fixing the level of car parking provision at this stage).
- 7.15.51. 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 centres, the transport hub, schools, as well as at employment locations (such as around the Kent Science Park).

7.15.52. Sustainable Transport Strategy (STS)

- 7.15.53. It is proposed to create a Sustainable Movement Corridor (SMC), which would extend from the proposed Highsted Villages in the south, via a junction to Highsted Road, up to the proposed Oakwood Villages in the north. The SMC would provide a dedicated space for public transport parallel to the SSRR.
- 7.15.54. A primary road network is indicated within the proposed villages capable of accommodating conventional sized buses, two-way as necessary, is set out in the indicative proposals. A public transport/bus hub within the proposed Highsted Village is indicated as is a sustainable 'gateway' at Highsted Road, with the junction with Swanstree Avenue. The proposed Highsted Road Sustainable Gateway would be a non-car access way between the development and Sittingbourne.
- 7.15.55. The indicative plans show the SMC as a separate accessway, parallel with the other proposed highway infrastructure which would be dedicated for use by public transport. If approved, conditions and planning obligations would be necessary to ensure the funding and timely delivery of highway infrastructure, including the SMC.
- 7.15.56. The Transport Assessment includes a Community Travel Plan (CTP), the funding for the monitoring of which would need to be secured through a planning obligation associated with any consent. The overall development would be delivered in phases, with a variety of individual developers and occupiers, across the land uses. If approved, it would be important that such individual components of the development introduce and implement Travel Plans particular to the locational and land uses proposed. The CTP would set the process and procedures for the monitoring of the individual Travel Plans.
- 7.15.57. The commercial elements of the development including the expansion of the existing Science Park are phased for early delivery and would, when combined with the demand generated by the existing Science Park (and the proposed residential uses) create a need for additional public transport services (busses etc).
- 7.15.58. Travel routes within and between the individual villages is proposed for pedestrians and cyclists. PRow could be used by future residents for leisure walking activities. Travel to and from destinations beyond the development (primarily town centres and rail services) are proposed. Enhancement of Ruins Barns Road is indicated by creating a footway along the western side of the Road.
- 7.15.59. The application is in outline form, apart from the parameter plans and other control documents, conditions and planning obligations would need to be imposed on any consent to require the detailed design, funding, management and timing for the delivery of measures to achieve the Sustainable Transport Strategy (STS) and reduce reliance on cars.
- 7.15.60. The indicative STS sets out various wider aspirations that could be implemented by other parties to promote sustainable transport. However, reliance on such measures requires funding and agreement from third parties, planning obligations would be needed to secure funding for capacity enhancements to public transport (bus services, train stations etc).
- 7.15.61. 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 modes) is how this would be funded and actually delivered.

- 7.15.62. 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 (and untested).
- 7.15.63. For example, the STS suggests the use of electric automated forms of transport (such as “Aurrigo Pods”) to travel to nearby railway stations, it is also hoped that the development will take advantage of diverting existing bus services into the site to provide connections to Sittingbourne and Teynham railway stations.
- 7.15.64. 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 10 years, if approved a planning obligation would be needed to secure this.
- 7.15.65. 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.
- 7.15.66. A detailed plan would need to be agreed with the developer with respect to trigger points to ensure the service was delivered at an appropriate stage of build out.
- 7.15.67. 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.
- 7.15.68. Network Rail have requested financial contributions to improve Teynham Station, and a planning obligation would need to be imposed on any consent to secure this.
- 7.15.69. Key infrastructure delivery (including walking, cycling and public transport measures) 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.
- 7.15.70. Leaving these details to be determined at a later stage (such as Tier 2 or 3) involves a degree of risk. It may later be found that necessary measures cannot be funded, or are found to be unviable, or agreement with third parties may not be able to be reached. If measures are delayed or not delivered at all then the aspirations set out in the STS would be undermined.
- 7.15.71. A comprehensive suite of measures could be imposed on any consent to require the detailed design, funding, management and timing for the delivery of STS measures at a later stage, although such an approach would require acceptance of a degree of risk that it may later be found that some measures are not deliverable.
- 7.15.72. Active Travel England have raised concern that there does not appear to be sufficient information available to ensure that this proposal will prioritise walking and cycling. Concern was also raised in the consultation response that the SSRR has the potential to adversely impact active travel due to severance.
- 7.15.73. Public Rights of Way (PRoW)
- 7.15.74. 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.

- 7.15.75. Local Plan Policy DM 6 relates to managing transport demand and impact states that the location, design and layout of development proposals will demonstrate that existing public rights of way are retained, or exceptionally diverted, and new routes created in appropriate locations. In terms of conformity with the NPPF, Policy DM6 carries moderate weight.
- 7.15.76. There are numerous public rights of way across the site and a full list is included in Section 3 of this report. 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.
- 7.15.77. 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. Active Travel England have also raised concern that the SSRR would have negative impacts on a number of PRow.
- 7.15.78. The KCC PRow officer advises that a financial contribution, secured as a planning obligation on any consent, would be necessary to cover the cost of mitigation if the scheme is approved and developed.
- 7.15.79. 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 SSRR.
- 7.15.80. The proposed development would both sever and fragment the existing network over a considerable area permanently. There is a clear need for solutions to mitigate the impact to the PRow network given the scale of the development proposed. The application shows incorrect alignments of PRow routes on plans which hampers a proper understanding of impacts.
- 7.15.81. 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.
- 7.15.82. The KCC PRow officer advised that mitigation to on and off site PRow is necessary (ZR196 / ZR199 and ZR203 / ZU31 / ZU34 / ZU26 / ZR151 / ZR148 to Wrens Rd / ZR141 to Hearts Delight Rd / ZR150 / ZR134 / ZR147 / ZR153 / ZU37).
- 7.15.83. 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.
- 7.15.84. While funding could be secured to fund mitigation of the PRow impacted, the proposal would result in impacts to PRow, The application is in outline form and access is a reserved matter. If approved conditions and planning obligations would need to be secured to ensure PRow impacts are appropriately mitigated.
- 7.15.85. Transport and Highways conclusion
- 7.15.86. As it stands the proposal fails to provide appropriate modelling to sufficiently demonstrate that the development would not result in unacceptable transport and highway impacts, including to the SRN.
- 7.15.87. In addition, the STS leaves key details to be determined at a later stage and this involves a degree of risk. If measures are delayed or not delivered then the aspirations set out in the STS would not be achieved. Concerns are also raised in relation to severance and fragmentation

of PRow and it is not clear that appropriate opportunities to promote active travel and sustainable transport modes have been taken.

7.15.88. The proposals are considered to be contrary to the NPPF and Local Plan Policies CP2 and DM6.

7.16. Air Quality

7.16.1. 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.

7.16.2. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be taken into account in planning decisions.

7.16.3. The Planning Practice Guidance on Air Quality (paragraph 005 Reference ID 32-005-20191101) 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.....”.

7.16.4. 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.

7.16.5. The applicant has undertaken an Air Quality Assessment which is included at Chapter 8 of the ES in support of this proposal, this has been reviewed by the Environmental Health Officer, who asked for clarification on certain matters and has raised various concerns.

7.16.6. Particles are defined by their diameter for air quality regulatory purposes. Those with a diameter of 10 microns or less (PM10) are inhalable into the lungs and can induce adverse health effects. Fine particulate matter is defined as particles that are 2.5 microns or less in diameter (PM2.5) and are even more able to be inhaled and absorbed. 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.

7.16.7. The review of the ES and the consultation response from the Environmental Health Officer highlighted shortcomings in the modelling of air quality impacts during construction (emissions from construction vehicles) indicating that the issue should be addressed at this stage of the planning process, rather than being left to a later stage. The concern relates to the potential for construction traffic to exacerbate air quality within Air Quality Management Areas on the A2. It is unclear if the issue could be mitigated and as such there is an objection to the proposal in this regard.

