

Swale Borough Council

Local Plan Review (Regulation 18)



January 2026

Swale Borough Council, Local Plan Review (Regulation 18) January 2026

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1 Introduction

1.1 What is a Local Plan?

1.1.1 The Local Plan is a document that addresses the needs and opportunities of an area and guides decisions of future developments. The Local Plan includes policies on housing, employment, the natural and historic environment and infrastructure. It also identifies areas where development should take place and areas where development should be restricted. The Local Plan must be in accordance with the [National Planning Policy Framework](#)¹ (NPPF). The NPPF is a land-use planning policy set by central government and are the overarching guidelines a Local Plan must adhere to.

1.1.2 Once a Local Plan is adopted, it will form part of the 'development plan' for the borough which means it will legally be the main consideration in deciding planning applications. The emerging Local Plan will replace the existing Local Plan, Bearing Fruits 2017. However, unimplemented development land allocations from Bearing Fruits will roll forward to meet the development needs of the borough for the plan period.

1.1.3 [Kent County Council's Minerals and Waste Local Plan](#)² will continue to provide the policy framework for waste and minerals and all Supplementary Planning Documents (SPD) will roll forward as they will relate to the parent policy in this plan once approved. The made [Faversham Neighbourhood Plan](#)³ and [Boughton and Dunkirk Neighbourhood Plan](#)⁴ and any further Neighbourhood Plans prepared by town and parish councils will also make up the 'statutory development plan' and will have an important status in determining future planning applications in the area.

How is a Local Plan prepared?

1.1.4 Local Plan preparation follows a process set out by central government. Local Plans must be informed by evidence and engagement with communities and stakeholders to identify issues and potential options for addressing them. The process on how to prepare a Local Plan can be found [here](#)⁵. The Council has undertaken previous stages of Local Plan consultation and the issues raised have informed this document and helped shape the priorities and vision.

1.2 What has happened so far?

Previous Local Plan Stages/Consultations

1.2.1 There have been several stages of consultation on the emerging Local Plan since Bearing Fruits was adopted.

1 The Swale New Garden Communities Prospectus April 2018

1.2.2 Similar to now, the Council understood that Swale was facing considerable challenges as to how it could plan for the significant levels of new homes that it was expected to provide and asked landowners and developers to submit proposals for new communities to see if this option showed potential for the next Local Plan. The Prospectus explained:

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- 1 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf
 - 2 <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy/kent-minerals-and-waste-local-plan-kmwlp>
 - 3 <https://swale.gov.uk/planning-and-regeneration/local-plans/neighbourhood-planning/faversham#h2>
 - 4 <https://swale.gov.uk/planning-and-regeneration/local-plans/neighbourhood-planning/boughton-under-blean-and-dunkirk#h2>
 - 5 <https://www.townplanning.info/town-planning-in-england/development-plans/local-plan-preparation-and-process-guide/>

- what a 'garden' community is; and
- what we expected to see included within any submission.

1.2.3 The Prospectus invited landowners to submit sites for consideration. Four submissions were received and assessed.

1.2.4 The technical assessments that were undertaken showed no absolute barriers to progression for three of the submissions (Land at Bobbing, SE Faversham and SE Sittingbourne) but identified issues of varying complexity and severity which required further work and consideration of potential mitigations which could be explored through the Issues and Options consultation and through further work with the potential developers. At that stage it was agreed to keep all of the growth options open.

1.2.5 The findings of these assessments were fed into the Issues and Options document 'Looking Ahead' and stakeholders views were asked on the concept of new settlements and if Swale should consider the opportunities offered by them.

1.2.6 For further information on the schemes submitted and the assessments of them please see the [Strategic Development Options](#) webpage ⁶.

2 Looking Ahead April 2018

1.2.7 The Council published a consultation and engagement document called 'Looking Ahead' to give stakeholders an early opportunity to shape the scope and content of the next Local Plan. Looking Ahead gave the Council a chance to gather opinions and gauge the wider appetite for certain approaches that could be further considered to provide for new development needs.

1.2.8 Respondents were asked for their views on a wide variety of topics including:

- the analysis of Swale's strengths, weaknesses, opportunities and threats;
- where should Swale be locating the next generation of employment sites;
- the future of Swale's town centres;
- the approach to housing numbers;
- the required mix of new dwellings;
- what approach should Swale be considering to make further site provision for Gypsies and Travellers?
- what did stakeholders consider the broad social and physical infrastructure priorities should be for Swale in the coming years?
- mitigating impacts of climate change.

1.2.9 The responses were analysed and reported and helped to focus the Council on the community and stakeholder priorities with recommendations on how said issues could be addressed in the draft submission plan (Regulation 19) which would seek to include a longer term vision for any strategic sites (as required by the July 2021 version of the NPPF.) It also included a suite of policies and proposals that sought to address the impacts of Covid-19 and Brexit on the economy and our town centres.

1.2.10 Consultation on a draft Sustainability Appraisal Scoping Report was also carried out in 2018, to determine how the environmental, social and economic impacts of a future Local Plan would be assessed.

3 Swale Borough Local Plan Review (Regulation 19) Pre-submission Consultation February to April 2021

1.2.11 This was a [statutory consultation](#) ⁷ during which the Council specifically sought comments on the Plan's soundness and whether we had complied with legal requirements.

1.2.12 The Local Plan Review contained policies to support other key Council objectives and previous consultation responses, including:

⁶ <https://swale.gov.uk/planning-and-regeneration/local-plans/sd-options>

⁷ <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review/public-consultation>

- addressing climate change;
- improving health and wellbeing;
- the provision of affordable housing in all parts of the borough;
- supporting the provision of homes for older people and those with mobility issues; and
- development on small and medium sites in recognition of the important role SME builders make to housing delivery in the borough.

1.2.13 The pre-ambles to the Development Management policies from this document have been refreshed and updated for this Regulation 18 document using new national guidance and comments received to the consultation from stakeholders and the public.

4 Issues and Preferred Options consultation (Regulation 18) Oct/Nov 2021

1.2.14 The reasons for carrying out this further consultation⁷ were to seek additional views on the options for a development strategy in light of the recently revised NPPF, and to set out potential approaches to address the challenges that faced the borough following the covid pandemic and Brexit.

1.2.15 Through the Issues and Preferred Options consultation, Swale sought views on different options for distributing future development across the borough and on possible alternative or additional approaches in certain policy areas, such as town centres and economic development, climate change and providing new homes.

1.2.16 It was accompanied by an Interim Sustainability Appraisal (October 2021) which provided the evidence to inform, and the framework to test and develop, options ultimately helping to deliver a more sustainable strategy. The aim was to ensure that the Local Plan contributes to the achievement of sustainable development.

1.2.17 This document, and the consultation responses received at that stage, have fed into this Regulation 18 document. Responses to the key issues and challenges and the responses received to the questions asked about policy issues (Climate change, Place shaping/design, protecting and enhancing environment and heritage, New Homes, Economy and town centres) have helped to shape the DM policies.

1.2.18 The comments made on development options in the Issues and Preferred Options will be fed into the next stage of plan making (Regulation 19.)

1.2.19 It may appear unusual that the Council are repeating certain stages of plan making, however this is not uncommon. As circumstances and legislation changes, legally the Council need to allow stakeholders a renewed chance to comment on updated text and policies.

1.2.20 For why we are doing a new Regulation 18 now, please go to the section 1.4 below.

1.2.21 During this period the [Boughton and Dunkirk Neighbourhood Plan](https://swale.gov.uk/planning-and-regeneration/local-plans/neighbourhood-planning/boughton-under-blean-and-dunkirk#h2)⁸ was 'made' in February 2023 and the [Faversham Neighbourhood Plan](https://swale.gov.uk/planning-and-regeneration/local-plans/neighbourhood-planning/faversham#h2)⁹ in December 2024. A large suite of evidence base documents have been undertaken, and some are still ongoing, and can be viewed at: [Local Plan Review - Evidence](https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence#h2)¹⁰.

1.2.22 Since the last stage of consultation, work has been undertaken on a wide range of evidence base documents which will be used to inform the Local Plan. They can be seen at [Local Plan Evidence Base](https://www.legislation.gov.uk/ukpga/2011/20)

1.3 Neighbourhood Plans

1.3.1 [The Localism Act 2011](https://www.legislation.gov.uk/ukpga/2011/20)¹¹ introduced rights and powers that allow local communities to shape new developments within their area by coming together to prepare a neighbourhood plan. These Plans can be

8 <https://swale.gov.uk/planning-and-regeneration/local-plans/neighbourhood-planning/boughton-under-blean-and-dunkirk#h2>

9 <https://swale.gov.uk/planning-and-regeneration/local-plans/neighbourhood-planning/faversham#h2>

10 <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence#h2>

11 <https://www.legislation.gov.uk/ukpga/2011/20>

prepared by Town and Parish Councils or 'neighbourhood forums', which are community groups intended to undertake neighbourhood planning in areas without parishes. Such forums apply to the local planning authority for appropriate recognition to take the lead of a Neighbourhood Plan.

1.3.2 The criteria for establishing neighbourhood forums are intended to encourage new and existing residents' organisations, voluntary and community groups to put themselves forward. These groups can use neighbourhood planning powers to establish general planning policies for the development and use of land in a neighbourhood. These are described legally as 'neighbourhood development plans.'

1.3.3 Communities can also use neighbourhood planning to permit the development they want to see - in full or in outline – without the need for planning applications. These are called 'neighbourhood development orders.'

1.3.4 The Local Plan will continue to set the strategic context within which neighbourhood development plans sit.

1.3.5 A neighbourhood plan puts in place planning policy for a neighbourhood area to guide future development. A neighbourhood plan is about the use and development of land and may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development.

1.3.6 It can deal with a wide range of social, economic and environmental issues (such as housing, employment, design, heritage and transport) or it may focus on one or two issues only. It can specify policies and guidance on how new development should be designed, orientated and located. Neighbourhood plans can be a powerful tool in shaping the development of a neighbourhood.

1.3.7 Neighbourhood Plans also have to meet a number of 'basic conditions' before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy). The conditions are that:

1. they must be in general conformity with local (Swale Local Plan and associated guidance) and national planning policies (NPPF);
2. they must be compatible with European obligations and human rights requirements; and
3. they must contribute to the achievement of sustainable development.

1.3.8 If the local planning authority says that an area needs to grow, then communities cannot use neighbourhood planning to block the building of new homes and businesses.

1.3.9 An independent qualified person will check that a neighbourhood development plan or order appropriately meets the conditions before it can be voted on in a local referendum. This is to make sure that referendums only take place when proposals are workable and of a decent quality. Neighbourhood development plans or orders do not take effect unless there is a majority of support - more than 50% - in a referendum of the neighbourhood. If proposals pass the referendum, the local planning authority is under a legal duty to bring them into force.

1.3.10 Currently, Swale has five designated neighbourhood plan areas, these are:

- Faversham;
- Boughton-Under-Blean and Dunkirk;
- Minster;
- Hernhill; and
- Borden.

1.3.11 Two Neighbourhood Plans are 'Made' (Adopted). The [Localism Act 2011 considers Neighbourhood Development Plans as 'made'](#) ¹² when completed. Boughton and Dunkirk Neighbourhood Plan made in February 2023 and Faversham Neighbourhood Plan made in December 2024.

12 <https://www.legislation.gov.uk/ukpga/2011/20>

1.3.12 For further guidance on how to undertake a Neighbourhood Plan please visit [Neighbourhood Planning Guide](#).¹³

1.4 Why we are consulting on a Regulation 18

Why the Local Plan is being reviewed

1.4.1 Swale's current Local Plan, Bearing Fruits was adopted in July 2017, [adopted Local Plan, Bearing Fruits](#)¹⁴ and has a plan period of 2014 to 2031. It is a requirement for Local Plans to be reviewed every five years and for Local Plans to have a lifespan of 15 years from adoption. This review covers the period 2022 to 2042. This is because the Local Plan must cover 15 years post adoption, which will be in 2027.

1.4.2 Swale Borough Council began reviewing its adopted Local Plan soon after adoption in 2017 to:

- deliver the spatial priorities and objectives of the Swale Borough Corporate Plan, the current version (2023- 2027) of which reflects the council's declaration of a climate and ecological emergency in June 2019;
- address changes to national planning policy and guidance since the adoption of Bearing Fruits, including the requirement to review Local Plans at least once every 5 years (introduced in April 2018);
- extend the plan period to ensure that there will be an appropriate time horizon for strategic policies as recommended in the NPPF in order to anticipate and respond to long term requirements and opportunities;
- fulfil the council's commitment in Bearing Fruits to undertaking an early review of its Local Plan to address local transport issues; and
- provide for additional new housing, employment and other development that is required to meet future needs.
- Since the last Reg 19 consultation in Spring 2021 and the Reg 18 consultation in Autumn 2021, a number of pieces of relevant legislation and documents have been updated and this has led the Council to decide to undertake a new Reg 18 consultation:
 - The NPPF was updated in 2024 so a new Reg 18 allows Swale to reflect this, and any updates to the PPGs, within the Local Plan;
 - A number of new evidence base documents have been undertaken so their findings can be reflected within the Local Plan; and
 - The Swale Climate and Ecological Emergency action plans have been updated, a new Swale Affordable Housing Emergency was declared in April 2024 and the Council signed the Town and Country Planning Association's 'Healthy Homes' pledge in May 2024.

1.4.3 As part of that process four stages of consultation have been undertaken. They are set out in section 1.2 'What has happened so far?' above.

1.4.4 The Council has decided to undertake a Reg 18 consultation now for several reasons, in addition to those outlined above. To:

- Allow Swale to set out a vision (excluding strategic policies or allocations) for housing, the economy, the environment, infrastructure, at the earliest stage of plan making;
- Enable Swale to reflect local issues and priorities within the Development Management Policies;

¹³ <https://neighbourhoodplanning.org/>

¹⁴ services.swale.gov.uk/media/files/localplan/adoptedlocalplanfinalwebversion.pdf

1 Introduction

- Provide an early opportunity for the public and stakeholders to engage with elements of the Local Plan; and
- Allow the Local Plan to be submitted under the transition window and under the current planning system.
¹⁵This will allow the current evidence base to be used and will deliver a Local Plan as early as possible. This is important because there are risks in not having an up to date Local Plan.

1.4.5 As part of this process, Swale agreed a new Local Development Scheme (LDS) on 30th July 2025. This is the timetable of what documents the Council will produce and when.

Local Plan Stage	Date
Publication of Regulation 18	January to February 2026
Publication of submission draft (Reg 19)	July to September 2026
Submission of Plan for Examination (with results of the public consultation) Reg 22	October to December 2026
Examination hearing sessions (Reg 24) *	April to June 2027
Main modifications consultation *	July to September 2027
Adoption, Full Council (Regulation 26) *	October to December 2027

Table 1.4.1 Local Development Scheme

*Dates reliant on availability of the Planning Inspectorate

1.4.6 A key factor in amending the LDS was that at the Highsted Planning Inquiry [Highsted Park Planning Inquiry](#) ¹⁶ on 12th June 2025 the Inspector advised that the Inquiry would need to sit for a further 2 weeks. These weeks could not be accommodated before the very end of October 2025. This was a significant delay compared with the previous end date of 29th July and meant that previous member decisions related to the nature and timing of the Local Plan consultation were no longer all workable.

1.4.7 Waiting for the Highsted decision before any further public engagement on the Local Plan was not an option the Council wished to take.

1.4.8 Important Caveat - the Highsted Inquiry decision date is speculative and outside of Swale's control. The Inspector will prepare a report with findings and recommendations and then the Secretary of State for Housing, Communities and Local Government will make the final decision based on the Inspector's report.

1.5 How to comment

1.5.1 This consultation document and its supporting documents can be found on the council's [website](#) ¹⁷. Copies of the Regulation 18 document only are also available to view in local libraries across Swale.

1.5.2 There are questions throughout the document for you to answer and we would like to hear your views. You are not required to comment on all the questions in the document and you can complete as many questions as you would like to.

1.5.3 You can respond to this consultation in the following ways:

¹⁵ The 2024 National Planning Policy Framework (NPPF) put in place transitional arrangements to support progress of advanced plans in line with the Government's objective of achieving ambitious Local Plans as quickly as possible. Plans that are submitted by December 2026 can be prepared against the current plan making legislation/guidance (the 'transition window'). This new approach allows Swale to ensure the next Local Plan is adopted within the transition window.

¹⁶ <https://news.swale.gov.uk/campaigns/highsted-park-planning-inquiry>

¹⁷ <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review/local-plan-review#h2>

- by submitting your comments online using the Planning Policy consultation portal: <https://swale-consult.objective.co.uk/kse/>
- by email to Lpcomments@swale.gov.uk or in writing to Planning Policy, Swale Borough Council, Swale House, East Street, Sittingbourne, Kent, ME10 3HT. If you prefer to make comments by email or letter, please reference specific questions in your response. Please submit your comments in advance of the closing date.

1.5.4 To submit your comments via the Planning Policy consultation portal you must first log into the system. If you have not used the consultation portal before you will need to register first. If you have made comments to any of our previous consultations via the consultation portal you do not need to register again, you can submit comments via the consultation portal using your username and password.

1.5.5 You only need to register as an 'Agent' if you are a planning agent i.e. a planning professional submitting comments on behalf of a landowner or stakeholder. Agents need to register for each client, adding the client details alongside your account details where prompted.

1.5.6 If you have any questions about using the consultation portal, please refer to our Frequently Asked Questions [\[INSERT LINK BEFORE PUBLICATION\]](#), where you will find answers to some of the most commonly asked questions.

1.5.7 If you need any assistance with the Regulation 18 consultation document or the Local Plan in general, you can:

- Call: 01795 417850
- Email: Lpcomments@swale.gov.uk

Consultation period

This consultation is open for six weeks from 12th January 2026 until Monday 23rd February at 5pm. Please submit your comments in advance of the closing date to enable time for them to be carefully considered.

1.6 What happens next

1.6.1 All comments received to this consultation will be carefully considered and will inform the preparation of the next stage of the Local Plan: Pre-Submission Draft Local Plan (Reg 19.) It is anticipated that the Council will consult on this stage of the Local Plan in Summer 2026.

1.6.2 The Council has published an updated timetable, known as the Local Development Scheme (LDS), for reviewing the Local Plan which is outlined below:

Local Plan Timetable	
Vision, objectives and development management policies (Regulation 18 consultation)	January to February 2026
Pre-Submission Draft Local Plan (Regulation 19 consultation)	July to September 2026
Submission of Local Plan to Secretary of State (Regulation 22)	October to December 2026
Examination hearing sessions (Regulation 24) *	April to June 2027
Main modifications to the Local Plan consultation *	July to September 2027
Adoption of the Local Plan (Regulation 26) *	October to December 2027
* Indicative time frames as final dates will be dependent on the availability of the Planning Inspectorate.	

Table 1.6.1 Local Plan Timetable

1.6.3 Further details of the Local Plan timetable are set out in the Councils Local Development Scheme which can be viewed at: [Local Development Scheme](#)¹⁸

Question 1

Do you have any comments on section 1 of the draft Local Plan which will inform the Plan's progression?

18 <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/local-development-scheme>

2 What has influenced the development of the Local Plan

2.1 National Planning Policy and Guidance

2.1.1 [The National Planning Policy Framework](#) (NPPF) ¹⁹ provides the Government's policies on planning and a framework for preparing Local Plans. The planning system is plan-led and there is a requirement for Planning Authorities to prepare Local Plans to address development priorities and use of land in their area.

2.1.2 Local Plans should make provision for housing and other development in a sustainable manner. One of the soundness tests of a plan is consistency with National Planning Policies in the delivery of sustainable development. Plans should be positively prepared, realistic but aspirational, with the impact on social, economic and environmental change duly considered. Local Plan policies should also be clear on what will or will not be permitted and where.

2.1.3 National Planning Policies provides guidance on key planning issues such as sustainable transport, competitive economy, vitality of town centre, healthy community as well as sufficient supply of homes, well designed places, climate change and conservation and enhancement of the natural, built and historic environment.

2.1.4 The Planning Practice Guidance (PPG) is published online and updated regularly to support the NPPF, expanding on it and providing further guidance on its application. It contains a dedicated section on [Local Plans](#) ²⁰ including plan making and the role of plans.

2.1.5 There is a legal obligation for Local Planning Authorities to undertake a Local Plan Review and the NPPF provides guidelines for reviewing adopted plans with an expectation for the revised policies to be underpinned by proportional and relevant up-to-date evidence and the review carried out every five years.

2.1.6 Local Plan Review and Plan Period

2.1.7 Swale's existing Local Plan, Bearing Fruits was adopted in 2017. While it has been over five years since adoption, the NPPF is clear that policies should be prepared over a 15 year period and applications for planning permission should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The review of the Local Plan has been undertaken in line with National Planning Policy and Guidance and in adherence to existing relevant legislation. The new Local Plan will supersede the current adopted Plan - Bearing Fruits 2031: The Swale Borough Local Plan 2017 and will cover a Plan Period extending from 2027 - 2042.

2.2 Engagement

2.2.1 Paragraph 16(c) of the [National Planning Policy Framework](#) (NPPF) ²¹ states that plans should be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees. There is also a 'duty to cooperate' legislative requirement built into the plan making process in line with the Localism Act 2011. This requires the Council to engage with neighbouring authorities, strategic partners and other prescribed bodies.

2.2.2 Since the commencement of the preparation of the Swale Local Plan Review, the Council has undertaken a series of consultation and engagement opportunities across all aspects of planning policy with a wide range of stakeholders. This is part of the Council's commitment to cooperating with neighbouring authorities, key organisations and infrastructure providers on cross boundary issues and with the wider public.

19 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

20 <https://www.gov.uk/government/collections/create-or-update-a-local-plan>

21 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

2 What has influenced the development of the Local Plan

2.2.3 The Council's [statement of community involvement](#)²² sets out the requirements and approach towards consultation on the Local Plan. It also contains a list of specific and general consultees to be consulted. This has been duly considered and adhered to by the Council throughout the process of engaging on the plan.

2.2.4 The Council has used different engagement methods including meetings (formal, informal, virtual, 1 to 1 and in-person), consultation, workshops and information sharing. The platforms used for engagement include the Council website, press releases, social media, newsletters and direct contacts with consultees. Necessary documents were also made available for inspection in the council offices and libraries.

2.2.5 The NPPF in Paragraph 36(c) requires authorities to produce and publish Statements of Common Ground which set out the cross-boundary issues that need to be addressed and detail the progress which has been made in dealing with them. This helps demonstrate that the plan is effective and sound. The council will continue to engage with neighbouring authorities as the plan making process progresses, statements of common ground will be prepared to document matters on which the council have engaged and this will be made available on the council's website.

2.2.6 [The Swale Local Plan Review Statement of Consultation](#)²³ reports on engagement since the commencement of the Local Plan Review, as this is an ongoing process, the document will continuously be updated as the review progresses.

2.2.7 So far, the outcome of engagement on the Local Plan Review has contributed to highlighting and addressing key issues with stakeholders, developing the evidence base documents supporting the plan and ultimately shaping the drafting of policies contained in the plan.

2.3 Other plans and strategies

2.3.1 The Local Plan sets out the vision of the borough over a plan period that extends from 2027 to 2042. It does not sit in isolation and there are a number of other plans and strategies that influence and inform the Local Plan, as well as contribute to shaping development in the borough.

2.3.2 Corporate Plan 2023 - 2027

The [Corporate Plan 2023 - 2027](#)²⁴ The council's Corporate Plan sets out the high level objectives and priorities for the Council and It acknowledges the Local Plan as a key tool in delivering those corporate priorities.

Kent Minerals and Waste Plan

The [Kent Minerals and Waste Local Plan 2024-39](#)²⁵ was adopted in March 2025 and is a statutory development plan setting out the vision and strategy for waste management and mineral provision across Kent including Swale. The Plan presents:

1. the overarching strategy and planning policies for mineral extraction, importation and recycling, and the waste management of all waste streams that are generated or managed in Kent; and
2. the spatial implications of economic, social and environmental change in relation to strategic minerals and waste planning.

2.3.3 The plan is accompanied by safeguarding maps identifying safeguarded wharves and rail transportation depots, as well as maps showing safeguarded economic mineral deposits within Kent. There

22 <https://swale.gov.uk/planning-and-regeneration/local-plans/sci>

23 <https://services.swale.gov.uk/assets/Planning%20Policy%202019/Statement%20of%20Consultation.pdf>

24 https://swale.gov.uk/_data/assets/pdf_file/0005/465341/Corporate-Plan-2023-2027-final-adopted-version.pdf

25 <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/planning-policies/minerals-and-waste-planning-policy/kent-minerals-and-waste-local-plan-kmwlp>

is also a Safeguarding Supplementary Planning Document (SPD) accompanying the plan to aid in understanding how the implementation of planning policies in relation to safeguarded land-won minerals as well as safeguarded mineral and waste management infrastructure.

2.3.4 The Kent Biodiversity Strategy 2020 to 2045

The [Kent Nature Partnership Biodiversity Strategy 2020 to 2045](#) ²⁶ is led by Kent Nature Partnership and is a 25 year plan to protect and recover threatened species and enhance the wildlife habitat in Kent setting an environmental net gain ambition in alignment with national planning policy. The strategy sets goals for ecosystems and species in terrestrial habitats, freshwater and intertidal marine habitats, as well as goals to connect people with the natural environment. The Nature Partnership includes the council, and the ambitions of the strategy are embedded and will be delivered by the Local Plan, as encouraged by [National Planning Policy Framework](#) ²⁷

Swale Borough Council Air Quality Action Plan (2023 - 2028)

2.3.5 The [Air Quality Action Plan](#) ²⁸ sets out the Council's intention to improve Air Quality in the borough. It has been produced as part of the council's Statutory Duties required by the Local Air Quality Management Framework. It includes key priority themes with actionable measures leading to compliance with the Air Quality Objectives for the AQMA.

2.3.6 Other relevant Plans and Strategies that will help shape development in the borough are shown in Figure 2.3.1 Other Plans and Strategy below:

26 <https://democracy.kent.gov.uk/documents/s96710/20-00025%20-%20Kent%20Biodiversity%20Strategy%20March%202020.pdf>

27 (NPPF Par 25) https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

28 <https://swale.gov.uk/bins-littering-and-the-environment/air-quality/monitoring>



Figure 2.3.1 Other Plans and Strategy

2.4 Evidence base

2.4.1 An assessment for "soundness" of Local Plans as contained in Paragraph 36(b) of the [National Planning Policy Framework](#)²⁹ (NPPF) is whether the plan is based on proportionate evidence. This is a key test considered by Planning Inspectors to determine if a plan is justified.

2.4.2 Paragraph 32 of the NPPF elaborates on the need for evidence, stating that policies being prepared or reviewed should not only be underpinned by proportionate up-to-date evidence but the evidence should also be focused tightly on supporting policies taking into account relevant market signals.

2.4.3 The Local Plan Review has been informed and supported through the different stages of the plan making process by a number of evidence base documents which are constantly being reviewed as necessary based on changing circumstance and as the emerging plan evolves. An extensive range of information has been gathered and technical studies commissioned covering topics such as Housing, Climate Change,

29 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

Infrastructure, environment, employment and others. These can be found on the [Council's website](#)³⁰. The work undertaken with regards to gathering and preparing evidence to support the plan are interlinked and it can be beneficial to consider it as a whole.

2.5 Environmental impacts

2.5.1 The importance of the environment and its integral role in achieving sustainable development is established and emphasised by National Planning Policy and enshrined in legislation.

2.5.2 Section 39 of the [Planning and Compulsory Purchase Act 2004](#)³¹ requires authorities preparing a plan to do so with the objective of contributing to achieving sustainable development. The [National Planning Policy Framework](#) (Para 8c)³² lists an environmental objective as one of the three overarching objectives of the planning system important in achieving sustainable development.

2.5.3 The environmental objectives (alongside the other objectives) are expected to be delivered through the preparation and implementation of plans. It is expected that significant adverse impact is avoided, and where possible alternative options eliminating the impact are pursued. Where impact is unavoidable, mitigation measures should be proposed (Para 33 of the NPPF).

2.5.4 The [Environmental Assessment of Plans and Programmes Regulations 2004](#) (SEA Regulations)³³ requires a comprehensive assessment of Environmental Impact to determine likely significant effect in the process of plan making. Section 19 of the [Planning and Compulsory Purchase Act 2004](#)³⁴ also legally requires that a full sustainability appraisal is carried out on the proposed plan.

2.5.5 The Local Plan seeks to ensure that growth in the borough will be delivered while safeguarding and improving the environment. Since the commencement of the Local Plan review, the sustainability appraisal (SA) has been developing along with it, and evolving with the development of the plan. This is to ensure that environmental impact and the wider sustainability considerations of likely significant effect are integrated in the plan and by extension decision making.

2.5.6 An SA [scoping report](#)³⁵ was produced in Dec 2018 in line with the SEA regulations to take comments from statutory consultees. The outcome of this fed into the [Sustainability Appraisal \(SA\) of the Swale Local Plan](#)³⁶ report published in February 2021 to accompany the then Regulation 19 version of the emerging Local Plan. Born out of a desire to 'take a step back' and reconsider issues, opportunities and options for the Local Plan Review, the [Swale Local Plan Interim SA Report](#)³⁷ was published in October 2021.

2.5.7 Given that time has passed since the publication of the initial SA Scoping Report, a refresh of the [document \(link to be inserted prior to public consultation\)](#) has been prepared in approach to the Reg 18 Stage of Plan Making.

2.5.8 As well as the Sustainability Appraisal, there is also a requirement for the preparation of a Habitat Regulation Assessment (HRA) to assess the impacts of the Local Plan on European designated sites.

30 <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence>

31 <https://www.legislation.gov.uk/ukpga/2004/5/contents>

32 https://assets.publishing.service.gov.uk/media/67aaf8f3b41f783cca46251/NPPF_December_2024.pdf

33 <https://www.legislation.gov.uk/uksi/2004/1633/contents/made>

34 <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

35 <https://services.swale.gov.uk/assets/Planning%20Policy%202019/FINAL%20Swale%20SA%20Scoping%20Report%20DECEMBER%202018.pdf>

36 <https://services.swale.gov.uk/assets/Planning%20Policy%202019/Swale%20Local%20Plan%20Review%20SA%20-%20SA%20Report%20210209.pdf>

37 <https://services.swale.gov.uk/assets/Planning%20Policy%202019/Reg%2018%20October%202021/Swale%20Local%20Plan%20SA%20-%20Interim%20SA%20Report%20211015.pdf>

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These sites include Special Areas of Conservation, Special Protection Areas and Ramsar sites and there are a number of such sites within or close to the borough. The requirement is set out in is set out in the [Conservation of Habitats and Species Regulations 2017 \(as amended\)](#)³⁸

2.5.9 An [HRA](#)³⁹ was prepared at the previous stage of the Local Plan and will be undertaken again as the preparation of the plan progresses to Reg 19.

Question 2

Do you have any comments on section 2 of the draft Local Plan which will inform the Plan's progression?

38 <https://www.legislation.gov.uk/ukxi/2017/1012/contents>

39 [https://services.swale.gov.uk/assets/Planning%20Policy%202019/Swale%20LPR%20HRA%202021%20FINAL%20\(V2\)%20issue.pdf](https://services.swale.gov.uk/assets/Planning%20Policy%202019/Swale%20LPR%20HRA%202021%20FINAL%20(V2)%20issue.pdf)

3 Characteristics of the borough and the key challenges to be addressed

3.1 Key characteristics

Geography and Demographics

3.1.1 Swale lies on the North Kent coast, bordered by the authorities of Medway (to the west), Maidstone (to the south), Ashford (to the southeast) and Canterbury (to the east).

3.1.2 It has good road, rail and water transportation links, with the M2 / A2 traversing the borough east / west and with regular High Speed rail services between London and the coast. Sittingbourne is just under an hour from London, whilst journeys from Faversham to London St Pancras can be achieved in one hour and six minutes. There are also train stations at Newington, Kemsley, Teynham, Swale, Queenborough and Sheerness-on-Sea.

3.1.3 The Port of Sheerness is a major UK port, providing direct deep-water access to the Thames Estuary. It is strategically positioned for shipping to Northern Europe, making it a key logistics hub.

3.1.4 There are north / south links via the A249 and A251. Recent and ongoing highway upgrades have supported in particular junction 5 of the M2, and the A2 and A249.

3.1.5 The borough covers an area of 144.2 square miles. Much of the borough outside of the highest tier centre of Sittingbourne and the second-tier centres of Faversham and Sheerness is rural in character. The largest rural settlements are Boughton, Teynham, Newington, Iwade, Eastchurch and Leysdown.

3.1.6 At the time of the 2021 census, the population was 151,700. This is an increase of 11.7% since 2011 which made Swale the 138th most populous of 309 local authority areas. This increase was higher than the southeast (7.5%) and England (6.6%) averages. Swale remains within the lowest 40% for population density across English authorities.



Picture Adj. Stone Chapel/A2

3.1.7 The average age of a Swale resident, as recorded at the census, was 41. The age profile is as follows:

Age Bracket	Percentage	Change from 2021
0-15	19.6	-0.5%
16-64	61.3	-0.9%
65+	19.0	+2.3%

Table 3.1.1

Employment and Skills

3.1.8 There were 79,700 economically active residents in Swale in 2022, which is 84% of those aged 16-64. Job density is comparatively low at 0.65, with a Kent average of 0.81 and a national average of 0.86. Approximately 10,000 Swale residents commute out of the borough for work ([Employment Land Review Update, 2024⁴⁰](https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence/economy-and-employment#h2)).

40 <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence/economy-and-employment#h2>

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3.1.9 There is a discrepancy between average resident wages and average workplace wages, with the average resident wage matching the county average, but the average workplace wage being 12% below this (and 20% below the England Average ⁴⁰).

3.1.10 The latest qualifications data (2021) ⁴⁰ suggests that the skills gap which has been a typical feature of the Swale economy is reducing. 31.2% of Swale's population have qualifications at or above NVQ Level 4. Whilst this is a gap of 7.3% when compared with the County average, this has reduced from 10% in 2018. 9% of Swale residents have no qualifications, and this is higher than both Kent and England.

3.1.11 Swale's main town centres have fewer commercial unit vacancies on average than the national picture. Faversham has the lowest vacancy rate of 5.09% . The figure for Sheerness is 8.28%, whilst Sittingbourne has a vacancy rate of 13.25%. These compare with a national average of 13.9%.

Housing Stock

3.1.12 The makeup of the existing housing stock within Swale is as follows:

Total Dwelling Stock	64,250
Owner-Occupied	42,822
Private Rent	12,588
Shared Ownership	666
Social Rent / Affordable Rent	8,174

Table 3.1.2

3.1.13 As of October 2025, there were 2,021 households on the Housing Register.

Heritage and Ecological Assets

3.1.14 Swale is the proud home to a range of heritage and ecological designations, as follows:

Designation	Asset
Ramsar (wetlands)	Medway Estuary; Swale Estuary and Marshes
Site of Special Scientific Interest (SSSI)	The Swale; Medway Estuary and Marshes; Sheppey Cliffs and Foreshore; Church Woods; Ellenden Wood; Queendown Warren; Purple Hill.
Special Area of Conservation	Queendown Warren; The Blean complex
Special Protection Area	Swale SPA; Medway Estuary and Marshes SPA; Outer Thames Estuary SPA
Marine Conservation Zone	Swale Estuary; Medway Estuary
Rivers and waterways	The Medway Estuary; The Swale, Milton Creek, Conyer Creek, Oare Creek, Faversham Creek
Scheduled Monument	23
Listed Buildings	1,440 (37 Grade I; 93 Grade II*)
Conservation Areas	51
Historic Parks and Gardens	4

Table 3.1.3

3.1.15 Swale includes an extensive stretch of the Kent Downs National Landscape (formerly known as the Kent Downs Area of Outstanding Natural Beauty).



Picture Oare Gunpowder Works, Faversham

3.1.16 A Local Heritage List complements these formal national designations, recognising over 150 cherished local assets.

3.2 Key issues and challenges

3.2.1 Reviewing the Local Plan provides an opportunity to celebrate the richness of the borough but also to address key challenges. The challenges below have been identified by the evidence compiled and by consultation responses during previous stages of Local Plan development. They may be the subject of complementary documents, such as Swale Borough Council's Corporate Plan, the Climate and Ecological Emergency Declaration, and the Affordable Housing Emergency Declaration.

3.2.2 The key challenges being addressed by this Local Plan Review are:

- Delivering a net zero carbon borough by 2045;
- Embedding active travel within new and existing developments to improve air quality, reduce road traffic accidents, reduce congestion and improve overall health and wellbeing;
- The significant shortfall in the supply of affordable homes leading to a growing number of families facing homelessness and those reliant on holiday accommodation as their primary residence;
- Delivering the infrastructure required to support growth and the creation of quality places, without negatively impacting existing communities;
- Protecting and enhancing our historic and ecological assets;
- Supporting our town centres to remain vital, competitive and attractive places; and
- Supporting our economy to remain competitive and to sustain and create quality local jobs, accessible to local people.

Net Zero Carbon and Climate Change Emergency

3.2.3 The scale of the challenge that the climate and ecological emergency presents us with is unprecedented. The crisis is not something that any of us are immune from, and we will be seeing the impacts on every aspect of our lives. While of course it needs global entities to do much of the work, we can make a small difference across our borough.

3.2.4 The updated [National Planning Policy Framework](#) ⁴¹ (NPPF) contains significant amendments concerning climate change.

3.2.5 The NPPF (para 161) now explicitly refers to the transition to net zero by 2050. This enshrines in planning policy the net zero obligation that was set out in the [Climate Change Act 2008 \(amended 2019\)](#) ⁴². Local Plans are required to take full account of all climate impacts including:

- overheating;
- water scarcity;
- storm and flood risks; and
- coastal change.

41 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

42 <https://www.legislation.gov.uk/ukpga/2008/27/contents>

3 Characteristics of the borough and the key challenges to be addressed

3.2.6 Local Plans are required to shape places in ways that:

- contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience;
- encourage the reuse of existing resources, including the conversion of existing buildings; and
- support renewable and low carbon energy and associated infrastructure.

3.2.7 The Council declared a Climate and Ecological Emergency in 2019, with a borough-wide net zero target subsequently set for 2045. A related [Action Plan](#)⁴³ remains a live document.

3.2.8 The typology of Swale's economy leads to the borough having higher energy consumption and carbon emissions from the commercial sector than other Kent districts.

3.2.9 The Local Plan Review supports the mitigation of and the adaptation to climate change. A suite of Development Management policies will underpin the Council's role in this. These are supported by five new policies for this Local Plan period which specifically respond to climate change:

- C1: Sustainable design and adaptation principles;
- C2: Net zero operational carbon in new build residential development;
- C3: Net zero operational carbon in new build non-domestic development;
- C4: Embodied carbon and waste; and
- C5: Renewable energy development and infrastructure.

3.2.10 Other policies have been updated for the emerging Local Plan including:

- C6: Coastal change management;
- C7: Implementing the Medway Estuary & Swale Coastal Risk Management Strategy;
- C8: Flood risk;
- C9: Sustainable drainage;
- C10: Water quality and water resources;
- C11: Air quality; and
- C12: Pollution & land instability.

Affordable Housing and Affordable Home Emergency

3.2.11 On 3rd April 2024 Swale's Full Council unanimously declared an Affordable Housing Emergency. This links to the Council's Corporate Plan priority for Swale "to aspire to be a borough where everyone has access to a decent home and improved health and wellbeing".

3.2.12 The driving forces behind this emergency declaration are referred to in the motion as systemic and structural. A significant link between the impact of quality affordable homes and the wider determinants of health is recognised. In turn, health is recognised as a widespread driver of [economic inactivity](#)⁴⁴.

3.2.13 The wording of the motion presented to Full Council explained this as follows:

3.2.14 *Despite the housing growth in the area, the delivery of affordable rented properties falls far short from demand, It has become increasingly challenging to secure Registered Providers (RPs) on schemes with low numbers of s106 affordable homes, however the introduction of First Homes as part of the s106 affordable housing contribution has been catastrophic and severely reduced the number of affordable/social rented and shared ownership homes available to RPs. There is an increasing number of affordable homes being left dormant on approved sites across the borough - currently in Swale there are just under 500 affordable homes secured on s106 sites but with no RP to contract and deliver these much-needed homes.*

43 <https://news.swale.gov.uk/news/action-plan-against-climate-change>

44 <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/get-kent-and-medway-working-plan#:~:text=Our%20plan%20focuses%20on%20health%2C%20work%2C%20and%20skills,Kent%20and%20Medway%20Working%20Plan%20%28PDF%2C%203.6%20MB%29>

Despite working in effective partnership with RPs, including applying strategic partnership funding to provide additional affordable homes on land-led schemes, more innovation is required to enable smaller RPs to utilise available Homes England affordable housing grant to start to deliver homes in areas where viability is 'blocking' delivering but where homelessness and poverty are acute.

3.2.15 An Action Plan was agreed and remains a live document. The Local Plan's contribution is explained across a range of draft Local Plan policies, but most specifically:

- H1: Affordable Housing

Infrastructure Delivery

3.2.16 Infrastructure can be grouped into three main types:

- Physical infrastructure such as: transport infrastructure (roads, public transport, cycling and walking routes); gas and electricity infrastructure, water supply and wastewater treatment;
- Social infrastructure such as: primary and secondary schools, healthcare, emergency services, libraries, sports and recreational facilities, community facilities, cultural services; and
- Green infrastructure such as: open space, allotments, formal and informal green space, green and blue infrastructure corridors.

3.2.17 Different types of infrastructure are required to support different scales of development:

- On site infrastructure is necessary to enable the delivery of a specific development. This includes roads, walk/cycleways, gas pipes, electricity cabling, water supply and wastewater disposal;
- At a neighbourhood level, infrastructure is required to mitigate the impact of the development and support the day-to-day needs of the new population. This can include schools, community facilities and GP surgeries, sports facilities; and
- At a strategic level, larger pieces of infrastructure are required to support development growth across a wider or strategic site. This can include electricity sub-stations, strategic highway network improvements, hospitals, and sewerage treatment works.

3.2.18 Identifying infrastructure over a Local Plan period can be challenging as few infrastructure providers actively plan for that length of timeframe and, therefore, identification of infrastructure needs in the later years of the plan period may be subject to change. In addition, infrastructure needs may be influenced by changes in technology and changes to the arrangements for the planning and delivery of infrastructure.

3.2.19 Where growth is planned for through significant new developments there may not be the certainty and/or funding secured for any necessary strategic infrastructure at the time the Local Plan is produced. The Council will need to be particularly clear on the infrastructure needed to deliver growth in the early stages of the plan period and to be able to demonstrate that this is deliverable in a timely manner. In the later stages there is a degree of flexibility required. As such, planning for infrastructure is a continuous and iterative process.

3.2.20 The main ways in which the planning system has a direct influence on securing infrastructure are:

- Section 106 Agreements - used to secure site specific infrastructure through negotiation with the developer where it is necessary to make the development acceptable in planning terms, directly related to the development, fairly and reasonably related in scale, and kind to the development;
- Section 278 Agreements - completed between the developer and highway authority (Kent County Council) where development requires work to be carried out on the existing adopted highway; and
- Planning conditions.

3.2.21 Swale works continuously with infrastructure and service providers to assess the impact on infrastructure from delivering the homes and employment needed. This work is set out in the Swale Infrastructure Delivery Plan (IDP) which establishes what additional infrastructure and service needs are required to support the level of development proposed. The IDP establishes what additional infrastructure and service needs are required to support the level of development proposed.

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3.2.22 The IDP was last updated in late 2020 and will next be published alongside the Regulation 19 Local Plan.

3.2.23 A bespoke transport model will test the traffic impacts of new and existing developments on transport infrastructure across Swale, and proposed mitigations.

3.2.24 The relevant draft policies are:

- INF1: Managing transport demand & impact;
- INF2: Vehicle parking;
- INF3: Open space, sport and recreation provision; and
- INF4: Local Green Spaces.



Picture Sheppey Bridge

Active Travel

3.2.25 Active travel is becoming increasingly important as challenges around climate change become more pressing and the demand for active travel solutions grows. Investment in cycling and walking can have wider positive impacts on people and places, making roads quieter and safer, improving air quality, improving physical and mental wellbeing and creating attractive places for people to travel within and between.

3.2.26 In 2017, the Department for Transport (DfT) published its first Cycling and Walking Investment Strategy (CWIS). The aim of this was to encourage cycling and walking to become a key mode of travel for shorter journeys or as a stage of a longer journey by delivering better safety, mobility and streets.

3.2.27 Alongside the CWIS, the DfT published guidance on developing Local Cycling and Walking Infrastructure Plans (LCWIPs). LCWIPs outline a “strategic approach to identifying cycling and walking improvements required at a local level”. This is in order to both encourage and facilitate the modal shift away from motorised vehicles to more active modes of travel, transforming areas in ways which support active travel, reduce congestion, support local economies and improve physical and mental health.

3.2.28 A number of active travel schemes have been introduced since Bearing Fruits, such as the Faversham LCWIP (January 2022) and the Kent Cycling and Walking Infrastructure Plan ([KCWIP](https://letstalk.kent.gov.uk/kent-cycling-and-walking-infrastructure-plan), August 2024⁴⁵).

3.2.29 Work on a Sheppey Towns LCWIP was started and has since been merged into a Swale-wide LCWIP to put forward a coherent network of active travel routes across the borough. The Swale LCWIP was launched for public consultation in September 2025. It has been designed to enable a long-term approach to developing local cycling, walking and wheeling networks over a 10-year period. It is envisaged that the LCWIP will be reviewed and updated to reflect progress made towards implementation or to reflect changes in local policies or strategies.

3.2.30 There are three KCWIP cycle routes which begin/ end in Swale and which are proposed for further public engagement and intervention planning:

- Sheerness and Leysdown;
- Sittingbourne and Faversham; and
- Maidstone to Sittingbourne.

3.2.31 The projects and proposals within the LCWIPs will be reflected in the IDP, the Transport Plan, site allocations and the Strategic Transport Policies at the next stage of plan making – the Reg 19. Reference has been made to them in the Development Management transport policies within this plan.

45 <https://letstalk.kent.gov.uk/kent-cycling-and-walking-infrastructure-plan>

Historic and Natural Environment

3.2.32 The borough's outstanding environment has been influenced by its geology, soils, topography, history and biodiversity.

3.2.33 Three broad landscape types dominate the borough:

- The chalk of the Kent Downs;
- The central agricultural plain; and
- The Thames Estuary marshes.

3.2.34 The chalk grasslands, fields, valleys and woodlands of the Kent Downs National Landscape are outstanding features of the southern reaches of the borough. Its slopes and valleys fall coastward, criss-crossed by narrow lanes. Beyond the chalk are the rich agricultural soils on the plains around the Roman road, now the A2 / Watling Street. These are some of the best graded soils in the country.

3.2.35 London clay underlies the northern and coastal boundaries of the borough. At 111km, the coast has a major influence on landscapes and wildlife. Around the Swale and river Medway and extending inland to the edges of the three main towns is a continuous belt of marsh, prone to tidal flooding. Its mudflats, grazing and salt marshes are interspersed with ditches, dykes, inlets and creeks. These watercourses and marshes provide hugely important ecological habitats, in particular for wintering and passage birds.

3.2.36 The following draft policies respond to the ecological challenge:

- B1: Biodiversity & geodiversity conservation & BNG;
- B2: Conserving & enhancing valued landscapes;
- B3: Kent Downs National Landscape Management Plan;
- B4: The separation of settlements – Important Local Countryside Gaps;
- B5: Woodland, orchards, trees and hedgerows;
- B6: Agricultural land;
- B7: The Coast;
- B8: Rural Lanes; and
- B9: The keeping and grazing of horses.

3.2.37 Historically, the borough's settlement pattern and growth has been heavily influenced and shaped by its environmental assets. This approach will continue to drive the emerging development strategy, which will seek to avoid development at these areas. It also seeks to effectively mitigate recreational disturbances on the internationally significant Medway and Swale Estuary marshes via the Strategic Access Management and Mitigation Strategy (SAMMS) that enables developer contributions to be levied to protect landscape and ecology.

3.2.38 The [National Planning Policy Framework](https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf) ⁴⁶ (NPPF para 202) refers to heritage assets as an “irreplaceable resource” which should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The vast array of Swale's heritage assets is set out in the Key Characteristics section of this plan, above.

3.2.39 The following draft policies seek to best protect Swale's cherished heritage environment:

- HE1: Development involving Listed Buildings;
- HE2: Development affecting a Conservation Area;
- HE3: Parks and Gardens;
- HE4: Non-designated Heritage Assets; and
- HE5: Archaeological.

⁴⁶ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

3 Characteristics of the borough and the key challenges to be addressed

Town Centres

3.2.40 Town centres nationally are facing considerable challenges with the continued rise of on-line and out-of-town shopping. Whilst vacancy rates in all our town centres are above national averages (and are particularly buoyant in Faversham and Sheerness) declining rates impact on jobs, footfall, and town centre vibrancy and attractiveness and must be positively addressed.

3.2.41 A Retail and Leisure Needs Assessment was produced in 2018 and was updated in December 2023, focussing on both convenience goods and comparison retail.

3.2.42 A Supplementary Planning Document (SPD) was adopted for [Sittingbourne Town Centre in 2022](https://swale.gov.uk/your-council/publications/planning-and-planning-policy/adopted-sittingbourne-town-centre-supplementary-planning-document-spd)⁴⁷, aiming to guide regeneration over the plan period. It will continue to form part of the Development Plan for the borough, shaping how the Council considers new development proposals.

3.2.43 The Council focussed significant investment in Sittingbourne town centre over the years 2010 to the early 2020s via the Spirit of Sittingbourne scheme which improved the public realm and created significant new leisure and experience assets at the heart of the town centre within Bourne Place.

3.2.44 Draft policy E3: Proposals for Main Town Centre Uses responds to the identified challenges.



Picture 3.2.1

Competitive Economy

3.2.45 With economic development, as with all other land uses, the guiding principle of the NPPF is that Local Plans should create the conditions for economic growth and productivity improvements, taking account of local business needs and wider opportunities for development.

3.2.46 With its strategic location between London and the continent, and good road, port and rail links, Swale is well-positioned for a strong and diverse economy.

3.2.47 An Employment Land Review was undertaken in 2018 and updated in 2024. The update was commissioned to reflect changes in national policy, and the economic climate post-Brexit and Covid-19.

3.2.48 The study evidenced the scale and quality of new land needed to support the borough's economic growth over the plan period. It assessed the suitability of a range of sites which were presented to members throughout 2024, with a decision on employment land allocations reached by Full Council in December 2024. Further sites have been submitted and will be considered by the Council in early 2025.

3.2.49 Our strategy focusses on creating a strong supply of employment land to meet the identified need, and improving the quality of our economic offer to create a better business image and a more diverse economic base. It will enable the borough to branch out into under-represented sectors, increase the number of higher-growth / higher-value businesses and ensure that it retains and develops existing strengths and capitalises on indigenous growth opportunities.

3.2.50 The draft policies promoting a competitive economy are:

- E1: Loss of employment floorspace & land;
- E2: The Rural Economy; and
- E3: Proposals for Main Town Centre Uses.

Viability of Development

3.2.51 Whilst the overall development market for Swale is perceived to be active, with a strong market for the right scheme in the right place that includes an average of 720 completed homes per year over the

⁴⁷ <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/adopted-sittingbourne-town-centre-supplementary-planning-document-spd>

last 10 years ⁴⁸, some areas of the borough are challenging with relatively low house prices making the delivery of new homes less easy. This is particularly the case with brownfield sites being challenging to deliver in the borough's town centres where some of the lowest house prices are located.

3.2.52 To ensure the deliverability of Local Plans the [National Planning Policy Framework](#) ⁴⁹(NPPF para 35) sets out that policy requirements should be informed by evidence of infrastructure and Affordable Housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106. To ensure that the Local Plan policy objectives do not undermine the deliverability of the Plan a Whole Plan Viability Assessment ([link to be added before public consultation](#)) has been undertaken and has provided recommendations that have informed drafting of this Plan.

Question 3

Have all the key issues and challenges been taken into consideration?

48 https://swale.gov.uk/_data/assets/pdf_file/0004/485014/2024-2025-Housing_Land_Supply_Position_Statement_Nov2024_Final.pdf

49 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

4 Vision and Objectives

4.1 The Vision for Swale

4.1.1 The vision for the Local Plan Review sets out what the Council intends to achieve for the borough through new development. It has been shaped by Council priorities and previous consultation feedback.

Statement 1

The Vision for Swale

It is 2042. Development in Swale has come forward to meet imposed Government Targets. It has supported climate and ecological imperatives and has conserved and enhanced the natural environment through significant biodiversity gain. Renewable energy initiatives have been high on Swale's agenda. Quality design and place-making has capitalised on the borough's extensive ecological and heritage assets and has supported the health and wellbeing of our communities.

Sittingbourne has a refocused town centre with a vital and viable retail heart supported by leisure and recreation opportunities and enabled by new high density residential and community activity which has recognised and respected the area's outstanding heritage. Development has secured wider regeneration benefits, including improved public realm, and reconfigured and enhanced sustainable and active transport connections – both in and around the town.

Faversham is a thriving market town and nationally known heritage destination that has successfully balanced 21st century demands with respect for the past. This has been achieved by sympathetic and symbiotic growth.

At Sheerness, Minster and Queenborough, coastal and port rejuvenation has maximised the impact of our natural and built assets and supported the needs of the local communities.

Our rural and maritime communities have seen enabling development maintain and improve local services. The local needs of residents are well catered for, supporting vibrant communities whilst maintaining the quality and special qualities of the countryside setting.

Across the borough development has improved health and air quality, and increased opportunities for local employment, active travel and affordable housing. Development has supported a vibrant sense of community, within and across the borough. There are thriving built and outdoor sports and leisure facilities, and everyone has access to a decent home. Swale is a place residents, businesses and visitors recognise as sustainable and forward-looking – a place to live, work and enjoy.

Question 4

Is the vision positive, clear, realistic and ambitious and does it identify the right priorities for Swale?

Question 5

Do you agree with the proposed vision for Swale? If not, how should it be changed?

4.2 Objectives

4.2.1 Strategic objectives of the Local Plan Review seek to guide the location of development and shape it through strategic policies. Taking account of the influences on the Local Plan and the key challenges facing Swale and its communities, a set of objectives have been drafted to set the framework for the detailed policies that follow. The objectives are shaped by local evidence, government policy, Council priorities and previous consultation feedback.

