

Agenda

Extraordinary Planning Committee Meeting

Date: Thursday, 26 March 2026

Time 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT

Membership:

Councillors Monique Bonney, Andy Booth (Chair), Hayden Brawn, Ann Cavanagh, Lloyd Chapman, Simon Clark (Vice-Chair), Kieran Golding, James Hunt, Elliott Jayes, Peter MacDonald, Peter Marchington, Claire Martin, Ben J Martin, Julien Speed, Paul Stephen, Terry Thompson and Tony Winckless.

Quorum = 5

Pages

Recording and Privacy Notice

Swale Borough Council is committed to protecting the security of your personal information. As data controller we process data in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

This meeting may be recorded. The recording will be retained in accordance with the Council's data retention policy and may be published on the Council's website. By entering the chamber and by speaking at a meeting, whether in person or online, you are consenting to being recorded and to the recording being published.

When joining a meeting online, your username will be visible to others in attendance. In joining the meeting you are consenting to us processing your username. You may use a pseudonym as your username but the use of an inappropriate name may lead to removal from the meeting.

If you have any questions about how we look after your personal information or your rights under the legislation, please email dataprotectionofficer@swale.gov.uk.

1. Emergency Evacuation Procedure

Visitors and members of the public who are unfamiliar with the building and procedures are advised that:

- (a) The fire alarm is a continuous loud ringing. In the event that a fire drill is planned during the meeting, the Chair will advise of this.
- (b) Exit routes from the chamber are located on each side of the room, one directly to a fire escape, the other to the stairs opposite the lifts.
- (c) In the event of the alarm sounding, leave the building via the

nearest safe exit and gather at the assembly point on the far side of the car park. Do not leave the assembly point or re-enter the building until advised to do so. Do not use the lifts.

- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

Part B report for the Planning Committee to decide

5 - 8

The Council operates a scheme of public speaking at meetings of the Planning Committee. All applications on which the public has registered to speak will be taken first. Requests to speak at the meeting must be registered with Democratic Services (democraticservices@swale.gov.uk or call 01795 417328) by noon on Wednesday 25 March 2026.

4. 2.1 - 22/503654/EIOUT Land to the west of Bobbing, Sittingbourne, Kent, ME9 8QL

9 - 160

Issued on Tuesday, 10 March 2026

The reports included in Part I of this agenda can be made available in alternative formats. For further information about this service, or to arrange for special facilities to be provided at the meeting, please contact democraticservices@swale.gov.uk. To find out more about the work of this meeting, please visit www.swale.gov.uk.

Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

26th March 2026

Standard Index to Contents

DEFERRED ITEMS Items shown in previous Minutes as being deferred from that meeting may be considered at this meeting

PART 1 Reports to be considered in public session not included elsewhere on this Agenda

PART 2 Applications for which permission is recommended

PART 3 Applications for which refusal is recommended

PART 4 Swale Borough Council's own development; observation on County Council's development; observations on development in other districts or by Statutory Undertakers and by Government Departments; and recommendations to the County Council on 'County Matter' applications.

PART 5 Decisions by County Council and the Secretary of State on appeal, reported for information

PART 6 Reports containing "Exempt Information" during the consideration of which it is anticipated that the press and public will be excluded

ABBREVIATIONS: commonly used in this Agenda

CDA Crime and Disorder Act 1998

GPDO The Town and Country Planning (General Permitted Development) (England) Order 2015

HRA Human Rights Act 1998

SBLP Swale Borough Local Plan 2017

This page is intentionally left blank

INDEX OF ITEMS FOR PLANNING COMMITTEE – 26th March 2026

- **Minutes of last Planning Committee Meeting**
- **Deferred Items**
- **Minutes of any Working Party Meetings**

PART 2

2.1 22/503654/EIOUT IWADE

**Land To The West Of Bobbing
Sittingbourne. ME9 8QL**

This page is intentionally left blank

PLANNING COMMITTEE – 26th March 2026

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO 22/503654/EIOUT		
PROPOSAL Outline application (all matters reserved except for means of access from Sheppey Way) for a mixed used development comprising up to 2,500 dwellings, a 5.21 ha commercial employment zone including doctors' surgery, a 4.35 ha sports hub (and sports pitches), 3FE primary school, community facilities, local retail provision, public open space, children's play areas and associated parking, servicing, utilities, footpath and cycle links, drainage, ground and other infrastructure.		
SITE LOCATION Land to the west of Bobbing, Sittingbourne, Kent ME9 8QL		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement as set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be consequently necessary and appropriate.		
APPLICATION TYPE Major (Outline application – all matters reserved except for means of access from Sheppey Way).		
REASON FOR REFERRAL TO COMMITTEE The Head of Planning considers that, due to the scale of the development, which meets the standard triggers for Environmental Impact Assessment submission, and the difficult questions of policy interpretation that arise from the proposals, for it to be in the public interest for the application to be determined by the Planning Committee.		
Case Officer Simon Greenwood		
WARD Bobbing, Iwade and Lower Halstow	PARISH/TOWN COUNCIL Bobbing and Iwade	APPLICANT Foxchurch (Kent) Ltd AGENT DHA Planning
DATE REGISTERED 29 th November 2022		TARGET DATE 10 April 2026
BACKGROUND PAPERS AND INFORMATION: 03 Rev. C Application Boundary Plan D3366-FAB-00-XX-MR-L-001 Rev. 02 – Constraints Plan D3366-FAB-00-XX-MR-L-002 Rev. 03 – Strategic Frameworks Plan		

D3366-FAB-00-XX-MR-L-004 Rev. 07 (Version received 25.02.26) – Movement Parameter Plan
 D3366-FAB-00-XX-MR-L-006 Rev. 04 – Density Parameter Plan
 D3366-FAB-00-XX-MR-L-007 Rev. 04 – Land Use Parameter Plan
 D3366-FAB-00-XX-MR-L-020 Rev. 03 – Building Heights Parameter Plan
 D3366-FAB-00-XX-MR-Y-101 Rev. 02 - Illustrative Masterplan
 D3366-FAB-00-XX-MR-L_D104_008 Rev. 06 Green Infrastructure Plan
 10353_300 Rev. P2 - Site Access Mini-Roundabout on Sheppey Way and Parsonage Lane Junction
 10353_200 Rev. P2 - Site Access Roundabout on Sheppey Way
 10353_201 Rev. P2 - Site Access Roundabout Swept Path of a Large Artic Vehicle
 10353_300 Rev. P2 - Site Access Mini-Roundabout on Sheppey Way Refuse Vehicle Tracking
 10353_400 Rev. P2 - Site Access from Sheppey Way 1
 10353_500 Rev. P2 - Site Access from Sheppey Way 2, Opposite Bramblefield Lane
 10353_600 Rev. P2 - Proposed Bus Only Crossing
 10353_700 Rev. P2 - Site Access Locations

Environmental Statement

Chapter 1 – Introduction
 Chapter 2 – Site Description and Proposed Development
 Chapter 3 – Methodology and Scope of the EIA
 Chapter 4 – Traffic and Transport
 Chapter 5 – Air Quality
 Chapter 6 – Climate Change
 Chapter 7 – Noise and Vibration
 Chapter 8 – Socio-Economic
 Chapter 9 – Ground Conditions
 Chapter 10 – Water Environment
 Chapter 11 – Biodiversity and Nature Conservation
 Chapter 12 – Landscape and Visual Impact
 Chapter 13 Archaeology and Cultural Heritage

Appendices

- Appendix 1.1 ES author CVs
- Appendix 2.1 Construction Environmental Management Plan
- Appendix 2.2 Agricultural Land Classification Study
- Appendix 3.1 Scoping Report
- Appendix 3.2 Swale Borough Council's Scoping Opinion
- Appendix 3.3 Response to Swale's Scoping Opinion
- Appendix 3.4 Application consultee comments
- Appendix 3.5 Application consultee comments summary
- Appendix 4.1 Updated Transport Assessment
- Appendix 4.2 Travel Plan

- Appendix 5.1 Construction Dust Assessment
- Appendix 5.2 Air Quality Model Verification
- Appendix 5.3 Traffic Data
- Appendix 5.4 Air quality assessment of ecological impacts
- Appendix 6.1 Climate Change Risk
- Appendix 7.1 Acoustic Design Statement & Site Suitability Assessment
- Appendix 7.2 Noise – correspondence with EHO
- Appendix 7.3 Noise Baseline Data
- Appendix 7.4 Noise – Calculation of Road Traffic Noise
- Appendix 9.1 Ground Conditions Phase I
- Appendix 9.2 Minerals Resource Assessment
- Appendix 9.3 Minerals technical letter and constraints plan
- Appendix 10.1 Flood Risk Assessment
- Appendix 10.2 Flood Risk Assessment Cover Letter
- Appendix 11.1 Ecology Survey Report
- Appendix 11.2 Protected species survey updates
- Appendix 11.3 Habitat Regulations Assessment
- Appendix 11.4 Biodiversity Net Gain Report
- Appendix 12.1 LVIA methodology
- Appendix 12.2 April 2022 LVIA
- Appendix 12.3 LVIA Figures
- Appendix 12.4 Verified viewpoint photomontages
- Appendix 12.5 LVIA Assessment Tables
- Appendix 12.6 Landscape and Ecological Management Plan
- Appendix 13.1 Baseline Heritage Assessment

All drawings submitted.

All representations received.

The full suite of documents submitted and representations received pursuant to the above application are available via the link below: -

<https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RFL0S3TYG8W00>

1. SITE LOCATION AND DESCRIPTION

- 1.1. The 198.04ha. roughly rectangular application site comprises predominantly agricultural land in arable and horticultural production divided into four land parcels. The site is crossed by two lanes, Parsonage Lane and Stickfast Lane. It is bound by the London to Margate/Dover railway line to the south-west, Sheppey Way to the south-east where it abuts the linear villages of Bobbing and Howt Green, and agricultural land to the north-east and north-west. The village of Newington is located to the south-west, the village of Key Street to the south and the village of Iwade to the north-east. The site lies west of the A249 and north of the A2 and is approx. 2km from the central area of Sittingbourne.

- 1.2. The site slopes from approx. 40m above ordnance datum (AOD) at the highest point in the southern part of the site to approximately 25m AOD in the northern third. Fields within the site are generally defined by vegetated boundaries with some hedgerows. There are ponds and minor waterways within the site, which flow northwards, feeding into The Swale. There are two solar farms close to the north-west and western boundaries of the site. A high-voltage electrical line runs north to south through the site. A small parcel of ancient woodland known as 'Rook Wood' lies within the south-west of the site adjacent to Bobbing Cricket Club and pitch (also used by Newington Cricket Club), which is outside of the application site. Little Norwood Caravan Club is located within the west of the site.
- 1.3. The site is crossed by three lanes as follows:
- Cold Harbour Lane, which runs through the south-western part of the site and is designated as a rural lane under Local Plan Policy DM26.
 - Parsonage Lane which runs through the central part of the site then turns at a right angle continuing along the site's northern border and connecting Sheppey Way to Stickfast Lane. It provides access to Parsonage Farm and the Little Norwood Caravan Club. Part of Parsonage Lane is designated as a rural lane.
 - Stickfast Lane, which connects Sheppey Way to Iwade Road through the northern part of the site and is part of National Cycle Route 1 (NCR1).
- 1.4. The following Public Rights of Way (PRoWs) cross and border the site:
- ZR101 lies on the northern site boundary
 - ZR104 lies along the western site boundary and passes through the north-west corner of the site
 - ZR105 passes through the south-west corner of the site and continues north along the western site boundary
 - ZR106 and ZR07 lie within the centre of the site roughly on a north-south alignment
 - ZU48 is aligned across the north-east corner of the site.
- 1.5. There are a small number of residential and business properties which are enclosed within the application site but do not form part of it, including Parsonage Farm, residential dwellings on Cold Harbour Lane and Parsonage Lane, and Stockbury Post Office. Access to these properties and uses will be retained.
- 1.6. The site itself is not within any national or local landscape designations. The site is bound by visually prominent hills known as the Iwade Ridge including Bobbing Hill, Keycol Hill, Oak Hill, Callum Hill and Tiptree Hill to the south-west and west. The Lower Halstow-Iwade Ridge Area of High Landscape Value – Swale Level encompassing the hills lies approx. 650m to the north-west of the site. The North Kent Marshes Area of High Landscape Value – Kent Level encompassing the marshes and coastal landscape beyond the hills is located approx. 1.5km to the north-west of the site at its closest, also wrapping around to the north and east.
- 1.7. The site includes a separate parcel of land on the opposite side of Sheppey Way immediately to the north-west of the built-up area of Bobbing village. This parcel of land is designated within the Local Plan as Important Local Countryside Gap (ILCG).

- 1.8. In terms of heritage assets, the Grade II listed Parsonage Farmhouse lies entirely within the site but does not form part of the site. There are further Grade II listed buildings adjoining the site's eastern boundary and to the north of the site. The Grade I listed Church of St Bartholomew lies beyond the site's eastern boundary. There are further Grade II listed buildings in proximity to the site at Great Norwood, Culnells Farm and Chestnut House to the west and north of the site.
- 1.9. The majority of the site is located in Flood Zone 1 with a small area located within Flood Zone 3 at the far northern end of the site. There is a network of ditches and 4 ponds within the site.
- 1.10. The site is in an area which has been identified as having brickearth.

2. PLANNING HISTORY

- 2.1. There is no relevant planning history relating to the application site.

3. OTHER NEARBY SITES

- 3.1. The site was assessed as part of the Council's Housing Economic Land Availability Assessment 2025 which addresses the constraints and designations which may affect the site. In relation to housing the assessment indicated that the site is available for development, that development is achievable and the site is potentially suitable for development. In terms of employment use, part of the site was identified as a possibility for employment allocation in the next Local Plan.
- 3.2. Planning permission was granted in December 2020 for 155 dwellings with associated development at land adjacent to Quinton Farm House, Quinton Road, Sittingbourne, Kent (ref. 18/500257/EIFUL). The site is a part of the land allocated under Local Plan Policy MU1.
- 3.3. The Council resolved to grant hybrid planning permission in March 2021 for the erection of 1,190 dwellings (348 in detail), secondary school, primary school, mixed use centre, open space and other associated works at land north of Quinton Road, Sittingbourne, Kent (ref. 18/502190/EIHYB), hereon referred to as NW Sittingbourne. A decision notice has not yet been issued as negotiations relating to the Section 106 (S.106) legal agreement remain ongoing. The site is a part of the land allocated under Local Plan Policy MU1.
- 3.4. Outline planning permission was granted in July 2021 for up to 115 dwellings and supporting infrastructure at land at Great Grovehurst Farm, Grovehurst Road, Sittingbourne, Kent (ref. 18/502372/EIOU). The consent relates to part of the site allocated under Local Plan policy MU1.
- 3.5. Planning permission was granted in July 2022 for the erection of 69 dwellings with associated works at land at Pond Farm, Grovehurst Road, Iwade, Kent (ref. 19/501332/FULL).
- 3.6. Hybrid planning permission was granted in July 2022 for a scheme including outline consent for up to 466 dwellings and a community hall and full planning permission for a country park at land east of Iwade, Iwade, Kent (ref. 19/503974/HYBRID).

- 3.7. Outline planning permission was granted in November 2023 for up to 16 residential units at Bobbing Car Breakers, Sheppey Way, Bobbing, Kent (ref. 20/502715/OUT).
- 3.8. Planning permission was granted in June 2024 for the installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, switchgear container, inverter/transformer units and various ancillary infrastructure at land west of Iwade, Kent (ref. 22/502778/EIFUL).
- 3.9. Planning permission was granted in October 2024 for change of use of land to equestrian use for a commercial livery yard, comprising erection of a stable and therapy barn, a storage barn, and creation of all-weather riding arena, with associated access, landscaping and other works at land at Pheasant Farm, Bramblefield Lane, Sittingbourne, Kent (ref. 23/502305/FULL).
- 3.10. The Council resolved to grant outline planning permission in December 2024 for the erection of up to 42 residential dwellings at land at Pheasant Farm, Bramblefield Lane, Sittingbourne, Kent (ref. 22/505076/FULL). A decision notice has not yet been issued as the S.106 agreement has not been completed.
- 3.11. A hybrid planning application was received in October 2024 seeking full planning permission for the erection of 90 residential dwellings and outline planning permission application for employment development including general industrial (Class B2), storage uses (Class B8), use classes E (g) and sui generis use (including drive-through/hot food takeaway) at Land at Grove Farm, Bobbing Hill, Bobbing, Kent (ref. 24/504121/HYBRID). The application is currently pending determination.
- 3.12. A full planning application was received in August 2025 for the erection of 156 residential dwellings, together with associated access, a new junction, open space, landscaping, drainage and infrastructure works at land at Sheppey Way, Iwade, Kent (ref. 25/502841/FULL). The application is currently pending determination.
- 3.13. An outline planning application was received in September 2025 for the erection of 152 residential dwellings, including erection of a retail store with flats above and a building for Class E use at land adjacent to Quinton Road and Sheppey Way, Bobbing, Kent ME9 8QP (ref. 25/503683/OUT). The application is currently pending determination.

4. PROPOSED DEVELOPMENT

- 4.1. Outline planning permission (with all matters reserved except for means of access from Sheppey Way) is sought for for a mixed used development comprising up to 2,500 dwellings, a 5.21 ha commercial employment zone including doctors' surgery, a 4.35 ha sports hub (and sports pitches), 3FE primary school, community facilities, local retail provision, public open space, children's play areas and associated parking, servicing, utilities, footpath and cycle links, drainage, ground and other infrastructure. Approval of the detailed layout, scale, appearance, landscaping of the development and the remaining points of access would form part of a future reserved matters planning application.

- 4.2. The application was submitted in November 2022. A design review was subsequently undertaken in response to feedback from officers and consultees. Revised proposals were submitted in February 2025. The revisions include the following:
- A reduction in site area from 203ha to 198.04 ha through the removal of a flood risk area and a campsite.
 - Provision of larger open space and viewing corridors within the setting of the Grade I listed St Bartholomew's Church.
 - Relocation of development within the north of the site to provide open space including a new country park which will provide a more meaningful landscape gap to Iwade and reduce the landscape visual impact from the west.
 - Subdivision of employment space into three individual parcels rather than one cluster.
 - Relocation of sports hub, school and village centre to provide improved accessibility.
 - Revision of drainage strategy to provide additional features including a larger pond within the north of the site to control surface water flows into the Iwade Stream.
- 4.3. Four parameter plans provide the strategic framework for the outline elements of the proposed development and comprise the following:
- A land use plan, which identifies the location and maximum spatial extents of the various land uses.
 - A building heights parameter plan showing the maximum permissible building heights across the site relative to the existing site levels.
 - An access and movement plan, which shows the proposed site accesses, access points to the residential zones, the route and location of the proposed roads and their hierarchy and locations of pedestrian and cycle access.
 - A Green Infrastructure plan, which shows the proposed areas of open space and structural planting zones.
- 4.4. The residential component of the scheme will be primarily located within the southern two thirds of the site with a smaller parcel of residential development located to the northeast of the site. A mixed-use local centre would be provided within the central western part of the site which is anticipated to provide a café, shops, a nursery and a healthcare centre. A 3 form entry (3FE) primary school would be sited to the northwest of the local centre. The commercial/employment uses would occupy three locations: one in the southeast corner of the site; one centrally adjacent to the proposed local centre; and one in the northeast corner. A sports hub including 2 all-weather outdoor sports pitches is proposed adjacent to Stickfast Lane. The remainder of the site will comprise public open space, including a country park to the north of the site. The parcel of land to the east of Sheppey Way adjacent to Bobbing village would remain undeveloped.

4.5. The proposed uses are set out in the following table:

Residential Dwellings 70.27ha	A maximum of 2,500 dwellings (Use Class C3) of which 35% will be affordable housing
Mixed Use Commercial/ Employment 5Ha	A maximum floorspace of 15,500m² within the following Use Class E categories: E (b) (Sale of food and drink for consumption (mostly) on the premises) or Sui Generis (Hot food takeaway) with a maximum 50m² floorspace E(e) Medical services (maximum 1 unit with a maximum 500m² floorspace) E(g) (i) Office E(g) (ii) Research and development E(g) (iii) Any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)
Local Centre	A maximum floorspace of 1,300m² within the following Use Class E categories: E(a) - Display or retail sale of goods, other than hot food (maximum 1 unit with a maximum 500m² floorspace) E(b) - Sale of food and drink for consumption (mostly) on the premises (maximum 1 unit with a maximum 500m² floorspace) E(c) (i) Financial services, E(c) (ii) Professional services E(c) (iii) Other appropriate services in a commercial, business or service locality E(f) Non-residential creche, day centre or nursery
Community Centre	A maximum of 650m² within the following use classes: E(d) - Indoor sport, recreation or fitness F2(b) - Halls or meeting places for the principal use of the local community
Three form entry primary school 2.9ha	Use Class F(1) Learning and non-residential institutions
Sports Hub Facilities and Outdoor Sports Pitches	Approximately 4.69 ha outdoor and indoor facilities (indoor facilities fall within Use Class E(d))
Allotments	A minimum 1.08 Ha
Children's play areas	A minimum 0.36 Ha
Green Infrastructure including public open	Approximately 106 Ha

spaces, buffers, existing woodland, BNG areas, SUDs and country park	
--	--

- 4.6. Whilst the matter of scale is reserved, imposing a condition (No. 5) on any permission with respect to the submitted parameter plans would control the maximum permissible residential building heights across the site with taller 2.5 storey town house type dwellings (up to 12m) located along key routes and streets and typically 2 storey (9.5m) houses elsewhere. The commercial/employment zones will also have a maximum building height of 9.5m. The local centre will have a maximum building height of 15m and the school will have a maximum height of 16m.
- 4.7. Vehicular access will be provided via a new roundabout access from Sheppey Way in the south-east corner of the site. There will be a central and a northern secondary vehicular access to the site from Sheppey Way. A section of Parsonage Lane would be downgraded to a footway and cycleway and will provide a link to the local centre and employment area for existing residents. Existing PRowS will be retained and pedestrian and cycle routes will be provided through the development which will be separated from roads with planted and treed verges and swales. A bus route through the site is proposed to provide a service to Sittingbourne. A new 3m shared surface for cyclists and pedestrians will facilitate connection to Sittingbourne via Quinton Road. A mobility hub will be provided within the local centre which will be accessible within a 15-20 minute walk of all new dwellings.
- 4.8. A sports hub is proposed adjacent to the spine road and is intended to provide a transition between residential development and the adjacent country park and crematorium. It will comprise 2 full size artificial grass football pitches, 4 floodlit tennis and netball courts, 4 floodlit padel courts and 4 indoor tennis courts with associated changing rooms. A cricket pitch with potential for winter pitch sports is proposed adjacent to Bobbing Cricket Club and is intended to provide additional buffering between the proposed housing and Rook Wood.
- 4.9. Approximately 50% of the site will comprise public open space including a network of natural and semi-natural areas which are intended to enhance biodiversity and provide public amenity whilst integrating the development into the wider landscape. Key features of the landscape and ecological strategy for the site include:
- A Village Common to provide an open landscape setting for St Bartholemew's Church and green corridors to provide views to St Bartholomew's Church from the PRowS crossing the site.
 - A Village Green adjacent to the mixed-use local centre which can accommodate outdoor community events.
 - A Country Park in the north of the site.
 - A linking open space corridor to the east providing pedestrian and cycle access between Sheppey Way and the Country Park.
 - Retention of Rook Wood ancient woodland with a minimum 15m buffer zone and an ecological enhancement area to the south.

- Development will be set back from Cold Harbour Lane and Parsonage Lane to retain the character of these designated Rural Lanes.
- A series of green biodiversity corridors to link existing hedgerows and the proposed green spaces to the surrounding countryside with enhancement of existing green corridors along the site periphery.
- Retention of existing trees and hedgerows wherever possible in order to soften and screen the new neighbourhood from views in the surrounding landscape and provide a mature landscape setting for development.
- Linear tree belt planting along the ridgeline within the southern part of the site to extend the existing field boundaries and to reinforce the vegetation as a landscape feature in views from the eastern edge of the site.
- A sustainable drainage strategy which includes a series of swales and ponds throughout the open spaces and a large wetland area within the country park. Basins within the central green spaces will provide recreation space in normal conditions and will accommodate surface water during heavy rainfall events
- Street planting including street trees, hedgerow and shrubs to enhance the public realm.
- A range of play spaces and equipment for children of different ages across the development.

4.10. The indicative schedule provided within the DAS anticipates delivery of the scheme over a 15 year period with 60 homes delivered in 2027/28, 120 homes in 2028/29, 160 homes in 2029/30 and 180 homes delivered each year thereafter. This programme was provided in January 2025 and anticipated an earlier determination of the planning application so would now be pushed back by circa. 9 months. The application provides an indicative phasing plan as follows:

- Phase 1: 360 dwellings.
- Phase 2: 200 dwellings and 2ha commercial/employment.
- Phase 3: 450 dwellings and primary school, village green and village common.
- Phase 4: 250 dwellings and 2ha commercial/employment and main sports hub.
- Phase 5: 360 dwellings and 1.5ha local centre and 1ha commercial/employment.
- Phase 6: 350 dwellings.
- Phase 7: 380 dwellings.
- Phase 8: 160 dwellings and cricket pitch.

4.11. The application description has been changed to ensure that the definition of the proposal aligns with the content and scope of the application and the details submitted with it. Specifically, the application seeks detailed approval of means of access from Sheppey Way only, with all other matters reserved, including remaining means of access. It has been assessed that, having regard to the guidance within the PPG, further public consultation is not required as a result of this change to the description.

5. REPRESENTATIONS

5.1. Two rounds of consultation have been undertaken, during which letters were sent to neighbouring occupiers. A notice was displayed at the application site and the application was advertised in the local newspaper in accordance with the EIA Regulations. Full details of representations are available online.

- 5.2. During the first round 45 letters of representation objecting to the proposal were received. Following receipt of the revised submission, 2 letters of representation objecting to the proposal were received in relation to the second consultation. Concerns/ comments were raised in relation to the following matters:

First Round Comments	Report reference
Out of character, including by reason of density, layout and landscaping; Excessive height and scale of development; Overpopulation; Excessive density particularly given rural location.	See section 8.8
Loss of open countryside/green space; Harm to rural character; Harm to landscape.	See sections 8.7 and 8.8
Loss of countryside separation between settlements; Sittingbourne; Bobbing, Iwade and Newington will merge; Bobbing will lose village status; Iwade and western part of Sittingbourne have developed enough; Pressure on Sittingbourne from other housing developments; Site is part of Important Local Countryside Gap.	See section 8.10
Loss of high quality agricultural land; Loss of food security.	See paras. 8.49-8.60
Harm to residential amenities of existing occupants.	See section 8.21
Significantly increased traffic and queueing on surrounding roads; Number of access points is inadequate and will cause traffic; Development will be car dependent.	See paras. 8.15.4-8.15.7, 8.15.17-8.15.25 & 8.15.60
Local rural roads will increasingly be used as rat runs; Local roads are already inadequate; Congestion on local journeys to including to Sittingbourne and Medway.	See paras. 8.15.17-8.15.25 & 8.15.60
Development will negate benefits of new M2 overpass; A2 from Sittingbourne to Medway Maritime Hospital is inadequate for ambulances; Accidents cause widespread gridlock; Issues with King's Ferry Bridge and A2 cause traffic to divert onto Sheppey Way and surrounding roads.	See paras. 8.15.17-8.15.25 & 8.15.60
Detrimental impact on highway safety; Increased accidents in existing blackspots including McDonalds roundabout.	See paras. 8.15.17-8.15.25 & 8.15.60
Site has poor access to public transport; Public transport in the area is inadequate.	See paras. 8.15.12-8.15.15
Inadequate parking provision.	See paras. 8.15.10-8.15.11
Cycle infrastructure should be provided on-site and improved off-site.	See paras. 8.15.30-8.15.45
Loss of rural footpaths.	See paras. 8.15.34 & 8.15.41
Increased pressure on inadequate local infrastructure and services including education, police, healthcare, water, sewage, waste, sports,	See section 8.17

libraries, social care, supermarkets; Medway Maritime Hospital is overstretched; Swale needs its own hospital; Inadequate secondary school provision to accommodate development; Nursery is required; Lack of GPs in the area and medical centre won't be staffed; Swale has worst GP to population ratio in England; Health facility, sports facilities and school will not get delivered; Adequate sports provision in Sittingbourne.	
Preferable if development was contained within southern land parcel.	The decision maker is required to assess the application as submitted.
Preferable if sports facilities were grouped together to form a hub.	The masterplan has since been revised and only the proposed cricket pitch would not form part of a hub.
Development will attract people from London and wider region; Development not required to meet local housing need; Far too many large developments coming forward in Swale; Housing will not be affordable; Adequate housing has already been delivered in the area.	The origin of future residents is not a material planning consideration. See paras. 8.4.2-8.4.10
Increased flood risk from surface water run-off.	See section 8.19
Ecological harm from loss of valuable habitats; Impacts on protected wildlife; Ecological mitigation is inadequate; Ecological impact from dogs and cats; Birds will no longer be seen in gardens.	See section 8.14
Increased noise; Increased pollution; Harm to air quality, particularly from stationary traffic; Air pollution at A2 Keycol Hill is already high.	See sections 8.16 and paras. 8.21.3 & 8.21.4
Harm to significance and structural integrity of No. 16 Keycol Hill.	This property is some distance from the development and is unlikely to be impacted.
Increased crime and anti-social behaviour.	Kent Police raise no objections to the proposal
Disruption from construction activity; Damage to roads from construction traffic.	See paras. 8.15.26 – 8.15.29 & 8.21.3
Second Round - Additional Comments	Report reference
Bobbing Place Cottage is a non-designated heritage asset and impact has not been assessed.	The Council's Heritage Advisor has accepted the applicant's Heritage Assessment

- 5.3. Bobbing Parish Council submitted objections to the application following both rounds of consultation. The second objection reiterated and amplified some of the comments raised within the first objection. The grounds of objection are summarised as follows:

Comments	Report reference
Extensive site coverage of development occupying an area at least twice the size of Iwade Village with an estimated population increase of around 10,000 people upon completion (20% increase to Sittingbourne's population); The development stretches from 500 metres south of Iwade to 1,000 meters north-east of Newington, significantly impacting these communities.	See sections 8.4, 8.7, 8.15, 8.17 & paras. 8.21.3 – 8.21.4.
Insufficient infrastructure improvements are proposed to accommodate population growth.	See section 8.17
Loss of existing countryside gap between Bobbing, Iwade, and Newington, effectively merging these distinct communities and eroding their individual character - protection of local countryside gaps is essential to prevent urban sprawl and maintain the identity of separate villages.	See section 8.10
No clear benefits for Bobbing Village or Howt Green, despite the increased traffic flow through these areas.	Section 8.4 considers benefits for existing nearby communities.
Development adds four new access points to roads that are already overburdened, especially Keycol Hill which is an Air Quality Poor Zone.	See paras. 8.15.4-8.15.7, 8.15.17-8.15.25 & 8.15.60 and section 8.16
Bobbing Hill and Newington suffer from high traffic volumes on outdated road networks that have not seen significant improvements since Roman times.	See paras. 8.15.17-8.15.25
Site is divided by a high-voltage electricity pylon corridor, creating a fragmented, disconnected community.	The masterplan indicates extensive connectivity across the site under the electricity line.
Contrary to Local Plan Policies ST1, ST2, ST3, ST7, ST8, ST10 DM10, DM12, DM27, DM30, DM33 of the 2021 draft emerging plan including for the following reasons: - Lies outside the defined built-up area. - Encroaches on undeveloped open countryside and agricultural land. - Does not utilise a previously developed land and is not within an allocated residential area. - Creates an unsustainable development with no significant infrastructure enhancements. - Destroys countryside gaps between existing villages.	See sections 4, 8.4, 8.10, 8.11, 8.15, 8.16 & 8.17
Contrary to NPPF requirement that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities.	See section 8.4

Increased pressure on inadequate local infrastructure and services including healthcare, education, public transport, water.	See section 8.17
--	------------------

- 5.4. Iwade Parish Council submitted objections to the application following both rounds of consultation. The second representation reiterated comments made within the initial representation. The grounds of objection are summarised as follows:

Comments	Report reference
Site is approx. 2km north-south and 1.5km east-west - at least twice the geographical area of Iwade Village (2021 Census population 4533) therefore could accommodate a population of 10,000 representing a 20% increase to Sittingbourne's population.	See sections 8.4, 8.7, 8.15, 8.17 & paras. 8.21.3 – 8.21.4.
No improvements proposed for Keycol Hill (Air Quality Poor Zone) and there will be air quality impacts on Bobbing Hill and Newington where there are high traffic volumes on the A2.	See section 8.16
Site is outside of the Local Plan defined built-up area within undeveloped open countryside.	See section 8.4
Loss of agricultural land; site is not previously developed land.	See paras. 8.49-8.60
Infill of local countryside gap between villages.	See section 8.10
Unsustainable development.	See sections 8.4, 8.15, 8.22 & 8.27
Lack of infrastructure improvements.	See sections 8.15 and 8.17
Housing is proposed within the middle and outer zones of the Motney Hill/Key Street PRS pipeline.	See para. 6.19
Contrary to Local Plan Policies ST1, ST2, ST3, ST7, ST8, ST10, DM10, DM12, DM27, DM30 and DM33 of the 2021 draft emerging plan.	See sections 4, 8.4, 8.10, 8.11, 8.15, 8.16 & 8.17
Contrary to NPPF requirement that rural housing should be located where it will enhance or maintain the vitality of rural communities.	See section 8.4
Swale Borough Council has an identifiable 4.6 year supply of housing land.	See paras. 8.4.2 – 8.4.10
Inadequate healthcare, education and transport infrastructure and services to support development.	See section 8.17
Upgrades to Junction 5/ Stockbury Roundabout, Key Street Roundabout and Grovehurst Road Roundabout are only short-term solutions and roads will shortly reach capacity.	See paras. 8.15.17-8.15.25
Demand on water services is already causing problems in the area.	See paras. 8.19.8 – 8.19.9
Loss of agricultural land which cannot be replaced once developed.	See paras. 8.4.49 – 8.4.60

- 5.5. Hartlip Parish Council submitted an objection to the application following the first round of consultation on the following grounds:

Comments	Report reference / Response
Significant flaws in terms of sustainability, impact on critical services and environmental harm.	See sections 8.4, 8.14 & 8.17
Proposal is at odds with the government's Levelling Up agenda by focussing development on overdeveloped and overcrowded part of country rather than underdeveloped areas.	See section 8.4
Decline in personal safety and quality of life in Swale.	See para. 6.29 & section 8.27.
Existing severe gridlock on roads; journey from Hartlip to Sittingbourne can take up to 1 hour - it is quicker to travel to Bluewater which affects the vitality of Sittingbourne and increases journeys; traffic congestion is stressful and likely to increase accidents.	See paras. 8.15.17-8.15.25
Drivers increasingly using country lanes with resulting damage to private gardens and increased danger to pedestrians and horse riders.	See paras. 8.15.17-8.15.29
Poor air quality through Newington and Keycol Hill.	See section 8.16
Severely inadequate GP services detrimental to health of local population and a cause of anxiety to elderly and infirm; Development will exacerbate shortages and deter GPs from practicing in the area; Medway and Maidstone hospitals are at capacity with long waiting lists; Medway Hospital have declared a state of emergency; Ambulances have to use blue lights simply to move along roads.	See section 8.17
Loss of high quality agricultural land in the 'Garden of England'; Harm to food security; Adverse environmental implications from importation of nation's food.	See para. 8.4.49 – 8.4.60
Increased pressure on inadequate police resources and low public confidence in police performance harmful to public mental health.	Funding of the police service is a matter outside of the scope of this planning application.
Environmental Protection Officer identifies lack of land contamination risk assessment and air quality assessment.	See sections 8.16 & 8.20
Electricity pylons run through site and houses should not be built underneath them.	See section 8.25
National Highways raise concerns around potential impacts on A249 and the M2 and a collision analysis is required.	See para. 8.15.60
Health and Safety Executive advise against the granting of planning permission.	See paras. 6.19 – 6.20

Kent Police response does not address how additional population will be served.	Funding of the police service is a matter outside of the scope of this planning application.
Flood risk and water infrastructure has not been adequately addressed.	See section 8.19
Mineral resources implications of proposal have not been adequately addressed.	See paras. 8.4.61-8.4.66
Ecological impacts and landscape implications of proposal have not been adequately addressed.	See sections 8.7 & 8.14
Proposal combined with Highsted scheme would add 10,900 dwellings and increase local population by 27,500.	See paras. 8.4.2 – 8.4.10
Review of Local Plan makes policy assessment confusing; developers are taking advantage of lack of Local Plan progress.	See paras. 8.2.15 – 8.2.18. This report provides a policy assessment. The motivations of developers is not a material planning consideration.