7.16.8. Defra's air quality appraisal guidance details 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 £2,622,392. This is the total cost which

should be spent on mitigation measures aimed at reducing emissions to air from the operational development.

- 7.16.9. The Applicant suggests that as the cost of proposed mitigation measures (including Electric Vehicle (EV) charging points) would exceed the damage cost, such that no further mitigation is necessary. The Environmental Health Officer advised that measures such as EV charge points are a standard required by Policy and associated guidance and should not be counted as part of Damage Cost.
- 7.16.10. If approved, a condition would need to be secured on any consent which requires a scheme detailing and quantifying measures and offsetting schemes to be included in the development, to reduce the transport related air pollution when in occupation.
- 7.16.11. If the application was to be approved, air quality mitigation for each operational phase of the development would be 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, if approved, 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.
- 7.16.12. The Environmental Health Officer also recommended conditions be imposed on any consent to control air quality impacts (such as dust management during construction, and measures to reduce transport related emissions).
- 7.16.13. Natural England have raised concern that the application fails to demonstrate that air quality impacts as a result of the development, 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 7.14 of this report and does not relate to human health.
- 7.16.14. 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 in detail by the MidKent Environmental Health Service, who advised that the review of the objection has not changed the conclusions on air quality matters provided by the MidKent Environmental Health Service.
- 7.16.15. There is however a concern raised in relation to the modelling of air quality impacts arising from construction vehicles and as such the application fails to demonstrate air quality impacts to human health would be acceptable. As it stands, the application is contrary to Policy DM6 of the Local Plan.

7.17. Community Infrastructure and Planning Obligations

- 7.17.1. 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.
- 7.17.2. Any request for financial contributions need to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). 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.

- 7.17.3. 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.
- 7.17.4. 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.
- 7.17.5. 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.
- 7.17.6. 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.
- 7.17.7. 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.
- 7.17.8. 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.
- 7.17.9. Chapter 17 of the ES relates to Socio-Economics, Population and Human Health, and includes commentary of demand for educational, health, open space, sports and community services (such as libraries, youth clubs, adult learning), the ES goes onto suggest what capacity enhancements are necessary to cope with additional demand. The application was also supported by a Health Impact Assessment in 2021.
- 7.17.10. Additional schools 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.
- 7.17.11. 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.

- 7.17.12. 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).
- 7.17.13. Planning obligations are required to ensure provision of necessary Health Care Facilities. Primary care should be provided as early as practical. Health facilities would be delivered on a phase by phase basis secured by way of a planning obligation. It is also expected that the healthcare offer would include dentists, opticians and pharmacies. A Health Impact Assessment was submitted with the Application, while the NHS have taken this into account, they have provided a separate independent analysis of necessary facilities.
- 7.17.14. 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 costs include relates to capital funding for physical health care floor space. In this case the NHS advised that while revenue funding would also be needed, as well as funding for capacity enhancement in relation to mental health, these costs can be managed without the need for a contribution from the development. However, there is a funding gap in relation to capital funding and without capital funding the necessary floor space could not be provided.
- 7.17.15. Without delivery of additional health care floor space, care would need to take place in existing health care buildings, which do not have the capacity to cope with additional demand from future occupiers of the development. Without capital funding, the result would be serious delays in the delivery of primary and acute care, compromising patient safety. 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.
- 7.17.16. 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 Planning Statement supporting the application advises that there would be a mix of dwelling sizes, and occupation restrictions would include a minimum age requirement, Qualifying Person Assessment, receipt of a minimum care package, and minimum design features ensuring that such units would be occupied as a C2 facility in perpetuity.
- 7.17.17. An area of land up to 1.5 Ha has been identified for a future Household Waste Recycling Centre, with associated landscaping and planting. The land and a financial contribution are required to deliver sufficient capacity in the waste system to mitigate the demands that would be generated by the development. KCC have raised no objection to the proposed location of the HWRC.
- 7.17.18. The schools could be delivered either by the Applicant transferring the school land to KCC who would deliver the schools, or for the Applicant to deliver the schools themselves and transfer to completed building to KCC.
- 7.17.19. While the ES proposes provision of facilities (such as schools and health care) to mitigate the effects of the development, the advice from relevant consultees is that different or additional provision is required in order to mitigate the impacts of the development. Officer's conclusion is that different and additional obligations, in line with the advice from consultees are required to mitigate the significant effects of the development.
- 7.17.20. In terms of cumulative impacts, various consultees have provided advice in terms of what would be needed to mitigate cumulative impacts e.g., if both applications (ref: 21/503906/EIOUT and 21/503914/EIOUT) were to be approved.

7.17.21. The NHS advised that if the development proposed in this application as well as that proposed in application ref: 21/503906/EIOUT were to come forward, the preference is for one larger facility to be accommodated on the site of application ref 21/503906/EIOUT.

7.17.22. The planning obligations.

7.17.23. There are a range of 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	£314.05. per dwelling	North Kent Strategic Access Management and Monitoring Strategy.
Warden	£128.86 per dwelling	Funding to cover the cost of a warden to better prevent recreational pressure at designated sites.
Safeguarding land for Curlew		Safeguarding of land for over wintering birds.
Skylark mitigation		Delivery of offsite Skylark habitat.
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 within each primary school.
Primary Education Contribution	£7,081.20 per house £1,770.30 per flat	Towards the cost of constructing 3 new schools.
Primary Land		Provision on site of 2 x 3Ha primary school sites and 1 x 2.05Ha site, provided at 'nil' cost to the County Council (transferred as per KCC's General Site Transfer Requirements)
Special Education	£559.83 per house £139.96 per flat	Contribution towards a new special needs school serving this development and SRP provided within the Mainstream Education Schools on-site and within the Borough.
Secondary Education Contribution	£5,587.19 per house £1,396.80 per flat	Towards a new Secondary School serving this development.
Secondary Land		Provision of 10Ha of land for a new 8FE Secondary School to be provided

		<p>as part of the combined Highsted Park (North & South) proposals.</p> <p>Site provided at 'nil' cost to the County Council (transferred as per KCC's General Site Transfer Requirements)</p>
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	£34.21 per dwelling	<p>Free use of on-site Community facilities for classes, plus provision of secure storage for equipment</p> <p>Financial contribution towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.</p>
Community Facility Delivery Strategy		
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.
Library Service	£62.63 per dwelling	<p>Free use of on-site Community facilities for library purposes, plus provision of secure storage for equipment.</p> <p>Financial contribution 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.</p>
Social Care	£180.88 per dwelling	<p>Towards Specialist care accommodation, assistive technology and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough.</p> <p>All Homes built as Wheelchair Accessible & Adaptable Dwellings in</p>

		accordance with Building Regs Part M 4 (2).
Community Buildings specification		<p>Design that is Dementia friendly with dementia friendly decoration and signage.</p> <p>A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc.</p> <p>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)</p> <p>Provision of secure storage for KCC Social Care, Community Learning, Libraries and Youth Service.</p>
Waste		
Waste Contribution	£194.13 per dwelling	Towards a new Household Waste Recycling Centre on-site and increases in capacity at the Waste Transfer Station in Sittingbourne.
Waste site	Land	A new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council - transferred as per KCC's General Transfer Terms,
Bins	<p>For houses (per house) 1 x 180ltr green bin for refuse £51.20 1 x 240ltr blue bin for recycling £51.20 1 x 23ltr food bin £11.90 1 x 5ltr food caddy £6</p> <p>For Flats (every 5 flats): 1 x 1100ltr refuse - £497 1 x 1100ltr recycling - £497 1 x 140ltr food - £45.20 1 x 5ltr food cady per flat– £6.00</p>	Waste and recycling storage
Health care		

Scenario 1 (assumes only this application proceeds)		
NHS primary and community care - Contribution	£9,649,520 Or direct delivery by developer to NHS specification	Towards a facility of c. 2,100 m2 GIA or 2,205m2 GEA
NHS primary and community care - Land		0.64 ha land for a two storey healthcare facility and parking Serviced land should be available for transfer to NHS Kent and Medway ICB or its nominee at nil consideration at commencement of development to enable the NHS to take forward a plan to develop a healthcare facility in a timely manner.
Scenario 2 (assumes this application and the development in 21/503906/EIOUT both come forward)		
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 to be delivered on the northern site. Combined contribution (represents the cost if 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)
Acute care		
NHS acute care - Contribution	£25,406,069	<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		The Strategy shall be produced in consultation with NHS.