Statement 2

The Objectives for Swale

1. To provide for homes and jobs that are best suited to meet the imposed Government Targets;
2. To support and sustain communities across the borough, big and small, by planning to meet identified needs, including needs for community facilities and infrastructure;
3. To protect and manage our resources to address climate change through delivering sustainable growth that supports urban and rural economies and makes the best use of infrastructure;
4. To locate development in the least constrained parts of the borough in reasonable proximity to transport hubs;
5. To provide a range of housing developments across the borough that deliver a range of housing sizes and types to meet the needs of young people, families and older people;
6. To deliver a level of investment and growth at key locations to facilitate significant improvements to support infrastructure e.g. schools, healthcare and highways and sustainable and active travel options for the benefit of local communities; and,
7. To focus development on the contribution that larger sites can deliver in a proportionate way to meet wider plan objectives and ensure delivery during the plan period and beyond.

4.2.2 The Council will seek to meet the borough's identified development needs on brownfield sites in sustainable locations, on land at low risk of flooding within existing settlements, and on land with the least environmental or amenity value. However, due to the quantum of development required for the Local Plan Review, it is unlikely all the requirements can be met on sites that meet this criteria. It will, therefore be necessary, as part of Plan drafting, to identify additional sites that can deliver sustainable development along with wider benefits that achieve the Local Plan Reviews objectives and guiding principles.

Question 6

Are the objectives broad enough to address the issues and challenges set out above? Would you remove, add or amend any?

5 Policy G1 General Development Criteria

5.0.1 As per paragraph 8 of the [National Planning Policy Framework](#)⁵⁰(NPPF) the overarching objectives of the planning system are to:

1. protect and enhance the natural, built and historic environments;
2. support strong, vibrant and healthy communities; and
3. help build a strong, responsive and competitive economy.

5.0.2 In seeking to achieve such sustainable development, the aim of this policy is to provide a useful starting point in the consideration of proposals which will help to ensure that important matters such as design, the environment and amenity are taken into account at the outset. Policy G1 is not comprehensive and should not be considered in isolation but read in conjunction with all other relevant policies in the Local Plan and Supplementary Planning Documents and Guidance.

5.0.3 All of the policies and proposals in the Development Plan must be read 'as a whole.'

5.0.4 The Town and Country Planning Association (TCPA) Healthy Homes campaign aims to transform the way that the built environment is regulated to ensure that all new homes promote the health and wellbeing of their residents. The Council signed the [Healthy Homes pledge](#)⁵¹ in May 2024.

5.0.5 Not all of the principles fall within the remit of the Local Plan and are controlled by other legislation, for example fire safety, other than for tall buildings.

5.0.6 Decent homes are vital to give people a good foundation to thrive in their daily lives. There is a wealth of evidence that shows how the quality of our homes and neighbourhoods directly and indirectly impact both our mental and physical health. Poor quality homes increase the likelihood of respiratory, cardiovascular, and communicable diseases, along with a higher risk of mortality.



Picture Watling Gate, Sittingbourne

5.0.7 The principles are:

1. Fire safety;
2. Liveable space;
3. Inclusive, accessible and adaptable;
4. Access to natural light;
5. Reduction in carbon emissions;
6. Access to amenities, nature and transport;
7. Safety from crime;
8. Climate resilient;
9. Prevent air pollution;
10. Limit light and noise pollution;
11. Ensure thermal comfort; and
12. Genuinely affordable and secure homes.

5.0.8 For details on each principle please see [Healthy Homes Principles](#)⁵².

50 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

51 <https://www.tcpa.org.uk/healthy-homes-pledge/>

52 <https://www.tcpa.org.uk/resources/healthy-homes-principles/>

Question 7

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy G1

General Development Criteria

All development proposals will, as appropriate:

1. Comply with the published Local List of requirements and include information sufficient to enable the council to determine the application;
2. Accord with the policies of the adopted Development Plan;
3. Accord with policies and guidance in the Supplementary Planning Documents and Guidance, unless material considerations indicate otherwise;
4. Be accompanied by a statement to demonstrate the degree to which it accords with the TCPA Healthy Homes Principles;
5. Conserve and enhance the natural, built and historic environments;
6. Respond to the constraints, opportunities and threats arising from climate change and natural processes;
7. Be well sited and of a scale, design and appearance that is sympathetic and appropriate to the location;
8. Reflect the positive characteristics and features of the site and location;
9. Cause no harm to amenity and other sensitive uses or areas;
10. Provide an integrated landscape strategy that will achieve a high standard landscaping scheme; and
11. Achieve:
 - a. convenient, safe routes and facilities for pedestrians and cyclists;
 - b. enhanced public transport services and facilities; and
 - c. safe vehicle access, and appropriate parking and services facilities.

Question 8

Do you support or object to Policy G1? What would you add, remove or amend to support it further or to remove your objection?

6 Policy GD1 Local Design Principles

6.0.1 Good design facilitates and contributes to local distinctiveness, a sense of place, and civic pride. It improves and enhances the existing environment and helps to attract people, businesses and investment. It is key to delivering successful, people-focused places. Therefore, the quality of architecture and design in development proposals, as well as the relationship between buildings and spaces, should be of a high quality to protect and enhance the distinctive character of Swale.

6.0.2 In seeking to achieve high quality design or the conservation and enhancement of the natural and built environment, the Council requires good design principles to be incorporated into new development. The principles contained within the policy is a useful starting point for anyone considering new development and will help ensure that important matters, such as sustainable design, the safeguarding of environmental features and amenity, are considered at the outset.

6.0.3 The policy should not be considered in isolation but read in conjunction with all the other policies in the Plan and relevant and associated national, regional and local design guidance, relevant Design Codes, development briefs and Masterplans.

6.0.4 The Council will encourage the use of its pre-application advice service prior to any planning application being submitted so that issues relating to design and place making are addressed at an early stage in an integrated way.

6.0.5 Developments where the design implications are significant due to the location of the site and/or the size and scale of the proposal will be referred to Design Review Panel and applicants would be expected to pay for this. Design Review is a well-established way of improving the quality of design outcomes in the built environment and is recognised as an important tool in the [National Planning Policy Framework](#)⁵³ (NPPF).

Question 9

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy GD1

Local Design Principles

All new development proposals will respond to and enhance local character and distinctiveness and provide good quality design. Where relevant and appropriate, new development must demonstrate it incorporates good design principles by:

1. Responding to, reinforcing and enhancing positive aspects of local character. Opportunities to create distinctive high quality and beautiful places should be taken, integrating and enhancing prominent physical attributes which include the borough's distinctive coastal and creek environments, extensive open spaces, biodiversity assets, historic environment, high quality landscapes and tree coverage. Carefully considering opportunities to improve less successful forms, movement barriers and other local challenges;
2. Being of an appropriate density that combines the efficient use of land with high quality design and which respects character and context. Higher density development will be encouraged in sustainable and accessible locations, such as around transport hubs or town centres, where this is appropriate. Lower density development may be appropriate in smaller villages and rural areas;

3. Facilitating a sense of place with social interaction, a physical environment encouraging health and wellbeing, attractive active environments and travel options, and secure, inclusive and integrated neighbourhoods through an appropriate mix of uses which support the function and vitality of the area in which they are located, and careful design and layout that ensures that commercial and public facilities are well integrated within the site and the wider locality;

4. Integrating well with surrounding streets and open spaces, providing a clear and legible hierarchy of streets, routes and spaces that are permeable and prioritise safe, easy and direct pedestrian, cycle and public transport movement, while ensuring the safe, convenient movement of all users. Avoiding the creation of isolated and disconnected places that are not easy to move through and around;

5. Providing high quality open spaces and public realm that respects existing landscape settings and features topography. Include new green and blue infrastructure that incorporates and/or links to existing and new natural features and open spaces to create a multifunctional network, that supports quality of place, biodiversity net gain, water management, and provides climate change mitigation and resilience;

6. Designing public spaces in and outside buildings and all accommodation to be inclusive, safe and accessible for all Swale's communities, including young, elderly, disabled and less mobile people. The design of buildings, open space and the private and public realm must be in accordance with active design principles, and reduce the fear of, and opportunities for crime through, for instance, maximising natural surveillance and use of active ground floor frontages. Safety and security features of buildings should be well integrated into the overall design and complement and not impede delivery of quality public and communal spaces;

7. Providing a high standard of accommodation that does not differentiate between the design quality of market and affordable housing and is sustainable in design by minimising energy consumption by maximising opportunities for passive solar energy and integrating renewable and low carbon technologies;

8. Being of an appropriate use, layout, building type, scale, height, mass, form and appearance for the site, context and neighbourhood. Buildings and spaces should be welcoming, attractive and integrate socially, environmentally and physically into their areas. Materials should be robust, help create a sense of place and ownership, reflect the intended function of the development and complement and enhance local context and character. Outstanding or innovative design which helps raise design standards in the wider area will be supported on appropriate sites;

9. Demonstrating that there is no significant adverse impact on nearby properties by noise, dust, odour or light pollution or that new development does not prejudice or undermine existing surrounding uses; and

10. The NDSS (Nationally Described Space Standards) and addressing future occupiers are two separate but related responsibilities for a developer. Developers must ensure new housing meets the minimum internal floor area, storage, and bedroom size requirements set by the NDSS. Separately, they must formally address future occupiers by having their local council approve a new postal address, ensuring street and property names and numbers are clearly displayed, and then informing purchasers/tenants of their new address.

To support the delivery of high-quality buildings and places, and where significant design implications are identified in development proposals, these will be referred to a Design Review Panel. Development proposals must provide evidence, through their design and access statements, to demonstrate how they have responded positively to the design policies in the Local Plan and associated national, regional and local design guidance, relevant Design Codes, development briefs and Masterplans.

Question 10

Do you support or object to Policy GD1? What would you add, remove or amend to support it further or to remove your objection?

7 Policy GD2 Alterations & Extensions

7.0.1 Development which results from the change, addition to or the conversion of existing buildings can prolong the useful life of a building and help to meet the changing needs of its occupiers. However, inappropriate alterations or a concentration of change can cause harm to the character of a place or to local residential amenity.

7.0.2 Proposals should therefore respond positively to the style and character of the building being altered and/or extended, reflecting its scale and massing, preserving features of interest, and reinforcing local distinctiveness whilst safeguarding the amenity of adjacent residents. The [Designing an extension supplementary planning guidance](#)⁵⁴ provides further guidance.

Question 11

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy GD2

Alterations and Extensions

Planning permission will be supported for alterations and/or extensions to existing buildings where they:

1. Are of a design and quality which responds positively to the context, style and character of the building being altered and/or extended;
2. Are appropriately scaled in relation to the building and its surroundings;
3. Maintain or enhance the character of the street scene;
4. Reinforce or enhance local distinctiveness;
5. Preserve architectural, historic, landscape or nature conservation features of interest; and,
6. Protect residential amenity.

Question 12

Do you support or object to Policy GD2? What would you add, remove or amend to support it further or to remove your objection?

⁵⁴ <https://services.swale.gov.uk/assets/Planning-Forms-and-Leaflets/Designing-an-Extension-feb-2011.pdf>

8 Policy GD3 Shop fronts, signs & advertisements

8.0.1 Shopfronts, signs and advertisements have a major influence on the appearance of town centres and other commercial and residential areas, particularly those within sensitive locations such as conservation areas or on listed buildings, for example. The aim of this policy is to ensure that such proposals are of a high-quality design that responds positively to the context of an area.

8.0.2 Advertisements and signs are a means of providing information to the public and can play a complementary role in supporting the local economy. Poorly sited, designed and maintained installations, however, can have an adverse impact on public health and safety, amenity and local character. Indeed, poor quality advertisements can have a harmful impact on the visual amenity and character of sensitive locations such as conservation areas or on listed buildings. Therefore, the Council will seek to ensure that adverts and signs are designed to a high-quality standard that secures safe, accessible and attractive environments. In sensitive locations, such as conservation areas or on listed buildings, hand-painted signs and appropriately designed external illumination will be encouraged. [The Design of Shopfronts, Signs & Advertisements supplementary planning guidance](#)⁵⁵ provides further advice.

Question 13

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy GD3

Shop fronts, signs and advertisements

1. Development involving shopfronts will be supported where they are of a design which responds positively to the character and significance of the building and relates well to their context in terms of design, scale, material and colour. Proposals that remove, replace or substantially harm shop fronts of high-quality design or of historic interest will not be supported; and,
2. Development involving signs and/or advertisements will be supported where they are designed to a high-quality standard, appropriately sited, and adequately maintained throughout their operation to ensure:
 - a. there is no adverse impact on local character, amenity, appearance or visual amenity on the site or surrounding area;
 - b. heritage assets and their setting and amenity are preserved or enhanced;
 - c. there is no harm to public amenity, including by way of excessive illumination and visual intrusion of light pollution into adjoining or neighbouring properties, landscape and public spaces; and,
 - d. there is no adverse impact on public or highway safety.

Question 14

Do you support or object to Policy GD3? What would you add, remove or amend to support it further or to remove your objection?

⁵⁵ <https://services.swale.gov.uk/assets/Planning-Forms-and-Leaflets/The-Design-Of-Shopfronts-Signs-Advertisements-feb-2011.pdf>

9 Policy H1 Affordable Housing

9.0.1 The [National Planning Policy Framework](#) ⁵⁶(NPPF) sets out that local planning authorities should use their evidence base to ensure local plans provide for the assessed needs for affordable housing and to set policies to achieve this need. To fully understand this need, the NPPF requires local authorities to prepare a Strategic Housing Market Assessment (SHMA) to fully assess what the housing needs are for the local area. The NPPF defines ‘affordable housing’ as a range of products including social rent, affordable rent, discounted market sales housing and other routes to home ownerships for example shared ownership.

9.0.2 The Council’s Housing, Homelessness and Rough Sleeping Strategy 2023 – 2027 sets out the aims, objectives and vision for housing in the borough. The objectives include:

- Developing a borough wide approach to invest in and deliver affordable homes;
- Promoting early intervention and a more customer focussed homeless prevention service;
- Developing and enhance the partnership approach to tackling homelessness and rough sleeping in the borough;
- Preventing the need for and length of time spent in temporary accommodation;
- Ensuring support is available for vulnerable households; and
- Improving private sector housing conditions and management practices including helping older, disabled and vulnerable people to live in safe adapted homes through a range of initiatives.

9.0.3 An Affordable Housing Emergency for the borough of Swale was declared at a meeting of the Council on the 3rd April 2024 [website](#) ⁵⁷. The motion to declare the emergency set out that despite housing growth in the area, the delivery of affordable rented properties was falling far short of demand, and that the introduction of First Homes as part of the S106 affordable housing contribution has been catastrophic, and severely reduced the number of affordable/social rented and shared ownership homes available to registered providers of social housing. Whilst the First Homes requirement has been removed by the Government from the NPPF, securing affordable homes as part of the planning process remains challenging on viability matters.

9.0.4 The [Housing Market Assessment for Swale.pdf](#) (HMA 2020) ⁵⁸ recommends that the Council pursues an overall affordable housing target of 27.7% and recognises that when setting the target, the full range of evidence, including the latest Whole Plan Viability report (WPVA 2023) [LINK TO BE ADDED BEFORE PUBLIC CONSULTATION](#), needs to be considered.

9.0.5 The WPVA 2023 concludes that affordable housing provision is viable at 30% on greenfield sites across the borough. However, the viability of brownfield sites is challenging, and to ensure deliverability of those types of site, a 10% level of affordable housing provision across the borough is more appropriate. Where the site is a mix of greenfield and brownfield the predominate land type should determine the affordable housing provision.

9.0.6 Policy H1 aims, as far as possible, to meet the recommendations of the HMA. The WPVA shows that the levels of affordable housing sought in this policy can realistically be achieved and development proposals at the appropriate threshold will be expected to deliver these levels.

9.0.7 Based on the affordable housing evidence, the Council will seek an indicative target of 60% affordable/social rent and 40% intermediate products. The Council does recognise that the evidence may change over the plan period and that the latest robust evidence need should be considered in any planning application.

9.0.8 The Council’s preference is for affordable housing to be provided on site. In the very rare and exceptional circumstances where this is not possible, the Council may consider affordable housing provision

56 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

57 <https://ws.swale.gov.uk/meetings/mgAi.aspx?ID=18125>

58 <https://services.swale.gov.uk/assets/Planning%20Policy%202019/Housing%20Market%20Assessment%20for%20Swale.pdf>

to be provided off-site. In such cases, it may be possible to require a commuted sum (or payment in lieu). This option might be appropriate where provision on alternative sites could be of higher quantum in order to attract the interest of a registered housing provider, or where improvements to the quality of the existing housing stock are considered more appropriate.

9.0.9 The Council will be preparing a Housing Supplementary Planning Document (SPD) that will set out in more detail various approaches for undertaking commuted sums and the methodology for its calculation. The Housing SPD will also cover how the Council will cascade or commute any provision for use by a registered provider, or other provider in the event that a registered provider cannot undertake responsibility for delivering and managing the provision and diversions to another scheme or pool until a registered provider is able to come forward to support an appropriate project.

9.0.10 The evidence also identifies a need for older person housing and the Housing SPD will provide further amplification on how the Council will seek to support this. In the meantime, the Council would favourably consider accommodation for older people provided it was compliant with the development strategy in this plan. This might include the development of alternative housing products, such as Park Homes, and would be assessed against Policy H5 Park Homes.

9.0.11 There may be circumstances when a need arises for affordable pitches for Gypsies and Travellers. Affordable pitch provision could come forward via a rural exceptions site where there is an identified local need and would be assessed against Policy H3 Rural exception and community-led housing development and Policy H6 Gypsy, Traveller & Travelling Showpeople Accommodation. Where there is evidence to quantify a level of affordable pitch need for the borough, then the Council would seek to bring it forward through joint working with Kent County Council where a site could be identified.

9.0.12 The provision of affordable housing throughout the borough will also help the Council to contribute to its [Healthy Homes Pledge](https://www.tcpa.org.uk/healthy-homes-pledge/)⁵⁹.

Question 15

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy H1

Affordable Housing

1. Residential development proposals will be required to make affordable housing provision as follows:
 - i. on sites of 10 or more dwellings on previously developed land, 10% of the total dwellings will be in the form of affordable housing; and
 - ii. on sites of 10 or more on greenfield land, 30% of the total dwellings will be in the form of affordable housing.
2. For sites of 10 or more dwellings, provision should be made on site in the first instance with a financial contribution being negotiated to make up the full requirement as appropriate;
3. In exceptional circumstances, and in accordance with the Housing Supplementary Planning Document to be prepared by the Council, where proposals fall short of the policy target as a result of viability considerations, an open-book approach will be taken and the onus will be on the developer/landowner to clearly demonstrate the circumstances justifying a lower affordable housing contribution. If on-site affordable housing provision cannot be delivered, affordable housing provision may be commuted to a financial contribution to be used off-site, singly or in combination with other contributions;

4. Where no registered provider or appropriate alternative provider is available, the full affordable housing provision requirement will be cascaded to another provider and/or site or via a commuted sum, its calculation having regard to the full amount of market housing that has been achieved on the site; and

5. The Council will seek an appropriate tenure mix of affordable housing to include social rented, affordable rent, intermediate rent, shared ownership affordable units and affordable home ownership tenures in line with the identified needs of the area.

Question 16

Do you support or object to Policy H1? What would you add, remove or amend to support it further or to remove your objection?

10 Policy H2 Small and medium sites for housing development

10.0.1 The [National Planning Policy Framework](#)⁶⁰ (NPPF) sets out that small and medium sized sites can make an important contribution towards meeting the housing need for an area and are essential for maintaining Small and Medium Enterprise (SME) house builders. Swale has a strong record of delivering small sites with an active and successful SME community bringing forward a range of developments across the borough. These types of developer play a significant role in housing delivery and are of national importance to the government's commitment to delivering the homes needed across the country.

10.0.2 SMEs can make a significant contribution to housing supply and focus on their development on sites that can deliver around 10 to 60 dwellings. They are often locally based, offering more sustainable development through the sourcing of materials and labour within their areas. In general, national volume house builders favour sites of 60 dwellings or more, hold large land portfolios that they invest in over long periods of time and have regional and national labour and supply chains. Land opportunities for SMEs, due to their small scale and diverse land ownerships come forward on an ad hoc basis and, as a consequence are less likely to be promoted through the local plan process. SME sites often are located in rural fringe locations or on previously developed land, meaning sustainability and viability factors can vary, creating additional uncertainty and risk for these types of development.

10.0.3 The NPPF (para 68) requires the Council to ensure that a minimum of 10% of its housing requirement is met on sites no larger than one hectare. Whilst the Council will seek this through allocating sites of this size as part of the Regulation 19 consultation and through keeping an up-to-date Brownfield Land Register, there is also scope for further opportunities through support for windfall sites that can deliver sustainable development. Windfall sites are sites that come forward for development and are not identified for allocation in the development plan. The Council seeks to support SMEs and communities alike by providing parameters that would make small scale development acceptable on unallocated sites in sustainable locations.

10.0.4 To achieve this, the Council will:

1. Support local communities with the preparation of their Neighbourhood Plans to identify a range of sites that can accommodate between 1 and 60 dwellings;
2. Maintain and publish annually an up-to-date Brownfield Land Register;
3. Take a flexible approach to delivery of affordable housing on a site-by-site basis to negotiate the most appropriate delivery to support viability and timely delivery of sites. This could include payment in lieu of on-site provision where it can be justified by the specific circumstances;
4. Provide opportunities for custom build, self-build and community-led housing projects on suitable sites, including as part of strategic sites where measures are in place to secure that the design, construction and occupation accords with the relevant definitions;
5. Utilise Local Development Orders (LDOs) and Neighbourhood Development Orders (NDOs) to bring forward suitable sites; and
6. Prepare an SME Protocol process to allow for positive and productive discussions at the pre-application stage, with a clear expectation of material to be submitted, timescales, and ensuring sufficient resources are included.

Question 17

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

60 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

Policy H2

Small and medium sites for housing development

The NPPF highlights the important role that small and medium size sites can make in helping meet housing need. The Council will support this type of development where all of the following criteria can be met:

1. It can be demonstrated that the proposals will deliver sustainable development, following the Swale settlement hierarchy;
2. The site is being brought forward by an organisation or company that identifies itself as a SME developer or for self-build or for a community land trust initiative;
3. The site is not part of a larger site unless through specific proposals to sub-divide a larger site to speed up the delivery of homes and includes SME builders as part of that delivery mechanism;
4. The proposals are of an appropriate scale, layout and design to its location and is designed in a way that preserves residential amenity, designated heritage assets, is landscape-led where appropriate, and environmental assets;
5. Proposals include measures to achieve a biodiversity net gain of a minimum of 20%;
6. All dwellings meet National Design Standards and deliver a range of carbon reduction design and construction techniques as set out in Policy C1 Sustainable design and adaptation principles and Policy C2 Net zero operational carbon in new build residential development;
7. The proposed development delivers a bespoke, high quality design approach that is locally distinctive and sympathetic to the character of its location;
8. The provision of affordable housing will be provided on site in accordance with Policy H1 Affordable Housing unless there is clear evidence (supported by a viability report) that an alternative form of recognised affordable housing provision as defined by the NPPF would be more appropriate to secure the viability and delivery of the site; and,
9. Proposals include a scheme of hard and soft landscaping incorporating predominantly native species trees and shrubs and reflecting good practice as set out in adopted Supplementary Planning Document [Swale Landscape Character and Biodiversity Appraisal \(2011\)](https://swale.gov.uk/your-council/publications/planning-and-planning-policy/swale-landscape-character-and-biodiversity-appraisal-supplementary-planning-document-spd-2011)⁶¹.

Question 18

Do you support or object to Policy H2? What would you add, remove or amend to support it further or to remove your objection?

⁶¹ <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/swale-landscape-character-and-biodiversity-appraisal-supplementary-planning-document-spd-2011>

11 Policy H3 Rural exception and community-led housing development

11.0.1 The [National Planning Policy Framework](#)⁶² (NPPF) encourages local planning authorities to be responsive to local circumstances and to plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites, where appropriate. The NPPF describes rural exception sites as being small sites used for affordable housing in perpetuity where sites would not normally be used for housing. It explains that local planning authorities should consider whether allowing some market housing in rural areas could facilitate the provision of significant additional affordable housing to meet local needs. It makes clear that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

11.0.2 There is a need to deliver a housing supply that is sufficient for, and matches the needs and aspirations of local communities, including those in rural areas. Together with rural housing partners, the Council recognises that in order to tackle these challenges, there is a need to increase affordable housing within rural areas and that a flexible approach to meeting local housing need is required. Despite grant funding being available to support such schemes, it has been challenging to deliver in any significant quantity within the borough even where the Council has potentially accepted some unrestricted market housing for sale, including local self-build. This approach combined with policies in this Plan that encourage small sites developed by Small and Medium Enterprise builders and low-cost Park Home operators within the right locations, should maintain and enhance sustainable rural communities and promote the opportunities for rural affordable housing.

11.0.3 There may be circumstances where a rural exception site could provide affordable accommodation to meet the needs of a local community or those with a connection to the community. The housing need would still have to be evidence based but a flexible approach to meeting that particular housing need would be required.

11.0.4 The evidence required to accompany a planning application for a rural exception scheme will include:

1. An assessment of the benefits of any proposals focusing on the opportunities to deliver for local village/parish housing need and evidence of the support of the local community or Parish Council towards such provision. 'Local person' for the purposes of this assessment and the implementation of Policy H3 means a person who meets any of the following criteria:
 - a. currently resident in the Parish;
 - b. was previously resident in the Parish;
 - c. is permanently employed in the Parish; or
 - d. is connected by close family still living in the Parish.
2. A thorough assessment of the potential suitable, available and achievable sites, having regard to potential future Strategic Policy on development strategy and settlement hierarchy and other relevant policies;
3. A robust and independently prepared and audited viability assessment, prepared on an 'open book' basis, to demonstrate why market housing is required to make the scheme viable; and
4. An assurance that those homes provided as affordable will remain available (in perpetuity) for local people and that this will be controlled via a legal agreement, a draft of which should accompany a planning application.

Question 19

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

62 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

Policy H3

Rural exception and community-led housing development

Planning permission for affordable housing to meet local needs in rural areas will be granted where:

1. The site accords with the potential future Strategic Policy on development strategy and settlement hierarchy and/or is in a location where access to day-to-day services can be conveniently and easily achieved;
2. The site and proposed development would not have any significant adverse impacts upon the character of the settlement, the surrounding countryside and the amenity of the existing community;
3. A need for the scheme is clearly justified and evidenced by the applicant, to the satisfaction of the Council, by providing the following:
 - a. an assessment of the benefits of any proposals focusing on the opportunities to deliver for local village/parish housing need and evidence of the support of the local community or Parish Council towards such provision. including
 - b. a thorough site options appraisal;
 - c. an assessment of the benefits of the proposals to meet local housing need; and
 - d. a prepared statement of community involvement that has sought to include the significant input of the parish council.
4. In addition, for schemes including unrestricted market housing/plots for sale, justification will be provided by the applications to the number and type of dwellings proposed, which will be supported by the housing needs assessment and through an appraisal of viability to show the minimum provision of unrestricted market homes necessary to deliver a significantly greater proportion of local affordable homes for that site; and
5. Proposals will be subject to a legal agreement that provides for the permanent control and management of any affordable housing to ensure its long-term retention for local need.

Question 20

Do you support or object to Policy H3? What would you add, remove or amend to support it further or to remove your objection?

12 Policy H4 Self-build and custom build

12.0.1 Self-build and custom housebuilding cover a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their own home, making key design and layout decisions, but the home is built by others. Under the [Self-Build and Custom Housebuilding Act 2015 \(as amended by the Housing and Planning Act 2016\)](#)⁶³ both forms are recognised equally, provided the initial land owner has primary input into the final design and layout. Homes purchased off-plan without this input do not qualify as self-build and custom housebuilding.

12.0.2 The Act mandates that relevant local authorities must establish and maintain a register of individuals and associations seeking serviced plots for self-build and custom housebuilding. Therefore, the Council identifies and provides for those who wish to build their own homes by keeping a self-build and custom housebuilding register of interested individuals and associations and reports the headline data every year in late Autumn on the council's [website](#)⁶⁴. Authorities must have regard to the register when fulfilling planning, housing, land disposal and regeneration functions present in their local planning processes

12.0.3 Each base period, typically running year-on-year from October to October, captures the demand via new entries on the register. Local Authorities then have three years following each base period to grant planning permission for a sufficient number of serviced plots to meet that demand. In addition to keeping a register of interested individuals and associations, the Council also tracks the preferred areas that individuals and associations desire, and land with planning permission for self-build and custom house builds.

12.0.4 Planning applications for Self-build and custom housebuilding are expected to include a [proforma](#)⁶⁵ setting out how the scheme meets the definition of Self build and custom housebuilding definition. The proforma sets out details required for the Councils monitoring and where exemption from Biodiversity Net Gain is being sought.

Question 21

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy H4

Self-build and custom build

The Council supports the delivery of self and custom build housing as part of maximising the choice and mix of housing for residents, in order to meet the local demand. Sites of 20 or more homes will provide at least 5% serviced plots for sale to self-builders. In rural areas and settlements as defined via a Proposals Map, which will be available in later stages of the Local Plan, the threshold for providing self-build will be 10 homes and the percentage of provision should be rounded up to the nearest unit. These rural scheme should be considered as part of a rural exception site applications, to encourage choice in rural areas. Specific provision for self and custom build will be made on larger strategic allocations.

63 <https://www.legislation.gov.uk/ukpga/2015/17/contents/enacted/data.htm>

64 <https://swale.gov.uk/planning-and-regeneration/self-build/view-the-register-headline-data#h2>

65 https://swale.gov.uk/_data/assets/pdf_file/0003/472377/24.06.10-BNG-proforma-for-schemes-that-are-self-or-custome-build-FINAL-AA.pdf

Whilst it is required that plots be designed and laid out by the first occupier, where plots are part of a larger development including other types of uses and forms of residential, it will be necessary to demonstrate that the self and custom build housing dwellings can sit comfortably within the wider development.

Question 22

Do you support or object to Policy H4? What would you add, remove or amend to support it further or to remove your objection?

13 Policy H5 Park Homes

13.0.1 Park homes are usually set within purpose-built enclaves and are particularly attractive to older people who are retired or semi-retired and seek to be part of a close-knit community. These parks are often owned and managed by specific park home operators who take responsibility for the maintenance of communal landscaped areas and often provide additional support such as an on-site manager who arranges transport to local services and facilities. Park homes have the added advantage of being on one level, making them suitable for people with limited mobility and they can also be considerably quicker to build than traditional homes.

13.0.2 Age UK, a network made up of independent charities providing crucial support for older people, defines park homes as typically prefabricated single-storey homes that are manufactured off-site and installed on land owned privately or by a local authority and that to be classed as a park home, the home must be capable of being moved from one place to another, either on its own wheels or by being towed or transported by another vehicle⁶⁶.

13.0.3 More generally, a park home can be said to be a prefabricated dwelling constructed under controlled workshop conditions before being transported to its final location. They are usually timber framed and mounted onto a steel frame, with tough, durable weatherproof exterior and textured finish and are assembled on site and connected to mains services (electricity, gas and drainage). They are typically single storey, pitched roof constructions, often provided fully furnished with integrated appliances, central heating, double glazing and carpeting throughout.

13.0.4 The [Caravan Sites and Control of Development Act 1960](#)⁶⁷ sets out the provision for the licensing and control of caravan sites and to authorise local authorities to provide and operate caravan sites. The Act also sets out the requirements of manager of site to be fit and proper person. In the last decade, the industry has modernised and these types of homes are now required to be built to BS3632 standard that ensures properties have high specifications in terms of insulation, ventilation, sustainability, room sizes and design elements (e.g. larger kitchens). The relevant legal requirements, e.g. space standards, protections, etc are contained in the [Mobile Homes Act \(2013\)](#)⁶⁸.

13.0.5 The Council's [Housing Market Assessment for Swale.pdf](#) (SHMA 2020)⁶⁹ identifies the Councils need for older persons accommodation during the plan period and park homes can play an important role in delivering suitable accommodation to meet these needs. Park home sites are typically favoured by older persons looking to downsize from their family homes and as a result, these sites tend to have a lower impact on the highway network due to limited (or low) levels of commuting and a lower likelihood of school age children that need to access education facilities. However, their locations in more rural locations can make them car dependent developments.

13.0.6 Good bus services, broadband speed and local shops and services remain important considerations in terms of the sustainability credentials of a park home site. Any proposals for a site would also need to meet expected standards of BS3632 and Policy GD1 Local Design Principles of this Plan in terms of siting, standards of construction and safety, and protecting the amenity of those living on the sites.

13.0.7 For Park home proposals that are for accommodation for the over 55 year olds, the Council may take a more flexible approach to assessing the sustainability credentials of the location taking into consideration broadband speeds, supermarket delivery services and where the proposals have the potential to support existing shops and services that might otherwise be in decline.

66 https://www.ageuk.org.uk/siteassets/documents/factsheets/fs71_park_homes_fcs.pdf

67 <https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>

68 <https://www.legislation.gov.uk/ukpga/2013/14/contents>

69 <https://services.swale.gov.uk/assets/Planning%20Policy%202019/Housing%20Market%20Assessment%20for%20Swale.pdf>

Question 23

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy H5

Park Homes

Proposals for Park Homes will be granted planning permission where:

1. The site is in a sustainable location with access to services and facilities;
2. The development must not be in an area incompatible with the risk of flooding, as set out in [Table 2: Flood risk vulnerability and flood zone 'incompatibility'](#) ⁷⁰ of the Planning Practice Guidance. Any residual risk must be mitigated through design solutions to the satisfaction of the Environment Agency and these solutions will not lead to other material planning harm, e.g. unacceptable impacts on the amenity of others on the site;
3. The proposals are in accordance with Policy C6 Coastal Change Management and Policy C7 Implementing the Medway Estuary & Swale Coastal Risk Management Strategy relating to the coast and the coastal change management area;
4. Development is to meet the needs of older people as set out in the [Strategic Housing Market Assessment](#) and that the park is to be owned and managed by operators who will ensure the park and its operations serve that community;
5. Conversion of existing caravans/holiday homes to park homes will be reviewed on a case-by-case basis, having regard to the sustainability of the location and existing uses and supporting facilities. It will also take account of the cumulative, or one-off effect of the loss of holiday homes, in the context of supporting the tourist economy; and
6. The accommodation that is the subject of the application complies or will comply within 12 months of the granting of planning permission with standards BS3632 and meets the requirements of the Caravan sites and Control of Development Act 1960 (as amended) [Caravan Sites and Control of Development Act 1960](#) (as amended) ⁷¹ and the [Mobile Homes Act 2013](#) ⁷² in terms of both standard and condition of the unit and external layout within the context of surrounding area.

Question 24

Do you support or object to Policy H5? What would you add, remove or amend to support it further or to remove your objection?

⁷⁰ <https://www.gov.uk/guidance/flood-risk-and-coastal-change#table2>

⁷¹ <https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>

⁷² <https://www.legislation.gov.uk/ukpga/2013/14/contents>

14 Policy H6 Gypsy, Traveller & Travelling Showpeople Accommodation

14.0.1 Swale is home to one of the largest Gypsy, Traveller and Travelling Showpeople populations in Kent and the wider South East with over 80 sites, and the aim of this policy is to help ensure that there is sufficient provision of accommodation to meet the communities need.

14.0.2 The [National Planning Policy Framework](#)⁷³ (NPPF para 61) requires that the housing needs for different groups in the community be assessed and reflected in planning policies. For the Gypsy and Travellers communities, the method for identifying need is set out within [Planning Policy for Traveller Sites](#)⁷⁴ (PPTS 2024). The aim of the PPTS is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The PPTS requires local planning authorities to identify their own local need for pitches (in the case of Gypsies and Travellers) and plots (in the case of Travelling Showpeople) and their provision of that need as part of their overall housing requirement.

14.0.3 In order to gain a greater understanding of the borough's need for pitch and plot provision, a [Gypsy and Traveller Accommodation Assessment 2023](#)⁷⁵ (GTAA 2023) was commissioned by the Council. The GTAA identified that there was an overall need for 114 additional Gypsy and Traveller pitches across the borough over the period 2022/23 to 2037/38. The evidence concludes that over the immediate five years after the study there is a potential for an additional 72 to 78 authorised pitches to become available through regularisation and expansion/intensification plus 4 more through turnover on existing sites and, that these supplies result in a potential 76 to 82 pitches that could meet the overall need in the short-term and would result in a longer-term need for 34 pitches.

14.0.4 The Council has a proven track record of granting suitable planning permissions for Gypsy and Traveller need. As identified in the GTAA a significant proportion of the immediate need could be met through existing sites however there is also a longer-term need that could be address through suitable windfall sites. Therefore, Policy H6 is intended to act as a criteria-based policy to guide planning applications for new sites that come forward, together with proposals for the extension and/or intensification of existing sites.

14.0.5 In seeking to achieve sustainable development in line with the NPPF and PPTS, proposals for new Gypsy and Traveller sites will need to demonstrate that they are sustainably located, economically viable and where appropriate, protect and enhance the natural and built environment.

Question 25

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy H6

Gypsy, Traveller & Travelling Showpeople Accommodation

Part A: Retention of existing sites

Existing permanent sites and those granted planning permission will be safeguarded for use by Gypsies, Travellers and Travelling Showpeople unless it can be demonstrated that the site is no longer suitable for such use.

Part B: New sites and expanding and/or intensifying existing sites

73 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

74 <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

75 https://swale.gov.uk/_data/assets/pdf_file/0004/463027/Swale-GTAA-Final-Report-December-2023-AA.pdf

Planning permission will be granted for new sites for Gypsies, Travellers and Travelling Showpeople, or the expansion and/or intensification of existing sites provided that proposals:

1. Provide a settled base where the site is well related to and within a reasonable distance of local services and facilities such as shops, public transport, schools, medical and social services and does not place undue pressure on those services;
2. Can achieve an integrated co-existence between all communities;
3. Are of an appropriate size to meet the accommodation need identified, do not introduce a scale of development that singly or cumulatively dominates the nearest settlement, and do not cause significant harm to the character of an area, its landscape, or the capacity of local services;
4. Can, where appropriate, accommodate living and working in the same location, either through a mixed-use site or on land nearby, whilst having regard to the safety and amenity of occupants and neighbouring residents;
5. Cause no significant harm to the health and wellbeing of occupants or neighbouring residents by noise, disturbance, vibration, air quality problems or other circumstances;
6. Cause no significant harm to the North Kent Downs National Landscape, national/local landscape or biodiversity designations and other natural or built environments that cannot be adequately mitigated;
7. Provide landscaping to enhance the environment in a way that increases openness and avoids exclusion and isolation from the rest of the community;
8. Provide for healthy lifestyles through open space, amenity areas for each pitch or plot and play areas;
9. Would be safe from flooding by meeting both the sequential and exceptions tests in accordance with national policy and Policy C8;
10. Achieve convenient pedestrian and/or vehicular access (including parking) without unacceptable impacts on highway safety or the landscape;
11. Where appropriate, include visitor or transit pitches and/or sufficient areas for future expansion. Planning conditions may be used to limit the length of time that caravans can stop at transit sites and on visitor pitches; and
12. Are inclusive of the requirements of all Gypsy and Travellers including those who have ceased to travel and all other persons with a cultural tradition of nomadism or of living in a caravan.

Question 26

Do you support or object to Policy H6? What would you add, remove or amend to support it further or to remove your objection?

15 Policy H7 Dwellings for rural workers

15.0.1 The [National Planning Policy Framework](#)⁷⁶ (NPPF) makes it clear that isolated homes in the countryside should be avoided except in certain circumstances. One of these being the existence of an essential need for a rural worker to live at, or near, their place of work in the countryside (NPPF para 84a). The aim of Policy H7 is to expand on this and set out the parameters in which such a scenario may be acceptable. Whether a new dwelling is essential will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

15.0.2 It may be just as convenient, and more sustainable, for such workers to live in an existing dwelling near the site or in nearby towns and villages. The convenience and availability of such premises should be examined first. It will then be necessary to consider if the need could be met by improving or converting existing buildings on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context.

15.0.3 Where existing accommodation cannot be used or upgraded, there will be a functional test in which proposals should provide evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of a land-based enterprise. This could be, for example, where farm animals or agricultural processes or crops require on-site attention 24 hours a day or to deal with emergencies that could otherwise result in the serious loss of crops or produce.

15.0.4 There will also be a financial test in which proposals should provide evidence of the degree to which there is confidence that the enterprise will remain viable for the foreseeable future or that the provision of an additional dwelling on site is essential for the continued vitality of a farming business through the farm succession process. Any new dwelling permitted will need to be of an appropriate siting, scale, appearance and design taking into account amenity and its countryside location.

15.0.5 In the case of a new enterprise, it may be more appropriate to grant a temporary permission for accommodation, provided by a mobile home or other temporary structure, for a trial period, normally of 3 years. This enables the situation to be reviewed over time. Permission for a permanent dwelling should not subsequently be granted unless the criteria above are met. The occupancy of any dwelling permitted will be controlled by conditions to ensure that they are retained for use by persons solely, or last, employed in these activities or their immediate dependents. Removal of some permitted development rights will also normally be appropriate to prevent inappropriate extensions or uses.

15.0.6 In the absence of further national guidance on this issue, the Council will continue to have regard to Annex A to the former [Planning Policy Statement 7](#)⁷⁷ in the determination of planning applications.

Question 27

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy H7

Dwellings for rural workers

Planning permission will be granted for new, permanent rural worker dwellings in the countryside where:

1. There is no suitable existing dwelling nearby or in a nearby settlement;

⁷⁶ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

⁷⁷ <https://webarchive.nationalarchives.gov.uk/ukgwa/20120920042515/http://www.communities.gov.uk/documents/planningandbuilding/pdf/147402.pdf>

2. It is not possible to convert or upgrade an existing building at the site;
3. There is confidence that the enterprise will remain viable for the foreseeable future and that the provision of an additional dwelling on site is essential for the continued vitality of a farming business through the farm succession process;
4. The business is able to demonstrate that it can support the cost of the workers dwelling; and
5. There is an evidenced, essential and functional need for a rural worker to be available on or near the enterprise at most times of the day.

Where criteria 1 to 4 are met, the new dwelling should be sited as close as possible to existing buildings on previously developed land, or if this is not possible, within the immediate locality on an acceptable site.

Where there is a new enterprise which is not yet able to fully meet all of the above criteria, temporary planning permission may be granted for a temporary structure for a trial period so that the situation can be reviewed over time. Where this is the case any application should be accompanied by a robust plan to setting out how compliance will be achieved. Appropriate planning conditions will address ongoing use to ensure the dwelling is occupied as intended.

Question 28

Do you support or object to Policy H7? What would you add, remove or amend to support it further or to remove your objection?

16 Policy H8 Extensions to, & the replacement of, dwellings in the countryside

16.0.1 It is reasonable for those living in the countryside, outside the defined built-up area boundaries (as illustrated on the Proposals Map, which will be available in later stages of the Local Plan), to be able to extend or replace their existing dwelling where more, or updated, living space is desired. Where planning permission is required, the aim of this policy, in recognition of the tranquillity and beauty offered by Swale's countryside, is to ensure that such extensions and/or replacements are of an appropriate scale, mass and appearance and do not harm the character of the countryside.

16.0.2 The Supplementary Planning Guidance entitled [Designing an Extension: A Guide for Householders](#)⁷⁸ remains a material consideration in the determination proposals. Planning permission will be granted for modest extensions (taking into account any previous additions) which are of an appropriate scale, mass and appearance in relation to the original dwelling, its rural location and any existing surrounding development.

16.0.3 For replacement dwellings, planning permission will be granted if the new dwelling is of an appropriate scale, mass and appearance in relation to its rural location and any existing surrounding development. The replacement dwelling should be located on the footprint of, or as close as practically possible, to the existing dwelling but in exceptional circumstances, an alternative location may be acceptable if it would result in clear landscape, access or amenity benefits. In the event that the dwelling is relocated, the removal of the existing dwelling upon completion of the new dwelling will be secured by way of planning condition or legal agreement.

Question 29

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy H8

Extensions to, & the replacement of, dwellings in the countryside

1. Extensions to dwellings in the countryside will be permitted, considering any previous additions, where they are of an appropriate scale, mass and appearance in relation to the original dwelling and location.
2. Replacement dwellings in the countryside will be permitted if the proposed new dwelling is of an appropriate scale, mass and appearance in the context of its location, neighbouring properties and the original building.

Question 30

Do you support or object to Policy H8? What would you add, remove or amend to support it further or to remove your objection?

78 <https://services.swale.gov.uk/assets/Planning-Forms-and-Leaflets/Designing-an-Extension-feb-2011.pdf>

17 Policy H9 Extending the garden of a dwelling in the countryside

17.0.1 Planning permission will be required to extend the garden of a dwelling onto land which is used for another purpose. In the countryside, outside the defined built-up area boundaries, as shown on the policies map (to be illustrated in later stages of the Local Plan) This typically involves the change of use of agricultural land or woodland.

17.0.2 By enlarging residential gardens, changing plot boundaries and introducing domestic uses to land, extending gardens can gradually lead to urbanising features such as sheds, garages and hardstanding being introduced into areas in which the open and attractive landscape qualities are highly valued. Furthermore, changes in land management can diminish biodiversity and a specific issue occurs where woodland may be singly or cumulatively taken into the curtilage of dwellings, preventing its proper and sustainable management.

17.0.3 In recognition of the wish of some rural householders to extend their gardens, the aim of this policy is to ensure that such proposals do not harm biodiversity or the character of the landscape. The consideration of proposals will be guided by amongst other matters Biodiversity and Landscape policies on:

- **Policy B1 Biodiversity and geodiversity conservation and biodiversity net gain;**
- **Policy B2 Conserving & enhancing valued landscapes;**
- **Policy B3 Kent Downs National Landscape Management Plan;**
- **Policy B4 The separation of settlements – Important Local Countryside Gaps;**
- **Policy B5 Woodland, orchards, trees and hedgerows ; and,**
- Swale Landscape Character and Biodiversity Appraisal Supplementary Planning Document (SPD) which can be accessed in two parts - [Part 1](#) ⁷⁹ and [Part 2](#) ⁸⁰.

17.0.4 Consideration will also be given to the likely cumulative impacts of a single proposal if repeated by others in the locality. A landscaping and/or land management scheme should be provided as appropriate to demonstrate how it will support the aims of the SPD. In cases where planning permission is granted, a planning condition will normally be imposed to remove permitted development rights for garden buildings and other domestic works to protect the landscape from further urbanising features.

Question 31

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy H9

Extending the garden of a dwelling in the countryside

Proposals to extend the garden of a dwelling in the countryside will be permitted where:

1. It can be demonstrated that the proposal will not result in significant harm to landscape character, the form of a settlement, biodiversity or inhibit the appropriate management of land; and
2. A scheme of landscaping and/or land management is provided and implemented that will, as required, conserve, enhance or restore the biodiversity and character of the land concerned.

79 https://services.swale.gov.uk/assets/Planning%20Policy%202019/swale_lca_reva_nov_2011_Web_Part_1.pdf

80 https://services.swale.gov.uk/assets/Planning%20Policy%202019/swale_lca_reva_nov_2011_Web_Part_2.pdf

Question 32

Do you support or object to Policy H9? What would you add, remove or amend to support it further or to remove your objection?

18 Policy E1 Loss of employment floorspace & land

18.0.1 The borough's stock of employment sites and premises are generally well occupied and in market demand and therefore to avoid the need for land to be identified for replacement elsewhere, should be protected from loss to other uses. Within existing employment areas there will be a strong presumption in favour of retaining premises suitable for employment uses.

18.0.2 The Council takes a positive approach to ensuring that a suitable range of floorspace is provided to meet the needs of businesses important to Swale's economy. This includes lower cost premises suitable for small and start-up businesses, together with premises for industrial and warehousing operations, along with office space.

18.0.3 This policy aims to manage the stock of Swale's employment property and provide development management guidance; including setting out what is expected of applications where they promote a loss of employment floor space or undeveloped land within both allocated and non-allocated sites. The Council will seek to retain undeveloped, [allocated employment land, from the adopted Local Plan 2017](#)⁸¹, for future employment use.

18.0.4 The [National Planning Policy Framework](#)⁸² (NPPF) sets out that "significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

18.0.5 At the end of March 2021, the Housing Secretary announced [changes to permitted development rules](#)⁸³ in England. These changes, effective from 1st August 2021, allow the conversion of certain commercial properties to residential use without requiring full planning permission, subject to prior approval and specific conditions.

18.0.6 A new planning use class, designated as Class E, was introduced on 1st September 2020 and covers the former use classes of B1 (business, office and light industry), A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts them all into one new use class - E.

18.0.7 Where a change of use is proposed, which involves the release of employment floorspace or allocated employment land, then the Council will expect supporting evidence to demonstrate that the site (or floorspace) has no reasonable prospect of being taken up and therefore no harm to the local economy. This includes demonstrating that there is no reasonable prospect that the floorspace can be re-occupied and, where appropriate, the land redeveloped for a new employment use.

18.0.8 Where the loss of employment floorspace and/or land is proposed the Council expects applicants to provide robust marketing information, indicating a proactive marketing campaign that demonstrates sites cannot remain in an employment generating use.

Marketing evidence should:

- i. Demonstrate that both the land and the premises have been widely advertised and marketed for a wide range of economic uses for at least one continuous year immediately prior to submission of a relevant planning application;
- ii. Include offering the site for both freehold and leasehold interest at values reflective of the current market. Information should be provided to demonstrate that the values sought are reflective of the market; including benchmarking with similar properties (or land) in the market area;
- iii. Include information detailing any interest received from potential buyers or tenants since the marketing commenced. Where interest has been received, and that interest has not been pursued, this must be explained;

81 <https://swale.gov.uk/planning-and-regeneration/local-plans/adopted-local-plan-for-swale>

82 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

83 <https://www.planningportal.co.uk/permission/common-projects/change-of-use/planning-permission>

- iv. Where sites are undeveloped, or property needs to be redeveloped, then viability testing of indicative schemes should be provided; and
- v. Include relevant information on the quality and vacancy level of the premises, and why the location is considered inappropriate for economic uses.

18.0.9 Sites allocated for employment use in this Plan that are not yet developed, should only be considered for release through a local plan review. This reflects the fact that our allocated sites may not come forward for development until later in the plan period. These development sites are our medium and long-term ‘reservoir’ of sites intended to allow the economy to respond flexibly across the economic cycle and are not just for current prevailing market conditions. The local plan review process is the best place to make these judgements and any application for a different use on an allocated employment site should require a clear demonstration that there is no realistic prospect of the site coming forward for employment in the medium to long-term.

18.0.10 In exceptional cases, a release may be considered ‘mid plan’, but in which case we would expect to see a much more prolonged period of marketing before concluding that the site has no reasonable prospect (at least three years or across an economic cycle - whichever is longer). Potential applicants are encouraged to seek the advice of the Council prior to seeking planning permission as regards their proposed marketing strategy.

18.0.11 There may be cases where, on balance, a new or replacement employment use would not be supported by nature of the site’s location or characteristics. Where applicants can clearly demonstrate that the site is no longer appropriate for ongoing employment use, by nature of its access or other limiting features, then marketing evidence will not be necessary. In preference, this should be discussed before the application is made, using the Council’s pre-application service.

Mixed-use redevelopment and renewal

Where an employment site cannot remain in employment use applicants should first consider whether a mixed-use approach could offset part of the loss of employment generating space. That is before considering a total loss.

18.0.12 In considering this approach applicants should aim to replace a quantum and quality of space which is in demand. In parts of the borough this may be to meet the demand for small unit industrial or workshop space regardless of the fact that other uses (for example offices) could deliver more jobs as part of any mixed-use redevelopment. In general, office-based employment should not be used to offset the loss of industrial land or floorspace. However, flexible space adaptable to provide office, workshop, light industrial uses or indeed a mix is in demand and would be supported.

18.0.13 Where proposals for economic development uses come forward on sites that are not currently allocated for, or in employment use, subject to other policy considerations the proposals will be supported in principle.

18.0.14 Our policy approach gives general support to proposed new economic development while ensuring that any loss of employment land is properly justified by evidence. This is because it is important for socio-economic reasons that existing and new businesses are supported by ensuring that a suitable supply of employment land and premises continues to be available. This policy therefore takes a cautious approach towards the loss of employment land and premises, to ensure that a sufficient supply of sites continues to exist to meet the needs of the local economy and local residents.

18.0.15 Current legislation on extensions to permitted development rights allows the conversion of offices and light industrial premises to residential uses. Changes arising from these rights will be monitored during the plan period and the supply of floorspace will be managed to ensure that an appropriate supply of premises and sites continue to be made available to support the needs of the local economy.

Question 33

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy E1

Loss of employment floorspace & land

1. Within existing employment areas there will be a strong presumption in favour of retaining premises suitable for industrial, warehousing, office and similar types of uses (including premises, suitable for medium, smaller and start-up businesses). Proposals for new premises suitable for these types of uses will be supported.
2. Other uses will only be permitted where they are ancillary to the employment use, do not result in the loss of existing employment premises and demonstrate an over-riding benefit for the economy of the borough.
3. Where a change is proposed from an economic land use to another use, outside of the Use Class and permitted development rights, development proposals must provide credible and robust evidence of an appropriate period of marketing for economic use to show that the proposals would not cause unacceptable harm to the local economy. (As set out in the preamble above.) A further consideration will be the significance to the local economy of the use proposed to be lost.
4. Marketing evidence should prove that both the land and the premises have been widely advertised and marketed for a wide range of appropriate economic uses for at least one continuous year (for loss of an existing employment site) and for 3 years (for a planning application for a different use on a site allocated for employment through the Local Plan) for a immediately prior to submission of a relevant planning application. This will vary depending on current use, location and neighbouring uses. The exercise should be formally agreed with the Local Planning Authority prior to the period's commencement and demonstrate that the price and terms on which the land or premises were marketed were reasonable by comparison with similar examples in the local area.
5. Information should be provided detailing any interest received from potential buyers or tenants since the marketing commenced. Where interest has been received and that interest has not been pursued, this must be explained. The requirement for marketing evidence applies when a proposal is made that would result in the loss of an economic use or a net reduction in the quantity of employment land or premises
6. Marketing evidence will be assessed within the context of:
 - a. the overall quality of the site as an employment location;
 - b. the level of occupation/vacancy of the site;
 - c. consideration of the suitability of conversion for start-up and micro businesses;
 - d. possible reasons why the site is considered inappropriate for employment use, and the possible benefits from using the site for alternative uses; and
 - e. the achievement of other plan objectives.

Question 34

Do you support or object to Policy E1? What would you add, remove or amend to support it further or to remove your objection?

19 Policy E2 The Rural Economy

19.0.1 In Swale, the rural areas are considerable generators of wealth including from agriculture, land-based industries, tourism and the wide range of small to medium sized businesses that operate there. The Council wish to support and nurture these businesses and create a prosperous, sustainable rural economy that contributes to the overall prosperity of the borough.