- 5.6. The Sittingbourne Society submitted an objection to the application following the first round of consultation on the following grounds:

Comments	Report reference / Response
Although the application relates to land outside the Society's 'Area of Benefit' the deleterious effects on the town of Sittingbourne will be so great that we must object to the application.	Noted
Number of houses is not required to meet the housing needs of the people of Sittingbourne; The houses will almost certainly be occupied by people moving in from elsewhere in the southeast and further afield; Scheme would be virtually a New Town development scheme with none of the advantages enjoyed by such schemes.	The origin of future residents is not a material planning consideration. See paras. 8.4.2-8.4.10
Increased pressure on already strained local services including health and education.	See section 8.17
Impacts on local water resources and upon ecology. Society is unaware of any agreement by the water authorities to provide the necessary infrastructure and finance to meet the needs of this development in the context of difficulties meeting existing demand.	See paras. 8.19.8 – 8.19.9 & section 8.14
Increased and excessive traffic to and from the centre of Sittingbourne resulting in additional traffic casualties and excessive air pollution.	See paras. 8.15.17-8.15.25 & section 8.16
Loss of valuable productive agricultural land which will be needed to feed future generations. Site comprises high grade agricultural land and development would be contrary to Policy DM 31.	See paras. 8.4.49 – 8.4.60

Harm to rural character of this attractive area of north Kent.	See sections 8.7 & 8.8
Proposal is contrary to Policy DM 25 – The Separation of Settlements (Important Local Countryside Gaps).	See section 8.10

- 5.7. Campaign to Protect Rural England (CPRE) (The Countryside Charity - Kent) submitted an objection to the application following the second round of consultation on the following grounds:

Second Round Comments	Report reference / Response
Unsustainable development in the countryside.	See sections 8.4, 8.15, 8.22 & 8.27
Site is not allocated for development in the Local Plan and proposed development is not plan-led; development of this scale should be tested through the local plan process; Granting approval would adversely impact current Local Plan Strategy.	See section 8.4
Location is not sustainable; Locations of schools and employment sites will not encourage active travel; Cars will be used for journeys to Sittingbourne; Accessing train services will require either a car (with associated air quality impacts), a reliable bus service or a hazardous cycle journey along the busy A2 with long uphill sections to Newington or Sittingbourne; Council should be satisfied that improved bus services will be secured and off-site active travel infrastructure will be provided.	See section 8.15
Loss of Best and Most Versatile (BMV) agricultural land contrary to NPPF para 187(b); High proportion (69%) of site is BMV land which should be protected for food production.	See paras. 8.4.49 – 8.4.60
Loss of countryside gap between Sittingbourne and Newington which has already been eroded by development.	See section 8.10
Adverse impact on intrinsically dark landscapes, areas of tranquillity and the local network of rural lanes contrary to NPPF para. 198; Increased light pollution in area of darker skies; Application does not address Local Plan paras. 7.7.24-25 which requires applications to address tranquillity and to maintain or improve it.	See sections 8.7 & 8.9
Potential adverse impact on Rook Wood Ancient Woodland.	See paras. 8.13.6 – 8.13.12
Adverse impact on Grade II Listed Parsonage Farmhouse and the setting of other nearby Listed Buildings including the Grade I Listed St	See section 8.11

Bartholomew's Church in Bobbing and the WWI Chatham Land Front.	
NPPF sets out that the planning system should be genuinely plan-led - the site is not allocated, is mainly green field and includes designated Rural Lanes (DM26) and should be refused.	See sections 8.4 and 8.9
As the Council is preparing a Local Plan Review the development of the site should be tested through the Local Plan process in line with NPPF para. 77; Scheme does not have support of local communities and does not provide a genuine choice of transport modes as required under para. 77; Application of 'tilted balance' in accordance with NPPF paragraph 11(d) does not make proposal acceptable due to harmful impacts.	The Local Planning Authority is required to determine the application. See section 8.4 & paras. 8.15.12 – 8.15.16 & 8.15.30 – 8.15.45
Policy DM26 seeks to protect the character of rural lanes with particular regard to their landscape, amenity, biodiversity, and historic or archaeological importance.	See section 8.9
The Medway and Estuary Marshes SSSI, SPA and Ramsar sites are within 1.7km of the site which will be functionally linked to the protected sites.	See paras. 8.14.3 – 8.14.19
Site lies within the North Kent Plain National Character Area, an area noted for its gently undulating fertile land, with large fields and orchards. Traditional orchards, hedgerows, deciduous woodland and ponds are present within (or in close proximity to) the development site and are considered priority habitats – these should be retained and protected from human disturbance.	See sections 8.7 & 8.14
Application identifies harm to St Bartholomew's Church and Chatham Land Front – public benefit arising from proposal does not significantly outweigh impacts to heritage assets.	See paras. 8.11.20 – 8.11.22, 8.11.35 – 8.11.40 & section 8.12.

- 5.8. Gordon Henderson (former MP for Sittingbourne and Sheppey) raised objections to the proposed development on the basis that it is inappropriate for the area and offers no benefits for the existing community.

6. CONSULTATIONS

- 6.1. Set out below is a summary of matters raised in representations, with the comments reflecting the final position of the consultee. There have been 2 rounds of consultation for most consultees. In cases where ongoing engagement has taken place this is indicated under the headings below.
- 6.2. **KCC Highways** – Ongoing discussions have taken place during the application process. The following represent the finalised position in relation to highways:
- TRICS data provides a robust assumption of the development's traffic generation.

- Arrangements for vehicular access to site are acceptable.
- Framework Travel Plan is acceptable and provides strategic approach for promoting sustainable travel across the proposed development.
- The highways modelling satisfactorily demonstrates that most junctions modelled would operate satisfactorily following the proposed development whilst there would not be severe impacts at the Staplehurst Road/Chalkwell Road, St Pauls St/Crown Road junction and St Pauls St/Mill Way junction. Accordingly, no further mitigation is required.
- Details of construction traffic management are acceptable for this stage of the planning process.
- The proposed offsite footway/cycleway proposals are acceptable.
- KCC as the Local Highway Authority can therefore confirm that it would raise no objection to the proposed development provided the suggested conditions and obligations are secured with any planning consent granted.

6.3. **KCC Flood and Water Management** No objections raised subject to conditions. The total discharge rate from the site will be confirmed at reserved matters stage because the rate will be based upon the developable areas. A wetland has been proposed for the northern boundary of the site and will act as the final control for discharge into the Iwade Stream. Refinement of the design will be required as part of the future reserved matters stage to confirm the details, such as the depth, extent, channels and planting areas.

6.4. **KCC Development and Investment** The development would place additional demands on community infrastructure and financial contributions should be secured to ensure sufficient capacity within education, community learning, children's services, libraries, adult social care, community buildings and household waste processing.

6.5. **KCC Minerals and Waste** No objections raised.

6.6. **KCC Ecological Advice Service** No objections raised. Comments as follows:

- The proposals are acceptable in relation to protected and notable species subject to a condition a suitable scheme of mitigation.
- It is possible that with active management the area of ancient woodland (Rook Wood) may not deteriorate as a result of the proposed development – a management and monitoring plan should be secured by condition.
- The proposal can achieve a BNG within the site as required under the NPPF.
- The conclusions of the HRA are considered satisfactory. SBC must be satisfied that the surface water run off mitigation proposed to avoid an impact on the Swale SPA, SSSI and Ramsar is appropriate.

6.7. **KCC Archaeology** No objections raised. Comments as follows:

- Nearby discoveries demonstrate that the site has very high archaeological potential.
- The Chatham Land Front is a particularly rare and significant anti-invasion defence from the time of the First World War and should be considered as an undesignated heritage asset that could be of a significance on a national and regional scale.

- The lack of features identified by the geo-physical survey is very likely due to the unresponsive nature of the clay soils on the site although areas of sites with high magnetic signatures would often show.
- No evaluation trenching has been undertaken to confirm the archaeological potential of the site. Widespread trial trenching is required and can be undertaken post consent on a phased basis prior to submission of reserved matters applications.
- The applicant has undertaken an appropriate level of assessment and survey to inform the present planning application.
- It may be that significant remains that require preservation are found in the further evaluation work and these would need to be taken account of in further development planning of those phases. Options for preservation would be limited by the set parameters and densities of development.
- The embedded mitigation that will ensure the known remains of the nationally significant Chatham Land Front are maintained in open space and avoided by development is welcomed. Further measures to accurately locate and preserve these should be addressed in reserved matters applications.

6.8. **KCC Public Rights of Way (PROW)** No objections raised. Agreement has been reached between KCC PROW, Network Rail and the applicant regarding the diversion of Public Footpath ZR107. A section of ZR107 runs within the site boundary in a southeasterly direction, over the level crossing, joining with Cold Harbour Lane. This section (including the level crossing) would be closed and ZR107 would be diverted onto Sheppey Way. Conditions are requested to secure an application for the diversion of the PROW and to require a confirmed PROW diversion order to be in place prior to the commencement of any phase affecting the PROW. A PROW Management scheme should also be secured. Financial contributions are sought to mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider network, as follows:

- ZR111/112 - 100 metre section linking ZR112 to ZR111 from Bobbing Services improved to a 2m wide compacted stone surface with timber edging (£12,500).
- ZR111 - 750m section linking ZR111 to Staplehurst Road is in disrepair and overgrown with improvement required throughout (£39,000).
- Enhanced signage (£750).

6.9. **SBC Urban Design** Overall, the scheme is supported from an urban design point of view. The response includes the following observations:

- The vision, design and placemaking principles set out within the design documents are clear and well defined, drawing upon a range of appropriate contextual responses, character studies and best practice.
- Overall, the commitment to future design quality through a series of strategic plans and independently examined design codes adds robustness to the design process. It helps to provide additional certainty that a high quality of design can be delivered through all key phases of development and to deliver a well-designed place overall.
- The application documents identify the surrounding character/context and demonstrate that the design response is based on a sound understanding of the

features of the site and its surroundings. Densities and heights appear responsive to the immediate and wider built context, being lower to more sensitive edges and concentrated to the village core. Generally, this is a well-considered scheme that has thoughtful regard to the site and surrounding context.

- It is anticipated from the submitted information that the proposed development would contain a variety of architectural design, detailing and materials that leads to coherent, responsive and attractive identity inspired by the wider architectural traditions of the settlements in the area and the landscape in which it sits.
- The application demonstrates that the development could provide a network of tree lined streets, relatively low traffic speeds and safe and integrated cycle and pedestrian routes. Street designs integrate soft landscaping features such as planted verges, street trees and swales that contribute to a greened character throughout. The attention to detail shown in these is encouraging and they will contribute greatly to the new settlement's design quality.
- The landscaping, green infrastructure and open spaces would support quality of place, biodiversity, water management, and helps to address climate change mitigation and resilience. These landscaped spaces are woven into and through the development and would form an integral and accessible element for existing and future residents with a range of activities including play, food production, recreation and sport which promotes health, wellbeing, and social inclusion.
- Land uses are rationally grouped and distributed across the site which can help contribute to a well-designed place.

6.10. **SBC Accommodation and Resettlement Manager** 90% of the affordable housing should be provided as affordable/social rented housing and 10% should be provided as shared ownership housing. The affordable homes should be well integrated within the development and be a good and balanced mix to the open market homes so that they are comparable to the private sale homes and meet the broad needs of all households on the Council's Housing Register. The affordable homes should be designed and made available for a variety of groups including families, disabled, vulnerable and older persons and it is recommended that at least 10% of the total number of the affordable homes are built to Part M4(3) standard (wheelchair user dwelling) with the remaining homes provided as Part M4(2) standard (accessible and adaptable dwellings). A Registered Provider (RP) will be required to deliver the affordable/social rented and shared ownership homes.

6.11. **SBC Economic Development Officer** The proposed development would provide employment uses and contribute significantly to meeting the Borough's need for employment land, identified in the Employment Land Review. However, concerns are raised that the scale, locations and overall setting of the proposed employment land (excluding the local centre) have the potential to limit market appeal.

The employment uses will be located in close proximity to proposed housing which will exclude some manufacturing and distribution sectors which play a key role in the local economy, although some light industrial uses would be appropriate and would meet an established local need. The land at Phase 2 appears to be best located with more immediate access to the strategic road network, but the land identified at phases 4

and 5 would involve commercial traffic through residential areas and/or the existing village of Bobbing. The size of the commercial areas may limit potential interest from developers as smaller commercial developments in the borough have typically been driven by owner occupiers and largely in the industrial sectors. It is not clear that viable speculative development proposals for the commercial land would come forward. It is pleasing that the phasing involves delivery of the employment land at an early stage; however, the history of delivery of employment land within mixed use settings in the Borough has not been strong. The delivery of the commercial land should be tied to the delivery of the housing.

- 6.12. **SBC Greenspaces Officer** The proposals appear to more than adequately cater for the majority of formal sports. The proposal would give rise to a requirement for a contribution of £1,425,634 towards increasing swimming pool capacity in Sittingbourne and Sheerness; however, the applicant has offered £500,00 which would not fully mitigate the impact of the development on swimming pools.
- 6.13. **SBC Tree Officer** No objections raised. The indicative site layout would appear to generally respect the constraints of the existing trees and woodlands, particularly the ancient woodland towards the southwestern corner. The main arterial roads/streets show good structural tree planting which the current NPPF promotes. Future reserved matters submissions should be designed around the tree constraints plan to ensure full compliance with BS5837:2012. If approved any subsequent reserved matters application should be accompanied by an updated trees survey, constraints plan, method statement and tree protection plan all in accordance with BS5837:2012.
- 6.14. **SBC Climate Change Officer** No objections raised subject to a condition securing details of sustainable design and renewable energy.
- 6.15. **SBC Active Travel Officer** This will be a large development and a significant generator of travel. The local road infrastructure is already struggling with vehicular demand, so it is critical to encourage walking, cycling and public transport. The development would be relatively isolated and is lacking in connectivity to Iwade and Newington. There is strength in the active travel concepts as a whole in terms of incorporating existing PROW routes and the provision of a mobility hub and an additional bus service, 20mph zones, and new and enhanced cycle provision. Road design should ensure that pedestrians and cyclists are given priority over vehicles and further detail can be secured at reserved matters stage. The Travel Plan covers all relevant matters.
- 6.16. **UK Power Networks** No objections raised.
- 6.17. **National Air Traffic Services** No objections raised.
- 6.18. **SBC Environmental Protection**

Noise

No objections raised subject to a condition securing compliance with the recommendations set out in the applicant's Acoustic Design Statement and Site Suitability Assessment.

Air quality

A Construction Method Statement should be secured by condition. A scheme of on or off-site air quality mitigation measures to reduce transport related emissions should be secured and the sum of the costed mitigation measures shall amount to no less than £234,190.

Contaminated Land

No objections raised subject to a condition securing a site investigation, remediation of any identified contaminated land and subsequent verification of the remedial works.

- 6.19. **Health and Safety Executive (HSE) (Statutory and Land Use Planning)** A gas pipeline crosses the site which represents a major accident hazard. Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. A major accident could have serious consequences for people in the vicinity of the installation, although the likelihood of a major accident is small. It is prudent for planning purposes to consider the risks to people in the vicinity of the pipeline. Housing will be located within the outer zones of the pipeline which is acceptable. Indoor and outdoor sports facilities are proposed within the middle and outer zone of the pipeline and the number of people using the facilities should not exceed 100 within the middle zone and 1000 within the outer zone. Employment space will be located within the middle and outer zone of the pipeline and this is acceptable. *Officer note: this is addressed through recommended condition 42.*
- 6.20. **Health and Safety Executive (Explosives)** Buildings will be located a sufficient distance from a licensed explosives site. Provided the scheme does not alter the Health and Safety Executive has no comments to make.
- 6.21. **National Highways** Ongoing discussions have taken place between the applicant and National Highways. No objections are raised subject to conditions.
- 6.22. **Environment Agency** No objections raised subject to conditions securing the following:
- Strategy to address land contamination.
 - Verification of contaminated land remediation.
 - Remediation of any contamination not previously identified.
 - No surface water drainage into the ground without the consent of the Local Planning Authority.
 - Foul water drainage strategy.
 - Details of piling or other foundation design using penetrative methods.
- 6.23. **Historic England (HE)** The amendments to the scheme in response to HE's previous concerns are a positive step forward. However, it is still considered that development in this location would cause harm to the significance of important heritage assets. In particular, it would degrade the countryside setting of the Grade I listed St Bartholemew's Church, which helps explain the church's rural origins. It would also intrude upon the ability to understand and appreciate the non-designated WWI

Chatham Land Front as a continuous, defensive line. Steps could be taken to further reduce harm, and that the opportunity to enhance and utilise heritage as a place-making tool has not been fully realised. If the LPA is minded to approve the application as it currently stands then the protection and enhancement of heritage assets during detailed design stages should be secured by condition.

6.24. **Natural England** Following consultations on both the application and the Council's Appropriate Assessment of impacts on protected European sites, Natural England made no comments, referring to their standing advice.

6.25. **NHS (Kent and Medway)** Land and/or financial contributions are required in order to mitigate impacts on primary, community and acute care provision as a result of additional demand arising from the development proposals.

0.25ha land for a 2 storey primary healthcare facility is required with a financial contribution of £3,384,378 to cover the cost of constructing the facility, or direct delivery of the facility by the developer to an NHS specification and transfer at no cost. A financial contribution of £7,481,097 to fund 16 additional inpatient beds is required to mitigate the impact of the development on acute care provision.

The NHS response includes an explanation as to why there is a funding gap (in terms of Government funding) for capital projects and therefore a need for the planning obligations. The NHS advice is that without the land and funding (or direct delivery), the impact of the development would not be mitigated and there will be an unacceptable adverse impact on existing facilities, access to services and waiting times impacting the existing population. Without the mitigation the NHS would not support the development.

6.26. **Active Travel England (ATE)** Comments are provided by ATE as a non-statutory consultee due to the application submission pre-dating ATE's role as a statutory consultee and are summarised as follows:

- The applicant suggests that a 10% reduction in total car driver trips is likely to a 4% increase in cycling and a 2% increase in walking. These relatively low forecasts would appear to be at odds with the applicant's aim for a sustainable development.
- Distances of key amenities outside the site should be considered as local centre amenities may not come forward immediately. Concern is raised that none of these amenities are closer than 740m, with the majority being 1-4km away. No assessment has been made regarding the quality of routes to beyond considering distances. Key routes should be designed in accordance with relevant guidance.
- ATE would welcome the views of KCC Highways as to the feasibility/viability of the proposed bus service.
- Offsite improvements are proposed including a reduced speed limit to 30mph along Sheppey way, a toucan crossing over Sheppey Way alongside the introduction of shared routes, improved and diverted PRowS through the site, the closure of an existing level crossing and diversion of the PRow across the existing bridge. It is not possible to determine the scale of improvements required without a fuller analysis of the existing routes, as set out above.

- LTN 1/20 which sets out that shared cycleway/footways are only considered appropriate in a limited set of circumstances therefore a full justification must be provided for any proposed shared-use facilities. KCC Highways should confirm whether the proposed new and improved cycleways are considered adequate.
- Cycling and walking routes should comply with LTN 1/20 requirements in terms of width, surface treatment and lighting. Routes will benefit from surveillance in order to ensure that they feel safe to use at all times of day. It was unclear whether any dedicated cycling/walking access points connect with existing active travel links in the area (including those proposed to be improved as part of this proposal) and clarification would be appreciated. A commitment to good active travel infrastructure design and permeability is requested and could be secured through a design code.
- Travel Plan targets for increases in cycling and walking would appear to be relatively unambitious and do not reflect the Government's aim for 50% of trips in England's towns and cities to be walked, wheeled or cycled by 2030.

- 6.27. **Lower Medway Internal Drainage Board (LMIDB)** No objections raised subject to conditions. The site is located outside the Lower Medway Internal Drainage Board's district; however, it is within a river catchment that drains into the Board's district. Connection to the Board's drainage network will be subject to a Surface Water Development Contribution Fee.
- 6.28. **Southern Water** No objections raised. Informatives are requested.
- 6.29. **Kent Police** No objections raised. A series of informatives are recommended setting out guidance for meeting the Secure by Design standards for housing and commercial areas. Recommendations for the residential development include surveillance of open spaces; appropriate boundary treatments; surveillance of parking spaces; planting design to help protect and enhance security; appropriate lighting; advice regarding window and door security. For commercial properties the recommendations relate to controlled access; surveillance for parking areas; defined pedestrian use; cycle storage security; appropriate lighting; CCTV; advice regarding door and window security; shutter details and bin stores.
- 6.30. **Kent Fire and Rescue** No objections raised subject to conditions.
- 6.31. **Sport England** No objections raised. The applicant has acknowledged the need to make appropriate offsite contributions to other required provision, directly related to the demands generated by the development, where this is not made on-site or where there is not an existing provision with spare capacity. Specifically, a contribution towards improving existing swimming facilities to improve capacity is identified, subject to further discussion with the LPA. Sport England's Position Sport England welcomes the applicant's proactive and positive response to addressing our initial comments and therefore, on the basis of the extent and range of what is proposed, we support the principle of the development subject to appropriate conditions and Section 106 obligations.

- 6.32. **Network Rail** No objections raised. A contribution of £15,000 (plus VAT) is required for additional cycle stands at Kemsley and Newington railway stations and £40,000 (plus VAT) is required for improvements to cycle parking at Sittingbourne railway station.

7. POLICY AND LEGISLATION

7.1. Development Plan Policies

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the Local Plan)

- ST1 Delivering sustainable development in swale
- ST2 Development targets for jobs and homes 2014-2031
- ST3 The Swale settlement strategy
- ST4 Meeting the Local Plan development targets
- ST5 The Sittingbourne area strategy
- CP1 Building a strong, competitive economy
- CP2 Promoting sustainable development
- CP3 Delivering a wide choice of high quality homes
- CP4 Requiring good design
- CP5 Health and wellbeing
- CP6 Community facilities and services to meet local needs
- CP7 Conserving and enhancing the natural environment – providing for green infrastructure
- CP8 Conserving and enhancing the historic environment
- DM 1 Maintaining and enhancing the vitality and viability of town centres and other areas
- DM 2 Proposals for main town centre uses
- DM 3 The rural economy
- DM 6 Managing transport demand and impact
- DM 7 Vehicle parking
- DM 8 Affordable housing
- DM 14 General development criteria
- DM 17 Open space, sports and recreation provision
- DM 19 Sustainable design and construction
- DM 21 Water, flooding and drainage
- DM 24 Conserving and enhancing valued landscapes
- DM 25 The separation of settlements – Important Local Countryside Gaps
- DM 26 Rural lanes
- DM 28 Biodiversity and geological conservation
- DM 29 Woodlands, trees and hedges
- DM 30 Enabling development for landscape and biodiversity enhancement
- DM 31 Agricultural land
- DM 32 Development involving listed buildings
- DM 34 Scheduled Monuments and archaeological sites
- IMP 1 Implementation and Delivery Plan

Kent Minerals and Waste Local Plan 2024–39

DM7 Safeguarding Mineral Resources

DM8 Safeguarding Minerals Management, Transportation Production & Waste Management Facility

DM9 Prior Extraction on Minerals in Advance of Surface Development

CSM5: Land-won Mineral Safeguarding

CSW2: Waste Hierarchy

CSW3 Waste Reduction.

7.2. Supplementary Planning Documents / Guidance

Landscape Character and Biodiversity Appraisal (2011)

Parking Standards (2020),

Swale Borough Council's Noise and Vibration Planning Technical Guidance (2020),

Planting on new development – a guide to developers,

Kent design – A guide to sustainable development (2000).

National Design Guide: Planning practice guidance for beautiful, enduring and successful places (2021)

Air Quality and Planning Technical Guidance (2024)

Developer contributions SPD (2009)

Renewable Energy Guide (2014)

Infrastructure Funding Statement (2021/2022)

Noise and vibration planning technical guidance (2020)

Housing Supply Statement (2022-2023)

Open Spaces and Play Area Strategy (2018-2022)

A Heritage Strategy for Swale (2020)

7.3. Relevant Legislation**National Planning Policy Framework 2024 (NPPF)****National Planning Practice Guidance (NPPG)**

Countryside and Rights of Way Act (2000)

Town and Country Planning Act (1990)

Town and Country Planning (Environmental Impact Assessment) Regulations (2017)

The Community Infrastructure Levy Regulations (2010)

Planning and Compulsory Purchase Act (2004)

The Levelling-up and Regeneration Act (2023)

Planning (Listed Buildings and Conservation Areas) Act 1990

7.4. Other relevant documents and publications

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

Strategic Housing Land Availability Assessment (SHLAA)

Swale BC – Five Year Housing Land Supply Statement (November 2025)

Swale BC – Local Plan Review (Regulation 18)

Department for Transport Circular 01/2022

Kent and Medway Local Nature Recovery Strategy (2025).

8. ASSESSMENT

8.1. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1.1. An Environmental Statement (ES) has been prepared on behalf of the applicant in support of the planning application. The need for the EIA was determined by the definition and criteria provided in Schedule 2 (10b) of the EIA regulations. The ES considers cumulative impacts, but does not consider alternatives. The PPG sets out that “The 2017 Regulations do not require an applicant to consider alternatives” and as a result this is an acceptable approach.
- 8.1.2. Regulation 3 of the EIA regulations prohibits granting planning permission for EIA development unless an EIA has been carried out. Regulation 18 sets out the various matters that an ES must contain (if not compliant with the regulations the applicant’s submission would not constitute an ES and permission could not be granted).
- 8.1.3. Under the EIA Regulations part 1, 4 (5) planning authorities are required to “ensure that they have, or have access as necessary to, sufficient expertise to examine the environmental statement”.
- 8.1.4. The Council appointed an independent and appropriately qualified consultant to undertake a review of the ES on behalf of the Local Planning Authority to confirm whether or not it is compliant with the statutory requirements of the EIA Regulations and relevant guidance. The ES must be of a high enough quality to provide confidence in the reported environmental impacts of the scheme.
- 8.1.5. The review of the ES considers whether the required information is present and whether the relevant matters have been assessed. The review of the ES chapters identified that further clarification was considered to be appropriate in relation to Traffic and Transport; Air Quality; Landscape and Visual Impact; and Cultural Heritage.
- 8.1.6. The independent review noted that in general the Environmental Statement is sufficiently detailed and uses appropriate methodology for assessment. The nature of the outline planning application means that certain details are currently unknown, a precautionary approach should therefore be applied. However, issues were identified in relation to the consistency of the ES in terms of correct implementation of methodology, leading to issues with the assessment and identification of impacts (and their significance). There were areas where the ES was identified as lacking in detail such that further information was required. Specific concerns identified are summarised as follows:
- Different years of assessment are required to understand the full impact of the development on traffic and transport.
 - Insufficient information is provided on the effects on air quality, particularly on ecological receptors.
 - Further clarifications are required on the LVIA.
 - Greater clarity is required in the methodology for the assessment of impacts on cultural heritage.

- There are some significant issues with the baseline ecological data, with some necessary surveys not having been carried out, incorrect survey areas used and out of date information provided.

8.1.7. The applicant subsequently provided clarifications and responses to the points raised. The responses have been reviewed by officers and the conclusion drawn that the matters have all been able to be assessed in full knowledge of the likely significant effects. This assessment is carried out in the relevant sections below. On the basis of the above, no formal Regulation 25 requests were made.

8.1.8. The application description has been changed to ensure that the definition of the proposal aligns with the content and scope of the application and the details submitted with it. Specifically, the application seeks detailed approval of means of access from Sheppey Way only, with all other matters reserved including remaining means of access. It is not considered that this materially changes the development and, as such, does not alter the conclusions of the ES.

8.2. PRELIMINARY CONSIDERATIONS

The Approach to Decision Making

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

8.2.2. The Statutory Development Plan currently includes the Swale 'Bearing Fruits 2031' Local Plan (2017) and the Kent Minerals and Waste Local Plan 2024-39 (2025).

8.2.3. At the time the Local Plan was being considered for adoption the Local Plan Inspector recommended a commitment to a review of the Local Plan to allow the Plan to be adopted. The requirement for an early review was due to uncertainty relating to the Council's proposed transport strategy beyond 2022. No such review has been completed.

8.2.4. The NPPF provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

8.2.5. The NPPF does not displace the statutory 'presumption in favour of the development plan', and policies in the NPPF, including those relating to the 'presumption in favour of sustainable development' do not modify the statutory framework for making decisions on applications for planning permission.

8.2.6. The correct approach for the decision-maker is to consider first whether the proposed development accords with the relevant provisions of the development plan, taken as a whole. If it does not accord with the relevant provisions in the development plan, the

decision-maker must then consider whether there are any other material considerations, including the NPPF, that indicate that planning permission should be granted.

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

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 8.2.8. In terms of the circumstances that would disengage the tilted balance by providing a clear reason for refusing the proposed development, footnote 7 of the NPPF sets these out. In the case of any of these assets or areas that are relevant to this application, this includes impacts upon habitats sites, designated heritage assets and areas at risk of flooding.

- 8.2.9. Footnote 8 of the NPPF states that policies which are most important for determining the application are out-of-date includes, for housing proposals, situations where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.

- 8.2.10. The Council can demonstrate 3.97 years supply of housing land and accordingly cannot demonstrate a 5-year supply. As such the policies for the supply of housing are not up to date. Consequently, in accordance with footnote 8, the most important policies for determining this application cannot be considered up-to-date, and the 'tilted balance' in favour of sustainable development should apply to decision making unless it is disengaged as set out above. Where the tilted balance applies, only if the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, having particular regard to key NPPF policies, should planning permission be refused.

- 8.2.11. Footnote 9 of the NPPF identifies the paragraphs containing the key NPPF policies to which particular regard should be had in carrying out the balancing exercise required by para. 11d)ii. These are summarised as follows:

- Para. 66 seeks a mix of affordable housing to meet identified local needs across different tenures.
- Para. 91 requires a sequential test for main town centre uses which are neither in an existing town centre nor in accordance with an up-to-date local plan. Town

centres then edge of centre locations should be prioritised for main town centre uses.

- Para. 110 directs significant developments to locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
- Para. 115 requires that sustainable transport modes are prioritised taking account of the vision for the site and the type of development and its location. It further requires developments to have safe and suitable access, transport infrastructure to be designed in accordance with relevant standards and guidance, and the mitigation of any significant effects on the transport network.
- Para. 129 is concerned with achieving a suitable density of development having regard to the characteristics of the area and achieving an appropriate form of development.
- Para. 135 seeks, inter alia, well designed, attractive development which is appropriate to its context.
- Para. 139 resists development which is not well designed, especially where it fails to reflect local design policies and local and government design guidance. Significant weight should be given to development which does address these policies and guidance, as well as outstanding and innovative design which promotes high levels of sustainability and is appropriate to its surroundings.

8.2.12. It should be noted that, where policies are out-of-date, that does not mean they should be given no weight or treated as irrelevant. The weight to be given to conflict with policies which are out of date is not a matter of law, it is a matter of judgment for the decision-maker.

8.2.13. Even if the tilted balance is engaged, this does not lead to an automatic assumption that planning permission should be granted for housing and other uses in locations that would otherwise conflict with Development Plan policies. Rather in situations where the relevant Development Plan policies are out of date, the NPPF seeks to ensure that the ‘presumption in favour of sustainable development’ is duly applied.

8.2.14. Whilst it is acknowledged that the delivery of housing and economic growth is a key objective of the Local Plan, the need for housing and jobs does not justify harmful development at any cost. If the ‘tilted balance’ is engaged, it would still be necessary to assess whether harm would arise that would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

Emerging Local Plan

8.2.15. The Local Plan Review process commenced with the Regulation 18 Looking Ahead consultation in early 2018. The emerging plan progressed to Regulation 19 in February 2021, the process was challenged and as a result and the Council took a step back.

8.2.16. The latest timetable for the Local Plan 2040 is now as follows:

- Publication of Regulation 18 Draft Plan Consultation: January 2026

- Publication of Regulation 19 Pre-Submission Plan Consultation: July to September 2026
- Examination: April to June 2027
- Adoption: October to December 2027.

8.2.17. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan; (b) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (c) the degree of consistency of relevant policies to the policies in the NPPF.

8.2.18. Given the early stage of the plan review process, negligible weight is to be afforded to any emerging plan for the purposes of determining this application and there are no matters where it is considered that the emerging local plan would carry sufficient weight to change the assessment has occurred. The evidence base that underpins the emerging plan is also capable of being a material consideration to the determination of the current application.

HELAA

8.2.19. The site was assessed as part of the Council's Housing Economic Land Availability Assessment 2025 which addresses the constraints and designations which may affect the site. In relation to housing the assessment indicated that the site is available for development, that development is achievable and the site is potentially suitable for development. In terms of employment use, part of the site was identified as a possibility for employment allocation in the next Local Plan.

8.3. MAIN CONSIDERATIONS

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

- Principle
- Size and Type of Housing
- Affordable Housing
- Landscape and Visual
- Character and Appearance
- Important Local Countryside Gap
- Heritage
- Archaeology
- Trees
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure and Planning Obligations
- Open Space
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy
- Waste Management

- Impact to the rural economy
- Electromagnetism.

8.4. Principle

- 8.4.1. The application includes a number of elements and as such in terms of the principle of development they have been separated and assessed as follows.