		The Strategy shall set out explicitly occupation restrictions aligned with the timing for delivery of facilities.
Energy		
Monitoring	<p>Post construction testing to ensure that the buildings' operational energy performance achieves the performance targeted at the planning stage.</p> <p>Obligations on all plot developers to disclose and minimise the anticipated Energy Use Intensity at design, pre-occupation and construction stage.</p>	
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 existing sports organisations during the construction phase.</p>
Country Park		<p>Specification and Design Brief.</p> <p>Establishment of appropriate stewardship arrangements.</p>
Sports facilities		<p>Specification and Design Brief.</p> <p>2 sports hubs.</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 Principles approved as part of the Stewardship Vehicle.</p> <ul style="list-style-type: none"> • Restrictions on use for open space and no other purpose • Permit general public access. • Temporary open space provision.
Sports halls swimming pools and other capacity enhancements	£4,381,722	Capacity enhancements to sports halls and swimming pools made necessary by the development.
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 highway infrastructure.
Transport Review Group (TRG) & Transport Monitoring Report		<ul style="list-style-type: none"> • 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		<ul style="list-style-type: none"> • 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).

Travel Plans and compliance Monitoring (KCC)	Travel plans and contributions towards the cost of KCC monitoring compliance with travel plans.
Highway Adoption Strategy	Highway Adoption Strategy to be submitted for approval and include: <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	£8,800,000 representing 10 years of pump priming for 4 additional bus services.
Bus delivery and management strategy	Strategy to deliver publicly accessible bus services through the site to be submitted for approval , 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: 21/503914/EIOUT comes forward alone:</p> <p>PROW routes: £922,032 King Charles III England Cost Path: £401,976</p> <p>Scenario 2 both application ref: 21/5039*14/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>
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. • Covenants to maintain the cycleways and footways in good condition and repair.

	<ul style="list-style-type: none"> • 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.
Sustainable Transport Strategy (STS)	Funding and delivery of the STS including either direct delivery of mobility hub.
Affordable housing	
Affordable housing	<p>A base line of 15.8% of dwellings to be delivered as affordable housing. The affordable housing homes should be distributed evenly across each phase and be tenure blind with the private homes.</p> <p>Phase by phase upward only review of the financial viability of the scheme to establish if additional affordable housing can be delivered.</p> <p>Affordable housing to include a share of the Extra Care housing to be brought forward in partnership with KCC's Adults and Integrated Commissioning team to ensure delivery meets need for this area of the borough and that the health and social care provisions can be provided.</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 £2,622,392 in value.</p>
Air quality Working Group (AQWG)	To set up an AQWG comprising of air quality experts and to include arrangements 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.
Kent Downs NL	
Compensation land	Direct delivery by the Applicant or financial contribution to the Kent Down NL Unit to cover the cost of measures to compensate for the area of NL lost to development.
Delivery and phasing	
Overarching Delivery Management Strategy (ODMS)	<p>Set out the approach to the delivery and long-term management and maintenance of the development.</p> <p>The Strategy shall set out explicitly occupation restrictions aligned with the timing for delivery of infrastructure.</p>

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 in perpetuity.</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; • 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 Statement Phasing	<p>Written statement in 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.
Stewardship Transfers Asset	Obligations to secure transfer of relevant assets into stewardship vehicle.
Monitoring	
Monitoring fee	<p>Contributions to cover the cost of monitoring the delivery of various planning obligations and triggers.</p> <p>KCC monitoring fee of £300 per trigger.</p> <p>SBC equivalent to 5% of financial contributions.</p>

- 7.17.24. 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.
- 7.17.25. In cases where abnormal costs or other issues significantly challenge the ability of development to contribute to necessary mitigation via Section 106 Agreements, obligations would be prioritised.
- 7.17.26. The SAMMS tariff and other measures to ensure compliance with the Habitat Regulations sits above the priorities and cannot be compromised.
- 7.17.27. The Applicant has not agreed to meet all of the necessary planning obligations. As it stands the proposals 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.

7.18. Open Space, Sport and Recreation

- 7.18.1. 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.
- 7.18.2. In term 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	19.05	66.9	No
Natural and semi-natural greenspace	74.82	100.59	No
Formal outdoor sport	18.70	16.69	Yes
Amenity greenspace	7.72	29.37	No
Provision for children and young people	0.84	4.8	No
Formal play facilities	Contribution either on or off site to enhance existing		
Allotments	3.43	3.84	No

- 7.18.3. 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). While the table indicates a short fall in formal outdoor sports, it should be noted that dedicated facilities for local sports are proposed, to provide tennis, bowls, football and hockey facilities.
- 7.18.4. Indicative proposals include two floodlit senior football artificial grass pitches ('AGPs') and three youth football grass pitches within a Sports Hub near the M2 motorway, comprising a

clubhouse with changing and visitor facilities and two floodlit hockey pitches. A further Sports Hub is proposed west of Rodmersham to provide 2 x floodlit AGPs for hockey.

- 7.18.5. The provision of 2 x AGPs for hockey represents additional facilities, which would help meet unmet demand identified in Swale's Playing Pitch Strategy which states that there is additional need for 1 additional hockey AGP (ideally 2 on the same site).
- 7.18.6. The existing sports facilities near the Kent Science Park include tennis courts, a bowling green and football pitches. The tennis courts are in such a poor condition they are disused. These facilities would be displaced by the proposed development and as such replacement provision is proposed in the new Sports Hub adjacent to the M2 motorway (there would be no net loss).
- 7.18.7. The development specification states that 16.69 Ha of formal outdoor sports facilities is proposed. Concerns have been raised that while there is an overprovision of hockey facilities there is an under provision in other disciplines, such as rugby and cricket.
- 7.18.8. Officers have taken account of the concern; but note that the proposed facilities would be new, designed for use in all weather and lit. This means they would be highly useable and in the case of the tennis courts, the proposals would deliver new facilities replacing ones which at present cannot be used.
- 7.18.9. While rugby and cricket pitches are not proposed, this needs to be balanced against the over provision of hockey facilities (for which there is an identified unmet need), useable tennis courts and the range of other facilities proposed.
- 7.18.10. The application was accompanied by a Sports Facilities Strategy in 2021, Sport England raised concern that this document did not follow the recognised methodology and as such necessary sports facilities has been identified by the Council's Open Spaces manager independently. Sport England now have no objection to the proposals subject to conditions and planning obligations. Financial contributions would be needed towards the provision of offsite indoor sports facilities (such as swimming pools). A proportionate financial contribution (which takes account of the over provision of hockey pitches) should also be sought. Subject to this subject to this there would not be an objection to the application due to a lack of onsite rugby and cricket facilities.
- 7.18.11. 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.
- 7.18.12. 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.
- 7.18.13. It is proposed to deliver access to food production in the form of traditional allotments, community gardens and community orchards.
- 7.18.14. 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.
- 7.18.15. 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. The proposed nature park includes two retained quarries and adjacent grassland designated as a Local Wildlife Site. The northern quarry would be retained and managed by a local outdoor pursuits group with restricted public access to provide benefits to young people in the community and an enhanced habitat site.