19.0.2 The [National Planning Policy Framework](#) ⁸⁴ (NPPF) supports economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. Local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, promote the development and diversification of agricultural and other land-based rural businesses, support sustainable rural tourism and leisure developments which respect the character of the countryside and promote the retention and development of accessible local services and community facilities. (NPPF, paragraph 88.)

19.0.3 The NPPF also states that when businesses are located adjacent or beyond existing settlements, it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and improves sustainable transport options. It also encourages businesses to locate on previously developed land or on sites that are physically well-related to existing settlements. (NPPF, paragraph 89.)

19.0.4 Due to the dynamic nature and generally smaller scale of rural businesses it is not always possible to identify the opportunities likely to arise in terms of the allocation of specific sites. This policy therefore highlights the needs of specific sectors and the protection and expansion of rural services and that this will be done in a responsive and flexible way. The support for the sustainable growth and expansion of businesses and enterprises needs to be balanced with limiting and managing adverse impacts upon the wider countryside. In the next stage of the Local Plan Review, Reg 19, this policy will be considered in the context of a strategic policy on the economy which, for larger scales of employment growth, will steer provision to the urban areas and village service centres.

19.0.5 It is not the purpose of this policy to define rural employment, as the variety of businesses that can be successfully accommodated within rural areas are wide and always evolving. They will range from home-based businesses, newly created businesses, land-based businesses and those for whom the attractive environment fits the ethos of the company concerned.

19.0.6 A factor affecting the development of the rural economy is the limited availability of land and buildings. Such locations are often an attractive and more lucrative prospect for residential use. To retain the availability of rural buildings for employment, the Council will only grant planning permission for their conversion to residential use where substantial evidence is provided that demonstrates that there is no demand for them to be used for employment, or that they are wholly unsuitable for any employment use. Evidence of demand should include the results of proactive marketing of the building, normally with a planning permission, as available for employment use, for at least 6 months. This is shorter than the 1 year required for urban areas as sites here are scattered and more numerous and it is in the urban area where we want to retain and make available jobs due to their more sustainable location.

19.0.7 The success of rural businesses relies increasingly heavily on the availability and reliability of superfast broadband provision. The Council expects new developments, especially in the rural area, to provide broadband infrastructure that meets the [Broadband Regulations](#) ⁸⁵ in England, which became effective from December 26, 2022, which require developers to install gigabit-ready infrastructure and gigabit-capable broadband connections in new homes.

84 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

85 <https://www.gov.uk/guidance/new-build-connectivity-information-for-developers>

Rural Tourism

19.0.8 For the rural tourism sector, given Swale's outstanding environment and its potential contribution to the economy, the Council wishes to see an expansion of sustainable rural tourism initiatives that can benefit local communities, economically and socially, as well as raising awareness and support for conservation and enhancement of the borough's natural assets.

19.0.9 Indicators of such business credentials are likely to be:

- how it will manage and market itself and how it will make its purchasing choices;
- whether it communicates ideas via an environmental policy;
- its choice and use of resources and how energy, water and waste is managed;
- its relationship with local communities and its support of and contribution to the local economy;
- the transport opportunities and choices available;
- a spread of knowledge, management and awareness of the local environment and wider area, access, landscape and wildlife;
- how it will identify, address, promote and support the local distinctiveness of the area; and
- will it be developed at a scale appropriate to the local community and environment.

19.0.10 For proposals involving existing tourism businesses, membership of the Green Tourism Business Scheme, the national sustainable tourism certification scheme for the UK, or similar national certification schemes, will be taken as a demonstration of their sustainability credentials when planning applications are being considered.

19.0.11 When considering proposals for tourism and visitor facilities, the Council will ensure that they complement the existing services present within the locality and where appropriate support their use by existing communities, as well as visitors. In the case of the many holiday parks located in the rural area, their needs are considered more specifically by Policy E4 New Holiday Parks or extensions to existing parks & the occupancy of holiday parks.

19.0.12 The Swale Visitor Economy Framework Action Plan was agreed in October 2020 and has six overarching destination challenges that were identified for Swale's visitor economy:

- To shift visitors' perceptions of the area and increase awareness of the product offering;
- To give visitors to stay longer and spend more;
- To respond to visitor engagement with online and social content;
- To give visitors a reason to visit outside of the summer season;
- To develop the visitor experience by creating packages and experiences; and
- To persuade visitors to travel beyond London.

Agricultural Sector

19.0.13 For the agriculture sector, the industry has highlighted the need for it to keep pace with the changing context brought about by climate change, food security, food miles, the decline in pollinators, global markets, major food retailers and changing legislation/guidance and Brexit. These may bring about demands for facilities such as large-scale crop storage facilities and new growing technologies. This Policy supports farmers to respond to these challenges. The Kent Downs AONB Unit Farm Diversification Toolkit [Kent Downs Farm Diversification Toolkit](https://kentdowns.org.uk/wp-content/uploads/2018/04/Farm-Diversification-Toolkit.pdf)⁸⁶ can help farmers take a balanced and integrated approach to making changes on their farm. The borough also has a significant woodland resource which brings with it opportunities in terms of development and diversification in respect of woodland products and renewable energy, sustainable woodland management and/or as a resource for sustainable leisure and green tourism activities.

19.0.14 Key parts of rural economies, the vitality and viability of rural communities are their local services and community facilities, including local shops, meeting places, sports venues, cultural buildings, schools,

86 <https://kentdowns.org.uk/wp-content/uploads/2018/04/Farm-Diversification-Toolkit.pdf>

public houses and places of worship. This Policy promotes and supports proposals for new services or the innovative diversification or expansion of existing provision. The Council will look to the retention and development of such services and facilities where they are, or can be made viable. Where development proposals threaten the continued future of such uses, the Council will look to applicants to submit substantial technical evidence to demonstrate the options that they have considered to retain the use, such as through sharing of services or diversification, which will also include details of its viability.

19.0.15 Even if the site or building is currently vacant, evidence will need to show that it is neither viable nor likely to become viable and that alternative employment uses have been robustly tested. This will also include the applicant having marketed the enterprise or the property for its commercial/community use for a reasonable period (at least one year) in a manner and at a price that reflects that use.

19.0.16 Agricultural practices are changing and evolving but to achieve support from this Policy, this change must be sustainable, with proper regard to environmental considerations which will depend on the type of development proposed. A specific aim to limit the impact of changes is a preference for new development proposals to use existing buildings, or where a new building is justified, on previously developed land as a first consideration.

19.0.17 The Council will have to be satisfied that such options have been fully explored before well designed new buildings, appropriate to their context can be approved. For proposals to convert existing buildings, the Council's Supplementary Planning Guidance entitled [The Conversion of Traditional Farm Buildings](#)⁸⁷ (or its successor) will remain a material consideration to the determination of some proposals.

19.0.18 Development proposals for larger scale (500sqm or above) rural based employment are preferred to be located at the village service centres and urban areas and with the sustainable re-use of existing units preferable.

Question 35

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy E2

The Rural Economy

Planning permission will be granted for the sustainable growth and expansion of businesses and enterprise in the rural area.

Planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless the site/building(s) is adequately demonstrated as having no demand for such purposes through an extensive, proactive marketing process, for at least 6 months, or its use would be undesirable or unsuitable.

Development proposals for rural based employment will:

1. For all proposals:
 - a. firstly consider the appropriate re-use of existing buildings or the development of other previously developed land, unless such sites are not available or it is demonstrated that a particular location is necessary to support the needs of rural communities or the active and sustainable management of the countryside;

⁸⁷ <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/the-conservation-of-traditional-farm-buildings>

- b. retain or enhance the rural services available to local communities and visitors without undermining or resulting in the loss of existing services, unless demonstrated to be unviable for the existing use or other employment/community use;
 - c. for new buildings and ancillary facilities, the design and layout will need to be sympathetic to the rural location and appropriate to their context;
 - d. result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area;
 - e. avoid scales of traffic generation incompatible with the rural character of the area, having regard to [22 Policy INF1 Managing transport demand & impact](#) and [45 Policy B8 Rural Lanes](#); and
 - f. provide capable broadband to the premises including gigabit-ready infrastructure and gigabit-capable broadband connections in new homes and to new businesses premises.
2. For tourism and leisure:
- a. in the case of green/sustainable tourism proposals, be demonstrated by reference to their principles;
 - b. provide for an expansion of tourist and visitor facilities in appropriate locations where identified needs are not being met by existing facilities in the locality or where able to increase facilities available to local communities as well as visitors; and
 - c. where relating to holiday parks, proposals are also in accordance with [21 Policy E4 New Holiday Parks or extensions to existing parks & the occupancy of holiday parks](#).
3. For the agricultural/forestry sectors:
- a. enable the diversification of a farm; or
 - b. extend the growing season or improve the reliability and availability of local crops; or
 - c. provide for the storage, distribution or added value activities in central hubs located close to crop sources and the primary and secondary road networks; or
 - d. increase the availability of locally grown food sold direct to the consumer; or
 - e. increase the sustainable management of woodlands; or
 - f. increase the use of renewable energy sources in accordance with [30 Policy C5 Renewable energy development and infrastructure](#).

Question 36

Do you support or object to Policy E2? What would you add, remove or amend to support it further or to remove your objection?

20 Policy E3 Proposals for Main Town Centre Uses

20.0.1 The [National Planning Policy Framework](#)⁸⁸ (NPPF) requires planning policies to define a network and hierarchy of town centres and to take a positive approach to their growth, management and adaptation allowing for flexible, mixed use, characterful places and to recognise the important role that they play at the heart of the local communities they serve. Swale is fortunate to have three vibrant town centres that provide a range of services and facilities and other urban local centres and rural local service centres to meet the day-to-day needs of local communities.

20.0.2 Sittingbourne is the principal town centre for the borough and is with Faversham and Sheerness the focus for retail development. Sitting below the town centres in the Swale retail hierarchy are the Urban Local Centres of Minster and Halfway and Queenborough and Rushenden, and the Rural Local Service Centres of Boughton, Eastchurch, Iwade, Leysdown, Newington and Teynham. The extent of the town centres of Sittingbourne, Faversham and Sheerness will be illustrated on the Proposals Map, which will be available in later stages of the Local Plan.

20.0.3 The focus for retail development is at the town centres. The [Swale Retail & Leisure Needs Assessment \(update\) 2023](#)⁸⁹ sets out that in particular Sittingbourne and Sheerness, that have identified additional capacity for convenience goods floorspace. Sittingbourne has seen significant investment in recent years as part of the delivery of regeneration activities including a new multi-storey car park and cinema complex with restaurants and public realm improvements. The Council seeks to support further regeneration within Sittingbourne through the [Sittingbourne Town Centre Supplementary Planning Document 2022](#)⁹⁰ that forms part of the Council's development and will shape and guide regeneration and heritage in the town centre over the next 10 to 15 years. In terms of comparison goods capacity, the updated needs assessment identifies reduced capacity in all three of the borough's centres. This is primarily due to changing consumer behaviour coupled with the impact of the Covid-19 pandemic and rising inflation.

20.0.4 There is significant uncertainty in the retail and leisure sector at this time and the Council is not looking to allocate sites for retail through this local plan review, preferring instead to take a more flexible approach. This will be kept under review through monitoring and review of town centre vitality and viability indicators.

20.0.5 Proposals for retail use that cannot be accommodated within the town centre will require the submission of an impact assessment that will set out the impacts the proposals are likely to have on the vitality and viability of the town centre in the catchment area of the proposal. The impact assessment is required to demonstrate how negative impacts on a town centre can be mitigated for. A local threshold of 500 sq.m for assessing retail proposals on the edge of town centres or out of centre has been set as recommended by the [Retail and Leisure Needs Assessment 2018](#)⁹¹

Primary Shopping Areas and active shop frontages

20.0.6 The NPPF sets out that planning policies are required to identify the 'Primary Shopping Areas' for town centres where retail development is concentrated and make clear the range of uses that are permitted. Primary and supporting secondary shopping frontage areas where ground floor uses are predominantly retail with complementary uses can also be identified to support the vitality and viability of centres. The Primary Shopping Area and primary and secondary shopping frontages will be illustrated on the Proposals Map, which will be available in later stages of the Local Plan.

20.0.7 The borough's town centres are facing considerable challenges at present, and it is the Council's approach to be flexible and adaptable in the range of uses that are provided in these shopping areas

88 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

89 <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence/economy-and-employment#h2>

90 <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/adopted-sittingbourne-town-centre-supplementary-planning-document-spd>

91 <https://services.swale.gov.uk/assets/Planning%20Policy%202019/Retail%20Leisure%20Needs%20Assessment%20Report.pdf>

and where it supports local economies. Particularly encouraging the unexpected opportunities that may occur on the fringes of the primary shopping areas. Allowing for a wide range of uses can potentially have a key role in maintaining a diverse and commercially prosperous centre without undermining their primary retail function. This flexible approach will help enhance the vitality and viability of the borough's town centres and maximise their contribution to the local economy.

20.0.8 Retail will remain the predominant use at ground floor level in the Primary Shopping Areas. However, the new use class order that came into force in 2021 allows for a wider range of uses, including non-retail, to be permitted without requiring permission from the Council. Whilst the Council recognises the need for flexibility, adaptability at this time, it is imperative that ground floor frontages in the primary shopping area continue to contribute to the vitality and viability of the town centre by being well designed and in keeping with the character of the immediate area. Active frontages contribute to maintaining and enhancing a sense of place and natural surveillance, and proposals for development involving alterations or new shop fronts must accord with [8 Policy GD3 Shop fronts, signs & advertisements](#).

Question 37

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy E3

Proposals for Main Town Centre Uses

Planning permission will be granted for main town centre uses subject to:

1. Taking into account the scale and type of development proposed in relation to the size, role and function of the centre, as follows:

Principal Town Centre	Sittingbourne
Secondary Town Centres	Faversham and Sheerness
Urban Local Service Centres	Minster and Halfway; Queenborough and Rushenden
Rural Local Service Centres	Boughton, Eastchurch, Iwade, Leysdown, Newington and Teynham

Table 20.0.1

2. Being located within the town centres as defined on the Proposals Map (to be illustrated in the later stages of the Local Plan); or

3. Where demonstrated that a town centre site is not available, being located on a site on the edge of a town centre, subject to criteria 4a to 4c; or

4. Where demonstrated that there are no suitable sites available at locations within criteria 2. and 3. above, proposals elsewhere within the built-up areas of Faversham, Sheerness and Sittingbourne, as shown on the Proposals Map (to be illustrated in the later stages of the Local Plan) will only be permitted if:

- a. it is demonstrated by an impact assessment (when the proposal is for retail and leisure above 500 sq. m) that it would not individually, or cumulatively with those trading or proposed, undermine the vitality and viability of existing town centres, or of other local centres and the facilities and services of other locations;

- b. it does not materially prejudice the provision of other land uses, particularly the supply of land for economic land uses, housing, community use and open space; and
 - c. it is well located in relation to the main road network and easily accessible by public.
5. Elsewhere, proposals will be permitted where they address the tests set out in national policy and accord with criteria 4a to 4c.

Primary Shopping Areas, secondary frontage and active frontages

6. The Council will support the concentration of retail uses in the Primary Shopping Area as identified on the Proposals Map (to be illustrated in later stages of the Local Plan). Shop frontages within the Primary Shopping Area and secondary shopping frontages as identified on the Proposals Map (to be illustrated in later stages of the Local Plan) must be well designed in line with Policy GD3 on shop fronts, signs & advertisements. They will be active frontages in that they will be outward looking onto their street and enhance the vitality and natural surveillance of the street.
7. Proposals for development within the Primary Shopping Areas and secondary frontage areas will be permitted where they can demonstrate that the proposed use and design will enhance the vitality and viability of the town centre.
8. Given the likelihood of more residential development in our town centres, developers should be mindful of the 'Agent of change principle' set out in the NPPF, and be prepared to undertake any necessary mitigation in order to attain a suitable living environment.

Question 38

Do you support or object to Policy E3? What would you add, remove or amend to support it further or to remove your objection?

21 Policy E4 New Holiday Parks or extensions to existing parks & the occupancy of holiday parks

21.0.1 In Swale, holiday parks are a significant part of the tourism offer and make a valuable contribution to the local economy. Visitors have the potential to boost local communities, particularly in the summer months, by creating seasonal employment opportunity and by supporting local shops, restaurants and other businesses. The changing nature and flexibility of the leisure market and the higher aspirations of holiday makers are leading to leisure providers continually developing new concepts to respond to consumer needs and aspirations.

21.0.2 Holiday parks are for short term tourism occupation for up to 10 months of the year. Whilst some parks in Swale have been modernised to meet changing needs, others are of poor quality and are in need of improvement. Many of the holiday parks are located within open and/or coastal sensitive landscapes where they have had negative visual impacts. With the space available for the parks being squeezed by coastal cliff erosion and increasing flood risk.

21.0.3 Given the scale of existing holiday park provision on the Isle of Sheppey and its contribution to the current poor condition and appearance of local landscapes, the Local Plan Review does not seek to allocate any new sites. The expansion of existing sites outside defined holiday areas will also not be permitted due to the landscape and visual impacts likely to arise. Exceptionally, extensions to existing sites will be permitted in specific local circumstances, such as where land on a site is being physically lost due to coastal processes and where its replacement can be assimilated successfully into the landscape.

The occupancy of holiday parks

21.0.4 Most holiday parks in Swale have been restricted to an eight month period of occupation, with an additional 11 day period allowed over Christmas and the New Year period for sites not at risk of flooding. The limited occupancy period was imposed to ensure that these holiday parks were not used as permanent (and sometimes sub-standard) housing, many of which were in poorly accessible parts of the borough, to also protect the character of rural areas, and to afford the opportunity to retain a period of tranquillity in rural and other areas. In areas at risk of flooding, permanent occupation over the winter period could also result in risk to life.

21.0.5 Whilst these considerations remain relevant, to give more scope and incentive to enable modernisation and upgrading to take place, the Council considers that there will be occasions when a 10 month occupancy period will be acceptable, which will, in turn deliver tourism benefits and support for the local economy.

21.0.6 Policy E4 below sets out the parameters within which applications to extend the occupancy of holiday parks to a 10 month period will be permitted. Permanent occupation will continue to be resisted.

21.0.7 Where land is liable to flooding, occupation will continue to be restricted in accordance with national planning policy and guidance. Applications to extend occupancy on these sites will need to be supported by an up-to-date Flood Risk Assessment (FRA) with mitigation measures where appropriate. Applications will be resisted where it has not been possible to provide mitigation that adequately safeguards from the risk of flooding over the winter months.

21.0.8 In cases where sites are either adjacent, or in close proximity to, the Swale or Medway Special Protection Area, an application to extend the holiday season will need to be accompanied by an assessment made under the Habitat Regulations in order to consider potential disturbance to over-wintering birds.

Question 39

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy E4

New Holiday Parks or extensions to existing parks & the occupancy of holiday parks

1. Planning permission will be granted for the upgrading and improvement of existing static holiday caravan and chalet sites (including the conversion from chalet to caravan) within the existing boundaries of the Holiday Park areas as shown on the Proposals Map (to be illustrated in later stages of the Local Plan).

Conversions from caravan to chalet will be reviewed on a case-by-case basis, due to some chalet sites having 12 month occupancy rights and where criteria 4.d of this policy applies.

Planning permission will not be granted for any new static holiday caravans and chalets, or extensions, outside of the Holiday Park areas on the Isle of Sheppey as shown on the Proposals Map (to be illustrated in later stages of the Local Plan).

2. In circumstances where land is lost to coastal erosion, minor extensions to existing static holiday caravan sites will be permitted where:

- a. the proposal is in accordance with [31 Policy C6 Coastal Change Management](#) and [32 Policy C7 Implementing the Medway Estuary & Swale Coastal Risk Management Strategy](#) where it applies relating to the coast and the coastal change management area;
- b. it is demonstrated that on-site upgrading and improvement is not practical or viable;
- c. there is no overall increase in the existing number of accommodation units;
- d. it is part of a scheme to upgrade and improve the quality of tourist accommodation and other amenities on the site;
- e. it results in a significant and comprehensive improvement to the layout, design and appearance of the site, together with an integrated landscape strategy that creates a landscape framework for both the existing and proposed sites that will reduce their overall impact within the landscape in accordance with [39 Policy B2 Conserving & enhancing valued landscapes](#);
- f. in accordance with policy criteria set out below on the occupancy of holiday parks; and
- g. there is no unacceptable impact on the local environment.

3. Where new or improved facilities are proposed within the existing boundaries of the Holiday Park areas, as shown on the Proposals Map (to be illustrated in later stages of the Local Plan), planning permission will be granted provided they are:

- a. of a type and scale appropriate to the site or park they are intended to serve;
- b. where feasible, made available for use by the local resident population; and
- c. in accordance with policy set out below on occupancy of holiday parks.

4. Applications to extend occupancy of caravans and chalets in holiday parks to 10 months will be assessed against the following criteria, all of which must be met:

- a. the site is not at risk of flooding, unless, exceptionally, applications accompanied by a Flood Risk Assessment (FRA) can satisfactorily demonstrate that the proposals would not result in a greater risk to life or property and where an appropriate flood evacuation plan would be put in place;
- b. the amenity and tranquillity of the countryside and residential areas are safeguarded;
- c. the proposals are in accordance with [31 Policy C6 Coastal Change Management](#) and [32 Policy C7 Implementing the Medway Estuary & Swale Coastal Risk Management Strategy](#) where it applies relating to the coast and the coastal change management area;

- d. where located adjacent to or in close proximity of the Special Protection Areas (SPAs), an assessment has been undertaken to determine the level of disturbance to over-wintering birds and identified mitigation measures, where appropriate; and
- e. the extension of a 10 month occupancy is subject to planning conditions safeguarding the holiday accommodation from being used as a sole or main residences.

Question 40

Do you support or object to Policy E4? What would you add, remove or amend to support it further or to remove your objection?

22 Policy INF1 Managing transport demand & impact

Managing Transport Demand and Impacts

22.0.1 The need to prioritise sustainable transport and active travel above private use is becoming increasingly urgent. On 26th June 2019, the Council declared a [Swale Climate and Ecological Emergency](#)⁹². Some of the intentions set out by the council in the document include an approach to spatial and transport planning that makes fewer journeys necessary, as well as improving public transport and encouraging active travel. The Council's [Climate and Ecological Emergency Action Plan 2025](#)⁹³ includes Air Quality and Sustainable Transport as one of the seven focus areas. Development in the borough now needs to contribute towards providing an efficient and sustainable transport system and promote modal shifts toward public transport and active travel.

22.0.2 We are in a period of significant technological advancement and travel pattern uncertainty resulting from new ways of working and new technology. This policy is intended to be sufficiently flexible to react appropriately to those evolving changes.

22.0.3 New development and redevelopment can impact the transport network through both physical changes and changes to the number, type and mode of trips linking the site. This has an effect on the safe and efficient operation of the highway and public transport network.

22.0.4 This policy aims to ensure that development proposals maximise opportunities for access and sustainable transport, responds to the emerging technological advances and is designed to support transport modes in line with the hierarchy below:

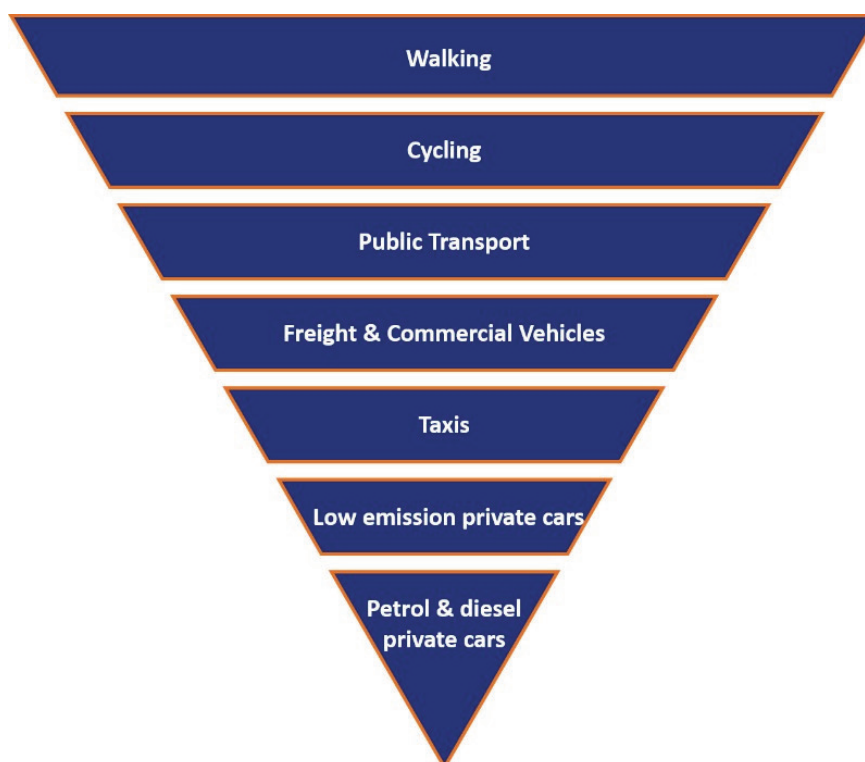


Figure 22.0.1 Transport Hierarchy.jpg

22.0.5 This policy also aims to ensure that developers submit an appropriate level of assessment to enable the Council to assess the transport conditions before and after a development. Development

92 Swale Borough Council -Declaration of Emergency <https://services.swale.gov.uk/assets/Climate-Change-and-Ecological-Emergency/Climate-Change-and-Ecological-Emergency-Motion.pdf>

93 Climate and Ecological Emergency Action Plan 2025 - https://swale.gov.uk/_data/assets/pdf_file/0011/494219/2025-Climate-and-Ecological-Emergency-Action-Plan.pdf

proposals should take all the appropriate steps to safely and efficiently integrate a development to the transport network within its capacity, and/or to secure measures to enable access and capacity before a development comes into use.

22.0.6 This policy supports the core objectives of the [National Planning Policy Framework](#) (NPPF) ⁹⁴ for promoting sustainable transport by managing patterns of development at a site-specific level. The NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals, and significant development should be focused in areas that are, or can be made to be, sustainable through limiting the need to travel and offering a genuine choice of transport modes.

22.0.7 This policy forms a framework for considering development proposals in line with NPPF to ensure that:

- a. appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b. safe and suitable access to the site can be achieved for all users; and
- c. any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

22.0.8 Development proposals should therefore be located and designed to minimise the need to travel and maximise the choice and convenience of sustainable modes in line with potential future strategic policy on Promoting Sustainable Transport and Active Travel.

22.0.9 All developments that have the potential to generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. These should be prepared in line with Planning Practice Guidance for Travel Plans and Transport Assessments and Statements.

22.0.10 Thresholds for development requiring assessment are defined by the Council's Planning Validation Checklist:

22.0.11 Transport Assessment:

- a. Residential developments of 40 dwellings or more, or
- b. Developments (including non-residential) proposals of 2,500 square meters with a gross floor space of 2,500m² or more
- c. Where recommended as mitigation, a draft travel plan should also be submitted

22.0.12 Transport Statements:

- d. Residential developments of 10 dwellings or more, or
- e. Development (including non-residential) with a gross floor space of 1,000 m² or more
- f. Site has an area of 0.25 hectare or more and the development proposed will have limited transport issues arising
- g. Where recommended as mitigation, a draft travel plan should also be submitted.

22.0.13 The above thresholds are not exhaustive and the requirements for assessment should be determined based on the unique nature of each site. The coverage and detail of assessment should reflect the scale of the development and the extent of the transport implications of the proposal. This can be agreed with the council following discussions with the Highway Authority at the Pre-Application stage.

22.0.14 Developers should demonstrate that a proposal will meet the needs of users in accordance with the transport hierarchy in Figure 22.0.1 Transport Hierarchy.jpg, and that the transport network (both highway and public transport) has sufficient capacity to accommodate additional movements from the development.

94 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

22.0.15 Where a development is likely to result in capacity constraints, developers are required to detail the specific amendments and mechanisms to mitigate the proposals. These should be agreed and implemented prior to development, and the Council will seek to secure these through Planning Conditions, Section 106 legal agreements as appropriate.

22.0.16 Following application of the above processes, NPPF (paragraph 116) states that development should only be prevented or refused on highways grounds if the residual cumulative impacts of development are 'severe'. Whilst 'severe' is not defined by the NPPF, DfT [Circular 2/2013](#)⁹⁵ states that continued safe operation of the network is the prime consideration in terms of the operation of the strategic road network.

22.0.17 New development should be located to minimise the need to travel for employment and services, and to facilitate sustainable transport in accordance with potential future strategic policy on Promoting Sustainable Transport and Active Travel.

22.0.18 Development proposals will be expected to assist with the delivery of the [Faversham LCWIP](#)⁹⁶ January 2022(update⁹⁷ drafted, becomes definitive version once approved), the Kent Cycling and Walking Infrastructure Plan ([KCWIP](#), August 2024⁹⁸) and the emerging Swale LCWIP which underwent for public consultation in Autumn 2025. They plans have been designed to enable a long-term approach to developing local cycling, walking and wheeling networks over a 10-year period.

22.0.19 Development should be designed with active travel, especially walking and cycling at the forefront and should be located within walkable distances to services and amenities. Development sites that lack existing local services and amenities should incorporate proposals for such where the scale of development warrants it. Mixed-use development or sites that have access to employment or community facilities without the need for vehicular trips will be favoured to support this policy and future strategic policy on Promoting Sustainable Transport and Active Travel as well as principles of minimising the need to travel.

22.0.20 Integration of walking and cycling not only requires consideration within the site layout, but also requires comprehensive and cohesive links to the surrounding network, services and facilities. Development layouts should be designed to be fully permeable to pedestrians and cyclists, and measures to reduce traffic speed in residential areas should be integral to the design and layout. Existing public rights of way through a development site should in the first instance be enhanced to improve connectivity to the wider network and recreational value, or be retained on their established routes within green, overlooked corridors. [Local Transport Note 1/20](#)⁹⁹ must be used as the standard for new cycle route design. Any proposed changes to routes must be demonstrated to the satisfaction of the Council and Kent County Council Public Rights of Way Access that change to the network would enhance its recreational value.

22.0.21 Developments should take full advantage of public transport services in their vicinity. Sites that have high public transport accessibility, or the ability to provide it, will be strongly favoured. Site layouts should be designed to promote access to public transport, increase the attractiveness of these modes, and capitalise on opportunities to strengthen transport interchanges. In line with a strategic policy on Promoting Sustainable Transport and Active Travel in the future, developers will be required to integrate improved public transport facilities where appropriate, such as access to bus stops, shelters, passenger seating, waiting areas, signage and timetable information.

22.0.22 Developers should demonstrate through appropriate assessment that scheme proposals can be accommodated within the existing or committed public transport capacity. Where capacity constraints are predicted, developers should mitigate this through appropriate means, such as contributions towards new or improved services in accordance with a future strategic policy on Promoting Sustainable Transport and Active Travel.

95 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1093964/circular-02-2013-update.pdf

96 <https://favershamtowncouncil.gov.uk/active-travel/>

97 <https://favershamtowncouncil.gov.uk/wp-content/uploads/2025/09/Faversham-LCWIP-Aug-25.pdf>

98 <https://letstalk.kent.gov.uk/kent-cycling-and-walking-infrastructure-plan>

99 <https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>

22.0.23 The Council recognises the important role of rail and water transport in the movement of freight and commercial use. Indeed, the [Kent Minerals and Waste Local Plan 2024-39 \(Adopted 2025\)](#) (Policy CSM 12) ¹⁰⁰ supports in principle development proposals for new wharf and rail depots for importation operations, and this policy requires that emissions associated with minerals and waste road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. The Council is keen to encourage greater use of rail and water transport and will usually support development which proposes this.

22.0.24 We are in a period of significant transport innovation and technological advancement, whether this be conversion of vehicular fleets to electric or hydrogen power, autonomous vehicles or on demand transport provided directly to our homes via mobile phone apps. Accompanied with this there may also be longer term travel demand changes that may occur as a legacy from the Covid-19 pandemic. These could involve greater peak spreading of travel demand and a need for flexible working spaces within new homes or communities. The council will ensure that this local plan's policies can accommodate the adaptations to the way we travel, work and shop with the objective of reducing the need for private car dependency.

22.0.25 Direct access to the strategic road network and primary road network shown on Picture 7.0.6 will not be supported in most cases. New direct access to the strategic road network will only be considered in cases of strategic development, proposed through a local plan review, and only where appropriate access arrangements can be achieved without detriment to network capacity or safety.

22.0.26 The Insets (Figure 22.0.2 Swale Urban Hierarchy - Figure 22.0.5 Sittingbourne Urban Hierarchy) show the Urban Road Hierarchy for Faversham, the Sheerness area and Sittingbourne respectively.

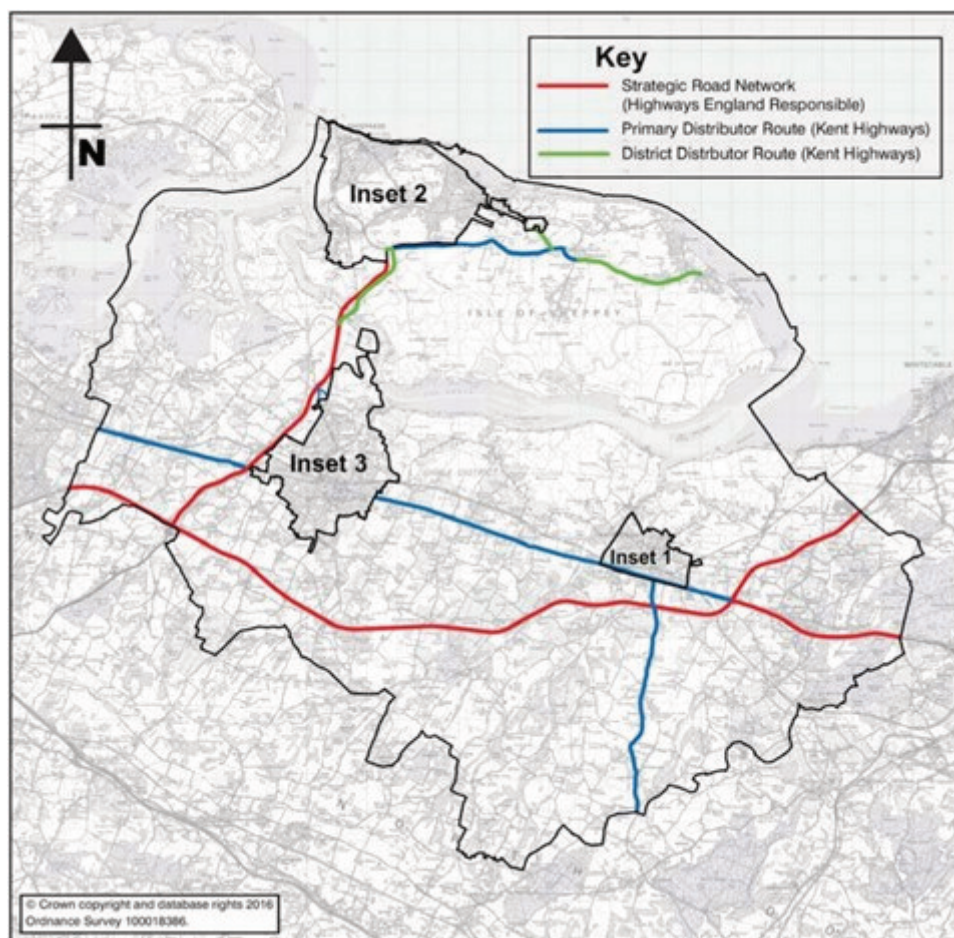


Figure 22.0.2 Swale Urban Hierarchy

¹⁰⁰ https://www.kent.gov.uk/_data/assets/pdf_file/0019/205507/Kent-minerals-and-waste-local-plan-2024-to-2039.pdf

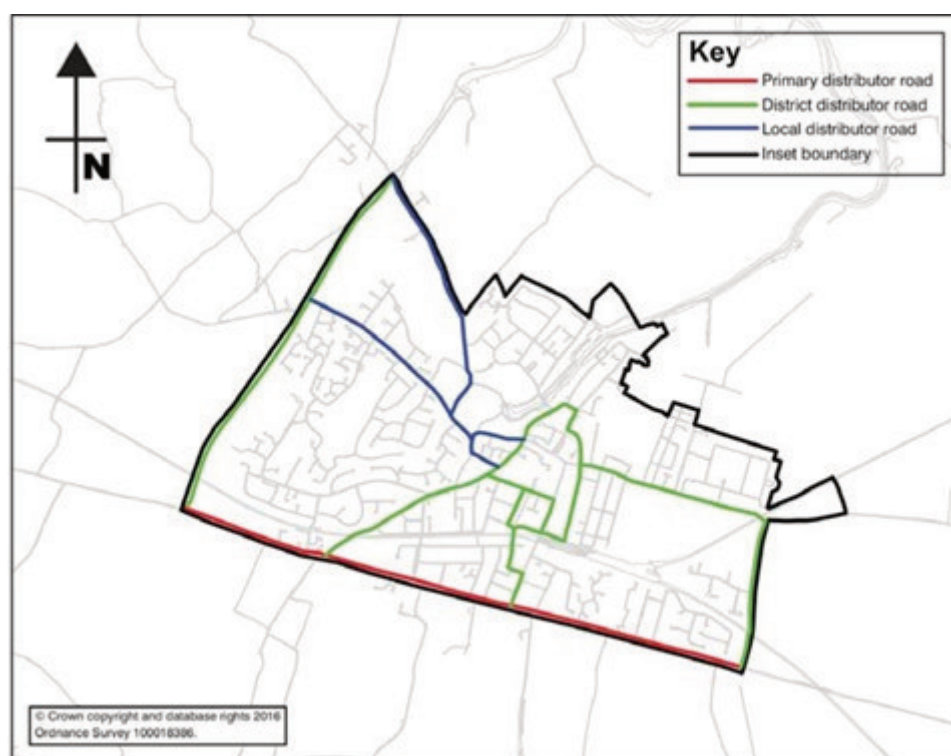


Figure 22.0.3 Fav Urban Hierarchy

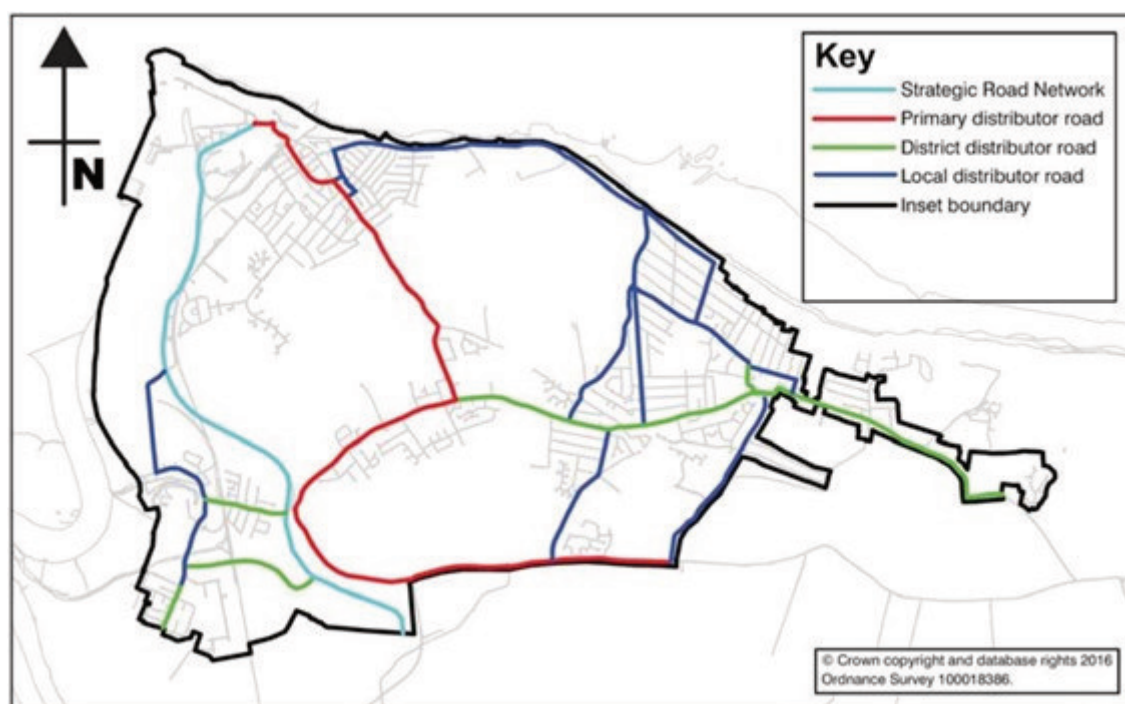


Figure 22.0.4 Sheerness Urban Hierarchy

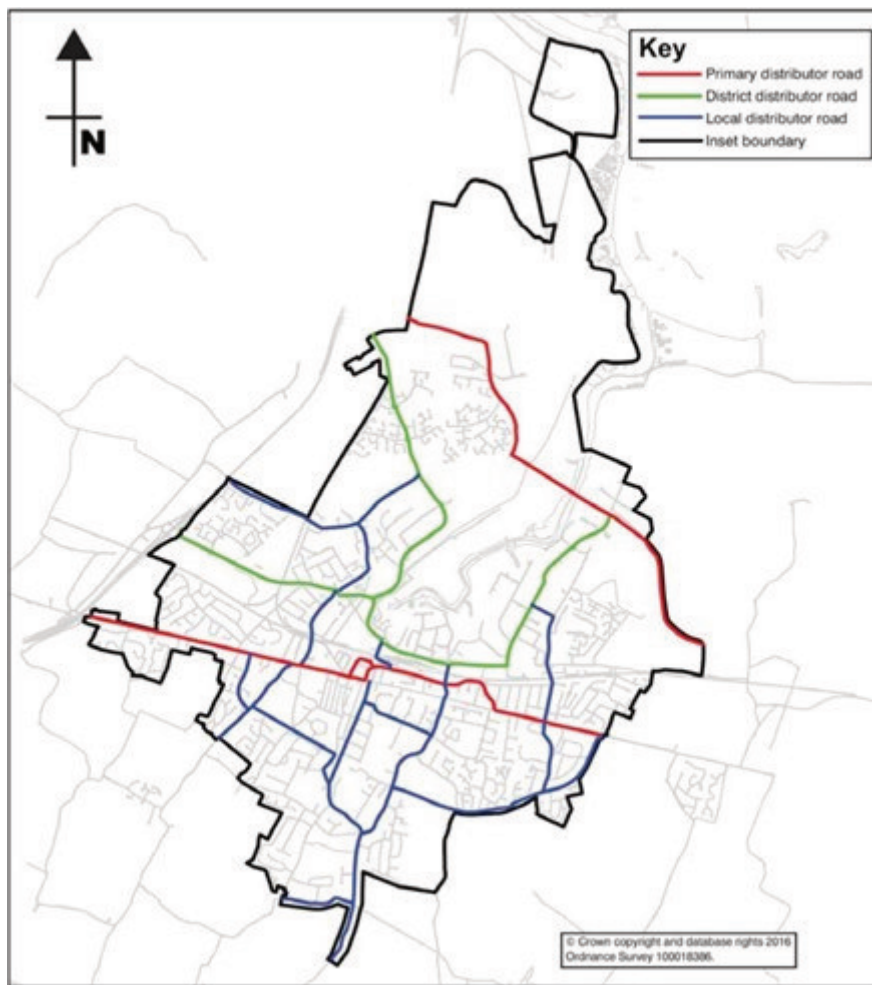


Figure 22.0.5 Sittingbourne Urban Hierarchy

Question 41

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy INF1

Managing transport demand & impact

1. All developments that have the potential to generate significant amounts of movement by any mode should be supported by a Transport Statement or Transport Assessment. Where recommended as mitigation, a draft Travel Plan should be submitted, and a Full Travel Plan secured by planning condition;
2. Development that has the potential to impact the strategic road network will require a Transport Assessment regardless of level of trip generation;
3. All trip generating development proposals must prioritise sustainable transport and 'active travel' by:
 - a. Minimising demand for private car journeys;
 - b. Demonstrating that sustainable transport modes have been prioritised in the design in accordance with the Development Transport Hierarchy (Figure 22.0.1 Transport Hierarchy.jpg);

- c. Providing a fully permeable and connected development for walking, cycling and public transport;
 - d. Creating an accessible development accommodating the needs of all users, including those who are disabled or are mobility impaired;
 - e. Ensuring existing public rights of way are enhanced, or where diverted that new routes are created in appropriate locations;
 - f. Realising all opportunities to enhance access by sustainable modes, appropriate to the scale of development; for example, on strategic sites, look for opportunities to provide car clubs or cycle hire schemes, where possible, integrated into 'mobility hubs' which may also include a new bus stop or other element of sustainable transport. Car club cars should be provided on developments of 100 cars or above. Mobility hubs (with more than one type of active/sustainable travel element in one place) should be provided in developments larger than 250 dwellings;
 - g. Having due regards to relevant adopted Local Cycling and Walking Infrastructure Plans; and
 - h. Demonstrating that the public transport network has sufficient capacity to accommodate the development, taking into account the cumulative impact of local committed development.
4. All trip generating development proposals must consider highway impacts by:
- a. Demonstrating that the road network has sufficient capacity to support the development, considering the cumulative impact of local committed development;
 - b. Ensuring that, where mitigation is required, environmentally acceptable improvements to the network are agreed by the Council and the Highway Authority and provided in advance of severe safety or capacity highway issues being identified;
 - c. Demonstrating access arrangements can be achieved, accommodating the predicted level of use and vehicle types, and without severe residual cumulative impacts to network capacity or impacting upon highway safety; and
 - d. 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. Other proposals for new access onto the networks will need to demonstrate that they can be created in a location acceptable to the Council and appropriate Highway Authority.
5. Development proposals must support safe and sustainable freight and commercial operations by:
- a. Not resulting in the loss of usable wharfage or rail facilities;
 - b. Ensuring safe and efficient delivery and servicing that minimises the number of motor vehicle journeys;
 - c. Providing supporting evidence that demonstrates the promotion or use of wharfs or rail facilities when requested by the Planning Authority; and
 - d. Providing layouts that accommodate emergency and utility vehicles.
6. Where the residual cumulative impacts of development are severe following mitigation works, or where a development will impact the continued safe and efficient operation of the local transport network, the development will be refused;
7. All proposals for strategic development or where otherwise advised must demonstrate that they are able to respond to emerging technologies by:
- a. Including facilities for charging plug-in and other ultra-low emission vehicles in line with Policy C1 and Policy INF 2;
 - b. Supporting intelligent priority for sustainable modes of travel;
 - c. Facilitating "on demand" public transport or car club facilities and/or alternative measures that reduce the need for private car ownership;

- d. Providing Broadband/connected communities infrastructure and house design that supports Working from Home; and
- e. Providing flexible parking arrangements that can be easily adapted into community open space should demand for parking fall.

Question 42

Do you support or object to Policy INF1? What would you add, remove or amend to support it further or to remove your objection?

23 Policy INF2 Vehicle parking

23.0.1 The Council is aiming for walkable neighbourhoods within sustainable communities by ensuring that there is integrated employment, residential and community uses and by providing access to sustainable modes of transport into and around the towns and neighbourhoods. Research has shown there are fewer young people owning a driving licence ¹⁰¹ and that older people are driving less ¹⁰². In addition, home working had been steadily increasing and saw a substantial increase during and after the COVID19 pandemic and is a trend that is likely to remain. However, car ownership, although variable across different parts of the borough, is still a reality. Therefore there is a need to park, not only cars but, all types of vehicles, so the provision of well-designed parking set in the context of attractive public realm is an important requirement.

23.0.2 Ensuring the appropriate level of car parking in new development involves striking a careful balance. On the one hand, it is important that sufficient parking is provided so that there are no significant knock-on effects on the safety and function of the public highway and public transport through on street parking. On the other, the over provision of car parking, particularly within the vicinity of places of work, can lead to less sustainable travel choices and in residential areas can lead to car dominated neighbourhoods.

23.0.3 The [National Planning Policy Framework](#) (NPPF para 109) ¹⁰³ requires that transport issues, including parking, are considered from the earliest stages in the planning process as a means to create well-designed, sustainable and popular places. In addition, the NPPF (para 112 and 113) sets out that residential and non-residential parking standards can be determined locally where there is a clear and compelling justification. This could include local transport conditions, type and mix of land uses, electric vehicle needs and vehicle ownership. Whilst there is also the requirement for prioritising pedestrians, people with disabilities and cyclists/wheelers with the provision of safe, secure and attractive environments (para 117). The Council has published a Supplementary Planning Document setting out the local context on transport issues and providing guidance on car and cycle parking standards and design, including the requirements for electric vehicle charging [Swale Parking SPD](#) ¹⁰⁴.



Swale Borough Council

Parking Standards

April 2020

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- 101 Chatterjee, K., Goodwin, P., Schwanen, T., Clark, B., Jain, J., Melia, S., Middleton, J., Plyushteva, A., Ricci, M., Santos, G. and Stokes, G. (2018). Young People's Travel – What's Changed and Why? Review and Analysis. Report to Department for Transport. UWE Bristol, UK. <https://www.gov.uk/government/publications/young-peoples-travel-whats-changed-and-why>
- 102 Marsden, G. et al. (2018) All Change? The future of travel demand and the implications for policy and planning, First Report of the Commission on Travel Demand, ISBN: 978-1-899650-83-5
- 103 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf
- 104 <https://services.swale.gov.uk/assets/Planning-Forms-and-Leaflets/Supplementary-Planning-Documents/SBC-Parking-Standards-May-2020.pdf>

23.0.4 Design of parking provision in residential areas will be steered by the Swale Parking SPD, research into residential car parking in Kent made available by "[Space to Park](#)"¹⁰⁵, and design criteria relevant to parking within both the [National Design Guide](#)¹⁰⁶ and the [Building for a healthy life tool](#)¹⁰⁷.

Question 43

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy INF2

Vehicle parking

Development proposals will, as appropriate:

1. Accord with the adopted [Swale Parking SPD](#), Building Regulations 2021 Parts S, the [National Design Guide](#), [Building for a Healthy Life](#) and [Space to Park](#). Updated Part S covers electric vehicle parking and where there are repeated requirements with the Swale Parking SPD, developers should comply with whichever requirement delivers more electric vehicle charging provision;
2. For residential development proposals will:
 - a. take into account the type, size and mix of dwellings and the need for visitor parking;
 - b. provide efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within an attractive, tree shaded public realm; and
 - c. be aware of the caveat in the [Swale Parking SPD](#) that allows for a reduction in vehicle parking where appropriate.
3. For non-residential uses, development proposals will take into account:
 - a. the accessibility of the development and availability of public transport;
 - b. the type, mix and use of the development proposed;
 - c. the need to maintain an adequate level of car parking within town centres to ensure that viability of the centres is not compromised; and
 - d. to ensure appropriate provision for vehicle parking is integrated within an attractive, tree shaded public realm.
4. Cycle parking facilities on new developments will be of an appropriate design and in a convenient/easily accessible, safe, secure and sheltered location;
5. Development should make the following provision for electric vehicle charging points:
 - a. all new houses with dedicated off-street parking should provide charging points; and
 - b. within communal car parks for residential or non-residential developments of at least 10 spaces, a minimum of 10% of spaces should provide an active charging point.

Question 44

Do you support or object to Policy INF2? What would you add, remove or amend to support it further or to remove your objection?

¹⁰⁵ <http://www.spacetopark.org/>

¹⁰⁶ <https://www.gov.uk/government/publications/national-design-guide>

¹⁰⁷ <https://www.udg.org.uk/publications/othermanuals/building-healthy-life>

24 Policy INF3 Open space, sport and recreation provision

24.0.1 This policy aims to protect, enhance & provide strategic recommendations and objectives for open space, sport and recreation in the borough. The [National Planning Policy Framework](#)¹⁰⁸ (NPPF para 103) recognises that having access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of our communities. The aim of this policy is to safeguard Swale's existing facilities and make for the provision and enhancement of open space, sport and recreation facilities as a result of new development.

24.0.2 The NPPF advises that robust and up-to-date assessments of the need for these facilities, including quantitative or qualitative deficits or surpluses, should be used in the preparation of planning policies. The Council's adopted [Open Spaces and Play Area Strategy \(2018-2022\)](#)¹⁰⁹ and are¹¹⁰ both up-to-date and thorough assessments that have been carried out since the adoption of the last Local Plan. These strategies will continue to be supported by an Open Spaces Technical Assessment, a Playing Pitch Assessment and the Swale Built Facility Assessment and Strategy 2024-2038.

24.0.3 Both strategies seek to identify key opportunities and strategic imperatives, plan for the delivery of new facilities triggered by development, make improvements to existing facilities and provide working documents that set standards for provision in terms of quantity, quality and accessibility. The Swale Built Facility Assessment and Strategy (2024-2038)¹¹¹

24.0.4 Other linked strategies include the [Swale Active Lives Framework](#) (2017-2022)¹¹² and the [Swale Green and Blue Infrastructure Strategy \(2020\)](#)¹¹³ and [Swale Green Grid Strategy](#)¹¹⁴ (2016), which aims to create a network of multi-functional green and blue spaces across the borough.

24.0.5 Initially, Policy INF3 protects existing open space, sport and recreation facilities, and these should not be built on other than in exceptional circumstances. Furthermore, it seeks additional provision and enhancement, where required as part of new development. Policy INF3 also highlights the requirement to address deficiencies, with reference to the strategies outlined above.

24.0.6 The actual type and amount of provision required will be determined at planning application stage, in the context of the specific details of the proposed development, and in consideration of the council's wider strategic aims. However, Policy INF3 seeks to ensure that amounts do not fall below current standards. Finally, in order to integrate such provision into the green and blue infrastructure network, Policy INF3 advocates for the multi-use and functioning of spaces to achieve benefits to communities and to biodiversity (through the creation of natural habitats) in accordance with future strategic policy in the next stage of the Local Plan Review, Reg 19.