Housing

- 8.4.2. Local Plan Policy ST1 (4) requires development proposals to accord with the Local Plan settlement strategy. In terms of conformity with the NPPF Policy ST1 aligns with many of the NPPF topics and objectives and carries very substantial weight.
- 8.4.3. Local Plan Policy ST3 (5) relates to the settlement strategy and states that at locations in the open countryside, outside the built-up area boundaries development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside. The primary objective of the strategy is to protect the countryside from isolated and/or large scales of development (as is proposed). In terms of conformity with the NPPF, Policy ST3 carries moderate weight.
- 8.4.4. Local Plan Policy ST5 (4) directs development proposals to Sittingbourne or at other sites within urban and village confines, or as extensions to settlements, where indicated by proposed allocations. The site is outside of the designated built-up area boundary of the Local Plan, within the open countryside, and it is not allocated for development. Sittingbourne is the top tier location for growth within the strategy and the built-up area boundary lies along the eastern side of the A249, a relatively short distance from the eastern boundary of the application site. Policy ST5 conforms with much of the NPPF and carries very substantial weight.
- 8.4.5. Given the location of the site, the proposals for housing would result in an urbanising impact on open countryside, harmful to its intrinsic value. The proposed development is therefore contrary to Local Plan Policies ST1, ST3 and ST5.
- 8.4.6. Footnote 7 of the NPPF sets the circumstances that would disengage the 'tilted balance' by providing a clear reason for refusing the proposed development. In the case of any of these assets or areas that are relevant to this application, this includes impacts upon habitats sites, designated heritage assets and areas at risk of flooding. The relevant sections of this report make an assessment of the impact of the proposal upon these matters. As will be set out below, subject to conditions and planning obligations, it is considered that the 'tilted balance' is not disengaged.
- 8.4.7. The Council can demonstrate a 3.97 years supply of housing and therefore the 'tilted balance' in favour of sustainable development should apply to decision making. Only if the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole, having particular regard to key NPPF policies, should planning permission be refused.

- 8.4.8. The site was considered within the Council's HELAA which concluded that a housing development is achievable and the site is potentially suitable for housing development. However, it should be noted that this was a high level assessment and is therefore afforded limited weight.
- 8.4.9. In terms of the extent to which the proposed housing would contribute towards the Council's 5 year housing land supply (5YHLS), the applicant's high level delivery programme detailed within the DAS (see paragraph 4.10) suggests that 340 homes could be delivered in years 3-5 following a grant of outline planning permission. There can be no guarantee that this would be the case given that there are many variables, but the timely delivery of such housing could be of benefit to an evolving housing land supply. Furthermore, the scheme would make a substantial contribution to the borough's housing requirements over the period of the emerging Local Plan.
- 8.4.10. As noted above, residential development conflicts with the Local Plan settlement strategy. However, given the Council's lack of 5YHLS and the application of the 'tilted balance', the defined boundary around Sittingbourne is not afforded full weight. The erection of 2,500 dwellings including 35% affordable housing would contribute towards addressing the borough's lack of a 5YHLS and would contribute significantly to meeting the borough's housing needs on the longer term. Affordable housing is considered in more detail later in this report and it is considered that the proposal would also make a significant contribution to addressing the Borough's pressing need for affordable housing. The proposed housing can be considered acceptable in principle unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, assessed against the policies of the Framework taken as a whole, having particular regard to key NPPF policies. The subsequent sections of this report assess whether this would be the case and the planning balance is assessed at the end of this report.

Mixed use local centre

- 8.4.11. The application proposes a mixed-use centre to serve the development comprising up to 1,300m² floorspace which will accommodate uses anticipated to include retail, a restaurant/café, a community facility and a nursery.
- 8.4.12. Given the location (outside the built-up area in the countryside), the proposal for the mixed-use local centre is contrary to Local Plan policies ST1, ST3 and ST5. The harm to the countryside would cumulatively add to the harm residential development would cause.
- 8.4.13. Retail, leisure, office and other complementary uses are known as main town centre uses, the NPPF and Local Plan take a town centres first approach (directing town centre uses to town centres first).
- 8.4.14. Local Plan Policy DM2 relates to main town centre uses and directs such uses firstly to the borough's designated town and local centres. The policy conforms with the NPPF and carries very substantial weight. The proposed mixed use local centre would be located outside of the designated centres. Part 5 of Policy DM2 relates to proposals outside of Town and Local Centres and states that proposals will be permitted where

they address the tests set out in national policy and accord with various criteria, including where it is demonstrated by an impact assessment that it would not undermine the vitality and viability of existing town centres; does not materially prejudice the supply of land for 'B' class uses, housing, community use and open space; and is well located in relation to the main road network and easily accessible by public transport, pedestrians and cyclists.

- 8.4.15. The NPPF at paragraph 91 requires LPAs to apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. It states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 8.4.16. Paragraph 94 of the NPPF sets out a requirement for an impact assessment if the development is over 2,500m² gross floorspace where there is no locally set threshold. The Council has a locally set threshold of 500m². The assessment should consider the impact of the proposal on existing, committed and planned investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability. Paragraph 95 of the NPPF states "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94 it should be refused."
- 8.4.17. The application is accompanied by a Retail Assessment which is undertaken in respect of up to 1,300m² retail floorspace. A sequential sites assessment was undertaken which concluded that there are no suitable or available sites or collection of vacant units in, or on the edge of, Sittingbourne town centre as a realistic alternative to the application site. Furthermore, even in the event there was a site of sufficient size this would not be suitable for the proposed development given its locational requirement to form a local centre for the proposed development. The locational factor is a pertinent point and the conclusions of the sequential test can be accepted.
- 8.4.18. The Retail Assessment notes that the retail floorspace is below the 2,500m² NPPF threshold for a Retail Impact Assessment (RIA) and therefore takes a proportionate approach. As noted above the locally set threshold is 500m². The RIA concludes that the proposed development will not result in significant adverse impact on either the vitality and viability of Sittingbourne town centre, or any investment into the centre, and therefore satisfies the NPPF retail policy tests.
- 8.4.19. It is acknowledged that the local centre will primarily serve the occupants of the proposed development rather than diverting footfall and expenditure from Sittingbourne town centre. Furthermore, the addition of up to 2,500 households on the site would overall be expected to increase footfall and expenditure in Sittingbourne town centre, enhancing its vitality and viability. The application proposes up to one retail unit with a maximum 500m² floorspace which could be a food/convenience store to serving day-to-day needs. The floorspace does not exceed the locally set threshold where an RIA would be required. A condition (No. 6) can be used to control unit sizes and numbers in order not to undermine the vitality and viability of Sittingbourne town

centre. The quantum of retail floorspace is considerably lower than the 1,300m² assessed within the RIA. In view of the limited quantum of retail floorspace and its likely purpose serving a local community, the conclusions of the RIA can be accepted.

- 8.4.20. In terms of compliance with Local Plan Policy DM2, the application addresses the NPPF requirements as set out above. In terms of the other criteria, the proposal would prejudice the agricultural use of the land; however, the policy pays particular attention to the supply of land for 'B' use class uses, housing, community use and open space, which would not be prejudiced. In terms of location, the mixed-use centre is well located in relation to the main road network due to the proximity of the site to the A249. The proposed bus service would provide the opportunity to access the retail and leisure uses by public transport. Finally, the development would be embedded within the development site and able to be accessed by pedestrians and cyclists. On this basis, the scheme would comply with Policy DM2 of the Local Plan.
- 8.4.21. Given the scale of the proposed development it can be accepted that the proposed mixed-use centre would be needed to serve the day-to-day needs of the new population and would reduce the need for future occupiers to travel for basic essential services. The mixed-use centre may benefit some existing local residents but would not be required to meet existing local needs, and therefore negligible free-standing material public benefits arise from its provision aside from the economic benefits that are set out elsewhere.
- 8.4.22. The proposed mixed-use local centre is located outside the built-up boundary contrary to policies ST1, ST3 and ST5 of the Local Plan and would cumulatively add to the harm caused along with many of the other uses. The requirement for the mixed-use centre arises from the demand generated by future occupiers of the proposed housing, and accordingly its acceptability is interrelated to the acceptability of the housing. In the event that the proposed housing is considered acceptable it can follow that the mixed-use centre necessary to support the residential use is also acceptable in principle.

Healthcare Facility

- 8.4.23. A healthcare facility is proposed within the employment space to the north of the local centre and would be secured through the S.106 agreement. It would be located outside the built-up area boundary contrary to Local Plan Policies ST1, ST3 and ST5 and would cumulatively add to the harm the housing and associated development would cause. In terms of other relevant policy, Local Plan Policy CP5 requires that development proposals will, as appropriate, bring forward accessible new community services and facilities, including health facilities. The policy conforms with the NPPF and carries very substantial weight.
- 8.4.24. The NPPF at paragraph 101 states *“significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure [which includes health infrastructure] when considering proposals for development.”*
- 8.4.25. The consultation response from the NHS sets out that the proposed residential development would create a need for a healthcare facility which would require 0.25ha of serviced land and funding (or direct delivery) for a facility of circa 800m² (GIA). The

demand for the healthcare facility is driven by the future population that could be expected to be living on site. While the facility may provide a closer option for some of the surrounding rural communities, no evidence has been put forward by the NHS of a specific shortfall. The requirement for the healthcare facility arises from the future occupiers of the proposed housing, and its acceptability is interrelated to the acceptability of the housing. In the event that the proposed housing is considered acceptable it can follow that the healthcare facility necessary to support the residential use is also acceptable in principle.

Community Centre

- 8.4.26. The community centre is proposed within the local centre. It is located outside the built-up area boundary contrary to Local Plan policies ST1, ST3 and ST5 and would cumulatively add to the harm arising from the housing and associated development. The delivery of community facilities is supported by Policy CP5.
- 8.4.27. Again, the requirement for the community centre arises from the future occupiers of the proposed housing. In the event that the housing is considered acceptable then it can follow that a community centre to support the residential use is also acceptable in principle.

Primary School

- 8.4.28. The application proposes a 3FE primary school on 2.9ha of land which would be secured through the S.106 agreement. The proposed primary school is located outside the built-up boundary contrary to Local Plan policies ST1, ST3 and ST5 and would cumulatively add to the harm the housing, mixed-use centre and healthcare facility would cause. In terms of other relevant policy, Local Plan Policy CP6 requires development to deliver timely infrastructure, including education facilities.
- 8.4.29. The NPPF is clear at paragraph 100 that “It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- a) give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications;...”*
- 8.4.30. Kent County Council have advised that the school is required to meet the educational needs of the future population living in the development (the development would create a demand for 525 primary school spaces and the school would provide 540 spaces). No evidence has been put forward by KCC of a specific shortfall in the capacity of existing educational facilities. Again, the requirement for the primary school arises from the future occupiers of the proposed housing, and its acceptability is interrelated to the acceptability of the housing. In the event that the proposed housing is considered acceptable it may follow that the primary school necessary to support the residential use is also acceptable in principle.

Sports facilities

- 8.4.31. The proposed sports facilities comprise 2 full-size all-weather pitches and 12 sports courts with changing facilities and a cricket pitch.
- 8.4.32. Local Plan Policy DM17 relates to open space, sports, and recreation provision. The policy requires proposals for residential and other developments as appropriate to make provision for open space and for sports facilities. In terms of conformity with the NPPF, moderate weight can be afforded to this policy.
- 8.4.33. NPPF para. 103 states that ‘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 communities...’
- 8.4.34. Sports facilities are proposed to meet the demand generated by future occupiers of the scheme and to meet a wider identified need which is set out in more detail in the Open Space section of this report. It should be noted that the sports facilities would result in various adverse impacts, including (but not limited to) encroachment into the open countryside, visual and lighting impacts, and impacts to the rural economy through the loss of agricultural land.
- 8.4.35. If the wider scheme is considered acceptable then there is a partial justification for the sports facilities as necessary supporting infrastructure for the residential development. The sporting facilities will be publicly accessible and will exceed the demand generated by the new population therefore meeting a wider identified need and in turn delivering social and public health benefits. The proposed facilities are considered to accord with Local Plan Policy DM17. However, the facilities would be located outside of the designated built-up area boundary of the Local Plan, within the open countryside, thereby contrary to Local Plan Policies ST1, ST3 and ST5. The benefits and harm arising from the sports facilities are considered in the planning balance at the end of this report.

Employment space

- 8.4.36. The proposal would involve the provision of up to 15,500m² employment floorspace within 3 commercial areas. This would include an ancillary food/beverage use (maximum 50m² floorspace).
- 8.4.37. Part 1 of Policy ST1 of the Local Plan states development proposals will “Build a strong competitive economy by meeting identified needs for inward investment and indigenous growth on allocated and suitable sites, including meeting the needs of under-represented sectors.” Part 4 of the same policy requires proposals to accord with the Council’s settlement strategy.
- 8.4.38. Policy CP1 aims to build a strong and competitive economy and is a policy which carries substantial weight. Policy CP1 Part 5 states that development proposals should:

Contribute to the delivery of a comprehensive land portfolio for the Borough by:

- a. safeguarding and maximising the potential of identified 'Existing Strategic Employment Sites';*
- b. bringing forward the stock of existing committed employment sites for industrial use; and*
- c. addressing qualitative issues with new provision at Local Plan allocations to support established industrial markets, additional office space, the release of poorer quality locations and the broader upgrade of the supply; or*
- d. managing existing and future employment potential by upgrading older industrial areas.*

8.4.39. Part 14 of Policy CP1 states:

Provided the Local Plan strategy is not significantly compromised and sites cannot be found within criterion 5, meet unanticipated needs on appropriate sites within one or more of the following 'Priority Locations':

- a. the extension of an existing employment site;*
- b. where benefits to deprived communities can be achieved;*
- c. sites well related to the A249, A2, Sittingbourne Northern Relief Road or A299 Thanet Way; or*
- d. re-use of heritage assets or where delivering significant benefits to the conservation of landscape or biodiversity.*

8.4.40. The NPPF at paragraph 85 states 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”

8.4.41. The Council's recent Employment Land Review (ELR) 2024 found an additional industrial land need requirement of 73ha (with a demand of 48ha, plus a margin of 25ha) for the period 2022-2040. Netting off land within the designated Eurolink site that can meet some of the need leaves a 45ha minimum requirement. The ELR goes on to test and identify preferred sites where the needed 45ha industrial land could be located. It identifies that there are relatively few sites categorised as 'good prospects', and these are all comparatively small that collectively could contribute 17.7 ha to the supply. Collectively these sites reduce the minimum need to 27.4 ha. The ELR then considered other 'possible' sites, where the land is attractive in terms of employment use, but there are major policy constraints (mostly landscape) that may either rule the sites out or substantially restrict the scale of employment provision that could come forward. Almost 100 ha is in the 'possible' category. The ELR states that there is considerable scope to 'plug' the minimum need from within the 'possible' category, and the ELR recommends these sites be actively pursued by the Council. The ELR also identifies that there was 9 years supply of employment land in the pipeline (as at January 2024). More recent evidence presented as part of the public inquiry for two applications presently being determined by the Secretary of State under refs. 21/503906/EIOUT and 21/503914/EIOUT (collectively known as 'Highsted Park') in

June 2025 identified 7.9 years employment land supply. Accordingly, there is presently no urgency to secure additional land. However, it should be noted that the ELR identifies that the greatest demand for employment land is in the Sittingbourne area.

- 8.4.42. The application is accompanied by a Socio-Economics Assessment within the ES. There is an acknowledgement of some difficulty in estimating job numbers due to variations in employment densities for different employment uses. However, based upon existing evidence and reasonable assumptions the proposed 15,500m² commercial/employment floorspace is projected to accommodate 275 Full Time Equivalent (FTE) jobs, albeit there would be some harm to the local rural economy arising from the loss of agricultural economy with 7 FTE jobs lost.
- 8.4.43. The proposed development would provide employment uses and contribute meaningfully to meeting the Borough's need for employment land, identified in the Employment Land Review. However, the Council's Economic Development Officer has raised concerns that the scale, locations and overall setting of the proposed employment land (excluding the local centre) has the potential to limit market appeal. The following points are made:
- The employment uses will be located in close proximity to proposed housing which will exclude some manufacturing and distribution sectors which play a key role in the local economy, although some light industrial uses would be appropriate and would meet an established local need.
 - The land at Phase 2 appears to be best located with more immediate access to the strategic road network, but the land identified at phases 4 and 5 would involve commercial traffic through residential areas and/or the existing village of Bobbing.
 - The size of the commercial areas may limit potential interest from developers as smaller commercial developments in the borough have typically been driven by owner occupiers and largely in the industrial sectors.
 - It is not clear that viable speculative development proposals for the commercial land would come forward.
 - It is pleasing that the phasing involves delivery of the employment land at an early stage; however, the history of delivery of employment land within mixed use settings in the Borough has not been strong.
 - The delivery of the commercial land should be tied to the delivery of the housing.
- 8.4.44. The applicant has provided a response which acknowledges that the greatest local need identified in the ELR is for larger commercial units, but notes that smaller units in the locality have also been successful. The St Georges Business Park within the Eurolink Estate has high occupancy rates and demonstrates a need for smaller units. The applicant notes that the size of the units is a requirement to ensure compatibility with the proposed residential development. It is further noted that business accommodation needs may change over the period during which the development is delivered, whilst demand may increase as a result of the additional local population.
- 8.4.45. The proposed commercial development would not meet the most pressing need for larger units accommodating more unneighbourly commercial uses as these would be incompatible with the proposed residential development. Concerns regarding demand

for the smaller commercial units proposed are noted. However, it can be accepted that over the period of the delivery of the development there is a possibility of an increase in demand for the type of neighbourly commercial uses which the scheme could accommodate, including as a result of increased local population. The delivery of the commercial floorspace is proposed at phases 2, 4 and 5 within an 8 phase delivery schedule.

- 8.4.46. There would be some conflict with Policy CP1 as it has not been demonstrated that the borough's employment land portfolio cannot be delivered through the opportunities identified under criterion 5. Accordingly, the criteria for part 14 of the policy to become relevant have not been met. However, it can be noted that if part 14 was relevant then the site would meet one or more of the criteria under part 14 to be a priority location for employment land by reason of access to the A249 and the potential to achieve benefits to deprived communities, for example on Sheppey given the proximity to the A249.
- 8.4.47. As noted above, land has been identified to accommodate the Borough's need for employment floorspace and there was 7.9 year's supply in the pipeline (as at June 2025). This may moderate the benefits arising from the employment floorspace. However, the proposed employment floorspace will not be delivered for several years when the need for additional space may become more pressing. Furthermore, sites identified in the ELR have been identified as subject to constraints and there may be other obstacles to their development.
- 8.4.48. Approval of the proposed development would provide some certainty of delivery of employment floorspace for which there is an identified need. It would be in the Sittingbourne area where there is greatest demand, with good access to the strategic road network. Overall, whilst estimates of employment / economic benefits might be ambitious and take up of the employment floorspace cannot be guaranteed, it is considered that significant employment and economic benefits would be delivered by the proposed commercial development which weigh in favour of the proposal. However, the facilities would be located outside of the designated built-up area boundary of the Local Plan, within the open countryside, thereby contrary to Local Plan Policies ST1, ST3 and ST5. The benefits and harm arising from the employment space are considered in the planning balance at the end of this report.

Loss of Best and Most Versatile Agricultural Land

- 8.4.49. The site comprises predominantly agricultural land in arable and horticultural production.
- 8.4.50. Policy DM 31 of the Local Plan indicates that development on agricultural land will only be permitted where there is an overriding need that cannot be met on land within the built-up area boundaries. The policy indicates that development on Best and Most Versatile (BMV) agricultural land (identified as Grades 1, 2, and 3a) will not be permitted unless:
1. The site is allocated for development by the Local Plan; or

2. There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and
3. The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.

8.4.51. This requirement is reiterated under Local Plan Policy ST 5 (The Sittingbourne area strategy).

8.4.52. The supporting text to Policy DM31 explains at paragraph 7.7.97 that agriculture continues to shape the nature and character of the countryside and that Swale remains associated with a long history of fruit production. Policy DM31 refers to national concerns over food security and food miles and carries moderate weight in terms of conformity with the NPPF.

8.4.53. NPPF paragraph 187 is concerned with allocating land for development which has the least environmental or amenity value where consistent with other policies in the Framework. It states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the economic and other benefits of the best and most versatile agricultural land. Footnote 65 to this paragraph advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Grade 3 agricultural land is subdivided into categories 3a and 3b. Grade 3b is not categorised as BMV and is not captured by Policy DM31.

8.4.54. The application is accompanied by an Agricultural Land Classification (ALC) Report which presents the results of a detailed site survey involving 165 hand auger borings and 3 soil pit examinations. The areas and percentages of ALC Grades on the site are as follows:

ALC Grade	Area (ha)	%
1	20.5	10
2	49.1	25
3a	67.1	34
3b	52.4	26
Non-agricultural	8.4	4
Not surveyed	2.1	1
Total	199.6	100

8.4.55. It is noted that the majority of the site is Grade 3a and 3b (60%) whilst 35% of the site is Grade 1 and Grade 2 land. The proposal would result in the loss of 136.7ha BMV agricultural land in arable and horticultural use and would reduce food production capacity and food security

8.4.56. Policy DM31 states that the development of agricultural land will only be permitted when there is an overriding need that cannot be met within the built-up area boundaries. As discussed above, the Council cannot demonstrate a 5YHLS and the Council's settlement strategy cannot be considered up to date and an overriding need

cannot be met within the built-up area boundaries. Accordingly, the housing element of the proposal complies with this part of the policy. In terms of the other elements of the scheme, it has not been demonstrated that an overriding need for them exists that cannot be met within the built-up area boundaries. It is acknowledged that some of the uses such as the primary school and healthcare facility are necessary to address the needs of the future population of the development. However, the non-residential uses proposed on agricultural land conflict with this part of the policy to some extent.

- 8.4.57. The proposed development does not satisfy Policy DM31(1) as the site is not allocated for development in the Local Plan.
- 8.4.58. The application does not demonstrate a lack of an alternative site on land of a grade lower than 3a, or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development. Accordingly, Policy DM31(2) is not complied with.
- 8.4.59. The application is not accompanied by information to address the viability of the remainder of the agricultural holding in response to the first part of Policy DM31(3). In relation to the second part of this requirement, the Borough is comprised of large areas of BMV agricultural land and in this context the amount of agricultural land lost under this proposal would not represent a significant loss. In terms of accumulated losses of agricultural land, even though the overall loss is small in the context of BMV land in the Borough, in combination with other development over time it is likely that accumulated losses would occur.
- 8.4.60. The proposal does not satisfy the criteria contained within policy DM31 which would allow development to take place on BMV land. The proposal is contrary to Local Plan Policies ST5 and DM31 and paragraph 187 of the NPPF. The loss of BMV land weighs against the proposal.

Minerals

- 8.4.61. The site is in an area which has been identified as having brickearth. As such the Kent Minerals and Waste Local Plan (KMWLP) 2024-2039 (adopted in 2025) is relevant. KMWLP Policy CSM5 describes how land-won minerals will be safeguarded. KMWLP Policy DM7 describes the circumstances in which non-mineral developments (such as is proposed) that are incompatible with safeguarding a resource would be acceptable. The policy requires various criteria to be demonstrated to show, for example, that it is not viable or practicable to extract the minerals, or that the mineral can be extracted satisfactorily prior to the non-minerals development taking place.
- 8.4.62. The application is accompanied by a Mineral Resources Assessment which identifies that there is 775,500m³ potentially viable brickearth mineral resource on the application site. This far exceeds the minimum batch volume of brickearth required for suitability testing. The viability of brickearth extraction in the south of the site is impacted by a requirement for appropriate buffers to heritage and archaeological assets. The buffers would split the viable resources into small-localised areas and, in view of the requirement for a suitable construction platform upon which to deliver residential development, extraction would not be economically viable. Three larger

potentially extractable areas have been identified within the north of the site which are considered of commercial interest. The presence of overhead electrical lines may impact extraction in one of these areas whilst the remaining 2 areas are within the location of the proposed country park. Extraction of brickearth at these locations could be viable subject to extraction and reinstatement programmes aligning with the timescales for delivery of the country park. Should brickearth extraction be feasible then intrusive investigation works would be required to verify the presence and thickness of brickearth in these areas.

- 8.4.63. The extraction of brickearth within the location of the country park may be viable and feasible as set out above and the applicant considers that the extraction might be achievable. However, these works are not included within the proposals, and the ES does not consider the environmental implications of the brickearth extraction including highways and air quality impacts associated with HGV movements. Accordingly, the brickearth extraction would fall outside the scope of any permission granted. Consequently, it is considered that there is a conflict with Policy DM7 of the KWMLP on the grounds that it has not been demonstrated that any of the circumstances exist where planning permission can be granted.
- 8.4.64. Extraction of brickearth could potentially take place without impacting the delivery of phase 1 of the development, with HGVs accessing the extraction areas from the south of the site. If the extraction of the brickearth is established to be feasible and viable it can be reasonably assumed that there would be a commercial incentive for the developer to facilitate the extraction. Accordingly, there is a reasonable likelihood that a feasibly and viably extractable mineral resource would be safeguarded and this is considered to moderate the harm arising from the conflict with KWMLP Policy DM7. It is recommended that a mineral safeguarding appraisal to consider the feasibility and viability of the brickearth extraction is secured by condition (No. 65). Any extraction works would require a planning application which would consider the environmental impacts of the works.
- 8.4.65. The KCC Minerals and Waste Planning Officer has raised no land won minerals or waste management capacity safeguarding objections to the proposed development.
- 8.4.66. The proposals would accord with KWMLP Policy CSM5 as the mineral resource would not be sterilised. The conflict with KWMLP Policy DM7 is considered in the Planning Balance section of this report.

8.5. **Size and Type of Housing**

- 8.5.1. The NPPF recognises that to create sustainable, inclusive, and diverse communities, a mix of housing types, based on demographic trends, market trends, and the needs of different groups, should be provided.
- 8.5.2. Policy CP3 of the Local Plan requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs and the findings of the Strategic Housing Market Assessment (SHMA) or similar needs assessment. Subsequent to the adoption of the Local Plan, the Council's Housing Market Assessment (HMA) was prepared in 2020 (i.e. more recently than the Local Plan) after the introduction of the

standard method for calculating the objectively assessed need. In terms of conformity with the NPPF, Policy CP3 carries very substantial weight. The HMA reflects borough wide need and broadly echoes the Local Plan requirements in identifying a need for the following mix of dwelling types:

Tenure – HMA	1 Bed	2 Bed	3 Bed	4 or more Bed
Market Required	7%	33%	41%	19%
Affordable Required	27%	23%	30%	20%

8.5.3. The application is not accompanied by an indicative housing mix to compare against the need identified in the HMA. However, given the outline stage of the proposals a housing mix is not an application requirement. In view of the anticipated duration of the proposed construction, and the potential for changes in housing demand through this time, a grant of permission should provide sufficient flexibility to enable the scheme to respond to such changes. Accordingly, it is not appropriate to secure a specific housing mix by condition. However, an overall Housing Mix Strategy should be secured (Condition 16) to provide a housing mix review for each phase of the development which reflects an updated Local Housing Needs Survey. The strategy would provide for future flexibility in unit mix to account for changes in housing need whilst providing adequate assurance that an appropriate housing mix would be delivered.

8.5.4. Subject to securing a housing mix review, the proposals are considered acceptable in terms of the size and type of housing and would comply with Local Plan Policy CP3.

8.6. **Affordable Housing**

Required Provision

8.6.1. The NPPF sets out the requirement for setting appropriate affordable housing levels for new development based on up-to-date evidence. Policy DM8 of the Local Plan sets out the approach to securing affordable housing on development proposals of eleven or more dwellings and requires 10% of affordable housing from developments in 'Sittingbourne town, urban extensions and Iwade', whereas it requires 40% from development in 'all other rural areas'. In terms of conformity with the NPPF, Policy DM8 carries moderate weight.

8.6.2. The zonal affordable housing areas in Local Plan Policy DM8 are not defined on a policies map. The policy is underpinned by viability evidence and the supporting text at paragraph 7.3.7 states that the affordable housing percentages will be sought on proposals by reference to "different market areas". The paragraph then goes on to say that viability is most affected in housing market areas including Sittingbourne and ".....hence a lower percentage of affordable housing will be sought in these areas".

8.6.3. The evidence that informed the housing market areas referred to in Policy DM8 includes the Local Plan Viability Assessment. Figure 4.4 of this document shows lower property values in the Sittingbourne postcode areas (ME10) compared to adjoining

rural postcodes (ME9). The vast majority of the site including all areas where housing is proposed lies within the ME9 postcode area. In addition, the sales heat map by postcode area in the Addendum Local Plan Viability Assessment (September 2014) clearly shows at Figure 2.1 that the site has higher values than the Sittingbourne ME10 postcode area. This evidence supports identifying the site as lying within ‘all other rural areas’.

- 8.6.4. In terms of whether the scheme could be considered an urban extension to Sittingbourne, it should be noted that built-up area will reach the eastern side of the A249 as a result of the proposed developments detailed at paras 2.2 - 2.4 of this report. The A249 acts as a barrier separating the environments either side of it. There is a strip of land designated as an ILCG between Sheppey Way and the A249 to the south-east of the site. The Local Plan sets out that ICLGs which are intended to retain the individual character and setting of settlements, in this case providing a gap between Sittingbourne and the villages of Bobbing and Iwade. A February 2025 review of the Borough’s ILCGs for the emerging local plan recommended that this ILCG is retained and extended to the north.
- 8.6.5. This ICLG is characterised by some open rural land as well as a mixture of residential, commercial and industrial development which do not contribute towards the purposes of the gap. The development of the land at Pheasant Farm detailed at paras. 2.8–2.9 would further undermine its purpose. However, the presence of the designated ILCG in particular supports identifying the site within ‘all other rural areas’ and not as an urban extension to Sittingbourne. The site is not a part of Iwade where 10% affordable housing would be sought.
- 8.6.6. The proposed development would give rise to a requirement for 40% affordable housing. Local Plan policy DM8(2) requires *‘The size, tenure and type of affordable housing units in accordance with the needs of the area’*. The supporting text to policy DM8, at paragraph 7.3.8 states *‘To meet the identified need for affordable housing of different tenures, the Council will, in the first instance, seek an indicative target of 90% affordable/social rent and 10% intermediate products’*.
- 8.6.7. The Council’s Accommodation and Resettlement Manager advises that 90% social or affordable rented housing and 10% shared ownership housing should be provided.
- 8.6.8. Since the adoption of the Local Plan further evidence relating to affordable housing viability in the borough has been produced. The Council’s Housing Market Assessment (June 2020) suggested at para. 7.8 that 30% affordable housing on large sites would be plausible, subject to viability.
- 8.6.9. The Council’s Local Plan Viability Study (for the previous Local Plan Review) published in December 2020 identifies at para. 8.7 that borough wide it would be possible to meet a 30% affordable housing requirement within the Plan, but at 40% affordable housing, ‘this becomes more challenging’.
- 8.6.10. Emerging Local Plan policy H1 in the regulation 18 draft requires 30% affordable housing on greenfield sites. Whilst negligible weight should be afforded to this policy the 30% requirement is noted.

- 8.6.11. In line with Local Plan Policies DM8 and CP3 the affordable homes should be designed for use by disabled persons and made available for a variety of groups including families, vulnerable and older persons. As such, the affordable housing provision should include accessible and wheelchair adaptable homes provided to Part M4(3) standard (wheelchair user dwelling) and to Part M4(2) standard (accessible and adaptable dwellings).

Application Provision

- 8.6.12. The proposed development would deliver 35% affordable housing comprising 60% social or affordable rented housing and 40% shared ownership housing. The applicant has commented that the delivery of 90% social or affordable rented and 10% shared ownership housing would not be financially viable and would undermine the delivery of the currently proposed community infrastructure. The application has not been accompanied by a Financial Viability Assessment to support this assertion.

Assessment

- 8.6.13. In the absence of a Financial Viability Assessment (FVA) to demonstrate that the scheme would deliver the maximum viable affordable housing, the proposal does not comply with Policy DM8. However, the affordable housing offer is significant. It is therefore necessary to assess the degree of harm arising from this policy non-compliance.
- 8.6.14. The close proximity of the site to the 'Sittingbourne Town, Urban Extensions and Iwade' housing market area where 10% affordable housing is sought can be noted in assessing the merits of the affordable housing offer. The heat-map referenced above indicated that housing values in the area are lower than other rural parts of the borough.
- 8.6.15. The applicant has drawn attention to the affordable housing provision within other schemes as follows:
- The NW Sittingbourne development (referred to at para. 2.3) comprising 1,190 dwellings would deliver 10% affordable housing on the southern land parcel only (852 units) with the first two phases comprising private housing only. This site is approx. 250 metres from the application site at its nearest point and there are similarities between the schemes.
 - The Duchy of Cornwall proposals at south-east Faversham currently pending determination (ref. 23/505533/EIHYB) would deliver 35% affordable housing (except Phase 6a which would deliver 40%).
 - The Highsted Park scheme to the south of Sittingbourne currently pending determination following the Secretary of State call-in and subsequent public inquiry (refs. 21/503906/EIOUT & 21/503914/EIOUT) proposes 20.83% of affordable housing across the development.
- 8.6.16. There is a pressing need for the delivery of all sizes and types of affordable housing in the borough which is evidenced by 1,684 households on the housing register, 121 of which are classified as being in urgent need of housing. Waiting times to be housed are between 12 and 28 months. The Council declared an affordable housing

emergency in October 2024 reflecting the very real and challenging circumstances for local households finding affordable accommodation. The site location gives rise to a 40% affordable housing requirement but lies in close proximity to a housing market area with a 10% requirement. The scheme would deliver 875 affordable homes (525 social/affordable rented homes and 350 shared ownership homes), representing a 125 unit shortfall against the policy requirement.

- 8.6.17. Recent housing values and viability evidence and other recent planning decisions suggest that, even where a proposed affordable housing provision does not align with policy requirements, the need for affordable housing still means that the affordable housing which is to be provided can be viewed as being a benefit. This moderates the harm arising from non-compliance with Policy DM8. The proposed affordable housing would make a significant contribution towards meeting the borough's affordable housing needs over an approx. 15 year period.
- 8.6.18. Given the timeframe over which the development would be delivered, affordable requirements and tenures may change. As such, it is important to secure the overall provision of affordable housing at this stage, noting that the detailed mix, size and tenure should be established based on identified need as each phase of development comes forward.
- 8.6.19. It is recommended that 10% of the affordable homes be provided to Part M4(3) standard (wheelchair user dwelling) with the remaining affordable homes provided to Part M4(2) standard (accessible and adaptable dwellings). The applicant is content for this to be secured by condition (No. 58). Affordable housing would be allocated through the Council's housing register or to those who have a local connection to the borough.
- 8.6.20. The proposal is contrary to Local Plan Policy DM8. However, the harm arising from this non-compliance is moderated by the considerations set out above. The weight given to the proposed affordable housing is considered in the planning balance section of this report.

8.7. **Landscape and Visual**

- 8.7.1. The NPPF requires decisions to ensure that development is 'sympathetic to... landscape setting' and paragraph 187 criterion a) requires the protection and enhancement of valued landscapes (the site is not considered to be part of a valued landscape) whilst criterion b) states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 8.7.2. Local Plan Policy DM24 states that the value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced, and, where appropriate, managed. The policy further states at Part B that non-designated landscapes will be protected and enhanced, and planning permission will be granted subject to the minimisation and mitigation of adverse landscape impacts. When significant adverse impacts remain, the social and or economic benefits of the proposal need to significantly and

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

- 8.7.3. Local Plan Policy ST1 part 11(b) states that development proposals will, as appropriate, conserve and enhance the natural environment by using landscape character assessments to protect, and where possible, enhance, the intrinsic character, beauty and tranquillity of the countryside, with emphasis on the estuarine, woodland, dry valley, down-land and horticultural landscapes that define the landscape character of Swale.
- 8.7.4. Local Plan Policy ST3 sets out the Swale settlement strategy. Part 5 of this Policy advises that at locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless certain criteria are met including protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside.
- 8.7.5. Local Plan Policy ST5 (The Sittingbourne Area Strategy) states at part 10 that development proposals will, as appropriate:

Improve the condition and quality of landscapes in the area, especially those in poor condition and ensure that development is appropriate to landscape character and quality, especially within landscape designations and areas with low or moderate capacity to accommodate change.