- 7.18.16. The latest Built Facilities Study identifies the need for additional sports halls, The level of population growth that would be generated by the development would also require a contribution toward swimming pool facilities. Given the increased demand created by the proposed development the required contribution towards sports halls and swimming pools and other necessary capacity enhancements would be £4,381,722.
- 7.18.17. Community use of school facilities could assist and this was discussed with KCC who advised that the schools may well be run as academies, and the third party may not agree to a community use agreement. As such an alternative is required in the form of a further financial contribution towards capacity enhancements in off-site facilities should a community use agreement not be possible to achieve.
- 7.18.18. The southern former chalk quarry would be designed to form part of the public open space strategy, with a circular walking route. The parkland areas proposed include a central Country Park.
- 7.18.19. 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.

7.19. Flood Risk, Drainage, Surface Water, Water Quality and Hydrology

- 7.19.1. 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.
- 7.19.2. The 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.
- 7.19.3. The Applicant's Flood Risk Assessment (FRA) advises 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.
- 7.19.4. It is clear that when a site is at risk of flooding from a source (surface water), 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.
- 7.19.5. 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.
- 7.19.6. The Applicant provided a Sequential Test which confirmed that there are not sequentially preferable sites where the proposal could be located. It would not be logical to disaggregate the villages, as the interconnected benefits of the proposed villages (schools, and other community infrastructure supporting housing) would be lost.
- 7.19.7. 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 developing the proposed uses in this location is contrary Development Plan policies, as is discussed in Section 7.4 of this report.

- 7.19.8. 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.
- 7.19.9. The Applicant has advised that this relates to delivery of housing, employments 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 to the community outweigh the flood risk.
- 7.19.10. 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 satisfying the EIA regulations and 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).
- 7.19.11. 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 a Construction Environmental Management Plan (CEMP) is required which should require a temporary drainage network to ensure adequate levels of pollution treatment prior to discharge from site.
- 7.19.12. The early delivery of the operational surface water drainage strategy and additional temporary construction measures would ensure that the surface runoff is controlled and discharged so as not to increase the overall runoff rate.
- 7.19.13. It is generally proposed that development would be steered away from dry valleys (and their associated surface water flows). These flow paths would be managed within the masterplan as landscape corridors of blue-green infrastructure passageways. The major dry valleys conveying water from areas south of the site would have defined riverbeds to safeguard the dry valleys from alternative uses in the future.
- 7.19.14. In other locations the FRA shows that earth works are proposed to divert the dry valley flow path (so as to make development safe). The KCC Flood and Water Management team advised that any works that have the potential to affect a watercourse or ditch's ability to convey water would require formal flood defence consent from KCC, and an informative should be added to any consent to advise the Applicant of this.
- 7.19.15. The SSRR would cross dry valleys in some locations. Where the alignment of the road crosses the major dry valley, the flood path would be maintained by elevating the highway as a flyover above it or an appropriately sized culvert would be built below the road. The Applicant's FRA states that in 2 locations the road would need to be elevated 4m above the existing ground level (so flows and channel capacity in the dry valley are maintained).
- 7.19.16. The Environment Agency noted that the scheme is in outline form with all matters (including layout) reserved. At the detailed design the layout of development should be informed by the sequential approach. This approach allocates the more vulnerable forms of development to

the areas of lowest flood risk. Which means avoiding locating residential dwellings in any areas at risk of flooding.

- 7.19.17. Conditions should be imposed on any consent to ensure the detailed design identifies potential flow routes from any flood source and ensure they are routed across the site and managed such that they neither cause flooding to proposed development nor to existing development of site.
- 7.19.18. The risk of flooding from groundwater, sewers and artificial sources has been assessed and found to be low, except for the Highsted Quarries. The historic chalk pits are subject to periodic groundwater flooding and potentially surface water flooding. However, as there are no changes proposed to the former pits, as such there will be no unacceptable impact.
- 7.19.19. To ensure the run-off from the development mimics or is less than that of the existing situation, sustainable drainage measures are proposed to be utilised within the site. The introduction of infiltration techniques is proposed to recharge the existing ground water aquifer and reduce existing surface water flooding downstream.
- 7.19.20. Deep bore soakaways are proposed as part of the drainage strategy, and Southern Water are concerned that these could allow for dispersion of contaminants (with the potential to contaminate ground water). Comments received from Southern Water relate to the protected aquifer and seek evidence to be submitted proving that contamination would not occur prior to the acceptance for infiltration to be used.
- 7.19.21. The KCC Flood and Water Management team advised that they accept the general principles proposed for managing water quality. Conditions would need to be imposed on any consent to ensure at reserved matters stage detailed information is provided to demonstrate that sufficient measures are in place to protect receiving waters.
- 7.19.22. This information would also need to contain the details to specifically demonstrate that there is no risk of pollution to groundwater and additional ground investigation would be required. The remit of groundwater protection rests with the Environment Agency, who raised no objection, subject to a series of conditions being imposed on any consent.
- 7.19.23. Southern Water also 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 did not raise concerns in relation to being able to supply drinking water to the development.
- 7.19.24. The KCC Flood and Water Management Team were consulted and initially raised concern over the runoff rate, further clarification was provided by the Applicant and KCC Flood and Water Management no longer raise this as a concern. Conditions should be imposed on any consent to control runoff rates.
- 7.19.25. The Household Waste Recycling Centre is currently proposed inside the groundwater Source Protection Zone 1 (SPZ1). Southern Water advised that the Household Waste Recycling Centre should be located as far from the abstraction as possible, preferably outside of the SPZ3 (outer zone).
- 7.19.26. The EA are the statutory authority with a duty to protect ground water, and they have provided specific advice in relation to this issue, their advice is that subject to the Household Waste Recycling Centre meeting various standards required by the EA waste facility consenting regime and subject to various conditions being imposed on any consent no objection was raised.

- 7.19.27. In terms of foul water, a study by Southern Water indicates that the additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate the risk of foul water flooding would be provided by Southern Water.
- 7.19.28. Southern Water requires that the developer work with them ensure that the delivery of sewer network reinforcement aligns with the proposed occupation of the development. The EA require conditions to be imposed on any consent to ensure adequate capacity is provided to the sewer network.
- 7.19.29. It should be noted the review of the ES identified key concerns in relation to the technical adequacy of the water quality, hydrology and flood risk chapter of the ES. Insufficient information has been provided to justify effects on ground water, foul water resources, potable water and ground during construction for the purposes of the EIA regulations. The magnitude of effect from flooding and changes to the current drainage regime during the operational phase could be higher than set out in the ES and further information is needed to justify the effects in the ES (which has not been provided).
- 7.19.30. 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.
- 7.19.31. 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.

7.20. Contamination and Waste Management

- 7.20.1. 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.
- 7.20.2. The supporting text to the Local Plan states that any development on previously developed land to a more sensitive use should follow the guidelines provided in the Council's Environmental Protection Team.
- 7.20.3. There is the potential for sources of contamination to be present on site and near to it, close to the following areas:
- Presence of shallow Made Ground soils and impacted stockpiled soils generated by the historical use of the site. Soils impacted with heavy metals and potential for asbestos, hydrocarbons and polycyclic aromatic hydrocarbons (PAHs) contamination.
 - Potential for ground gas (methane and carbon dioxide) associated with the presence of Made Ground and possible infilled ground.
 - Potential for organic contaminants (TPHs, BTEX and PAHs) resulting from potential oil spill from adjacent road users.
 - Historic and current nearby potentially contaminative commercial sites (including the former Shell Research Facility).
- 7.20.4. Between 1960 and 1970, the M2 Motorway was built in the south end of the site along with commercial buildings now forming the existing Kent Science Park (formerly a Shell Research Facility). Responses to the consultation undertaken as part of this application indicate that the activities associated with the former Shell Research Facility may have resulted in very serious contamination of land at and around that site.