¹⁰⁸ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

¹⁰⁹ <https://services.swale.gov.uk/assets/Planning%20Policy%202019/Open%20Spaces%20and%20Play%20Area%20Strategy%202018-2022.pdf>

¹¹⁰ (Public Pack) Agenda Document for Housing, Health and Communities Committee, 28/10/2025 19:00

¹¹¹ [Swale Built Facility Assessment and Strategy 2024 - 2038](#)

¹¹² <https://swale.gov.uk/your-council/publications/sports-and-physical-activity/active-lives-framework-which-seeks-to-increase-physical-activity-in-the-community>

¹¹³ <https://services.swale.gov.uk/assets/Planning%20Policy%202019/7659.012%20Swale%20GBI%20Strategy%20MERGED%20LR.pdf>

¹¹⁴ <https://ws.swale.gov.uk/meetings/documents/s6079/Green%20Grid%20Strategy%202016%20proof%20Aug%202016.pdf>

Question 45

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy INF3

Open space, sport and recreation provision

Proposals for residential and other development will, as appropriate:

1. Safeguard existing open space, sport and recreation provision;
2. Make provision for open space and recreation facilities in accordance with Table 7.0.2 to ensure that amounts do not fall below current standards whilst ensuring that the location of new provision does not result in increased levels of recreational pressure on internationally designated sites;
3. Make provision for sports facilities in accordance with the needs identified by the Council's [Open Spaces and Play Area Strategy \(2018-2022\)](#), [Playing Pitch Strategy \(2015-2025\)](#) and [Swale Built Facilities Study](#), whilst ensuring that the location of new provision does not result in increased levels of recreational pressure on internationally designated sites;
4. Where it is not appropriate to make new provision on-site, make contributions to the off-site funding of facilities to meet local deficiencies or to the qualitative or quantitative improvement of existing provision; and
5. Provide for the multi-use of open space, sports and recreation facilities as appropriate, with particular emphasis on contributing towards the [Green and Blue Infrastructure Strategy \(2020\)](#), set out in a strategic policy in the next stage of the Local Plan Review, Regulation 19, so as to achieve benefits for both communities and biodiversity.

Type of space	Quantity to maintain existing levels of provision (ha per 1000 population)	Proposed need (ha)	Distance from new development
Parks and gardens	1.36	22.79	2km of a destination site. 800m of a local site. 400m of a neighbourhood site.
Natural and semi-natural greenspace	4.20	70.39	2km of a destination site. 800m of a local site. 400m of a neighbourhood site.
Amenity greenspace	0.49	8.21	400m
Provision for children and young people	0.06	1.01	400m
Allotments	0.18	3.02	800m

Table 24.0.1 Open space and recreation standards, subject to change pending new evidence at a later stage.

Destination sites – large parks providing a range of facilities and features offering recreational, ecological, landscape, cultural or green and blue infrastructure value which (in the case of parks and gardens) are accessible by public transport. Includes areas recognised for a significant importance and biodiversity such as local nature reserves, woodlands and country parks.

Local sites – large areas, including a landscape setting, outdoor sports, children’s play, informal recreation and areas of varied biodiversity such as coastal parks, country parks and community woodland.

Neighbourhood sites – pocket parks of less than 0.5ha which provide a landscape setting, informal space of children’s play as well as space which provides varied biodiversity such as linear paths and small areas of space.

Question 46

Do you support or object to Policy INF3? What would you add, remove or amend to support it further or to remove your objection?

25 Policy INF4 Local Green Spaces

25.0.1 The [National Planning Policy Framework](#)¹¹⁵ (NPPF para 106) states that Local (and Neighbourhood) Plans should allow communities to identify and protect green areas of particular importance to them. The aim of this policy is to ensure that Local Green Space (LGS) designations are protected from inappropriate development and retained for enjoyment by local communities.

25.0.2 LGS designations can be considered, during the plan-making process, where the green space is:

- In reasonably close proximity to the community it serves;
- demonstrably special to a local community and holds a particular local significance for example, because of its beauty, historic significance, recreational value (including as a playing field), tranquillity, or richness of wildlife; and
- local in character and not an extensive tract of land.

25.0.3 An assessment of potential LGS's has been carried out against the defined criteria and can be found published within the Local Plan's evidence base. The sites in question have, for the most part, been forward by local communities and represent diverse types and uses of land ranging from coastal cliff tops to allotments and recreation grounds.

25.0.4 The sites designated as LGS's are shown on the Proposals Map (to be illustrated in later stages of the Local Plan). The Council can have no direct influence on the management of these sites, although clearly the borough, parish and town council's wish to see their current use continue. However, Policy INF4 will be used to preserve these LGS's and prevent development which would conflict with their character and use.

25.0.5 LGS designations differ from village green registrations which are handled by Kent County Council under separate legislation and outside the remit of national planning policy and the Local Plan.

Question 47

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy INF4

Local Green Spaces

Within designated Local Green Spaces, planning permission will not be granted other than for:

1. The construction of a new building providing essential facilities for outdoor sport or recreation, cemeteries, allotments, the reasonable requirements of agriculture or forestry, or other community uses related to the Local Green Space, where the character and use of the Local Green Space is preserved;
2. The replacement, extension or alteration of an existing building where this does not result in a disproportionate addition over and above the original building and maintains the character and use of the Local Green Space;
3. The re-use of an existing building where this does not conflict with the character and use of the Local Green Space; or
4. The carrying out of engineering or other operations required for public safety or to provide essential infrastructure.

115 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

Question 48

Do you support or object to Policy INF4? What would you add, remove or amend to support it further or to remove your objection?

26 Policy C1 Sustainable design and adaptation principles

26.0.1 As a coastal borough in the south of England, Swale's population and environment is particularly vulnerable to the impacts of climate change including flooding and erosion, increased storms, overheating and drought. Impacts are already being felt, particularly by communities and businesses currently suffering from flooding, erosion and water shortages and by local ecosystems suffering the impacts of changing weather, including drought.

26.0.2 In response to the threats of climate change, in June 2019 the Council declared a Climate and Ecological Emergency. This included a commitment to facilitate the action required to make Swale carbon neutral, with an agreed target of 2045 (updated in 2025 from a former target of 2030). Following on from this the Council has developed, and updated, an Action Plan with actions for departments across the Council.

26.0.3 The Council's approach to addressing climate change must be seen within the international context. The UK is a signatory to the international Paris Agreement 2015, brokered via the United Nations. This commits signatories to ensure global average temperatures rise is limited to 2°Celsius above pre-industrial levels, and to pursue a limit of 1.5°C. This commitment requires fast and drastic cuts to global carbon emissions.

26.0.4 In 2019 the UK Government also declared a climate emergency and updated the legally binding carbon reduction goal for 2050 enshrined in the [Climate Change Act 2008](#)¹¹⁶. The Act comes with 5-yearly carbon budgets that are devised by the independent Committee on Climate Change (CCC) and passed into law by Parliament.

26.0.5 The CCC's, Seventh Carbon Budget (2025), explains:

- in nearly all scenarios considered by the Intergovernmental Panel on Climate Change (IPCC), long-term warming exceeds 1.5°C;
- under current policies, the global carbon budget for 1.5°C would be exhausted by 2030;
- it is still possible to limit long-term warming with deep and immediate emissions cuts;
- long-term warming above 1.5°C, even temporarily, will bring impacts that need to be adapted to. The greater the overshoot, the larger the climate risks;
- a greater overshoot implies a larger need for CO₂ removal measures many of which are not yet proven.

26.0.6 The urgency of the situation is clear and local plans (and thereby planning applications) have a duty and a mandate to respond, as follows:

- The [Planning & Compulsory Purchase Act 2004](#)¹¹⁷ establishes that local plans are obliged to include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change;
- The Climate Change Act 2008 sets the UK's 2050 net zero carbon goal, and also interim 'carbon budgets', that reduce every 5 years;
- The [Planning & Energy Act 2008](#)¹¹⁸ grants local planning authorities the power to set reasonable requirements for:
 - Energy efficiency standards higher than those set by Building Regulations; and
 - Renewable or low carbon sources 'in the locality of the development' to supply a proportion of energy used at the development.
- [National Planning Policy Framework](#)¹¹⁹ (NPPF) states that:
 - The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It

¹¹⁶ <https://www.legislation.gov.uk/ukpga/2008/27/contents>

¹¹⁷ <https://www.legislation.gov.uk/ukpga/2004/5>

¹¹⁸ <https://www.legislation.gov.uk/ukpga/2008/21/contents>

¹¹⁹ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (para 161);

- Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating and drought from rising temperatures, in line with the objectives and provisions of the Climate Change Act 2008 (para 162);
- The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts (para 163);
- New development should be planned for in ways that help to reduce greenhouse gas emissions, such as through its location, orientation and design (para 164);
- To help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources (para 165).
- The [Planning Practice Guidance](#) ¹²⁰ chapter on Climate Change explains why it is important for planning to consider climate change and the legal mandate for such. It highlights opportunities to mitigate and adapt to climate change including:
 - Reducing the need for travel and providing sustainable transport;
 - Providing opportunities for renewable and low carbon energy and decentralised energy; and
 - Promoting low-carbon design approaches to reduce energy consumption in new buildings.

26.0.7 However, the Committee on Climate Change's analysis and High Court Rulings from 2022 and 2024 ¹²¹ show that national government's current policies & plans will not deliver the Climate Change Act goals.

26.0.8 In response to these issues, the Council commissioned an evidence base for ambitious climate change policies. The evidence comprises three elements:

- i. Literature Review (assessment of powers and duties);
- ii. Policy options & risk matrix; and
- iii. Evidence base and policy recommendations.

26.0.9 and can be found at: [Local Plans - Local Plan Review Evidence](#) ¹²².

26.0.10 Some of the challenges set out in the evidence base include:

- Building Regulations:
 - won't deliver net zero carbon buildings (including the Future Homes Standard);
 - don't count unregulated energy (eg appliances) so don't count all energy; and
 - are inaccurate and underestimate actual energy use.
- Lack of clarity from successive governments
 - despite having the legislative framework, national policy is not explicit on what is required for the UK to reach net zero by 2050.
 - a number of Written Ministerial Statements have further clouded the water, resulting in confusion for local authorities and subsequent legal challenges. The evidence base documents set out detail related to the legal challenges.

¹²⁰ <https://www.gov.uk/guidance/climate-change>

¹²¹ <https://www.judiciary.uk/wp-content/uploads/2022/07/FoE-v-BEIS-judgment-180722.pdf>

¹²² <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence>

26.0.11 Despite these challenges many local authorities are adopting policies that will ensure new development is zero carbon and truly mitigates and adapt to climate change. The Council is seeking to follow this lead and adopt policy that enables the fulfilment of their legal and moral duties.

Key Principals for net zero development

- i. New development's energy demand must be minimised;
- ii. New development should not use fossil fuel;
- iii. New development should come with enough new renewable energy generation to 'meet the energy used on site';
- iv. New development should use energy based metrics which measure true net zero operational carbon and adopt absolute targets for space heat demand, total energy use intensity per square metre; and
- v. Climate mitigation should include mandatory reporting and targets for embodied carbon.

26.0.12 These principles have fed into policies C1-C5 in this chapter, the benefits of which include:

- Ensuring new buildings in Swale are net zero and support the local and national net zero targets of 2045 and 2050 respectively;
- Buildings that are fit for the long term and avoid future costly retrofits;
- Ensuring new buildings have reduced energy costs and carbon taxes;
- Creating buildings and communities that contribute to healthier and more comfortable environments;
- Improving air quality associated with fossil fuel combustion;
- Minimising the need for new energy generation and grid reinforcement whilst contributing to enhanced energy resilience and security;
- Closing the performance gap between the design and operation of new buildings;
- Creating demand for high value jobs and skills;
- Supporting innovative supply chains and the transition to a green economy; and
- Demonstrating to the next generation that we have played our part in addressing the urgency of climate change.

Costs and feasibility

26.0.13 Policies need to be deliverable if they are to be found sound. Assessing the costs and feasibility of ambitious climate change policies has been an important element in both the climate change evidence base and the Whole Plan Viability Assessment. Details of costs and feasibility are provided in the evidence base documents ¹²².

C1 Sustainable design and adaptation principles

26.0.14 The **Sustainable design, construction and adaptation principles** policy is part of a suite of policies in this Local Plan Review which seek to mitigate and adapt to climate change and enable the Local Plan Review to play its part in enabling the Council and the UK to mitigate and adapt to climate change. It sets out the Council's aspiration for sustainable design, construction and adaptation principles for development in the borough. It should be read against the other policies in this chapter.

Policy application

26.0.15 Before adoption of this policy, the Council aims to produce Planning Guidance to assist in its interpretation and application. Until that time, the climate change evidence base, ¹²² which informed this policy, should be consulted.

26.0.16 The Building Research Establishment (BRE) runs the Building Research Establishment Environmental Assessment Method ([BREEAM](https://breeam.com/about))¹²³. It is a globally recognised, third-party, sustainability certification and assessment process, well established in Swale and included in policies in the adopted Local Plan, Bearing Fruits 2031. It examines a wide range of categories including health and wellbeing, energy, water, materials, waste and pollution. A range of BREEAM ratings continue to be relevant for Swale and are included in Policy C1.

26.0.17 Applicants for planning permission are expected to demonstrate the elements set out in policy C1 have been considered and evidenced where appropriate by the corresponding assessment methodology, in a **Climate, Energy and Waste Statement**, to accompany planning applications.

26.0.18 Definitions of uncommon phrases used in this policy can be found in the [Glossary](#)

Question 49

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C1

Sustainable design and adaptation principles

Principles of sustainable design and construction, and climate adaptation, should be considered from the very earliest stages of design development.

All residential and non-residential buildings should mitigate against, and adapt to, climate change by employing sustainable design and construction principles, in line with the criteria below, and any future Planning Guidance or Planning Documents.

1. Applicants are expected to demonstrate how these elements have been incorporated via a Climate, Energy and Waste Statement. The following measures should be set out:
 - a. Sustainable design and construction - all new developments must minimise their carbon footprint and energy impact through sustainable design and construction practices. Proposals should demonstrate efforts to reduce greenhouse gas emissions by factors such as site selection and location, linkages to other sites and infrastructure, land use/mix, site layout, building orientation, design, landscaping and tree planting strategies, while prioritising a “fabric-first” approach and nature-based solutions. Where development of existing sites takes place, it should be recognised that retaining and upgrading existing structures may be more sustainable than building new;
 - b. Sustainable choices – all new development should demonstrate that it makes sustainable living the easiest choice, for instance by providing: mixed uses/communities so people can live close to where they work, learn, socialise and relax; homes that are comfortable to work from, with space for flexible uses, including play and hobbies; have easy access, safe and dry bicycle parking; have space for storage, including for waste and recycling; have internal space to dry laundry; have easy access to public transport and good quality active travel infrastructure; and have safe and easy access to green and blue infrastructure and outdoor recreation - as well as supporting the TCPA's Healthy Homes Principles as set out in Policy G1 General Development Criteria;
 - c. Cooling hierarchy - all development proposals should show how designs have optimised the internal and solar heat gains, to balance the need to minimise space heating demand with the

¹²³ <https://breeam.com/about>

need to passively maintain comfortable temperatures during hot summers. The Climate, Energy and Waste Statement should set out how overheating risk measures have been incorporated in accordance with the following cooling hierarchy:

- i. Minimise internal heat generation through energy-efficient design and equipment selection;
- ii. Reduce and manage the amount of heat entering the building in summer using:
 - Building orientation;
 - Shading;
 - Albedo/Reflectivity;
 - Fenestration; and
 - Insulation.
- iii. Manage heat within the building through exposed internal thermal mass and high ceilings;
- iii. Passive ventilation, including cross ventilation through a building wherever possible. Passive stack and wind-driven ventilation, night purging and designing windows to allow effective and secure ventilation. Single aspect developments are discouraged;
- iv. Natural cooling measures including green and blue infrastructure;
- v. Use of mixed-mode cooling such as low-energy mechanical cooling (fan-powered ventilation); and
- vi. Mechanical ventilation (which, if it has a heat recovery function, should also have a summer bypass mode).

d. Overheating assessment:

- i. all major residential developments should complete CIBSE TM59 overheating assessment as their route to compliance with Building Regulations Part O (or future equivalent assessment methodology). The simplified Part O route will not be considered acceptable; or
- ii. all major non-residential developments should complete CIBSE TM52 overheating assessment (or future equivalent assessment methodology).

(Certain aspects of building design intended to increase energy efficiency and reduce heat demand, such as increased glazing and airtightness, can also exacerbate heat risk and cause uncomfortable living conditions. The inclusion of CIBSE TM52/59 overheating assessments provides the flexibility needed to manage this balance, as these assessments allow for more detailed design solutions compared to the simplified approach in Part O of Building Regulations.)

e. Resilience and adaptation to climate change - all development should incorporate measures that increase resilience to extreme weather events and demonstrate adaptation to a changing climate, including increasing temperatures and frequency and intensity of rainfall. All developments should demonstrate, where relevant, how they will:

- i. Reduce the risk of flooding and conserve water and accord with policies [33 Policy C8 Flood risk](#) and [35 Policy C10 Water quality and Water Resources](#);
- ii. Employ sustainable drainage and accord with [34 Policy C9 Sustainable Drainage](#);
- iii. Ensure cool streets and paths, through tree planting and nature-based solutions, including the enhancement of existing water features;
- iv. Reduce the 'heat island' effect through the use of cool materials and green and blue infrastructure within the development;
- v. Be designed to enhance resilience to the anticipated effects of climate change. Proposals must incorporate measures to adapt to changing climate conditions, including resilience to extreme weather events, rising temperatures, stronger winds, droughts, heavy rainfall, and snow.

Water conservation and storage measures should also be integrated into designs, taking into account best practices and future climate projections and accord with [35 Policy C10 Water quality and Water Resources](#); and

f. BREEAM – all new non-residential developments (including C1, C2, C2a and C5) are required to achieve BREEAM 'Very Good' standard as a minimum. New major non-residential developments (including C1, C2, C2a and C5) of 1,000sqm or more are required to achieve BREEAM 'Excellent' standard as a minimum.

Question 50

Do you support or object to Policy C1? What would you add, remove or amend to support it further or to remove your objection?

27 Policy C2 Net zero operational carbon in new build residential development

27.0.1 The case for the suite of policies that address the urgency of the climate emergency is set out in the preamble to Policy C1 Sustainable design, construction and adaptation principles.

27.0.2 Policy C2 is aligned with:

- national policy goals which aim to achieve the legally-binding UK target of net zero by 2050, as set out in the [Climate Change Act 2008](#) ¹²⁴;
- carbon budgets legislated under the aegis of that Act and linked to the **Climate Change Committee's** (CCC) Balanced Pathway to Net Zero in the Sixth Carbon Budget report, which sets out that all new buildings should be zero carbon from 2025, with high levels of energy efficiency and low-carbon heat over gas boilers/fossil fuels. The CCC also recommends a heat demand between 15-20 kWh/m²/year;
- the [Planning and Energy Act 2008](#) ¹²⁵ which sets out that local standards for energy efficiency in new homes are able to exceed those set in Building Regulations
- the approach to fossil fuels as set out in the **Future Homes Standard** (which seeks to end fossil fuel boilers); and
- the **borough wide net-zero target of 2045**.

27.0.3 For more detail on the justification for the suite of climate change policies, the benefits and co-benefits, costs and feasibility please see the preamble to [26 Policy C1 Sustainable design and adaptation principles](#).

Policy application

27.0.4 Before adoption of this policy, the Council aims to produce Planning Guidance to assist in its interpretation and application and set out details of a future potential carbon offsetting scheme. Until that time, the [Climate change evidence base](#) ¹²⁶ which informed this policy, should be consulted.

27.0.5 Compliance with this policy should be demonstrated at the planning application stage through submission of a **Climate, Energy and Waste Statement**, which should include associated output reports from energy modelling software (e.g. PHPP, or HEM when available for general use).

27.0.6 Policy C2 sets a requirement for total energy use (or Energy Use Intensity) per m² per year, and such covers both regulated and unregulated energy use within a dwelling. The policy acts as a limit on the energy consumed within a building on an annual basis. It also sets a requirement for space heating demand using the same metric. Space heating demand is the number of units of heat required to sufficiently heat spaces within the building. Aside from stipulating no use of fossil fuels, the policy is agnostic to any technology in the building for heating and is determined by the level of insulation and air tightness specified for the building, it is therefore driving fabric efficiency to ensure that demand for heat is minimised in the first place.

27.0.7 The policy aims to deliver an on-site energy balance on an annual basis, by providing enough renewable energy generation to equal the total energy use value. The secondary requirement (point 3a), using the kWh/m²projected building footprint/year, acts as a mechanism to ensure that on-site renewable energy generation is maximised where an on-site net zero energy balance is not feasible (eg taller flatted buildings or where overshadowing significantly impacts solar PV output). The value set is aligned to roughly 70% of roof space being covered by high efficiency solar PV panels.

¹²⁴ <https://www.legislation.gov.uk/ukpga/2008/27/contents>

¹²⁵ <https://www.legislation.gov.uk/ukpga/2008/21/section/1>

¹²⁶ <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence#h2>

27 Policy C2 Net zero operational carbon in new build residential development

27.0.8 Points 1., 2. and 3. of the policy are to be addressed at the design and post-completion stages, to ensure that the development has been built to intended standards. Post-completion resubmission of the original energy statement including energy performance calculations, informed by the relevant tests to systems and fabric, will be required as a condition as part of the planning application process.

27.0.9 Points 5. and 7. on compliance will also need to be demonstrated post-completion through the satisfaction of planning conditions.

27.0.10 Please see the evidence base documentation (Output iii, under A. Net zero operational carbon in new build residential development) for detail on:

- Renewable energy provision;
- Offsetting (including circumstances when it may be applied flexibly);
- Assured performance methods; and
- Applicability to outline applications.

27.0.11 This policy applies to use classes C3 and C4. Please see policy C3 for requirements for use classes C1, C2, C2a and C5.

Question 51

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C2

Net zero operational carbon in new build residential development

All new build dwellings are required to submit a Climate, Energy and Waste Statement demonstrating that the development meets the following requirements:

1. Total energy use of ≤ 35 kWh/m²/year GIA;
2. Space heating demand of ≤ 15 kWh/m²/year GIA (or <20 kWh/m²/year in bungalows only);
 - a. The use of fossil fuels and connection to the gas grid will not be considered acceptable.
3. On-site annual renewable energy generation capacity to at least equal the predicted annual total energy use;
 - a. Where an on-site net zero energy balance is not possible, it must be demonstrated that the amount of on-site renewable energy generation equates to ≥ 120 kWh/m² projected building footprint/year.
 - b. Where a building in a multi-building development cannot individually achieve the requirements of point 3., this shortfall is to be made up across other units on-site before energy offsetting (point 4) is considered.
 - c. Large-scale development (50 residential units or more) should demonstrate that opportunities for on-site renewable energy infrastructure (on-site but not on or attached to individual dwellings), such as solar PV canopies on car parks, have been explored.
 - d. Renewable energy output should be calculated in line with Microgeneration Certification Scheme guidance for the relevant technology (expected to be Photovoltaics in most cases).
4. Energy offsetting will only be acceptable in exceptional circumstances, and as a last resort, where it is demonstrably unfeasible to achieve an on-site net zero regulated and unregulated energy balance. Any shortfall in on-site renewable energy generation that does not match energy use is to be offset via a S106 financial contribution, reflecting the cost of the solar PV that will need to be delivered off-site;

a. The energy offset price is set as £2.31/kWh. (This price is based on cost of solar PV data from the Department for Energy Security and Net Zero, and includes inflation and a 10% margin to enable administration of the offset fund to deliver off-site solar PV by the Council or its appointed partners. The price quoted here is from September 2024 and this figure will need to be revised annually. This is set as a one-off payment, where the shortfall in annual on-site renewable energy generation is multiplied by the energy offset price.)

5. Reduced performance gap - to ensure operational energy in practice performs to predicted levels from the design stage, an assured performance method must be implemented throughout all phases of construction;

6. Smart energy systems - all new build proposals should demonstrate how they have considered the difference (in scale and time) of renewable energy generation and the on-site energy demand, with a view to maximising on-site consumption of energy generated on site and minimising the need for wider grid infrastructure reinforcement. This may include smart local grids, energy sharing, energy and thermal storage, demand-side response, vehicle-to-grid charging provision, and/or solutions that combine elements of the above; and

7. Post-occupancy evaluation - large-scale development (50 units or more) is to monitor and report total energy use and renewable energy generation values to the Council on an annual basis and for 5 years upon occupation. An outline plan for the implementation of this should be submitted with the planning application.

Question 52

Do you support or object to Policy C2? What would you add, remove or amend to support it further or to remove your objection?

28 Policy C3 Net zero operational carbon in new build non-domestic development

28.0.1 The case for the suite of policies that address the urgency of the climate emergency is set out in the preamble to 26 Policy C1 Sustainable design and adaptation principles.

28.0.2 Policy C3 is aligned with:

- national policy goals which aim to achieve the legally-binding UK target of net zero by 2050, as set out in the [Climate Change Act 2008](#)¹²⁷;
- carbon budgets legislated under the aegis of that Act and linked to the **Climate Change Committee's** Balanced Pathway to Net Zero in the Sixth Carbon Budget report, which sets out that all new buildings should be zero carbon from 2025, with high levels of energy efficiency and low-carbon heat over gas boilers/fossil fuels;
- the **borough wide net-zero target of 2045**.

28.0.3 For more detail on the justification for the suite of climate change policies, the benefits and co-benefits, costs and feasibility please see the preamble to Policy C1 Sustainable design and adaptation principles.

Policy application

28.0.4 Before adoption of this policy, the Council aims to produce Planning Guidance to assist in its interpretation and application and set out details of a future potential carbon offsetting schemes. Until that time, the [Climate change evidence base](#)¹²⁸ which informed this policy, should be consulted.

28.0.5 Compliance with this policy should be demonstrated at the planning application stage through submission of a **Climate, Energy and Waste Statement**, which should include associated output reports from energy modelling software (e.g. PHPP, or HEM when available for general use).

28.0.6 Policy C3 sets a requirement for total energy use (or Energy Use Intensity) per m² per year, and such covers both regulated and unregulated energy use within buildings. The policy acts as a limit on the energy consumed within a building on an annual basis. It also sets a requirement for space heating demand using the same metric. Space heating demand is the number of units of heat required to sufficiently heat spaces within the building. Aside from stipulating no use of fossil fuels, the policy is agnostic to any technology in the building for heating and is determined by the level of insulation and air tightness specified for the building, it is therefore driving fabric efficiency to ensure that demand for heat is minimised in the first place.

28.0.7 Due to high variability of potential unregulated energy loads in non-residential buildings, the policy includes a regulated-only energy use limit to ensure that this scope of energy is limited to best practice levels, whilst high unregulated loads can be justified according to the specific use. This ensures that the core energy use of a building (from heating, cooling and lighting) is limited whilst not prohibiting non-residential applications that naturally have high unregulated energy loads, such as a hotel with a significant amount of estimated electrical plug-in equipment.

28.0.8 The purpose of point 3. is to deliver an on-site energy balance on an annual basis, by providing enough renewable energy generation to equal the total energy use value in point 1. The secondary requirement, using the kWh/m² projected building footprint/year, acts as a mechanism to ensure that on-site renewable energy generation is maximised where an on-site net zero energy balance is not feasible. The value set is aligned to roughly 70% of roof space being covered by high efficiency solar PV panels.

¹²⁷ <https://www.legislation.gov.uk/ukpga/2008/27/contents>

¹²⁸ <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence#h2>

28.0.9 Points 1., 2. and 3. of the policy are to be addressed at the design and post-completion stages, to ensure that the development has been built to intended standards. Post-completion resubmission of the original energy statement including energy performance calculations, informed by the relevant tests to systems and fabric, should be required as a condition as part of the planning application process.

28.0.10 Points 5. and 7. on compliance should also be demonstrated post-completion through planning conditions.

28.0.11 Please see the evidence base documentation (Output iii under B. Net zero operational carbon in new build non-domestic development) for detail on:

- Renewable energy provision;
- Offsetting (including circumstances when it may be applied flexibly);
- Assured performance methods; and
- Applicability to outline applications.

Question 53

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C3

Net zero operational carbon in new build non-domestic development

All new build non-domestic development (including C1, C2, C2a and C5) are required to submit a Climate, Energy and Waste Statement demonstrating that the development meets the requirements set out below.

1. Total energy use:

a) The total energy use for the following building uses should be as follows:

- i. Warehouses and light industrial: ≤ 35 kWh/m²/year GIA;
- ii. Offices: ≤ 55 kWh/m²/year GIA;
- iii. Schools: ≤ 55 kWh/m²/year GIA;
- iv. Retail: ≤ 35 kWh/m²/year GIA.

b) It is accepted that in some circumstances, unregulated energy loads for the specific use of a non-residential building may result in a total energy use that exceeds the limits set out above. In these cases, applicants are required to demonstrate that regulated energy is limited to 30 kWh/m²/year. Unregulated loads must be justified in the Climate, Energy and Waste Statement;

c) Other building types (e.g. heavy industry, data centres etc.) or uses not listed are required to demonstrate that regulated energy is limited to 40 kWh/m²/year. Unregulated loads must be justified in the Climate, Energy and Waste Statement.

2. Space heating demand for all building types and uses of ≤ 15 kWh/m²/year GIA:

a) The use of fossil fuels and connection to the gas grid will not be considered acceptable.

3. On-site annual renewable energy generation capacity to at least equal the annual total energy use:

a) Where an on-site net zero energy balance is not possible, it must be demonstrated that the amount of on-site renewable energy generation equates to ≥ 120 kWh/m² projected building footprint/year. Where this is not achieved, it must be demonstrated to the satisfaction of the Council that this is due to unavoidable design issues such as natural lighting and utility space;

b) Where a building in a multi-building development cannot individually achieve the requirements of point 3., this shortfall is to be made up across other units on-site before energy offsetting (point 4) is considered; and

c) Large-scale development (5000m² non-residential floorspace or more) should demonstrate that opportunities for on-site renewable energy infrastructure (on-site but not on or attached to individual buildings), such as solar PV canopies on car parks, have been explored.

4. Energy offsetting:

a) Only in exceptional circumstances, and as a last resort, where it is demonstrably unfeasible to achieve an on-site net zero energy balance, any shortfall in on-site renewable energy generation that does not match regulated and unregulated energy use is to be offset via S106 financial contribution, reflecting the cost of the solar PV delivered off-site; and

b) The energy offset price is set as £2.31/kWh. (This price is based on cost of solar PV data from the Department for Energy Security and Net Zero, and includes inflation and a 10% margin to enable administration of the offset fund to deliver off-site solar PV by the Council or its appointed partners. The price quoted here is from September 2024 and this figure will need to be revised annually. This is set as a one-off payment, where the shortfall in annual on-site renewable energy generation is multiplied by the energy offset price.)

5. Reduced performance gap:

a) An assured performance method must be implemented throughout all phases of construction to ensure operational energy in practice performs to predicted levels from the design stage.

6. Smart energy systems:

a) All new build development should demonstrate how they have considered the difference (in scale and time) of renewable energy generation and the on-site energy demand, with a view to maximising on-site consumption of energy generated on site and minimising the need for wider grid infrastructure reinforcement. This may include smart local grids, energy sharing, energy and thermal storage, demand-side response, vehicle-to-grid charging provision, and/or solutions that combine elements of the above.

7. Post-occupancy evaluation:

a) Large-scale development (over 5000 m² floorspace) is to monitor and report total energy use and renewable energy generation values on an annual basis. An outline plan for the implementation of this should be submitted with the planning application. The monitored in-use data must be reported to the local planning authority for 5 years upon occupation.

Question 54

Do you support or object to Policy C3? What would you add, remove or amend to support it further or to remove your objection?

29 Policy C4 Embodied carbon and waste

29.0.1 The case for the suite of policies that address the urgency of the climate emergency is set out in the preamble to [26 Policy C1 Sustainable design and adaptation principles](#).

29.0.2 Embodied carbon is carbon that is emitted during the production, transport and assembly of a building, infrastructure or product, before the product is in use. This is opposed to ‘operational carbon’ that is emitted when buildings, infrastructure and products are in use, or ‘operating’. Together, embodied carbon and operational carbon form part of the building’s whole of life carbon emissions. As such, in conjunction with [27 Policy C2 Net zero operational carbon in new build residential development](#) and [28 Policy C3 Net zero operational carbon in new build non-domestic development](#), Policy C4 seeks to ensure that carbon emissions are limited across the whole life cycle of new development.

29.0.3 As set out in [the Government’s 2022 response](#) ¹²⁹ to the Environment Audit Committee ‘Building to net zero: costing carbon in construction’, *there is no Government policy requiring the assessment or control of embodied carbon emissions from buildings. As a result, no progress has been made in reducing these emissions within the built environment. This inaction remains despite the built environment making up 25 per cent of the UK’s total greenhouse gas emissions and the UK’s Nationally Determined Contribution, made at COP26, committing the UK to achieve a 68% reduction in the UK’s carbon emissions by 2030... This is an extremely short time frame within which to start assessing and substantially reducing embodied carbon emissions. The first step must be a requirement to undertake whole-life carbon assessments for buildings so the industry can start measuring and then controlling for this carbon*’.

29.0.4 Following this, in [2025. MHCLG, set out](#) ¹³⁰ that: ‘*the construction and use of buildings creates both embodied and operational carbon emissions. Historically, government policies and voluntary efforts from the industry have primarily focused on the reduction of operational carbon emissions of buildings. However, for the UK to reach its 2050 net zero target, focusing efforts on reducing the embodied carbon of buildings is also critical*’.

29.0.5 As progress is made in reducing operational carbon and decarbonising the grid, the relative significance of [embodied carbon](#) ¹³¹ is increasing. In some cases, embodied carbon can account for more than 50% of a new project’s whole life carbon footprint

29.0.6 The [Committee on Climate Change, in its Seventh Carbon Budget has set out](#) ¹³² that amongst the key actions to deliver the balanced pathway to net zero by 2050 is the ‘set minimum standards for the whole-life carbon impact of products, which could include rules to measure and limit the embodied carbon of buildings.

29.0.7 Whilst there is no explicit reference to embodied carbon in the NPPF, the NPPF’s references to ‘low carbon economy’ could implicitly include embodied carbon as part of the equation. Additionally, embodied carbon is a design issue and therefore should logically fall under the NPPF’s instruction that “New development should be planned for in ways that ... can help to reduce greenhouse gas emissions, such as through its ... design”.

29.0.8 As such there is now widespread agreement across government and industry that embodied carbon needs to be effectively measured and assessed if the built environment is to play its part in meeting the UK’s net zero by 2050 target.

¹²⁹ <https://committees.parliament.uk/publications/30124/documents/174271/default/>

¹³⁰ <https://www.gov.uk/government/publications/consideration-of-embodied-carbon-in-new-buildings/the-practical-technical-and-economic-impacts-of-measuring-and-reducing-embodied-carbon-in-new-buildings-executive-summary#fn:1>

¹³¹ <https://www.arup.com/globalassets/downloads/insights/net-zero-buildings-halving-construction-missions-today.pdf>

¹³² <https://www.arup.com/globalassets/downloads/insights/net-zero-buildings-halving-construction-missions-today.pdf>

29.0.9 Waste, in this policy, refers to the avoidance and reduction of construction waste associated with the building of new development through material reuse and recycling, resource-efficient construction, building adaptability/flexibility and end of life disassembly all of which can reduce waste and cut costs.

29.0.10 The [National Planning Policy Framework](#)¹³³ (NPPF) includes minimising waste as part of the environmental objective of sustainable development (para 8c). Furthermore (para 4), it explains that it should be read in conjunction with the [Government's planning policy for waste](#)¹³⁴. This in turn sets out the government's ambition to work towards a more sustainable and efficient approach to resource use and management, including through: driving waste management up the waste hierarchy (prevention – reuse – recycling – recovery – disposal); helping secure the re-use, recovery or disposal of waste without endangering human health or the environment; and ensuring the design and layout of new development and infrastructure complements sustainable waste management (including the provision of appropriate storage and segregation facilities to enable high quality collections of waste).

29.0.11 [Planning Practice Guidance](#)¹³⁵ (PPG) on Waste explains that 'non-waste' planning authorities must have regard to [National Planning Policy for Waste](#)¹³⁶ and are expected to deliver the waste hierarchy (para 10). This involves:

- working with waste planning authorities to identify and protect sites;
- integrating waste management opportunities in proposed new development;
- considering the impact of development on existing and future waste management sites;
- promoting sound management of waste from proposed development;
- including planning conditions promoting sustainable design of development through recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste; and
- ensuring waste collections help towards achieving the higher levels of the waste hierarchy.

Conclusion

29.0.12 As such there is clear justification for local authorities to require embodied carbon assessments and limit emissions arising from the construction of new development.

29.0.13 The evidence base for this policy, including industry capability, costs and feasibility, is set out in the references in this chapter as well as in our [Climate change evidence base](#) on our website¹³⁷.

Policy application

29.0.14 Details of how applications will comply with the requirements of this policy should be included in a **Climate, Energy and Waste Statement**.

29.0.15 Before adoption of this policy, the Council aims to produce Planning Guidance to assist in its interpretation and application and set out details of what will be required of embodied carbon/waste assessments.

29.0.16 For point 3. of policy C4 it is accepted that the level of detail will be lower the smaller the development proposal. The aim is to ensure applicants explore the topic of embodied carbon, but without setting requirements that are impractical or excessively costly for small sites. Narrative could include, but is not limited to:

- Reuse of existing features and materials on site, where present;

¹³³ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

¹³⁴ <https://www.gov.uk/government/publications/national-planning-policy-for-waste/national-planning-policy-for-waste#introduction>

¹³⁵ <https://www.gov.uk/guidance/waste>

¹³⁶ https://assets.publishing.service.gov.uk/media/5a7ef594e5274a2e8ab4946c/141015_National_Planning_Policy_for_Waste.pdf

¹³⁷ <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence#h2>

- Design for material efficiency (reducing the amount of material needed) such as through structural design or use of space and layouts to avoid unnecessary material use;
- Substitution of higher-carbon materials (such as steel, aluminium, and Portland cement) with low-embodied-carbon materials (such as timber);
- Material sourcing for reduced 'product miles' or from manufacturers with low-carbon manufacturing credentials; and
- Construction processes that reduce the typical rates of material wastage.

Question 55

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C4

Embodied carbon and waste

Proposed residential and non-residential developments (thresholds given below) must meet the following requirements, which should be set out in a Climate, Energy and Waste Statement:

1. All new development should demonstrate that adequate space (both internal and external) has been set aside for the segregation and storage of waste, including recyclable materials;
2. Building end-of-life - all new buildings are to be designed to enable adaptation, disassembly and material re-use, subsequently reducing the need for end-of-life demolition and making material re-use easier when it is absolutely necessary;
3. Embodied carbon in minor development - proposals for new development of 1 or more homes or $\geq 100\text{m}^2$ non-domestic floor space, but below the size thresholds for embodied carbon reporting and targets (below), should demonstrate how the embodied carbon of the proposed development has been minimised (including narrative on options considered and decisions made);
4. Embodied carbon reporting - all major new residential (10 dwellings or more) and non-residential (1000m^2 floorspace or more) developments are required to complete a whole-life carbon assessment in accordance with RICS Whole Life Carbon Assessment guidance and the BS EN 15978 standard;
5. Limiting embodied carbon - all large-scale major development (50 dwellings or more; 5000m^2 non-residential floor space or more) is required to limit embodied carbon (RICS/BS 15978 modules A1 – A5) to $600 \text{ kgCO}_2\text{e/m}^2 \text{ GIA}$; and, or
6. Demolition audits:
 - a. all major development sites that contain existing buildings or structures of 1000m^2 or more, must carry out a pre-redevelopment and/or pre-demolition audit, following an established industry best practice method (e.g. BRE), for larger structures or significant demolitions;
 - b. for smaller-scale demolitions, such as individual walls or small outbuildings, developers are required to consider material re-use where feasible, without the need for a full audit. A simplified, proportionate approach should be taken to assess potential material recovery and reuse.

Question 56

Do you support or object to Policy C4? What would you add, remove or amend to support it further or to remove your objection?

30 Policy C5 Renewable energy development and infrastructure

30.0.1 The case for the suite of policies that address the urgency of the climate emergency is set out in the preamble to 26 Policy C1 Sustainable design and adaptation principles.

30.0.2 The UK grid is becoming increasingly powered by renewable energy, primarily through solar and wind technologies. Renewable energy is a key component of the fulfilment of the [Climate Change Act 2008](#)¹³⁸ and associated 2050 net zero target. If the UK is to successfully transition to net zero, renewable energy opportunities must be maximised.

30.0.3 Enabling renewable energy development and infrastructure is a vital part of the UK's carbon reduction trajectory, which, according to the [Committee on Climate Change](#)¹³⁹ will need near-total grid decarbonisation by 2035 and a mix that includes 80% renewables by 2050 while catering for a doubling of electricity demand between 2020 and 2050.

30.0.4 It is important to ensure that the future energy network is resilient to increasingly variable weather patterns, which will require a balanced mix of generation and storage technologies. Without resilient energy networks at local and national levels, a reliance on fossil fuels will remain when solar and wind power generation is low due to weather constraints.

30.0.5 Partly due to the current rise in large-scale renewable energy installations, some local grid substations are at risk of reaching full capacity in coming years without infrastructure reinforcement investments. As the industrial, commercial, domestic and transport sectors continue to electrify (switching from gas, coal and oil) at increasing rates, local policy must support as best it can the development of smart grids and energy sharing networks to relieve pressure on local areas at risk of reaching full grid electricity capacity. On-site energy management systems will play an important role in achieving this, through the provision of battery storage alongside solar PV generation and enabling peak-demand response management systems throughout new buildings. A permissive policy approach towards applications for standalone grid-connected battery storage can also play a role in readying the energy system for the UK's renewable-heavy, electricity-led future.

30.0.6 As local renewable energy generation schemes become more prominent and take up a larger proportion of land, it is also important to ensure that adverse impacts are not unaddressed for local communities. Therefore, whilst local policy should support renewable energy generation schemes as much as possible, it should also set criteria that mitigates potential negative impacts, such as addressing community co-benefits and improving biodiversity on-site.

30.0.7 The [National Planning Policy Framework](#)¹⁴⁰ (NPPF) paragraph 161 states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts.

30.0.8 Paragraph 165 sets out that to help increase the use and supply of renewable and low carbon energy and heat, plans should:

- Provide a positive strategy for energy from these sources that maximises the potential for suitable development, future re-powering and life extension, whilst ensuring impacts are adequately addressed;
- Consider identifying suitable areas for renewable and low carbon energy sources and supporting infrastructure; and
- Identify opportunities for development to draw its energy from decentralised, renewable or low carbon energy systems and for co-locating potential heat customers and supplies.

30.0.9 Paragraphs 167 and 168 set out that when determining planning applications, local planning authorities should:

¹³⁸ <https://www.legislation.gov.uk/ukpga/2008/27/contents>

¹³⁹ <https://www.theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf#page=134>

¹⁴⁰ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

- Expect new development to comply with any development plan policies on local requirements for decentralised energy supply, unless it can be demonstrated by the applicant, that this is not feasible or viable;
- Not require applicants to demonstrate the overall need for renewable or low carbon energy;
- Give significant weight to the benefits associated with these forms of energy and their contribution towards a net zero future;
- Recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions; and
- In the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

30.0.10 [Planning Practice Guidance](#) ¹⁴¹ (PPG) supplements the NPPF in explaining how strategies for renewable and low carbon energy can be developed, the particular planning considerations for different types of renewable energy infrastructure, including solar and wind turbines, and guidance on battery energy storage systems. It also sets out details of compulsory pre-application consultation with the local community.

30.0.11 In 2019 the Council declared a Climate and Ecological Emergency. It recently established targets for the Council's own operations to be carbon neutral by 2035 and to facilitate the action required to make the borough of Swale carbon neutral by 2045. Point 6 of the declaration includes the commitment to deploy 'renewable energy at every opportunity'. The subsequent [Climate and Ecological Emergency Action Plan 2025](#) ¹⁴² includes actions to 'support sustainable building practices and development', with homes and businesses being run from renewable technologies. As well as responding to the climate challenge, the Action Plan recognises that supporting renewable technologies has co-benefits in terms of expanding local markets, supporting job opportunities and improving energy security.

30.0.12 This policy works alongside the other policies in this chapter, in particular, [27 Policy C2 Net zero operational carbon in new build residential development](#) and [28 Policy C3 Net zero operational carbon in new build non-domestic development](#). Whilst those two policies seek to ensure that new build development is net zero carbon, including through the use of on-site renewable energy, this policy seeks to support the use of wider renewable energy development and infrastructure to support grid decarbonisation and existing development that is not net zero carbon. This wider use of renewable energy infrastructure is essential in order to meet the national 2050 net zero target and the Council's 2045 carbon neutral target.

Policy application

30.0.13 1. It should be noted that the heat network feasibility study referenced in [30 Policy C5 Renewable energy development and infrastructure](#) below, should assess the potential for implementing low or zero carbon heat networks, which should include assessment of 4th and 5th generation networks that can offer higher efficiency and flexibility (4th and 5th networks operate at lower temperatures than conventional systems, reduce heat losses and combine other energy sources, local energy storage and offer potential for energy exchanges amongst users). Feasibility studies should cover:

30.0.14 Technical assessment:

- Evaluation of heat sources (renewable and waste);
- Carbon reduction optioneering between alternative heating options;
- Infrastructure requirements (piping, storage etc.);
- Capacity for future connection and expansion;
- Alignment with local or national carbon targets.

30.0.15 Economic viability and assessment:

- Cost analysis – including capital expenditure, operational expenses, and maintenance;

¹⁴¹ <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>

¹⁴² https://swale.gov.uk/_data/assets/pdf_file/0011/494219/2025-Climate-and-Ecological-Emergency-Action-Plan.pdf

- Projected savings in energy costs and emission reductions over time;
- Comparison of the cost of alternative heating options.

30.0.16 2. **30 Policy C5 Renewable energy development and infrastructure** is directly aligned to the national policy position on heat networks as the UK government has introduced a regulatory framework for heat networks through the Energy Security Bill. This includes the establishment of heat network zones and the regulation of prices to ensure fair costs for consumers. The UK aims to increase the share of heat provided by heat networks from the current 2% to around 18% by 2050. This expansion is part of the broader Heat Network Transformation Programme, which includes significant investment to scale up low-carbon heat network deployment.

30.0.17 3. For further details on the evidence which supports this policy, please see the evidence base pages of the Council website. [Local Plans - Local Plan Review Evidence](#)¹⁴³

Question 57

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C5

Renewable energy development and infrastructure

1. The justification for renewable energy development and infrastructure should be set out in a Climate, Energy and Waste Statement. Development proposals for the generation of renewable energy development and infrastructure will be supported where:

- a. The scale, siting, design and nature of any proposal is demonstrated to be appropriate for its location.
- b. Analysis of impacts, including cumulative impacts, and methods to avoid, mitigate and compensate harm from these impacts is fully addressed in any proposal. This should include impacts on:
 - i. the built environment;
 - ii. biodiversity;
 - iii. heritage assets, historic landscapes and townscape;
 - iv. valued landscapes, landscape character and visual amenity;
 - v. agricultural land;
 - vi. residential amenity and communities;
 - vii. geology, soils and flood risk;
 - viii. noise, dust, odour, air quality, tranquillity, shadow flicker;
 - ix. traffic and transport, including highways and rail safety; and
 - x. aviation and defence navigation systems/communications.

2. Smart site allocation:

- a. Proposals for large-scale renewable energy development ($\leq 10\text{MW}$) are encouraged to choose a site that is well supported by sufficient grid capacity; and
- b. Support will be given to proposals for standalone electrical grid capacity upgrades, local smart grids, and development of grid-connected energy storage especially if co-located with large-scale renewable energy generation installations.

¹⁴³ <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence#h2>

3. Energy storage:

a. Support will be given to proposals that form part of the transition to a net zero carbon district/county, which must/need to involve a range of renewable energy storage technologies. This could include energy storage facilities (e.g. battery and thermal storage) and upgraded or new electricity facilities;

b. Battery storage is essential to provide local grid resilience during periods of peak demand and helps to ensure that renewable energy is not wasted during periods of high generation. Battery storage facilities will be accompanied by health and safety assessments to the satisfaction of the Council and the Emergency Services to ensure no unacceptable fire risk is posed to nearby communities. The details of any health and safety assessment must be agreed by the Council in the earliest stages of any planning application;

c. Proposals for renewable energy generation are encouraged to provide at least an additional 10% of energy storage (e.g. battery storage) of the overall energy generation;

4. Co-benefits:

a. Proposals for renewable energy generation over 20MW are required to provide an option to offer 5% community ownership to the local community (e.g. Parish Council area);

b. Positive weight will be given to schemes led by the community and community energy groups;

c. All proposals are to:

i. undertake community engagement sessions with the local community, at an early stage of site assessment;

ii. work with and update the community throughout the project; and

iii. mitigate any potential impacts to the community as a result of the development;

d. All proposals for temporary permissions are to demonstrate how the renewable energy generation site can be restored to its original, or an improved state, following end-of-life removal of technologies and mitigate any biodiversity loss, as follows:

i. Proposals will be subject to a condition requiring the submission of an end-of-life removal scheme setting out how the impacts of decommissioning will be mitigated; and

ii. The removal scheme should demonstrate how any biodiversity net gain that has arisen on the site will be protected or enhanced further, and how materials to be removed would be re-used, recycled, recovered or at last resort, disposed of.

5. Grid reinforcement:

a. All development for renewable energy generation, or development that includes renewable energy generation, is to demonstrate how options for energy storage, smart grids, and energy sharing networks have been explored to reduce the need for grid capacity upgrades.

6. Refusal of fossil fuels:

a. Applications for exploration and extraction of fossil fuels will not be supported.

7. Support for innovative energy generation:

a. Where appropriate and justified, support will be given to innovative renewable energy generation approaches, such as 'agrivoltaics' – the inherently combined use of land for solar PV generation and agriculture.

8. Protecting infrastructure - development should not significantly harm:

a. Technical performance of any existing or approved renewable energy facility;

b. Potential for optimisation of strategic renewable energy installations; and

c. Availability of the resource, where the operation is dependent on uninterrupted flow of energy to the installation.

9. Heat networks and masterplans - developments must demonstrate that connection to, or development of, heat networks has been considered according to the following hierarchy:

a. Connection to heat networks:

i. Connect to an existing or new low or zero-carbon heat network from the point of occupation, where it can be demonstrated that the heat network results in lower energy demand and carbon emissions than an individual heating system approach.

ii. Use communal or individual renewable heating systems that are fossil fuel-free where connection to a heat network is not feasible.

b. Future-proofing:

i. Major developments in areas where a low or zero-carbon heat network is planned but cannot be connected from the point of occupation must, where feasible, include infrastructure for future connection to the district heat network.

c. Creation of new heat networks:

i. For large-scale development proposals involving more than 50 homes or 5,000m² of floorspace within or adjacent to growth and regeneration areas identified in the development strategy, a feasibility study should be conducted to determine the potential for establishing a new low- or zero-carbon heat network. If feasible, a heat network should be included in the development proposals.

Under each stage of the above hierarchy, it is essential that any connection or development of heat networks must demonstrate that they result in a lower on-site energy demand and carbon emissions than an individual renewable heating system approach.

Question 58

Do you support or object to Policy C5? What would you add, remove or amend to support it further or to remove your objection?

31 Policy C6 Coastal Change Management

31.0.1 As a coastal borough, Swale is at the forefront of coastal change from erosion, coastal landslip and permanent inundation. The aim of this policy is to reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast.

31.0.2 The [National Planning Policy Framework](#) ¹⁴⁴ (NPPF) specifies that the planning system should take full account of coastal change (NPPF para 161). The NPPF requires local plans to identify as Coastal Change Management Areas (CCMAs) any area likely to be affected by physical changes to the coast as well as be clear as to what development will be appropriate in such areas, and in what circumstances, and make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas. The NPPF also sets out when development may be appropriate in CCMAs (ie it needs to be safe for its lifetime, not impact on coastal change, not compromise the character of the coast, provides wider sustainability benefits and does not hinder the development of the England coastal path) and explains when the lifetime of the planned development should be limited (NPPF paras 184-186).

31.0.3 [Planning Practice Guidance](#) ¹⁴⁵ (PPG) also gives advice on what a CCMA is, including the considerations for defining CCMAs, what development would be appropriate within a CCMA as well as guidance on when vulnerability assessments are required and what they should include, limiting the planned lifetime of development, the relocating of development away from CCMAs and permitted development rights in a CCMA.

How has the CCMA been defined in Swale and what do the different erosion zones mean?

31.0.4 The CCMA has been described as the areas of coastline likely to be affected by physical changes to the coast, such as erosion, coastal landslip, permanent inundation (i.e. land likely to be lost permanently to the sea) and accretion (land increasing due to addition of sediment). The methodology for setting out the CCMA will be explained in the forthcoming Swale Strategic Flood Risk Assessment (SFRA), which is due to be published before the Regulation 19 consultation in Spring/Summer 2026. The CCMA has been defined using evidence gathered through the Swale SFRA, the Environment Agency's (EA) North Kent Coast Model, the EA's Medway Estuary and Swale flood and coastal risk management strategy (MEAS), the Department of Environment, Food & Rural Affairs (DEFRA)/EA Shoreline Management Plans/Explore Coastal Erosion Risk [website](#) ¹⁴⁶, the Adopted Local Plan Built Up Area Boundaries and through discussions with the Council's engineering team and the EA. The boundary will be included in the SFRA's mapping and included in the Proposals Map once that is published.

31.0.5 The boundary of the Coastal Change Management Area will be reviewed periodically and updated when evidence suggests this is necessary. Developers should always make sure they are using the most up to date data on flood risk and coastal change when preparing their applications.

31.0.6 Areas within the CCMA that are subject to erosion are divided into two separate zones:

- Erosion Zone 1 (defined as the Environment Agency's Coastal Erosion Climate Change (Upper End) to 2055 zone; and
- Erosion Zone 2 (defined as the Environment Agency's Coastal Erosion Climate Change (Upper End) to 2105 zone).

31.0.7 *As mentioned, the CCMA extents have been informed by the DEFRA/EA Shoreline Management Plan/Coastal Erosion Risk data and the latest flood risk modelling (the North Kent Coast Model and SFRA) and the policies in the MEAS. It should be noted that the erosion and inundation extents have increased substantially since the CCMA was published in the 2017 Adopted Swale Local Plan. At the time of writing the mapping is not complete, however early indications suggest that new CCMA extents could be particularly relevant to Warden and Conyer, significant parts of which may now be included within the CCMA boundary.*

¹⁴⁴ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

¹⁴⁵ <https://www.gov.uk/guidance/flood-risk-and-coastal-change#Integrated-Coastal-Zone-Management>

¹⁴⁶ <https://environment.data.gov.uk/shoreline-planning/coastal-erosion>

31 Policy C6 Coastal Change Management

31.0.8 *The definition of the erosion boundaries of the CCMA have been relatively high level in nature. In cases where more detailed technical evidence is provided, for example, as part of a planning application, the Council will consider new evidence in consultation with the Environment Agency.*

31.0.9 For applications within the CCMA Erosion Zones 1 and 2, a Coastal Change Vulnerability Assessment (CCVA) will need to accompany planning applications. For areas at risk of inundation this will largely be satisfied by the submission of a Flood Risk Assessment. In areas at risk of erosion, the CCVA should include the requirements set out in Planning Practice Guidance for vulnerability assessments (PPG, 2022, Paragraph: 074) as well as:

- the level of vulnerability to coastal erosion (as assessed through site history, site inspection and site investigation) and how this will be mitigated;
- the predicted lifetime of the development and the impact of coastal change on the development and the service it provides;
- plans for managing the cessation or relocation of the development, including clearing the site;
- details of responsible parties and what role they will play; and
- costs for managing the impact of coastal change on the site and who will be responsible for these.