- 8.7.6. In relation to landscape matters, the NPPG explains the key issues in implementing policy to protect biodiversity and natural environment and provides advice on how the character of landscapes can be used to inform planning decisions.

Landscape Designations and Reviews

- 8.7.7. There are no designated landscapes within the site. The North Kent Marshes Special Landscape Area (SLA), described as the Area of High Landscape Value Kent Level in the Local Plan, extends over the Swale and the coastal landscape approx. 1.5km to the north-west of the site, at its closest, but also wrapping around to the north and east. The Lower Halstow-Iwade Ridge Area of High Landscape Value – Swale Level lies approximately 650m to the north-west of the site. Rook Wood, which lies within the site, is designated as Ancient Woodland.
- 8.7.8. The site lies within National Character Area 113: North Kent Plain, as defined in Natural England's National Character Area Profiles. The Greater Thames Estuary character area 81 lies immediately to the northeast of the site. The national character areas provide a broad character context for the analysis of the baseline conditions. The key characteristics of North Kent Plain are:
- Gently undulating fertile land occupied by a mix of intensively farmed open fields, grazing marsh and reed beds.
 - Large fields are exposed with few hedgerows or trees.
 - Orchards and horticultural areas sub-divided by shelter belts provide contrast.
 - Overhead power lines and pylons are prominent in the open landscape.
 - Settlements often dominate the landscape due to the lack of vegetation on urban edges.

- 8.7.9. The Landscape Assessment of Kent (2004) identifies the site within the 'Fruit Belt' character area. The condition of this character area is identified as very poor, with an 'incoherent landscape pattern which has many detracting suburban and industrial influences, and main transport corridors'. The landscape sensitivity is assessed as low, with moderate visibility. The overall recommended landscape actions are to 'create' new landscape character and features.
- 8.7.10. The Swale Landscape Character and Biodiversity Appraisal (SLCBA) (2011) identifies the site within the Local Character Area 24 (LCA24), Iwade Arable Farmlands. The area is identified as being in 'poor' condition as a result of the impacts of agricultural intensification, the busy A249, large commercial development and the expansion of Iwade, which have reduced the rural tranquility of the area. The LCA is identified as moderately sensitive with some historic landscape features serving as a legacy of past activities and providing a general sense of enclosure. Due to its poor condition and moderate sensitivity, the Landscape Guidelines for LCA24 are to 'Restore and Create', including through the restoration of a strong landscape structure of woodland, hedgerow, remnant (or former) orchard, ditches and shelterbelts. New development should utilise local and vernacular materials appropriate to the location.
- 8.7.11. The Swale Landscape Sensitivity Assessment (SLSA) was produced in 2019 to assist with the development of the new Local Plan and consider the relative sensitivity of land around the main settlements in the borough to residential and employment development. The site is identified as lying within two areas with the land to the south of Stickfast Lane within Area SE6 and the land to the north within Area IE7/SE7. Area SE6 is identified as having a moderate sensitivity to residential and employment development whilst Area IE1/SE7 is identified as being of low to moderate sensitivity to residential and employment development. Area IE7/SE7 has the joint lowest level of sensitivity (along with 2 areas on the Isle of Sheppey) of any areas considered within the borough.
- 8.7.12. The relevant landscape guidance for new development in the two landscape areas is summarised as follows:
- New development should follow a landscape-led approach which considers green infrastructure and the incorporation of existing valued landscape features within multi-functional, accessible green and blue spaces and routes with associated environmental and amenity benefits.
 - Increase woodland cover, where appropriate, conserving and managing the ancient woodland at Rook Wood and connecting to a wider network of green infrastructure.
 - Incorporate and conserve views to local landmarks including St Bartholomew's Church.
 - Ensure any new development is sensitive to local context in terms of building styles, materials, scale and massing.
 - Conserve and enhance the special rural qualities of the designated Rural Lanes including Rook Lane/Cold Harbour Lane and Parsonage Lane.
 - Avoid development which creates a visual link across the A249/Sheppey Way.
 - Maintain the sense of separation between Sittingbourne and Iwade.
 - Provision of a woodland buffer/green corridor along the A249.

Mitigation

8.7.13. The proposals include a landscape mitigation strategy which incorporates recommendations for LCA24 and LSA SE6/SE7. The key principles are summarised as follows:

- A well-connected and integrated green and blue infrastructure network that accommodates existing landscape features, PRowWs, settings to listed buildings, drainage channels, SuDS, buffers and public open spaces to create an appropriate landscape framework for the proposed development.
- A planting strategy focused on the retention of existing field boundary features supplemented with the planting of areas of woodland, hedgerow and shelterbelts, as well as areas of orchard and fruiting trees.
- Boundaries strengthened through tree and woodland planting with development set back from the western site boundary to conserve the landscape character of the valley and hills and respond to views from Callum Hill.
- Retention of Rook Wood with a minimum 15m ancient woodland buffer including a new cricket pitch adjacent to the existing pitch.
- Development set back from Cold Harbour Lane and Parsonage Lane (designated rural lanes) with crossing points minimised over Cold Harbour Lane to reduce the impact on its character.
- A village common and green corridors to retain an open setting to St Bartholomew's Church and provide views of the Church from the PRowW network within the site.
- Linear tree belts planted along the ridgeline within the southern part of the site to reinforce the vegetated intermediary horizon experienced in views from the eastern edge of the site.
- Maximum heights of houses will be 2 and 2.5 storeys with buildings up to 3.5 storeys in the local centre.
- Ecologically sensitive lighting which will be downward facing and directional as appropriate.

Landscape and Visual Impact Assessment

8.7.14. The ES includes an updated Landscape Visual Impact Assessment (LVIA) which follows guidance set out in *Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3)* (2013) prepared by the Landscape Institute and Institute of Environmental Management and Assessment. It provides a character baseline which involved the establishment of a study area, defined in part by the use of a Zone of Theoretical Visibility (ZTV) which informed the selection of 21 viewpoints in the surrounding area, to establish a baseline visual sensitivity for the site. The LVIA then considers the likely physical and visual impacts arising as a result of the proposed development.

8.7.15. The LVIA considers landscape/townscape effects and visual effects. Landscape/townscape effects relate to the effects of a proposed development on the physical characteristics of the landscape and townscape and its resulting character and quality. Visual effects relate to the effects on the visual amenity of views experienced by people. The LVIA assesses the short/medium-term effects of the construction phase and the long-term effects following completion of the proposed development.

- 8.7.16. The LVIA process considers the sensitivity of a landscape or townscape to change. Sensitivity is assessed on a range of factors which encompass the quality of the view, who experiences the view, and how they experience it. The LVIA identifies the potential 'magnitude of change' to landscape or townscape character and views as a result of the proposals. The landscape and townscape impacts are identified as adverse or beneficial and the level of effects is described as very substantial, substantial, moderate, slight or negligible. The assessment of effects takes account of the landscape mitigation measures and construction stage mitigation measures proposed.
- 8.7.17. The LVIA assesses the baseline landscape value of the site and immediate surroundings as medium/low. The arable farmland and orchard which comprise the site are not rare within the character area and although typical are not particularly important examples and lack mature hedgerows and shelter belts or hedgerow trees. The site is experienced by users of several PRoWs and from Bobbing Cricket Club and has visual amenity value. The site and immediate surroundings are intensively farmed with energy infrastructure present. The ridge of farmland at Callum Hill lies within an AHLV and has slightly higher scenic value than the site and forms a backdrop to many views. The largely rural landscape offers some sense of tranquillity when away from the A249, small settlements, over-head power lines, solar farms and railway line.

LVIA Assessment of Landscape Impacts

- 8.7.18. The assessment notes that a large section of the landscape within the centre of LCA24 would become urban, resulting in a considerable change in its character. Extensive artificial light would emit at night in what is currently a dark, rural location. However, the landscape within the site is not designated and in places has a relatively weak character. The LVIA suggests that there would not be significant harm to the overall value of LCA24 as there would be no loss of important landscape features and minimal wider landscape impacts. Landscape planting will mature by Year 15 and provide beneficial change which will mitigate some adverse impacts, resulting in a moderate adverse residual impact.
- 8.7.19. The proposed development along with a proposed solar farm to the west of Iwade (see para. 2.8) would result in cumulative harm to LCA 25 (Lower Halstow Clay Farmlands) and a 'moderate adverse' residual impact.
- 8.7.20. The long-term impact of the proposal on the townscape of Sittingbourne is identified as negligible.
- 8.7.21. A Contextual Landscape Appraisal considers a range of factors including natural elements, cultural / social elements, enclosure, land ownership, time depth (change over time) and perceptual qualities. The appraisal identifies some 'very substantial adverse' landscape impacts at construction stage which are reduced at year 1 (following completion) to 'substantial-moderate' or lower and are identified as no more than 'moderate adverse' at year 15 as the landscape planting matures.

LVIA Assessment of Visual Impacts

- 8.7.22. In visual terms, the LVIA considers that the most significant change will be experienced by users of PROWs, a farm track and roads within and around the site. There will be some very substantial adverse impacts on these users at construction stage. Construction activities would include cranes and high-level plant which would be discordant in the agricultural context but would only be present on the short to medium term. Visual impacts will be reduced by Year 1 of occupation to no more than 'substantial-moderate' and by Year 15 the landscape planting will have matured, enhancing landscape character and assisting in mitigating the adverse impacts. The residual impacts are identified as no more than 'moderate adverse'.
- 8.7.23. There will be 'substantial-moderate adverse' impacts upon users of Bobbing Cricket Club and Little Norwood Caravan Park at construction stage, reducing to 'moderate adverse' at year 1 of occupation and 'moderate slight adverse' at year 15.
- 8.7.24. The effects on views from residential properties adjacent to the site have been estimated and there will be some 'substantial-moderate adverse' impacts to occupiers of 25 properties at construction stage. Impacts on surrounding properties would be no more than 'moderate adverse' at year 1 and no more than 'moderate-slight adverse' at year 15 as the landscape planting matures.
- 8.7.25. Impacts on passengers on the railway line passing the site, visitors to St Bartholemew's Church, Bobbing Village Hall and The Garden of England Crematorium as well as employees at commercial properties in Howt Green have been considered with impacts assessed as no more than 'moderate adverse' at construction stage and no more than 'slight adverse' at year 15.
- 8.7.26. The LVIA assesses sites where there is potential for a cumulative visual relationship with the proposal, including sites related to the outward expansion of Iwade and the expansion of Sittingbourne up to the A249. The proposal would cumulatively introduce a significant amount of new residential development in place of agricultural land and commercial orchards, expanding the townscape character of both Sittingbourne and Iwade, albeit a coalescence of settlements is not anticipated. There would also be a cumulative impact with a proposed solar farm west of Iwade (approved under application ref. 22/502778/EIFUL) which would affect the wider landscape.
- 8.7.27. Noise, lighting and activity associated with the proposed development (including traffic) would also have an impact on the tranquil character of the area, which is an important aspect of its character. The proposals would not protect or enhance the intrinsic value, landscape setting, tranquillity and beauty of the countryside.
- 8.7.28. The LVIA concludes that there are a variety of impacts brought about by the development, ranging from Very Substantial Adverse significance to Negligible Adverse significance at the construction phase and at Year 1 of operation, reducing to a range from Moderate Adverse significance to Slight Beneficial significance at Year 15 of operation, which are considered to be the residual effects. Accordingly, the LVIA considers that the proposed development would not result in significant adverse visual impacts in the longer term.

ES Review - LVIA

8.7.29. The independent review of the ES carried out on behalf of the Council highlighted a number of matters in relation to Chapter 12 – ‘Landscape and Visual Impact’ where clarification was required. These are detailed within the following table, along with the applicant’s response.

Clarification Required	Applicant’s Response
The extent of the LVIA study area.	The LVIA study area is consistent with the 3km study area considered in the originally submitted (2022) LVIA study area which was informed by the ZTV and desktop/field based analysis. The field work confirmed that the 3km extent was appropriate and proportionate to the site and proposed development.
How representative the site is of the published landscape characteristics.	The site and its immediate surroundings are broadly representative of the published key characteristics for LCA 24: Iwade Arable Farmlands. Cereal production and commercial orchards are present within a medium – large scale field pattern, topography is gently undulating. Isolated farmsteads, cottages and historic buildings are present as well as the “intrusive overhead power lines”. The LVIA description of the site and its immediate context draws out the pertinent characteristics.
Elements of the proposed development that would result in landscape and visual impacts and ensuring that the LVIA makes full reference to these.	The LVIA states: that the description of the proposed development and the parameter plans form the basis for the assessment of Landscape and Visual effects. A detailed assessment of landscape and visual effects is set out within the appendices. This takes into account the embedded mitigation measures and the mitigation measures relevant to the construction period and Year 1 of operation. It also has been informed by the Visually Verified Montages (VVMs) prepared from five viewpoints to the north, south, east and west of the site. Effects have been assessed during the construction period and at Year 1 of operation with all construction completed. Elements of the proposed development that would result in landscape and visual impacts are described in relation to each receptor assessed in the appendices. As such, full reference is made to the effects and residual effects.
Value and susceptibility judgements for all landscape and visual receptors.	Value judgements are set out in main body of the LVIA and the susceptibility judgements are stated in the impact assessment tables in Appendices.
Explain which of the cumulative sites considered would appear in different views.	Paragraphs 12.9.6 – 12.9.10 describe the cumulative sites visible in each of the four identified views (19 – 21).

Further information on how the judgment of magnitude of change was determined for each receptor, particularly in relation to duration/reversibility.	Judgements of Magnitude of Effect are set out in the impact assessment tables within the appendices with duration and reversibility stated, this judgement is based on the criteria set out in the methodology. It is acknowledged that additional descriptions could have been provided but it is noted that the review is broadly in agreement with the majority of judgements reached in terms of significance of effect, albeit with some differences of professional opinion in relation to a select few receptors.
Effects on the Important Countryside Gap.	The ILCG is a policy constraint, not a landscape receptor. Planning designations such as this have informed the judgements of value in relation to the relevant character area receptors rather than being assessed as a receptor in its own right. The landscape and visual considerations set out within the LVIA states that development should be avoided within part of the site designated as ILCG and by creating an appropriate development edge to Sheppey Way where necessary. The ILCG parcel of land will be retained as green infrastructure.
Effects on the perceptual and aesthetic factors of the Areas of High Landscape Value at the Swale and Kent Level included in the ZTV or provide a clear rationale for scoping out.	The AHLV is a policy designation so not landscape receptors in itself. The LVIA considers this designation in establishing the value of the relevant LCAs assessed. Viewpoint 18 within the visual assessment also provides a representative view from part of the Swale Level AHLV. A VVM has also been prepared from this viewpoint. The ZTV and field work established no intervisibility between the site and remaining parts of the Swale or Kent Level AHLVs. The character areas and viewpoints assessed are therefore considered appropriate and proportionate.
Providing an updated ZTV for this proposal.	The ZTV from the original submission has been relied upon as the red line boundary and building heights proposed are broadly similar. The ZTV is a theoretical model and therefore acts as a guide to inform the field work. The updated field work found the existing ZTV was an appropriate informant for the scope of visual receptors, which were verified in the field, as set out in the LVIA.
Justification for VVM locations and methodology for the production of VVM. Full size extracts should be submitted prior to determination.	The VVM locations were selected to provide a representation of how the proposed development would sit within its local context in views from the surrounding landscape to the north, south, east and west of the site and where views of the site were the most open. They have been prepared in line with Landscape institute guidance in terms of methodology. Full-size extracts have not been provided at this stage

	as the hardware that these are viewed on is likely to be varied.
Explain the specific planting to be undertaken at locations where screening is reported to be provided at Year 1.	At this outline stage, the Green Infrastructure Parameter Plan rightly identifies buffer planting within the locations relied upon for screening at Year 1. The proposed planting strategy and palettes are set out within the Design and Access Statement and are to be secured in detail through future Reserved Matters applications.
Assumed growth rates for tree planting.	The assumed growth rate for the different tree and hedgerow typologies is circa 20-30cm per annum. The following assumptions were applied: • Woodland/Buffer edge trees: 0.6m-1.8m at Y01, 4.8m-6m at Y15 • Orchard Trees: 1.5m at Y01, 5m at Y15 • Native Hedging: 0.6m at Y01, 1.5m at Y15 (as worst case as assuming clipped annually) • Street Trees and other trees in illustrative masterplan: 5m at Y01, 9.2m at Y15.

8.7.30. The ES Review states that the overall approach is proportionate and broadly accords with professional guidance. It has been suggested that the report is broadly fit for purpose in informing the determination of the planning application but lacks transparency.

8.7.31. Officers have considered the points raised in the ES review and the applicant's response and note that these mostly relate to points of clarification and the responses are considered overall satisfactory. Officers are satisfied that the points raised and the applicant's response would not alter the conclusions of the ES in relation to landscape matters.

Assessment

8.7.32. Officers consider that the site and its surroundings are not especially sensitive in landscape terms with existing impacts arising from the A249, small settlements, overhead power lines, solar farms and the railway line. The site is not topographically prominent and it is acknowledged that the design of the scheme seeks to mitigate its landscape impacts, including through landscape planting. However, the development would have an urbanising influence in a rural location with impacts associated with buildings and infrastructure, noise, lighting and activity (including traffic). There will be a significant change in the landscape character of a substantial part of the site as extensive suburban type development would replace rural open land.

8.7.33. In relation to Local Plan Policy ST3(5), whilst the intrinsic value, landscape setting, tranquillity and beauty of the countryside is presently compromised, the urbanising impact of the proposed development would not protect these characteristics and would have a particular impact on tranquillity. Accordingly, the proposal would not accord with Local Plan Policy ST3 part 5.

- 8.7.34. The proposal would result in short term adverse landscape impacts at construction stage and in the early years following occupation of the development. In the longer term the scheme would benefit from measures aimed at minimising and moderating the landscape and visual effect and assimilating the development into the local area. The site does not lie within a designated landscape and the LVIA identifies that the landscape value of the site and immediate surroundings as medium/low. As noted above, the 'Fruit Belt' character area is identified as being in very poor condition and the landscape sensitivity is assessed as low, with moderate visibility. The landscape character of the site will be considerably altered to a predominantly suburban character as a result of the proposed development which is substantial in its scale.
- 8.7.35. Local Plan Policy DM24 requires the minimisation and mitigation of adverse landscape impacts. When significant adverse impacts remain, these should be significantly and demonstrably outweighed by the social and or economic benefits of the proposal. It is therefore necessary to consider whether adverse landscape impacts have been minimised and mitigated, and whether significant adverse impacts then remain.
- 8.7.36. A landscape mitigation strategy is proposed as set out above which, in view of the existing quality and sensitivity of the landscape, may be considered to minimise and mitigate adverse landscape impacts such that the overall harm is considered moderate, and therefore significant adverse impacts do not remain. On this basis, the proposed development is considered to satisfactorily minimise and mitigate the landscape impacts of the proposal to the extent that the proposal accords with Local Plan Policy DM24.
- 8.7.37. The development by virtue of the scale, location, and nature of the proposals would not contribute to and enhance the natural and local environment. As such the proposals are considered contrary to ST3 of the Local Plan.

8.8. Character and appearance

- 8.8.1. The NPPF at paragraph 131 attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. Paragraph 135 lists a number of matters that developments should include, which are to add to the overall quality of the area; being visually attractive; sympathetic to local character and history; establishing a strong sense of place; optimising the potential of the site and creating safe, inclusive and accessible places. Paragraph 137 sets out how design quality should be considered throughout the evolution and assessment of individual proposals.
- 8.8.2. NPPF para. 133 encourages the use of design guides and codes to provide a local framework for creating beautiful and distinctive places with a consistent and high-quality standard of design. The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice and this involves a sound understanding of the features of a site and the surrounding context. The Kent Design Guide seeks to provide a starting point for good design while retaining scope for creative, individual approaches to different buildings and different areas and provides criteria necessary for assessing planning applications.

- 8.8.3. Local Plan Policy ST1 states in part that development proposals will achieve good design through reflecting the best of an area's defining characteristics. Policy CP4 relates to requiring good design and states that all development proposals will be of a high-quality design that is appropriate to its surroundings. Policy DM14 sets out 10 criteria development proposals should meet, including reflecting the positive characteristics and features of the site and locality, conserve and enhance the natural and/or built environments (including heritage assets). The policy also requires development to be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location.
- 8.8.4. The application is in outline form whereby all matters except means of access from Sheppey Way are reserved. As such at this stage the broader approach to the masterplan, as set out in parameter plans (control documents) provide the applicants intent in terms of character and appearance. Intent is also shown in the indicative plans and documents (including the indicative layout and the Design and Access Statement (DAS)). While the indicative plans and documents are not for approval, they provide a strong indication of what the applicant is seeking to achieve and provide a framework for future reserved matters applications.
- 8.8.5. The DAS proposes the submission of site wide strategies prior to reserved matters submission which will include a Heritage and Archaeology Strategy; a Blue, Green and Grey Infrastructure and Strategic Phasing Plans. These will be followed by a Masterplan and Design Code for each phase area to align with the outline stage material.
- 8.8.6. The proposed development would be laid out in blocks with a legible street hierarchy. The DAS sets out that the development will comprise a series of character areas which are summarised as follows:

The Southern Gateway

- The main gateway to the development characterised by two storey and occasional 2.5 storey houses featuring a strong regular frontage to provide enclosure of the open space opposite.
- Architectural features will include bay windows, entrance porches and prominent chimney stacks.

The Cricket Green Edge

- A more informal and spacious arrangement of 1.5 and 2 storey buildings.
- A rural and simple architectural language.
- Parking provided on-plot, on-street or within shared parking courtyards.
- Unmanicured public open space to encourage biodiversity.

Mixed Use Local Centre and Primary School

- Strong frontages providing a sense of enclosure with heights varying from 2 to 3.5 storeys.

- Parking provided on-street or behind buildings.
- Open space comprising a paved public square.

Parkland Transition

- Loose varied frontages onto an area of green open space with traditional forms and vernacular materials but with modern detailing.
- Detached and semi-detached two storey houses with some single storey buildings and driveways to provide a reduced sense of enclosure to focus attention on the view of the church.

Village Common

- Predominantly detached two storey houses arranged spaciouly around the village common with a diversity of building styles featuring varying roof forms.
 - Some small terraces of cottages.
- 8.8.7. The proposed density of development would range from low (27-30 dwellings per hectare (dph)) near sensitive areas to medium (32-36 dph) across most of the built-up area. There would be higher densities (50-55 dph) within the local centre.
- 8.8.8. Indicative details of materials include burnt red or yellow brickwork, flint, areas of tile hanging and black weatherboarding, and slate and red/brown clay tiled roofs. The mixed-use local centre buildings will feature pastel shaded render with small areas of brickwork, tile hanging and timber boarding.
- 8.8.9. Landscape features are mainly retained and built upon with a range of natural and semi-natural open spaces, tree planting and blue infrastructure. The open space proposals include the following:
- A village common, a village green and a series of green corridors.
 - A country park in the north of the site.
 - An open space corridor to the east of the site providing a pedestrian and cycle route from Sheppey Way to the Country Park.
 - A cricket pitch adjacent to Bobbing Cricket Club.
 - Open space and landscaping along Cold Harbour Lane and Parsonage Lane to reduce the impact on the character of these designated Rural Lanes. Crossing points are minimised over Cold Harbour Lane to limit the impact on its character.
 - A series of green corridors to link existing hedgerows and connect the green spaces to the surrounding countryside. Biodiversity corridors and foraging routes would be enhanced along the site peripheries to promote wildlife connectivity.
 - Retention of all existing mature high quality trees and hedgerows, wherever possible.
 - Tree and woodland planting in the south and west of the site including strengthening of existing boundary planting to mitigate landscape impacts.
- 8.8.10. Heights and densities will be arranged to respond to the rural context with lower heights at sensitive edges and higher buildings concentrated within the village core. This ensures that the site is efficiently used as far as is appropriate, having regard to the context of the site. The overall quantum of development is large relative to its

immediate surroundings; however, the National Design Guide asserts that well-designed places do not need to replicate their surroundings, with increasing densities representing as appropriate change.

- 8.8.11. The proposals to retain and enhance existing landscape features and to provide a range of natural and semi-natural open spaces, tree planting and blue infrastructure are considered appropriate to the site's countryside/edge of settlement location. The approach will help to soften and screen the new neighbourhood from views in the surrounding landscape, as well as providing a mature landscape setting for the new community.
- 8.8.12. The proposed housing to the north of Stickfast Lane would occupy a somewhat isolated location, disconnected from both the remainder of the development as well as its immediate surroundings, which include the Garden of England Crematorium and Howt Green to the south. Occupants of dwellings within this part of the scheme would not enjoy the same access to services and amenities as residents in more central parts of the site. However, there is some rationale to the layout of development in view of the characteristics of the site and its surroundings. There is merit in providing a landscaped buffer to the Howt Green commercial uses and the adjacent crematorium and the proposal for a country park in the north of the site ensures that the scheme maintains a buffer to Iwade.
- 8.8.13. The approach to layout, height, density and the variation across the site is an overall satisfactory approach. The application indicates that the development would contain a variety of architectural design, detailing and materials within distinct character areas. It is considered that the approach to architectural design and materials has the potential to provide a coherent and attractive identity which is responsive to its context. Overall, the scheme has the potential to be a well-designed place with a distinctive identity which is appropriate to its local context.
- 8.8.14. The mechanisms for delivering good design are well thought out and have the potential to give oversight to proposals as they come forward. Conditions are recommended to secure a Site Wide Design Code (No. 7) and an Open Space Strategy (No. 14) to align with the outline stage material. It is recommended that the Site Wide Design Code is subject to an independent design review in order to provide additional certainty that a high quality of design would be achieved throughout the development.
- 8.8.15. The Council's Urban Design Officer is generally supportive of the proposals from a design point of view.
- 8.8.16. It is considered that the application provides a satisfactorily framework which ensures that a detailed scheme can be secured at reserved matters stage wherein the layout, scale, appearance and detailed design of the scheme represents a high-quality of design that is appropriate to its surroundings. The scheme would comply with the relevant design related criteria contained within Local Plan Policy ST1. It would conflict in part with policy DM14 of the Local Plan as this requires, amongst other things, that development conserves and enhances the natural environment. However, it is considered that the proposal accords with the other relevant criteria of Policy DM14, including through its response to the positive characteristics of the site and locality and

through being of a scale design, appearance and detail would be sympathetic and appropriate to the location. The proposal is considered to accord with Local Plan Policy CP4 on the basis of the quality of the design.

8.9. Rural Lanes

8.9.1. Local Plan Policy DM26 states that planning permission will not be granted for development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes. It also states that development proposals should have particular regard to the landscape, amenity, biodiversity and historic or archaeological importance of rural lanes. This policy conforms with the NPPF and carries very substantial weight. The Council's Landscape Sensitivity Assessment (2019) provides general guidance, stating that new development should seek to conserve and enhance the special rural qualities of the designated rural lanes, which includes Cold Harbour Lane and part of Parsonage Lane.

8.9.2. In terms of impact on rural lanes, mitigation measures are proposed involving open space and landscaping along Cold Harbour Lane and Parsonage Lane to reduce the impact on the character of these designated Rural Lanes. Crossing points are minimised over Cold Harbour Lane to limit the impact on its character. However, the proposals involve the suburbanisation of the wider setting of the rural lanes which will alter the existing rural context and therefore the rural character of these rural lanes. However, it is considered that the impact would not amount to significant harm to the character of these rural lanes and therefore the proposed development would not conflict with Local Plan Policy DM26.

8.10. Important Local Countryside Gap

8.10.1. A parcel of land within the site on the southeastern side of Sheppey Way which lies within an ILCG. ILCGs are identified within the Local Plan and are intended to retain the individual character and setting of settlements. The ICLG is defined in the Local Plan, inter alia, as a gap between Sittingbourne and the satellite villages of Bobbing and Iwade. The SBC Swale Important Local Countryside Gaps Review (February 2025) for emerging local plan recommended that this ILCG is retained and extended to the north. Local Plan Policy DM25 states that 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. The indicative details and parameter plans indicate that no development would take place within the parcel of land lying within the ILCG, and accordingly the proposal would be in accordance with Local Plan Policy DM25.

8.11. Heritage

Legislative and Policy Context

8.11.1. Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

- 8.11.2. NPPF para. 208 states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. NPPF para. 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 8.11.3. Local Plan Policy CP8 sets out various requirements proposals must accord with to sustain and enhance the significance of Swale's designated heritage assets. Policy DM32 relates to listed buildings and is clear that proposals affecting listed building must preserve the buildings setting and any features of special architectural or historic interest. Policies CP8 and DM32 conform with the NPPF and carry very substantial weight.
- 8.11.4. Local Plan Policy ST5 (The Sittingbourne Area Strategy) requires that development proposals conserve and enhance the historic and special interests of the town, coast, its rural area and landscapes.

Assessment of Heritage Impacts

- 8.11.5. In assessing heritage impacts, the first step is for the decision-maker to consider each of the designated heritage assets, which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the significance of such an asset.
- 8.11.6. Harm is categorised as being substantial or less than substantial. The extent of harm within these broad categories is relevant to weight.
- 8.11.7. The NPPG states that in general terms, substantial harm is a high test whereby the significance of the asset would need to be vitiated altogether or very much reduced.
- 8.11.8. Harm may arise from works to the asset or from development within its setting. The importance of a setting lies in what it contributes to the significance of the heritage asset.
- 8.11.9. NPPF paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 8.11.10. Clear and convincing justification is required by NPPF paragraph 213 for any harm to the significance of a designated heritage asset. Section 66 of the Planning (Listed Building and Conservation Areas Act) 1990 (PLBCAA) amounts to a statutory presumption against development that would harm the significance of a listed building.
- 8.11.11. The second step is therefore to balance any harm that is identified against the public benefits of the scheme, applying the requirements of NPPF paragraph 215 in the case of less than substantial harm.
- 8.11.12. For designated heritage assets, the balancing exercises required by NPPF is not a simple unweighted exercise in which the decision-maker is free to give heritage

harm whatever degree of weight they wish. In the Barnwell Manor case (East Northamptonshire DC v SSCLG) the Court of Appeal identified that the decision-maker needed to give “considerable importance and weight” to any finding of harm to a listed building or its setting in order properly to perform the duty under section 66 of the PLBCAA.

- 8.11.13. The presumption against development that would harm the significance of a listed building (including its setting) can be outweighed, but only if there are material considerations (which include a proposal’s public benefits) that are strong enough to do so.
- 8.11.14. The decision-maker needs to ensure that they give considerable importance and weight to any harm to the significance of a designated heritage asset, and ensure that the more important the asset, the more the weight that is given to the harm in the balancing exercise.
- 8.11.15. A public benefit can be anything that delivers economic, social or environmental objectives, which are the three overarching objectives of the planning system as set out in the NPPF. The Planning Practice Guidance advises that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
- 8.11.16. Benefits are discussed in Section 8.27 of this report (Planning Balance), where the heritage harm is weighed against benefits and an assessment made of whether the application complies with Local Plan policies CP8 and DM32 and the provisions of the NPPF.
- 8.11.17. There is a separate test to be applied in determining applications which directly or indirectly affect the significance of non-designated heritage assets. NPPF para. 216 states that in weighing such applications a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Heritage Impacts

- 8.11.18. The proposed development would not result in any impacts to Conservation Areas.
- 8.11.19. The application is accompanied by a Heritage Assessment (HA) which considers impacts on heritage assets and is summarised as follows:

St Bartholemew’s Church

- 8.11.20. The Grade I listed St Bartholemew’s Church is a good example of a characterful rural medieval parish church which was greatly restored in the 19th century. Its significance is primarily derived from its architectural, artistic, archaeological and historic interest. The church’s siting on higher land, combined with a handsome west end tower, means that it was widely visible and a prominent landmark which was the focal point for the surrounding community. Its rural setting to the east has been largely lost to the construction of the A249 and the expansion of Sittingbourne, but it retains a strongly rural setting to the west including the application site. The remaining rural views from the site and to the west and north of the site allow an appreciation of the church’s role as a focal point for the surrounding community. The setting of the church

therefore contributes to its significance. Glimpsed views of the rural foreground from the churchyard looking west also reinforce an appreciation of the building's origins as a rural parish church, set away from intensive historic development.

8.11.21. The initially submitted scheme was revised to address concerns raised by Historic England and the Council's Conservation Officer in relation to the setting of St Bartholemew's Church. Compared to the initial proposals, the revised scheme would provide increased green space around the church and viewing corridors within the development.

8.11.22. The HA considers that the proposed development will result in less than substantial harm (at the lower end of the spectrum) to the heritage significance of the Church of St Bartholemew by reason of alteration to its setting.

Parsonage Farm House

8.11.23. The Grade II listed Parsonage Farm House is an 18th Century two storey hipped roof farmhouse fronting Parsonage Lane within a discrete plot. Its heritage significance is principally derived from its architectural, artistic and historic interest as an 18th Century farmhouse, and to a lesser extent its setting which primarily comprises its immediate surroundings. The HA identifies a low to moderate degree of less than substantial harm to the heritage significance of Parsonage Farm House by reason of alteration to its setting.

Bobbing Court

8.11.24. The Grade II listed Bobbing Court is a large two storey 18th Century House fronting Sheppey Way. Its heritage significance is principally derived from its architectural, artistic and historic interest and to a lesser extent its setting, which primarily comprises its immediate surroundings. The proposed scheme has been amended to provide an open space and landscape buffer to the rear of the grounds to Bobbing Court. The introduction of built form will change the agricultural character of the land surrounding Bobbing Court. Overall, there will be less than substantial harm (at the lower end of the spectrum) to the heritage significance of Bobbing Court arising from alteration to its setting.

Sole Place

8.11.25. The Grade II listed Sole Place is an 18th Century two storey house with dormer windows fronting Sheppey Way within a discrete garden plot. Its heritage significance is principally derived from its architectural, artistic and historic interest and to a lesser extent its setting which comprises its grounds, Sheppey Way and arable land to its north-west. The introduction of built form will change the overall character of the land to the north-west which will alter the setting of Sole Place; however, the harm to the significance of this heritage asset is assessed within the HA as being less than substantial at the lowermost end of the spectrum.

Bobbing Place

8.11.26. The Grade II listed Bobbing Place is an early 19th Century two storey house fronting Sheppey Way with strong vegetation on its boundaries providing a secluded setting. The significance of this heritage asset is also principally derived from its

architectural, artistic and historic interest whilst its setting, including its former agricultural holding, contributes to its significance but to a lesser extent. The proposed development will alter the setting of Bobbing Place and is considered within the HA to result in less than substantial harm to the significance of the asset, at the lower end of the spectrum.

Culnells

- 8.11.27. The Grade II listed Culnells is a 17th Century two storey farmhouse sited to the north-east of an extended garden/grounds at the northern tip of the application site. Its significance is derived from its architectural and historic interest and, to a lesser extent, from its setting which includes its grounds, outbuildings and historic agricultural holding. The proposed development involves a country park adjacent to Culnells and the HA considers that a lowermost level of less than substantial harm will occur to this heritage asset, by reason of alteration of its setting.

Pheasant Farmhouse

- 8.11.28. The Grade II listed Pheasant Farmhouse is an early 19th Century two storey farmhouse facing onto Sheppey Way within an expanded residential curtilage which is heavily vegetated to its boundaries. There is a large commercial/car breaking yard to the north. Heritage significance is derived from its historic fabric and to a much lesser extent its setting. The HA considers that the proposal will alter the setting of Pheasant Farmhouse resulting a lowermost degree of less than substantial harm to its significance.