- 7.20.5. Additional site investigation works would be required as a condition of any consent as part of mitigation (Remediation Strategy) to confirm the initial findings in relation to soils and geology and contamination. Should contamination be encountered then a Detailed Remediation Strategy would need to be undertaken. This would have to be instigated ahead of each phase of development. Ground gas protection measures may need to be incorporated within residential and commercial development.
- 7.20.6. As has been discussed in Section 7.19 of this report, this site lies within a sensitive area for geology and water resources, being within a SPZ 1, 2 and 3, and on Principal and Secondary aquifers. The EA and Environmental Health Officer have advised it would be possible to suitably manage the risk posed to controlled waters, subject to further detailed information being provided before the development commences (secured by condition on any consent).
- 7.20.7. Although it lies within the red line boundary for this application, the Kent Science Park is not included within the submitted foul drainage strategy. The EA are of the view that as the Kent Science Park does not currently benefit from a connection to foul sewers, it should be included in any feasibility studies and Water Treatment Works capacity discussions with Southern Water Services in relation to the wider site. An informative should be added to any consent to advise the Applicant of this.
- 7.20.8. A Household Waste and Recycling Centre is proposed, waste sites are controlled by the EA. If the waste facility were to go ahead the Applicant would need to apply for and obtain an environmental permit from the EA. Such permits require for example, waste to be stored and treated on an impermeable surface with a sealed drainage system (with impermeable components which do not leak and which would ensure that no liquid will run off). Given that the waste facility could not go ahead without meeting the EA's requisite standards (on an ongoing basis) and permitting regime, no objection is raised in relation to the proposed Household Waste and Recycling Centre in terms of contamination.
- 7.20.9. 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.
- 7.20.10. 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 substantial 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).
- 7.20.11. If approved, waste targets and the other mitigation measures set out in the ES 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.
- 7.20.12. The potential for the mobilisation and spread of contaminants during construction is possible; however, subject to conditions being imposed on any consent to require the implementation of the Piling Risk Assessment and the CEMP, the construction activities could be appropriately controlled.
- 7.20.13. A Preliminary Unexploded Ordnance (UXO) Threat Assessment was undertaken, which identified that the former chalk pits were targeted in WW1 bombing raids. UXO clearance measures should be required (as a condition on any consent) prior to development in these areas.

7.20.14. With appropriate embedded and additional mitigation implemented (secured by conditions on any consent), construction and operational phase impacts from contamination and waste management would be appropriately mitigated and the proposals would comply with Local Plan Policy ST1 (11h).

7.21. Living Conditions (including noise and vibration)

7.21.1. Existing residents

7.21.2. 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.

7.21.3. 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.

7.21.4. The review of the ES identified an issue with noise modelling of construction impacts on Highsted Road. There are different ways noise can be assessed and there is concern that the wrong criteria have been used to compare noise impacts with and without the development, this hampers a proper understanding of impacts and potential mitigation. The Environmental Health Officer agrees that there is an issue and that further detail should be provided on the mitigation measures that have been considered or could be employed to reduce the potential impacts on Highsted Road.

7.21.5. 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.

7.21.6. 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.

7.21.7. 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.

7.21.8. 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.

7.21.9. 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 (20 years).

- 7.21.10. 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.
- 7.21.11. 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.
- 7.21.12. 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.
- 7.21.13. Towards the north of the site, development is proposed which would be adjacent to the eastern and southern portions of Bapchild (across Panteney Lane). Given the separation that would be provided by the lane no objection is raised in terms of outlook or overlooking.
- 7.21.14. Development would also extend to be adjacent to the northern, eastern and southern portions of Rodmersham. A landscape buffer is proposed in the parameter plans to provide some relief between existing Rodmersham residents and the proposed development, sufficient to prevent harmful impacts in terms of overlooking or outlook.
- 7.21.15. A Sports Hub is proposed on land to the southwest of Rodmersham Village which would include flood lights, which would have the potential to cause light spill, impacting on residential amenity at night. Conditions should be imposed on any consent to control light spill and the hours when flood lights can be in use.
- 7.21.16. Further to the west, an area of residential development is proposed adjacent to Highsted Road. To the north of this proposed residential area is land on which consent has been granted (ref: 21/505498/OUT - Land off Swanstree Avenue, Sittingbourne) for 135 dwellings. While not existing residents, it is important that the development proposed in this application has an appropriate relationship with committed development.
- 7.21.17. There are also other (more isolated) instances where development is proposed in relatively close proximity to existing residential occupiers. To prevent impacts to existing residents, conditions should be imposed on any consent to ensure at the reserved matters stage there is an appropriate setback between existing occupiers and the proposed development.
- 7.21.18. While setbacks would mitigate impacts to outlook, sunlight and privacy, there is the potential for noise and disturbance and light spill from the use of the non-residential elements of the scheme to adversely impact on the living conditions of existing residents.
- 7.21.19. There are residential properties to the south of the proposed Household Waste Recycling Centre (HWRC). Policy DM11 of the Kent Minerals and Waste Local Plan requires waste sites to demonstrate that they are unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Conditions would need to be imposed on any consent to ensure impacts

from the operation of the HWRC are appropriately mitigated in line with the requirements of Policy DM11 of the Kent Minerals and Waste Local Plan and DM14 of the Local Plan.

- 7.21.20. If approved, conditions would be needed to ensure adequate acoustic insulation of proposed buildings, plant and equipment (to prevent noise breakout), along with controls over lighting, delivery times and hours of use of the various non-residential proposals.
- 7.21.21. To connect the SSRR to the M2 a new junction is proposed, the majority of which is south of the motorway in the form of trumpet shaped junction. The illustrative plans submitted with the Transport Assessment show that at its most southerly arch, the junction would extend to Bexon Lane, in a location where there are residential properties on the southern side of the Lane. There are several other locations where the SSRR would pass close to existing residential receptors.
- 7.21.22. Chapter 9 of the ES relates to noise and vibration, and this sets out mitigation measures including close board fencing and earth bunding to mitigate noise and disturbance from vehicles using the SSRR. Conditions should be imposed on any consent to secure the mitigation recommended in the ES.
- 7.21.23. The ES includes a chapter on noise and vibration and makes the assumption that existing housing is typically fitted with double glazing 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.
- 7.21.24. However, there is no evidence to show all existing dwellings near the road have double glazing. If approved conditions should be imposed on any consent requiring further assessment, testing, and monitoring to take place throughout construction and operation of the development and for further mitigation measures to be implemented if monitoring shows the proposed mitigation has not been successful.
- 7.21.25. External ambient noise levels in garden spaces have also been considered to ensure that the proposed mitigation measures would suitably reduce noise levels within existing garden areas. The calculated daytime noise contours indicate that noise levels within the closest gardens will fall below the British Standard for noise levels in external amenity spaces.
- 7.21.26. The review of the ES identified issues with the criteria that have been used to assess noise impacts with and without the development in relation to Highsted Road. This issue undermines the adequacy of some of the noise modelling, which prevents a proper understanding of environmental effects and what mitigation would be necessary.
- 7.21.27. The primary cause of concern in terms of vibration generally relates to building damage from both construction and operational sources of vibration, although, the human body can perceive vibration at levels which are substantially lower than those required to cause building damage.
- 7.21.28. To control the impact of vibration during construction, limits relating to the perceptibility of vibration are proposed. The vibration limit is based on the guidance contained within BS 5228, experience from previous sites and accepted vibration policy criteria across a range of enforcing authorities elsewhere in the UK. 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.
- 7.21.29. Future residents
- 7.21.30. 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.