31.0.10 Some essential infrastructure and water-compatible development may be permitted within the CCMA, along with some Ministry of Defence installations. For the purposes of this policy essential infrastructure and water-compatible development are defined as set out in [NPPF Annex 3: Flood risk vulnerability classification](#) ¹⁴⁷.

31.0.11 This policy sets out criteria for when provision needs to be made for development and infrastructure to be relocated away from Coastal Change Management Area. It also ensures that development in a CCMA is not impacted by coastal change by limiting the planned lifetime of the proposed development through temporary permission and restoration conditions where necessary to reduce the risk to people and the development.

Question 59

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C6

Coastal Change Management

Within the Coastal Change Management Area (CCMA), as defined to the Proposals Map (to be illustrated in later stages of the Local Plan), planning permission will not be granted for permanent new residential development (including through change of use). Planning permission will only be granted for other development proposals subject to the following clearly defined criteria:

1. It being demonstrated that the proposal will:
 - a) be safe over its planned lifetime and not have an unacceptable impact on coastal change;
 - b) not compromise the character of the coast, including its designations;
 - c) provide wider sustainability benefits and not result in a significant risk to property;
 - d) not hinder the creation of the England Coast Path;
 - e) provide clear plans as to how the proposal will manage the impacts of coastal change on it, and ensure the proposal will not have any adverse impacts on rates of coastal change elsewhere;

¹⁴⁷ <https://www.gov.uk/guidance/national-planning-policy-framework/annex-3-flood-risk-vulnerability-classification>

f) seek, where necessary, a temporary planning permission, together with, as appropriate, a legal agreement to secure the long-term management, or restoration, of the site.

2. The proposal comprising:

- a) essential infrastructure;
- b) Ministry of Defence installations (in line with the requirements set out in the PPG)
- c) water-compatible development; or
- d) (within Erosion Zones 1 and 2) a use as defined by criterion 3 or 4, below, as appropriate.

3. Proposals within Erosion Zone 1 being directly related to the coast and temporary in nature, construction and value (such as beach huts, cafes/tea rooms, car parks and sites used for holiday or short-let caravans and camping); or

4. Proposals within Erosion Zone 2 may additionally be permitted when comprising commercial or leisure activities requiring a coastal location and providing substantial economic, social and environmental benefits to the community, and providing it is time limited:

- a. Other significant development, such as key community infrastructure, is unlikely to be appropriate unless it has been demonstrated as needing to be sited within the CCMA to provide the intended benefit to the wider community and there are clear, costed, plans to manage the impact of coastal change on it and the service it provides.
- b. Domestic extensions to residential properties will only be permitted where the lifetime of the proposed development (taking account of erosion risk) can be demonstrated to be longer than 50 years from the date of the planning application.

5. Proposals within the CCMA, submitting a Coastal Change Vulnerability Assessment demonstrating that the development will be safe throughout its planned lifetime and will not increase risk to life or property on site or elsewhere without the need for new or improved coastal defences;

6. Proposals seeking to relocate development away from the CCMA will:

- a. be forecast to be affected by erosion, landslip or permanent inundation within 20 years from the date of the planning application, as determined by a Coastal Erosion Vulnerability Assessment or Flood Risk Assessment;
- b. be of a similar scale, nature and character as the development it is replacing and be of a scale and design appropriate to its new context;
- c. be located at an appropriate location inland from the CCMA and, where possible, remaining close to the coastal community from which it was displaced;
- d. demonstrate that no suitable site is available within a built-up area boundary or on previously developed land; and
- e. at its current site, ensure that it is cleared to an agreed standard, made safe, or put to a temporary use beneficial to the local community who will take long term responsibility for it.

Question 60

Do you support or object to Policy C6? What would you add, remove or amend to support it further or to remove your objection?

32 Policy C7 Implementing the Medway Estuary & Swale Coastal Risk Management Strategy

32.0.1 Many areas around the Medway estuary and Swale are low-lying and at significant risk of flooding. Over the next 100 years this risk will increase due to ageing flood defences (much of the existing flood defence network was built between the 1950s and 1970s), rising sea levels and climate change (the area has already experienced over 18cm of sea level rise since 1990). As a result, there will be a greater risk of tidal flooding to properties, agricultural land and infrastructure and the local community.

32.0.2 Furthermore, much of the Medway Estuary and Swale is covered by national and international designations that protect important species and habitats. As sea levels rise, some of this important habitat will be lost as it is 'squeezed' against the existing flood defences ('coastal squeeze').

32.0.3 [The Medway Estuary and Swale \(MEAS\) Flood and Coastal Erosion Risk Management \(FCERM\) strategy](#) (2019)¹⁴⁸ is an evidence-based strategy that looked at future flooding over the short, medium and long-term which builds on the policies established in the Shoreline Management Plans (SMPs) (see [44 Policy B7 The Coast](#) and [31 Policy C6 Coastal Change Management](#)). It has measured the technical, economic, environmental and social value of areas at flood risk against the costs of protecting them into the future. In this way, and through consultation with partners and the community, it has determined the most sustainable policy for each section of the coastline, though implementation of the following policies, either:

- hold the line (HTL) - build or maintain artificial defences so that the position of the shoreline remains;
- managed realignment (MR) - allowing the shoreline to move naturally, but managing the process;
- no active intervention (NAI) or sustainable asset management - no planned investment to defend against flooding or erosion.

32.0.4 As well as reducing flood risk to over 14,000 properties, commercial and industrial sites, critical infrastructure, agricultural land and conservation sites in the implementation plan, the MEAS strategy also includes actions to create new intertidal and freshwater habitat. These will replace lost habitats and make sure the area's nature can continue to thrive.

32.0.5 The MEAS policies can only be implemented if sufficient funding can be found. Using the current funding process, schemes are given a portion of their funding from government. However, further funding is often required from third parties, including from local authorities, developers, infrastructure providers and flood levies. This is called Partnership Funding (PF).

32.0.6 If funding cannot be found, projects identified in the strategy may not be fully taken forward. This could lead to increased flooding and erosion.

32.0.7 The [National Planning Policy Framework](#)¹⁴⁹ (NPPF) (para 35), sets out that plans should set out the contributions expected from development, including setting out the level of contribution for infrastructure, including flood and water management.

32.0.8 The MEAS study area has been broken down into a series of Benefit Areas and sub-areas based on individual flood areas and land use as well as the Shoreline Management Plan policy units. Whilst there are common risks and vulnerabilities that apply throughout the MEAS area, each Benefit Area has its own specific requirements, and the assessment has taken these into account.

32.0.9 For each Benefit Area, the strategy sets out the agreed preferred option (for the short, medium and longer term) along with a justification, as well as the preferred option costs (which is broken down into costs, benefits, benefit cost ratio (BCR) and PF score). Where the PF percentage is high, a larger proportion of funding for the agreed schemes is likely available from government funding through Flood Defence Grant

¹⁴⁸ <https://www.gov.uk/government/publications/medway-estuary-and-swale-flood-and-coastal-risk-management-strategy/medway-estuary-and-swale-flood-and-coastal-risk-management-strategy>

¹⁴⁹ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

in Aid (FDGiA). A PF score of over 100% means that the project would be fully funded by FDGiA. Where it is low, a higher percentage of funding will need to be found from other sources, such as Local Authorities, local businesses and local developers.

Contributions to MEAS

32.0.10 As set out above, the MEAS aims to reduce flood risk to over 14,000 properties, commercial and industrial sites, infrastructure (including the A249, the road connecting the Isle of Sheppey to the mainland), regeneration areas, agricultural land and conservation sites. It will also provide habitat compensation.

32.0.11 Development that benefits from these works is therefore being asked to contribute to their funding. This is to ensure funds are adequate and to ensure the works meet funding tests. Contributions will be sought through planning obligations and potentially also through a future Infrastructure Levy.

32.0.12 As the [Planning Practice Guidance](#)¹⁵⁰ (PPG) sets out ‘planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms’. The NPPF and PPG explain that they need to meet three tests:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

32.0.13 The use of planning obligations to collect contributions to the MEAS is justified for the following reasons, which relate to the three tests for planning obligations set out in paragraph 58 of the NPPF:

- i. The MEAS is a strategy designed to protect the Medway Estuary and Swale from future flood risk. It supports and implements the Shoreline Management Plans. Both the SMPs and the MEAS have been subject to widespread and ongoing consultation. It is reasonable to argue that development that will benefit from flood defence infrastructure should make a contribution towards that infrastructure. In this way it will help make development acceptable in planning terms (test one) as it can be ‘made safe for its lifetime without increasing flood risk elsewhere’ (NPPF para 170).
- ii. The MEAS has been designed as a series of interdependent benefit areas. As such it can be seen as one overarching flood protection entity for the Medway and Swale, where policy implementation in one area, could be interdependent on policy implementation in another area, some distance away. Furthermore, due to the inherent uncertainties around where flooding will occur it is reasonable for contributions from one area within the MEAS to be seen as benefitting the whole strategy. In this way, contributions to the MEAS, from across the strategy area, can be seen to be directly related to the development of specific sites (test two).
- iii. The third planning obligations test relates to contributions being fair and reasonable in terms of scale and kind. An approach to the scale and kind of contributions will be developed in the coming months, in consultation with the Environment Agency and the Council’s viability consultants, and consulted on through the Regulation 19 consultation, expected in the spring/summer of 2026.

32.0.14 Contributions towards the MEAS strategy will be sought from:

- Higher rate - all schemes in Flood Zone 2 and 3 with climate change which benefit from the MEAS’s proposed flood defence infrastructure [Map – Flood map for planning – GOV.UK](#)¹⁵¹; and/or:
- Lower rate - all schemes on the Isle of Sheppey. This is due to the importance to the Isle of Sheppey’s security of the A249, which is due to be protected through the MEAS.

32.0.15 These areas, and the rates within them, will be set out in a *MEAS Contributions Zone Advice Note* in 2026.

¹⁵⁰ <https://www.gov.uk/guidance/use-of-planning-conditions>

¹⁵¹ <https://flood-map-for-planning.service.gov.uk/map?seg=fz,fzcl&cz=592462.7,167541.7,12.842593>

Question 61

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C7

Implementing the Medway Estuary & Swale Coastal Risk Management Strategy

Within the Contributions Zone for the Medway Estuary and Swale Flood and Coastal Risk Management Strategy, applicants should:

1. Liaise with the Environment Agency and the Council to identify and deliver flood risk management schemes to manage flood risk and coastal erosion to existing communities and future development sites, in line with the Medway Estuary and Swale Flood and Coastal Risk Management Strategy;
2. Identify how this infrastructure will be funded, operated and maintained for the lifetime of the development;
3. Identify, and satisfy, the legal requirement under the Habitats Regulations to provide compensatory habitat associated with sea level rise and coastal squeeze; and
4. Through planning obligations, and in line with the approach set out in a *MEAS Contributions Advice Note 2026* and updates, contribute towards the Environment Agency's flood and coastal risk management program through the delivery of, or financial contribution to, flood risk management schemes which support the Medway Estuary and Swale Flood and Coastal Risk Management Strategy.

Question 62

Do you support or object to Policy C7? What would you add, remove or amend to support it further or to remove your objection?

33 Policy C8 Flood risk

33.0.1 As a coastal borough, Swale has the potential to flood from all sources of flooding, in particular from rivers and the sea, surface water and sewers. This policy seeks to ensure that inappropriate development in areas of flood risk is avoided and that where risks do exist, that development should be made safe for its lifetime, without increasing flood risk elsewhere, taking into account the impacts of climate change. It should be read alongside [44 Policy B7 The Coast](#), [31 Policy C6 Coastal Change Management](#), [32 Policy C7 Implementing the Medway Estuary & Swale Coastal Risk Management Strategy](#), [35 Policy C10 Water quality and Water Resources](#) and in particular, [34 Policy C9 Sustainable Drainage](#).

33.0.2 New development offers the opportunity to offer multifunctional benefits – linking flood risk management with biodiversity, amenity and recreational improvements, climate change mitigation and adaptation as well as improved water quality and water resources. This policy advocates this multifunctional approach.

The legal, policy and local context

33.0.3 The [National Planning Policy Framework](#) ¹⁵² (NPPF, para 162) explains that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating and drought in line with the objectives of the [Climate Change Act 2008](#) ¹⁵³.

33.0.4 The NPPF's 'Planning and flood risk' section (paras 170-171) explains that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future), but where development is necessary in such areas it should be made safe for its lifetime without increasing flood risk elsewhere. Strategic policies should be supported by strategic flood risk assessments and manage flood risk from all sources, considering cumulative impacts and taking the advice of the other relevant bodies including the Environment Agency (EA), the lead local flood authorities and internal drainage boards.

33.0.5 The NPPF paragraph 172 explains how all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, if possible, flood risk to people and property. It sets out how to do this, and manage residual risk through; the application of the sequential and exception tests; the need to safeguard land for flood management; when to use opportunities from new development and infrastructure to reduce the causes and impacts of flooding; and where necessary seek opportunities to relocate development in unsustainable locations (due to flood risk caused by climate change) to more sustainable locations.

33.0.6 The NPPF (paras 173-180) also sets out the role local planning authorities should play when determining planning applications. It explains:

- The approach to the sequential test for planning applications – with the express aim of steering new development to areas with the lowest risk of flooding from any source. It clearly explains that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, and that the strategic flood risk assessment will be the basis for performing this test;
- When the sequential test should be used, and when it is not required;
- When the exception test may have to be applied and the criteria that need to be demonstrated;
- The importance of new development ensuring that flood risk is not increased elsewhere;
- The role of site specific flood-risk assessments (FRA), and sets out when they are required;
- The importance of the sequential approach at site level;
- That development is appropriately flood resistant and resilient;

¹⁵² https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

¹⁵³ <https://www.legislation.gov.uk/ukpga/2008/27/contents>

33 Policy C8 Flood risk

- That sustainable drainage is incorporated wherever appropriate;
- That residual risk can be safely managed; and
- Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

33.0.7 Annex 3 of the NPPF sets out the Flood risk vulnerability classification (essential infrastructure/ highly vulnerable/ more vulnerable/ less vulnerable and water-compatible) for a range of land uses.

33.0.8 Alongside the NPPF sits the [Planning Practice Guidance](#) ¹⁵⁴. This sets out in greater detail than the NPPF how planning can take account of the risks associated with flooding and coastal change in plan-making and the application process. It explains in more detail what is expected of site-specific flood risk assessments, the sequential approach and the Sequential and Exceptions tests that applicants and local authorities should follow, including information on search areas, reasonably available alternative sites, 5-year housing land supply and the role of the Sequential Test in the planning balance. It also explains the role of the relevant bodies (including the EA and the LLFAs) in assessing planning applications and the processes involved, as well as approaches to addressing residual flood risk (including emergency planning), addressing cumulative impacts, floodplain storage, where it's appropriate to limit the planned lifetime of development, the issues associated with minor development and changes of use, permitted development rights, proximity to watercourses and flood risk activity permits, sustainable drainage systems and seeking opportunities to reduce the cause and impact of flooding, including through natural flood management. The PPG also contains information on flood resistance and resilience, and coastal change (see Policy C6) as well as important information on flood zones, links to Annex 3 of the NPPF (above), a table on flood risk vulnerability and flood zone compatibility and a checklist for site-specific flood risk assessments.

33.0.9 The Environment Agency has also produced [Guidance - Flood risk assessment: Flood Zones 1, 2, 3 and 3b](#) ¹⁵⁵ on:

- how to carry out flood risk assessments for planning applications;
- details on the Sequential and Exceptions tests ; and
- other consents/permissions which may be needed alongside planning permission (see also, Consents and Permissions, below).

33.0.10 The government has recently published updated evidence on flood risk and erosion in the form of [National Flood Risk Assessment](#) ¹⁵⁶ (NaFRA) and [National Coastal Erosion Risk Map](#) ¹⁵⁷ (NCERM). NaFRA provides a picture of current and future flood risk from rivers, the sea and surface water for England and NCERM provides the most up to date national picture of current and future coastal erosion risk for England, accounting for Shoreline Management Plans (SMPs) (see below).

33.0.11 NaFRA and NCERM data, and information including mapping of flood zones 2 and 3, with climate change, and mapping for surface water, is available as open access data at GOV.UK and through the following websites:

- [Check your long-term flood risk](#) ¹⁵⁸
- [Flood map for planning](#) ¹⁵⁹
- [Find a Shoreline Management Plan](#) ¹⁶⁰
- [Explore Coastal Erosion Risk](#) ¹⁶¹

¹⁵⁴ <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

¹⁵⁵ <https://www.gov.uk/guidance/flood-risk-assessment-flood-zones-1-2-3-and-3b>

¹⁵⁶ <https://www.gov.uk/government/publications/national-assessment-of-flood-and-coastal-erosion-risk-in-england-2024/national-assessment-of-flood-and-coastal-erosion-risk-in-england-2024>

¹⁵⁷ <https://environment.data.gov.uk/dataset/9fede91f-5acd-4fd2-9bd8-98153fa3c2ff>

¹⁵⁸ <https://www.gov.uk/check-long-term-flood-risk>

¹⁵⁹ <https://flood-map-for-planning.service.gov.uk/>

¹⁶⁰ <https://environment.data.gov.uk/shoreline-planning>

¹⁶¹ <https://environment.data.gov.uk/shoreline-planning/coastal-erosion>

Locally relevant bodies, policies, guidance and studies

33.0.12 The South East Coastal Group is a grouping of local authorities, the EA and other maritime operating organisations who work together to achieve co-ordinated strategic management of the shoreline between the Thames Barrier and Selsey Bill. They have prepared the Shoreline Management Plans (SMPs) for Swale, which identify long-term management policies for the coast. For Swale the SMPs are the [River Medway Swale Estuary \(SMP9\)](#)¹⁶² and the [Isle of Grain to South Foreland \(SMP10\)](#)¹⁶³.

33.0.13 Further to the Shoreline Management Plans, and as explained further in 32 Policy C7 Implementing the Medway Estuary & Swale Coastal Risk Management Strategy, the EA's [Medway Estuary and Swale flood and coastal risk management strategy](#) (MEAS)¹⁶⁴ looks at future flooding and across the estuaries and has determined the most sustainable policy for each section of the coastline.

33.0.14 For Swale, Kent County Council (KCC) is the Lead Local Flood Authority (LLFA) and has an overview role for local flooding (surface runoff, ordinary watercourses and groundwater). KCC have prepared:

- The [Swale Surface Water Management Plan \(SWMP\)](#), 2012,¹⁶⁵ identifies what the local flood risk issues are, what options there may be to alleviate the risks and who should take these options forward. Plans are produced in partnership with internal drainage boards, sewerage companies and the EA.
- [Kent local flood risk management strategy](#), 2024-2034,¹⁶⁶ also a partnership document, it sets out the flood risk in the county, the roles and responsibilities of risk management authorities, the aims of the strategy, progress, challenges, delivery and monitoring.
- [Drainage and Planning Policy](#): Local flood risk management strategy guidance, 2019, sets out KCC's policy requirements for sustainable drainage¹⁶⁷.

33.0.15 [Internal Drainage Boards](#)¹⁶⁸ manage water levels in low-lying areas, supervise land drainage and flood defence works to ordinary watercourses in their district. The Lower Medway Internal Drainage Board is the relevant internal drainage board for Swale.

33.0.16 The [Swale Strategic Flood Risk Assessment 2020](#)¹⁶⁹ (SFRA) was prepared to inform the preparation of the Local Plan. This assessed flood risk from all sources, now and in the future and from cumulative change. It gives guidance on the sequential and exception tests and sets out requirements for site-specific flood risk assessments, as well as assisting emergency planning for Swale, helping to prioritise and targets improvements to flood defences and consider opportunities to reduce flood risk to existing communities. Comprehensive mapping has been prepared (including mapping for a Surface Water Functional Flood Zone) and along with the reports itself, is available on the Council's website.

33.0.17 The SFRA identifies that whilst tidal flooding across Swale has the most severe consequences, surface water is the most frequent cause of flooding and a smaller number of recorded flooding incidents have involved fluvial, groundwater and sewer flooding, which are sometimes concurrent. There are currently

¹⁶² <https://environment.data.gov.uk/shoreline-planning/shoreline-management-plan/SMP9>

¹⁶³ <https://environment.data.gov.uk/shoreline-planning/shoreline-management-plan/SMP10>

¹⁶⁴ <https://www.gov.uk/government/publications/medway-estuary-and-swale-flood-and-coastal-risk-management-strategy/medway-estuary-and-swale-flood-and-coastal-risk-management-strategy>

¹⁶⁵ <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/planning-policies/flooding-drainage-and-water-management-policies-and-guidance/surface-water-management-plans/swale-surface-water-management-plan#:~:text=The%20study%20identified%20a%20number%20of%20generic%20and,Stage%201%20SWMP%20-%20Report%20%28PDF%2C%201.1%20MB%29>

¹⁶⁶ <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/planning-policies/flooding-drainage-and-water-management-policies-and-guidance/local-flood-risk-management-strategy>

¹⁶⁷ <https://democracy.kent.gov.uk/documents/s95051/1900088%20-%20Drainage%20and%20Planning%20Policy%20Statement.pdf#:~:text=This%20policy%20sets%20out%20how%20Kent%20County%20Council,management%20provisions%20associated%20with%20applications%20for%20major%20development>

¹⁶⁸ <https://lowermedwayidb.co.uk>

¹⁶⁹ <https://swale.gov.uk/planning-and-regeneration/strategic-flood-risk-assessment-completed>

four Flood Alert Areas and five Flood Warning Areas in the borough. There are tidal, coastal and fluvial flood defences along the coastline and tidal watercourse of the borough. The SFRA gives detail of the variable standard of protection and the condition of these assets.

33.0.18 The SFRA recognises that climate change will increase the chance of occurrence and severity of extreme events and that development needs to be planned with this awareness, in particular the significant consequences of storm surge events in the sea leading to high tide levels and potentially severe flooding.

33.0.19 The SFRA advocates the developments should demonstrate opportunities to create, enhance and link green assets, and in doing so provide multiple benefits across several disciplines including flood risk, biodiversity, amenity and recreation.

33.0.20 The SFRA highlights the importance of considering risks from groundwater early in the planning process. Groundwater Flood Maps have been produced as part of the SFRA and the SFRA offers particular guidance on risks from groundwater flooding. It outlines that for all development sites where there is a risk of groundwater flooding (ie not in an area with no risk), a site-specific risk assessment for groundwater flooding should be undertaken to fully inform the likelihood of groundwater flooding and so that the proposed development can be implemented safely. Groundwater levels should be surveyed during winter or early spring, and the amount of rainfall in the months prior to the testing should be assessed. Monitoring should be undertaken, and a geotechnical engineer should then assess the results in an interpretative report and give an assessment of the risk of shallow groundwater.

33.0.21 At the time of writing (2025), the SFRA is being updated to reflect recent government policy and guidance, climate change projections, as well as up to date modelling. As a result of this update this preamble and policy C8 Flood Risk and flood mapping will be updated for the Regulation 19 consultation in 2026.

33.0.22 The latest published SFRA should be referred to by applicants in the preparation of site-specific flood risk assessments.

33.0.23 In parallel to the SFRA, and to supplement the NPPF, PPG and EA policy and guidance, the Council has prepared local guidance on the **Application of the Sequential & Exception Tests for Planning Applications in Swale**. This should be read alongside national guidance and can be found on the SFRA pages of our website.

Flood designations in Faversham Creek

33.0.24 In consultation with the Environment Agency, and as part of the preparation of the Faversham Creek Neighbourhood Plan, in 2010 The Council made provision for consideration of Flood Zone 3a(i). Within this area (previously developed land located at Faversham Creek having a 1 in 20 or greater annual probability of sea flooding in a defended scenario) it was agreed that, whilst there was an acknowledgement of the high flood risk in this area, the strict national policy restrictions associated with functional floodplain (Flood Zone 3b) did not automatically apply.

33.0.25 Flood Zone 3a(i) has been reviewed as part of the 2025 SFRA update. The Environment Agency have advised that, due to changes to national guidance, the latest modelling approaches and outputs, updated surveys and evidence of increasing impacts and frequency of flooding events over the last 15 years, they can no longer support the designation of Faversham Flood Zone 3a(i). As such, and unless evidence is presented to counter this view, Flood Zone 3a(i) will no longer apply in Faversham Creek.

33.0.26 Details of this change of designation will be set out in the forthcoming SFRA.

33.0.27 This change in designation will impact planning applications along the creek, including allocations made in the Faversham Neighbourhood Plan. Developers of sites in this area should consult the Council and the Environment Agency before progressing any applications in this area.

Question 63

Do you have any comments on the change in designation of Flood Zone 3a(i) in Faversham Creek? Please supply evidence as appropriate.

Consents and Permits

33.0.28 To ensure that development does not increase the risk of flooding or cause harm to the water environment, Land Drainage Consent or Flood Risk Activity Environmental Permits and other consents may be required for works, for example, within 16 metres of watercourses. The relevant authorities are:

- Environment Agency - main rivers;
- Lower Medway Internal Drainage Board - ordinary watercourses within their boundaries;
- Kent County Council - ordinary watercourses that are outside the boundary of the internal drainage board; and
- Marine Management Organisation - for works including construction and dredging in English inshore and offshore areas.

Policy application

33.0.29 This policy should be read alongside the policy and guidance in the NPPF and the PPG as well as [44 Policy B7 The Coast](#), [31 Policy C6 Coastal Change Management](#), [32 Policy C7 Implementing the Medway Estuary & Swale Coastal Risk Management Strategy](#), [35 Policy C10 Water quality and Water Resources](#), and most importantly, [34 Policy C9 Sustainable Drainage](#).

33.0.30 As set out above, for Swale the Lead Local Flood Authority/Highway Authority is Kent County Council and the Internal Drainage Board is the Lower Medway Internal Drainage Board. Other relevant bodies/teams include: Southern Water and South East Water as the water and sewerage companies (see [35 Policy C10 Water quality and Water Resources](#)); the Council's emergency planning function and The Kent and Medway Resilience Forum (a partnership across Kent Police, Kent Fire and Rescue and Kent County Council, which includes emergency planning). Along with the Environment Agency, and as appropriate, any or all of these bodies may be consulted on planning applications with regard to flood risk and the determination of planning applications.

33.0.31 Applications for development must consider and respond to the policies and guidance set out in the documents these organisations have produced, alongside national policy and guidance, the guidance in the SFRA and guidance produced by the Council.

33.0.32 The Council advises that applicants consider flood risk in the early stages of development, in liaison with the relevant bodies, who provide pre-application advice as required.

33.0.33 Site Specific Flood Risk Assessments should be prepared in line with requirements set out in the NPPF, PPG, EA guidance and the SFRA and where relevant, should include Flood Risk Emergency Plans. These should set out:

- An analysis of flood risk;
- Flood warning procedures and hazard prevention;
- An analysis of safe access and egress;
- A proposed evacuation route (mapped);
- Evacuation procedures;
- Details of safe evacuation on site and safe refuge procedures;
- Details of flood resilient and resistant building techniques/materials and details and calculations relating to the structural stability of buildings during a flood;

33 Policy C8 Flood risk

- How to prepare prior to a flood event [Personal flood plan - GOV.UK](https://www.gov.uk/government/publications/personal-flood-plan/personal-flood-plan)¹⁷⁰ [Business flood plan checklists - GOV.UK](https://www.gov.uk/government/publications/preparing-your-business-for-flooding/business-flood-plan-checklists)¹⁷¹; and
- Advice and information for the site owner/residents, including whether insurance can be gained or not.

33.0.34 Furthermore, Flood Risk Emergency Plans should reflect the guidance set out in [ADEPT & EA Flood risk emergency plans for new development](https://www.adeptnet.org.uk/system/files/documents/ADEPT%20%26%20EA%20Flood%20risk%20emergency%20plans%20for%20new%20development%20September%202019....pdf)¹⁷²

33.0.35 In accordance with the PPG, the lifetime of residential development is considered to be a minimum of 100 years, and the lifetime of non-residential development, whilst depending on the characteristics of that development, is considered to be a minimum of 75 years.

Question 64

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C8

Flood risk

Development proposals must:

1. Prioritise and seek opportunities to provide natural flood management and multifunctional benefits, linking flood risk management with strategies for green and blue infrastructure, biodiversity net gain, improved health and wellbeing and mitigation and adaptation to climate change;
2. Avoid inappropriate development in areas at risk of flooding. Where development is necessary in areas of flood risk, the development must be made safe for its lifetime, not increase flood risk elsewhere and seek opportunities to reduce the causes and impacts of flooding;
3. Apply the Sequential Test to the location of development and the Exception Test where required, as well as a sequential approach at site level, in accordance with the NPPF, PPG, EA guidance, as well as guidance in the Council's Strategic Flood Risk Assessment and the latest version of the Council's document *The Application of the Sequential & Exception Tests for Planning Applications in Swale*, taking account of all forms of flooding, now and in the future;
4. Provide site specific flood risk assessments (FRAs), where required. These should be prepared in line with the NPPF, the PPG, Environment Agency guidance, KCC policy and guidance and guidance set out in the Council's Strategic Flood Risk Assessment, and should address risks from all forms of flooding, cumulative and long-term impacts for the lifetime of the development. FRAs must include:
 - a. details of how development will be made safe from flooding for the lifetime of the development and not increase flood risk elsewhere;
 - b. details of what flood mitigation, flood defences, resilience and resistance measures are to be installed and details of how these will be maintained and managed for the lifetime of the development, taking account of climate change;
 - c. details of how residual risk will be safely managed and mitigated; and
 - d. consideration of all forms of flood risk, including groundwater and the potential for diverting existing groundwater flows.

¹⁷⁰ <https://www.gov.uk/government/publications/personal-flood-plan/personal-flood-plan>

¹⁷¹ <https://www.gov.uk/government/publications/preparing-your-business-for-flooding/business-flood-plan-checklists>

¹⁷² <https://www.adeptnet.org.uk/system/files/documents/ADEPT%20%26%20EA%20Flood%20risk%20emergency%20plans%20for%20new%20development%20September%202019....pdf>

5. Provide Flood Risk Emergency Plans, where required. These should be prepared in line with the NPPF and PPG, Environment Agency advice and guidance set out in the Council's Strategic Flood Risk Assessment and the ADEPT & Environment Agency guidance on Flood risk emergency plans for new development, and updates;
6. Accord, in particular, with [32 Policy C7 Implementing the Medway Estuary & Swale Coastal Risk Management Strategy](#) and [34 Policy C9 Sustainable Drainage](#) and generally, provide details of any necessary contributions to new flood defence or mitigation measures off site, following liaison with the relevant authorities;
7. Take account of the policies and proposals of the relevant Shoreline Management Plans, the Medway Estuary & Swale Flood and Coastal Erosion Risk Management Strategy and the South East Inshore Marine Plan;
8. Ensure there is appropriate space and safeguard land from development that is required, or likely to be required, for future maintenance and new flood risk management infrastructure; and
9. Provide, as necessary, details of the adoption arrangements secured with the relevant public authority or statutory undertaker.

Question 65

Do you support or object to Policy C8? What would you add, remove or amend to support it further or to remove your objection?

34 Policy C9 Sustainable Drainage

34.0.1 Sustainable drainage systems (SuDS) mimic natural drainage processes to reduce the effect of surface water runoff from developments. They can provide multiple benefits including reducing flood risk, improved water quality, groundwater recharge, opportunities for biodiversity, climate change adaptation, urban cooling, carbon sequestration, contribution to a green and blue infrastructure network, enhanced landscaping, health and wellbeing, recreational and educational benefits. This policy seeks to maximise the opportunities for sustainable drainage within the borough with the aim reducing flood risk whilst achieving multifunctional benefits. It should be read in conjunction with C8, Flood Risk and C10, Water quality and Water Resources, as well as a potential future strategic policy on Conserving and enhancing the natural environment.

34.0.2 The [National Planning Policy Framework](#) ¹⁷³ (NPPF) highlights the priority that should be given to sustainable drainage systems. It explains how developments are required to incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate and it sets out the requirements for these systems. Paragraph 182 of the NPPF states that sustainable drainage systems should be incorporated within applications that could affect drainage, to control flow rates and reduce runoff volumes proportionate to the nature and scale of the proposal. Specifically paragraph 182 (c) states that SuDS provided as part of proposals for major development sites should "have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development". Whenever possible, multifunctional benefits should be provided through facilitating improvements in water quality, biodiversity and amenity benefits.

34.0.3 [Planning Practice Guidance](#) ¹⁷⁴ (PPG) makes clear that for new developments the layout and function of drainage systems needs to be considered at the start of the design process to ensure better integration with road networks and other infrastructure and reduce land-take. The appropriateness of the type of sustainable drainage system considered will depend upon a number of factors including the proposed development and its location, however, preference should be given to multi-functional sustainable drainage systems and solutions that allow surface water discharge, accordingly to the hierarchy of drainage options – water re-use, into the ground, to a surface water body, to a surface water sewer and lastly to a combined sewer.

34.0.4 When considering major development, with surface water drainage, the local authority must consult the Lead Local Flood Authority (LLFA) on proposed drainage arrangements. In addition, and as appropriate, the local authority is also advised to consult the relevant sewerage undertaker, The Environment Agency, the relevant highway authority and the Internal Drainage Board.

34.0.5 The guidance explains that local planning authorities will need to be satisfied that sustainable drainage systems are appropriate and there are clear arrangements for ongoing maintenance.

34.0.6 [National Standards for sustainable drainage systems](#) ¹⁷⁵ are available to provide guidance relating to design, maintenance and operation of sustainable drainage systems. Reference can also be made to the [Environment Agency's approach to groundwater protection](#) ¹⁷⁶

Requirements within Swale

34.0.7 Drainage must be considered at the earliest stages of the development process to ensure that the most sustainable option can be delivered in all cases.

34.0.8 The Strategic Flood Risk Assessment for Swale includes detail on surface water management and sustainable drainage systems. It outlines the role of the LLFA and the requirements for sustainable drainage. The SFRA outlines the consideration of groundwater vulnerability zones, groundwater source protection zones and nitrate vulnerable zones in the preparation of sustainable drainage schemes and

¹⁷³ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

¹⁷⁴ <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

¹⁷⁵ <https://www.gov.uk/government/publications/national-standards-for-sustainable-drainage-systems>

¹⁷⁶ <https://www.gov.uk/government/publications/groundwater-protection-position-statements>

advocates early dialogue with LLFA. The SFRA also highlights the multifunctional benefits of sustainable drainage as well as the specific consideration that should be given to opportunities for sustainable drainage in development around Iwade and Minster. The Council's SFRA is currently under review and, once published, this version should be referred to with regards to the approach to sustainable drainage.

34.0.9 The LLFA for Swale is Kent County Council (KCC) and as such are responsible for managing local flood risk, including from surface water, ground water and ordinary watercourses, and for preparing local flood risk management strategies. The document [Drainage and Planning Policy – a Local Flood Risk Management Strategy Document](#)¹⁷⁷ sets out the policy requirements KCC has for sustainable drainage and should be referred to by all applicants where drainage is an issue.

34.0.10 Development has the potential to change surface water and groundwater flows, depending upon how the surface water is managed within the development proposed. Applications for major development must be accompanied by specific drainage strategies that should demonstrate the drainage scheme is in compliance with KCC's drainage policies, as outlined in their strategy document. The drainage strategy must also demonstrate that the proposed surface water management proposal is consistent and integrated with any other appropriate planning policy and flood risk management measures that are required. Incorporating sustainable drainage is easier if planned at an early stage and as such KCC welcomes pre-application consultation.

34.0.11 Consultation with KCC may also occur for planning applications that are not for major development if they are in areas that may have a higher level of local flood risk or within areas that are within 5 metres of an ordinary watercourse. Consultation on flood risk could also occur with other risk management authorities including the Environment Agency (tidal and fluvial flood risk). If a drainage scheme requires connection to a public sewer, additional approval will be required from the appropriate sewerage undertaker.

34.0.12 Whilst consultation is not undertaken with KCC for minor development, applicants should be aware that the NPPF priorities for sustainable drainage do apply to all development, irrespective of scale. Developers of sites for minor development are encouraged to consider the policies outlined in KCC's [Drainage and Planning Policy](#)¹⁷⁸ – a Local Flood Risk Management Strategy Document. Applicants for these smaller developments are directed to guidance and standing advice, set out in the SFRA and best practice to help minimise flood risk.

34.0.13 Sustainable drainage schemes are generally appropriate for all sites, including contaminated sites, sites at risk of coastal or fluvial flooding or with high groundwater, if considered early enough in scheme design. Natural solutions are sought, where water is returned to where it would naturally go if the development did not exist. Source control techniques are welcomed including the use of rainwater harvesting and green roofs which can help manage small rainfall events, help conserve water as a resource and bring opportunities for biodiversity net gain.

34.0.14 It should also be noted that SuDS schemes can impact on heritage such as archaeology, building foundations and historic drainage ditches. Therefore, when SuDS are planned it is important that any potential impact on the historic environment is fully considered and any unavoidable damage mitigated. Kent County Council's Heritage Conservation group can offer further guidance.

34.0.15 The Environment Agency support the use of sustainable drainage systems and have issued the following advice, to be taken into account in planning applications:

- The collection and dispersal of clean surface water to ground to recharge aquifer units and prevent localised drainage or surface systems flooding in heavy rainfall is encouraged. However, dispersal into the ground through soakaways will always require a site-specific investigation and risk assessment;
- There are areas where, due to shallow groundwater depths, infiltration to the ground might not be possible. This is connected to the need of avoiding any direct discharge to groundwater, which must not

¹⁷⁷ <https://democracy.kent.gov.uk/documents/s107027/Item%20F1%20-%20Appendix%20%20Drainage-and-Planning-policy-statement%202019.pdf>

¹⁷⁸ <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/economic-regeneration-and-planning-policies/planning-policies/flooding-drainage-and-water-management-policies-and-guidance>

be done. If direct discharge is unavoidable, an alternative method of surface water drainage should be sought; and

- In addition, there should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. Sites impacted, or potentially impacted, by contamination should be suitably assessed prior to any infiltration to the ground being approved.

Policy application

34.0.16 When planning, or specifying SuDS, early consideration of the potential multiple benefits and opportunities will help deliver cost effective SuDS scheme with the best results. KCC, the Environment Agency, the Internal Drainage Board and Southern Water, where relevant, should be contacted at pre-application stage to inform the design process.

34.0.17 Definitions of technical terms referenced in the policy can be found in the KCC Drainage and Planning Policy document, referenced above. The Council also aims to produce Planning Guidance to assist in the interpretation and application of climate and water related policies and this should be referred to by applicants.

Question 66

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C9

Sustainable Drainage

1. Development proposals should, as relevant:

- Demonstrate that sustainable drainage has been considered from the earliest stages of scheme development and that schemes seek to provide multiple benefits to the environment and communities in terms of reducing the causes and impacts of flooding, improving water quality (removing pollutants from run-off) and water resources (water reuse, recharge to groundwater), adapting to climate change and enhancing biodiversity and amenity, as appropriate;
- Use a sustainable drainage management treatment train – that is, use drainage components in series to achieve a robust surface water management system that does not pose an unacceptable risk of pollution to surface water bodies and/or groundwater;
- Demonstrate how they link to the objective to provide 20% biodiversity net gain and enhance the green & blue infrastructure network, in line with the objectives of future strategic policies and Policy B1 Biodiversity and geodiversity conservation and biodiversity net gain;
- Demonstrate that post development run-off rates account for the latest climate change allowances as set by the EA, for the lifetime of development, unless it can be demonstrated to the satisfaction of the Lead Local Flood Authority that site specific run off rates are more appropriate. Run-off rates will require a betterment value as agreed by the Lead Local Flood Authority;
- Demonstrate, including to the satisfaction of the Lead Local Flood Authority where relevant, how ongoing management and maintenance will be ensured, taking account of climate change;
- Provide, as relevant, details of the adoption arrangements secured with the relevant public authority or statutory undertaker; and
- Comply with the requirements of any relevant Planning Guidance produced by the Council.

2. Planning applications for major development must be accompanied by site-specific drainage strategies to be approved by Kent County Council as the Lead Local Flood Authority. Drainage

strategies should demonstrate that drainage scheme proposed are in compliance with KCC's sustainable drainage policies, as set out in their Drainage and Planning Policy: A Local Flood Risk Management Strategy document, as follows:

- a. Follow the drainage hierarchy;
 - b. Deliver effective drainage design;
 - c. Maintain existing drainage flow paths and watercourses;
 - d. Seek to reduce and avoid existing flood risk;
 - e. Provide drainage sustainability and resilience;
 - f. Enable sustainable maintenance;
 - g. Safeguard water quality;
 - h. Design for amenity and multi-functionality; and
 - i. Enhance biodiversity
3. Planning applications for proposed development sites that meet with any of the following conditions:
- a. are situated in a high cumulative impact catchment area as defined within the Cumulative Impact Assessment of the Swale Strategic Flood Risk Assessment;
 - b. where the surface water currently discharges to a sewer (either surface water, combined, highway or foul); or
 - c. where the surface water currently discharges to a watercourse that is culverted either at the point of discharge or downstream of the discharge point,

shall only discharge at a rate equivalent to or below Q_{bar} for all designed rainfall events. A staged discharge will not be acceptable. Compliance with this requirement will need to be demonstrated to the satisfaction of the Lead Local Flood Authority.

Question 67

Do you support or object to Policy C9? What would you add, remove or amend to support it further or to remove your objection?

35 Policy C10 Water quality and Water Resources

35.0.1 Clean and plentiful water is essential to our health, the economy and the wider environment and is a fundamental element of our natural capital. Water quality and water resources are intertwined issues and are under increased pressure as a result of population growth and development's increased demand for water, unsustainable levels of abstraction, urban and rural pollution, poor land management and the impacts of climate change. The aim of this policy is to ensure that new development does not negatively impact the water environment and takes opportunities to improve the water resource and water quality of Swale to benefit its economy, society and environment. It should be read in conjunction with [32 Policy C7 Implementing the Medway Estuary & Swale Coastal Risk Management Strategy](#), [33 Policy C8 Flood risk](#) and [37 Policy C12 Pollution & Land Instability](#).

35.0.2 The [National Planning Policy Framework](#)(NPPF) ¹⁷⁹ explains that 'planning policies and decisions should contribute and enhance the natural and local environment', including by 'recognising...the wider benefits from natural capital and ecosystem services' and by 'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ...water...pollution...Development should, wherever possible help to improve local environmental conditions such as ..water quality, taking into account relevant information such as river basin management plans' (para 187).

35.0.3 It also states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely affects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development' (para 196).

35.0.4 The [Planning Practice Guidance](#) ¹⁸⁰ water supply, wastewater and water quality chapter sets out the legal and policy framework for the water environment and explains how the planning system can plan positively for water supply, wastewater and water quality. It explains the considerations that may need to be made as part of plan making and planning applications and how impacts should be assessed. It includes details of where to find information on the water environment

35.0.5 The Government's [25 Year Environment Plan](#) ¹⁸¹ sets out what the government intends to do to improve the environment and includes a goal to see 'clean and plentiful water', to 'improve water quality', 'reverse the deterioration of groundwater', see water use fall and achieve best practice improvement in leakage reduction.

35.0.6 The [Independent Water Commission Review](#) ¹⁸² (the Cunliffe Review) was published in July 2025. It includes 88 recommendations aimed at reshaping regulation of water in England and Wales. The government initially accepted 4 recommendations (abolish Ofwat; integrate functions of the Environment Agency and Natural England; creation of water ombudsman; stricter oversight) and are due to publish a White Paper with their full response.

35.0.7 The [National Framework for Water Resources 2025](#): water for growth ¹⁸³, nature and a resilient future sets out the increasing pressures on water resources from population growth and climate change and identifies actions needed to meet the challenge.

179 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

180 <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality>

181 <https://www.gov.uk/government/publications/25-year-environment-plan>

182 https://assets.publishing.service.gov.uk/media/687dfcc4312ee8a5f0806be6/Independent_Water_Commission_-_Final_Report_-_21_July.pdf

183 <https://www.gov.uk/government/publications/national-framework-for-water-resources-2025-water-for-growth-nature-and-a-resilient-future/forewords-executive-summary-and-structure-national-framework-for-water-resources-2025>

The local context

35.0.8 Water is a defining feature of the environment and landscape of Swale. The principal water feature in the borough is The Swale, a strip of sea that separates the mainland from the Isle of Sheppey. There are tidal creeks at Queenborough, Halstow, Funton, Milton, Conyer, Oare and Faversham and across the local marshes. As well as The Swale there are a series of spring-fed and surface water streams that flow from the North Downs into the low-lying land of the Swale and Medway marshes, into the Swale. These streams are groundwater dependent, so changes in water abstraction from the North Downs Chalk aquifer can affect stream flow, water and habitat quality. A number of these [streams](#)¹⁸⁴, including the Bapchild Stream, the Downswell Stream and the Westbrook are [chalk streams](#)¹⁸⁵, a globally rare habitat.

35.0.9 Reduced flow (due to high levels of abstraction), pollution from agricultural sources and surface water runoff, physical modifications, sewage pollution and invasive species are negatively affecting the environmental quality of these precious chalk stream habitats. A [World Wildlife Fund report](#)¹⁸⁶ into chalk streams reports that more than three-quarters are failing to meet the required Water Framework Directive 'Good status'.

35.0.10 Much of the land adjacent to The Swale is comprised of low-lying land drained for agriculture (grazing marshes) or kept as wetlands (inter-tidal mud flats), designated internationally for their biodiversity value. The habitat value of these designations depends on adequate water resource and quality aligned with careful surface water management.

35.0.11 This [environment is currently also threatened](#)¹⁸⁷ by:

- Pollution, including agricultural, urban and industrial run-off, sewage and microplastics, which leads to poor water quality and eutrophication;
- Fragmentation (and subsequent) degradation of natural habitats;
- Climate change, where impacts include rising sea levels, flooding and inundation and coastal erosion; and
- Invasive species.

35.0.12 [River basin management plans](#)¹⁸⁸ (RBMPs) set the foundation for delivering the government's 25 Year Environment Plan 'clean and plentiful water' goal. The Environment Agency (EA) prepares RBMPs for each river basin district (RBD). The river basin districts relevant to Swale are the Thames Basin RBD and (for a very small area of the borough) the South East RBD. Data for each river basin district, and the management and operational catchments and waterbodies within them, can be best be accessed through the [Catchment Data Explorer](#), or through [GOV.UK](#) website on River Basin Management Plans¹⁸⁹.

35.0.13 The government encourages a [Catchment Based Approach](#)¹⁹⁰ (CaBA) to improving the quality of the water environment in the UK. This encourages a wider adoption of an integrated approach to river basin management, focusing on collaborative working at a catchment scale. In north Kent this work is coordinated by the [North Kent Catchment Improvement Group](#)¹⁹¹, hosted by the Medway Swale Estuary Partnership and the South East Rivers Trust.

35.0.14 The partnership has an action plan that covers:

- Transitional and Coastal Waters;

184 <https://friendsofthewestbrook.wordpress.com/wp-content/uploads/2023/11/final-no-mark-ups-reduced-size-sert-north-kent-chalk-streams-survey-october-2023.pdf>

185 <https://engageenvironmentagency.uk/engagementhq.com/chalk-streams>

186 <https://www.wwf.org.uk/our-reports/state-englands-chalk-streams-report>

187 <https://www.endangeredlandscapes.org/news/restored-reconnected-and-resilient-the-future-of-the-thames-estuary/>

188 <https://www.gov.uk/guidance/river-basin-management-plans-updated-2022>

189 <https://www.gov.uk/government/publications/river-basin-management-plans-updated-2022-introduction/river-basin-management-plans-updated-2022-introduction>

190 <https://catchmentbasedapproach.org/>

191 <https://mse.org.uk/our-work/north-kent-catchment-improvement-group/>

- The White Drain;
- The Westbrook and Stonebridge Pond (part of the dry valley south of Faversham);
- The Iwade Stream; and
- The Swale Tributary at Lower Halstow/the Libbet.

35.0.15 Groundwater provides the overwhelming majority of Swale's drinking water and is needed to keep springs, streams and ditches across the borough healthy and flowing. The Environment Agency (EA) recognises that over-abstraction is a critical pressure on chalk streams and that the sustainability of abstraction from chalk aquifers needs to be assessed and managed to ensure water supply resilience is balanced against the needs of a healthy environment. ([5.4 Abstraction from Chalk](#))¹⁹².

35.0.16 The EA protects groundwater sources (eg wells, boreholes and springs) used to supply drinking water from pollution. The EA have defined [Groundwater source protection zones](#)¹⁹³ (SPZs) which show the level of risk to the source from contamination, following the principle that the closer the activity to the water source, the greater the risk of pollution: inner zones (SPZ1) have a 50 day travel time of pollutant to source, outer zones (SPZ2) have 400 day travel times and SPZ3 shows the total catchment - the area around a supply source within which all groundwater ends at the abstraction point.

35.0.17 The Environment Agency has also produced maps of drinking water safeguard zones.

35.0.18 [Nitrate Vulnerable Zones](#)¹⁹⁴ (NVZs) are areas designated as being at risk from agricultural nitrate pollution. Certain rules must be followed in relation in these areas.

35.0.19 Nutrient neutrality is a concept that aims to ensure that any land use or development in proximity to a vulnerable water body does not cause an increase in harmful nutrient levels (nutrient pollution). When phosphates and nitrates enter the water and reach a certain level it can cause eutrophication which will lead to algae growth. Dense algae can have effects on the balance of plants and invertebrates as it can deplete oxygen levels, harm water and air quality, food resources and habitats.

35.0.20 The Stodmarsh Nature Reserve is in the Stour valley near Canterbury. It is protected as a National Nature Reserve, a Site of Special Scientific Interest and a Ramsar site as well as a Special Protection Area and Special Area of Conservation under the Habitats Directive. It is managed by Natural England. A review during 2017/18 identified that some of the lakes there had raised nitrogen and phosphorus levels. As a consequence, in July 2020, Natural England issued nutrient neutrality advice for the catchment that feeds the Stodmarsh Nature Reserve. This means that Local Planning Authorities can only approve development if they are certain it will not have an adverse effect on the Stodmarsh Nature Reserve habitat site.

35.0.21 The catchment area of Stodmarsh Nature Reserve impacts a small part of Swale east and south of Dunkirk and east of Oversland.

35.0.22 Natural England has advised competent authorities that mitigation measures forming part of a [Habitats Regulations Assessment](#)¹⁹⁵ must demonstrate no adverse effect 'beyond reasonable scientific doubt' and that the benefits of the mitigation measures must be 'certain at the time of the Assessment' before planning permission can be given. Any development that will have an adverse effect will need to provide suitable mitigation.

35.0.23 Natural England, Kent County Council and the local authorities in the Stodmarsh/River Stour catchment are currently investigating possible mitigation measures with the support of the Ministry of

¹⁹² <https://www.gov.uk/government/publications/national-framework-for-water-resources-2025-water-for-growth-nature-and-a-resilient-future/5-taking-action-water-for-the-environment-national-framework-for-water-resources-2025>

¹⁹³ <https://www.gov.uk/guidance/groundwater-source-protection-zones-spzs>

¹⁹⁴ <https://www.gov.uk/government/collections/nitrate-vulnerable-zones>

¹⁹⁵ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

Housing, Communities and Local Government (MHCLG). This work is ongoing and is not yet published. In the meantime, the Council is taking a precautionary approach and will require [Appropriate Assessments \(AA\)](#) ¹⁹⁶ for all relevant development.

35.0.24 Mapping showing areas impacted by nutrient neutrality, source protection zones, nitrate vulnerable zones and drinking water safeguard zones can be found at [Defra's Magic Interactive mapping website](#) ¹⁹⁷.

35.0.25 Private Water Supplies - the Council is responsible for the registration, risk assessment, sampling and enforcement of private water supplies and private distribution systems to ensure they are suitable for use and meet the standards set by current legislation, [The Water Industry Act 1991](#) ¹⁹⁸, [Private Water Supplies \(England\) Regulations 2016](#) ¹⁹⁹ and [Private Water Supplies \(England\) \(Amendment\) Regulations 2018](#) ²⁰⁰. These regulations safeguard public health by ensuring that private water supplies are 'wholesome' and 'safe' to drink, setting quality standards similar to those for mains water supplies. The regulations cover all private supplies, although those serving a single dwelling will only be risk assessed and sampled upon request of the owner or occupier.

35.0.26 A private water supply is a supply that is not provided by a water company, like South East Water or Southern Water. It can serve more than one property and can include features such as wells, springs, boreholes, streams, surface water features and ponds. A private distribution system is a system that occurs when mains water is supplied to a site or property which is then distributed to other buildings not owned by that organisation or person. Users of private distribution systems, pay a landlord directly for the water instead of the water company, for example South East Water.

35.0.27 Southern Water provide wastewater treatment across Swale. New development sites have a legal right to connect to the surface and foul water sewers, but if there is a risk of flooding this is material consideration in planning decisions. The closest point of contact from development sites to the sewage system may not always have adequate capacity. If new development connects where capacity is insufficient, both new and existing customers may experience problems such as poor drainage and/or foul water flooding.

35.0.28 Drainage and Wastewater Management Plans (DWMPs) are used by water companies to plan for future climates and population, who also have duties to reduce storm overflows, flooding and pollution and protect and improve the water environment. Southern Water have prepared the [DWMPs](#) ²⁰¹ relevant to Swale, the majority of which is within the North Kent River Basin Catchment. There are five wastewater treatment plants within the North Kent Catchment (and Swale Borough), at Sittingbourne; Faversham; Queenborough; Teynham and Eastchurch. Other wastewater treatments plants relevant to Swale, but outside the district, include Motney Hill wastewater treatment works in the Medway River Basin Catchment.