Laurelin House and Luxton House

- 8.11.29. The Grade II listed Laurelin House and Luxton house is a 17th Century two storey house altered in the 19th Century and now subdivided into 2 houses facing onto Sheppey Way. The heritage significance of the building is derived from its architectural, artistic and historic features, with setting contributing to significance but to a very minor degree. The HA considers that the lowermost degree of less than substantial harm will occur to the significance of this heritage asset by reason of alteration to its setting.

Church Farm Cottages

- 8.11.30. The Grade II listed Church Farm Cottages (now one dwelling) was built in the 15th Century and extended in the 17th Century and faces onto Sheppey Way. The building has architectural and historic significance whilst setting contributes to significance but to a lower extent. The HA considers that the introduction of housing to the north of Church Farm Cottages and the resultant change to the setting of this heritage asset will result in the lowermost degree of less than substantial harm to its significance.

Non-designated heritage assets

Rook Farm

- 8.11.31. Rook Farm is a two storey house and a non-designated heritage asset facing Cold Harbour Lane. It derives heritage significance from its physical form with setting

contributing to significance to a lesser degree. There will be residential development to the south-east of the asset beyond intervening pasture and the HA identifies a very minor degree of harm to significance.

Little Norwood Farm Cottages

- 8.11.32. Little Norwood Farm Cottages are a pair of one and a half storey mid 19th Century farm workers cottages facing Parsonage Lane and are a non-designated heritage asset. The significance of the asset is derived from its architectural and historic interest and to a lesser degree its setting. The proposal will introduce housing to the south-west of Little Norwood Farm Cottages and the HA identifies a minor degree of harm to their significance arising from alteration to their setting.

Howt Green Cottages

- 8.11.33. Howt Green Cottages are a pair of early 20th Century one and a half storey workers cottages facing Sheppey Way and are a non-designated heritage asset. The cottages derive significance from their architectural and historic interest and, to a lesser degree, their setting. The introduction of housing to the north of the asset will result in a very minor degree of harm to the significance of the cottages.

Lingfield House

- 8.11.34. Lingfield House is a late 19th Century former vicarage facing Sheppey Way within an extended curtilage and is a non-designated heritage asset. The building has architectural and historic significance, and its setting makes a lesser contribution to its significance. There will be housing to the north of the asset, beyond an area of open space, which the HA identifies as resulting in a very minor degree of harm to the significance of Lingfield House.

Chatham Land Front

- 8.11.35. The site is located at the northern-most end of the Chatham Land Front, a First World War inland defence line. It arcs between Detling and the Swale Channel and was developed to protect London from the threat of invasion. It comprised trench lines, areas of wire, blockhouses and pillboxes, and was supported by redoubts on higher ground. The fieldworks were infilled and levelled and the infrastructure removed after the War. The Land Front as a whole can be understood and appreciated in terms of the interrelationship of its various components and how they sit within the landscape. Heritage significance is therefore derived from its setting. The archaeological implications of the proposed development are considered in the following section of this report. The remains of the Chatham Land Front are not designated as a heritage asset due to the nature of the remains and their geographic spread.
- 8.11.36. Mitigation is covered in the Archaeology section below and involves preservation of the footprints of Land Front features within open space and existing woodland. The Heritage Assessment identifies that the establishment of built form on the site between the areas of former defensive features will reduce the intelligibility of their overall layout, resulting in harm to the setting of the Chatham Land Front. It identifies that, in view of the extent of the Chatham Land Front and the mitigation

measures proposed, the development will result in a minor level of harm to the heritage significance of the Chatham Land Front as a whole.

SBC Heritage

- 8.11.37. The Council's Heritage Consultant notes that the scheme has been amended to incorporate greater mitigation measures to preserve the setting of St. Bartholomew's Church. It is agreed that there would be less than substantial harm to the setting of the listed buildings but this will be at the lower end of the scale, with the greatest impact to St Bartholomew Church and Parsonage Farm. There will be some 'less than substantial harm' to the significance of the remaining designated and non-designated heritage assets identified above. The embedded mitigation measures proposed within the Design and Access Statement and indicative layout demonstrate that the setting of these assets has been considered within the design of the scheme. Further detail of mitigation measures should be secured through any subsequent reserved matters applications. Conditions (Nos. 12 and 14) are recommended to secure suitable details of landscaping for the area surrounding St Bartholomew's Church and the area surrounding Parsonage Farm. A full assessment of the design and heights of built form on the site will be required under any subsequent reserved matters application, including through a revised HA.

Historic England

- 8.11.38. HE note the amendments to the scheme in response to their earlier concerns regarding harm to the significance of the Grade I listed Church of St Bartholomew and the Chatham Land Front. The amendments are considered to somewhat reduce the harm to significance by retaining slightly more of the church's rural setting and the prominence of the church tower as a landmark as seen from within the development site. However, the proposed development would still cover much of agricultural land to the west of the church and would still fundamentally alter the church's setting from rural to urban, harming its significance. The urban character would arise not only from the construction of a large number of houses, but also from the associated infrastructure, lighting and noise, which would fundamentally alter the character of the site. HE consider that harm could be reduced further by increasing the green buffers and providing additional views through the development towards the church, thereby reducing the urbanising effect and enhancing place making by creating stronger visual connections between the heritage of Bobbing and the proposed development. It is suggested that the viewing corridor could be extended back to Stickfast Lane to allow for a view across the whole of the development. HE also encourage the use of a design code to help integrate the development into its locality with reference to the local heritage as well as to provide it with a distinctive identity. HE recommend that the protection and enhancement of heritage assets during detailed design stages is secured by condition (No. 12).
- 8.11.39. Historic England have suggested that further mitigation could be secured at reserved matters stage through increasing the green buffers and providing additional/extended viewing corridors. The scheme has been amended significantly to address impacts upon the setting of the Church of St. Bartholomew and further amendments are not proposed in response to HE's comments. The impact of the

proposals on the setting of the Church should therefore be assessed on the basis of the indicative masterplan layout. HE consider that the harm arising from the alteration to the rural setting of the church would be 'less than substantial' in NPPF terms.

- 8.11.40. HE note that in the absence of a full archaeological investigation the physical harm and harm to the setting of the Chatham Land Front cannot be fully understood. Harm could arise from impacts upon individual components within the site, their relationship to each other and the surrounding topography, and to the broader defensive system as a whole. The harm could be reduced through a further enhanced use of heritage as a place-making tool. It is recommended that further details of design measures to enhance the significance of the Chatham Land Front at reserved matters stage should be secured by condition (No. 12). HE consider that the proposal would alter the legibility of the Chatham Defensive Line causing harm that is, 'less than substantial' in NPPF terms.

ES Review

- 8.11.41. The independent review of the ES suggests that the ES lacks clarity when ascribing significance to the identified heritage assets. The statement of significance of each impacted heritage asset does not clearly identify what elements make up the heritage interests and there is no clarity as to why the identified elements of the heritage asset's setting contribute to that heritage significance. It is suggested that this results in an unsound understanding of the heritage asset and its heritage significance, which thereby impacts the evaluation of the consequences of change.
- 8.11.42. The applicant suggests that some of the criticism appears to result from the use of non-EIA terms in the Baseline Assessment. A relevant appeal decision has set out that it is incorrect to use matrix-based approaches for the policy tests of the NPPF. As such, in order to aid the decision maker, the Baseline Survey uses NPPF terms, and the ES chapter uses EIA terms. Not to provide an assessment in NPPF terms would result in insufficient information for the decision maker.
- 8.11.43. The ES states at paras. 13.3.19 and 13.3.20 that:
- A Major Adverse effect does not necessarily equate to 'substantial' harm. Conversely, a Minor Adverse effect on an asset may cause a higher level of harm, given the relative sensitivity to change of each asset.*
- A 'significant' effect for the purpose of this assessment is considered to be Major effect. Moderate effects can be considered 'significant' or 'not significant'. The distinction is made by applying professional judgement to the matrix-led process, allowing a true reflection of the effect to be considered, rather than a level of effect which has been artificially inflated due to the constraints of the EIA process.*
- 8.11.44. The ES review suggests that these paragraphs are contradictory; however, the applicant advises that they relate to separate concepts. Para. 13.3.19 relates to NPPF 'substantial harm' and the terms used in the ES do not relate directly to that concept. Paragraph 13.3.20 relates to ES assessed 'significant harm'. Significance is articulated in NPPF terms in the Baseline Assessment to aid a decision maker who

needs to make reference to the policy tests of the NPPF, and significance in ES terms is then set out.

- 8.11.45. The ES review states that the ES statements of significance lack a detailed explanation of which non-setting elements of each asset engender their heritage interests. The non-setting elements relate to the physical form of a heritage asset and no impacts to the physical form of archaeological and built heritage assets are anticipated. Addressing non-setting heritage interest would have no impact on the assessments.
- 8.11.46. The ES review also states that there is no explanation of how or why contributions through setting contribute to significance. The applicant has responded that the elements which contribute are clearly set out in bullet points and in the narrative within the report.
- 8.11.47. The ES review states that the impacts to unknown archaeological remains are not fully assessed. The applicant has responded that the impacts are considered and presented in the ES and mitigation measures are set out.
- 8.11.48. Officers have considered the points raised in the ES review and the applicant's response is considered overall satisfactory. Officers are satisfied with the validity of the conclusions of the ES and that the points raised in the ES review would not alter these conclusions.

Subsequent assessment

- 8.11.49. Harm to the setting of designated and non-designated heritage assets has been identified at varying levels of less than substantial harm. In considering the impact of this proposal on designated heritage assets, officers have had regard to the Council's obligations pursuant to s66 of the PLBCAA. The proposal would be contrary to Local Plan Policies CP8 and DM32 which broadly seeks the conservation and enhancement of heritage assets and their setting. Para. 215 of the NPPF sets out a requirement to weigh the harm of designated heritage assets against the public benefits of the proposal. A public benefit can be anything that delivers economic, social or environmental objectives, which are the three overarching objectives of the planning system as set out in the NPPF. Para. 216 of the NPPF requires a balanced judgement when weighing applications that directly or indirectly affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.11.50. Benefits are discussed in Section 8.27 of this report (Planning Balance – Benefits and Harm), where the heritage harm is weighed against benefits and an assessment made of whether these outweigh the harm.
- 8.12. **Archaeology**
- 8.12.1. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, Local Planning Authority's should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.

- 8.12.2. Policy DM 34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 8.12.3. The KCC Archaeologist advises that nearby discoveries demonstrate that the site has very high archaeological potential.
- 8.12.4. The application is accompanied by a desk based Archaeological Assessment which identifies high potential for currently unknown archaeological remains to occur on the site, particularly remains of prehistoric and Roman date. The Assessment also considers the potentially highly important remains of the Chatham Land Front. The site is located at the northern-most end of the Chatham Land Front and the following features on the site have potential for archaeological traces:
- A redoubt at Parsonage Farm thought to have comprised trenches and a swale.
 - Lines of trenches and a swale close to Rook Farm.
 - A trench line south-west of the crematorium.
- 8.12.5. The applicant has undertaken a geo-physical survey of the southern part of the site which did not identify anomalies suggestive of below ground features, including at the locations of former trenches and machine gun posts; however, it is considered that there is potential for below ground remains and these would be preserved in situ. Detailed proposals would be provided at reserved matters stage; however, it is presently anticipated that the treatment of their footprints would include preservation of the redoubt, trenches and swale in open space and existing woodland. Appropriate interpretation of these features to allow their understanding and appreciation is proposed and would be secured at reserved matters stage. The impact of the proposal on the setting of the Chatham Land Front is considered in the heritage section of this report.
- 8.12.6. In the absence of a geo-physical survey of the northern part of the site (due to the commercial orchard present) there is potential for prehistoric, Romano-British and/or pre-modern archaeological remains in this area.
- 8.12.7. The KCC Archaeologist has provided comments which are summarised as follows:
- The Chatham Land Front is a particularly rare and significant anti-invasion defence from the time of the war. Though presently undesignated, the defences are rare and particularly well evidenced through mapping, photographs, documentation and physical remains. They should be considered as an undesignated heritage asset that could be of a significance on a national and regional scale.
 - The Archaeological Assessment provides a good account of the archaeology of the area and the site.
 - The lack of features identified by the geo-physical survey is very likely due to the unresponsive nature of the clay soils on the site although areas of sites with high magnetic signatures would often show. Its notable though that remains of the WW1 strongpoint trenches at Parsonage Lane and the cropmark enclosure did not show. It should be noted that the trenches associated with the WW1 Chatham land front were largely sheeted with wooden posts and interlaced wattling and the material excavated would have been used for their backfilling thereby limiting their magnetic response (though they have been detected elsewhere through geophysics).

- No evaluation trenching has been undertaken to confirm the archaeological potential of the site. Widespread trial trenching is required and can be undertaken post consent on a phased basis prior to submission of reserved matters applications.
- The applicant has undertaken an appropriate level of assessment and survey to inform the present planning application
- It may be that significant remains that require preservation are found in the further evaluation work and these would need to be taken account of in further development planning of those phases. Options for preservation would be limited by the set parameters and densities of development.
- The embedded mitigation that will ensure the known remains of the nationally significant Chatham Land Front are maintained in open space and avoided by development is welcomed. Further measures to accurately locate and preserve these should be addressed in Reserved Matters applications.

8.12.8. An Archaeological Framework to ensure consistency over the phased delivery of the scheme should be secured by condition (No. 8) prior to the first Reserved Matters application. It should include:

- A Research Design.
- Archaeological Model and Statement of Significance.
- A Strategy for Archaeological Assessment and Mitigation.
- Strategies for community archaeology & public engagement and heritage interpretation.
- A mechanism for review and updating of the Archaeological Framework.
- Archaeological evaluation to inform future Reserved Matters applications for phases of development.
- Archaeological mitigation involving further investigation and where appropriate potential preservation in situ measures for phases of development.
- Provision for the safeguarding of areas identified for preservation.
- Heritage Interpretation, in particular of the Chatham land Front.
- Provision for archaeological archives.

8.12.9. The KCC Archaeologist raises no objections to the proposal from an archaeological point of view subject to securing the Archaeological Framework.

8.12.10. The KCC Archaeologist's response included the following comments in relation to the ES:

- The study correctly identifies the significance of the Chatham Land Front defences as 'High' but doesn't grant a significance level to the currently unknown archaeological remains.
- The ES only suggests that the remains in the orchard areas are 'currently unknown' which is an over reliance on the effectiveness of the geophysics. There remains a high potential for archaeological remains, particularly of prehistoric and Roman date and potentially of later periods to be present on the site.
- There is at least one cropmark identified enclosure and trackway already known in the site and has not been considered in the Baseline Heritage Assessment.

8.12.11. It is considered that the concerns identified do not alter the conclusions of ES and it is noted that the KCC Archaeologist raises no objections in relation to

archaeology and is satisfied that the archaeological implications of the scheme can be mitigated.

8.12.12. Historic England advise that although these remains of the Chatham Land Front are not designated, the Archaeological Assessment correctly identifies the Chatham Land Front as being of likely national importance. As noted above, the physical harm and harm caused by development within the setting of the Chatham Land Front may be had both to known and currently unidentified archaeological remains. The applicant has not been able to undertake a full archaeological evaluation. Therefore, we do not have a clear understanding of what remains may or may not be present or their level of preservation. We also therefore cannot accurately identify the full extent of harm which may be caused.

8.12.13. An Archaeological Framework can be secured by condition (No. 8) which will safeguard the archaeological interest of the site. Subject to such a condition, the proposed development is considered to comply with Local Plan Policy DM34 which requires archaeological mitigation or the preservation of important archaeological features in situ.

8.13. Trees

8.13.1. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside.

8.13.2. Local Plan Policy CP4 states that development should retain trees where possible (including old orchards and fruit trees, hedgerows, shelter belts, woodland and scrub) particularly those that make an important contribution either to the amenity, historic, landscape character or biodiversity value of the site or the surrounding area. Moderate weight can be afforded to Policy CP4.

8.13.3. Local Plan Policy DM29 relates to woodlands, trees and hedges and states that unless the need for, and benefits of development in a location clearly outweigh the adverse impacts, planning permission will be refused where there is a loss of trees (including individual trees, old orchards, fruit trees, hedgerows and woodland scrub) that make an important contribution either to the amenity, historic, landscape, townscape or biodiversity value of the site and/or the surrounding area. This policy conforms with the NPPF and carries very substantial weight.

8.13.4. The application is accompanied by a Tree Survey. 365 trees were surveyed comprising mainly oak, sycamore, ash, aspen and field maple. Most trees were located along boundary lines of fields marking the edge of land ownership or the dividing of agricultural fields. The orchard trees within the site have not been recorded as they are regarded as an agricultural crop and should not present a constraint to development. Whilst it is acknowledged that Local Plan policies CP4 and DM29 seek to protect fruit trees, the orchard trees are not considered to make an important contribution to the area having regard to the criteria identified in Policy DM29. If it were considered that the orchard trees made an important contribution under the Policy DM29 criteria, the scheme would deliver significant benefits which would outweigh the loss of orchard trees. It is intended to retain all existing mature high quality trees and hedgerows wherever possible.

- 8.13.5. The Council's Trees Officer advises that the tree survey appears comprehensive and accurate in its assessment of the trees constraints of the site, albeit some years have passed since it was undertaken. Based upon the illustrative masterplan the proposed development would appear to generally respect the current constraints of the existing trees and woodlands, in particular the Rook Wood ancient woodland. The main arterial roads/streets show good structural tree planting. A future reserved matters application should be accompanied by an updated tree survey, constraints plan, method statement and tree protection plan, all in accordance with BS5837:2012, and the proposals should be designed around the tree constraints. It is recommended that these further details are secured by condition (No. 12).

Ancient woodland

- 8.13.6. There is an area of ancient woodland within the site (Rook Wood). Paragraph 186 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists (any compensation strategy must not be a part of considerations of wholly exceptional reasons).
- 8.13.7. Policy DM28 relates to biodiversity and geological conservation. At Part B of the policy, it states in part that development proposals will apply national planning policy in respect of the preservation, restoration and re-creation of aged or veteran trees and irreplaceable habitat, including ancient woodland and traditional orchards. Substantial weight can be afforded to this policy.
- 8.13.8. Local Plan Policy DM29 relates to woodlands, trees and hedges and states that unless the need for, and benefits of development in a location clearly outweigh the adverse impacts, planning permission will be refused where there is a loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees.
- 8.13.9. Natural England's standing advice states that the existing condition of ancient woodland is not a material consideration in the decision-making process. The advice also recommends a buffer zone of at least 15m between development and ancient woodland.
- 8.13.10. The proposed residential development would give rise to potential for harm to the ancient woodland from increased recreational pressure. Furthermore, an increased number of domestic cats within the site could have a detrimental impact upon species found within the woodland. The ancient woodland lies within an area of open space and is bound by Bobbing Cricket Club ground along part of its northeast boundary and by Cold Harbour Lane along its southeast boundary. The ES advises that protective fencing will be erected during the construction stage. A 15m buffer will be established at construction stage featuring species such as blackthorn to deter operational stage access by both the human and cat population. It is noted that buffer planting cannot be implemented along the boundaries with the cricket ground and Cold Harbour Lane. In relation to recreational pressure, it is noted that the scheme would provide extensive public open space comprising various typologies which would significantly reduce any potential recreational pressure on the ancient woodland.

8.13.11. The KCC Ecologist notes that the ancient woodland has been assessed as in poor condition within the BNG report (albeit no condition assessment has been submitted with the application) and therefore it is possible that with active management the condition of the woodland could be improved. Active management would also be required to ensure that the woodland is not used for recreation, whilst a potential impact from cat predation is noted. It is possible with active management to avoid deterioration of the ancient woodland arising from the proposed development. It is recommended that details of measures including management and buffers to protect and enhance the ancient woodland are secured by condition (No. 12).

8.13.12. The proposed development is considered acceptable in relation to trees and ancient woodland and in accordance with Local Plan Policies CP4, DM 28 and DM29.

8.14. **Ecology**

8.14.1. Section 40 of the Natural Environment and Rural Communities Act (2006) states “*For the purposes of this section “the general biodiversity objective” is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England*” and “*A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.*” Furthermore, the NPPF states that ‘the planning system should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.’ The NPPF states that ‘if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

8.14.2. Local Plan Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated. Policy CP7 seeks the conservation and enhancement of the natural environment through the delivery of green infrastructure. In terms of conformity with the NPPF policies CP7 and DM28 carry substantial weight.

Habitat Regulations Assessment

8.14.3. The site lies within 6km of the Swale and Medway Estuary and Marshes Special Protection Areas (SPAs) and Wetland of International Importance under the Ramsar Convention (Ramsar Sites). Given the scale of the proposed development, there is potential for a significant effect in relation to recreational pressure and functionally linked land on the Swale and Medway SPAs and Ramsar as a result.

8.14.4. The Conservation of Habitats and Species Regulations 2017 (‘the Habitats Regulations’) affords protection to certain species commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by policies CP7 and DM28 of the Local Plan where they relate to the protection of sites of international conservation importance including SPAs or Ramsar Sites.

8.14.5. Regulation 63 of the Habitat Regulations states that a competent authority (in this case the Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which:

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

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

Appropriate Assessment

8.14.6. The application was accompanied by a Shadow Habitat Regulations Assessment (HRA) which took impacts on the Swale and Medway Estuary and Marshes SPAs and Ramsar sites through to the Appropriate Assessment (AA) stage. This assessment mirrors the legal process that the Council must follow under Regulation 63 of the Habitats Regulations in completing an HRA. The assessment submitted with this application follows the relevant case law associated with the Habitats Regulation.

8.14.7. The proposal would result in an increase of up to 2,500 dwellings within 6km of the Swale and Medway Estuary SPAs and Ramsar sites. In line with Local Plan Policies CP7 and DM 28 and based upon the best available evidence, a permanent likely significant effect on the SPAs and Ramsar Sites due to an increase in recreational disturbance as a result of the new development is likely to occur. As such, in order to avoid and mitigate for an adverse effect on the integrity of the SPAs and Ramsar sites, the development will need to include a package of avoidance and mitigation measures.

8.14.8. The proposed development includes significant public open space including a new Country Park which will provide residents with recreation opportunities without travelling to the SPA / Ramsar sites.

8.14.9. The North Kent Strategic Access Management and Monitoring Strategy (SAMMS) sets out a strategy to resolve disturbance issues to wintering birds on the North Kent Marshes, focusing on the European Protected Sites and Ramsar Sites and their internationally important bird interest features. Elements within the strategy are:

- Rangers to provide wardening and visitor engagement.
- A North Kent Coast dog project to promote responsible dog ownership and encourage walking on lead in sensitive areas.
- Codes of conduct developed in partnership with local groups and clubs to raise awareness of recreational disturbance in a variety of activities both on and off of the water.
- Interpretation and signage.
- New and/or enhanced infrastructure.
- Enforcement and Monitoring.

8.14.10. The suite of strategic mitigation measures are being delivered through the Bird Wise project, a partnership of local authorities and conservation organisations in North Kent, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European sites. A per-dwelling tariff set at £223.58

per new dwelling in 2014 to reflect the cost of mitigation measures and the number of homes forecast to be built. Through indexation, this tariff is now at £337.39 per dwelling.

- 8.14.11. Given the proximity of the site to the SPA and the established operation of the SAMMS, it is considered that a payment in accordance with this strategy is required and this is agreed by the applicant.
- 8.14.12. Natural England has worked with the north Kent Local Planning Authorities to support them in preparing the SAMMS and the underpinning evidence base. Natural England agree that the mitigation measures to ensure additional impacts from recreational disturbance to the SPAs and Ramsar sites are ecologically sound. As such, the applicant does not need to provide their own evidence base on these aspects, subject to securing the SAMMS contribution through a S.106 agreement.
- 8.14.13. The shadow HRA identifies that poor water quality can result in a range of impacts. These include harm to aquatic life from chemicals, metals and sewage effluent; and eutrophication which increases plant growth with high levels of macroalgal growth, potentially smothering the mudflats used as feeding areas by qualifying bird species.
- 8.14.14. The Swale SPA/Ramsar and the Medway Estuary and Marshes SPA/Ramsar are hydrologically linked to the site via the Iwade Stream. Measures are therefore required to prevent the release of contaminated water into the SPAs/Ramsar sites, directly or otherwise during both construction and operation of the proposed development.
- 8.14.15. The Environmental Statement which accompanied the planning application provides details of general industry guidelines and best practice measures to be incorporated into the construction phases of the development and which can be secured through a Construction Environmental Management Plan (CEMP).
- 8.14.16. The application is also accompanied by a Flood Risk Assessment (FRA) which demonstrates that the design of the surface water management system of the development will protect downstream water bodies from pollution events during the operation of the development. The FRA also demonstrates that the overall volume of runoff will be managed to ensure greenfield rates are achieved (i.e. the same as currently) which will ensure that the hydrology of the designated sites is unchanged.
- 8.14.17. The shadow HRA identifies that the implementation of these mitigation measures during both construction and operational phases of the proposed development limits the risk of a significant pollution incident. Accordingly, no adverse effects on the integrity of the Swale SPA/Ramsar or Medway Estuary and Marshes SPA/Ramsar sites relating to water quality/hydrology are anticipated as a result of the proposed development.
- 8.14.18. A review of the HRA and appropriate assessment was undertaken, and officers are satisfied with the conclusion that the proposal would not result in an adverse impact on the designated sites. The HRA and AA and their conclusion (i.e., that there

would be no harm to the integrity of protected sites) has been adopted by the Council as the competent authority.

- 8.14.19. Natural England were consulted on the planning application and the Council's HRA and AA (adopting the shadow HRA and AA) who made no comments, referring officers to their standing advice.

Protected Species

- 8.14.20. A Phase 1 habitat surveys was undertaken in 2020 which identified habitats present on site with the potential to support bats (roosting and foraging/commuting), dormice, reptiles, breeding birds and great crested newts. Phase 2 protected species surveys were undertaken in 2020 and 2023.

Bats

- 8.14.21. A number of bat species were recorded around the site including common pipistrelle, soprano pipistrelle, noctule and myotis. Bats were generally associated with the woodlands and hedgerows, which they were noted using for both foraging and commuting. No localised areas of high activity were identified. 43 trees within the site were considered suitable for roosting bats and all of these trees would be retained. One building to be removed would have low potential to support roosting bats and mitigation could be achieved if roosting bats were identified. Impacts on roosting bats at operational stage can be mitigated through appropriate details of lighting. There would likely be an overall increase in suitable habitat for bats once the open space within the development has been completed.

Dormice

- 8.14.22. Dormice were identified on the site and mitigation proposals include planting which is intended to provide food sources for dormice. Post-development monitoring of the dormouse population is proposed so that the impacts of the development and mitigation can be measured. It is recommended that a Landscape and Ecology Management Plan (LEMP) is secured for each reserved matters phase with a requirement to achieve a net gain of dormouse habitat. A Natural England dormouse licence will be required in order to remove areas of suitable habitat along with suitable mitigation.

Great Crested Newts

- 8.14.23. Great crested newts (GCN) were identified in three waterbodies on the application site. Smooth newts and marsh frogs were also identified. It is intended to retain all waterbodies within the site; however, some of the terrestrial habitat may be lost to development. A licence will be required for the removal of suitable habitat, and suitable mitigation included within the development. The landscaping proposals include a substantial provision of habitat suitable for GCN within the Country Park. The protection of GCN habitat during the construction stage can be secured through a Construction Stage Ecological Management Plan (Condition 38).

Badgers

- 8.14.24. Evidence of badgers was found across the site, including sett entrances. Precautionary recommendations are provided, including a minimum 30 m buffer from sett entrances where no construction activity will be carried out. If this cannot be achieved, then a temporary exclusion licence may be required for badgers.

Breeding Birds

- 8.14.25. The breeding bird survey recorded a total of 47 species in 2023 of which 29 were confirmed to be breeding and two species were probably/possibly breeding, resulting in a breeding bird assemblage of 31 species. The remaining 16 species were of non-breeding status, either passing through the site or using the site for foraging. Breeding bird species identified include hobby, listed under Schedule 1 of the Wildlife and Countryside Act, skylark, starling and house sparrow which are Red-list species and dunnock (Amber-list). There were no species present in any significant numbers (i.e. approaching 1% of the UK population). The breeding bird assemblage within the survey area is assessed as of no more than local importance due to the diversity and abundance of the species present. In general, the loss of habitat across the site will likely result in a lower number of breeding species, particularly for those which hold territories, as areas of suitable breeding habitat are condensed and surrounded. Mitigation for loss of breeding bird habitats will include significant new areas of habitat within the development such as wildflower meadow grassland, woodland, wetland, SUDs features and hedgerow planting. Off-site mitigation is proposed for farmland birds with breeding plots provided within surrounding farmland in the applicant's control and this can be secured through the Section 106 agreement.

- 8.14.26. All wild bird nests and their eggs are protected under the Wildlife and Countryside Act 1981 and development proposals avoid disturbance or harm to any birds breeding on the site during construction. This can be achieved by clearing habitats within the development area with the potential to support nesting birds outside of the breeding season (March – August inclusive). If this is not possible, pre-commencement checks of all habitats suitable for breeding birds must be carried out, and any active nests must be left undisturbed until the chicks have fledged.

Reptiles

- 8.14.27. Low populations of slow worm, grass snake and common lizard were recorded within site. It is anticipated that these populations could remain on site with the populations moved via habitat manipulation to retained areas of rough grassland.
- 8.14.28. The KCC Ecologist raises no objections to the proposals in relation to protected species subject to a condition (No. 38) securing a construction stage ecological management plan.

Biodiversity Net Gain (BNG)

- 8.14.29. National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments.
- 8.14.30. Local Plan Policy DM28 requires that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 8.14.31. The application was submitted before BNG became a mandatory requirement; however, the application is accompanied by a BNG assessment. It is established through the NPPF and appeal decisions that LPAs may reasonably request a BNG for applications which are otherwise exempt from BNG, albeit the net gain could be minimal.
- 8.14.32. The site comprises a series of agricultural fields interspersed with a mixture of species poor and species-rich hedgerows. The north of the site comprises an active, intensively farmed orchard. The site also includes an ancient woodland, buildings, hardstanding and a series of ponds and ditches. In terms of on-site habitats, Rooks Wood is considered ancient in origin and is therefore classed as an irreplaceable habitat. The applicant anticipates that the scheme could achieve a 66% net gain for habitats and a 20% net gain for hedgerows. The habitats net gain is likely to be lower as trees within the site have not been included within the baseline. The applicant requests that the application is assessed on the basis of a 20% net gain in order that the remainder can be provided as 'credits' to assist with other development within the Borough. The 'credits' for other sites would be secured through the S.106 agreement.
- 8.14.33. The KCC Ecologist has reviewed the submitted BNG assessment and metric and is satisfied that the proposal can achieve a BNG within the site as required under the NPPF. The landscaping is likely to be amended at reserved matters stage therefore a revised and updated BNG metric should be secured at that stage.
- 8.14.34. A Habitat Management and Monitoring Plan (HMMP) for each phase of the development can be secured by condition (No. 39) in order to ensure the long-term management and monitoring of the habitats and any necessary remedial works.