- 7.21.31. The ES states that the proposed dwellings would require typical 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.
- 7.21.32. 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 (Use Class C2 and C3) will 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.
- 7.21.33. 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:
- 7.21.34. Internal space standards, should as a minimum, comply with current Homes & Communities Agency Design and Quality Standards. 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.
- 7.21.35. If approved, conditions should be imposed on any consent to ensure affordable housing meets the nationally prescribed space standards. Care would be needed at the reserved matters stage to make a balanced assessment of quality of private sector accommodation to ensure it is adequately sized, would prevent overcrowding and meet the identified local need at the time detailed proposals are put forward.
- 7.21.36. It is likely that the majority 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. Conditions should be imposed on any consent to secure this.
- 7.21.37. 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. Conditions should be imposed on any consent to secure this.
- 7.21.38. 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.
- 7.21.39. The mixed use district centres 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.
- 7.21.40. A sports hub is proposed at the southwestern end of the site, which would include floodlights, noise and disturbance associated with the playing of sport. A condition should be imposed on

any consent to ensure adequate control of light spill and management of the sports hub given the proximity of proposed residential development parcels to it.

7.21.41. There are numerous locations where non-residential and residential development parcels are proposed adjacent to one another. If approved, conditions would be needed to ensure adequate acoustic insulation of proposed non-residential buildings, plant and equipment (to prevent noise breakout), along with controls over lighting, delivery times and hours of use.

7.21.42. Conclusion

7.21.43. The review of the ES identified issues with the criteria that have been used to assess noise impacts in relation to Highsted Road. The Environmental Health officer agrees with this concern. This issue prevents a proper understanding of impacts and what mitigation would be necessary, and fails to demonstrate there would be no unacceptable noise impacts to the living conditions of residents on Highsted Road, contrary to Local Plan Policy DM14.

7.22. Sustainability / Energy

7.22.1. The current 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: 21/503906/EIOUT.

7.22.2. 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.

7.22.3. The application would meet the existing policy requirements, achieving a 100% reduction in operational carbon compared to 2013 Building Regulations (offsetting carbon associated with both regulated and unregulated energy use).

7.22.4. 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.

7.22.5. 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 (rather than ground mounted panels as part of a separate solar farm). If approved a condition should be imposed to ensure there would be no undue glare as a result of solar panels.

7.22.6. 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.

7.22.7. 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.

7.22.8. 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.

- 7.22.9. The statement is ambiguous, indicating the potential for 'further investigation' and 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 generated (PV panel details), stored (BESS) and distributed on a phase by phase basis.
- 7.22.10. 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.
- 7.22.11. 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, ground and air 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.
- 7.22.12. 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 building actually achieve the requisite standards.
- 7.22.13. 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.
- 7.22.14. 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.
- 7.22.15. 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.
- 7.22.16. 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. 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 manage the energy network 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.

- 7.22.17. 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. 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.
- 7.22.18. If an ESCo is not used, details of how an end to end solution with integrated energy generation, storage and distribution networks (with associated management and maintenance) would be delivered on a phase by phase basis.
- 7.22.19. 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).
- 7.22.20. 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.
- 7.22.21. 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.
- 7.22.22. The Applicant's Sustainability and Energy Statement 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 are required on any consent to secure this.
- 7.22.23. 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.
- 7.22.24. The proposals are acceptable for this stage of the planning process, if approved 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.
- 7.22.25. Given the nature of other development proposed, on which energy generating and storage infrastructure (e.g., PV panels) would be mounted and housed, the energy strategy would become integral to harm caused by built development and associated infrastructure as is discussed in the other sections of this report, and as such, there would be a degree of conflict with Local Plan Policy DM20.

7.23. Impact to the rural economy

- 7.23.1. The site is in a rural location and as such Policy DM3 of the Local Plan is considered relevant. The Policy seeks to prevent residential development where this would reduce the potential for rural employment unless the site is not needed or unsuitable.
- 7.23.2. The vast 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 farming of the land proposed to be developed helps to support the rural economy.
- 7.23.3. 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 (moderate weight can be afforded to this policy in terms of conformity with the NPPF).
- 7.23.4. In this case the proposed residential development is not aimed to meet local business and community needs, the quantum of community space proposed is needed to serve the proposed residential development. In terms of space to meet local business need, it is noted that 160,000sqm of employment space is proposed (a considerable amount), and there is no evidence to suggest such a large amount of 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.
- 7.23.5. In summary, the proposal is considered contrary to Policy DM3 and this weighs against the scheme in the balance of considerations relevant to determination of the application.

7.24. Loss of Best and Most Versatile Land

- 7.24.1. The site extends predominantly over agricultural land in arable use. Non-agricultural land within the site includes pockets of woodland, disused quarries, infrastructure such as roads and the Kent Science Park.
- 7.24.2. 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	10	3%
2	Very good quality	268	70%
3a	Good quality	45	12%
Total grade 1, 2 and 3a		288	85%
3b	Moderate quality	56	15%

- 7.24.3. 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.
- 7.24.4. 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.

- 7.24.5. Local Plan Policy ST5 (part 11) states that unless allocated by the Local Plan, development should avoid the loss of high-quality agricultural land. Paragraph 3.0.9 of the Local Plan sets out that "...we will also allocate sites for development on land of the lowest environmental value, in doing so encouraging the effective use of previously developed (brownfield) land and minimising the significant loss of high quality agricultural land". The site is not allocated for development in the Local Plan.
- 7.24.6. 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.
- 7.24.7. 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 secure this.
- 7.24.8. 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. Just because there are other orchards and agricultural land in Swale, does not devalue this land. It contributes to the quintessential character of the Garden of England, the soil allows the fruit production and the fruit production and arable fields is a characteristic of the area.
- 7.24.9. 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, recognising the economic and other benefits of the best and most versatile agricultural land.
- 7.24.10. The proposed loss of extensive areas 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.

7.25. Minerals

- 7.25.1. The site is in an area which has been identified as having brick earth. As such the Kent Minerals and Waste Local Plan (2020) is relevant.
- 7.25.2. For context, Kent Minerals and Waste Local Plan (2020) Policy CSM 5 describes how land-won minerals will be safeguarded. Kent Minerals and Waste Local Plan (2020) Policy DM7 describes the circumstances in which non-mineral developments (such as is proposed) that are incompatible with safeguarding a resource would be acceptable. The Policy requires various criteria to be demonstrated to show, for example, that it is not viable or practicable to extract the minerals.
- 7.25.3. Policies CSM 4 and DM9 of the Kent Minerals and Waste Local Plan (2020) set out how applications for prior extraction of safeguarded mineral resources, that would otherwise be sterilised by non-minerals development, would be considered.
- 7.25.4. An Outline Minerals Assessment was completed by the Applicant and areas were identified as having moderate potential viability for Brickearth. Delays to the early delivery of critical highway infrastructure as a result of mineral extraction would trigger exemption 5 of Policy

DM7 of the Kent Minerals and Waste Local Plan 2013-2030 and the areas in question are considered exempt from the need for prior extraction.

7.25.5. The Applicant proposes further assessment of other potentially viable areas to determine:

- The quality of the brickearth deposits. This would be achieved by further sampling and ceramic testing of the deposits by a suitable laboratory and/or a brick manufacturer.
- The quantity of the brickearth. This would be achieved by further trial pitting across the assessment area, to measure the depth and lateral extent of the deposits.

7.25.6. The further investigation is proposed at a later planning application stage. Given that the area in question would be developed between year 10 to year 20, the KCC Minerals adviser has raised no objection to the proposals on mineral safeguarding grounds, and subject to conditions to secure further assessment at the appropriate stage the proposals would comply with the requirements of Kent Minerals and Waste Local Plan (2020) Policy DM7.

7.26. Other matters

7.26.1. Equality duty and human rights

7.26.2. Human rights: overview

7.26.3. 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.

7.26.4. 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.

7.26.5. 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.

7.26.6. 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.

7.26.7. 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.

7.26.8. Equalities: overview

7.26.9. 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.

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

7.26.11. Existing occupiers

7.26.12. While access is a reserved matter, the highway plans show that the proposed development would require the displacement of residents in one dwelling close to the intersection of Cromer

Road and Highsted Road, as well as a business that currently occupy part of the site immediately adjacent to the eastern side of the Kent Science Park (a car repair business).