35.0.29 Southern Water's analysis has identified challenges for the North Kent Catchment, highlights of which include:

- additional homes and businesses increase the risks of non-compliance in three wastewater systems: Sittingbourne, Queenborough and Faversham. This means further investment will be needed;
- new development in the North Kent Catchment might put additional pressure on internationally designated habitat sites at the Medway and Swale Estuaries. Solutions will need to be found to ensure that development is nutrient neutral;
- climate change will bring greater variability of our weather with warmer wetter winters and hotter drier summers as well as intense summer storms that could exceed the capacity of the drainage and wastewater networks and cause localised flooding;
- wastewater systems need to adapt to future climates. There will be an increasing need to 'slow the flow' entering our sewer networks so the systems can carry the water without flooding homes and businesses

¹⁹⁶ <https://www.gov.uk/guidance/appropriate-assessment>

¹⁹⁷ <https://magic.defra.gov.uk/>

¹⁹⁸ <https://www.legislation.gov.uk/ukpga/1991/56/contents>

¹⁹⁹ <https://www.legislation.gov.uk/uksi/2016/618/contents>

²⁰⁰ <https://www.legislation.gov.uk/uksi/2018/707/contents/made>

²⁰¹ <https://www.southernwater.co.uk/about-us/our-plans/drainage-and-wastewater-management-plans/>

and/or without causing discharges from storm overflows. Preventing additional rainfall entering foul sewer networks, including combined sewer networks, could delay the need to upgrade and enlarge the underground network of sewers; and

- climate change is expected to have an impact on the risk of flooding in several wastewater systems, especially Queenborough. Risk will increase by 2050 across all wastewater systems unless measures are taken. The risk of storm overflow discharges for four systems, Sittingbourne, Queenborough, Faversham and Eastchurch already have a very significant risk in 2020 and will increase without further actions.

35.0.30 The PPG (para 16) sets out that where water quality has the potential to be a significant planning concern, an applicant should be able to explain how the proposed development would affect a relevant water body in a river basin management plan or designated sites of importance for biodiversity, and how they propose to mitigate the impacts.

35.0.31 Where it is likely that a proposal would have a significant adverse impact on water quality then a more detailed Water Quality Assessment will be required, which should form part of the environmental statement. It should include:

- likely impacts of the proposed development (including physical modifications) on water quantity and flow, river continuity and groundwater connectivity, and biological elements (flora and fauna);
- how the proposed development will affect measures in the river basin management plan to achieve good status in water bodies (to ensure local authorities discharge their duty to have regard to river basin management plans when exercising their duties, including making planning decisions); and
- how it is intended the development will comply with other relevant regulatory requirements relating to the water environment (such as those relating to bathing waters, shellfish waters, freshwater fish, drinking water, internationally and nationally designated sites of importance for biodiversity) bearing in mind compliance will be secured through the Environment Agency's permitting responsibilities.

35.0.32 Swale lies within an area of serious water stress as [classified by the Environment Agency](#) ²⁰². Without adequate planning, water resources and consequent pressures on the environment are likely to become more stretched within Swale as the population continues to grow.

35.0.33 The companies relevant to water supply in Swale are South East Water and Southern Water. Southern Water supplies water to the Isle of Sheppey and the west of the borough. South East Water provides water to Faversham and the more easterly parts of the borough. Water companies prepare Water Resources Management Plans and are required to put in place the necessary mechanisms to support the development proposed by the Local Plan. The water companies in the South East of England work collaboratively as Water Resources South East (WRSE) to take a regional approach to planning water resources and have produced a regional plan.

35.0.34 The Water Resources Management Plans for [South East Water](#) ²⁰³ and [Southern Water](#) ²⁰⁴, along with the Water Resource South East's Regional Plan, identify challenges to water resources from population growth, the need to protect the environment, dry weather/drought resilience and climate change. These factors are leading to needing an extra 188 and 587 million litres of water a day in South East Water and Southern Water's supply areas respectively, by 2075. The water companies intend to address this deficit through a combination of demand management (reducing leakage, improving efficiency) and new water supply options (transferring and storing water (e.g. the Broad Oak Reservoir near Canterbury, proposed for the early 2030s) and finding new sources, for example through water recycling and possibly desalination).

35.0.35 All new development has a responsibility to seek to manage demand for water and make efficient use of this resource. New development also offers the ideal opportunity to include water saving and water

202 <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

203 <https://www.southeastwater.co.uk/about/resources/publications/water-resources-management-plan-2024/>

204 <https://www.southernwater.co.uk/about-us/our-plans/water-resources-management-plan/>

efficiency measures - such as installing water efficient fittings and white goods, smart metering, rainwater harvesting and greywater recycling – and thereby contribute to the challenge of water efficiency across the region.

35.0.36 The [Good Homes Alliance](#) ²⁰⁵(GHA), in partnership with industry leaders and supported by the Enabling Water Smart Communities project and the UK Water Efficiency Collaborative Fund, has launched a publication – '[Water Efficiency and Reuse in Housing: Design Guide for a Changing Climate](#)'²⁰⁶. The guide sets out a fittings-based approach to water, and related energy, efficiency and provides design guidance, case studies and stakeholder accounts.

35.0.37 Policy DM 21 of Bearing Fruits, the Swale Borough Local Plan 2017, promoted water efficiency in new development, requiring new homes to be designed to achieve a minimum water efficiency of 110 litres per person per day (l/p/d), the most efficient level of the government's Housing: Optional Technical Standards and a standard endorsed at the time by the two water companies within Swale, the Environment Agency and the Catchment Partnership (the North Kent Catchment Improvement Group).

35.0.38 Due to the government's commitment to creating environmental headroom for growth, it is [currently consulting](#) (autumn 2025) ²⁰⁷ on increasing water efficiency targets. In areas where the optional technical standard applies (including Swale) this could mean that this optional national standard is tightened from 110 l/p/d to 100 l/p/d.

35.0.39 As mentioned above, Swale is within an area of serious water stress. The reality of this designation is borne out in Temporary Use Bans and in the visible drying out of wetlands and chalk streams across the borough. Through previous local plan consultations, both Natural England and Southern Water have advocated a stricter water efficiency standard for new dwellings in Swale of 100l/p/d. Ambitious water efficiency standards have been factored into the Whole Plan Viability Assessment ([linked to be inserted before public consultation](#)). Furthermore, according to the above referenced DEFRA consultation evidence, while new water efficiency fittings 'could result in increased new development costs this cost would be minor in comparison to overall building costs' (para 34 [Reviewing the Water Efficiency Standard in the Building Regulations 2010](#) ²⁰⁸). Furthermore, integrating water efficiency into new build saves the costs and difficulties of needing to retrofit schemes in the future, as water efficiency becomes an even more pressing concern.

35.0.40 Water efficiency in non-residential developments should be dealt with via the BREEAM water efficiency standards, also referenced in [26 Policy C1 Sustainable design and adaptation principles](#).

Policy Application

35.0.41 Whilst water companies have general duties to enable new development to connect to the water supply and treatment network, it is very important that early engagement with the appropriate water company takes place to ascertain any water supply, drainage and treatment issues which may affect a site, including ensuring that development proposals allow future access to drainage, sewerage and water supply infrastructure for maintenance and up-sizing purposes, and any phasing that may be required.

35.0.42 Equally early engagement with the local planning authority, the Council's Environmental Health team, the Environment Agency and the Lead Local Flood Authority is recommended to ensure that water quality and water resource issues are considered early in the planning process.

²⁰⁵ <https://goodhomes.org.uk/>

²⁰⁶ https://kb.goodhomes.org.uk/wp-content/uploads/2025/07/Water-Guide-GHA-July-2025_FINAL.pdf

²⁰⁷ <https://consult.defra.gov.uk/water-efficiency-demand/review-of-water-efficiency-standards/>

²⁰⁸ https://consult.defra.gov.uk/water-efficiency-demand/review-of-water-efficiency-standards/supporting_documents/consultation-call-for-evidence-review-of-building-regulations-part-g2pdf

Question 68

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C10**Water Quality and Water Resources**

1. All development shall:
 - a. take a catchment-based approach to protecting water quality and water resources, prioritising nature-based solutions;
 - b. make efficient use of water resources and protect the yield of public water supplies;
 - c. protect the management and operational catchments, waterbodies and watercourses across the borough, as well as groundwater and surface water; and
 - d. ensure long-term benefits to the water environment and habitats it supports.
2. Where it is likely that a proposal is deemed to have a significant impact on water resources or water quality a detailed Water Quality Assessment will be required, as explained above and set out in Planning Practice Guidance, to the satisfaction of the borough's Environmental Protection Team, the Environment Agency and the Lead Local Flood Authority, as appropriate;
3. Groundwater source protection zones should be safeguarded from pollution, to the satisfaction of the Environment Agency:
 - a. Proposals for development within Groundwater Source Protection Zones will only be permitted if there is no risk of contamination to groundwater sources. If a risk is identified, development will only be permitted if adequate mitigation measures can be implemented;
 - b. Proposals for piled foundations must take account of disturbance to ground and threats to water supply and prevent the creation of pathways from contaminated material to groundwater.
4. Connection points and access – all development connecting to mains drainage and wastewater system must ensure connection at the nearest point of capacity, following advice from the service provider. Proposals must demonstrate that future unconstrained access to existing and future drainage, sewerage and water supply infrastructure for maintenance and up-sizing purposes has been allowed for;
5. Major development intending to connect to mains drainage and wastewater systems must demonstrate that, drainage and wastewater connection and treatment infrastructure, to serve the whole development over its lifetime, is in place before construction commences and that these details have been approved by the appropriate water company and funded by the development where relevant. Details should include how works will be phased and ensure no occupation until all necessary works relating to water and wastewater have been carried out;
6. All development that cannot connect to surface water drainage and/or the sewerage system (such as in some rural and isolated locations) should provide details of how it will effectively treat and dispose of its water prior to commencement of development, to the satisfaction of the Council;
7. Where onsite package treatment works are proposed to deal with foul sewage, it should be noted that any discharge from them to a surrounding waterbody will have to consider this discharge rate alongside the discharge rate proposed for the surface water drainage design – the combined rate should then be considered against the required greenfield run off rate and it demonstrated this is not exceeded for the cumulative discharge rate;

8. In areas within the catchment of Stodmarsh Nature Reserve, development will only be permitted where it can be demonstrated that it will achieve nutrient neutrality through appropriate mitigation measures;

9. Water efficiency standards:

- a. all residential development will achieve a minimum water efficiency of 100 litres per person per day; and
- b. as set out in [26 Policy C1 Sustainable design and adaptation principles](#), all new non-residential developments (including C1, C2, C2a and C5 uses) are required to achieve water efficiency credits for BREEAM 'Very Good' standard as a minimum. New major non-residential developments (including C1, C2, C2a and C5 uses) of 1,000sqm or more are required to achieve water efficiency credits for BREEAM 'Excellent' standard as a minimum.

10. Private Water Supplies for new developments:

- a. Developers shall ensure any new private water supplies they install are safe and wholesome;
- b. Proposals must not cause an inadequate supply or poor water quality for existing users of shared sources; and
- c. Any proposed developments with private water supplies should inform the Council's Environmental Health team and include a description within their application.

Question 69

Do you support or object to Policy C10? What would you add, remove or amend to support it further or to remove your objection?

36 Policy C11 Air Quality

36.0.1 Air pollution poses significant risk to human health and the environment and is an issue of concern globally, as well as to residents, businesses and the Council within Swale. The Council is committed to improving air quality and protecting the health and amenity of the borough's current and future generations.

36.0.2 Land-use planning plays an important role in improving local air quality, strategically by setting out the broad location for development and locally through individual planning applications. Air quality is a material planning consideration in relevant planning decisions to ensure future problems are prevented. There is also a synergy between efforts to address air quality and those to address climate change.

36.0.3 This policy, a sister policy to [37 Policy C12 Pollution & Land Instability](#) and [35 Policy C10 Water quality and Water Resources](#), aims to ensure that development within Swale does not lead to a detrimental impact on air quality and that where air quality is affected, that development is not permitted unless appropriate mitigation is provided and opportunities for improvements are sought. All applications and decisions on air quality in the borough should take account of national guidance and best practice, the presence of any Air Quality Management Areas, Clean Air Zones (if declared), the borough's [Air Quality Action Plan, 2023](#) ²⁰⁹ and the Swale Air Quality and Planning - [Technical Guidance 2024](#) ²¹⁰ and updates to these documents.

The legal, policy and local context

36.0.4 Air quality in the UK is co-ordinated by the Department for Environment, Food and Rural Affairs (Defra). The [Air Quality Strategy, 2023](#) ²¹¹ for England, Scotland, Wales and Northern Ireland, 2023, provides an over-arching strategic framework for air quality management. The strategy includes national Air Quality Objectives (AQOs) and limit values for nitrogen dioxide (NO₂) and particulates (PM₁₀ and PM_{2.5}), along with several other pollutants prescribed in the ²¹² Regulations 2010.

36.0.5 The [Clean Air Strategy 2019](#) ²¹³ sets out the actions required across government and society to improve air quality to protect health, the environment, secure clean growth, reduce emissions and monitor progress. It complements other UK government strategies including the Clean Growth Strategy and the 25 Year Environment Plan.

36.0.6 [UK Air](#) ²¹⁴ is Defra's Air Information Resource and is a free to use database of air quality information for the country which contains information on national air quality objectives, monitoring data and networks. It also holds a comprehensive library of air quality information. [Kent Air](#) ²¹⁵ website is a useful resource for air quality in Kent.

36.0.7 The Institute of Air Quality Management's document [Land-Use Planning & Development Control: Planning For Air Quality, 2017](#) ²¹⁶ has been prepared to ensure that air quality is adequately considered in the land-use planning and development control process and provides guidance as to how to reach sound decisions on air quality and planning matters.

36.0.8 The [National Planning Policy Framework](#) ²¹⁷ (NPPF) sets the scene for planning for air quality in England. Paragraph 110 states that 'Significant development should be focused on locations that are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health'.

209 https://swale.gov.uk/_data/assets/pdf_file/0019/451432/AQAP-2023-to-2028_-updated-2025-AAA.pdf

210 https://swale.gov.uk/_data/assets/pdf_file/0008/474182/AQPT-Guidance_-2024-update_PDF_2-002-AA.pdf

211 <https://www.gov.uk/government/publications/the-air-quality-strategy-for-england/air-quality-strategy-framework-for-local-authority-delivery>

212 [Air Quality Standards](#) <https://www.legislation.gov.uk/uksi/2010>

213 <https://www.gov.uk/government/publications/clean-air-strategy-2019>

214 <https://uk-air.defra.gov.uk/>

215 <https://www.kentair.org.uk/>

216 <https://iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

217 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

36.0.9 Paragraph 187 of the NPPF goes on to say: ‘Planning policies and decisions should contribute to and enhance the natural and local environment by:...e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality..’.

36.0.10 Paragraph 198 states ‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development’. Importantly, paragraph 199 goes on to say that ‘Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan’.

36.0.11 [Planning Practice Guidance](#) ²¹⁸ (PPG) sets out the air quality considerations that planning needs to address, with regard to public health, habitats and biodiversity and the formation of ozone. The guidance sets out Defra’s national assessment of air quality and the local air quality management (LAQM) regime which requires each local authority to review and assess local air quality and explains when it is necessary to declare Air Quality Management Areas (AQMAs). The guidance also explains that air quality considerations may also be relevant to habitats and species.

36.0.12 The PPG also sets out the role of plan-making with regard to air quality recognising that all development plans can influence air quality, for example through what development is proposed and where, and the provision for sustainable transport. Consideration of air quality issues at the plan-making stage can ensure a strategic approach to air quality and help secure net improvements in overall air quality. The guidance makes it clear that it is important to take into account AQMAs, Clean Air Zones and areas such as sensitive habitats or designated sites of importance for biodiversity. Air quality is also an important consideration in habitats assessment, strategic environmental assessment and sustainability appraisal and can help shape an appropriate strategy for a local plan.

36.0.13 The PPG also contains information on:

- where information on air quality can be found;
- when air quality considerations could be relevant to the development management process and how to assess impacts;
- the importance of engaging at an early stage with the planning and environmental health departments;
- when the Environment Agency might need to be involved;
- the specific issues that may need to be considered;
- information on the detail required in an air quality assessment; and
- detail on how air quality can be mitigated.

Air Quality in Swale

36.0.14 The Council has a statutory obligation to ensure air quality is reviewed and assessed. If levels of air pollution exceed, or are likely to exceed, national Air Quality Objectives (AQOs), the Local Authority (Environmental Protection Team) is required to declare an Air Quality Management Area (AQMA) and

218 <https://www.gov.uk/guidance/air-quality--3>

prepare an [Air Quality Action Plan](#) (AQAP)²¹⁹, which sets out the intended measures in pursuit of the AQOs. The emissions of particular concern in Swale are nitrogen dioxide (NO₂) and particulate matter (PM₁₀), associated with traffic and congestion.

36.0.15 The Council has a comprehensive monitoring network. Monitoring has identified locations within the borough that exceed the annual Air Quality Objective (AQO) levels for NO₂ and PM₁₀ and subsequently declared AQMAs at these locations. Details on AQMAs can be found on the air quality pages of the Council's [website](#)²²⁰

36.0.16 The Council is required to revoke an AQMA if it demonstrated that air quality objectives are being met and will continue to do so. Revoked AQMAs are still considered Air Quality Sensitive Areas (AQSA), and the Council will continue to monitor these locations. As referenced in the AQAP and [relevant guidance](#)²²¹ where there are no longer any AQMAs, an Air Quality Strategy (AQS) will be created to ensure air quality remains a high-profile issue and to ensure the Council is able to respond quickly should there be any deterioration in condition of the revoked AQMAs.

36.0.17 The declaration of an AQMA does not mean that there will be no new development within that area. Rather, it means that greater weight must be given to air quality impacts and their mitigation.

36.0.18 Swale's AQAP sets both strategic and local measures targeted at improving air quality in the designated AQMAs and across the borough as a whole. The AQAP may evolve in response to funding, adaptation of measures and policy changes. Applicants should refer to the latest, relevant AQAPs in their applications.

District wide Air Quality Modelling

36.0.19 [Air Quality Modelling](#)²²² for the emerging local plan was prepared to inform the Swale Local Plan Review in 2020 and will be undertaken again at the Regulation 19 Stage, in 2026.

Local guidance

36.0.20 The Council's Air Quality and Planning - [Technical Guidance](#) (July, 2024)²²³ and updates has been adapted from the Kent and Medway Air Quality Partnership's Air Quality Planning Guidance (December 2015) in response to changes in national planning policy and guidance and the increased number of planning applications in Swale in which air quality has been a specific issue. The document:

- Explains how air quality is dealt with in planning applications in Swale, providing clarity and consistency for officers within the local authority, and developers and consultants involved in the preparation of development proposals and planning applications, as well as local communities;
- Recommends a range of mitigation measures and explains that standard mitigation is expected for all development;
- Sets out when an Air Quality Assessment (AQA) is required, how this should be undertaken and how it will be used to determine the air quality impacts of planning applications;
- Explains the emissions mitigation assessment (including damage cost calculations) expected for development with potential air quality impacts; and
- Emphasises the importance of applying good design and 'best-practice' measures to all developments, to reduce both pollutant emissions and human exposure.

36.0.21 The guidance primarily focuses on air quality impacts from traffic emissions; however, dust also contributes airborne particulate matter. It should be noted that the Institute of Air Quality Management (IAQM) document [Guidance on the assessment of dust from demolition and construction](#) (January 2024,

219 https://swale.gov.uk/_data/assets/pdf_file/0019/451432/AQAP-2023-to-2028_-updated-2025-AAA.pdf

220 <https://swale.gov.uk/bins-littering-and-the-environment/air-quality/monitoring>.

221 <https://iaqm.defra.gov.uk/air-quality/featured/england-exc-london-policy-guidance/>

222 <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence#h2>

223 https://swale.gov.uk/_data/assets/pdf_file/0008/474182/AQPT-Guidance_-2024-update_PDF_2-002-AA.pdf

Version 2.2)²²⁴ and updates is the recommended text to refer to ensure dust generation is minimised where possible. The Environmental Protection team will recommend conditions to an application on a case-by-case basis to ensure dust from all potential sources is addressed (eg a Dust Management Plan).

36.0.22 The Council's [Parking Standards SPD](#), 2020,²²⁵ and updates, sets out local standards and design aspirations for vehicle and cycle parking for new development in Swale. This document includes requirements for parking for ultra-low emission vehicles with the objective of improving air quality. It should be used alongside current Building Regulations on [Infrastructure for charging electric vehicles: Approved Document S](#)²²⁶

36.0.23 Good site choice and quality design can beneficially influence air quality. Applicants for proposed development in Swale should demonstrate how their proposals have considered air quality in terms of site location, linkages to other sites and infrastructure, layout, land-use, landscaping and building design.

Pre-application advice and guidance

36.0.24 Early engagement with Swale's [Development Management](#) and Environmental Protection teams as part of the pre-application process is recommended for all schemes that may have air quality impacts.²²⁰ should be an integral part of the overall design process.

36.0.25 Applicants should review the Air Quality and Planning - Technical Guidance to determine the significance of their development and whether an Air Quality Assessment (AQA) is required.

36.0.26 Where required, AQAs should be carried out in line with guidance in the Air Quality and Planning - Technical Guidance²¹⁰ and the most up to date industry-prepared best guidance documents including IAQM's²¹⁶ and Defra's Local Air Quality Management (LAQM) [guidance](#)²²⁷.

36.0.27 AQAs may be incorporated into the full Environmental Statement if required for an Environmental Impact Assessment.

Air Quality Mitigation

36.0.28 The Air Quality and Planning - Technical Guidance, sets out the mitigation measures that are likely to be required. Mitigation may need to include measures that support and encourage sustainable travel such as car clubs and investment in sustainable transport. Mitigation measures should be site specific, where possible, discussed with the borough's Environmental Protection Team and reference local air quality concerns, policies and Action Plans. Mitigation may need to include measures that support and encourage sustainable travel such as car clubs and investment in sustainable transport. Mitigation measures should be site specific, where possible, discussed with the borough's Environmental Protection Team and reference local air quality concerns, policies and Action Plans.

36.0.29 Where mitigation is not integrated into a scheme, the Council will generally require mitigation through a planning condition(s). If on-site mitigation/the use of planning conditions is not possible then the Council may seek contribution to wider air quality mitigation measures through the damage cost value and/or section 106 agreement. If the development is within or close to an AQMA and is considered a non-major development, then it will be at the discretion of Swale's Environmental Protection Team to suggest reasonable mitigation options.

36.0.30 An emissions mitigation assessment (also known as a Damage Cost Calculation) is required for all major developments. The purpose of an emissions mitigation assessment is to assess the local emissions from a development and to determine the appropriate level of mitigation (a damage cost value) required

²²⁴ <https://iaqm.co.uk/wp-content/uploads/2013/02/Construction-Dust-Guidance-Jan-2024.pdf>

²²⁵ <https://services.swale.gov.uk/assets/Planning-Forms-and-Leaflets/Supplementary-Planning-Documents/SBC-Parking-Standards-May-2020.pdf>

²²⁶ <https://www.gov.uk/government/publications/infrastructure-for-charging-electric-vehicles-approved-document-s>

²²⁷ <https://iaqm.defra.gov.uk/guidance/>

to help reduce the potential effect on health and/or the local environment. As well as guidance within Swale's Air Quality and Planning – Technical Guidance, Defra's Air quality appraisal: damage cost guidance also provides guidance on how to carry out an emission mitigation assessment.

General advice

36.0.31 It should be noted that guidance may be updated to reflect changes in Government policy, good practice and advances in air quality mitigation; the latest version of the relevant guidance should be consulted.

36.0.32 For the purposes of this policy sensitive uses or receptors includes nurseries, schools, hospitals, care facilities, residential uses and other similar uses and their users.

36.0.33 All major development, or any development where air quality is likely to be a significant issue, is also required to undertake a Transport Assessment and prepare a Travel Plan as set out in **Policy INF1 Managing transport demand & impact**.

36.0.34 The policy references Supplementary Planning Documents and guidance, which, if prepared, should inform the approach to air quality in the borough.

Question 70

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C11

Air Quality

1. Air quality should be considered in the early stages of a development in consultation with the borough's Environmental Protection Team and with reference to Swale's Air Quality and Planning - Technical Guidance 2024²²³, and updates, the latest best practice guidance and any relevant Supplementary Planning Documents;
2. Proposed development should:
 - a. demonstrate they include measures to improve air quality through the location of the site, linkages to other sites, site layout, land-use, landscaping and building design;
 - b. provide standard mitigation for air quality impacts in line with Swale's Air Quality and Planning Technical Guidance; and
 - c. Carry out an Air Quality Assessment in line with the requirements set out in the Council's Air Quality and Planning - Technical Guidance.
3. All major development must carry out an Emissions Mitigation Assessment (also known as a Damage Cost Calculation) and demonstrate that the appropriate level of mitigation has been incorporated into the proposed development;
4. Proposals which would introduce or intensify sensitive receptors' exposure to poor air quality should demonstrate measures that mitigate air quality impacts.

Question 71

Do you support or object to Policy C11? What would you add, remove or amend to support it further or to remove your objection?

37 Policy C12 Pollution & Land Instability

37.0.1 This is a sister policy of [35 Policy C10 Water quality and Water Resources](#) and [36 Policy C11 Air Quality](#) and seeks to ensure that new development is appropriate for its location, doesn't contribute to pollution and land instability and seeks to improve environmental conditions and, where appropriate, bring land back to productive use.

37.0.2 Minimising pollution is one of the [National Planning Policy Framework](#)²²⁸ environmental objectives, a key aspect of sustainable development. The NPPF (para 187) sets out that planning policies and decisions should contribute to and enhance the natural and local environment by 'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.' as well as 'remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'. The NPPF goes on to explain how planning policies and decisions should ensure that sites are suitable for proposed uses, taking account of ground conditions, land instability and contamination, are remediated to standard and that adequate site investigation information is available to inform these assessments. It makes clear that responsibility for securing safe development rests with the developer/landowner.

37.0.3 The NPPF states that planning should ensure that new development is appropriate for its location, taking into account likely, including cumulative, effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or wider area to development impacts. It sets out that planning policies and decisions should address noise, tranquillity and light pollution and ensure that new development can be appropriately integrated into existing businesses and community facilities, highlighting that planning is about the acceptable use of land and should not duplicate other permitting regimes.

37.0.4 Pollution, land contamination and unstable land issues are relevant within Swale, particularly due to the legacy of past industrial uses and its economic strengths in manufacturing and distribution. Pollution can be site specific, but its impacts can also be widespread, for instance downstream of sources, affecting sites designated for their environmental quality. Pollution is also an important concern of residents.

Hazardous substances

37.0.5 [Planning Practice Guidance \(PPG\)](#)²²⁹ explains planning controls relating to the storage of hazardous substances and how to handle development proposals around hazardous establishments and the hazardous substances consent process and regulatory framework. The Council holds a register of relevant sites.

Land contamination

37.0.6 Contamination can harm human health, property, water resources and the wider environment. Planning Practice Guidance sets out where planning can deal with contamination where not dealt with by other regimes. The guidance explains the role of site-specific investigations and explains where sources of information as to whether a site might be contaminated can be found. Applications should check whether an environmental permit is required.

37.0.7 PPG also explains the role to which local plans will need to consider contamination including through sustainability appraisal and the choice of land allocations. The PPG sets out what contamination risk assessments should include. PPG also sets out the level of detail required for applications for outline planning permission and when planning permission should be refused on grounds of land contamination. It also includes detail on planning conditions and planning obligations and detail on unacceptable risk. PPG makes clear that as a minimum and after remediation, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

²²⁸ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

²²⁹ <https://www.gov.uk/guidance/hazardous-substances>

37.0.8 All aspects of investigation into possible land contamination should follow the Environment Agency guidelines within [Land contamination risk management](#)²³⁰ (LCRM) . The government's LCRM also gives guidance on the assessment of unacceptable risk, decisions on options to manage risk and implement remediation where needed. It should be remembered that some site investigations themselves may require planning permission. The Council's [Contaminated Land Strategy \(2021-2026\)](#)²³¹ should also be referred to by developers.

37.0.9 Where development is approved on previously developed land and made subject to a land contamination condition, the risk assessment undertaken should follow guidance contained in Land Contamination: Risk Management Guidance on the government website.

Light pollution

37.0.10 The NPPF (para 198) and the [PPG](#)²³² advises how to consider light within the planning system. It explains what light pollution considerations planning needs to address and when artificial lighting can become light pollution which can harm people, wildlife and the night sky. Light pollution is particularly harmful in intrinsically dark landscapes including nature reserves which support native nocturnal animals and can impact on tranquillity. It is important to consider design of lighting schemes early in scheme development as it can be expensive to rectify later on.

37.0.11 The PPG also gives advice on what factors can be considered when assessing whether a proposal might have implications for light pollution. These include the impact of existing development on proposed development, the impact of new development on existing sites and impacts on specialist facilities/intrinsically dark landscapes, safety concerns, impacts on species and habitats and use of smooth, reflective buildings (which can affect wildlife). If these impacts are likely the PPG advises that the local planning authority and applicant should consider:

- where the light shines;
- when the light shines;
- how much light shines; and
- possible ecological impacts.

37.0.12 and it gives details of how to do this and links to best practice, including advice from the Bat Conservation Trust and the Chartered Institution of Building Services Engineers.

37.0.13 The impact of lighting from development can have a significant effect on tranquillity. The Institute of Lighting Professionals has produced free resources to enable lighting to be sympathetically integrated into development, such as [Guidance Notes for the reduction of obtrusive light](#)²³³ which should be referenced in relevant applications. The Department for Environment, Food and Rural Affairs, the Campaign to Protect Rural England, the Campaign for Dark Skies and the Institute of Lighting Professionals has collaborated to produce an information leaflet, [Getting Light Right](#)²³⁴, designed to demonstrate how to install their security lights effectively to reduce light pollution.

Noise and vibration

37.0.14 New development may create additional noise or could be sensitive to existing noise and as such needs to be considered early on in the planning process. The NPPF (para 198) and [PPG](#)²³⁵ advises how planning can determine and manage potential noise impacts in new development, seeking specialist assistance where necessary. It explains what 'observed effect levels' are and how it can be established if noise is a concern (citing the noise exposure hierarchy table), the factors involved (including cumulative

²³⁰ <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

²³¹ https://swale.gov.uk/_data/assets/pdf_file/0003/455376/Swale-Contaminated-Land-Strategy-2021-2026-AA.pdf

²³² <https://www.gov.uk/guidance/light-pollution>

²³³ <https://theilp.org.uk/resource/gn01-ilp-guidance-note-1-the-reduction-of-obtrusive-light-2021.html>

²³⁴ <https://theilp.org.uk/publication/getting-light-right-defra/>

²³⁵ <https://www.gov.uk/guidance/noise--2>

impacts, timing and effect on wildlife). It sets out how the risk of conflict between new and existing development can be addressed, how to address effects (engineering, layout, conditions, mitigation) and where other information can be found.

37.0.15 Assessing developments for noise and vibration - both from noise generated from new developments affecting existing development and new development close to existing noise sources - can be complex. The relevant British Standards and guidance, including BS8233 need to be considered. The Council's Environmental Protection Team has published a guidance document, [Noise and Vibration: Planning Technical Guidance Document \(2020\)](#)²³⁶. Developers should refer to this guidance, as well as the latest revised British Standards, in their planning applications.

Land instability

37.0.16 Land instability can result in landslides, subsidence or ground heave and failure to deal with this issue could cause harm to health, property, infrastructure and the environment. [PPG](#)²³⁷ sets out advice on how to ensure that development is suitable to its ground condition and how to avoid risks caused by unstable land or subsidence, explaining why planning authorities should be concerned about land stability (minimising risk, ensuring development does not occur in unstable locations, and bringing unstable land back to productive use) and the other regimes involved (eg Building Regulations). PPG explains the role of plans in planning for land instability, where information on land instability can be found, the planning mechanism that can be used to mitigate and minimise risks and the steps applicants should take if they suspect land instability (including a flow chart), what a slope stability report and land stability risk assessment report should contain and who should prepare them and the role of the Coal Authority.

Policy Application

37.0.17 Planning matters related to pollution prevention and land instability in Swale will be dealt with via reference to the NPPF, PPG, all of the guidance listed above and other relevant policies within this Plan, informed by the technical advice of the Council's Environmental Protection Team and the Environment Agency. Applicants should refer to the advice in PPG, as outlined above, and seek the advice of the Council's Environmental Protection Team at the pre-application stage.

Question 72

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy C12

Pollution & Land Instability

1. The responsibility for securing development which is safe from the risks of all forms of pollution (including land contamination) and land instability, rests with the developer and or landowner;
2. Development will only be permitted where:
 - a. appropriate assessment of all risks has been carried out by competent persons and to the satisfaction of the Council's Environmental Health Team or the Environment Agency whether the risk is to human health or groundwater resources respectively;

²³⁶ <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/noise-and-vibration-planning-technical-guidance>

²³⁷ <https://www.gov.uk/guidance/land-stability>

- b. it can be demonstrated that development is appropriate for its location and its layout, design, and construction (including demolition) would not be damaging to the environment, wildlife, property and sensitive receptors as a result of hazardous substances, land contamination, groundwater resources;
- c. on land affected by contamination, it can be demonstrated that the contamination and land gas can be satisfactorily managed or remediated so that it is suitable for the proposed end use and will not impact on the groundwater environment, human health, buildings and the wider environment, during demolition and construction phases as well as during the future use of the site;
- d. on unstable land, it can be demonstrated that it will be safe for its lifetime, will not lead to risk to property, infrastructure, the public or wider environment and will seek to bring land back into productive use.

Question 73

Do you support or object to Policy C12? What would you add, remove or amend to support it further or to remove your objection?

38 Policy B1 Biodiversity & geodiversity conservation & BNG

Biodiversity and geodiversity conservation and biodiversity net gain

38.0.1 Swale has an extremely diverse natural environment, but nationally, the Council are faced with its unprecedented decline. The conservation and enhancement of the natural environment is therefore at the core of the Local Plan strategy with further guidance to be set out in a strategic policy on Conserving and Enhancing the Natural Environment at the Reg 19 stage of the plan making process. The aim of this policy is to focus on the conservation and enhancement of biodiversity and geodiversity elements of the strategy.

38.0.2 In seeking to achieve this, the [National Planning Policy Framework](#) ²³⁸ (NPPF) states that plans should consider the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and the connections between them, and areas identified for habitat management, enhancement, restoration or creation. Plans should also promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species (NPPF 192).

38.0.3 Furthermore, along with the NPPF which promotes seeking net gains for biodiversity, the Environment Act strengthens this and introduces a mandatory approach to biodiversity net gain. A measurable increase in habitat value will be required, at an absolute minimum of 10%, compared with a pre-development baseline. The Environment Act also requires the production of a [Local Nature Recovery Strategy](#) (LNRS) ²³⁹ which should identify opportunities for promoting nature recovery and enhancement and should be integrated within a National Nature Recovery Network.

Biodiversity and geodiversity within designated sites

38.0.4 Large areas of Swale are designated because they contain special habitats or support species which are rare and/or threatened. Designation provides long term protection as well as opportunities to introduce management measures to conserve features of particular importance. The hierarchy of designations within Swale is set out below. Further detail on the range of sites, their statutory obligations, and their impact on the planning system can be found in [Circular 06/2005: Biodiversity and Geological Conservation](#) ²⁴⁰

38.0.5 The most important sites for biodiversity have statutory protection under international legislation and comprise Ramsar sites, Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). The NPPF also states that potential SPAs and SACs, listed or proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential SPAs and SACs and listed or proposed Ramsar sites should be given the same protection (NPPF para 194).

38.0.6 Ramsar sites are wetlands of international importance designated under the Ramsar Convention. The designation provides for the conservation and good use of wetlands and for Swale, comprise the Swale and the Medway Estuary and Marshes. They are designated for their high plant and invertebrate species diversity and internationally important bird species.

38.0.7 Special Areas of Conservation are areas which have been given special protection under the European Union's Habitats Directive. They provide increased protection to a variety of wild animals, plants and habitats. SACs are designated at Queendown Warren and the Blean complex. Queendown Warren is designated for its chalk grassland and due to it supporting a number of orchid species. The Blean is designated due to its ancient oak and hornbeam woodland and because it supports a good population of the rare heath fritillary butterfly.

38.0.8 Special Protection Areas are areas classified under Directive 79/409 on the Conservation of Wild Birds, also in accordance with Birds Directive of 1979. They are identified as being of international importance

²³⁸ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

²³⁹ <https://www.legislation.gov.uk/ukpga/2021/30/part/6/crossheading/local-nature-recovery-strategies>

²⁴⁰ <https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

for the breeding, wintering or migration of rare and vulnerable species of birds. For Swale, they comprise the Swale SPA and the Medway Estuary and Marshes SPA (both designated for overwintering, on-passage and breeding birds) as well as the Outer Thames Estuary SPA (designated for the red-throat diver).

38.0.9 In 2011, Local Authorities and conservation organisations across north Kent joined together within the North Kent Environment Planning Group to identify the impacts of recreational disturbance on wintering birds within the SPAs. Following a Visitor and Bird Disturbance Survey, a [Strategic Access Management and Monitoring Strategy](#) (SAMMS)²⁴¹ is now in place, which sets out a range of measures to mitigate any disturbance to birds caused by increasing numbers of recreational visitors.

38.0.10 These strategic measures are funded by developer contributions, applied to all residential development within 6km of the SPAs (the area mostly likely to result in increased recreational pressure on them). These contributions are collected via Section 106 agreements, or, if implemented in the future, a Community Infrastructure Levy. Some larger developments beyond the 6km radius, or those particularly close to the SPA, may require additional mitigation.

38.0.11 Alternatively, developers can gather their own evidence and complete a Habitats Regulations Assessment and implement bespoke mitigation measures. Such an assessment would have to consider the impact of the proposal in combination with other proposed developments, the cost of which is likely to be higher than making a contribution to the implementation of the SAMMS. In most cases, it will not be viable for a development to provide its own bespoke mitigation package. For further information, see [Bird Wise](#)²⁴².

38.0.12 If a development proposal is considered likely to have a significant effect on a protected habitats site (either individually or cumulatively) then an Appropriate Assessment of the implications for the site will be required under the [Conservation of Habitats and Species Regulations 2017](#)²⁴³. If the Council, in consultation with other bodies, is unable to conclude that the proposal will not adversely affect the integrity of the site, then it will have to be refused. Applicants will therefore need to provide sufficient information as may be required to undertake the assessment, including implementation of the mitigation hierarchy.

38.0.13 More generally, the Council will take a precautionary approach in requiring Habitats Regulations Assessments to be prepared for individual development proposals until a strategic solution has been prepared or where effects of a proposal are deemed to be uncertain. The Council will consider the need for Habitats Regulations Assessments to be undertaken at the reserved matters stage for sites where outline planning permission has already been granted.

Nationally designated sites

38.0.14 For Swale, nationally designated sites include Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs) and Marine Conservation Zones (MCZs).

38.0.15 Sites of Special Scientific Interest are the country's best wildlife and geological sites and are legally protected under the Wildlife and Countryside Act 1981 (as amended). For Swale, they comprise the Swale and the Medway Estuary and Marshes, the Sheppey Cliffs and Foreshore (for geological as well as nature conservation), Church Woods (Blean), Ellenden Wood, Queendown Warren (Hartlip) and a small section of nearby Purple Hill.

38.0.16 National Nature Reserves represent many of the finest wildlife and geological sites in the country. They are used to manage some of the most pristine habitats, rarest species and most significant geology as well as promote public access to natural heritage. For Swale, they comprise the Swale, Elmley and Blean Woods.

241 <https://northkent.birdwise.org.uk/wp-content/uploads/2018/02/Mitigation-Strategy.pdf>

242 <https://northkent.birdwise.org.uk/>

243 <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

38.0.17 Marine Conservation Zones are a type of marine protected area, which exist alongside other international and national designations to form an ecologically coherent network of marine protected areas. The Medway Estuary was designated as an MCZ in 2013 and the Swale Estuary was designated as an MCZ in 2016.

38.0.18 Development proposals within these nationally designated sites will only be permitted where they are not likely to have an adverse effect on the site or its interests, either individually or in combination with other developments, unless the benefits of the development clearly outweigh both the impacts it is likely to have on the features of the designated site and its wider environmental network of sites.

Locally designated sites

38.0.19 Local Nature Reserves (LNRs) are for both people and wildlife. They are places with wildlife or geological features that are of special interest locally. They offer people opportunities to study or learn about nature or simply to enjoy it. For Swale, these include Oare Marshes, the South Bank of the Swale, Seasalter Levels and Queendown Warren.

38.0.20 Local Wildlife Sites (LWSs) are identified by the Kent Nature Partnership and are administered and monitored by Kent Wildlife Trust on behalf of the partnership. Site selection takes into account the most important, distinctive and threatened species and habitats within a national, regional and local context, making LWSs some of Kent's most valuable urban and rural wildlife areas. There are 32 LWSs within Swale, the majority of which contain habitats and species that are priorities under the county or UK Biodiversity Action Plans (BAPs) and/or Biodiversity Strategies.

38.0.21 Roadside Nature Reserves (RNRs) are roadside verges that have been specially designated because they contain a scarce or declining Kent habitat or the presence of a rare or notable species. Roadside nature reserves can link existing wildlife areas, helping to reconnect and restore landscape so that wildlife is no longer struggling to survive in isolation. There are currently 13 in Swale, managed by Kent County Council Highways and monitored by Kent Wildlife Trust.

Biodiversity and geodiversity outside of designated sites

38.0.22 Although the hierarchy of formally designated sites is of critical importance to the conservation and enhancement of biodiversity and geodiversity, it must be recognised that important habitats and protected species are not confined to them, and can be found on almost any site. The Council will therefore seek their conservation and enhancement across the whole borough.

Protected species

38.0.23 A series of international conventions, European directives and national laws protect species of animals and plants in the UK, notably the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2017. The status of species on development sites must be assessed through appropriate surveys undertaken to clarify the constraints and requirements that could apply to development on these sites.

38.0.24 The decline of pollinators is a global issue, but of particular importance to Swale given the reliance placed upon them by its fruit industry. The Council will support the [National Pollinator Strategy](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/794706/national-pollinator-strategy.pdf)²⁴⁴ and look for opportunities through development proposals to enhance foraging habitat.



Picture 38.0.1

²⁴⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/794706/national-pollinator-strategy.pdf

Landscape scale biodiversity networks

38.0.25 The NPPF in Paragraph 187 encourages local plans to plan for the enhancement of natural capital at a landscape scale. This is important as it enables wildlife to move through the landscape and species to colonise new areas, increase their genetic diversity and adapt better to climate change. Designated sites contain the most valuable habitats and species but links between these sites and the wider countryside are also imperative as they enable larger areas of habitat to be restored and enhanced as well as allowing fragmented habitats to be connected. Landscape scale biodiversity networks also secure natural habitat which can be accessed by the local community. Research has shown that that access to the natural environment increases mental and physical wellbeing.

38.0.26 The Supplementary Planning Document (SPD) entitled Swale Landscape Character and Biodiversity Appraisal, which can be accessed in two parts - [Part 1](#) and [Part 2](#)²⁴⁵ includes an assessment of the current distribution of priority habitats and identifies opportunities for linking these areas to form a more coherent, extended and enhanced biodiversity network to better cope with future environmental change.

Biodiversity Action Plans, Biodiversity Opportunity Areas, and the Kent Biodiversity Strategy

38.0.27 Biodiversity Action Plans (BAPs), for key habitats and species within Swale, were prepared at the national, county and local levels (see Statement 6). They covered both designated and non-designated sites and habitats and species populations outside these areas. Of these BAP habitats, Swale is particularly important for its mudflats, sandflats, wetlands and grazing marsh. The [Swale Biodiversity Action Plan](#) provides a basis for local action to conserve, protect and enhance the biodiversity of the borough and focuses on a number of BAP habitats of importance to the borough.

Statement 3

Biodiversity Action Plan habitats in Swale

UK Biodiversity Action Plan Habitats: chalk grassland, acid grassland, neutral grassland, wood-pasture and parkland, vegetated shingle, maritime cliffs, reedbeds, arable field margins, coastal and floodplain grazing marsh, intertidal mudflats (littoral sediment), saltmarsh, ponds, traditional orchards and hedgerows.

Kent Biodiversity Action Plan Habitats: ancient and/or species rich hedgerows, built-up areas and gardens, cereal field margins, coastal and floodplain grazing marsh, coastal saltmarsh, coastal vegetated shingle, standing open water, wet woodland, lowland calcareous grassland, maritime cliff and slope, mixed broadleaved woodland and plantations, lowland wood-pasture and parkland, mudflats, old orchards, reedbeds, and lowland meadow.

Swale Biodiversity Action Plan Habitats: orchards, estuary habitats, woodlands, wildflower grassland, farmland, built-up areas and gardens.

38.0.28 The Kent Nature Partnership is now working towards the [Kent Biodiversity Strategy \(2020-2045\)](#)²⁴⁶ targets which supersede the BAPs, however the BAP habitats remain relevant. The targets of the previous Kent Biodiversity Strategy (2015) were expressed spatially through Biodiversity Opportunity Areas (BOAs). Although now superseded by the latest strategy, BOAs remain a useful indicator of where the greatest gains can be made from habitat enhancement, restoration and recreation as these areas still offer the best opportunities for establishing large habitat areas and/or networks of wildlife habitats. As such, they are useful for the development and delivery of green and blue infrastructure and resilient ecological

²⁴⁵ <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/swale-landscape-character-and-biodiversity-appraisal-supplementary-planning-document-spd-2011>

²⁴⁶ <https://kentnature.org.uk/wp-content/uploads/2022/01/Kent-Biodiversity-Strategy-2020.pdf>

networks. The BOAs are likely to be updated or superseded once the Kent Nature Partnership has adopted a new countywide Nature Recovery Network which is currently in development. Four BOAs are identified for Swale:

- Medway Gap and North Kent Downs;
- North Kent Marshes;
- Mid Kent Downs Wood and Scarp; and
- The Blean.

Biodiversity net gain

38.0.29 Biodiversity net gain is an approach to development that leaves biodiversity in a better state than before. If a development has an impact on biodiversity, it encourages developers to provide an increase in appropriate natural habitat and ecological features over and above that being affected in such a way that the current loss of biodiversity through development will be halted and ecological networks can be restored.

38.0.30 The Government's [25 Year Environment Plan](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf) ²⁴⁷ made a commitment to embed a 'net environmental gain' principle for development to deliver environmental improvements locally and nationally. In 2019, following consultation, the Government announced it would mandate net gains for biodiversity in the then Environment Bill. The now [Environment Act 2021](https://www.legislation.gov.uk/ukpga/2021/30/contents) ²⁴⁸ mandates that all development, with limited exceptions for small applications and brownfield sites, will be required to provide a measurable minimum of 10% biodiversity net gain (BNG). This will be measured against a baseline value of biodiversity and will be calculated using the DEFRA Biodiversity Metric. Developers will be required to provide a BNG plan with supporting calculations from the Metric, which should be accommodated within the rules of the existing mitigation hierarchy, and offsite compensation should be considered as a last resort.

38.0.31 It should be noted that in May 2025, the government consulted on 'Improving the implementation of biodiversity net gain for minor, medium and brownfield development' and the Council awaits the feedback resulting from this consultation.

38.0.32 The Kent Nature Partnership are proposing adopting a 20% target across Kent. This is because Kent has a wonderfully rich and varied biodiversity resource, the pressures on which are specific to Kent's location, such as its proximity to London, being a gateway to Europe, and the resulting significant and unprecedented levels of growth it faces. The Council wholeheartedly supports this approach and will be seeking a 20% BNG through this policy. The Council will continue to work with the Kent Nature Partnership on the evidence base to support the 20% requirement. Viability evidence thus far indicates that a target of 20% rather than 10% has a minimal additional impact upon viability. A [Biodiversity Baseline Study \(2020\)](https://services.swale.gov.uk/assets/Planning%20Policy%202019/Biodiversity%20Baseline%20Study.pdf) ²⁴⁹ has also been prepared which will help guide developers in their approach.

Local Nature Recovery Strategy

38.0.33 Local authorities are required by the Environment act to produce a Local Nature Recovery Strategy (LNRS), which should be integrated within a National Nature Recovery Network. It requires a biodiversity statement and map to be included, which should;

- Describe, identify and map biodiversity features within the Local Authority Boundary, including nationally designated sites, other nature reserves and wider areas of importance for biodiversity; and
- Describe, identify and map priorities and opportunities for promoting nature recovery and enhancement.

²⁴⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

²⁴⁸ <https://www.legislation.gov.uk/ukpga/2021/30/contents>

²⁴⁹ <https://services.swale.gov.uk/assets/Planning%20Policy%202019/Biodiversity%20Baseline%20Study.pdf>

38.0.34 The Environment Act does not explicitly link Local Nature Recovery Strategies and biodiversity net gain, however it is implied in the [25 Year Environment](#) ²⁵⁰ biodiversity net gain should be used to contribute to meeting the objectives of the National Nature Recovery network and therefore also local ones.

38.0.35 The Council has worked as a Supporting Authority, in partnership with Kent County Council, the Responsible Authority, to input into the Kent and Medway LNRS, which was published in November 2025.

Local supplementary planning documents

38.0.36 The following adopted supplementary planning documents should be taken into account when formulating development proposals:

- The Swale Landscape Character and Biodiversity Appraisal (2011), which can be accessed in two parts - [Part 1](#) and [Part 2](#) ²⁵¹ presents guidelines on a character area basis for improvements to biodiversity; and
- The [Kent Design Guide](#), specifically the appendix 'Making it happen – landscaping', demonstrates how developments can create features such as bird roosting/nesting places, aids to hibernation, green and brown roofs, habitats on railways, road and cycle path verges, connected hedgerows, wildlife underpasses and green bridges.

38.0.37 When submitting planning applications, the Council will, as appropriate, require the submission of ecological assessments to determine the extent and importance of habitats and species present and to make recommendations for their avoidance, mitigation and, as a last resort, compensation.

Other initiatives and resources

38.0.38 The [Medway Swale Estuary Partnership](#) ²⁵² is a not-for-profit organisation whose work is centred around the understanding, conservation and promotion of the estuary's natural and historic environments. It hosts the North Kent Catchment Improvement Group which is developing catchment improvement plans for North Kent (estuarine and freshwater).

38.0.39 [Local Nature Partnerships](#) ²⁵³ (LNPs) were set up through the Environment White Paper (2011). Their purpose is to drive strategic and positive change to the local natural environment to benefit nature, people and the economy. LNPs play a specific role in achieving the Government's environmental objectives locally, including identifying local ecological networks and in being local champions influencing local decision-making. There are two LNP's relevant to Swale, the Thames Gateway Local Nature Partnership and the [Kent Nature Partnership](#) ²⁵⁴.

38.0.40 The [Kent Biodiversity Net Gain Site Register](#) ²⁵⁵ provides evidence of potential supply of 'off-site' biodiversity units. It is a register of prospective (yet to be surveyed) and surveyed sites for 'off-site' BNG delivery and facilitates contacts between land owners and developers.

38.0.41 There are a number of resources available which applicants should use in developing their planning applications. These include:

- The [ARCH Kent Habitat Survey 2012](#) ²⁵⁶ presents data on the extent of natural habitats in Kent, identifies areas of importance for wildlife and measures habitat changes since the Kent Habitat Survey of 2003. Other outputs of the ARCH project were a Planning Screening tool to establish whether planning applications require further ecological investigation, and a software tool which identifies where work

²⁵⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

²⁵¹ <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/swale-landscape-character-and-biodiversity-appraisal-supplementary-planning-document-spd-2011>

²⁵² <https://msepp.org.uk/>

²⁵³ <https://www.gov.uk/government/publications/map-of-local-nature-partnerships>

²⁵⁴ <https://kentnature.org.uk/>

²⁵⁵ <https://www.makingspacefornaturekent.org.uk/bng/kent-biodiversity-net-gain-site-register/>

²⁵⁶ <https://kentnature.org.uk/publications/kent-habitat-survey-2012/>

should take place to re-connect fragmented habitats. An online data portal on the ARCH website gives access to the habitat data and enables queries by location or by habitat.

- The [Kent Landscape Information System \(K-LIS\)](#)²⁵⁷ is a web-based map system that sits alongside ARCH's data portal and aims to enable better informed decision-making by providing detailed information on Kent's landscape and biodiversity. It contains details on countryside access, landscape character and opportunities for habitat creation and landscape restoration and the 2012 Kent habitat survey as well as areas designated for their conservation value.
- The MAGIC [website](#)²⁵⁸, managed by Natural England, provides authoritative geographic information about the natural environment from across government. Using an interactive, it presents information on rural, urban, coastal and marine environments.

Question 74

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy B1

Biodiversity and geodiversity conservation and biodiversity net gain

Part A – For designated sites

Development proposals that have a direct or indirect effect on designated sites, which will be shown on the Proposals Map, which will be available in later stages of the Local Plan, will conserve and enhance them in a manner equal to the significance of their biodiversity and geodiversity status as follows:

1. Within internationally designated sites (including candidate sites), the highest level of protection will apply. The Council will ensure that development proposals only proceed when in accordance with relevant Directives, Conventions and Regulations. Where the proposed development will have an adverse effect on the integrity of a European site, planning permission will only be granted in exceptional circumstances, where there are no less ecologically damaging alternatives, there are imperative reasons of overriding public interest and where the damage can be fully compensated;
2. Within nationally designated sites (including candidate sites) development will only be permitted where it is not likely to have adverse effect on the site or its interests unless the benefits clearly outweigh both the impacts it is likely to have on the features of the site and the wider environmental network of sites and where compensation can be sought for any loss or damage;
3. Within locally designated sites (including candidate sites) development likely to have an adverse effect will only be permitted where the damage can be avoided or adequately mitigated or when its need outweighs the ecological interest of the site. Compensation will be sought for loss or damage to locally designated sites.

Part B – For all sites

Development proposals will:

1. Apply national planning policy in respect of the conservation and enhancement of:
 - a. the habitats, species and targets in UK and local Biodiversity Action Plans and Biodiversity Strategies;

²⁵⁷ <https://webapps.kent.gov.uk/KCC.KLIS.Web.Sites.Public/Default.aspx>

²⁵⁸ <https://magic.defra.gov.uk/home.htm>

b. linear and continuous landscape features or those acting as stepping-stones for biodiversity; and

c. ancient or veteran trees and irreplaceable habitat, including ancient woodland and traditional orchards.

2. Be informed by, and further the guidelines and biodiversity network potential of the The Swale Landscape Character and Biodiversity Appraisal (2011), which can be accessed in two parts - [Part 1](#) and [Part 2](#)²⁵⁹;
3. Support, where appropriate, the vision and objectives of the relevant environmental and biodiversity management and action plans;
4. Be accompanied by appropriate surveys undertaken to clarify constraints or requirements that may apply to development, especially where it is known or likely that the development sites are used by species and/or contain habitats that are subject to UK or European law;
5. When significant harm cannot be avoided through consideration of alternative sites or adequate mitigated provided on-site or within the immediate locality, compensatory measures will be achieved within the relevant Biodiversity Opportunity Area, or other location as agreed by the Council;
6. Actively promote the expansion of biodiversity within the design of new development and with reference to the Green and Blue Infrastructure Strategy to be set in strategic policy on Conserving and enhancing the natural environment.