ES Review

- 8.14.35. The ES Review considers that the baseline ecology data is inadequate as the desk-based data and winter bird survey is now out of date. Furthermore, certain necessary ecological surveys have not been carried out such as nocturnal bat surveys of buildings and surveys of land surrounding the site which may also be impacted by the development (e.g. winter bird surveys, breeding bird surveys, amphibian surveys and badger surveys).
- 8.14.36. The applicant has responded that the responsibility of developers as set out in the Defra Circular (06/2005) is to establish "the presence or otherwise of protected species, and the extent that they may be affected by the proposed development,...before the planning permission is granted," The circular clarifies that developers should not be required to undertake surveys for protected species unless

there is a reasonable likelihood of the species being present and affected by the development. Case law has established that the risk of any impact on protected species should be identifiable rather than hypothetical. BS42020: 2013 states that even when a species may be present within a site, the level of survey required should be proportionate to the predicted level of impact. Accordingly, the onus is not on the developer to undertake a significant amount of surveys to demonstrate the absence of a species from a site. The applicant's further responses to the ES Review are detailed within the following table:

Clarification Required	Applicant Response
The Desk Study was originally undertaken in 2020 and should have been updated to in order to check for any changes in the surrounding area which may have a bearing on the baseline.	Desk studies are generally used to inform the scope of surveys and as the 2025 ES was based on extensive field surveys, the updated data search is considered unlikely to influence the scope of the surveys.
Limited information on individual hedgerows within the site.	Information provided within habitats map submitted with the application.
No assessment to identify any 'important' hedgerows within the site.	There is nothing that would suggest any of the hedgerows would meet the criteria of Important under the Hedgerow Regulations 1997 on ecology grounds. There is no intention to remove any specific hedgerows at this stage this matter could be dealt with at reserved matters stage. In view of the timescales for the phased delivery of the scheme there would be benefit in further survey works and the importance of the hedgerows can be assessed prior to the determination of each reserved matters application. <i>Officer note: condition 40 is recommended to prevent the removal of any hedgerows and to secure a hedgerow survey prior to the submission of reserved matters applications.</i>
Shortcomings identified in amphibian surveys.	District Licence will be applied for, therefore the requirement to undertake surveys is removed.
Impacts on common toads are not addressed.	There is no standard evaluation method for toads and other amphibians. The site is subject to high levels of intense management which would significantly reduce its suitability for these species; overall the site is sub-optimal for amphibians. Post development, much improved habitats will be provided with the Country Park area. Toads are a protected under Section 41 of the Natural Environment and Rural Communities Act but only where

	the Local Authority have a plan or policy in place and Swale do not have a specific plan.
Why were four residential buildings not surveyed for bats?	The buildings are outside of the site and would not be impacted by the development.
Why were bat surveys not undertaken during April?	Extending the bat surveys into the sub-optimal months either end of the season is highly unlikely to alter the findings of the survey, and hence the overall assessment. The results of the surveys confirmed that the habitats within the Site are of low value to bats, hence the surveys were considered adequate. The bat evaluation presented in the ES was based on the professional judgment of the surveyor. The ES Review suggests a formal methodology (such as that presented by Wray et al. 2010) should be applied. Applying this approach would confirm that the original evaluation is correct.
No justification is provided in the report for the dormouse population to be assessed as 'Local' and no assessment of the likely population size has been provided.	The population density would be assessed to be in the region of 1.3ha-1 which is low and would only be evaluated to be of 'Local' value.
Recent dormouse guidance has been released since the application was submitted.	When evaluating the results against the criteria presented in the new guidance a similar evaluation is reached and the dormouse population is still considered to be of 'Local' value.
Reptile surveys were not all undertaken during the optimal survey period and insufficient survey visits were made to inform an accurate assessment of the reptile population size of the various reptile present, according to the relevant guidance (e.g. Froglife, 1999). Additional surveys would have likely recorded a greater population. The site would also qualify as a Key Reptile Site under the Froglife (1999) guidance as it supports three reptile species. The reptile population is likely to be higher than the Local value identified in the ES.	Froglife guidance does not include an area component within the assessment and therefore does not reflect population density. Given the size of the application site the numbers of slow worms, grass snakes and common lizards identified would indicate an extremely low population. Froglife suggests that 7 visits are required to determine presence/absence and between 15 and 20 required to give an estimation of density. However, more recent research has demonstrated that presence/absence can be determined in 3 to 5 visits. Therefore, 7 visits will be sufficient to estimate abundance and determine an appropriate level of mitigation. It should also be noted that the survey was conducted over two years, with 7 visits in 2020 and 7 visits in 2023.
Recent guidance indicates 6 breeding bird survey visits should have been undertaken (rather than	Determination of breeding status is based on the repeated presence of territorial or breeding individuals in a similar location

5) and the survey periods are considered inadequate and the results are likely to have undervalued the site for a range of species and breeding evidence is likely to have been under recorded.	between visits. Where extensive areas of structurally complex vegetation is present, an increased number of visits may be beneficial as detection efficacy may be low. However, in open landscape a lower number of visits is acceptable due to the high detectability of the target species. The guidance referenced is not a statutory document and is not affiliated or endorsed by relevant organisations. Five surveys were undertaken in 2020 and five surveys in 2023. Based in extensive professional experience it is not considered that an additional single survey visit would significantly alter the results or the final assessment.
All breeding bird survey visits were undertaken during the early morning period. The updated guidance states that one survey visit should be undertaken at dusk to understand the value of the site for nocturnal/crepuscular species such as grasshopper warbler and owl species. As the buildings within the site have not been fully inspected, there is a risk that barn owl could be using buildings within the site, and the impacts have not been considered.	There are only 15 – 30 known pairs of grasshopper warblers within Kent, with the nearest being over 15km away. There is no suitable habitat for this species within the site. None of the buildings within the site are suitable to support barn owl. Hence there is no justification to undertake surveys specifically for these two groups.
The survey area is not defined, and it is not known whether it just contained the site, or also the land immediately surrounding the site as recommended in the guidance.	Given access constraints, all surveys were confined to the site. However, as many of the site's boundaries lack features such as significant hedgerows, it is reasonable to assume birds in neighbouring fields would have been detected if present.
The site is reported to support 7 pairs of yellow wagtail. While this is only 0.4% of the national population, it is still a significant number of pairs of this species and may be a significant component of the County population. It would be useful if an estimate of the County population could be stated and a further assessment of the value of this site for this heavily declining species.	It is unclear where the 0.4% figure comes from as the BTO gives the UK breeding population as approximately 20 000 pairs (in 2016) and the Kent Breeding Bird Atlas (2015) suggests there are 1000–2000 pairs in Kent. This translates to 0.035% of the UK population and between 0.35–0.7% of the Kent population within the site.
Hobby (schedule 1, Wildlife and Countryside Act 1981) were	As the habitats within the Site have not changed significantly, it can be assumed that

confirmed to nest in the site during 2020. This species was not confirmed as present in 2023. There is no discussion regarding this and whether the suitable habitat for hobby nesting is still present.	suitable habitat for hobby is still present, although the habitat is likely to be sub-optimal which would explain why the species is no longer present.
Wintering bird surveys did not cover the full period when migratory species may have been using the site.	The wintering bird survey did not encounter any species that represent the qualifying features of the SPA therefore it is highly unlikely that the site is an 'important' or 'significant' area for these species, defined as holding 0.5% of the UK population on a regular basis (66% of the time). If it did, then it is reasonable to assume they would have been detected on at least one occasion during the surveys. The risk of any impact on protected species should be identifiable rather than hypothetical.
If the land within 500m of the site was not surveyed, there is potential that birds associated with internationally designated sites could be using the surrounding land that could be disturbed by construction noise and visual disturbance and disturbance from residents during the operation period.	As with the breeding birds, access constraints meant all surveys were confined to the site. However, as many of the site's boundaries lack features such as significant hedgerows, it is reasonable to assume birds in neighbouring fields would have been detected if present.
The timing of each survey visit during the day is not stated, although there does not seem to be any nocturnal survey visits undertaken. Nocturnal usage of land by birds, particularly waterbirds may be greatly different to that during the day.	There is no suggestion that species which may be active during the night – such as grazing geese – are present within the site based on the desk study data in conjunction with lack of any daytime encounters.
There is no information provided to state the regularity of use of the survey area by the bird species recorded.	It is not a normal requirement to indicate the frequency of observations of a certain species within a survey period.
The badger survey did not include land within 30m of the site boundary where impacts to badger setts may still occur.	It is not normal practice to undertake surveys on extensive areas of land not under the control of the applicant. This is an outline application and the masterplan indicates extensive areas of green infrastructure around the periphery of the site therefore any active badger setts offsite would not be impacted. In line with Defra Circular 01/2005

	and BS:4202, there is no requirement to undertake surveys for species if there is no predicted impact.
Inadequate assessment of potential impacts on badgers and lack of clarity regarding need for a badger licence.	Reference to potential impacts and the need for a licence is discussed in the ES. As this is an outline application, it is difficult to be more precise on the potential need for a licence or not.
An active main badger sett and an active outlier sett was found within the site. The location of any badger evidence found is not provided. There is no indication of whether any other inactive setts were found and whether any sett monitoring had taken place. The ES may have undervalued badgers. Mitigation and the need for a badger licence are not addressed.	Reference is made to potential mitigation, and the possible need for a license in Section 4.5 of Appendix 11.1 submitted with the Ecology Statement. It should be noted that whilst badgers receive full legal protection, this is mainly for animal welfare reasons and not conservation ones; badger remain one of the most common large mammals in the UK.
No specific survey was undertaken for invertebrates and there is no assessment of the potential value of the site for invertebrate species. Rook Wood will likely support a large number of invertebrate species and some assessment of current invertebrate value and impacts should be made.	As active farmland, the site is highly unlikely to support an interesting invertebrate assemblage due to amount of pesticides likely to be in use. The ancient woodland blocks may support some insects of note, but as these will not be affected, there is no need to survey them in line with Defra Circular 01/2005.
Brown hare could utilise the open arable habitats within the site. As the detailed species records have not been presented, presence of brown hare in the local area cannot be confirmed. No consideration has been made as to whether hedgehog are present at the site.	Given the numerous site visits undertaken by a range of experience, qualified ecologists during work undertaken to inform the Environmental Statement, it is reasonable to assume that if species such as brown hare had been present within the site, their presence would have been noted.

8.14.37. Officers have considered the points raised in the ES review and the applicant's response and note that these mostly relate to differences of opinion on methodology and evaluation techniques. The KCC Ecologist has considered the ES Review and the applicant's response and has confirmed that these would not alter her consultation response. Officers are satisfied that the points raised and the applicant's response would not alter the conclusions of the ES in relation to ecology matters. Accordingly, the ecology chapter of the ES provides sufficient information to allow an informed decision on the likely impact of the scheme upon the ecological receptors to be made.

Kent and Medway Local Nature Recovery Strategy

- 8.14.38. The Kent and Medway Local Nature Recovery Strategy was published in November 2025 and sets out the county's priorities for nature recovery and the recommended actions to deliver them. This spatially framed Strategy also identifies where in the county this action should be targeted to deliver the greatest outcomes for habitats and species. It is recommended that appropriate ecological enhancement measures to form part of the reserved matters of landscaping should have regard to the objectives of the strategy (Condition 12).

Conclusion

- 8.14.39. It is considered that the proposal is acceptable in relation to ecology and biodiversity in accordance with Local Plan Policies CP7 and DM28.

8.15. Transport and Highways

- 8.15.1. The NPPF at paras. 109 and 110 promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. The NPPF at para. 116 states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

- 8.15.2. Local Plan policies CP2 and DM6 promote sustainable transport through utilising good design principles. The policies set out that where highway capacity is exceeded, or safety standards are compromised proposals will need to mitigate harm. Policy CP2 seeks to maintain and improve the highway network at key points to improve traffic flows and respond to the impact of new development and regeneration. Policy DM7 of the Local Plan requires parking provision to be in accordance with the Council's Parking SPD.

- 8.15.3. In terms of conformity with the NPPF, Policy CP2 carries substantial weight, Policy DM6 carries moderate weight and Policy DM7 carries limited weight.

Vehicular access proposals

- 8.15.4. Detailed approval is sought for the means of vehicular access from Sheppey Way into the site. The principle access to the site would be via a 4-arm roundabout that would replace the existing 3-arm priority junction on Sheppey Way, adjacent to the Bobbing Services. The roundabout includes shared use pedestrian and cycle paths around it to connect to existing facilities, as well as to proposed routes to be delivered as part of the development. This includes a Toucan crossing of Sheppey Way (North) in the vicinity of Cherry Cottage, and a revised refuge island for pedestrians and cyclists to access Bobbing Services. The KCC Highways officer advises that the proposed roundabout and associated works are acceptable at this stage of the technical design process, and compliant with the relevant national and local design guidelines and standards. The works should be completed prior to the 1st occupation of Phase 2 of the development.

- 8.15.5. A second junction with Sheppey Way is proposed to the north of Quinton Road and will serve the southern development parcel. The junction changes the priority along Sheppey Way in favour of traffic diverting into the site. The KCC Highways Officer advises that adequate visibility and appropriate walking and cycle facilities would be provided. The access should be provided prior to the occupation of any dwelling or commercial use within Phase 4.
- 8.15.6. A third junction with Sheppey Way is proposed opposite Bramblefield Lane to serve the northern development parcel which is limited to 350 dwellings. The access would include a 3m wide shared use footway/cycleway from Sheppey Way into the development. A crossing point is proposed at the end of the footway/cycleway on Sheppey Way to transfer pedestrians and cyclists onto the opposite side of the road, where a shared use footway/cycleway scheme between Bramblefield Lane and Iwade has been secured as an obligation under planning permission ref. 19/503974/OUT (see para. 2.6 above). The KCC Highways Officer advises that the proposed junction design is considered acceptable and the access should be provided prior to occupation of the 1st dwelling in Phase 1.
- 8.15.7. The proposed spine road will utilise a short part of part of Parsonage Lane. Otherwise, the proposed roads within the development site will only cross Cold Harbour Lane, Parsonage Lane and Stickfast Lane, with no left or right turns permitted. The layout and position of these crossings would be details for the Reserved Matters applications to consider, so that appropriate measures are provided to ensure the development is not accessed via these roads.

Site Layout

- 8.15.8. A street hierarchy is proposed within the development as follows:
- Bobbing Avenue – A spine street providing the main access into and through the site.
 - The Groves - Secondary streets providing access from the spine street into the residential areas.
 - The Drives - Tertiary streets offering direct access to dwellings.
 - The Lanes - Shared streets similar to tertiary streets in function, but comprising a shared surface.
 - The Walks - Unadoptable private drives in the form of small scale streets.
- 8.15.9. Whilst the layout of the development is a reserved matter, the hierarchy of primary, secondary, and tertiary streets set out has the potential to provide a legible movement network for the scheme.

Servicing and parking

- 8.15.10. A number of proposed land uses in the development, including retail, commercial and education have specific servicing and delivery requirements that would need to be reflected in the proposed highways arrangements at reserved matters stage. Delivery and servicing details for non-residential elements of the scheme can be secured by condition (No. 56).
- 8.15.11. The Transport Assessment advises that car parking will be provided in accordance with the requirements set out in the Council's Parking Standards (May

2020). The approach taken in relation to car parking would vary by land use. It is recommended that a site wide parking strategy is secured prior to the submission of reserved matters with compliance to be demonstrated on a phase by phase basis.

Public Transport

- 8.15.12. The application site is located within approx. 3km of three railway stations (Kemsley, Sittingbourne and Newington) which can be accessed by means other than the private car (10-12 minute cycle times and 34-41 minute walk times). It is anticipated that most rail users would travel to Sittingbourne Station in view of its connectivity and frequency of services.
- 8.15.13. The nearest bus stop is at the Garden of England Crematorium (900m northeast of the centre of the site on Sheppey Way) which is on the Chalkwell 334 bus route between Sheerness and Sittingbourne.
- 8.15.14. The bus service strategy involves the delivery of improved bus services between the proposed development and key locations, principally Sittingbourne town centre. The following measures are proposed as part of the strategy:
- Improvement / provision of street furniture for existing and new bus stops within or in close proximity to the proposed development to encourage and facilitate bus journeys (e.g. live bus timetables, shelters and seats).
 - New Shuttle Bus service between the site and Sittingbourne centre and rail station which will be funded through a £4.34m developer contribution. The specific details of the timetable will be the subject of further discussions. It is intended that the shuttle service would loop through the proposed development site with the aim of a maximum distance between dwellings and bus stops of 400m.
- 8.15.15. KCC Highways agreed that the proposed shuttle service from within the site to Sittingbourne town centre is a suitable provision to complement the existing 334 service that passes by the site. A financial contribution of £4.34m has been agreed to secure the service based on the projected build-out rate of the development and the amount of patronage required to support the service financially. The contribution would be secured through the Section 106 agreement along with the bus stops/street furniture provision and improvements. The Framework Travel Plan should include a requirement to provide bus vouchers to each dwelling to facilitate the equivalent of 6 months of bus travel.

Mobility Hub

- 8.15.16. A mobility hub within the proposed development will be located within the local centre, accessible within a 15-20 minute walk of all new dwellings. Full details of facilities and services at the Mobility Hub will be set out at reserved matters stage but it is anticipated to include a principal bus stop for the site, an electric cycle hire centre, a Car Club centre and a travel information centre. The Car Club will provide up to 4 cars for use by residents or businesses within the development with a series of discounts and incentives to encourage membership and use. These will be secured by S.106 agreement.

Highway Impacts

- 8.15.17. Junction improvements are underway or have been completed in the wider area including M2 Junction 5 (Stockbury), M20 Junction 7 (Detling Interchange) and Grovehurst Junction.
- 8.15.18. Highways modelling has been undertaken based upon a methodology agreed with KCC Highways and National Highways. The modelling treats the proposed development as an addition to the draft Local Plan site allocations rather than as a substitution of them. The modelling identifies that the proposed development would likely generate 1038 AM peak and 1060 PM peak movements from the residential properties which equates to approximately 17-18 movements per minute during these peak periods. The business park would generate 261 movements in the AM peak and 166 movements in the PM peak (of which the majority would be private vehicles). The primary school would be within walking distance of most residential properties within the site and would generate 60 AM peak movements and 6 PM peak movements. Upon completion and full occupation, the development would generate 1530 AM peak and 1402 PM peak movements.
- 8.15.19. The Transport Assessment (TA) accompanying the application details modelling of the impact of the development on local junctions which demonstrates that they would operate satisfactorily in terms of whole junction capacity in both AM and PM peaks in all scenarios. Most junctions assessed would also operate satisfactorily over all junction arms individually.
- 8.15.20. The Staplehurst Road/Chalkwell Road, St Pauls St/Crown Road junction and the St Pauls St/Mill Way junction may operate close to or slightly over-capacity on one or more arms. However, the TA advises that queues would not reach unacceptable levels and the impacts have not been judged as severe and therefore mitigation is not required. KCC Highways advise that the modelling assessment is accepted and there will not be severe impacts on the operation of either junction.
- 8.15.21. Junction capacity improvements have been agreed for the A249 Bobbing interchange as part of the mitigation for the NW Sittingbourne development (ref. 18/502190/EIHYB) referred to at para. 2.3, which signalises and creates additional lanes on the A249 off-slip arms onto the roundabout, and introduces controlled pedestrian crossings on those arms and the northbound on-slip. The improvement scheme is to be delivered by the occupation of the 451st dwelling on the NW Sittingbourne development. KCC Highways are satisfied that these junction improvements can also accommodate the proposed development in view of National Highways advice that no more than 600 dwellings should be occupied within the proposed development prior to the completion of these junction capacity improvements.
- 8.15.22. All developments that place additional traffic on the junctions currently undergoing major improvements by KCC at the A249/A2 Key Street junction and A249 Grovehurst Junction, through the Housing Infrastructure Funding (HIF) award from Homes England, are required to contribute towards the recovery of the HIF. The

contribution calculated for this application site has been agreed as £1,257,674.88 using the appropriate formula and can be secured in the S106 Agreement.

- 8.15.23. The TA identifies that the proposals would not have a detrimental impact on cyclist and pedestrian safety, nor should there be safety concerns in relation to the operation of the local highway network.
- 8.15.24. KCC Highways Officer has advised that the applicant's traffic modelling provides a robust assumption of the development's traffic generation. KCC is satisfied that each junction has been modelled with the appropriate input values, and the results subsequently reviewed. KCC are satisfied that the modelling provided satisfactorily demonstrates that most junctions modelled would operate satisfactorily following the proposed development whilst the Staplehurst Road/Chalkwell Road, St Pauls St/Crown Road junction and the St Pauls St/Mill Way junction would not be subject to severe impacts. Accordingly, no further mitigation is required.
- 8.15.25. National Highways raise no objections to the proposed development subject to a condition (No. 27) to secure improvements to the A249 Bobbing junction prior to the occupation of the 600th dwelling.

Construction Traffic

- 8.15.26. The application is accompanied by an Outline Construction Traffic Management Plan (CTMP) to provide an initial framework to demonstrate how construction activity associated with the proposed development will be managed to protect the operation and safety of the local and strategic highway networks. It sets out access principles, routing strategy, delivery timing controls, and key mitigation measures intended to limit construction-related impacts during the projected build programme. It is intended that greater detail will be supplied as part of phased CTMPs at reserved matters stage, as well as for specific infrastructure works such as the Sheppey Way roundabout (secured through a Section 278 agreement).
- 8.15.27. Phase 1 development, construction traffic will utilise the proposed site access opposite Bramblefield Way. Delivery hours would be restricted to 10:00–14:00 to avoid school peaks and network congestion. The construction access for all subsequent phases of development will be from the new roundabout on Sheppey Way. All construction routing will be via the A249, with explicit avoidance of Sittingbourne town centre and surrounding residential streets. Further operational controls relevant to highway safety and network management include the following:
- Mandatory FORS Silver accreditation for all construction HGVs.
 - Prohibition of queuing or idling on Sheppey Way or the A249.
 - Wheel-washing and debris-prevention measures.
 - A scheduled delivery system designed to prevent clustering of HGVs.
 - An online booking and monitoring system to track arrivals, dwell times and routing compliance.
 - Continuous coordination with KCC's Network Management Team, including advance notification of works affecting footways, carriageways or bus infrastructure.

- 8.15.28. The subsequent CTMPs will provide definitive HGV movement estimates, detailed temporary traffic management proposals, finalised routing arrangements, updated ecological and environmental mitigation, and refined pedestrian/cycle safety measures. KCC Highways advise that their preparation will ensure appropriate oversight and control over the construction impacts at each stage of the development.
- 8.15.29. KCC Highways are satisfied that the Outline CTMP provides a suitable strategy basis for the delivery of the development. Detailed CTMPs for each phase of the development should be secured by condition. National Highways raise no objections subject to a condition to secure CTMPs (No. 28). It is also recommended that a Construction Environmental Management Plan to manage and mitigate the construction effects on traffic and transport be secured by condition (Nos. 19).

Cycling and Walking (including PRoW)

- 8.15.30. Policy DM6 of the Local Plan states that the location, design and layout of development proposals will demonstrate that existing public rights of way are retained, or exceptionally diverted, and new routes created in appropriate locations.
- 8.15.31. Para. 105 of the NPPF states that planning decisions *should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*
- 8.15.32. National Cycle Route 1 (NCR1) links Dover to Scotland and runs through the application site (Stickfast Lane) connecting it locally to Canterbury in the east and Gravesend in the west via intervening towns and villages. NCR1 runs directly to Sittingbourne and Newington Railway Stations and past Kemsley Railway Station. NCR1 connects to NCR174 in Howt Green and provides a route to Iwade and the Isle of Sheppey. NCR1 is well used and the Masterplan design is intended to avoid increased vehicular traffic on Stickfast Lane which would affect the use of the route and its safety.
- 8.15.33. It is intended to reduce the demand for travel by car by future residents through the provision of a range of facilities within the development which are easily accessible on foot or bicycle.
- 8.15.34. There are six public footpaths that run through the application site that would be retained: ZR54, ZR56, ZR105, ZR107, ZR108 and ZR113. There would also be additional routes created through the development parcels and areas of open space. Agreement has been reached between KCC PRoW, Network Rail and the applicant regarding the diversion of Public Footpath ZR107. A section of ZR107 runs within the site boundary in a southeasterly direction, over the level crossing, joining with Cold Harbour Lane. This section (including the level crossing) would be closed and ZR107 would be diverted onto Sheppey Way.
- 8.15.35. A 3m wide shared use footway/cycleway is proposed along the northwestern side of Sheppey Way to connect the 2 site accesses of the southern development parcel. In order to accommodate the proposed shared use path, the carriageway will be reduced in width, and traffic calming pinch points introduced with associated give-

way markings and waiting restrictions. The waiting restrictions will keep the pinch points unobstructed and maintain passing places, and restrictions along the northwestern side of Sheppey Way will prevent parking on that side of the road. It is proposed to reduce the speed limit to 30mph through this length and create a raised table crossing point south of Bobbing Primary School and the Village Hall, as well as a kerb build-out crossing point directly outside the school, to facilitate pedestrian movement across Sheppey Way. To mitigate for the removal of on-street parking, the applicant has agreed to provide a car park in close proximity to the principle site access. It is currently designed with 24 parking spaces but there is also the potential to increase this if required.

- 8.15.36. A shared use footway/cycleway is proposed between the main site access roundabout to the A249 northbound on-slip. This will include the provision of a Toucan crossing on the slip road, which will either be a completely new controlled crossing, or the upgrading of the signalised crossing, if that has already been provided by that time under the planning obligation for the NW Sittingbourne development.
- 8.15.37. The existing 2m wide footway around the A249 Bobbing Interchange roundabout and along the B2006 Staplehurst Link Road would be upgraded to a 3m wide shared use cycleway as far as its connection into Quartz Way. KCC advise that the proposed works are considered appropriate.
- 8.15.38. A new 3m wide shared use pedestrian/cycleway will connect Sheppey Way to Quinton Road and the existing shared cycleway/footway on Sonora Way. A shared cycleway/footway will also connect Sheppey Way to the B2006, via the Sheppey Way/A249/B2006 roundabout, continuing eastwards to connect with the existing Sonora Way shared cycleway/footway and existing cycle facilities on the B2006 into Sittingbourne. The proposals involve some narrowing of the carriageway and increasing the parapet height of the bridge over the A249. Traffic calming measures will be extended to allow the existing 30mph speed limit on Quinton Road to continue through to Sheppey Way. KCC Highways advise that the proposed scheme is considered acceptable and should be provided prior to the 1st occupation in Phase 4. These works would be secured through the S.106 agreement.
- 8.15.39. It is proposed that Kemsley Railway Station and Newington Railway Station are each provided with 10 additional cycle parking spaces in the form of 5 Sheffield Stands to accommodate additional demand from the development. Network Rail advise that £15,000 (plus VAT) should be secured through the S.106 agreement to cover the cost of these works. The applicant has also agreed to a request from Network Rail for £40,000 (plus VAT) to fund cycle parking improvements at Sittingbourne Railway Station.
- 8.15.40. Secure cycle parking should be provided within the curtilage of all residential dwellings and communal cycle parking should be provided for non-residential uses. Details of cycle parking would be expected at reserved matters stage and it is recommended that this is secured by condition (No. 31). The reserved matters would need to include well designed and accessibly located cycle parking facilities within the mixed-use centre and employment uses.

8.15.41. The KCC PRow Officer raises no objections to the proposals. The diversion of ZR107 would be subject to the relevant legal process involving applications to KCC PRow and Network Rail. Conditions are requested to secure an application for the diversion of the PRow and to require a confirmed PRow diversion order in place prior to the commencement of any phase affecting the PRow. A PRow Management scheme should also be secured. Financial contributions are sought to mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider network, as follows:

- ZR111/112 - 100 metre section linking ZR112 to ZR111 from Bobbing Services improved to a 2m wide compacted stone surface with timber edging (£12,500).
- ZR111 - 750m section linking ZR111 to Staplehurst Road is in disrepair and overgrown with improvement required throughout (£39,000).
- Enhanced signage (£750).

8.15.42. KCC Highways have advised that the proposed offsite footway/cycleway proposals are acceptable and will connect the development to existing and planned pedestrian and cycle infrastructure to provide walking and cycle links to neighbouring communities, nearby services and amenities, and onwards to Sittingbourne town centre.

8.15.43. Active Travel England are a non-statutory consultee as at the time the application was submitted. They are unable to support the scheme, including for reasons discussed in the Travel Plan section below. Active Travel England's response in relation to pedestrian and cycling infrastructure is summarised below with officer responses in italics:

- Distances of key amenities outside the site should be considered as local centre amenities may not come forward immediately. Concern is raised that none of these amenities are closer than 740m, with the majority being 1-4km away. *It is accepted that key amenities within the local centre will not be delivered until phase 5 and off-site active travel infrastructure will not be delivered until phases 2, 3 and 4. On the longer term the scheme would introduce measures to reduce the need to travel and to travel by active means. In the interim there are local amenities within a reasonable distance of the site which can be accessed by means other than the private car.*
- No assessment has been made regarding the quality of the pedestrian/cycle routes to key amenities beyond considering distances. Adequacy of proposed off-site improvements cannot be assessed without a fuller analysis of the existing routes. The routes should be designed in accordance LTN 1/20 standards, including in terms of width, surface treatment and lighting. LTN 1/20 sets out that shared cycleway/footways are only considered appropriate in a limited set of circumstances therefore a full justification must be provided for shared-use facilities. The LHA should confirm whether the level of new and improved cycleways being put forward are considered adequate. *LTN 1/20 standards may not be feasible in view of constraints relating to existing highways infrastructure. KCC Highways have advised that the proposed pedestrian/cycle routes are considered acceptable.*

- A commitment to good active travel infrastructure design and permeability is requested and could be secured through a design code. *Noted. Condition No. 7.*

8.15.44. SBC Active Travel Officer has provided the following observations:

- This will be a large development and a significant generator of travel.
- The local road infrastructure is already struggling with vehicular demand, so it is critical to encourage walking, cycling and public transport. *Measures are proposed in this regard.*
- The development would be relatively isolated and is lacking in connectivity to Iwade and Newington. *This is acknowledged; however, there is suitable connectivity to Sittingbourne which is the employment and service centre for the Borough*
- There is strength in the active travel concepts as a whole in terms of incorporating existing PROW routes and the provision of a mobility hub and an additional bus service, 20mph zones, and new and enhanced cycle provision.
- Road design should ensure that pedestrians and cyclists are given priority over vehicles and further detail can be secured at reserved matters stage.

8.15.45. Overall, it is considered that the internal layout and street design would encourage active travel by offering good levels of permeability and connectivity to facilities and services within the new settlement centre and public open spaces. The proposed off-site improvements to pedestrian and cycle infrastructure are considered sufficient in order to promote active travel choices for journeys within the locality and to Sittingbourne town centre.

Travel Plan

8.15.46. The application is accompanied by a Framework Travel Plan (FTP) which sets the strategic approach for promoting sustainable travel across the proposed development, establishing the overarching objectives, minimum standards and site-wide measures to reduce single-occupancy car use and encourage walking, cycling and use of enhanced public transport. The FTP provides the long-term structure within which all phase-specific Full Travel Plans should be prepared at reserved-matters stage. These can be secured by condition (No. 33) and should provide detailed targets, updated baseline data, monitoring commitments and refined measures appropriate to that parcel.

8.15.47. KCC Highways advise that the FTP is considered acceptable and advise that every travel plan will require a Travel Plan Monitoring Fee of £1,422 per Travel Plan.

8.15.48. National Highways raise no objections in relation to the FTP and advise that Full Travel Plans should be secured by condition.

8.15.49. Active Travel England advise that the suggested 10% reduction in total car driver trips with a likely 4% increase in cycling and a 2% increase in walking detailed within the Travel Plan are relatively low forecasts which appear at odds with the applicants' aim for a sustainable development. These aims do not reflect the Government's aim for 50% of trips in England's towns and cities to be walked, wheeled or cycled by 2030.

- 8.15.50. It can be acknowledged that the aims of the Travel Plan may reflect limitations of arising from the peripheral location of the site. Paragraph 109 of the NPPF identifies that delivering sustainable development involves, inter alia, identifying and pursuing opportunities to promote walking, cycling and public transport use. Paragraph 110 states, inter alia, that:

significant development should be focused on locations which 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. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

- 8.15.51. The site occupies a location close to the edge of the built-up area of Sittingbourne, the population, employment and service centre for the borough. In general terms, it can be acknowledged that locations on the periphery of existing settlements will be required to play a role in meeting the country's housing needs. The proposal involves measures to promote the use of public transport, walking and cycling. In view of the characteristics of the development, its location and existing infrastructure the proposed measures are considered to assist in making the site a relatively sustainable location. KCC Highways raise no objections in terms of locational sustainability.

- 8.15.52. SBC Active Travel advise that the Travel Plan covers all relevant matters.

- 8.15.53. ES Review

- 8.15.54. The independent review of the ES carried out on behalf of the Council highlighted a number of matters in relation to Chapter 4 – 'Traffic and Transport' where clarification was required, along with potential Regulation 25 requests for additional information.

- 8.15.55. The ES review noted that all assessment scenarios are for 2038 in line with the Swale Highway Model (SHM) year rather than assessing just the 'worst case' traffic flow scenario in accordance with IEMA Guidelines, with 2040 suggested as an appropriate scenario. The applicant has responded that the 2038 assessment includes the completed development, and that this assessment represents the 'worst case' scenario.

- 8.15.56. The ES review advises that the construction phase traffic assessment should consider HGV traffic associated with the non-residential component of the proposed development and LGV traffic associated with all construction workers. The applicant has responded that the assessment has taken account of all HGV trips expected to be generated during the construction phases. In terms of LGV trips, the applicant notes that these could vary significantly from day to day whilst there is no published evidence that can be relied upon to estimate such movements on a typical day and therefore the ES considers the level of traffic volumes at which an impact would occur. LGV trips would be considered within relevant categories related to total traffic levels within the ES and the 'Levels of Significance' require a change of more than 30% in total traffic on a road before any impact would be considered as more than negligible. A 30%

change would imply unrealistic levels of generation of LGV trips associated with the site and therefore the inclusion of any more reasonable estimate of LGV traffic associated with site construction would not result in a level of change that would be more than Negligible. The outcome of the assessment would not be altered and therefore the applicant considers that no further assessment is necessary.

8.15.57. The ES review considers that road safety should be assessed through a formal assessment of proportionate changes in fatal and serious injuries and the proportionate change in roadside hazards. The applicant has responded that the ES referred to a Stats 19 report prepared for National Highways KCC Highways. National Highways had advised that there was no requirement to assess accident changes at the A249/ Grovehurst junction, A249/Key Street junction or M2 Junction 5 as they have all been improved recently partly to address any safety issues and that they are content that the submitted assessment for Bobbing roundabout addresses all safety issues satisfactorily. KCC has not raised any concerns about the assessment of safety impacts on the network for which they are responsible. As the two Highway Authorities are content with the submitted assessment, the applicant suggests that there is no need is for the more detailed assessments suggested within the review.

8.15.58. On the basis of the above, the applicant takes the view that the submitted information does not alter the conclusions drawn in the ES and therefore no changes to the ES are required. Having assessed the above, it is considered that the points of clarification have been adequately addressed and that the ES is sufficient in order that a reasoned conclusion on the environmental effects in terms of traffic and transport can be reached.

8.15.59. Highways conclusion

8.15.60. The NPPF sets out that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. National Highways and KCC Highways have had ongoing engagement with the applicant throughout the application process in assessing the impact of the development on the local and strategic highway network. They have concluded scheme would not have an unacceptable impact upon highway safety or on the satisfactory operation of either the strategic or the local highway network.

8.15.61. Local Plan Policy CP2 requires development to be located in accordance with Policies ST1 to ST7 and this requirement would not be met as the site the proposal does not comply with the Settlement Strategy. In view of the characteristics of the site and its location, it is considered that the proposed development incorporates reasonable measures to address the Policy CP2 requirement to minimise the need to travel for employment and services and facilitate sustainable transport. The application complies with policies DM6 in respect of managing transport demand and impact. It also complies with Policy DM7 as it can be reasonably anticipated that adequate vehicle parking can be provided for the development at reserved matter stage.

8.16. Air Quality

- 8.16.1. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.
- 8.16.2. Policy DM6 of the Local Plan (which can be afforded moderate weight) sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree.
- 8.16.3. The Council's Air Quality and Planning – Technical Guidance (Updated May 2021) sets out the Council's approach to assessing and mitigating air quality impacts, primarily those arising from traffic emissions but also from dust.
- 8.16.4. The NPPF at paragraph 198 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health. Paragraph 199 of the NPPF goes onto say that planning 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."* It also states that opportunities to improve air quality or mitigate impacts should be identified and that planning decisions in Air Quality Management Areas and Clean Air Zones are required to be consistent with the local air quality action plan.
- 8.16.5. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be taken into account in planning decisions.
- 8.16.6. The Planning Practice Guidance on Air Quality (Paragraph: 005 Reference ID: 32-005-20191101) states that:
- "whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity."*
- 8.16.7. The ES considers air quality impacts during the construction and operational phase of the development. Construction stage impacts will include dust generation and vehicle emissions. The assessment indicates that without mitigation the risk of dust impacts will be 'medium'. However, with mitigation measures in line with established guidance

the residual dust effects would be categorised as “not significant”. In terms of operational stage impacts modelling has identified that the impact of the development on existing receptors in the local area and on the area as a whole is predicted to be ‘negligible’.

- 8.16.8. In terms of air quality for future occupants of the development, pollutant concentrations at the façades of proposed dwellings are predicted to be well within the relevant health-based air quality objectives. On that basis, future occupants should have an acceptable air quality environment and the site is considered suitable for the proposed uses. The assessment considers the resulting air quality effect of the proposed development to be ‘not significant’ overall.
- 8.16.9. Defra's air quality appraisal guidance details the approach to assessing and valuing adverse impacts to air quality. It recommends analysts follow the 'damage cost' approach where impacts are valued. This assists in quantifying the value of mitigation that would be required. The applicant calculated the Damage Cost as being £234,190 which should be spent on mitigation measures aimed at reducing emissions to air from the operational development. The measures include zero and low emission energy systems, cycle parking, green infrastructure and siting development away from the A249; however, only the costs of measures which would not be secured in any event (e.g. through planning policy or building regulations requirements) should be deducted from the Damage Cost. A costed scheme of on or off-site air quality mitigation measures can be secured by condition (No. 53) and any unspent Damage Cost secured through the Section 106 agreement to fund wider air quality mitigation measures.
- 8.16.10. The ES Review identified that here is insufficient information presented to determine that the development would not have a significant impact on air quality. Further clarity was sought in relation to the following matters, and the applicant has subsequently provided a response:

Clarification required	Applicant Response
Significant reductions in NO2 concentrations are predicted at some receptors, this methodology should be checked as this does not align with the traffic information or changes in Particulate Matter concentrations.	We believe these improvements in concentrations are often driven by significant changes in the Annual Average Daily Traffic (AADT) with minimal/no changes to the number of Heavy Duty Vehicles which lead to changes in the HDV%. These figures have been correlated with KCC Highways and we are therefore confident that these are robust.
Little information is presented for the emissions mitigation assessment. Further clarity is needed to understand how the overall damage cost calculation was performed.	The level of information provided should be sufficient as it includes discussion of the model inputs, presents the outputs in tonnes for five years, and gives a total value. Given that the Council's

	Environmental Protection Officer has not raised any concerns with regard to this matter we believe that this is fully addressed.
Increased traffic is expected for road links which pass close to the designated ecological sites. The location of the receptors used in the ecological modelling is not provided.	Figure 5.2 of the Air Quality Chapter does show all relevant receptors within close proximity of the application site. Whilst this proposal does not show the relationship with ecological receptors (in particular those around the Swale Estuary) these are positioned some distance from any AQMA.
The predicted process contribution to Nox concentrations from additional traffic associated with the operational phase of the proposed development exceeds 1% of the relevant Critical Level. Impacts at these sites therefore should not be screened out as insignificant.	This is open to interpretation of rounding of impacts. We would highlight our reasoning for the approach is set out within the submission. The calculation for mitigation for NOx has been agreed with the Council's Environmental Protection Officer and we are therefore content that this matter has been fully addressed.