- 7.26.13. One option for the displaced occupiers is to relocate back into one of the proposed residential units or the proposed industrial space if permission is granted and the development completed.
- 7.26.14. Displacement - residential occupiers
- 7.26.15. 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 dwelling. 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.
- 7.26.16. 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.
- 7.26.17. 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.
- 7.26.18. 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.
- 7.26.19. In officers' assessment, taking account of the nature of the impact on residential occupiers 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.
- 7.26.20. Displacement - business occupiers
- 7.26.21. 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.
- 7.26.22. In terms of impacts relocation or displacement 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.
- 7.26.23. 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 to the public benefits of the scheme specifically relevant to businesses set out in Section 7.27 of this report.

- 7.26.24. The intensification of industrial uses close to the Kent Science Park would support planning policy objectives for employment expansion at the Kent Science Park through agglomeration. The new buildings would meet modern sustainability and energy requirements. The new buildings would be accessible to disabled persons. There would be an uplift in the number of jobs created on the site.
- 7.26.25. 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 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.
- 7.26.26. Construction phase impacts
- 7.26.27. 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.
- 7.26.28. 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.
- 7.26.29. 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.
- 7.26.30. 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.
- 7.26.31. The development would have a major positive effect on employment due to the construction jobs created. This could benefit those who face barriers to entry in the labour market, which disproportionately affects black, Asian, multi-ethnic, young and disabled residents.
- 7.26.32. Operational phase impacts
- 7.26.33. 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.
- 7.26.34. 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 and religious groups.
- 7.26.35. The development would 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.

7.26.36. 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, religious groups.

7.26.37. Equalities conclusion

7.26.38. 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.

7.26.39. 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 equality impacts would be outweighed.

7.27. The planning balance.

7.27.1. 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.

7.27.2. Compliance with the development plan

7.27.3. 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.
- CP2 Promoting sustainable transport
- 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.
- DM 34 Scheduled Monuments and archaeological sites

- 7.27.4. 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.
- 7.27.5. This means that the application should be refused planning permission unless Members are satisfied that 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.
- 7.27.6. Benefits
- 7.27.7. Officers consider that the proposed development would have the following public benefits (the weight given to the public benefits is explained below).
- 7.27.8. Biodiversity Net Gain (BNG)
- 7.27.9. The proposal seeks to achieve a BNG of 20%, officers note that the application precedes the Government's mandatory requirement (the mandatory requirements are not applicable to this application). There are concerns in relation to the way BNG has been calculated given impacts to Ancient Woodland and mitigation. In view of this, BNG is likely to be less than indicated and **moderate weight** afforded to the BNG proposal.
- 7.27.10. Housing and affordable housing
- 7.27.11. 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.
- 7.27.12. Infrastructure needed to support the new communities including schools, mixed use centres, community facilities etc.
- 7.27.13. 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.
- 7.27.14. However, in this case Kent County Council as Local Education Authority (KCC) have confirmed that the proposed schools would be needed to serve the needs of future residents living in the scheme. While the proposed schools 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 needed to mitigate the impact of the development).
- 7.27.15. Given the scale of the proposed residential development, if approved, the network of proposed mixed-use centres would be needed to serve the day to day needs of the new population. Having regard to the site's relatively remote location, the centres would reduce the need for future occupiers to travel for basic essential services. The proposed mixed-use centres are simply necessary to mitigate the impacts of the development.
- 7.27.16. The presence of the mixed-use centres in isolation (not providing services to a new local community and supported by spending and demand from future residents and workers) would not be supported given the location in the countryside and potential trade draw from in centre retailers.
- 7.27.17. The need for the proposed community uses (including health care etc) is only driven by the future population that could be expected to be living on site (if approved). While the proposed community uses may provide a closer option for some of the surrounding rural communities, no evidence has been put forward by the NHS of a specific shortfall.

- 7.27.18. The proposed community facilities (including health care) are necessary to mitigate the impacts of the proposed development (without the mitigation the proposals for housing would cause unacceptable impacts in terms of health care provision).
- 7.27.19. 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 elsewhere to meet the needs of the development. Without the mitigation, the housing proposals would be unacceptable.
- 7.27.20. With the hotel element of the scheme, and whilst hotel uses can provide economic benefits associated with both leisure and business travel, there is no evidence submitted in support of the application to demonstrate a specific need exists for additional bed spaces.
- 7.27.21. No free-standing material public benefit arises from the schools, mixed use centres, community facilities, hotel etc (**neutral weight in the planning balance**).
- 7.27.22. Employment and economic activity
- 7.27.23. The proposal would result in a substantial increase in employment space, close to the Kent Science Park, providing high-quality employment floorspace. It would support planning policy objectives which look to support the Kent Science Park and provide space for jobs.
- 7.27.24. The application is accompanied by an Economic Benefits Technical Note. 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.
- 7.27.25. The weight afforded to this benefit is moderated by the fact that the proposal to provide such significant levels of industrial accommodation in the location proposed risks an adverse impact upon the demand for space in preferable locations. Considering all the above factors, **limited weight** is given to this benefit.
- 7.27.26. Open space and sports facilities
- 7.27.27. The provision of public open space and recreation areas within the proposed development is a normal planning requirement of good place-making and to mitigate impacts of the development and is therefore attributed **limited weight** in the planning balance.
- 7.27.28. The new country park would be a benefit to the surrounding rural community. However, this is moderated by the wider harm to the countryside and severance of the PRoW network, such that this would have **neutral weight** in the planning balance.
- 7.27.29. The proposed green bridge would contribute to addressing the severance caused by the SSRR and in the context of improving safety for users and improving the overall PRoW network in this locality, however it is only need as a result of the development and its not clear that is some ambiguity over the level of funding available to deliver this, this proposal would have **neutral weight** in the planning balance.
- 7.27.30. Remediation of contaminants
- 7.27.31. 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.
- 7.27.32. Paragraph 124 (c) of the NPPF sets out certain circumstances where substantial weight can be afforded to remediation, however they are not met in this case, and as such **moderate weight** can be afforded to remediation.

7.27.33. Sustainability and carbon reduction

7.27.34. 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.

7.27.35. 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**.

7.27.36. Positive health impacts

7.27.37. 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 **limited weight** in the planning balance.

7.27.38. Local finance considerations

7.27.39. 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.

7.27.40. 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.

7.27.41. Cumulative benefits

7.27.42. This scheme has been submitted alongside another application made by the applicant (Ref: 21/503906/EIOU), 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 harm outweighs the benefits.

7.27.43. Heritage impacts and balance.

7.27.44. 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 7.9 of this report, the development would result in harm to multiple designated heritage assets, including the setting of listed buildings (including Grade 1 and Grade II* listed buildings). The proposals would also harm character, appearance and setting of the Rodmersham, Rodmersham Green and Tunstall CAs.

7.27.45. The level of harm to the heritage assets would be less than substantial. The extent and scale of the proposal means that multiple assets are 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 the planning balance. 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.

7.27.46. 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, non-designated heritage assets would also be harmed. In this case the benefits are not considered to outweigh the heritage harm given the extent and severity of impacts. 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 weighs heavily against the proposal.

7.27.47. Conclusion on the Balance

7.27.48. 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.

7.27.49. Officers have taken account of the cumulative impacts (positive and negative) that would arise in the event this application and application ref: 21/503906/EIOUT were both to be approved.

7.27.50. In this case, the benefits which would outweigh the harms that have been identified including the breaches of development plan policy.

7.28. Conclusion

7.28.1. The proposal is not in accordance 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 the NL, heritage assets, ancient woodland, potential archaeological remains, protected habitats, 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.

7.28.2. There is another application on the Planning Committee agenda (ref: 21/503906/EIOUT) which proposes the SNRR. Officers have recommended refusal of that application, should members agree with that recommendation, this would have an additional implication for this application, being that traffic using the SSRR would not be able connect to the SNRR and would be heavily reliant on the A2, leading to severe traffic impacts, and an additional refusal reason (9) is set out in the recommendation section of this report to reflect this. Should application ref: 21/503906/EIOUT be approved this reason for refusal would fall away.