BNG

The local authority will ensure the following steps are taken to secure BNG:

1. Unless exempt, provide a minimum 20% net gain in biodiversity against a pre-development baseline;
2. Enable the optimal outcome to be achieved in accordance with the following hierarchy:
 - a. Within the site; or adjacent to, or in close proximity to the development site;
 - b. Next to, or in close proximity to the settlement or locality accommodating the development; or
 - c. In an area identified for environmental improvement by the council or other statutory body
3. Consult the BNG Site Register for Kent where 20% BNG cannot be provided on site; and
4. Impose conditions or secure planning obligations to ensure that appropriate management regimes remain in place for at least 30 years after the completion of works.

Question 75

Do you support or object to Policy B1? What would you add, remove or amend to support it further or to remove your objection?

²⁵⁹ <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/swale-landscape-character-and-biodiversity-appraisal-supplementary-planning-document-spd-2011>

39 Policy B2 Conserving & enhancing valued landscapes

39.0.1 The [National Planning Policy Framework](#)²⁶⁰ (NPPF) states that the planning system should contribute to enhancing the natural and local environment by protecting and enhancing valued landscapes and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. It requires plans to distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries²⁶¹.

39.0.2 The NPPF stresses the great weight that should be given to conserving and enhancing landscape and scenic beauty in National Parks and National Landscapes which have the highest level of protection and where the scale and extent of development should be limited²⁶².

39.0.3 [Planning Practice Guidance](#)²⁶³ (PPG) explains how planning policies can conserve and enhance landscapes, including nationally and locally designated landscapes and the wider countryside. It explains that where landscapes have a particular local value policies should identify their special characteristics and be supported by evidence. PPG provides guidance on criteria, avoidance, mitigation and cumulative impacts. It explains the role of Management Plans in designated landscapes, landscape character assessments, Natural England's National Character Area profiles, landscape sensitivity assessments and landscape and visual impact assessments.

39.0.4 The PPG also sets out the statutory duties of local planning authorities in relation to nationally designated landscapes and how planning policies and decisions need to take account of their management plans. It explains how development within these areas should be limited and located and designed in a way that reflects their status as landscapes of the highest quality.

39.0.5 Government guidance on [National Landscapes](#)²⁶⁴ explains that local authorities must make sure that all decisions have regard for the purpose of conserving and enhancing the natural beauty of the National Landscapes, the potential effect within the National Landscapes and the land outside its boundary. It explains where Natural England should be consulted and the role of the National Landscapes Management Plan and gives links to other government guidance on how to review planning applications in protected sites and areas.

39.0.6 Natural England's [National Character Areas](#) (NCAs)²⁶⁵ divide England into 159 distinct natural areas each defined by their unique combination of:

- Landscape;
- Biodiversity;
- Geodiversity;
- History; and
- Cultural and economic activity.

39.0.7 Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision-making framework for the natural environment. Within these NCAs, the borough's varied landscape is reflected in three distinct broad character types - the flat, open marshland

²⁶⁰ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

²⁶¹ NPPF MHCLG. Paragraph 187-188 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

²⁶² National Planning Policy Framework. MHCLG. Paragraph 189 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

²⁶³ <https://www.gov.uk/guidance/natural-environment>

²⁶⁴ <https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-and-management#local-authority-responsibilities>

²⁶⁵ <https://www.gov.uk/guidance/national-character-area-profiles-information-for-local-decision-making#ncas-in-south-east-england-and-london>

of the [Greater Thames Estuary](#)²⁶⁶, the orchards, arable land, woodland and dry valleys of the [North Kent Plain](#)²⁶⁷ and the dipping slope, valleys and woodland of the [North Downs](#)²⁶⁸. Each National Character Area profile contains Statements of Environmental Opportunity which should be reflected in the aspirations of planning applications.

39.0.8 The modern landscape of Swale is also a product of man-made influences over a long period of time. The Kent Historic Landscape Characterisation [Survey](#) (2001)²⁶⁹ has identified a number of key character areas in Swale:

- Central North Downs: a zone at the highest point of the borough with a mixed character of fields and other types and a general north-east to south-west alignment;
- Northern Horticultural Belt: a large wide area crossing the north Kent plain primarily defined by horticultural activity with a predominance of orchards;
- The Forest of Blean and areas that were formerly part of the Forest, and remains mostly woodland today but where fields encroach into woodland;
- The Northern Coast and Marshland: a visually distinctive area consisting of a relatively balanced mix of reclaimed marsh and coastal landscape; and
- The Isle of Sheppey: itself broken into three sub-areas consisting of reclaimed marsh, post-medieval field systems and urban and industrial development.

39.0.9 The 2004 [Landscape Character Assessment of Kent](#)²⁷⁰ mapped the County's landscape according to its surviving historic character, looking at aspect of the landscape such as patterns of roads, paths and trackways, hedges and field boundaries and changing vegetation and land-use.

The appraisal of landscape character and biodiversity

39.0.10 The NPPF outlines the importance of protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Natural England's approach to landscape is that all landscapes matter and that many are highly valued by local people, both those that have historical significance to the community and those that are newly created or recognised. Natural England advocate the use of a landscape character approach, which not only helps us to understand our landscapes, but also assists in informing judgements and decisions concerning the management of change²⁷¹. Natural England also publish guidance on how to carry out and use [landscape and seascape character assessments](#).

39.0.11 The Council has an adopted [Swale Landscape Character and Biodiversity Appraisal \(2011\)](#)²⁷² Supplementary Planning Document to ensure the protection and enhancement of the whole of the borough's landscapes and habitats. It has identified and assessed the condition and sensitivity of 42 landscape character areas and sets out guidelines for action for all countryside across the borough. It will be used to determine whether development is appropriate and, if so, how it might be accommodated within the landscape and mitigated sensitively. The Swale Landscape Character and Biodiversity Appraisal values all landscapes in the borough and gives guidance for improvement and enhancement, including habitat enhancements – providing a positive approach to the restoration and enhancement of landscapes. Planning applications should take this document into account when preparing development proposals, in particular emphasising the link between landscapes and biodiversity. The use of this document is a key element in determining planning applications, in accordance with Policy B2.

²⁶⁶ <https://publications.naturalengland.org.uk/publication/4531632073605120?category=587130>

²⁶⁷ <https://publications.naturalengland.org.uk/publication/2900242?category=587130>

²⁶⁸ <https://publications.naturalengland.org.uk/publication/7036466?category=587130>

²⁶⁹ https://www.kent.gov.uk/_data/assets/pdf_file/0017/56312/Kent-Historic-Landscape-Character-volume-3.1.pdf

²⁷⁰ https://www.kent.gov.uk/_data/assets/pdf_file/0010/182368/Landscape-Assessment-of-Kent.pdf

²⁷¹ Natural England. An Approach to Landscape Character Assessment. October 2014 <https://www.gov.uk/guidance/landscape-and-seascape-character-assessments>

²⁷² <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/swale-landscape-character-and-biodiversity-appraisal-supplementary-planning-document-spd-2011>

39.0.12 The [Swale Landscape Sensitivity Assessment \(2019\)](#) ²⁷³ examined 46 landscape sensitivity assessment areas around the built up areas of Sittingbourne, Faversham, Sheerness/Queenborough, Minster, Iwade, Teynham, Leysdown and Warden, Upchurch, Lower Halstow, Eastchurch, Bredgar, Newington and Boughton and Dunkirk. Through an analysis of factors (topography and scale, natural character, sense of time depth/historic landscape character, visual character, perceptual and experiential qualities and character and setting of existing settlement) overall assessments of landscape sensitivity to residential and employment development were made, ranging from low, through low-moderate, moderate, moderate-high to high sensitivity. Alongside the overall assessment commentary was given and spatial variations identified. The study also included general guidance for development within each area. The findings and guidelines of this study should be referenced and taken into account for any development within the assessment areas.

Landscape Designations

39.0.13 The NPPF expects to Local Plan to distinguish between the hierarchy of national and locally designated sites. In Swale, there are both national and local landscape designations.

39.0.14 These areas have been formally designated because they are landscapes of great value and/or scenic beauty and because they have a particular value for the conservation of selected species, habitats, historic and cultural assets. Within these designations priority will be given to the long term conservation and enhancement of these landscapes relative to their status, whilst having regard to the economic and social wellbeing of their communities.

National landscapes - the Kent Downs National Landscape

39.0.15 In 1968 a large part of the North Downs within the borough was designated as part of the Kent Downs National Landscape. The aim of this national designation was to conserve and enhance the natural beauty of the landscape. The aim of the Kent Downs National Landscape [Management Plan](#) ²⁷⁴ adopted in November 2021 is to secure conservation and enhancement within the National Landscape while supporting local communities. The plan is adopted by the relevant Kent Districts and London boroughs as a material consideration in planning applications with similar weight to a Supplementary Planning Document.

39.0.16 Accompanying the National Landscape management plan are a number of supporting [guidance documents](#) ²⁷⁵ which should be taken into account in relevant cases. These include the National Landscape's: Guidance on the selection of and use of colour in development; Farm Diversification Toolkit; Kent Downs Farmsteads Guidance; Managing Land for Horses; Rural Streets and Lanes - A Design Handbook; Position Statement on Renewable Energy and its Companion Report as well as the Landscape Design Handbook. The National Landscape Unit also publish guidance on specific aspects of land management, for example, chalk grassland, orchard, woodland and hedgerow management.

39.0.17 The landscape of the Kent Downs is made up of 13 character areas. The character area of most relevance to Swale is the Mid Kent Downs. Key characteristics and objectives for the Mid Kent Downs have been defined by the AONB Unit and should be reflected in relevant planning applications.

39.0.18 In accordance with the NPPF ²⁷⁶ the Council will refuse proposals for major development within the National Landscape unless in exceptional circumstances, and where it can be demonstrated that they are in the public interest and based on an assessment of:

- a. the need for the development, including national considerations, and the impact of permitting it, or refusing it, on the local economy;

²⁷³ https://services.swale.gov.uk/mwg-internal/de5fs23hu73ds/progress?id=o_A1vK8BvRknOI7mLETCR7_kbNhlIgE2FHcPuQvDPlo,

²⁷⁴ <https://kentdowns.org.uk/landscape-management/management-plan/>

²⁷⁵ <https://kentdowns.org.uk/planning/planning-publications/>

²⁷⁶ Par 190 https://assets.publishing.service.gov.uk/media/67aaf8f3b41f783cca46251/NPPF_December_2024.pdf

39 Policy B2 Conserving & enhancing valued landscapes

- 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.

39.0.19 In terms of what may constitute 'major development', for the purposes of this Local Plan, it will be a matter of judgement based on relevant circumstances, it will not be made by reference to the definition of major development in the Development Management Procedure Order 2015 or for purposes of determining whether an Environmental Impact Assessment is required.

39.0.20 The importance of the setting of the Kent Downs has been emphasised by the National Landscape management plan and in development management decisions taken in Kent. Where there is a reference to National Landscape in this document, this includes its setting. The setting is broadly speaking the land outside the designated area that is visible from the National Landscape, and from which the National Landscape can be seen, but may be wider when affected by intrusive features including noise and light. Proposals that would affect the setting of the National Landscape are not subject to the same level of constraint as those that would affect the National Landscape itself. The weight to be afforded to setting issues will depend on the significance of the impact. Matters such as the size of proposals, their distance from the National Landscape, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. Where the qualities of the National Landscape, which were instrumental in reasons for its designation are affected, then the impacts should be given considerable weight in decisions²⁷⁷.

39.0.21 Planning Practice Guidance explains how land within the setting of the National Landscape often makes an important contribution to the maintenance of the designation's natural beauty and that poorly located or designed development can do significant harm, especially where there are long views or where the landscape character within and adjoining the designated area is complementary. It stresses the need for sensitive handling that takes potential impacts into account.

39.0.22 The Kent Downs National Landscape Joint Advisory Committee have produced a [Setting Position Statement](#)²⁷⁸. An advisory document that provides guidance on issues of setting, focusing on ensuring avoidance of harm and the conservation and enhancement of the setting of the National Landscape through good design and mitigation measures. It looks at:

- the legislative and policy background (NPPF, PPG and Natural England guidance), and High Court and appeal decisions;
- defining the setting (which may vary with different type of development, topography and height);
- development likely to affect the setting (including impact on views, loss of tranquillity, increased traffic flows and recreational pressure);
- cumulative impacts; and
- conserving and enhancing the setting of the National Landscape.

39.0.23 Within Swale, the dry valleys of the North Downs which share many of the special qualities of the National Landscape, along with land adjacent to the National Landscape, are likely to be included within the setting of the North Downs National Landscape.

39.0.24 To ensure impacts of development within the National Landscape and its setting are considered and addressed from the earliest stages the National Landscape Unit welcome pre-application discussions.

Local Landscape Designations

39.0.25 Local Landscape designations in Swale were first designated around 40 years ago (as a Kent-wide Strategic Landscape Areas) and their boundaries defined by successive Local Plans. In Swale, the Local Plan of 2000 also identified Local Landscape Areas. These were reviewed by a 2003 landscape assessment

²⁷⁷ Kent Downs National Landscape. Management Plan 2021-2026. Page 29 <https://kentdowns.org.uk/wp-content/uploads/2021/11/The-Kent-Downs-AONB-Management-Plan-2021-2026-Adopted.pdf>

²⁷⁸ <https://kentdowns.org.uk/wp-content/uploads/2022/02/Setting-Position-Statement-FINAL-Updated-2022.pdf>

and were carried forward into the 2008 Swale Local Plan. Bearing Fruits, the 2017 adopted Local Plan for Swale named these two levels of designation, Areas of High Landscape Value – Kent Level and Areas of High Landscape Value – Swale Level respectively. In 2018 Swale commissioned the **Swale Local Landscape Designation: Review and Recommendations** ²⁷⁹ to review the two tiers of local landscape designation, to develop criteria and examine all locally designated landscapes across the borough, to assess a Valued Landscape consultation, to consider the designation of new areas, to recommend boundary changes to local landscape designations and describe and evaluate their special qualities and significance in a set of Statements of Significance.

39.0.26 The Swale Local Landscape Designation review recommended that one level of local designation is retained for the borough covering the former Kent Level and Swale Level areas. This gives an equal level of protection through planning policy and development management.

39.0.27 The Local Landscape Designations (each with their own Statement of Significance) in Swale are:

- North Kent Marshes: [Medway Marshes](#) ²⁸⁰;
- North Kent Marshes: [North Swale \(Sheppey\) Marshes](#) ²⁸¹;
- North Kent Marshes: [South Swale Marshes](#) ²⁸²;
- Kent Downs: [Rodmersham, Milstead and Highsted Dry Valley](#) ²⁸³;
- Kent Downs: [Syndale Valley](#) ²⁸⁴;
- Kent Downs: [North Street Dip Slope](#) ²⁸⁵;
- [The Blean](#) ²⁸⁶;
- [Lower Halstow Iwade Ridge](#) ²⁸⁷;
- [Blean Edge Fruit Belt](#) ²⁸⁸; and
- [Sheppey Court, Diggs Marshes and Barton's Point](#) ²⁸⁹.

39.0.28 These local landscape designations will be shown on when the Proposals Maps is prepared later on in the plan making process and identified as Areas of High Landscape Value.

39.0.29 Within these Local Landscape Areas, Policy B2 requires development proposals to be considered in relation to the extent to which they would protect the local landscape and enhance the future appearance of the designated landscape and, where relevant, its nature conservation interest. The qualities and

²⁷⁹ https://services.swale.gov.uk/assets/Planning-General/Planning-Policy/Local%20Landscape%20Review/Swale%20Local%20Landscape%20Designations%20Final%20May20%20LRV3_REDUCED.pdf

²⁸⁰ <https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Landscape-Review-2017/Medway-Marshes-Statement-of-significance-FinalV3.pdf>

²⁸¹ <https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Landscape-Review-2017/North-Swale-Sheppey-Marshes-Statement-of-significance-FinalV3.pdf>

²⁸² <https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Landscape-Review-2017/South-Swale-Marshes-Statement-of-significance-FinalV3.pdf>

²⁸³ <https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Landscape-Review-2017/Rodmersham-Milstead-and-Highsted-dry-valley-Statement-of-significance-FinalV3.pdf>

²⁸⁴ <https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Landscape-Review-2017/Syndale-valley-Statement-of-significance-FinalV3.pdf>

²⁸⁵ <https://services.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Landscape-Review-2017/North-Street-dip-slope-Statement-of-significance-FinalV3.pdf>

²⁸⁶ <https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Landscape-Review-2017/The-Blean-Statement-of-significance-FinalV3.pdf>

²⁸⁷ <https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Landscape-Review-2017/Lower-Halstow-Iwade-Ridge-Statement-of-significance-FinalV3.pdf>

²⁸⁸ <https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Landscape-Review-2017/Blean-Edge-Statement-of-significance-FinalV3.pdf>

²⁸⁹ <https://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Local-Landscape-Review-2017/Sheppey-Court-Diggs-Marshes-and-Barton-Point-Statement-of-significance-FinalV3.pdf>

recommendations in the Statement of Significance should be referenced and incorporated into any development proposals. If, after adverse landscape impacts have been minimised/mitigated and compensated for, further adverse impacts still remain, the Policy requires the social and/or economic benefits of a proposal to significantly and demonstrably outweigh the local status of the designation for planning permission to be granted.

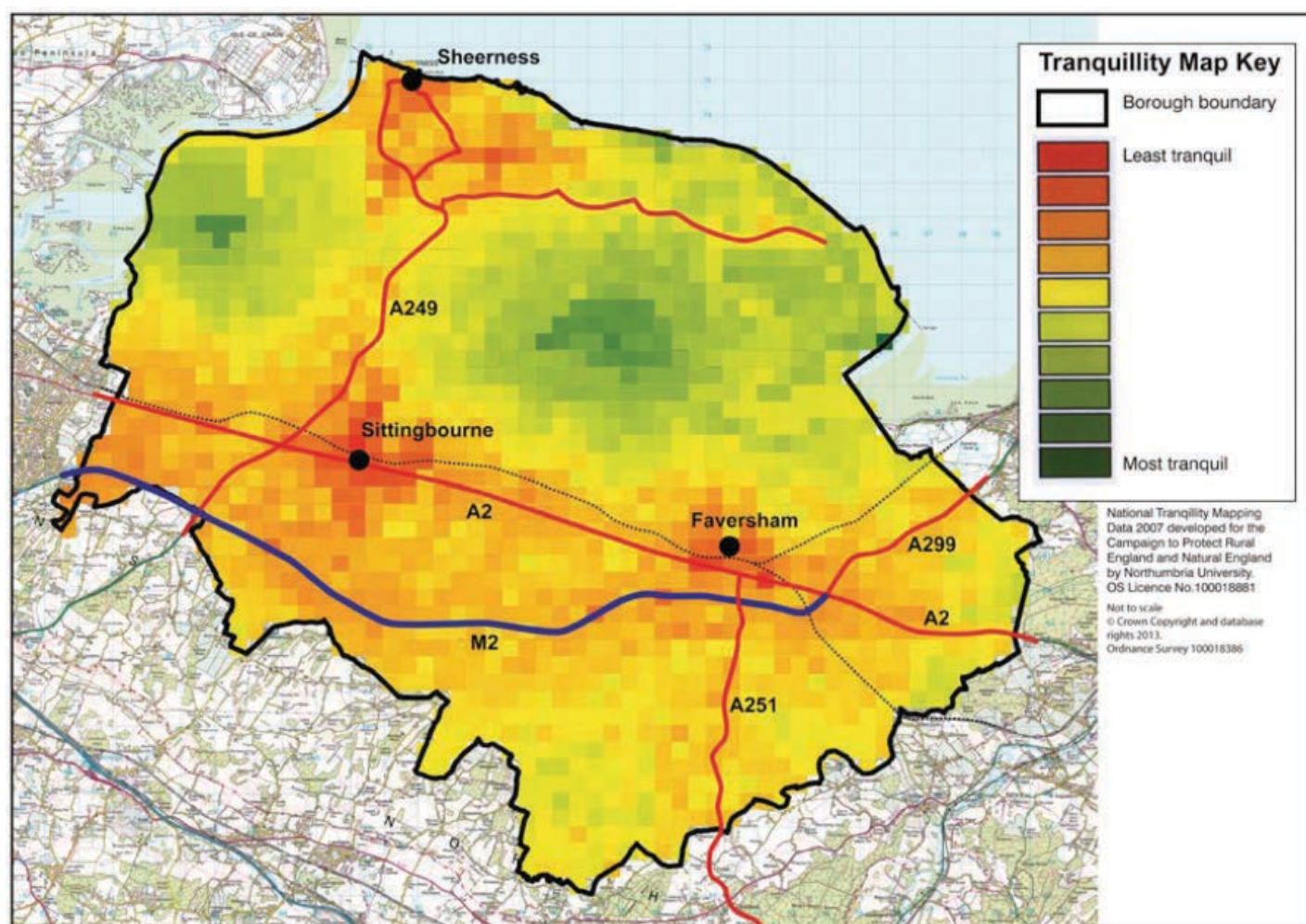
Tranquillity

39.0.30 The NPPF explains that planning policies and decisions should identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason as well as limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation²⁹⁰.

39.0.31 Tranquillity is a valuable resource that once lost is difficult to regain it, having benefits to health and well-being as well as to green infrastructure and biodiversity. It is associated with quiet places, surrounded by elements of nature and is most commonly found in an uncluttered and peaceful countryside, but also within urban areas – for instance in a leafy urban square or park where birdsong is audible. Tranquillity is also often associated with dark skies and the absence of light pollution from roads and built up areas.

39.0.32 The Swale Landscape Character and Biodiversity Appraisal 2011 highlighted tranquillity as a feature of several areas of the borough. The Local Landscape Designation's Statements of Significance also highlight tranquillity as a quality within local landscape designations. The Campaign to Protect Rural England has drawn up a Tranquillity Map for Kent and using this data a Swale section of this map has been developed as a pictorial guide to areas of relative tranquillity in Swale (see below - CPRE Map localised by the Council. Although tranquillity exists in a broad brush fashion within the greener areas on the map, it will not be locally uniform; likewise it may also be present locally beyond the identified more tranquil areas. Applicants should demonstrate how development will affect tranquillity and aim to improve it when seeking to comply both with national planning policy and Policy B2.

²⁹⁰ National Planning Policy Framework. MHCLG. Paragraph 198 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf



Picture 39.0.1

Question 76

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy B2

Conserving & enhancing valued landscapes

The value, character, amenity and tranquillity of the borough's landscapes will be protected, enhanced and managed.

Part A. For all landscapes:

1. The scale, layout, build and landscape design of development that will have significantly impact, will be informed by landscape and visual impact assessment having regard to the Council's Landscape Sensitivity Assessment and the Landscape Character and Biodiversity Appraisal SPD, including, as appropriate, their guidelines, and the key characteristics, sensitivity, condition and capacity of character area(s)/landscapes, taking opportunities to enhance the landscape where possible, including the removal of visually intrusive features;

2. Development proposals will demonstrate the link between landscape protection and enhancement and biodiversity protection and enhancement in all schemes;
3. Landscape and visual impact assessments will consider the cumulative impacts of both built and permitted development, including impact from noise, lighting and traffic on tranquillity.

Part B. For Areas of High Landscape Value:

Within the boundaries of designated landscape areas to be shown on the Proposals Map (to be illustrated in later stages of the Local Plan), the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

1. The Areas of High Landscape Value are designated as being of significance to Swale, where planning permission will only be granted subject to:
 - a. conservation and enhancement of the qualities of the landscape, as outlined in their Statements of Significance, being demonstrated;
 - b. demonstration of how proposals will meet the requirements for these designations, as out in their Statements of Significance;
 - c. avoidance, minimisation, mitigating and compensating adverse landscape impacts as appropriate; and
 - d. when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh harm to the landscape value of the designation.

Part C. For the settings of designated landscapes:

The impact on the setting of Areas of High Landscape Value will be fully assessed, where relevant, and protected and enhanced commensurate with the status of the designation.

Question 77

Do you support or object to Policy B2? What would you add, remove or amend to support it further or to remove your objection?

40 Policy B3 Kent Downs National Landscape Management Plan

40.0.1 Paragraph 189 of the [National Planning Policy Framework](https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf) https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf (NPPF) states that great weight should be given to conserving and enhancing the landscape and scenic beauty within the National Landscape. In addition, the Countryside and Rights of Way (CROW) Act 2000, seeks to further the purpose of conserving and enhancing the natural beauty of the National Landscape. The borough of Swale contains part of the Kent Downs National Landscape - an area designated for its national landscape importance. For the Kent Downs, the management plan has been adopted by the Council as a material consideration for decision-taking on planning applications and therefore development proposals will be required to have regard to the policies in the [Kent Downs Management Plan 2021 - 2026](#).²⁹¹ The existing management plan is currently in the very early stages of review, by the Kent Downs Joint Advisory Committee.

40.0.2 National Landscapes are nationally designated and as such have the highest status of landscape protection. The extent of the National Landscape will be illustrated on the Proposals Map, which will be available in later stages of the local plan.

Question 78

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy B3

Kent Downs National Landscape Management Plan

Within the National Landscape area, the goal of the plan is to ensure the natural beauty and special character of the landscape and vitality of the communities are recognised, valued, enhanced and strengthened well beyond the plan period. Major development within the National Landscape area will only be permitted in exceptional circumstances and where it can be demonstrated that it is in the public interest. Consideration of such applications should include an assessment as set out in the NPPF, that considers applications for development in these areas.

Minor development within the National Landscape and its setting will be permitted provided that:

1. The location, form, scale, materials and design will conserve or enhance the character of the landscape and rural settlements;
2. The development would conserve or enhance the special qualities and condition of the distinctive character and tranquility of the National Landscape;
3. The development supports the adopted National Landscape Management Plan and any associated guidance; and
4. Unless allocated by the Local Plan Review, should avoid the loss of high-quality agricultural land.

Question 79

Do you support or object to Policy B3? What would you add, remove or amend to support it further or to remove your objection?

²⁹¹ <https://kentdowns.org.uk/management-plan-2021-2026/>

41 Policy B4 The separation of settlements – Important Local Countryside Gaps

41.0.1 With the focus of much of the development pressure at the major settlements in the borough through windfall and Plan led development, there is the need to prevent coalescence and the erosion of the intrinsic character of the settlements close by. Resultantly, the purposes of this Important Local Countryside Gaps (ILCG) policy are to:

- i. maintain the separate identities and character of settlements by preventing their merging and safeguarding the open and undeveloped character of the areas around them;
- ii. prevent encroachment and piecemeal erosion by built development that can change the rural open character of an area; and,
- iii. influence decisions on the longer-term development of settlements through the preparation and review of the Councils Local Plans.

41.0.2 The [National Planning Policy Framework](#) ²⁹²(NPPF para 187) makes clear that planning policies and decisions should contribute to and enhance the natural and local environment ...recognising the intrinsic character and beauty of the countryside. This is reinforced in [Planning Practice Guidance Natural Environment](#) ²⁹³(PPG Natural environment para 036) that makes clear this approach applies to the wider countryside, as well as to designated landscapes.

41.0.3 The identity, character, and setting of settlements are formed, in part, by their physical separation from one another. Whilst the use of Landscape Character Assessments assists in safeguarding the intrinsic character and beauty of the countryside, in areas where development pressures could lead to coalescence or erosion of settlement separation, defining gaps provides additional emphasis when considering allocations and development management issues.

41.0.4 Within Swale, ILCGs were defined and set out in the 2008 Local Plan and confirmed, with amendments to reflect allocation boundaries, in Bearing Fruits, the 2017 adopted Swale Local Plan. Those gaps were reviewed again in the [Swale Important Gaps Review 2025](#) ²⁹⁴ to determine whether they continued to serve their purpose as a result of development and particularly windfall development and to align with the gap assessment methodology carried out in 2021 to identify if there was a need for new gaps at Teynham and Faversham. With the exception of the gap known as Sittingbourne and the satellite village of Bobbing, all gaps were recommended to be retained with some amendments as a result of development. Whilst the review recommends the gap Sittingbourne and the satellite village of Bobbing be removed ²⁹⁵ an alternative new gap immediately to the west was suggested by the evidence to retain separation between Bobbing and Keycol. Including this new gap the following gaps from the 2025 review are considered appropriate:

- Sittingbourne and the satellite villages of Tunstall, Borden, Chestnut Street;
- Queenborough, Sheerness, Minster and Halfway;
- Upchurch and the administrative boundary with Medway Council;
- Keycol and Bobbing;
- Sittingbourne and the satellite villages of Bobbing and Iwade; and
- Sittingbourne and the satellite villages of Bapchild and Rodmersham Green.

²⁹² https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

²⁹³ <https://www.gov.uk/guidance/natural-environment>

²⁹⁴ https://swale.gov.uk/_data/assets/pdf_file/0006/496581/Swale-Important-Gaps-Review-final-February-2025.pdf

²⁹⁵ Reason for removal: Existing recreational and educational land uses to the east of the A249, and the strong boundary feature of the road itself reinforced by mature vegetation, provide clear separation between the edge of Sittingbourne and Bobbing, which lies north of the railway line. The gap is dominated by the A249 which does not provide a 'countryside' character.

41.0.5 In addition to the existing gaps, a study [Swale Important Gaps 2021](#)²⁹⁶ was undertaken as a result of the Local Plan Review seeing further development pressures across the borough. The review concluded that it was necessary to consider the need for gaps around the settlements of Teynham and Faversham. The following gaps from the 2021 review are considered appropriate:

- Teynham to Lynsted;
- Teynham to Bapchild;
- Faversham to Goodnestone;
- Faversham to Oare; and
- Faversham to Ospringe.

41.0.6 The boundaries of ILCGs will be illustrated on the Proposals Map, which will be available in later stages of the Local Plan, and they follow recognisable physical features, defined built-up area boundaries, boundaries of existing allocations, and consented development.

41.0.7 Not all forms of development are discouraged within the gaps. For example, agriculture, waste management and mineral recycling facilities, public open space, community woodland, nature reserves, recreation, allotments and burial grounds are all uses that could be conducted providing their purposes do not undermine or require the need to protect the countryside being compromised. However, there may be instances within the gaps where even modest development could impact upon their purpose, particularly where there may be:

- i. actual (or the perception of) coalescence;
- ii. the loss of a critical part of the gap and its function;
- iii. resultant pressure arising from a development or an allocation that would be difficult to contain; or
- iv. where the extent of the land remaining undeveloped would not function as maintaining the sense of separation.

Question 80

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy B4

The separation of settlements – Important Local Countryside Gaps

To retain the individual character and setting of settlements, the following Important Local Countryside Gaps are defined on the Proposals Map (to be illustrated in later stages of the Local Plan) as gaps between:

- i. Sittingbourne and the satellite villages of Tunstall, Borden, Chestnut Street;
- ii. Queenborough, Sheerness, Minster and Halfway;
- iii. Upchurch and the administrative boundary with Medway Council;
- iv. Keycol and Bobbing;
- v. Sittingbourne and the satellite villages of Bobbing and Iwade;
- vi. Sittingbourne and the satellite villages of Bapchild and Rodmersham Green;
- vii. Teynham to Lynsted;
- viii. Teynham to Bapchild;
- ix. Faversham to Goodnestone;

²⁹⁶ <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence/landscape#h2>

- x. Faversham to Oare; and
- xi. Faversham to Ospringe.

Within these gaps, unless allocated for development by the Local Plan, planning permission will not be granted for development that would undermine one or more of their purposes.

Question 81

Do you support or object to Policy B4? What would you add, remove or amend to support it further or to remove your objection?

42 Policy B5 Woodland, orchards, trees and hedgerows

42.0.1 Swale's tree population in particular ancient woodland, traditional orchards, veteran trees and hedgerows contribute greatly to the borough's character, local distinctiveness and beauty. The benefits of trees, woodlands and hedgerows are extensive. They address the effects of climate change, increase biodiversity, provide habitats, boost the local economy, improve air, water and soil quality, regulate temperature, alleviate flooding, preserve heritage and historical value, and improve the health and well-being of local communities. The broad range of benefits provided by trees offer nature-based solutions to the challenges of modern life. They contribute to the quality and character of Swale's urban and rural environments, boost local natural capital and contribute to the wider climate change and ecological emergency agenda, whilst ultimately, improving the lives of residents.

42.0.2 Tree planting is recognised by the Government as being one of the main ways the [UK can achieve Net Zero by 2050](#)²⁹⁷. [The Environment Act \(2021\)](#)²⁹⁸ and Government's [Environmental Improvement Plan \(2023\)](#)²⁹⁹ commit to increase tree canopy and woodland cover from 14.5% to 16.5% of total land area in England by 2050, with an interim target to increase this by 0.26% (equivalent to 34,000 hectares) by 31 January 2028.

42.0.3 [Kent County Council's \(KCC\) Tree Establishment Strategy](#)³⁰⁰ has an ambition that the county's tree cover will be extended by 1.5 million, establishing one new tree for every resident living in the county and increasing the tree canopy and woodland cover by 2%. This is in line with the 16.5% target recommended by [DEFRA](#)³⁰¹. This commitment is part of a wider strategy for the protection, restoration and creation of natural solutions to mitigate and adapt to climate change, reach net zero and support biodiversity.

42.0.4 Given the many and varied benefits trees provide, and aspirations to increase planting, it is important future development protects existing trees, woodlands and hedgerows and take the opportunity to plant more. Planting woodland, trees and hedges in new development help integrate development into its context and enhance quality and character. It also provides habitats, improve air quality, provide rainwater attenuation and shade – thereby playing an important role in adapting to climate change. New developments should set aside space for tree planting and hedgerows in the open spaces, on the boundaries, on the streets and within the gardens and this should be incorporated into applications. Trees and hedgerows should primarily be native trees of local provenance, disease and climate change resilient, and should, where possible, include large tree species.

42.0.5 The development potential of a site should be optimised in a way that does not result in tree, woodland or hedgerow loss. Where loss is proposed this will only be supported in exceptional circumstances, where the benefit of a development substantially outweighs retention and where there are no feasible alternative including engineering solutions or arboriculture techniques (such as root or canopy pruning) to mitigate any issues. Appropriate mitigation and compensatory tree planting for any loss will be required.

42.0.6 When development proposals are submitted that may affect woodland, orchards, trees and hedgerows the Council will require the submission of a tree survey in accordance with British Standards. Major development schemes shall also submit detailed landscaping scheme and landscape management plan to demonstrate that landscaping and other greening measures are appropriate to the site, can be implemented effectively and will be suitably managed and maintained over the lifetime of the development.

²⁹⁷ <https://www.gov.uk/government/publications/committee-on-climate-changes-2019-progress-reports-government-responses>

²⁹⁸ <https://www.legislation.gov.uk/ukpga/2021/30/contents>

²⁹⁹ <https://www.gov.uk/government/publications/environmental-improvement-plan>

³⁰⁰ <https://www.kent.gov.uk/environment-waste-and-planning/nature-and-biodiversity/trees/kent-plan-tree-our-tree-establishment-strategy>

³⁰¹ <https://www.gov.uk/government/publications/environmental-improvement-plan>

42 Policy B5 Woodland, orchards, trees and hedgerows

42.0.7 Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) will be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Should there be an ancient or veteran tree(s) on the site please [see the Natural England and the Forestry Commission](#) for additional advice ³⁰²

42.0.8 Development within or close to an ancient woodland must consider that a minimum 15m buffer between the tree and any development is recommended to protect against root damage, but a larger buffer is often needed to account for other impacts like air pollution or disturbance.

42.0.9 The Council also maintains authority over the statutory protection of trees and hedgerows and will continue to use Tree Preservation and Hedgerow Retention Notices, where necessary, to protect specific trees, groups of trees, woodlands or hedgerows, in the interests of amenity and biodiversity. It is a criminal offence to prune, fell or damage protected trees, including those in conservation areas, without appropriate consent and the Council will enforce breaches in accordance with relevant policy and legislation.

42.0.10 For further information and guidance on how trees can be included in development proposals, including design parameters for the placement of street trees, please refer to the [National Design Guide](#) ³⁰³ and [National Model Design Code](#) ³⁰⁴.

Question 82

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy B5

Woodland, orchards, trees and hedgerows

The Council supports the conservation, enhancement and sustainable management of existing woodland, trees, orchards and hedgerows. Development proposals will be supported where:

1. Existing trees, groups of trees, woodland, old orchard and hedgerow are retained, and landscaping and public realm schemes maximise opportunities for additional planting within the design and layout. New planting will be at sufficient scale to maintain and enhance the borough's tree and canopy cover, character of the locality and provide for an attractive living and working environment that includes tree lined streets and enhances biodiversity. New planting on development sites should:

- a. be suitable for the site location and conditions;
- b. use appropriate tree pit sizes and soil volumes;
- c. provide suitable, preferably native, species resilient to climate change and from bio-secure sources;
- d. achieve a net increase in trees and planting;
- e. be informed by and contribute to local character;
- f. enhance or create new habitat connectivity, wildlife habitats and refuges;
- g. be positioned to avoid negative impacts on new and existing buildings, highway safety or disruption to underground utilities taking account of future sustainable growth;

³⁰² <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

³⁰³ <https://www.gov.uk/government/publications/national-design-guide>

³⁰⁴ <https://www.gov.uk/government/publications/national-model-design-code>

- h. ensure appropriate long-term management and maintenance using best practice in tree care and woodland management; and
 - i. protect retained trees, groups of trees, hedgerows and woodland prior to, during and after construction.
2. Major development schemes shall submit an Arboriculture Survey, detailed landscaping scheme and landscape management plan to demonstrate that landscaping and other greening measures are appropriate to the site, can be implemented effectively and will be suitably managed and maintained over the lifetime of the development;
 3. Minor and Other applications need to be accompanied by an Arboriculture Survey where there are existing trees on site;
 4. Development that would lead to the loss or deterioration of an irreplaceable habitat (including ancient woodland, ancient and veteran trees) will be refused, unless there are wholly exceptional reasons, where the need for, and public benefits of, the development in that location clearly outweigh the loss and a suitable compensation strategy is provided;
 5. The loss or deterioration of protected trees, groups of trees, woodland or important hedgerows will only be permitted in exceptional circumstances and in accordance with the relevant legislation, policy and good practice recommendations. In such circumstances, a replacement of an appropriate number, species, size and location will be required together with appropriate measures to secure their long-term management and maintenance;
 6. Where loss or damage of non-protected trees, woodland or hedgerows is unavoidable, appropriate replacement or compensation planting including appropriate measures to secure their long-term management and maintenance will be required;
 7. The Council will support carefully planned appropriate development, the intended purpose of which is to further the sustainable management of woodland/old orchards;
 8. The Council will use Tree Preservation and Hedgerow Retention Notices, where necessary, to protect specific trees, groups of trees, woodlands or hedgerows, in the interests of amenity and biodiversity.

Question 83

Do you support or object to Policy B5? What would you add, remove or amend to support it further or to remove your objection?

43 Policy B6 Agricultural land

Agricultural land

43.0.1 Swale has some of the highest quality agricultural land in England and the aim of this policy is to ensure that it is only developed when there is an overriding need, when alternative options have been examined first and whilst having regard to other sustainability considerations.

43.0.2 Agricultural land is classified by a grading system of 1-5, with Grade 1 being of the highest quality. Grades 1, 2 and 3a are defined as the best and most versatile (BMV) ³⁰⁵. The [National Planning Policy Framework](https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf) https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf (NPPF, para 187b) states that planning policies should take into account the economic and other benefits of best and most versatile agricultural land. Where significant development of agricultural land can be demonstrated as being necessary, areas of poorer quality land should be preferred to those of higher quality (NPPF, footnote 65).

43.0.3 The Swale [Agricultural Land Report - Stage 1: Baseline Information \(September 2024\)](#) ³⁰⁶ shows it is difficult to avoid loss on BMV Land (Grades 1 to 3a) when allocating sites when other important constraints are considered.

43.0.4 Swale is one of the most productive agricultural areas in Kent due to the soils and favourable climatic conditions. There is a broad belt of Grades 1 and 2 agricultural land running east to west around the A2, with a large area of Grade 3 south of the M2 and smaller areas of Grades 2 and 3 on the Isle of Sheppey. Around 80% of Swale's land is classified as being suitable for some form of agriculture (grades 1-5), with the borough containing approximately 17% of Kent's Grades 1 and 2 resource.

43.0.5 Agriculture in Swale therefore continues to shape the nature and character of the countryside and remains associated with a long history of fruit production as well as the wider mixture of arable crops and livestock that we see today. As of 2016, more than 24,000 hectares of land is farmed in Swale ³⁰⁷ and this shapes much of the diversity of the borough's environment, including internationally important estuarine and coastal habitats in the North Kent Marshes, the central plain of orchards and arable land, the wooded clay outcrop of The Blean and the southern woodlands and dry chalk valleys of the North Downs dip-slope.



Picture 43.0.1

43.0.6 Policy B6, in recognition of the importance of the agricultural sector to the borough in terms of its identity, environment and economy, looks to safeguard one of its most important resources – its soils, and in particular, the proportion of best and most versatile land that is present here. Soil is an essential natural capital asset that provides important ecosystem services, not just for agriculture, but also as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution.

43.0.7 Development of agricultural land should be avoided in the first instance, but where this is demonstrated as being an overriding necessity, and having examined alternative options first, it should be

³⁰⁵ Guide to assessing development proposals on agricultural land (February 2021), Natural England <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

³⁰⁶ <https://services.swale.gov.uk/assets/Planning%20Policy%202019/2024%20Agricultural%20Land%20Report%20-%20Final.pdf>

³⁰⁷ Farming Statistics (December 2017), Defra <https://www.gov.uk/government/statistics/farming-statistics-livestock-populations-at-1-december-2017-uk>

directed to areas of lower quality land in preference to that of a higher quality. Therefore, the presence of best and most versatile land on a site should have a strong influence on whether development should be permitted.

Question 84

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy B6

Agricultural land

Development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the defined built-up area boundaries as shown that will be shown on the Proposals Map (to be illustrated in later stages of the Local Plan). Development on best and most versatile agricultural land will only be permitted if:

1. The site is allocated for development by the Local Plan; or
2. There is no alternative site on land of a lower grade than 3a or the use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development. On sites over 1ha in size, where Grade 3 land is not split into 3a and b, an Agricultural Land Classification assessment should be undertaken to identify areas of 3a and 3b; and
3. The development would not result in the remainder of the agricultural holding becoming not viable and lead to accumulated and significant losses of best and most versatile agricultural land.

Question 85

Do you support or object to Policy B6? What would you add, remove or amend to support it further or to remove your objection?

44 Policy B7 The Coast

44.0.1 Swale's 111 km coastline is the longest of any Kent district. It is also one of the borough's defining features and an essential part of its Green & Blue Infrastructure network. The coast combines a wide range of assets that including:

- Seaside resorts at Sheerness, Minster, Warden & Leysdown;
- Swathes of wetlands and marshes along The Swale and The Medway, designated internationally and nationally for their biodiversity interest and representing a distinctive proportion of Kent's ecological sites;
- Marine Conservation Zones at the Medway and the Swale Estuaries;
- Geologically important cliffs on the north coast of Sheppey;
- Locally valued and designated, tranquil, remote and wild landscapes along the Swale and Medway Estuaries;
- Creeks at Queenborough, Halstow, Funton, Milton, Conyer, Oare and Faversham;
- A Country Park at Milton Creek, Sittingbourne and Coastal Parks at Barton's Point, Sheerness and Leysdown;
- A long and rich history and built heritage, in particular at Queenborough, Sheerness and Faversham;
- A natural deep-water harbour and historic former naval dockyard at Sheerness Docks;
- A fishing port at Queenborough;
- Docks at Ridham with connections to the road and rail network;
- Quays and/or marinas at Queenborough, Otterham, Lower Halstow, Conyer, Oare and Faversham;
- Landing stages at Oare and Harty;
- Water sports along the north Sheppey coast and the borough's creeks; and
- The Saxon Shore Way and English Coastal Path.

44.0.2 Swale's coast faces particular threats, including from climate change (with issues such as coastal squeeze of habitats, flooding and erosion) as well as the pressures of development generally. The policy aims to balance the needs of development with those of the coast's sensitive and changing environment, within the context of a wide range of plans and policies at work along the coast. It is also important in meeting the Local Plan's vision of coastal rejuvenation.

The legal, policy and local context

44.0.3 The Marine Strategy Framework has been transposed into UK law, via the [Marine Strategy Regulations 2010](#)³⁰⁸. These regulations require the UK to take necessary measures to achieve or maintain Good Environmental Status (GES) of our seas by 2020 through the development of a Marine Strategy. The Marine Strategy, including the characteristics of Good Environmental Status, how they are monitored and the programme of measures to achieve GES has to be reviewed every six years.

44.0.4 [The Water Environment \(Water Directive Framework\) \(England and Wales\) 2017 Regulations](#)³⁰⁹ establishes a legal framework to protect and restore clean water and ensure long-term and sustainable use.

44.0.5 [The Marine and Coastal Access Act 2009](#)³¹⁰:

1. requires a publicly accessible long-distance route and land for open-air recreation around the coast of England;
2. designates and protects Marine Conservation Zones (MCZs) which exist alongside European sites (Special Areas of Conservation (SACs) and Special Protected Areas (SPAs)), SSSIs and Ramsar

308 <https://www.legislation.gov.uk/ukxi/2010/1627/contents/made>

309 <https://www.legislation.gov.uk/ukxi/2017/407/contents/made>

310 <https://www.legislation.gov.uk/ukpga/2009/23/contents>

sites. The Marine Conservation Zones of within the borough are [The Swale Estuary MCZ](#)³¹¹ and [The Medway Estuary MCZ](#) <https://www.gov.uk/government/publications/marine-conservation-zone-2013-designation-medway-estuary>; and

3. defines arrangements for the system of marine management and planning in the UK and the creation of the Marine Management Organisation (MMO).

44.0.6 The [UK Marine Policy Statement](#)³¹² (MPS, 2011) is the framework for the marine planning system. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine areas must do so in accordance with the Marine and Coastal Access Act 2009 and any relevant adopted Marine Plan (in Swale the [South East Inshore Marine Plan](#)³¹³ – see below) or the UK Marine Policy Statement unless relevant considerations indicate otherwise.

44.0.7 The [Swale Green and Blue Infrastructure Strategy](#)³¹⁴ health of Swale's residents, wildlife and habitats.

44.0.8 The [National Planning Policy Framework](#)³¹⁵ (NPPF, para 187) requires planning policies and decisions to contribute to and enhance the natural and local environment through maintaining the character of the undeveloped coast, whilst improving public access to it where appropriate. It explains how policies and decisions should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes³¹⁶ (NPPF, para 183). Integrated Coastal Zone Management is described in [Planning Practice Guidance](#)³¹⁷ (PPG) as a process to allow a joined up and participative approach towards the planning and management of different elements in coastal areas, following key principles, including: a long term view; a holistic approach working with relevant bodies; working with natural processes and reflecting local characteristics. The PPG sets out how local planning authorities should collaborate with the Marine Management Organisation.

44.0.9 Work is well underway on the [England Coast Path](#)³¹⁸, a new National Trail around all of England's Coast. The sections relevant to Swale and their status are in table 7.0³¹⁹:

	Section	Stage
1	Isle of Sheppey (28)	• Open to the public • Stage 6: Open (Not yet available for public use - work to establish the route is currently taking place) • Stage 4: awaiting approval
2	Whitstable to Iwade (29)	• Open to the public

311 <https://www.gov.uk/government/publications/marine-conservation-zones-the-swale-estuary>

312 <https://www.gov.uk/government/publications/uk-marine-policy-statement>

313 <https://www.gov.uk/government/collections/south-east-marine-plan#the-south-east-marine-plan-documents>

314 <https://services.swale.gov.uk/assets/Planning%20Policy%202019/7659.012%20Swale%20GBI%20Strategy%20MERGED%20LR.pdf>

315 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

316 https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

317 <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

318 <https://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast>

319 <https://www.gov.uk/government/publications/england-coast-path-in-the-south-east-of-england>

	Section	Stage
3	Ilwade to Grain (30)	• Open to the public • Stage 5: Open (not yet available for public use - work to establish the route is currently taking place)

Table 44.0.1 England Coast Path in Swale

44.0.10 The Government's [A Green Future: Our 25 Year Environment Plan to Improve the Environment \(2018\)](#)³²⁰ seeks to achieve good environmental status of our seas whilst allowing marine industries to thrive, as well as to complete an ecologically coherent network of well-managed marine protected areas (MPAs). It aims to improve 'at least three quarters of our waters to be close to their natural state as soon as practical by...reaching or exceeding objectives for rivers, lakes, coastal and groundwaters...whether for biodiversity or drinking water...' ³²¹ It seeks to reduce the risk of harm to people, the environment and the economy from natural hazards including flooding, drought and coastal erosion including by making sure everyone is able to access the information they need to assess any risks to their lives and livelihoods, health and prosperity posed by flooding and coastal erosion. It also promotes action to reduce the risk of harm from flooding and coastal erosion including through the greater use of natural flood management solutions.

44.0.11 The Marine Management Organisation (MMO) delivers UK marine policy objectives for English waters through statutory Marine Plans and other measures. Swale is within the South East Inshore Marine Plan area. The [South East Inshore Marine Plan](#)³²² was adopted in June 2021, becoming a statutory document for planning decisions. Under the Marine and Coastal Access Act, any authorisation or enforcement decisions must be made in accordance with the marine plan. Any other decisions which may impact the marine area must have regard to the marine plan. The East Inshore and East Offshore Marine Plans and the South Inshore and Offshore Marine Plans are the adjacent plans to the South East Inshore Marine Plan and should be considered where appropriate.

44.0.12 The MMO is also responsible for issuing [marine licences](#)³²³ which may be needed for activities ranging from mooring private jetties to nuclear power plants and offshore windfarms. These may also require consideration under [The Marine Works \(Environmental Impact Assessment\) Regulations 2007 \(as amended\)](#)³²⁴. The MMO also issue consents under the [Electricity Act 1989 \(as amended\)](#)³²⁵ for offshore generating stations (1-100 megawatts) and are a statutory consultee to the Planning Inspectorate for relevant nationally significant infrastructure projects.

44.0.13 Early consultation with the MMO is advised to ensure the effect on coastal processes are minimised or mitigated.

44.0.14 It should be noted that the boundary for marine plans extends up to the level of the mean high water spring tide mark and therefore there will be overlap with terrestrial plans, which generally extend to the mean low water springs mark.

44.0.15 The [Marine Information System](#)³²⁶ *Please note that Google Chrome is recommended when using this system.* is a new digital mapping service of plans, policies and information relating to the marine environment.

320 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf

321 25 Year Environment Plan 2018. HM Government. Page 25

322 https://assets.publishing.service.gov.uk/media/60f6f6dde90e0764ccfbd836/FINAL_South_East_Marine_Plan_1_.pdf

323 <https://www.gov.uk/government/collections/planning-and-development-marine-licences>

324 <https://www.legislation.gov.uk/ukxi/2007/1518/contents>

325 <https://www.legislation.gov.uk/ukpga/1989/29/contents>

326 <https://www.gov.uk/guidance/explore-marine-plans>

44.0.16 The [River Medway and Swale Estuary Shoreline Management Plan \(SMP9\)](#)³²⁷ and [The Isle of Grain to South Foreland Shoreline Management Plan \(SMP10\)](#)³²⁸ have been prepared by the South East Coastal Group and identify sustainable long-term management policies for Swale's coast in the face of climate change and sea-level rise. Following on from these, the Environment Agency (EA) has now finalised and adopted the Medway Estuary and Swale Flood and Coastal Erosion Risk Management Strategy ([MEASS](#))³²⁹. This strategy sets out the economic, environmental and technical approach to managing flood and coastal erosion risk over the next 100 years. The principal objectives of the strategy are to reduce flood and erosion risk to properties and infrastructure in light of coastal change over the next 100 years and maintain the integrity of the Natura 2000 nature protection sites at risk of coastal squeeze.

44.0.17 The [Swale Strategic Flood Risk Assessment 2020](#)³³⁰ (SFRA) and updates determine the extent of flood risk in Swale. More detail on this can be found in Policy C8 Flood risk.

44.0.18 Erosion is predicted to increase significantly over the next 100 years as a result of climate change, particularly impacting the north coast of The Isle of Sheppey. [The North Sheppey Erosion Study 2011](#)³³¹ assessed cliff erosion along the North Sheppey coast from Minster to Leysdown, in particular the undefended frontage where the Shoreline Management Policy is for 'no active intervention'. This study was used to inform the development of the Coastal Change Management Area in the 2017 Adopted Local Plan.

44.0.19 The Environment Agency have recently published the [National coastal erosion risk map](#)³³² (NCERM) which aims to improve public access to the latest knowledge on coastal erosion via an online information tool. The NCERM provides the most up to date national picture of current and future areas of coastal erosion risk for England, using the [best available evidence](#)³³³ from the National Network of Regional Coastal Monitoring Programmes. Along with data from the SFRA, this data is being used to inform updates to the Coastal Change Management Area, [31 Policy C6 Coastal Change Management](#).

44.0.20 The [North Kent Bird Disturbance Study](#)³³⁴ examined the combined effects of development across north Kent districts for their effects on the Special Protection Areas (SPA), with a particular focus on wintering waterfowl, and established a mechanism to provide funding from development contributions for mitigation along the north Kent Marshes. More details on this will be included in a future strategic policy on Conserving and enhancing the natural environment.

44.0.21 The conservation objectives, published by [Natural England](#)³³⁵, for the [internationally](#)³³⁶ and [nationally](#)³³⁷ designated biodiversity sites which stretch along the borough's coast are a fundamental objective to be considered in any development proposal along the coast. More detail on these designations is set out in Policy B1 Biodiversity and geodiversity conservation and biodiversity net gain.