8.16.11. Officers have considered the points raised in the ES review and the applicant's response and note that these mostly relate to points of clarification. Officers are satisfied that the points raised and the applicant's response would not alter the conclusions of the ES in relation to air quality matters. Accordingly, the air quality chapter of the ES provides sufficient information to allow an informed decision on the likely impact of the scheme upon air quality.

8.16.12. The Council's Environmental Protection officer raises no objections to the proposal in relation to air quality and recommends that a Construction Method Statement to include a Dust Management Plan should be secured by condition (No. 19).

8.16.13. The proposed development is considered to satisfy Local Plan Policy DM6 requirements that development proposals integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree. Overall, it is considered that the scheme deals with air quality impacts from both the construction and operational phase of the development and complies with Local Plan Policy DM6 and the relevant parts of the NPPF as set out above.

8.17. **Community Infrastructure and Planning Obligations**

8.17.1. Policies CP5 and CP6 of the Local Plan set out that provision shall be made to accommodate local community services, social care and health facilities within new developments.

- 8.17.2. Any request for financial contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is necessary; related to the development; and reasonably related in scale and kind.
- 8.17.3. The KCC Developer Contributions Guide states that across the county, a proportion of new housing and employment growth is expected to be planned for through the provision of large-scale, strategic developments. Their success depends on timely and efficient delivery of infrastructure, services, and facilities, including community, employment, and environmental infrastructure, to enable residents to ‘live, work and play’ in resilient, well-connected, and inclusive places.
- 8.17.4. The following outline the financial contributions that are necessary to mitigate the impact of the development upon services, with these contributions all for specific capital projects which have been identified and assessed by Officers to comply with the Regulations (as amended).

KCC Contribution Requests		Total
Primary Education	£6,800 per applicable house £1,700 per applicable flat*	Dependent on housing quantum and mix
Primary Education Land	£2,026.22 per applicable house £506.56 per applicable flat	Dependent on housing quantum and mix
Secondary Education	£5,176 per applicable house £1,294 per applicable flat	Dependent on housing quantum and mix
Secondary Education Land	£2,635.73 per applicable House £658.93 per applicable flat	Dependent on housing quantum and mix
Special Educational Needs (SEND)	£559.83 per applicable house £139.96 per applicable flat	Dependent on housing quantum and mix
Integrated children’s services	£65.50 per dwelling	£163,750.00
Libraries	£55.45 per dwelling	£138,625.00
Adult Social Care	£146.88 per dwelling	£367,200.00
Community learning	£16.42 per dwelling	£41,050.00
Refuse	£129.20 per dwelling	£323,000.00
NHS Contribution Requests		
NHS Primary Care	0.25ha land for two storey healthcare facility and parking (0.3Ha single storey and parking) – includes “minimum” size requirement	£3,384,378 to be provided at commencement of development or direct delivery of facility to NHS specification

NHS Acute Care	16 inpatient beds	£7,481,097 to be paid in 2 instalments upon the completion of 750 and 1,500 dwellings
Affordable Housing		
Affordable housing	35% overall affordable housing comprising 60% social/affordable rent and 40% intermediate. Provision to be agreed on a phase by phase basis with each phase delivering a minimum 30% affordable housing.	
Swale Borough Council Contribution Requests		
Swale Bin provision	<u>Houses</u> (per house) 1 x 180ltr green bin for refuse £51.20 1 x 240ltr blue bin for recycling £51.20 1 x 23ltr food bin £11.90 1 x 5ltr food caddy £6 <u>Flats</u> (every 5 flats): 1 x 1100ltr refuse - £497 1 x 1100ltr recycling – £497 1 x 140ltr food - £45.20 1 x 5ltr food caddy per flat– £6.00	Dependent upon housing quantum and mix
SAMMs	£337.49 per dwelling	
Swimming Pools Contribution	£500,000	
Air Quality Damage Cost Payment	Air quality mitigation measures deductible from damage cost	£234,190
Highways and Transportation		
Bus services		£4,340,000
Key Street roundabout improvements		£1,257,674.88
Dover Street/Milton Road traffic signal improvements		£5,000
Railway Station contribution? Provision of 5 Sheffield cycle stands at both Kemsley and Newington railway stations. Provision of additional cycle parking at Sittingbourne	£7,500 + VAT for Kemsley station £7,500 + VAT for Newington station £40,000 + VAT for Sittingbourne Station**	

railway station subject to a survey to determine any additional requirement.		
Car Club to provide up to 4 cars for use by residents or businesses within the development with a series of discounts and incentives to encourage membership and use.		
Travel Plan Monitoring.	£1,422 per Travel Plan	Dependent upon number of travel plans
Air Quality Damage Cost Payment.	Air quality mitigation measures deductible from damage cost	£234,190
Monitoring Fee.	KCC monitoring fee: £300 per trigger SBC Monitoring Fee: TBC	

* 'Applicable' excludes: 1 bed units of less than 56 sqm GIA and any sheltered accommodation.

**Index linked from March 2026.

The above figures for KCC contributions are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment.

- 8.17.5. A Section 106 agreement would include appropriate trigger points (expressed in terms of restrictions on dwelling occupations) to ensure that financial contributions are secured and community facilities are delivered in timeframes to meet the needs of the future population. The KCC community learning, youth services, library services, social care and waste contributions would be required on a phase by phase basis in 2 or 3 instalments with a final payment no later than upon occupation of 50% of the dwellings in that phase. This allows the timely delivery of the required infrastructure.
- 8.17.6. KCC advise that the primary school land will need to be handed over at an early stage along with the financial contribution to facilitate the delivery of the school in order to meet the needs of the development. Similarly, the secondary school contributions are required at an early stage to facilitate the delivery of school places to appropriate timescales. SEND contributions can be paid on a phased basis but the final payment would be required around the completion of 50% of the housing to ensure delivery of the adequate capacity when it is needed. An update will be provided on education payment trigger points at the committee meeting. In line with the recommendation it is intended that officers will agree suitable triggers with KCC and the applicant under delegated authority.
- 8.17.7. The obligations include a contribution to KCC towards secondary school land. KCC are anticipated to receive land for a new secondary school for nil consideration at the nearby NW Sittingbourne site. KCC advise that in the event that the NW Sittingbourne application is consented and provides land at nil consideration at the necessary time,

the contribution for secondary school land would not be sought. In the event that the NW Sittingbourne scheme fails to deliver the land to KCC at the required time, the secondary land contribution from this application, along with funding from other contributing sites, would be used to purchase an alternative site. The applicant has agreed to the secondary school land contribution subject to a 'clawback' clause within the Section 106 agreement whereby the monies are returned to the applicant in the event that the monies are not utilised within 10 years.

8.17.8. The NHS have advised that the proposed development will increase the demand on the acute hospital beyond that already modelled. The additional demand will require an expansion (beyond that already planned) of the current acute hospital's capacity equivalent to 16 inpatient beds to accommodate the increase in elective and non-elective patient activity, with an identified cost of £7,481,097.

8.17.9. The applicant has agreed to the requested financial contribution towards acute care but on the basis that the obligation is removed should any case law identify that the request does not meet Regulation 122 of the CIL Regulations (2010). This states, inter alia, that:

a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- 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.*

8.17.10. The Council has considered that the requested financial contribution for the delivery of acute healthcare does meet the CIL tests as, if approved, the future occupants of the development would need to access NHS healthcare services, including acute healthcare. Without funding to expand facilities, demand generated would need to be met in existing facilities, upon which the NHS have advised there would be an unacceptable adverse impact. The NHS have also set out that the availability of NHS capital funding for estate development is severely constrained. Annual capital is allocated by NHS England to NHS Kent and Medway based on existing footprint and is directed towards specific spend on the current estate. There is no allowance for additional footprint in that general allocation and there is no alternative funding programme for new premises that are required as a result of population growth. Developer contributions are necessary to mitigate the impact of this development in respect of acute healthcare and will be sought.

8.17.11. It should be noted that the acute healthcare request was challenged in relation to two applications presently being determined by the Secretary of State under ref. 21/503906/EIOUT and 21/503914/EIOUT (which are collectively known as 'Highsted Park'). The applicant for these applications does not believe that the NHS Acute Healthcare contribution meets the Regulation 122 CIL tests, whereas the Council's position is that it does. These applications were subject to a Public Inquiry which has now concluded and ultimately the Secretary of State will determine them. As part of that process, the Secretary of State will decide whether the NHS Acute Healthcare contribution meets the necessary tests.

- 8.17.12. The applicant has agreed to the requested financial contribution towards acute care but on the basis that the obligation is removed should the Highsted decision identify that the contributions do not meet the Regulation 122 CIL tests.
- 8.17.13. It is recommended that the contribution meets the tests and will be included in the S.106 agreement. However, delegated authority is sought to remove the obligation if, prior to completing the S.106 agreement, the Secretary of State determines it does not meet the tests in respect of the Highsted Park applications. In a further scenario, where the S.106 agreement for this application is completed before the Secretary of State reaches their decision on the Highsted Park applications, then a 'blue pencil' clause will be inserted which allows for removal of the NHS Acute Healthcare contribution if at a later date, the Secretary of State (in making Highsted Park decisions) concludes that it does not meet the tests. In a scenario where the Secretary of State determines this contribution is CIL regulations compliant, then it would remain in the S.106 agreement.
- 8.17.14. The S.106 agreement would secure the provision of 35% affordable housing comprising 60% social/affordable rented housing and 40% intermediate housing.
- 8.17.15. The following highways works would be secured through the S.106 agreement:
- Completion of Site Access 2 highway works as shown on drawing 10353_500 Revision P5, prior to 1st occupation on Phase 1.
 - Completion of Site Access 1 highway works as shown on drawing 10353_400 Revision P7, prior to 1st occupation on Phase 4.
 - Completion of Principle Site Access Roundabout, Bobbing Services junction and associated highway works as shown on drawing 10353_1003 Revision P8, prior to 1st occupation on Phase 2.
 - Completion of footway/cycleway between the Principle Site Access Roundabout and A249 on-slip, including Toucan crossing, as shown on drawings 10353_1003 Revision P8 and 10353_2001 Revision P3 prior to the 1st occupation on Phase 2.
 - Completion of footway/cycleway between the Sheppey Way and Sonora Way as shown on drawing 10353_2005 Revision P2 prior to the 1st occupation on Phase 4.
 - Completion of footway/cycleway from the A249 Bobbing Roundabout and Quartz Way on drawings 10353_2001 Revision P3 and 10353_2002 Revision P2 prior to the 1st occupation on Phase 3.
 - Completion of the footway/cycleway and traffic calming highway works on Sheppey Way as shown on drawings 10353_SK09 Revision P4, 10353_2003 Revision P2, 10353_2004 Revision P4 prior to 1st occupation on Phase 2.
 - Completion of the car park and associated footway connections to Sheppey Way as shown indicatively on drawing 10353_SK10 Revision P3 prior to 1st occupation on Phase 2.
 - Funding and implementation of Traffic Regulation Orders associated with the proposed waiting restrictions and changes to speed limits shown indicatively on the approved plans.

- 8.17.16. The S.106 agreement would secure PRow improvements as follows:
- ZR111/112 - 100 metre section linking ZR112 to ZR111 from Bobbing Services improved to a 2m wide compacted stone surface with timber edging (£12,500);
 - ZR111 - 750m section linking ZR111 to Staplehurst Road is in disrepair and overgrown with improvement required throughout (£39,000);
 - Enhanced signage (£750).
- 8.17.17. Off-site mitigation is proposed for farmland birds with breeding plots provided within surrounding farmland in the applicant's control and their provision will be secured through the S.106 agreement.
- 8.17.18. The developer proposes to utilise BNG achieved by the development over 20% as credits for other developments to meet their BNG requirements off-site and this would be secured through the S.106 agreement.
- 8.17.19. In all of the respects covered above, subject to securing the obligations, the application would accord with Policies CP5 and CP6 of the Local Plan.
- 8.17.20. The Sport England response identified a requirement for a financial contribution towards improving existing swimming facilities to improve capacity, subject to further discussions with the LPA. As covered in the next section the applicant has offered a contribution of £500,000.
- 8.18. Open Space**
- 8.18.1. Policy DM17 of the Local Plan sets out that new housing development shall make provision for appropriate outdoor open space proportionate to the likely number of people who will live there. This space should be fully accessible all year round. Where it is not appropriate to make provision for new open space and sports facilities on site, make contributions to the off-site funding of facilities. Moderate weight can be afforded to this policy.
- 8.18.2. Local Plan Policy DM17 sets out requirements for different open space typologies. The DAS provides a table setting out the provision of open space against the Council's requirements, referencing the typology definitions provided within the Council's Open Spaces and Play Area Strategy 2018-2022 and the Open Spaces Technical Assessment Report 2017. The DAS then sets out typology definitions which are not directly consistent with the definitions provided within these 2 documents, and therefore the application provision against the open space requirements under Policy DM17 is not clear. For example, the proposed country park would appear to fall under the Natural/Semi-natural Greenspace typology as defined in the Open Spaces and Play Area Strategy, but it is not clear how the applicant has identified this area of open space. The applicant advises that this is a matter which can be addressed at reserved matters stage.
- 8.18.3. The following table sets out the provision of open space set out in the DAS against the Council's requirements as set out in Table 7.5.1 in Policy DM17.

Type	Requirement ha	Proposed ha	Short fall
Parks and gardens	6.55	59.09	No
Natural and semi-natural greenspace	25.94	29.42	No
Formal outdoor sport	6.49	4.42	Yes
Amenity greenspace	2.68	16.48	No
Provision for children and young people	1.43	1.43*	No
Formal play facilities	On-site provision		
Allotments	1.19	1.19	No
Total	44.29ha	106.43	

*0.78ha of equipped play areas with a further 0.65 ha of play areas provided within the development parcels or informally within the overprovision of other open space typologies.

- 8.18.4. The applicant advises that the formal outdoor sport provision would be supplemented by 0.27 ha of indoor sport at the sports hub and 7.1km of walking / cycling / trim trails across the site (approx. 1.8ha) which would combine to meet the Policy DM17 requirement. Indoor sports and pedestrian/cycle routes would not accord with the Council's definition of outdoor sport; however, the outdoor sport provision is considered to represent a good overall standard as set out below. The details set out above along with the Land Use Parameter Plan and the Illustrative Masterplan demonstrate that, overall, the scheme will deliver a substantial quantum of public open space which significantly exceeds the overall Local Plan policy requirement. The applicant is agreeable to a condition (No. 14) to secure open space which meets the typology requirements under Policy DM17. Further details of open space along with detailed landscape proposals would then be secured at reserved matters stage.
- 8.18.5. The application is accompanied by a Landscape and Ecological Management Plan (LEMP) which is intended to be an evolving document involving regular review. It details landscape management and maintenance objectives and a schedule of operations for the protection and enhancement of landscaped areas within the site. It is recommended that an Open Space Strategy be secured by condition (No. 14). Subsequent reserved matters relating to landscaping would then need to comply with the strategy ensuring that the quality of landscaping is embedded at an early stage and delivered throughout the various phases. It is recommended that a condition is imposed to secure planting at an early stage in order to ensure that the planting matures within an appropriate timeframe.

Need for sports facilities

- 8.18.6. The application is accompanied by an assessment of need for sports facilities in the local area. It identifies that the proposal could generate a population of approximately 6,000 new residents. Local Plan Policy DM17 details a requirement for 1.09ha of formal outdoor sports provision per 1,000 population, giving rise to a requirement for 6.49ha of formal outdoor sports provision.
- 8.18.7. In terms of football provision, the Swale Local Football Facility Plan was completed in 2020 and identified the need for an artificial grass pitch (AGP) in the Sittingbourne

area. The Kent Football Association have identified that AGP need is likely to grow in the near future. The SBC Playing Pitch Strategy (2024-2038) assesses the need for a range of sports facilities across the borough. It identifies a reducing need for large, grass pitches and an increased need for smaller, all-weather pitches. In terms of grass pitch provision, both Kemsley Recreation Ground and Milton Recreation Ground are identified as requiring investment.

- 8.18.8. There are currently no all-weather Rugby Union pitches within the Borough, although a new facility will be provided as part of the Wises Lane development in south-west Sittingbourne. This will not be floodlit, limiting winter use.
- 8.18.9. There has been recent investment in tennis courts at King Georges Playing Fields and Milton Recreation Ground. The Lawn Tennis Association (LTA) is keen to increase tennis provision across Swale including through the provision of up to 12 indoor courts.
- 8.18.10. Population growth will increase demand for sports halls and refurbishment and extension of existing facilities is recommended. 90% of demand for swimming pools is satisfied, however, significant investment is required in the existing stock as they are aged and approaching the end of their life span.

Proposed sports facilities

- 8.18.11. In order to assist in addressing an identified local need the following sports facilities are proposed:
- 1 x floodlit full-size AGP for football use.
 - 1x floodlit full-size AGP for football use and rugby training.
 - 4 x floodlit tennis and netball courts.
 - 4 x floodlit padel courts.
 - 4 x indoor tennis courts.
 - Associated changing rooms and ancillary spaces.
 - Additional cricket wicket and outfield adjacent to Bobbing Cricket Club.
- 8.18.12. The assessment identifies a need for 4.69 ha indoor and outdoor formal sports provision, rather than the 6.49ha outdoor formal requirement under Policy DM17. The application proposes 4.42ha formal outdoor sports facilities, representing a shortfall of 2.07ha. However, it should be acknowledged that the outdoor sports facilities proposed are floodlit and will have artificial or hard surfaces facilitating a more intensive use. They will be supplemented by 0.27ha indoor sports facilities which will also accommodate intensive use. The applicant also notes that sporting and fitness benefits will be provided through the 7.1km of walking / cycling / trim trails across the site which cover an area of approx. 1.8ha.
- 8.18.13. The public open space provision would exceed the requirements of the development and deliver biodiversity enhancements and public benefits, including as a leisure amenity. The sports provision would represent a significant qualitative enhancement to the borough's sports facilities which would benefit local residents and future occupants of the proposed development.
- 8.18.14. Sport England support the principle of the proposed development subject to conditions and S.106 obligations. They advise that the applicant had acknowledged

the need to make appropriate offsite contributions to other required provision, directly related to the demands generated by the development, where this is not made on-site or where there is not an existing provision with spare capacity. Specifically, a contribution towards improving existing swimming facilities to improve capacity was identified, subject to further discussion with the LPA.

- 8.18.15. The Council's Green Spaces Manager has used Sport England's Facilities Calculator to assess the standardised need for sports facilities arising from the proposed development. Based upon a population of 5,750 people (2.3 x 2,500 units) the proposed development would give rise to the following requirements:

Required	Proposed
1.17 swimming pool lanes - £1,425,634	£500,000
1.49 badminton courts - £1,195,658	Nil
0.17 AGPs - £194,543	2 floodlit full-size AGPs
0.76 outdoor tennis courts - £91,653	4 floodlit tennis and netball courts.
0.1 indoor bowls courts - £46,430	Nil
	4 floodlit padel courts 4 x indoor tennis courts Associated changing rooms and ancillary spaces

- 8.18.16. The Council's Green Spaces Manager advises that the proposals appear to more than adequately cater for the majority of formal sports, other than swimming pools. It is noted that the Green Spaces Manager's assessment accounts for the additional tennis and padel courts and the significant excess in AGP provision offsetting the lack of badminton and bowls courts.

- 8.18.17. The proposal would give rise to a requirement for a £1,425,634 towards increasing swimming pool capacity in the borough. Specifically, the monies would contribute towards a new replacement swimming pool in the Sheppey Leisure Complex in Sheerness and the improvement of dry side facilities, air handling equipment and other measures to facilitate additional usage of the Swallows Leisure Centre in Sittingbourne. The applicant has offered £500,000, representing a £925,634 shortfall, with it being set out by the applicant that any higher sum could impact the delivery of community infrastructure and/or social/affordable rented housing. As previously noted, a financial viability assessment has not been submitted under this application and therefore this cannot be verified.

- 8.18.18. The needs assessment demonstrates that the proposed sports facilities respond to an identified need and the delivery of AGPs and racquet sport courts substantially exceeds the calculated Sport England requirements. Local Plan Policy DM17 requires that residential development makes provision for addressing identified need, as appropriate. The shortfall in the swimming pool contribution means that the scheme would not mitigate its impact on swimming pool capacity in the borough. In view of the provision of pitches and courts suitable for intensive use, additional trails and open space and the applicant's evidence of local need it may be considered that, overall, the formal sports provision represents an appropriate offer which would deliver

wider public benefits. It is therefore considered that the proposals are in accordance with Policy DM17 of the Local Plan.

Amenity of Neighbouring Use

- 8.18.19. The main sports hub would be located adjacent to the Garden of England Crematorium and there will be potential for noise from the sports courts and pitches to be heard by mourners at the crematorium. However, in view of the degree of separation between the courts and pitches and the crematorium it is considered that there would not be any unduly harmful impacts upon users of the crematorium.

8.19. **Flood Risk, Drainage and Surface Water**

- 8.19.1. NPPF para. 181 states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in Policy DM 21 of the Local Plan (the policy carries substantial weight).
- 8.19.2. The majority of the site is located within Flood Zone 1 where there is a low probability of flooding. There is a small area to the north of the site which is located within Flood Zones 2 and 3 around the Iwade Stream and Culnells Fishing Lake. Land at a higher risk of flooding will be reserved for green open space and ground levels will not be raised in order to retain the existing available floodplain volumes.
- 8.19.3. The application is accompanied by a Flood Risk Assessment which identifies that there is surface water flood risk within the site related to an existing network of ditches. Development parcels will be set back from the watercourses to remain clear of the associated flood risk corridors, and residual risks will be mitigated through the surface water strategy.
- 8.19.4. Offsite discharge will be restricted to the existing greenfield QBAR runoff rate of 4.1 l/s/ha for the west catchment and 3.3 l/s/ha for the east catchment. The total discharge rate from the site will be confirmed at reserved matters stage because the rate will be based upon the developable areas. Storage requirements to cater for the 1 in 100 (1%) AEP + 40% climate change rainfall event will be met within the development parcels (on-plot) by means such as permeable paving, swales and rain gardens. The majority of the storage will be accommodated within the large open green space areas proposed outside of the development parcels, including within attenuation ponds. A wetland is proposed at the northern boundary of the site which will act as the final control for discharge into the Iwade Stream. The detailed design of the wetland will determine the depth, extent, channels and planting areas.
- 8.19.5. A Sequential Test is no longer required for this development following an amendment to the NPPG on 17th September 2025 which stated:

Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.

- 8.19.6. As set out below, the Flood Risk Assessment demonstrates that the occupiers and users would be safe and flood risk would not be increased elsewhere. Accordingly, the sequential test need not be applied.
- 8.19.7. The Environment Agency raised no objections to the proposed development subject to conditions addressing land contamination (Nos. 24, 25 and 26), details of a foul and surface water drainage scheme (Nos. 51 and 52), and details of any piling (No. 23).
- 8.19.8. Southern Water advise that a 6m clearance will be required either side of an existing water main crossing the site. Southern Water do not raise concerns in relation to being able to supply drinking water to the development.
- 8.19.9. In terms of foul water, a study by Southern Water indicates that the additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate the risk of foul water flooding would be provided by Southern Water. Southern Water require the developer to work with them ensure that the delivery of sewer network reinforcement aligns with the proposed occupation of the development. Any on-site drainage and pumping station for adoption as part of the sewerage system should be designed and constructed to a Southern Water specification. A condition are requested to ensure adequate capacity is provided to the sewer network (No. 52).
- 8.19.10. KCC Flood and Water Management as Lead Local Flood Authority (LLFA) raise no objections to the proposal. The LLFA request that the coefficient runoff values entered within Causeway Flow are uplifted to 1.0 for the future designs as opposed to the default 0.75 for summer and 0.84 for winter values. Conditions are requested to secure details of surface water drainage (Nos. 48, 49 and 50).
- 8.19.11. The Lower Medway Internal Drainage Board (LMIDB) raise no objections to the proposal. The site is located outside the Lower Medway Internal Drainage Board's district but within a river catchment that drains into the district. It is anticipated that surface water drainage can be satisfactorily addressed through appropriate design measures at reserved matters stage in order that there would be no flooding risk to the future occupants of the development. There are some fluvial areas of flooding to the north of the application site; however, there will be no built form close to areas of risk.
- 8.19.12. Subject to the conditions requested by the EA, the LLFA, LMIDB and Southern Water, the proposals comply with Local Plan Policy DM21, the NPPF and guidance with respect to reducing flood risk and water management.

8.20. Contamination

- 8.20.1. Policy ST1 of the Local Plan states that development proposals shall conserve and enhance the natural environment by applying national planning policy in respect of pollution, despoiled, degraded, derelict, contaminated, unstable and previously developed land. The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.

- 8.20.2. The ES and an accompanying Desktop Study and Preliminary Risk Assessment (PRA) address potential land contamination on the site.
- 8.20.3. Historic ordnance survey maps indicate that the site has remained in agricultural use since at least 1869. Research and a site inspection have established the following potential sources of contamination:
- Partial backfilling with contaminated material in parts of the site used as a saw pit and for brickearth extraction.
 - Localised contamination arising from fly tipped asbestos cement sheeting and burnt-out vehicles.
 - A historical tramway in the north-eastern part of the site.
 - Orchard which will have been subject to crop spraying.
- 8.20.4. The Study and PRA establish that the site is likely to be suitable for the proposed residential development. However, further ground investigations should be undertaken to determine any contamination present on the site from the above sources. The Council's Environmental Protection Officer raises no objections subject to conditions (Nos. 24, 25 and 26) securing a site investigation, remediation of any identified contaminated land and subsequent verification of the remedial works.
- 8.20.5. Accordingly, the proposals are considered acceptable in relation to contamination and are therefore in accordance with the Local Plan and the NPPF.

8.21. **Living Conditions**

- 8.21.1. NPPF para. 135(f) states, inter alia, that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Existing residents

- 8.21.2. Policy DM14 of the Local Plan and the NPPF requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 8.21.3. Construction activities generate noise and disturbance with the potential to harm the living conditions of existing residents. The ES considers the likely noise and vibration effects of the proposed development on the existing and future environment. Baseline noise and vibration assessments were undertaken in September 2020 and November 2024. Construction would take place in phases over a number of years and the ES concludes that construction stage impacts can be appropriately controlled through standard mitigation measures. A comprehensive suite of measures to mitigate and control impacts during the construction phases can be secured through a CEMP. The Plan would include details of contractor and general public liaison, hours of work, methods to deal with complaints and outline management practices to control noise, dust, traffic and access, water pollution, ecological and impacts throughout the construction stage. It is recommended that a CEMP be secured by condition (No19).
- 8.21.4. In terms of operational stage impacts, most of the proposed development is indicated to be set well away from existing residential occupiers. There are instances where there are closer adjacencies; however, the separation distances shown on the indicative masterplan appear sufficient to avoid harm from overlooking,

overshadowing or a loss of outlook. It is not anticipated that existing residents will be adversely affected by proposed noise generating impacts at operational stage. Potential impacts on the living conditions of existing residents would be reviewed in assessment of a reserved matters submissions.

Future residents

- 8.21.5. New development is expected to offer future occupiers a sufficient standard of accommodation. The Council's Design and Extension - a guide for Householders Supplementary Planning Guidance (SPG) suggests that at least 21m separation distance should be maintained between habitable room windows in different dwellings. This is to prevent a significant loss of amenity relating to daylight/sunlight, visual intrusion to outlook and privacy. The distance is not applied to dwellings facing each other across a street. Impacts upon the living conditions of future residents will be considered in detail at reserved matters stage; however, based upon the submitted material it is considered that dwellings providing satisfactory living conditions for future occupants can be secured.
- 8.21.6. It is likely that the majority of proposed dwellings would provide accommodation for families. Dwellings should be provided with adequate external amenity/garden space with any flats having access to a balcony or private garden. Based upon the submitted plans it is anticipated that satisfactory details of amenity space can be secured at reserved matters stage.
- 8.21.7. The application is accompanied by an Acoustic Design Statement and Site Suitability Report. It identifies Sheppey Way and the A429 to the east and the Chatham Main Line railway line to the south as the primary noise sources in the locality. The report advises that acoustic design measures including south insulation will ensure satisfactory internal acoustic environments for the proposed housing. The proposed school site is considered suitable for educational development and the internal acoustic environment would be acceptable with windows partially open for ventilation. The proposed noise sensitive development would not require unreasonable restrictions to be placed on existing businesses and/or facilities.
- 8.21.8. The Council's Environmental Protection Officer advises that the Acoustic Design Statement and Site Suitability Assessment is considered acceptable. A detailed acoustic assessment is recommended prior to the design/construction of the school taking into account any future change in noise levels once the site is developed and operational. The proposed development includes commercial/industrial uses and the report recommends that a noise impact assessment is undertaken once specific details are known regarding proposed uses, including location and type of noise generating plant/activity etc. in order that appropriate noise mitigation can be provided. It is recommended that compliance with the recommendations within the Acoustic Design Statement and Site Suitability Report are secured by condition (No. 54).
- 8.21.9. The main sports hub includes outdoor sports pitches and courts and is sited to provide a buffer to the commercial uses within Howt Green. Sport England guidance indicates that a 40m separation from the edge of a sports pitch to the curtilage of a residential property should generally be sufficient to mitigate significant adverse noise effects

associated with sports activity. Noise impacts and any required mitigation will be assessed at reserved matters stage once the location of the sports pitches is finalised to demonstrate that the acceptability of the sports facilities in noise terms. Conditions are recommended to ensure adequate control of light spill (No. 64) and management of the sports uses (No. 42) to address any potentially harmful impacts affecting the nearest residential dwellings.

- 8.21.10. Modelling has been undertaken which demonstrates that operational traffic would not result in adverse noise impacts.
- 8.21.11. It is considered that, subject to further noise assessments and detailed design and any necessary mitigation measures, the proposal would not result in significant noise impacts detrimental to the living conditions of future residents of the development.
- 8.21.12. Lighting during construction and operation will need to be assessed and therefore a related condition (Nos. 19 and 64) is recommended. As a result, it is considered that lighting matters in respect of living conditions have been adequately dealt with.
- 8.21.13. The proposed development would not result in unacceptable impacts to the living conditions of nearby existing residents and that satisfactory living conditions for future residents of the development can be achieved at reserved matters stage. Accordingly, the proposal is in accordance with Local Plan Policy DM14 and the NPPF.

8.22. **Sustainability / Energy**

- 8.22.1. Policy DM19 of the Local Plan requires development proposals to include measures to address and to adapt to climate change in accordance with national planning policy and guidance. The policy conforms with the NPPF and carries very substantial weight.
- 8.22.2. Paragraph 161 of the NPPF sets out that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure.
- 8.22.3. The application is accompanied by an Energy Strategy which identifies measures to promote energy efficiency and to deliver renewable energy within the proposed development.
- 8.22.4. The ES assesses climate change effects of the proposed development in terms of construction and completed stage carbon emissions and in terms of the potential impact of changes in the climate on the proposed development, which could affect it directly or could modify its other environmental impacts.
- 8.22.5. Construction stage emissions are calculated to be 157,787 – 193,112 tCO₂e per year. Detailed embodied carbon reduction measures cannot be quantified as the scheme is at outline stage. The ES considers that mitigation measures could achieve a 34.13% reduction in construction stage emissions from a pre-mitigation scenario. Operational stage annual emissions have been calculated at 22,845– 24,008 tCO₂e per year. Decarbonisation of grid electricity and increased use of low and zero emission vehicles on UK roads is anticipated to result in further decarbonisation of the remaining

operational emissions over the lifetime of the proposed development. The mitigation measures to be incorporated into the completed development phase cannot be quantified at this outline stage; however, the ES estimates that mitigation could achieve up to 21.54% reduction in emissions from a pre-mitigation scenario.

- 8.22.6. Detailed energy calculations to confirm the energy performance of the development can be secured at reserved matters stage through a condition (No. 61).
- 8.22.7. The ES identifies potential risks to the proposed development as a result of climate change, including risks due to consistently higher temperatures, summer heatwaves, and increased extreme precipitation leading to flooding and drought. Good practice design measures are considered to adequately mitigate these effects.
- 8.22.8. The non-residential buildings within the development will exceed 1,000m² gross floor area across the development and will therefore be required to achieve BREEAM “Very Good” standard or equivalent as a minimum. It is recommended that this is secured by condition (No. 62).
- 8.22.9. The Council’s Climate Change Officer raises no objections to the proposed development. The proposals are considered acceptable for this stage of the planning process. Condition 61 is recommended to secure the detailed design of buildings in each phase to achieve the carbon and energy saving set out in ES. Subject to this the application would comply with Local Plan Policy DM19 and the relevant parts of the NPPF.

8.23. **Waste Management**

- 8.23.1. Policy CSW3 of the KMWLP (2025) relates to waste reduction and requires new development to minimise the production of construction, demolition and excavation waste and manage any waste. New development should include detailed consideration of waste arising from the occupation of the development including consideration of how waste will be stored, collected and managed.
- 8.23.2. Local Plan Policy DM19 requires the promotion of waste reduction, re-use, recycling and composting, during both construction and the lifetime of the development.
- 8.23.3. Construction waste targets and the other mitigation measures can be secured by condition (No. 21), with the aim of directing the majority of waste for reuse and recycling and minimising waste sent to landfill, promoting a circular economy. A financial contribution is required to enhance capacity in off-site waste facilities and is detailed within the Planning Obligations section of this report. Subject to securing these measures, construction and operational phase impacts from waste management would be appropriately mitigated and the proposals would comply with Local Plan Policy DM19.

8.24. **Impact to the rural economy**

- 8.24.1. The site is in a rural location and as such Local Plan Policy DM3 is relevant. The policy seeks to prevent residential development where this would reduce the potential for rural employment unless the site is not needed or unsuitable.

- 8.24.2. NPPF paras. 88 and 89 are concerned with supporting a prosperous rural economy and promote sensitive and sustainable development which achieves this objective.
- 8.24.3. The existing agricultural land on the site is currently in arable and horticultural production. Clearly the loss of this land would impact on those rural workers who are engaged in planting and harvesting and associated activities. The farming of the land proposed to be developed helps to support the rural economy. The socio-economic study within the ES estimates that 7 FTE jobs will be lost as a result of the proposed development.
- 8.24.4. In the absence of evidence to demonstrate there is no demand for the farmland or that it is undesirable or unsuitable for this use the proposals are contrary to Local Plan Policy DM3 (moderate weight can be afforded to this policy in terms of conformity with the NPPF).
- 8.24.5. In summary, the proposal is considered contrary to Policy DM3 and this weighs against the scheme in the balance of considerations relevant to determination of the application.