7.28.3. 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 a number of procedural requirements that must be met, including:

- The deficiencies in the ES and 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. Kent Downs National Landscape

The proposal, by virtue of the introduction of the highway junction and associated development within the Kent Downs National Landscape (NL), would harm the intrinsic character and beauty of the countryside, failing to conserve and enhance the landscape and scenic beauty of the Kent Downs NL, resulting in harm to the special qualities (including tranquillity), distinctive character and purposes for which the Kent Downs NL has been designated. Furthermore, the setting of the Kent Downs NL is important to the special qualities of the Kent Downs NL and development proposed within the setting of the NL would introduce an abrupt change of landscape character and views determinantal to the setting of the Kent Downs NL. The development would represent major development in the Kent Downs NL and there are not exceptional circumstances which would justify the major development in the NL, nor would it be in the public interest. The proposed development is contrary to paragraphs 135, 180, 182 and 183 of the National Planning Policy Framework (2023), and Policies ST1, DM14 (5) and DM24 of the Bearing Fruits 2031: The Swale Borough Council Local Plan 2017, the Kent Downs Setting Position Statement 4 and Kent Downs NL Management Plan 2021-2016 (3rd Revision) and Section 85(1) of the Countryside and Rights of Way Act 2000 Act.

2. Ancient woodland and trees

The development would result in the partial loss of ancient woodland (Highsted Wood) and fragmentation of surrounding woodlands and reduction in the area of other supporting semi-natural habitats. Wholly exceptional reasons for allowing the loss of ancient woodland do not exist. In addition, the development would result in the loss of trees, woodland and hedges (including individual trees, groups of trees, woodland, fruit trees and hedgerows) that make an important contribution to the amenity, historic, landscape, and biodiversity value of the site and the surrounding area, as such the application is contrary to paragraph 186 of the National Planning Policy Framework (2023) and Policies CP4 and DM29 of the Bearing Fruits 2031: The Swale Borough Council Local Plan 2017.

3. 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 in harm (less than substantial) to the following designated and non-designated heritage assets:

Heritage Asset	Grade	List entry number	Harm to Significance
Morris Court Farmhouse	II	1069324	Lowest level of less than substantial harm
Grove End	II	1069352	Low level of less than substantial harm
Barn 30 Yards N Of Grove End	II	1115681	Low level of less than substantial harm
Stables 30 Yards N Of Grove End	II	1069353	Low level of less than substantial harm
Barn 60 Yards NE Of Grove End	II	1343911	Low level of less than substantial harm
Bexon Court	II	1186015	Towards the middle part of less than substantial harm
Woodstock Cottages	II	1343952	Low level of less than substantial harm
Woodstock Cottage Farmhouse	II	1069277	Towards the middle part of less than substantial harm
Oakwood Farm	NDHA		Moderate level of harm

Broadoak Farm	NDHA		Moderate level of harm
Oasthouse Broadoak Farm	NDHA		Moderate level of harm
The Oast House, Primrose Lane	NDHA		Low level of harm
Old Cottage	II	1120885	Lowest level of less than substantial harm
Highsted Farmhouse	II	1069289	Towards the middle part of less than substantial
Stanley Villas	II	1343924	Lowest level of less than substantial harm
Victoria House	II	1323163	Lowest level of less than substantial harm
Orsett House	II	1069292	Lowest level of less than substantial harm
Vine Cottages	II	1120864	Lowest level of less than substantial harm
Elizabeth Cottages	NDHA		Lowest level of harm to significance
The Ramblers	NDHA		Lowest level of harm to significance
Rodmersham Green Conservation Area			Low level of less than substantial harm
Radfield House	II	106298	Lowest level of less than substantial harm
Church of St Nicholas Rodmersham	I	1120902	Towards the middle part of less than substantial harm.
Barn at TQ921618	II	1120908	Low to medium less than substantial harm.
Matsons	II	1343920	Low to medium less than substantial harm.
Church House	II	1323761	Low level of less than substantial harm
Church Cottage	II	1069287	Low level of less than substantial harm
No. 5 Church Cottage	NDHA		Low level of harm
Glebe House	NDHA		Low level of harm
Glebe Cottage	NDHA		Low level of harm
Ashgores House	NDHA		Moderate harm
Orchard	NDHA		Moderate harm
Rodmersham Church Street Conservation Area			Middle to high less than substantial harm
Woodstreet House	II	1121893	Lowest level of less than substantial harm
Woodstreet Cottage	II	1069271	Lowest level of less than substantial harm
Dully House	NDHA		Moderate harm
The Old Vicarage	II	1480835	Low to medium less than substantial harm
Haywood	NDHA		High harm to significance
Tunstall Conservation Area			Low level of less than substantial 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, 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.

4. Ecology

The proposal fails to demonstrate that it would adequately avoid, minimise, restore or offset biodiversity loss, particularly the reduction in ancient woodland and Local Wildlife Site. Additionally, the application fails to demonstrate that it would not result in harm to the integrity of protected habitat sites (The Medway Estuary and Swale SPAs, SSSI and Ramsar sites) as a result of impacts to functionally linked land and 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).

5. Archaeology

In the absence of adequate testing (such as trial trenching) for archaeological remains, the application has failed to demonstrate a proper understanding of the significance of buried heritage or that the proposed development will not result in harm to the significance of buried archaeological remains. Also, the application has not provided measures to minimise or avoid such harm or demonstrate satisfactory justification for the proposed development (including its layout) relative to archaeological remains. This is contrary to policies CP8 and DM34 of the Bearing Fruits 2031: The Swale Borough Council Local Plan 2017, and paragraph 200 of the National Planning Policy Framework (2023).

6. Development outside of the settlement boundary 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. These harms taken together would outweigh the benefits of the development contrary to policies ST1, ST3, ST5, DM3, DM14, 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.

7. 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, or valued landscapes.

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. Moreover, it would harm the character and nature of Rural Lanes. As such the proposed development would be contrary to policies ST1, ST3, ST5, CP4, DM14, DM24, DM25 and DM26 of the Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 and paragraph 180 of the National Planning Policy Framework (2023).

8. Transport 1

There is insufficient information to assess whether a strategic case exists for the proposed new Strategic Road Network (SRN) infrastructure (including the proposed M2 Junction 5a) and the application fails to justify new direct access onto the strategic and primary distributor route networks. The application fails to provide appropriate traffic modelling and information to demonstrate that the development would not result in unacceptable transport and highway impacts. Insufficient information has been provided to determine whether the operational, safety and environmental impacts of the proposed developments can be mitigated sufficiently including to highway networks and pedestrian and cyclist routes. The application is contrary to the Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 Policy CP2, CP4, DM6, DM14 the NPPF and DFT Circular 01/2022.

9. Transport 2

In the absence of the Sittingbourne Northern Relief Road (proposed in application ref: 21/503906/EIOUT) traffic generated by this development would result in severe highway related impacts to the A2 London Road, and as such the application is contrary to the Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 Policy CP2, CP4, DM6, DM14 the NPPF.

10. Air quality and noise

The submitted noise and air quality modelling and assessments fail to demonstrate that the development would not result in unacceptable noise impacts to residents of Highsted Road and air quality impacts arising from emissions from construction vehicles, contrary to Local Plan at Policy DM6 and DM14.

11. 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, community learning, youth service, social infrastructure, waste, health care, energy, sport and open space, highways and transportation, affordable housing, infrastructure delivery, stewardship, management maintenance, Kent Downs National Landscape mitigation and 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, DM24, 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 and relevant guidance. The topics which are not considered adequate relate to the following chapters of the ES: Air Quality, Noise, Ecology, Water Quality, Hydrology and Flood Risk, Ground Conditions, Built Heritage 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 Air Quality impacts from vehicle emissions.