327 <https://environment.data.gov.uk/shoreline-planning/shoreline-management-plan/SMP9>

328 <https://environment.data.gov.uk/shoreline-planning/shoreline-management-plan/SMP10>

329 <https://www.gov.uk/government/publications/medway-estuary-and-swale-flood-and-coastal-risk-management-strategy/medway-estuary-and-swale-flood-and-coastal-risk-management-strategy>

330 <https://swale.gov.uk/planning-and-regeneration/strategic-flood-risk-assessment-completed>

331 <https://services.swale.gov.uk/assets/Planning-General/Planning-Policy/Sheppey-Coastal-Erosion-Study/Sheppey-study-report-V3-for-web-Chapters-1-to-8.pdf>

332 <https://www.gov.uk/guidance/updates-to-national-flood-and-coastal-erosion-risk-information>

333 <https://www.gov.uk/government/publications/national-assessment-of-flood-and-coastal-erosion-risk-in-england-2024/national-assessment-of-flood-and-coastal-erosion-risk-in-england-2024#coastal-erosion-how-our-assessment-of-coastal-erosion-risk-is-changing>

334 <https://northkent.birdwise.org.uk/research-and-strategy-reports/>

335 <https://www.gov.uk/environment/protected-sites-species>

336 <https://publications.naturalengland.org.uk/category/6528471664689152>

337 <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>

44.0.22 The coastline of Swale lies within Natural England's National Character Area profile 81. [Greater Thames Estuary](#)³³⁸ In summary, the environmental opportunities identified for this area are:

- maintain and enhance the expansive, remote coastal landscape, maintain internationally important habitats and their wildlife and underlying geodiversity, while addressing climate change and coastal processes;
- work with landowners and managers to improve environmental quality, climate adaptation, prevention of soil erosion and maintain historic character;
- maintain the tranquil and remote character of the estuary, whilst increasing opportunities for recreation and enjoyment of the landscape; and
- encourage a strategic approach to development that is informed by and makes a positive contribution to local character, incorporates green infrastructure, promotes recreation and addresses climate change while maintaining habitats, historic and geological features.

44.0.23 Three of the borough's Local Landscape Designations (the North Kent Marshes: Medway Marshes, the North Kent Marshes: South Swale and the North Kent Marshes: North Swale) run along the coast of the borough. The [Statements of Significance](#)³³⁹ outline the qualities and attributes of these areas and the requirements going forward – in essence to conserve and enhance the rich biodiversity, sense of remoteness and wildness. These statements should be responded to in any development proposals for Swale's coastline along with other requirements for the landscapes of Swale, as outlined in [39 Policy B2 Conserving & enhancing valued landscapes](#).

44.0.24 The [Swale Landscape Character and Biodiversity Appraisal Supplementary Planning Document 2011](#)³⁴⁰ is a key resource in ensuring the protection and enhancement of the whole of the borough's landscapes and habitats, including at the coast. More detail on this can also be found in [Policy B2 Conserving & enhancing valued landscapes](#).

44.0.25 The Swale [Green and Blue Infrastructure Strategy 2020](#)³⁴¹ looks at Swale's current Green and Blue Infrastructure (GBI) resource, priorities for GBI, the multi-functionality of GBI and the opportunities in the borough for both existing GBI and new GBI provision.

44.0.26 The [Swale Visitor Economy Framework](#)³⁴² and [Action Plan](#)³⁴³ has been developed by the the Council in consultation with stakeholders. The Action Plan contains specific 'deliverables' to improve the coastline, sea front and estuary offer across the borough – working with artists, the community, hospitality and leisure providers. It seeks to promote the England Coast Path within the borough, for instance by encouraging locals to take an entrepreneurial approach to initiatives that support increased coastal access. It aims to improve cycle and walking infrastructure and opportunities including 'Wildlife and Heritage Trails' linking the Downs to the Coast. It also seeks to develop water activities such as sailing, wind surfing, wild swimming, boat tours and increased moorings at Milton Creek, as part of that specific area's wider regeneration.

338 <https://publications.naturalengland.org.uk/publication/4531632073605120#:~:text=National%20Character%20Areas%20The%20Greater%20Thames%20Estuary%20National,the%20North%20Sea%20and%20the%20rising%20ground%20inland>.

339 <https://swale.gov.uk/planning-and-regeneration/local-plans/local-plan-review-evidence/landscape#h2>

340 <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/swale-landscape-character-and-biodiversity-appraisal-supplementary-planning-document-spd-2011>

341 <https://services.swale.gov.uk/assets/Planning%20Policy%202019/7659.012%20Swale%20GBI%20Strategy%20MERGED%20LR.pdf>

342 <https://swalemeansbusiness.co.uk/home/why-swale/a-bit-more-about-swale/the-swale-visitor-economy/the-swale-visitor-economy-framework-2018-2022>

343 <https://services.swale.gov.uk/meetings/documents/s15518/FINAL%20Swale%20Visitor%20Economy%20Framework%20Action%20Plan.pdf>

Policy application

44.0.27 Any development proposal for the coast in Swale should demonstrate how it has responded to the plans, policies and studies outlined above.

44.0.28 This policy applies to both the developed and undeveloped coasts. The developed coast is represented by that inside the defined built up area boundaries shown on the Proposals Map (to be illustrated in later stages of the Local Plan), whilst the undeveloped coast is that beyond it, and its hinterland is defined as the land that directly relates to this coastline in terms of landscape or land use.

44.0.29 The policy also references seascape and coastal processes. Seascape is defined in the [Marine Policy Statement 2011](#)³⁴⁴, as landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other. Coastal processes can be described as the processes of erosion, transportation and deposition in which coasts are shaped by the sea and the action of waves.

Question 86

Do you have any specific comments on the preamble above? What would help make it more focused, relatable or complete?

Policy B7

The Coast

Planning permission will be granted for development proposals at or near the coast subject to:

1. Demonstrating the protection, management and enhancement, as appropriate, of biodiversity, landscape, seascape and coastal processes;
2. Maintaining or enhancing access to the coast where it can be appropriately managed;
3. Enabling wildlife to build resilience and adapt to the effects of climate change and contribute towards the Local Plan's Green and Blue Infrastructure Plan and ensuring Biodiversity Net Gain as required by a potential future strategic policy on Conserving and enhancing the natural environment and Policy B1 Biodiversity and geodiversity conservation and biodiversity net gain;
4. Supporting, where appropriate, sustainable and healthy fisheries and protection and enhancement of the marine and coastal environment in line with the objectives of the South East Inshore Marine Plan, the Marine Conservation Zones and the other relevant international and national biodiversity designations;
5. Maintaining the character of the undeveloped coast; demonstrating conformity with the opportunities identified in Natural England's Greater Thames Estuary 'Statements of Environmental Opportunity' and the requirements set out in Swale's Local Landscape Designation's Statements of Significance for the relevant coastal designation as well as the guidelines within the Swale Landscape Character and Biodiversity Appraisal SPD;
6. Taking account of the policies and proposals of the Shoreline Management Plans, the Medway Estuary and Swale Flooding and Coastal Erosion Risk Management Strategy and the South East Inshore Marine Plan;
7. Proposals within the built up area boundaries as defined on the Proposals Maps (to be illustrated in later stages of the Local Plan), contributing to the rejuvenation of the developed coast, particularly where enhancing either existing industrial and maritime infrastructure, coastal heritage, tourism or environmental management;

344 <https://assets.publishing.service.gov.uk/media/5a795700ed915d042206795b/pb3654-marine-policy-statement-110316.pdf>

8. Proposals outside the built-up area boundaries, at the undeveloped coast and its hinterland, supporting conservation, enhancement and Biodiversity net gain;
9. Compliance with Policy C6 Coastal Change Management for the Coastal Change Management Area.

Question 87

Do you support or object to Policy B7? What would you add, remove or amend to support it further or to remove your objection?

45 Policy B8 Rural Lanes

45.0.1 Swale possesses a rich heritage of rural lanes that contribute to rural amenity, nature conservation and the character of the landscape. Many are experiencing pressures from the rapid rise in rural traffic, urbanisation and changes in the management of verges and the Council want to limit the effects of these. A study undertaken in 1997 by Kent County Council identified the top 20% of these lanes against environmental criteria, and these are shown on the Proposals Map (to be illustrated in later stages of the Local Plan). Only the top 20% are shown on the Proposals Map but this policy applies to all lanes in rural Swale.

45.0.2 In order to safeguard these lanes, the Council will not permit development that would harm their identified qualities, and will implement traffic restraints, speed restrictions, routing agreements with businesses, and tree and hedgerow preservation orders. Development proposals may similarly bring forward such proposals as mitigation of adverse impacts, together with measures such as landscape or historic features restoration.

45.0.3 Given the age of the rural lanes study, applicants may be required to provide further evidence as to the landscape, amenity, biodiversity, historic and archaeological importance of the lane(s) in question. The Council will, when resources permit, update the Rural Lanes Study for Swale.

45.0.4 The Kent Downs National Landscape (Formally known The Kent Downs Area of Outstanding Natural Beauty (AONB)) unit have published [Rural Streets and Lanes: A Design Handbook \(2009\)](https://kentdowns.org.uk/wp-content/uploads/2018/04/Rural-Streets-and-Lanes-a-design-handbook.pdf)³⁴⁵ which identifies the characteristics of the rural road network and promotes its conservation and maintenance through detailed design guidance and case studies. This guide has been adopted by Kent County Council and should be referenced for all relevant applications both within and outside the AONB.

Quiet Lanes

45.0.5 The Council would like to designate some of Swale's rural lanes as 'Quiet Lanes'. Quiet Lanes are defined as minor rural roads or networks of minor rural roads appropriate for shared use by walkers, cyclists, horse riders and other vehicles. The aim of Quiet Lanes is to maintain the character of minor rural roads by seeking to contain rising traffic growth. They must be rural in character, carry less than 1,000 vehicles per day and the 85th percentile traffic speed should be less than 35 mph. Narrow, single-track roads are the most suitable to be designated. The process for designating Quiet Lanes involves community involvement to help to define what lanes should be considered and then a formal consultation similar to that required to introduce a Traffic Regulation Order. The Council aim to progress work, in conjunction with Town and Parish Councils, to designate a number of Quiet Lanes within Swale. They require investment therefore implementation will be phased.

Question 88

Do you have any specific comments on the preamble above? What would help make it more focused, relatable or complete?

Policy B8

Rural Lanes

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. For those rural lanes shown on the Proposals Map (to be illustrated in later stages of the Local Plan), development proposals should have particular regard to their landscape, amenity, biodiversity, and historic or archaeological importance.

345 <https://kentdowns.org.uk/wp-content/uploads/2018/04/Rural-Streets-and-Lanes-a-design-handbook.pdf>

Question 89

Do you support or object to Policy B8? What would you add, remove or amend to support it further or to remove your objection?

46 Policy B9 The keeping & grazing of horses

46.0.1 The borough of Swale is a popular location for equestrian activities and has become a source of income to farmers and others in parts of the borough. Whilst these activities can bring economic benefits to the rural areas, they can, individually or cumulatively, adversely change the rural character of the area with stables, paddocks, fencing, on-site riding facilities and other visual clutter.

46.0.2 In many parts of the borough, such as between Newington, Upchurch, Lower Halstow and the borough boundary with Medway and between Chestnut Street and Oad Street, within the setting of The Blean and around the north coasts of Sheppey, the levels of equestrian activity has had a negative impact upon the landscape. Further proposals will only be allowed where additional cumulative harm would not occur. Landscapes with an open character are less likely to be capable of accommodating such development. The use of higher standards of design of stable buildings, fencing, landscaping and parking that has been achieved in some locations will enable proposals to better reflect and enhance the character of the area.

46.0.3 Should new equestrian enterprises, particularly those of a commercial nature, come forward for consideration, traditional farm buildings should be utilised as a base for their development in the first instance. New equestrian enterprises should be located in or based on buildings of this kind, both to help ensure new uses for traditional buildings and reduce the pressure for new structures in the countryside.

46.0.4 The council's [Landscape Character and Biodiversity and Biodiversity Appraisal Supplementary Planning Document 2011](https://swale.gov.uk/your-council/publications/planning-and-planning-policy/swale-landscape-character-and-biodiversity-appraisal-supplementary-planning-document-spd-2011)³⁴⁶ will be used to guide the acceptability of proposals in terms of their individual or cumulative impacts upon the landscape along with the council's adopted 'Supplementary Planning Guidance The Erection of Stables and Keeping of Horses', which is a material consideration. Applicants should reference these documents in applications. Within the Kent Downs National Landscape, the Kent Downs National Landscape Unit's document 'Managing Land for Horses' will be a further consideration.

Question 90

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy B9

The keeping and grazing of horses

Planning permission will only be granted for development involving the use of land for the keeping or grazing of horses and ponies in connection with riding or other non-agricultural purposes, if they are of high quality design and of a scale and intensity that is acceptable in landscape character, biodiversity, amenity and highway terms. In considering proposals, the Council will have regard to the cumulative effect of such uses in the local area, the site's accessibility to the bridleway network (having regard to potential conflicts with other path users), or the ability to provide on-site riding facilities.

Question 91

Do you support or object to Policy B9? What would you add, remove or amend to support it further or to remove your objection?

³⁴⁶ <https://swale.gov.uk/your-council/publications/planning-and-planning-policy/swale-landscape-character-and-biodiversity-appraisal-supplementary-planning-document-spd-2011>

47 Policy HE1 Development involving Listed Buildings

47.0.1 Listed buildings are irreplaceable heritage assets that are recognised as being of special architectural or historic interest in the national context. They are identified on the National Heritage List. Buildings on the list enjoy statutory protection through the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)³⁴⁷ Protection extends to the whole building, inside and outside, its curtilage and certain structures within its domain. The majority of works to listed buildings require listed building consent (in addition to any other consent required through planning legislation), including fittings, attachments and any decorative schemes of special significance.

47.0.2 Applicants must prepare a heritage statement and a design & access statement for any proposals for listed building consent or for planning permission for development within the curtilage of a listed building. The statements will be required to justify the proposals, demonstrating why works and/or development that would affect the significance of a listed building are necessary or desirable. In all cases the policy seeks to safeguard, and where possible, enhance the special interest and setting of listed buildings.

47.0.3 The council will use its statutory powers to ensure that listed buildings at risk from neglect or decay are appropriately maintained and repaired.

47.0.4 Extensions and alterations should be sympathetic and not dominate the listed building in scale, material, or situation. Often a building's immediate setting is important to its character, so gardens, yards, other spaces, and boundary details are of value in their own right. Proposals to create off-street parking provision can frequently be damaging to the setting of a listed building.

47.0.5 The significance of a listed building can be harmed by inappropriate repair, alteration or extension. Proposals to repair, alter or extend a listed building must be justified and appropriate. Consequently, a high level of professional skill and craftsmanship will be required in both the design and execution of any scheme. Proposals to repair, alter or extend a listed building that harm its significance will not be permitted unless there is a clear and convincing justification. Substantial harm to, or the loss of a listed building will be firmly resisted in all but the most exceptional of cases.

47.0.6 New development within the setting of a listed building may not always be appropriate if the setting is particularly important to the significance of it. However, in all other instances, new development within the setting of a listed building is required to be of good quality, contextually sensitive in design. Proposed new development within the setting of a listed building that would harm its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted.

47.0.7 The best use for a listed building is usually the use for which it was originally designed, but the overriding consideration is securing the future upkeep and conservation of the building. Subsequently, the Council will support necessary and appropriate changes in use. Particular attention will be paid to ensuring that the proposed use will not be harmful to the significance of the listed building and its surroundings, including a careful assessment of any alterations associated with its proposed change of use.

Climate change

47.0.8 Proposals that aim to mitigate and adapt to the effects of climate change should in the first instance explore all opportunities of enhancing energy efficiency and forms of providing renewable energy and improved adaptation to climate change without harming the significance of heritage assets.

47.0.9 Where conflict between climate change objectives and the conservation of heritage assets is unavoidable, the public benefit of mitigating the effects of climate change will be weighed against any harm to the significance of heritage assets, in accordance with the [National Planning Policy Framework](#)³⁴⁸ (NPPF) and the development management policies and principles of this Local Plan. The more significant the heritage asset, the greater the degree of public benefit that will need to be demonstrably achievable to justify even a low level of harm to the heritage asset. Heritage assets are finite resources and with their

347 <https://www.legislation.gov.uk/ukpga/1990/9/contents>

348 https://assets.publishing.service.gov.uk/media/67aaf8f3b41f783cca46251/NPPF_December_2024.pdf

embedded energy and in many cases, adaptability to re-use over a long period of time, they are in many cases already inherently sustainable. As such, there will be instances where proposed alteration in a particular way to help combat climate change will be firmly resisted to ensure that the significance of the heritage asset isn't compromised to an unacceptable degree. Listed buildings make up less than 1% of the borough's stock of buildings, and as such, it is expected that the focus on combating climate change will first and foremost be on that vast majority of buildings that can be adapted to help combat climate change, with little or no harm to their intrinsic character and associated appearance.

Question 92

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy HE1

Development involving Listed Buildings

Development proposals, including any change of use, affecting a listed building, and/or its setting, will be supported where:

1. The listed building's special architectural or historic interest, its setting and any features of special architectural or historic interest which contribute to its significance, are preserved or enhanced, paying special attention to the:
 - a. design, including scale, materials, situation and detailing;
 - b. appropriateness of the proposed use of the building;
 - c. desirability of removing unsightly or negative features or restoring or reinstating historic features; and,
 - d. protection of important views, both of and from, the Listed Building.
2. They help secure a sustainable future for a building at risk;
3. When considering the impact of proposed works and/or a proposed development on the significance of a listed building, great weight will be given to the building's conservation (and the more important the listed building, the greater the weight will be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance;
4. Harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Listed Building will only be permitted where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - a. the nature of the heritage asset prevents all reasonable uses of the site;
 - b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - d. the harm or loss is outweighed by the benefit of bringing the site back into use.
5. Where substantial harm or total loss of a Listed Building is permitted, building recording will be secured to advance understanding of the significance of the asset; and
6. Applications should be accompanied by an appropriate, evidence-based heritage statement, sufficient to understand the potential impact of the proposal on the significance of the building.

Question 93

Do you support or object to Policy HE1? What would you add, remove or amend to support it further or to remove your objection?

48 Policy HE2 Development affecting a Conservation Area

48.0.1 Conservation areas are areas of special architectural or historic interest, the character, or appearance of which it is desirable to preserve or enhance. The character of conservation areas can be fragile, and their distinctive quality and character can be damaged by new development, or by other more subtle means such as increased traffic, car parking, signs and noise, or piecemeal changes to key architectural elements such as doors and windows. They are not, though, areas where change will not occur. Development that makes a positive contribution to Swale's local character and distinctiveness will be encouraged. New development within, or adjacent to a conservation area, where appropriate, will be expected to be of an appropriate use, of a very high standard of design, and respond positively to the grain of the historic area by preserving or enhancing the character or appearance of the place.

48.0.2 Applicants must prepare a heritage statement and a design & access statement for any proposals in or adjoining a conservation area that will need to include an objective assessment on the likely impact of their proposals on the significance of any heritage assets or their settings.

48.0.3 The council will use its statutory powers to ensure that buildings and spaces within conservation areas that are at risk from neglect or decay are appropriately maintained and repaired.

48.0.4 A list of conservation areas, along with their boundary maps, character appraisals and management plans, is available at [Heritage and Landscape- Conservation](#)³⁴⁹. The appraisals and management plans provide useful guidance for applicants, borough residents, and public bodies. Swales [Heritage Strategy Action Plan](#)³⁵⁰ prioritises the delivery of new and updated conservation area appraisals across the borough.

48.0.5 Whilst it is the quality and interest of an area as a whole that is recognised through designation, it is often the cumulative impacts of small changes over time that erode the special qualities and significance of a place. Where necessary, and with public support, Article 4 Directions will be introduced to help to control potentially damaging alterations.

Spaces and settings

48.0.6 The spaces and settings around and between buildings, other features and conservation areas, together with views to and from the area, are important and should be protected from unsympathetic changes and, where possible, enhanced. Non-listed buildings (Heritage Assets).

48.0.7 Many buildings and features in a conservation area are not listed as being of special architectural or historic interest. Nevertheless, they may make a valuable contribution to the character of a conservation area individually, or as part of a group. In such cases, their demolition will only be permitted in exceptional circumstances.

48.0.8 In reaching such a decision, the Council will examine the cost of maintaining and repairing the building or feature in relation to its importance and the value derived from its use, the adequacy of efforts to maintain the building in an acceptable use, and the merits of alternative proposals for the building. These must demonstrably preserve or enhance the character and appearance of the area in a way that the former building did not. Fundamentally, consent will normally only be given for demolition when a detailed scheme for redevelopment has been agreed. Planning conditions and/or legal agreements will ensure that demolition does not take place without the certainty of timely redevelopment.

Highway features

48.0.9 Many bridges, retaining walls, signs, footpaths, kerb lines, and milestones help to tell the story of the borough's development over time. Modern unsympathetic highway or traffic management works, including signage, lighting and alterations to traffic flows, can have adverse impacts. Those carrying out such works will therefore need to ensure that the protection of the character and setting of historic highway features are given due consideration, particularly where they form a key positive element of a conservation area.

349 <https://swale.gov.uk/planning-and-regeneration/heritage-and-landscape/conservation-areasw.swale.gov.uk>

350 <https://swale.gov.uk/your-council/strategies-and-policies/swales-heritage-strategy>

Question 94

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy HE2**Development affecting a Conservation Area**

1. Development proposals within, affecting the setting of, or views into and out of a conservation area, will be supported where they are designed to preserve or enhance all features that contribute positively to the area's special character or appearance;

2. Development should be of high-quality contextual design so that they preserve or enhance a conservation area's significance and have particular regard to:

- a. conservation area character appraisal & management plan documents where these have been prepared;
- b. townscape, buildings, rooflines and the relationships between buildings;
- c. plot coverage and open spaces, including gardens;
- d. scale, form, elevational hierarchy, fenestration pattern, ornamentation and materials;
- e. trees, topography, boundaries and other landscape features;
- f. important views, including those contained within relevant conservation area appraisals and other local views; and
- g. retain unlisted/non designated heritage assets or other structures that make a positive contribution to the character or appearance of the area.

3. Harm to the significance of a conservation area will be permitted only where this is outweighed by the public benefits of the proposal and has clear and convincing justification. Substantial harm or total loss of significance of a conservation area will only be permitted where it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Planning applications for development within or adjacent to a conservation area will be required to include an evidence-based Heritage Statement that demonstrates a clear understanding of the significance of the conservation area, any related individual or group heritage assets affected by proposals and the impact on heritage significance, as applicable.

Question 95

Do you support or object to Policy HE2? What would you add, remove or amend to support it further or to remove your objection?

49 Policy HE3 Parks & gardens

49.0.1 The borough contains four grade II sites on Historic England's register of historic parks and gardens. These are Lees Court, Belmont House, Doddington Place and Mount Ephraim. These semi-natural landscapes were created to serve the grand homes of the landed gentry and big industrial business proprietors and are of significance because of the striking nature of aspects of their designed landscapes. Each displays a range of landscaping, ranging from the highly ornate to the more naturalistic in style in the vein of the most famous English landscape gardener, Lancelot 'Capability' Brown.

49.0.2 Historic Parks and Gardens are a fragile and finite resource that can easily be damaged beyond repair or lost forever. To identify those sites that are of particular historic importance, Historic England is enabled by government to compile the 'Register of Parks and Gardens of special historic interest in England'. Inclusion in the Register recognises that the site is of national importance and they comprise a variety of features including open space, flora, water features, cemeteries, archaeological remains and buildings.

49.0.3 Registration is a 'material consideration' in the planning process, meaning that planning authorities must consider the impact of any proposed development on the special interest of the park or garden.

49.0.4 Applications that affects a registered historic park and garden or their wider setting should be supported by a heritage statement which includes a statement of significance proportionate to the scale and nature of the proposed works.

49.0.5 A number of other parks and gardens, both in private and public ownership, are undesignated but nonetheless play an important role, contributing to the character and distinctiveness of the borough and providing a focus for conservation, access projects, interpretation, education and research. These are considered to be locally important by way of their particular historic or design interest, and the contribution they make to the landscape quality and character of the area; such sites are afforded protection under [50 Policy HE4 Non-designated Heritage Assets](#).

Question 96

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy HE3

Parks & gardens

1. Development that affects a registered historic park and garden or their wider setting will be supported where they:

- a. do not harm the layout, design, character, appearance or setting of the park or garden, or key views into or out from the park or garden;
- b. are sensitive to the original design intention and subsequent layers of design and the functional evolution of the park or garden and do not prejudice any future restoration; and,
- c. would enhance or better reveal the significance of the Historic Park and garden or would help to secure a sustainable future for a feature within it.

2. Harm to an element that contributes to the significance of a Registered Historic Park and Garden will only be permitted where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a Registered Historic Park and Garden will only be permitted where it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Question 97

Do you support or object to Policy HE3? What would you add, remove or amend to support it further or to remove your objection?

50 Policy HE4 Non-designated Heritage Assets

Non-designated Heritage Assets (Including Locally listed Buildings, un-registered parks and gardens and Area of High Townscape Value)

50.0.1 Non-designated heritage assets can vary in type and form and should possess a degree of heritage significance that merits consideration in planning decisions. Non-designated heritage assets can be either buildings including locally listed buildings and structures, places such as Sittingbourne's Area of High Townscape Value or non-built assets such as archaeological assets and parks and gardens. Non-designated heritage assets are not protected in the same way as Designated Heritage Assets but the identification of them as a non-designated heritage asset is a planning consideration when determining applications.

50.0.2 The borough contains many buildings, structures and areas that are not statutorily listed but are nonetheless of special historic, architectural, townscape, landscape, social or cultural interest in their local area. These are important to our local communities and make a valuable contribution to local distinctiveness, sense of history and understanding of place. Many of these are captured in the Local Heritage List which identifies heritage assets that are important to the local area but are not statutorily designated. The Local Heritage List defines what is significant about them and identifies assets using selection criteria detailed in a 'Local Heritage List' document. This document and further information of the Local Heritage List is available on the [Council website](#)³⁵¹.

50.0.3 Outside the designated conservation area, the Area of High Townscape Value south of Sittingbourne town centre, has a coherent local character, based on townscape, architecture and spatial qualities. Its significance is derived from the combined qualities of groups of elements rather than the value of the elements taken individually. It is an area of Victorian and Edwardian housing, parks, cemeteries, trees and open spaces that mark an important period in the town's post-industrial expansion with many of its street trees being a poignant reminder of the town's marking of The Great War. The Council's objectives in this area are to encourage a high standard of design of new development, the retention and reinstatement of original features and the preservation of the spaces between buildings, landscaping and parks, alongside the retention and expansion of its street trees.

50.0.4 Development proposals that affect non-designated heritage assets with an archaeological significance, or potential significance, should be appropriately investigated and measures taken to protect and record any historic remains. A programme of archaeological recording may be required to be carried out including phases of desk-based assessment and fieldwork, post-excavation analysis, publication of the results and deposition of the site archive in an appropriate repository.

50.0.5 Any archaeological non-designated heritage assets that are demonstrably of equal significance to a Scheduled Monument by way of a heritage assessment and/or Government guidance should be considered under the same policy as a Scheduled Monument, in accordance with [National Planning Policy Framework](#)³⁵² (NPPF para 213 and footnote 75). The relevant Local Plan policy is [51 Policy HE5 Archaeology](#).

50.0.6 Non-registered parks and gardens are often less apparent than designated sites but nonetheless play an important role, contributing to the character and distinctiveness of the borough and providing a focus for conservation and access projects, interpretation, education and research.

50.0.7 There are a number of processes through which non-designated heritage assets may be identified, including the local heritage list, local and neighbourhood plan-making processes, conservation area appraisals and reviews and as part of the decision-making process on planning applications. Additionally, the Council has a rolling programme of evaluating and recognising the importance and value of local

³⁵¹ <https://swale.gov.uk/planning-and-regeneration/heritage-and-landscape/local-heritage-list>

³⁵² https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

non-designated heritage assets, through periodic reviews and updates of the Local Heritage List. Any development proposals that relate to non-designated heritage assets and their settings must be accompanied by an assessment of their significance.

Question 98

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy HE4

Non-designated Heritage Assets

1. The Council will actively seek to retain and conserve non-designated heritage assets including those on the Swale's Local Heritage List. Development proposals affecting a non-designated heritage asset or its setting will be supported where they conserve those elements that contribute to its significance.

2. Where development would remove, harm or undermine the significance of such assets, or their contribution to the character and/or appearance of a place, a balanced judgement will be made having regard to the scale of the harm and significance of the heritage asset.

Prior to any approved demolition, alteration, extension or restoration of non-designated heritage assets, the Council may require appropriate building or archaeological recording, relevant to the asset's significance and the scope of works.

Question 99

Do you support or object to Policy HE4? What would you add, remove or amend to support it further or to remove your objection?

51 Policy HE5 Archaeology

51.0.1 Swale has an extensive and important archaeological resource stemming from the borough's strategic position. Half-way along the north coast of Kent, Swale has been an important conduit for transport and communication between London and the open sea, and between inland Kent and the Thames Estuary. Its small towns grew up along creeks cutting inland from the coast whereas its largest port, Sheerness, reflects its wider, global maritime role.

51.0.2 Swale's archaeological heritage covers a vast expanse of time – perhaps over half-a-million years. There have been numerous finds of palaeolithic artefacts in Swale, many from gravel pits such as at Teynham and Hartlip, Bapchild and Tonge, but also collected from the surface. Most of the evidence is in the form of hand axes, as well as the remains of animals that lived alongside early humans such as woolly mammoth and rhinoceros. Though such finds are ephemeral, they represent the great majority of the period within which humans lived in Swale and have the potential to tell us much about humanity's remote past. The end of the last glaciation saw the emergence of new flint technologies reflected in numerous finds of Mesolithic flints such as the chipping floor at High Halstow which produced over 1,000 flint finds and another flint working site at Sittingbourne.

51.0.3 Permanent occupation in Swale seems to have begun in the Neolithic period, as perhaps evidenced by occupation sites at High Halstow, Grovehurst and Kingsborough Manor on Sheppey. Means of exchange are indicated by a possible log boat from Murston. Although burial monuments may well have been constructed in the Neolithic, none have been found so far in Swale and it is not until the Bronze Age that such sites are found, for example as at Shrubsoles Hill and the Aspire School where ring-ditches that would have been constructed around burial mounds have been found. Settlement expanded and occupation comprising huts, ditches and enclosures have been found at Kemsley, Shrubsoles Hill, Kingsborough Manor, Neatscourt and Iwade.

51.0.4 During the Iron Age, a salt-extraction industry seems to have emerged in the borough as evidenced by finds of kiln lining from Neatscourt and High Halstow. Cremation became the main burial rite, as seen in several cemeteries that were established across the borough, for example at Milton Regis, Faversham, and Borden.

51.0.5 During the Roman period, Swale played an important role. The main London to Dover (via Canterbury) Road – Watling Street – ran roughly along the line of the A2 and along it were at least 20 Roman villas, for example at Blacklands, Bax Farm, Sheldwich and Borden. Many of these were close to the creeks that penetrate inland and which were probably transportation routes for the major salt-making and pottery fabrication industries in the area – the marshes north of Upchurch and Lower Halstow contain very many salt and pottery manufacturing sites. Swale also had an extensive ritual landscape with a temple at Boxted (scheduled monument), a walled cemetery near Sittingbourne, a Roman mausoleum at Stone Chapel (scheduled monument) and a possible temple at Luddenham, as well as cremation and inhumation cemeteries from across the borough.

51.0.6 Numerous Roman settlement sites have also been found across Swale. During the Anglo-Saxon period several important centres emerged. Faversham, Milton Regis and Minster became estate centres and trading places and there were numerous small settlements across the borough. Early churches were also found at Teynham, Minster (being accompanied by a 7th century nunnery) and Newington. Early cemeteries containing grave goods have also been found across the borough including at Milton, Faversham and the Meads, Sittingbourne.

51.0.7 Maritime trade is indicated by the Graveney Boat, which dates to the late 9th century and is now in the National Maritime Museum. During the Medieval period, Faversham continued to be an important centre focused on the Abbey (founded 1148) whilst Sittingbourne grew in importance and gradually overtook Milton Regis. Queenborough was founded as an entirely new town and settlements spread across the borough. These are witnessed by the large number of churches and chapels, and high and low status domestic buildings that still survive, as well as archaeological monuments such as salt mounds, deneholes, field systems and fishtraps.

51.0.8 The Post Medieval period saw the rapid expansion of population and settlement in Swale. Key industries were based here such as the nationally important gunpowder industry around Faversham, ship-building in Sheerness and an emerging aviation industry on Sheppey, the archaeological remains of which still survive. There is a wealth of surviving maritime heritage in the form of shipwrecks, barges (both floating and hulks) docks and port installations. The continuing importance of the borough in national and international affairs is demonstrated by the wide range of military sites that still exist in Swale – ranging from the 17th century defences of Sheerness to the stop lines dating from both World Wars. Many historic structures relating to these themes still survive. Often, they have no statutory protection, such as most of the World War structures, and are therefore highly vulnerable. Numerous historic parks and gardens also came into being during this period.

51.0.9 The borough's archaeological heritage sites in a landscape that is also characterised by many survivals from the past and the landscape that is visible today is the result of many centuries of evolution and the pattern of roads, tracks, field boundaries and hedgerows that gives the modern landscape its character is firmly rooted in the past.

51.0.10 The [Swale Heritage Strategy](#)³⁵³ (March 2020) presents the overarching strategy for the management of the historic environment in Swale. The Strategy contains a detailed thematic review of the heritage of the borough, identifies its vulnerabilities and opportunities and makes recommendations for the future management of the heritage resource.

51.0.11 Individual archaeological sites will have their own particular vulnerabilities, but the archaeological resource of the borough will generally be vulnerable to natural processes such as erosion and climate change, rural activities such as ploughing and other agricultural techniques, construction and development, including utilities, services and infrastructure works, change of use and general neglect. All of these serve to degrade the archaeological resource and reduce its significance and potential for improving life in the borough.

51.0.12 Archaeological significance derives from whether the heritage asset 'holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.' When preparing development proposals that affect heritage assets it is essential that the heritage interest of the site is correctly assessed. When the heritage interest is an archaeological site, the assessment should include a desk-based assessment and, when necessary, archaeological fieldwork.

51.0.13 Swale's archaeological resource includes both designated and non-designated heritage assets. Designated heritage assets are those protected by law. These include Scheduled Monuments which are mostly archaeological sites and monuments. Other designated assets will also have an archaeological component. Listed Buildings, Registered Parks and Gardens, Protected Military Remains and Conservation Areas all contain archaeological remains that must be treated appropriately within development management processes.

51.0.14 There are several information resources for Swale's archaeological heritage: The Swale Heritage Strategy includes thematic reviews of the borough's heritage including a chapter reviewing Swale's archaeological heritage. The [Kent Historic Environment Record](#)³⁵⁴ is the main database of archaeological discoveries and activities and built heritage assets in Kent. The [National Heritage List for England](#)³⁵⁵ contains information on all designated heritage assets. [Kent Farmsteads Guidance](#)³⁵⁶ (2014, Historic England and Kent Downs AONB Team) The Kent Gardens Trust are currently reviewing many of the Swale sites in the [Kent Compendium of Parks and Gardens](#)³⁵⁷ 'Archaeologia Cantiana' (the journal of the Kent Archaeological Society) and the [Kent Archaeological Review](#)³⁵⁸ (the journal of the former Council for Kentish Archaeology).

353 <https://swale.gov.uk/your-council/strategies-and-policies/swales-heritage-strategy>

354 <https://www.kent.gov.uk/leisure-and-community/history-and-heritage/historic-environment-record>

355 <https://historicengland.org.uk/listing/the-list>

356 https://democracy.kent.gov.uk/documents/s40761/B2%20Appendix%20Part_1_Kent_Farmsteads_Guidance_2013_24%205%2013.pdf

357 <https://heritage.kent.gov.uk/Source/SKE12972>

358 <https://archaeologydataservice.ac.uk/library/browse/series.xhtml?recordId=17>

51.0.15 The Council will promote the enjoyment of Swale borough's archaeological resource through the preservation, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through research, public access, management and interpretation.

Question 100

Do you have any specific comments on the preamble above? What would help make it more focussed, relatable or complete?

Policy HE5

Archaeological heritage

Where a development proposal will affect, or has the potential to affect, sites with archaeological interest, planning permission will be supported where:

1. They are accompanied by the necessary level of information to enable an assessment to be made as to the likely impact of the proposed development on the archaeological deposits affected, including desk-based assessment, and if necessary, archaeological fieldwork, that:
 - a. characterises the nature, extent and condition of the archaeological deposits in the development area;
 - b. assesses the significance of the deposits and the contribution made by their setting;
 - c. describes and assesses the impact of the development proposals on the archaeological deposits, their significance, and their setting; and,
 - d. describes how the archaeological deposits will be protected during development. Where this is not possible the assessment should clearly justify why this is not possible and should describe the proposals for mitigating any impacts.
2. They will not result in harm to an element that contributes to the significance or setting of a Scheduled Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Scheduled Monument or other nationally important remains will be permitted only where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss;
3. They are designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk; and,
4. The impact of the proposal is acceptable in principle and detailed mitigation measures have been agreed with the Council that may include, where appropriate, archaeological monitoring, investigation, provision for recording, analysis, publication, archive deposition and community involvement.

Question 101

Do you support or object to Policy HE5? What would you add, remove or amend to support it further or to remove your objection?

52 Implementation and Monitoring

52.0.1 The successful implementation of the Local Plan vision and objectives cannot be achieved by the Council alone and will involve multiple stakeholders and partners who will work alongside the Council to deliver set goals. A wide range of stakeholders have been involved at various stages in the preparation of the Local Plan and the Council will continue to work in partnership with public, private and voluntary sector agencies to establish robust delivery mechanisms and make the most of funding opportunities in order to deliver the strategy.

52.0.2 It is recognised that there are external factors that will have an influence on delivering the Local Plan strategy. Successfully achieving the Local Plan vision and objectives is dependent on the extent to which the Plan policies are being implemented effectively. The Local Plan will be monitored regularly against policy specific indicators which will be set out in a monitoring framework at a later stage of the plan making process. This will help determine if the policies are achieving the intended policy outcomes.

52.0.3 The main mechanism for reporting the monitoring information will be the Authority Monitoring Report (AMR), which will be published on a yearly basis. The latest published version of the AMR is available on the [council's website](#)³⁵⁹.

52.0.4 The [National Planning Policy Framework](#)³⁶⁰ (NPPF para 34) requires Policies in local plans to be reviewed to assess whether they need updating at least once every five years. Along with the monitoring framework, the triggers and key considerations for updating local plan policies will be developed as the plan making process progresses.

Question 102

Do you have any comments on the monitoring and delivery section of the Local Plan?

Question 103

Do you have any further comments to make on any aspect of the consultation that you haven't yet made?

³⁵⁹ <https://swale.gov.uk/planning-and-regeneration/local-plans/planning-policy>

³⁶⁰ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

Glossary

Accretion (coastal): Land mass increasing due to addition of sediment.

Active Travel: Active travel means a mode of transport that involves physical activity such as walking and cycling to get from one destination to another - including travel to and from the places we live, work, learn, visit and play.

Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision. 238 The Swale Local Plan Review February 2021 9 Glossary of terms Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.

Agrioltaics: the inherently combined use of land for solar PV generation and agriculture.

Air Quality Management Areas: These are declared in areas where national objectives for air quality are not being met, or at risk of not being met. They are declared by a Local Authority who must then prepare an Action Plan to identify measures to meet the national air quality objectives.

Albedo: Measure of the reflectivity of a surface, defined as the fraction of incident light or radiation that is reflected by that surface.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD.

Appropriate Assessment/Habitats Regulation Assessment: Study carried out to make sure that sites which are important for biodiversity at European level are protected and will not be damaged by proposals and policies.

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.

Article 4 direction: A direction which withdraws automatic planning permission granted by the General Permitted Development Order.

Benefit Area: defined geographic region or area that is expected to receive specific benefits or advantages from a project or development.

Biodiversity Opportunity Area: BOA maps can be seen as a spatial reflection of the Kent Biodiversity Strategy. They indicate where the delivery of Kent Biodiversity Strategy targets should be focused in order to secure the maximum biodiversity benefits.

British Standard (BS): These are standards published by the British Standard Institution which is the the national standards body of the UK. The “EN” prefix indicates that the standard has been adopted by a regional European standardising body.

Building Research Environmental Assessment Methodology: an environmental assessment for rating and certifying non-residential development.

Caravan: Mobile living vehicle used by Gypsies and Travellers; sometimes referred to as trailers. Also used for holiday accommodation.

Coastal squeeze: the loss of natural habitats, or a deterioration in their quality, caused by man-made structures or human activity. As sea levels rise, these structures/activities prevent habitats from naturally migrating inland, causing them to be squeezed.

Carbon dioxide equivalent (CO₂e). The sum of a mixture of gases, in terms of their climate-changing impact in a 100-year period expressed as the amount of CO₂ that would have the same effect. Often shortened to ‘carbon’.

Carbon offsetting: offsetting in the built environment is a financial contribution to an official body (e.g. local authority) to compensate for a shortfall in the required amount of carbon emissions reduction on-site.

Chalet: A small, permanent single storey cabin or house used by holiday-makers, often forming a unit within a holiday complex.

Conservation Area: A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

Committee on Climate Change(CCC): The Committee on Climate Change (CCC) is an independent, statutory body established under the Climate Change Act 2008 and its purpose is to advise the UK and devolved governments on emissions targets and to report to Parliament on progress made in reducing greenhouse gas emissions and preparing for and adapting to the impacts of climate change.

Chartered Institution of Building Services Engineers Technical Memorandum (CIBSE TM52 and CIBSE TM59): are standard approach that uses dynamic thermal analysis to predict risk of overheating in building design.

Development Management (DM) policies: Influence the type and location of development by setting design standards, mitigating environmental impacts, promoting social and community development, and addressing infrastructure requirements. They also provide a framework for local authorities to decide on planning applications, influencing the type, scale, and location of developments.

Development plan: a set of statutory documents prepared by a local planning authority (or combined authority) that sets out the framework for how land in an area should be used and developed.

Economic Development: Development, including those within the B Use Classes, public and community uses and main town centre uses (but excluding housing development).

Ecological Networks: These link sites of biodiversity importance.

Ecosystem Services: The benefits people obtain from ecosystems such as, food, water, flood and disease control and recreation.

Embodied Carbon: carbon that was emitted during the production, transport and assembly of a building, infrastructure, vehicle or other product, before the product is in use. As opposed to ‘operational carbon’ which is emitted due to energy use when operating the building / infrastructure / vehicle / other product.

Energy Use Intensity (EUI): a measure of how much energy a building uses per square metre of floor. Expressed in kilowatt-hours per square metre of floor space per year.

Flood levies: a financial charge to assist with costs associated with flood risk management.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Gigabit ready infrastructure: Gigabit-ready infrastructure is a physical network setup that can support future gigabit-speed internet connections and includes components like ducts, cables, and a network termination point inside a building. For new builds, this infrastructure, such as fibre optic cabling and conduits, must be installed from a distribution point to each home to ensure they are future-proofed for high-speed internet, even if a gigabit connection is not immediately installed.

Gigabit capable broadband connections: Gigabit-capable broadband connections offer speeds of at least 1 gigabit per second (Gbps), or 1,000 megabits per second (Mbps), and are typically delivered using full-fibre (FTTP) technology, where fibre-optic cables run directly to the property. Other technologies, such as some cable networks, can also be gigabit-capable. This type of connection is much faster than traditional broadband and is ideal for activities like downloading large files, streaming in high definition, and using many devices simultaneously.

Green Infrastructure: A network of multi-functional green spaces, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Can include:

- Parks and gardens - including urban parks, country parks and formal gardens;
- Designated and non-designated natural and semi-natural urban and rural green spaces and landscapes - woodlands, urban forestry, street trees, scrub, grassland, downland, commons and meadows, The Swale Local Plan Review February 2021 241 Glossary of terms 9 wetlands, open and running water, wastelands and derelict open land and rock areas. May include historic landscapes and other heritage assets;
- Green corridors - including river and canal banks, road verges, railway embankments, cycle ways, and rights of way;
- Outdoor public or private sports facilities;
- Amenity green space – informal recreation spaces, green spaces in and around housing, domestic gardens and village greens;
- Outdoor play and informal areas;
- Allotments, community gardens and urban farms;
- Cemeteries and churchyards;
- Accessible countryside in urban fringe areas; and
- Green roofs and walls.

For further expansion see the South East Green Infrastructure Framework: From Policy into Practice 2009. The South East Green Infrastructure Partnership a body comprising Natural England, Environment Agency, Government Office for the South East, Forestry Commission, Wildlife Trusts in the South East, Groundwork and the (then) South East England Partnership Board.

Gypsy: Members of Gypsy or Traveller communities. Usually used to describe Romany (English) Gypsies originating from India. This term is not acceptable to all Travellers.

Gypsies and Travellers: Consistent with the Housing Act 2004, inclusive of: all Gypsies, Irish Travellers, New Travellers, Show People, Circus People and Gypsies and Travellers in bricks and mortar accommodation.

Home Energy Model (HEM): A new government calculation methodology designed to assess the energy performance of homes in the UK, set to replace the Standard Assessment Procedure (SAP) in 2025.

Infrastructure Delivery Plan: A strategic document that outlines the infrastructure needs of a community or area to support sustainable development and growth.

Intergovernmental Panel on Climate Change (IPCC): The Intergovernmental Panel on Climate Change (IPCC) is the United Nations body for assessing the science related to climate change.

Kilowatt-hours per square meter (Kwh/m²): energy consumption of a building measured in kilowatt-hours per square meters and used in assessing energy efficiency.

Listed buildings: Buildings of special architectural or historic interest. The protection afforded to a listed building includes its interior and any historic fixtures and fittings. Objects or structures within the curtilage of a listed building, unless constructed after 1 July 1948, are also protected.

Local Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

Local Development Scheme (LDS): a requirement under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). It is a public project plan identifying which local development documents will be produced, in what order and when. It must specify (among other matters) the development plan documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area. Local planning authorities are encouraged to include details of other documents which form (or will form) part of the development plan for the area, such as Neighbourhood Plans.

Microgeneration Certificate Scheme (MCS): certifies, quality assures and provides consumer protection for microgeneration installations and installer of renewable energy.

Natural Flood Management: managing flood and coastal erosion risk by protecting, restoring and emulating the natural 'regulating' function of catchments, rivers, floodplains and coasts.

National Planning Policy Framework (NPPF): sets out government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance (PPGs): Offers additional context and detail for the policies outlined in the NPPF.

Operational carbon: Carbon dioxide emitted during the operational phase of a development.

Partnership Funding: Partnership funding refers to a collaborative arrangement between two or more organizations that join forces to pursue a common goal or project using grant funding.

Performance gap: The difference between the amount of energy a building is predicted to use during design, versus the actual amount of energy it uses. The gap is due to poor prediction methodologies, errors in construction, and unexpected building user behaviour.

Photovoltaics/PV: solar panels that generate electricity.

Passivhaus Planning Package (PHPP): a tool to accurately predict a building's energy use. It is used to design buildings that seek Passivhaus certification but can be used without pursuing certification.

Preamble: a preliminary or preparatory statement; an introduction.

Protected trees: trees protected by a Tree Preservation Order, those located within a Conservation Area and hedgerows meeting the criteria of "important hedgerow" in the Hedgerow Regulations.

Ramsar: A Ramsar site is a wetland site designated to be of international importance under the Ramsar Convention.

Regulated energy: Carbon emissions associated with energy uses that are 'regulated' by Building Regulations Part L. This covers permanent energy uses in the building, (space heating, space cooling hot water, fixed lighting, ventilation, fans, and pumps).

Regulation 18: a local plan consultation document, named after Regulation 18 of the Town and Country Planning (Local Plan) (England) Regulations 2012. It is the first formal consultation stage required of a local planning authority in the preparation of a Local Plan.

Regulation 19: a local plan consultation document, named after Regulation 19 of the Town and Country Planning (Local Plan) (England) Regulations 2012. It is the second formal consultation stage required of a local planning authority in the preparation of a Local Plan. It sets out the proposed policies for an area. It is often called the Publication Stage plan.

Residual risk: in terms of flood risk terms, residual risk refers to the remaining risk of flooding after all mitigation measures have been implemented to protect a site from flooding, of if these measures (eg flood defences) fail.

Rural Exception Sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Serviced Plot: land with access to a public highway and connections (or reasonably deliverable connections) for electricity, water, and wastewater.

Sequestration: Removal and storage of carbon dioxide (or other greenhouse gases/GHGs) so that it cannot perform its harmful climate-changing role in the atmosphere. Currently only achieved by trees/plants and soil. May be achieved by technologies in future.

Shoreline Management Plans: a strategy for managing flood and erosion risk for a particular stretch of coastline, over short, medium and long-term periods.

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Space Heat Demand: The amount of energy needed to heat a building to a comfortable temperature. Expressed in in kilowatt-hours per square metre of floor space per year.

Special Areas of Conservation: Areas given special protection under the European Union's Habitats Directive, which is transposed into UK law by the Habitats and Conservation of Species Regulations 2010.

Special Protection Areas: Network of areas within European Union countries that have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds. These sites are designated under the EU Birds Directive.

Standard Assessment Procedure (SAP) : the national calculation method for residential buildings' energy and carbon, used to satisfy building regulations Part L.

Statutory Consultation: In planning it is a legally mandated process where local authorities must consult specific individuals, groups, and organizations about certain planning decisions or policies.

Stepping Stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic Flood Risk Assessment (SFRA): Local Planning Authorities should carry out SFRAs for their areas to help parties consider flood risk in planning decisions.

Sustainable Development: Development that meets the needs of the present generations without compromising the ability of future generations to meet their own needs.

Strategic Policies: Strategic policies in planning establish the overarching strategy and scale for an area, guiding development for a desired future by providing a framework for housing, employment, infrastructure, and environmental protection, as defined by national and local planning documents like the UK's National Planning Policy Framework (NPPF). These high-level policies address cross-boundary issues and long-term priorities, setting the stage for more detailed, non-strategic policies found in local or neighbourhood plans. Swale will include these at the Reg 19 stage of the Local Plan.

Supplementary Planning Documents: Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable Urban Drainage System (SuDS): Means of managing surface water drainage to reduce flooding and pollution impacts and provide multifunctional benefits.

Transition window: The [National Planning Policy Framework](#) ³⁶¹(NPPF 2024) put in place transitional arrangements to support progress of advanced plans in line with the Government's objective of achieving ambitious Local Plans as quickly as possible. Plans that are submitted by December 2026 can be prepared against the current plan making legislation/guidance (the 'transition window').

Transport Assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.

Transport Statement: A simplified version of a transport assessment where it is agreed the transport issues arising out of development proposals are limited and a full transport assessment is not required.

Travelling Showpeople: Commonly referred to as Showmen, these are a group of occupational Travellers who work on travelling shows and fairs across the UK and abroad.

Use Classes: The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. 'Change of use' can occur within the same use class or from one use class to another.

Wildlife Corridor: Areas of habitat connecting wildlife populations.

Windfall Sites: Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.

Whole life carbon: refers to the total greenhouse gas emissions associated with a built asset throughout its entire lifecycle. This includes all emissions from the extraction of raw materials, manufacturing, construction, operation, maintenance, and eventual demolition and disposal of the asset.

Veteran trees: A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.

³⁶¹ https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

List of acronyms

AMR	Authority Monitoring Report
AONB	Areas of Outstanding Natural Beauty
AQA	Air Quality Assessment
AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
BA	Benefit Area
BAP	Best Available Practice
BAP	Biodiversity Action Plan
BLR	Brownfield Land Register
BNG	Biodiversity net gain
BOA	Biodiversity Opportunity Area
BRE	Building Research Establishment
BREEAM	Building Research Establishment Environmental Assessment Method
BS	British Standard
CCC	Committee on Climate Change
CCMA	Coastal Change Management Areas
CCVA	Coastal Change Vulnerability Assessment
CIL	Community Infrastructure Levy
CIBSE TM	Chartered Institution of Building Services Engineers Technical Memorandum
CO₂e	Carbon dioxide equivalent
CPRE	Campaign to Protect Rural England
CROW	Countryside and Rights of Way Act 2000
CWIS	Cycling and Walking Investment Strategy
Defra	Department for Environment, Food & Rural Affairs
DfT	Department for Transport
DPD	Development Plan Document
DTC	Duty to Cooperate
EA	Environment Agency
ELR	Employment Land Review
FRA	Flood Risk Assessment
FCERM	Flood and Coastal Erosion Risk Management
GES	Good Environmental Status
G&T	Gypsy and Travellers
GIA	Gross Internal Area

List of acronyms

GTAA	Gypsy and Travellers Accommodation Assessment
HEM	Home Energy Model
HLS	Housing Land Supply
HMA	Housing Market Assessment
HRA	Habitats Regulation Assessment
HTL	Hold the line
HQM	Home Quality Mark
IDP	Infrastructure Delivery Plan
ILCG	Important Local Countryside Gap
IPCC	Intergovernmental Panel on Climate Change
KCC	Kent County Council
KCWIP	Kent Cycling and Walking Infrastructure Plan
Kwh/m²	Kilowatt-hours per square meter
LAQM	Local Air Quality Management
LCWIP	Local Cycling and Walking Infrastructure Plan
LDO	Local Development Order
LDS	Local Development Scheme
LGS	Local Green Space
LLFA	Lead Local Flood Authority
LNP	Local Nature Partnership
LNR	Local Nature Reserve
LPA	local planning authority
LPR	Local Plan Review
LTC	Lower Thames Crossing
LNRS	Local Nature Recovery Strategy
LWS	Local Wildlife Sites
MCZ	Marine Conservation Zones
MEAS	Medway Estuary and Swale Flood and Coastal Erosion Risk Management Strategy
MHCLG	Ministry of Housing, Communities & Local Government
MMO	Marine Management Organisation
NCA	National Character Areas
NCERM	National coastal erosion risk map
NDO	Neighbourhood Development Order
NDSS	Nationally Described Space Standards
NNR	National Nature Reserve

NP Neighbourhood Plan
NPPF National Planning Policy Framework
PF Partnership Funding
PHPP Passivhaus Planning Package
PPA Planning Performance Agreement
PPG Planning Practice Guidance
PPTS Planning Policy for Traveller Sites
PV Photovoltaics
RICS Royal Institution of Chartered Surveyors
RNR Roadside Nature Reserve
RP Register Providers
SA Sustainability Appraisal
SAC Special Areas of Conservation
SAMMS Strategic Access Management and Monitoring Strategy
SBC Swale Borough Council
SBCH Self Build Custom Housebuilding
SCI Statement of Community Involvement
SE South East
SFRA Strategic Flood Risk Assessment
S(HMA) Strategic Housing Market Assessment
SHELAA Strategic Housing Economic Land Availability Assessment
SME Small and Medium Enterprises
SMP Shoreline Management Plans
SOCG Statement of Common Ground
SPA Special Protection Area
SPD Supplementary Planning Documents
SME Small Medium Enterprises
SSSI Site of Special Scientific Interest
SuDS Sustainable Drainage Systems
TA Transport Assessment
TCPA Town and Country Planning Association
WPVA Whole Plan Viability Assessment

Question 104

Have we missed any terms from the glossary or anything from the list of acronyms that appear in the document and would be useful to be included?