8.25. **Electromagnetism**

- 8.25.1. A series of electricity pylons supporting high voltage power lines run through site. There are no mandatory minimum distances set by UK building regulations for building homes near existing power lines. The proposed houses will be a minimum of approx. 21m from the centre of the power lines. Harm to human health from electro-magnetic fields was not identified as an environmental impact through the ES process. In view of the outline nature of the application if a greater separation distance is established to be necessary it is anticipated that this could be accommodated within the development parameters proposed under this outline application.

8.26. **Other matters**

Equality duty and human rights

Human rights: overview

- 8.26.1. In line with the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right, as per the European Convention on Human Rights. The human rights impacts that are most relevant to planning are Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life) and Article 14 (Prohibition of discrimination) of the Convention.
- 8.26.2. Where the peaceful enjoyment of someone's home and/or their private life is adversely affected, their Article 8 (Art 8) and/or Article 1 of the First Protocol (A1P1) rights may be engaged.
- 8.26.3. A1P1 and Art 8 rights are both what are known as 'qualified rights', that is, they are not absolute rights but involve some form of balancing exercise between the rights of the state to take various steps and the rights of the individual or other affected body/organisation.

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

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

Equalities: overview

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

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

Construction phase impacts

8.26.8. Children can be more sensitive to poor quality as their lungs have not finished developing and older people are more likely to suffer from cardiovascular and respiratory conditions so can be differentially affected by poor air quality.

8.26.9. Those with disabilities may have an increased sensitivity to loud noise and those with a disability whose lungs are not functioning at a healthy capacity are at an increased risk of adverse air quality effects.

8.26.10. For pregnant women, drastic increases in noise exposure can adversely affect the health of the baby. The same applies to parents on maternity/paternity with babies or small children, who are more susceptible and vulnerable to loud noises. Poor air quality, and high concentration of NO₂ in particular, can increase the risk of lost pregnancy.

8.26.11. It is noted that if approved any consent would include conditions to secure mitigation measures to control noise and air quality impacts, thereby mitigating construction impacts.

8.26.12. The development would have a major positive effect on employment due to the construction jobs created. This could benefit those who face barriers to entry in the labour market, which disproportionately affects black, Asian, multi-ethnic, young and disabled residents.

Operational phase impacts

8.26.13. There is the potential for a number of neutral or positive impacts on people with protected characteristics as a result of the development. The proposed development would include new sports facilities. This would have a moderate positive impact on

children, young people, older people, those with disabilities and/or long-term health problems, pregnant women and those on maternity/paternity, ethnic minorities and religious groups.

- 8.26.14. There would be a moderate beneficial impact on crime and anti-social due to the crime reduction and secure by design measures of the scheme. This would have a moderate positive impact on children, young people, older people, those with disabilities and/or long-term health problems, women, pregnant women and those on maternity/paternity, ethnic minorities and religious groups.
- 8.26.15. The development would improve accessibility and active travel and this would have a moderate positive impact on children, older people, those with disabilities and/or long-term health problems, those experiencing gender reassignment or identities, pregnant women and those on maternity/paternity, ethnic minorities, religious groups and low income groups.
- 8.26.16. The development would have a positive effect on employment and skills due to the jobs created and associated support for local residents. This could benefit younger and older residents, age, those with disabilities and/or long-term health problems, women, pregnant women and those on maternity/paternity, ethnic minorities, religious groups.

Equalities conclusion

- 8.26.17. The PSED is often said to be a “process” duty, in the sense of ensuring that equalities considerations are properly considered as part of the decision-making process; but in order to comply with the PSED, there is no requirement to achieve a particular result. The decision-maker needs to consider the nature and extent of adverse impacts on persons with protected characteristics, including taking account of the extent to which mitigation measures may reduce impacts, and weigh those against the public benefits of the scheme. In this application, there are number of different impacts that have been identified as set out above.
- 8.26.18. It is for the planning decision-maker to consider the contemplated benefits of the proposal and decide whether those outweigh any negative impacts on people with protected characteristics. In officers’ assessment, if the development were to merit approval, then the negative equality impacts would be outweighed.

8.27. Planning Balance – Benefits and Harm

- 8.27.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Under s70(2) of the Town and Country Planning Act 1990, the decision-maker needs to have regard to the provisions of the development plan and any other material considerations.

Compliance with the development plan

- 8.27.2. The assessment in this report has found that the proposed development is not compliant with the following Development Plan policies:

Local Plan

ST 1 Delivering sustainable development in Swale
ST 3 The Swale settlement strategy
ST 5 The Sittingbourne Area Strategy
CP1 Building a strong and competitive economy
CP8 Conserving and enhancing the historic environment
DM 3 The rural economy
DM 8 Affordable housing
DM14 General development criteria
DM 31 Agricultural land
DM32 Development involving listed buildings.

Kent Minerals and Waste Local Plan

DM7 Safeguarding Mineral Resources.

- 8.27.3. In terms of the compliance with the development plan, officers consider that in view of the nature and extent of the identified non-compliances with specific policies of the Development Plan, when looked at as a whole, the Development Plan cannot be said to be complied with.
- 8.27.4. The Council can demonstrate a 3.97 years supply of housing. In accordance with footnote 8 to paragraph 11 of the NPPF, the most important policies for determining this application cannot be considered up-to-date and, on the basis that obligations and conditions will ensure that there are no strong reasons to refuse the application that align with footnote 7 of the NPPF, the 'Tilted Balance' in favour of sustainable development should apply to decision making. From that basis, only if the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole, should planning permission be refused.

Recent Appeal Decisions

- 8.27.5. A number of recent appeal decisions in the borough have addressed issues relevant to the application and the inspectors have clarified the weight they have afforded to relevant material considerations with the 'tilted balance' engaged. Whilst the weight to afford a benefit is for the decision maker to decide, reference is made to recent appeal decisions in the commentary below and these are detailed as follows:
- Ham Road: Development of up to 250 dwellings at Land at Ham Road, Faversham, Kent ME13 7TX (PINS ref. APP/V2255/W/24/3350524; SBC ref. 23/502113/OUT).
 - Ufton Court Farm: Development of up to 290 dwellings at Land at Ufton Court Farm, Tunstall, Sittingbourne, Kent (PINS ref. APP/V2255/W/23/3333811; SBC ref. 22/505646/OUT).
 - Swanstree Avenue: Development of up to 135 dwellings at Land off Swanstree Avenue, Sittingbourne, Kent (PINS ref. APP/V2255/W/22/3311224; SBC ref. 21/505498/OUT).

Harms

- 8.27.6. Officers consider that the proposed development would result in the following harm which is categorised on a scale of negligible, limited, moderate, significant or substantial with weight being applied to the associated policy conflicts using a similar scale.

Conflict with the Settlement Strategy

- 8.27.7. As noted above, the proposal would conflict with Local Plan Policies ST1, ST3 and ST5 because the site is not within the built-up area boundary. However, the Council cannot demonstrate a 5 year housing land supply therefore these policies are out of date. The inspectors considering recent appeal decisions afforded varying degrees of harm to conflict with the Settlement Strategy. The Swanstree Avenue appeal inspector afforded moderate weight to this policy conflict whilst the Ufton Court Farm inspector identified limited weight and the Ham Road inspector identified significant weight. It is considered that significant weight should be afforded to the substantial conflict with the Borough's Settlement Strategy.

Loss of BMV Land

- 8.27.8. The proposal does not satisfy the criteria contained within Local Plan Policy DM31 which would allow development to take place on BMV land and the proposal therefore conflicts with this policy. There would be economic consequences from the loss of agricultural land which would no longer be used for crop production. The majority of the site does not fall within the highest agricultural land classification grades (1 and 2) which is considered to reduce the degree of harm caused. Accordingly, moderate weight should be afforded to the moderate degree of harm arising from the loss of BMV land and the associated conflict with Policy DM31.

Harm to the rural economy

- 8.27.9. In the absence of evidence to demonstrate that there is no demand for the farmland or that it is undesirable or unsuitable for this use the proposals are contrary to Policy DM3 of the Local Plan. It is considered that moderate weight should be given to the moderate degree of harm caused to the rural economy and the conflict with Policy DM3.

Existing Allocated Employment Sites

- 8.27.10. Local Plan Policy CP1 part 5 is concerned with bringing forward the stock of existing committed employment sites for industrial use, addressing qualitative issues and upgrading older industrial areas. The proposed development would not safeguard and maximise the potential of existing allocated employment sites, and would therefore undermine this focus on existing sites, resulting in a partial conflict with Local Plan Policy CP1 part 5. In many cases the allocated employment sites are subject to constraints and do not benefit from planning permission for employment use which represents some uncertainty around their delivery. It is considered that limited weight should be given to the limited harm arising from the conflict with Local Plan Policy CP1(5).

Affordable Housing

- 8.27.11. The proposed development would not deliver 40% affordable housing in accordance with the requirements of Local Plan Policy DM8. The scheme would deliver 875 affordable units, which represents a 125 unit shortfall against the Local Plan requirement, and the application has not been accompanied by a financial viability assessment to demonstrate that this is the maximum viable provision. The assessment within the affordable housing section of this report suggests that the affordable housing offer may still be considered beneficial. It is considered that moderate weight should be given to the conflict with Local Plan Policy DM8 that arises from a limited under-provision relative to that policy.

Conservation of the natural environment

- 8.27.12. The proposal would not conserve and enhance the natural environment, as required by Local Plan Policy DM14(6). However, the proposal would generally accord with Policy DM14, as set out in the Character and Appearance section of this report. It is considered that moderate weight should be given to the limited harm arising from the conflict with Local Plan Policy DM14.

Heritage

- 8.27.13. Local Plan Policies CP8 and DM32 broadly seek the conservation and enhancement of heritage assets and their setting. Less than substantial harm to the setting of designated and non-designated heritage assets has been identified and therefore the proposal is not in compliance with these policies. However, the NPPF provides for a balancing exercise whereby public benefits are weighed against the harm to the significance of heritage assets and this assessment will be undertaken below. The inconsistency with the NPPF is a ground to give the conflict with Policies CP8 and DM32 reduced weight. Accordingly, moderate weight is afforded to the policy conflict.

Minerals

- 8.27.14. The application has not satisfied any of the criteria under KMWLP Policy DM7 in relation to minerals safeguarding. However, it is considered that extraction of brickearth is potentially viable, feasible and achievable and if this is the case then it is reasonable to assume a commercial incentive for the developer to facilitate its extraction and it is noted that this would not be precluded by the proposed development. This is considered to moderate the harm arising from the conflict with KMWLP Policy DM7. Accordingly, it is considered that moderate weight is afforded to the moderate degree of harm arising from the policy conflict.

Benefits

- 8.27.15. Officers consider that the proposed development would have the following public benefits which are categorised on a scale of either negligible, limited, moderate, significant or substantial.

Housing

8.27.16. The proposed development would deliver 1,625 residential dwellings for market sale. These dwellings would make a significant contribution towards meeting the borough's housing needs over an approximate 15 year period. The scheme could deliver approx. 340 market dwellings within 5 years of a grant of planning permission which would contribute to addressing the Council's 5 year housing land supply shortfall.

8.27.17. It is relevant to note that the Swanstree Avenue and Ham Road Inspectors afforded substantial weight to the delivery of market housing whilst the Ufton Court Farm Inspector afforded significant weight to this benefit. In view of the quantum of market housing proposed under this application it is considered that the benefit would be significant, and it is considered that substantial weight can be afforded to the market housing.

Affordable housing

8.27.18. The erection of 875 affordable homes (comprising 525 social/affordable rented tenure units and 350 shared ownership tenure units) would also make a significant contribution towards meeting the boroughs affordable housing needs over an approximate 15 year period. The proposal would not comply with Policy DM8 on the basis that the site is identified as 'all other rural areas' and this would represent a shortfall of 125 units relative to the policy requirement. In the absence of an FVA to demonstrate that this is the maximum viable affordable housing, the proposal does not comply with this policy DM8. However, as discussed in the Affordable Housing section of this report, the affordable housing offer that would be secured can still be viewed as being beneficial. This moderates the harm arising from non-compliance with Policy DM8. The delivery of affordable housing is particularly welcomed given the Council has declared an affordable housing emergency which reflects a pressing identified need. There are 1,684 households on the housing register, 121 of which are classified as being in urgent need of housing. Waiting times to be housed are between 12 and 28 months. The Inspectors for the appeal decisions detailed above all afforded substantial weight to the delivery of affordable housing. It is considered that the proposed affordable housing would represent a substantial benefit of the scheme and that substantial weight can be given to the affordable housing that would be provided.

Biodiversity Net Gain (BNG)

8.27.19. The application was submitted prior to the introduction of mandatory BNG and the proposal would significantly exceed the statutory requirement for BNG with a 20% net gain for habitats and hedgerows. The scheme would achieve further BNG (up to 66% for habitats) which is intended to assist other developments in the borough in meeting BNG requirements. The site is presently in agricultural use and has limited ecological value whilst the scheme is only required to achieve a nominal BNG therefore the proposed BNG is considered to represent a significant benefit of the scheme. Significant weight can be afforded to the benefit arising from the 20% BNG uplift. The component of the BNG which would be utilised as off-site habitat for other developments would provide a localised biodiversity benefit on the site and moderate weight can be afforded to this benefit.

Infrastructure needed to support the new communities including 3FE primary school, healthcare facility, mixed use centre, community facilities etc.

- 8.27.20. In terms of schools, paragraph 100 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. It advised that local planning authorities should give great weight to the need to create, expand or alter schools through decisions on applications.
- 8.27.21. A 3FE primary is proposed and a nursery/creche could be provided within the local centre. KCC as Local Education Authority have confirmed that the proposed 3FE primary school would be needed to serve the needs of future residents living in the scheme, albeit there may be around 15 surplus spaces within the school. Although the NPPF says that great weight should be given to the creation of these facilities, their provision is being driven by the needs created by the development itself. As a result, the wider, residual benefit beyond the development would be limited and as such, even giving this great weight as required by the NPPF, the overall benefit is limited.
- 8.27.22. The scheme proposes a healthcare facility. The NPPF states *“significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure [which includes health facilities] when considering proposals for development.”* At this point it is not certain whether healthcare facilities will be provided on site or a contribution made to the NHS. However, in either scenario new, expanded, or upgraded facilities will be provided. Again, as is the case with the education facilities, the need for additional healthcare facilities is driven by the development itself. As a result, the wider, residual benefit beyond the development would be limited and as such, even giving this significant weight as required by the NPPF, the overall benefit is limited.
- 8.27.23. Given the scale of the proposed residential development, if approved, the proposed mixed-use centre is required to serve the day-to-day needs of the new population. Having regard to the site’s location in relation to basic essential services the centre would reduce the need for future occupiers to travel for those services. The proposed mixed-use centre is desirable in this regard and serves to mitigate some of the transport impacts of the development. However, the local centre is driven by the needs of the development with limited wider benefits and negligible weight is afforded to this benefit.
- 8.27.24. A community centre is proposed; however, this is required to meet the needs of the additional population on the site and would result in limited wider benefits. Accordingly, negligible weight is given to the benefits arising from the proposed community centre.

Employment and economic activity

- 8.27.25. The ES includes a Socio-Economics Statement. The total construction costs for the development are estimated at £346.64m and the construction of the development is estimated to result in the creation of 772 FTE direct construction jobs and 950 FTE indirect construction jobs over the course of the development.
- 8.27.26. The proposal would deliver employment floorspace within the commercial uses with further employment supported within the local centre. The ES acknowledges

some difficulty in estimating job numbers due to variations in employment densities for different employment uses. However, based upon existing evidence and reasonable assumptions the proposed employment floorspace is projected to accommodate 275 Full Time Equivalent (FTE) jobs. The proposed 3FE primary school is estimated to support 39 FTE jobs including 24 teaching roles. A further 39 FTE jobs are projected in relation to requirements including property maintenance (initially lower when dwellings are newly built) and green infrastructure maintenance. 7 FTE jobs will be lost as a result of the loss of agricultural land. The additional employment is estimated to equate to a total contribution to Gross Value Added (GVA) in Swale of £19.27m per annum.

- 8.27.27. The ES estimates economic benefits associated with £6,750 per dwelling as a result of first occupation expenditure (£16.775m overall) which includes furnishing of homes. It is acknowledged that this expenditure could be lower as new builds will not require decorating and it is noted that the benefits may occur outside of the borough. Spending by households is estimated at £624.20 per week which, allowing a 25% discount for households moving within the borough, would generate additional expenditure of approx. £60,859,500 per annum. The loss of agricultural output and employment is estimated to equate to £2.5m per annum. The ES estimates a net GVA per annum of £82.5m.
- 8.27.28. The NPPF states at paragraph 85 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”*. The scheme provides employment floorspace, in addition to employment opportunities that will exist in the local centre and other on-site infrastructure, such as the school and healthcare facility.
- 8.27.29. The Inspectors considering the Swanstree Avenue and Ufton Court Farm appeals afforded moderate weight to the economic benefits of the scheme whereas the Ham Road Inspector afforded significant weight to these benefits. It should be noted that these schemes did not include employment floorspace and so these can only provide a steer to the decision maker in respect of the other economic benefits.
- 8.27.30. Overall, whilst estimates of employment / economic benefits might be optimistic in some respects and not all of the benefits will be experienced locally it is accepted that significant employment and economic benefits will arise from the proposal. Considering all the above factors, significant weight is given to this benefit.

Open space and sports facilities

- 8.27.31. The provision of public open space, recreation areas and sports facilities within the proposed development is a normal planning requirement of good place-making and to mitigate impacts of the development. However, in this case the public open space and formal sports facilities exceed the policy requirements for the scheme and deliver wider public benefits. NPPF para. 103 states *“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 communities, and can deliver wider benefits for nature and support efforts to address climate change.”* It is noted that the Ufton Court Farm and Swanstree Avenue Inspectors afforded limited weight to the delivery of public

open space and green infrastructure whilst the Ham Road Inspector afforded moderate weight to this benefit. The proposal would deliver all-weather sports pitches and courts suitable for intensive use which would exceed the demand generated by the population of the development and would represent a significant benefit of the scheme. However, as noted above there would be a shortfall of £925,624 in contributions towards increasing the capacity of swimming pools in the borough. Whilst the report concludes that the proposal is overall compliant with Local Plan Policy DM17, once overprovisions in some respects have been balanced against the under provisions in others, it is considered that there would be a moderate overall benefit arising from the proposal. It is considered that moderate weight can be afforded to the benefits arising from the open space and sports facilities in the planning balance.

Sustainability and carbon reduction

- 8.27.32. The proposed development will incorporate climate change mitigation measures and is anticipated to achieve a 34.13% reduction in construction stage emissions and a 21.54% reduction in operational stage emissions compared to a pre-mitigation scenario. The scheme also includes various measures to encourage travel by means other than the private car. The environmental objective of the NPPF includes moving to a low carbon economy and using natural resources prudently. It is considered that moderate weight can be afforded to the moderate sustainability and carbon reduction benefits in the planning balance.

Heritage impacts and balance

- 8.27.33. Planning policy requires harm to heritage assets to be balanced against the public benefits of the proposed development. Having set out the benefits above, for the sake of convenience the heritage balance is addressed now. As is set out in Section 8.8 of this report, the development would result in harm to a number of designated heritage assets, including the setting of the Grade I listed St Bartholemew's Church and 8 Grade II listed buildings. The proposals would also harm the significance of non-designated heritage assets.
- 8.27.34. The level of harm to the heritage assets would be less than substantial. The extent and scale of the proposal means that multiple assets are harmed. Even in cases where the heritage harm falls in the 'less than substantial' category, as is the case here, this is still required to be given great weight and importance in the planning balance. In all cases the level of harm identified is at the lower end of the spectrum.
- 8.27.35. The proposal would bring forward public benefits identified in this section including the delivery of housing which is afforded significant weight and affordable housing which is afforded substantial weight. There would be employment and economic benefits which are afforded significant weight and open space and sports facilities which are afforded moderate weight. The proposed development would also achieve sustainability and carbon reduction benefits (moderate weight) and would deliver a 3FE primary school and health infrastructure (limited weight).
- 8.27.36. Officers have been mindful of the statutory duty and have placed great weight and importance on the fact that less than substantial harm would be caused to the

designated heritage assets and non-designated heritage assets would also be harmed. In this case the significant public benefits are considered to outweigh the heritage harm given the extent of the impacts. Officers are of the view that the proposals comply with the provisions of the NPPF.

- 8.27.37. In considering the impact of this proposal on designated heritage assets, officers have had regard to the Council's obligations pursuant to s66 of the PLBCAA (1990).

Conclusion on the Planning Balance

- 8.27.38. This report strikes the planning balance required by section 38(6), namely, to decide applications in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the NPPF and, subject to planning obligations, the 'tilted balance' set out in that document in favour of sustainable development is engaged. Consequently, the NPPF indicates that only if the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, should planning permission be refused.

- 8.27.39. As above, the application is required to be assessed against the paragraph 11.d ii) of the NPPF. Therefore, the recommendation is dependent on whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 8.27.40. As set out above, the benefits of the scheme are, when taken together very substantial and wide ranging. In addition, the scheme performs well in respect of directing development to a location that is capable of being made sustainable in terms of accessibility, securing a well-designed place and providing affordable homes, which the NPPF requires particular regard to be given to. The cumulative harm that has been identified is significant but would not outweigh the benefits, let alone significantly and demonstrably outweigh them. The NPPF therefore indicates that planning permission should be granted.

8.28. Conclusion

- 8.28.1. The proposal is contrary to the development plan taken as a whole. However, material considerations, including the provisions of the NPPF (2024) and the benefits associated with the proposal, indicate that the determination of this planning application should be made not in accordance with the development plan. In this case, it is considered that the NPPF can be considered to outweigh the harm that would arise from the conflict with the development plan and therefore, on balance, it is recommended that planning permission is granted subject to the conditions listed below and the planning obligations as set out in this report.

- 8.28.2. In considering the application, account has been taken of the information included with the application submission, the National Planning Policy Framework and the Development Plan, and all other material considerations including representations

made including the views of statutory and non-statutory consultees and members of the public.

RECOMMEDATION – GRANT PLANNING PERMISSION subject to conditions and the prior completion of a Section 106 agreement.

CONDITIONS

1. Reserved Matters to be submitted

No development shall commence in respect of any part of the site, save for Enabling Works (see definition below), until details relating to the access (other than access from Sheppey Way), appearance, landscaping, layout, and scale (hereinafter called the 'reserved matters') have been submitted to and approved by the Local Planning Authority in respect of that part of the development of the site.

The development shall be carried out in accordance with the approved details.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Time Limit – Reserved Matters

The first application for approval of reserved matters referred to in Condition (1) shall be made to the local planning authority no later than the expiration of 3 years from the date of the grant of outline planning permission.

All subsequent applications for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of 15 years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Reserved Matters Implementation

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Phasing Plan

No development shall take place until a Phasing Plan, which shall include justification for the proposed phases, demonstrate the timescale for the delivery of the development including infrastructure and include the order of the delivery of the proposed phases, has been submitted to and approved in writing by the Local Planning Authority.

The Phasing Plan shall include details of infrastructure delivery for the scheme.

The Phasing Plan shall include a Sports Facilities Delivery Plan which sets out a phased timescale for the provision and availability of on-site Sports Hub facilities

tied to residential delivery. No more than 1,260 dwellings shall be occupied until the main sports hub has been completed and made available for use.

The Phasing Plan shall be accompanied by an explanation of the proposed key phases including how the delivery aligns with triggers in other conditions and the associated Section 106 agreement. The phasing of the development shall be carried out in accordance with the approved Phasing Plan and the Sports Facilities Delivery Plan. The Phasing Plan shall, by written agreement with the Local Planning Authority, be updated from time-to-time to reflect the latest position on delivery.

Reason: To ensure the development proceeds in a satisfactory manner and to secure the timely delivery of the proposed sports facilities. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

5. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

D3366-FAB-00-XX-MR-L-001 Rev. 02 Constraints Plan
D3366-FAB-00-XX-MR-L-002 Rev. 03 Strategic Framework Masterplan
D3366-FAB-00-XX-MR-L-004 Rev. 04 Movement Parameter Plan
D3366-FAB-00-XX-MR-L-006 Rev. 04 Density Parameter Plan
D3366-FAB-00-XX-MR-L-007 Rev. 04 Land Use Parameter Plan
D3366-FAB-00-XX-MR-L_DI04_008 Rev. 06 Green Infrastructure Plan
D3366-FAB-00-XX-MR-L-020 Rev. 03 Building Heights Parameter Plan
10353_400 Rev. P7 Site Access from Sheppey Way 1
10353_500 Rev. P6 Site Access from Sheppey Way 2
10353_700 Rev. P12 Site Access Locations
10353_1003 Rev. P8 Site Access Roundabout
10353_1004 Rev. P8 Site Access Roundabout HGV Swept Path
10353_2000 Rev. P3 Pedestrian and Cycle Route Improvements 1
10353_2001 Rev. P3 Pedestrian and Cycle Route Improvements 2
10353_2002 Rev. P2 Pedestrian and Cycle Route Improvements 3
10353_2003 Rev. P2 Pedestrian and Cycle Route Improvements 4
10353_2004 Rev. P5 Pedestrian and Cycle Route Improvements 5
10353_2005 Rev. P2 Pedestrian and Cycle Route Improvements 6
10353_SK09 Rev. P4 Proposed Raised Table for Bobbing Village
10353_SK10 Rev. P3 Proposed Parking Court

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with this application.

6. Development Limits

The development hereby approved shall not exceed the following development limits:

Use (Town and Country Planning (Use Classes) Order 1987, as amended)	Amount
Residential - Use Class C3	Up to 2,500 dwellings
Commercial – Use Classes E (b) (Sale of food and drink for consumption (mostly) on the premises) or sui generis (Hot food takeaway) with a maximum 50m² floorspace E(e) Medical services (maximum 1 unit with a maximum 500m² floorspace) E(g) (i) Office E(g) (ii) Research and development E(g) (iii) Any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)	Maximum floorspace of 15,500m ² GIA
Local Centre – Use Classes E (a) - Display or retail sale of goods, other than hot food (maximum 1 unit) E (b) - Sale of food and drink for consumption (mostly) on the premises (maximum 1 unit) E (c) (i) Financial services, E (c) (ii) Professional services E (c) (iii) Other appropriate services in a commercial, business or service locality E (f) Non-residential creche, day centre or nursery	Maximum floorspace of 1,300m ² GIA and no more than 1 Class E (a) retail unit which shall not exceed 500m ² GIA
Community Centre – Use Classes E(d) - Indoor sport, recreation or fitness F2(b) - Halls or meeting places for the principal use of the local community	Maximum floorspace of 650m ²
3FE Primary School – Use Class F1(a)	2.9ha
Sports and Community Facilities – Use Class F2(c)	Minimum 4.69ha

Reason: To ensure that the development is carried out in accordance with approved details and the quantum of floorspace is within the parameters assessed in the Environmental Impact Assessment in relation to the development.

7. Site Wide Design Code

No development shall commence, save for Enabling Works, until a Strategic Site Wide Design Code which includes an overarching masterplan for the site has been submitted and approved by the Local Planning Authority.

The Design Code shall be prepared in accordance with parameters and details approved pursuant to condition 5 and substantially in accordance with the design principles and design guidance contained within the Design and Access Statement.

The Strategic Site Wide Design Code shall also be informed by:

- The National Design Guide (Amended 2021 to align with National Model Design Code and Guidance Notes for Design Codes) [or any superseding equivalent];
- The National Model Design Code (2021) [or any superseding equivalent],
- Any other relevant Design Guide or Code that is adopted at the time; and
- A Design Review Outcome Report following a design review process involving the Local Planning Authority carried out by Design South East or another appropriate design review panel that has been approved in writing by the Local Planning Authority.

The Strategic Site Wide Design Code shall consider the integration of the development with heritage assets.

The reserved matters submissions shall thereafter be in accordance with the approved Strategic Site Wide Design Code.

Reason: In order to ensure the development delivers high-quality design and place making.

8. Archaeological Framework – Site Wide

No development shall commence, including any Enabling Works, until a sitewide Archaeological Framework has been submitted to and approved in writing by the Local Planning Authority identifying the requirements associated with each phase of the development. The Archaeological Framework should set out specifications and standards for archaeological works, guide how archaeological works will be consistently implemented and provide a programme and timetable for the works including post excavation, reporting and archiving.

The Archaeological Framework shall be implemented as approved and shall include the following and any other relevant issues that might arise:

- a) A Research Design, and a Statement of Significance for the archaeology identified on the site and detail how these will be reviewed and updated considering the archaeological findings made during the development programme.
- b) An Archaeological Model that includes archaeological character areas will be included identified in the Research Design and updated considering further findings.
- c) A strategy for Archaeological Evaluation of all phases setting out the scope and timing of evaluation works and their reporting.

- d) A strategy and timing for Archaeological Mitigation of all phases including the safeguarding of archaeological remains where appropriate and further investigation and recording. The strategy should include details on the process for identifying areas where preservation is appropriate, how they will be taken account of and managed during and following development.
- e) Standards and methodologies for archaeological works including off-site works. Arrangements for their management and coordination should be detailed.
- f) A strategy and programme for the post excavation works including processing, assessment, analysis and reporting for each phase of development and the integration of the results of the work for publication and archiving.
- g) Appropriate archiving of any finds and the records of archaeological investigations at the site to be stored in a suitable repository to be agreed with the Local Planning Authority and undertaken by the developer with all costs covered in full.
- h) Strategies for community archaeology & public engagement and heritage interpretation during the course of the archaeological investigation and following development.
- i) A mechanism for review and updating of the Archaeological Framework in response to the evolving understanding of the site's archaeology, advancing archaeological practices and the circumstances of development.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record. These details are required prior to the commencement of development in order to ensure that the works do not result in harm to features of archaeological interest.

9. Archaeological Evaluation and Mitigation

To assess and mitigate the impacts of development on significant archaeological remains:

- A. For each phase of development prior to any Detailed / Reserved Matters Application, the applicant (or their agents or successors in title) shall (i) secure and (ii) have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.
- B. For all phases, following completion of archaeological evaluation works, no development shall take place within that phase of development until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.
- C. The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

- D. Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
- a) a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development.
 - b) an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same.
 - c) a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.
- E. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

The works to be undertaken in each phase of development will be guided by the approved Archaeological Framework. Preservation measures identified in Part B should be detailed in Reserved Matters applications.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

10. Safeguarding Archaeology

No development shall be carried out, including any Enabling Works, in any part of the site identified for the safeguarding of archaeological remains under Condition 9 until details demonstrating how the area will be safeguarded have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include:

- A clear plan of the area to be safeguarded.
- Details of protective fencing required during development works and agreement of any groundworks within the safeguarded area.
- Details of any landscaping proposed within the safeguarded area.
- Arrangements for the ongoing management of the safeguarded area in the form of a management plan, as well as details of specific on-site interpretation of the archaeology of the site itself and the surroundings.

The development shall be carried out in accordance with the details approved.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

11. Historical and Archaeological Interpretation

Prior to the occupation of any dwelling in each respective phase, a Detailed Scheme of Historical and Archaeological Interpretation shall be agreed for that Phase taking account of the Site Wide Interpretation Strategy in the Archaeological Framework approved under Condition 8. The Scheme (which shall where appropriate include information boards in public open space areas in that phase of the development and other arrangements for interpretation such as landscaping,

art and materials) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the location for information boards, their content and timetable for their erection. The interpretation boards shall be erected and thereafter retained and maintained in accordance with the approved scheme.

Reason: To ensure the development makes a positive contribution to local character and distinctiveness, through historical interpretation.

12. Reserved Matters Details

Reserved Matters applications shall be accompanied, as appropriate, by the following documents and/or information:

- A Design and Access Statement that demonstrates how the proposals accord with the approved parameter plans.
- An assessment of design impacts on nearby heritage assets.

Landscaping

- Plans, drawings, sections, and specifications to explain full details of the hard and soft landscaping treatment and works including: planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes, numbers and densities where appropriate, materials (size, type and colour), proposed drainage arrangements, a detailed specification for any equipped play area, street furniture, lighting columns, private and communal areas, open spaces, edges, boundary treatments, public rights of way and roads.
- Details of appropriate ecological enhancement measures which consider the objectives of the Kent and Medway Local Nature Recovery Strategy (November 2025).
- Tree planting details (including street trees and hedgerows) and specification of all planting in hard and soft landscaped areas, to include provision for advanced planting to the northern and southern boundary of the site.
- The open space details shall demonstrate that there will be no Sustainable Drainage Systems located within private gardens or play areas.
- Details of the programme for implementing and completing the planting.
- An updated Tree Survey and an Arboricultural Method Statement produced in accordance with BS5837.
- A Tree Protection Plan showing trees that shall be retained and the arrangement of temporary protection measures that shall be installed prior to the commencement of development.
- A methodology for any special construction that is required to ensure the success of proposed tree retention.
- A detail for any temporary construction measures, products or construction methods that are specified.
- Significant landscaping provided within the core of the site and internal streets and roads are tree lined.
- Proposals to protect and enhance the Rook Wood ancient woodland; and

- A heritage strategy including landscaping surrounding St Bartholomew's Church, the area surrounding Parsonage Farm and details of measures to preserve the Chatham Land Front in open space.

Secure by Design

- Details of measures to minimise opportunities for crime, according with the principles of Secure by Design (SBD)/Crime Prevention Through Environmental Design (CEPTED).

Parking and Internal Roads

- Details (including specifications) of the access to the Development Parcel and within the Development Parcel for vehicles, cycles and pedestrians (including Access for All standards).
- Details of parking within the phase, in accordance with the Swale Borough Council Parking Standards SPD (May 2020) or any superseding equivalent.
- The width and configuration of proposed carriageway layouts including any footways/foot paths, verges and junctions
 - a) The layout of street lighting
 - b) The layout and configuration of surface water sewers, drains and outfalls serving the internal streets and footways
 - c) The layout and configuration of any retaining walls and highway supporting structures
 - d) The layout of service routes and corridors within highways
 - e) Identification of any vehicle overhang margins, embankments, visibility splays, property accesses, carriageway gradients, driveway gradients, car parking and street furniture (including bins and benches).

Layout

- Details of the siting and orientation of the proposed buildings and any relevant roads, as well as the location of any landscaped or open space areas.
- Details of the market and affordable housing mix, including the location of affordable housing to be provided proportionally throughout the site.
- Appropriate assessment and integration of the identified surface water flow paths through the development.

Reason: In order that the reserved matters applications can be properly considered and assessed, in the interests of proper planning.

13. Sport England

All subsequent reserved matters applications shall demonstrate compliance with the principles of Sport England Active Design guidance.

Reason: In order that opportunities to promote physically active and healthy lives are considered within the design of the scheme.

14. Open Space Strategy

No development shall take place until details of the provision of the open space including the phasing / timescales for delivery have been submitted to and approved in writing by the Local Planning Authority. The details shall identify the

type, extent and location of open space consistent with the approved land use parameter plan and illustrative masterplan. The details shall include the following:

- Overall open space provision of 106.43ha unless otherwise agreed in writing by the Local Planning Authority.
- A site wide strategy for the delivery of a minimum 1.19ha of allotments.
- A minimum 6.55 ha parks and gardens.
- A minimum 25.94ha natural and semi-natural greenspace.
- A minimum 2.68ha amenity greenspace.
- A minimum 1.43ha open space provision for children and young people including a minimum 0.78ha children's play areas.
- Green infrastructure including public open spaces, buffers, existing woodland, BNG areas and SUDs.

The open space shall be provided in accordance with the approved details and shall be permanently retained thereafter.

Reason: To ensure the development proceeds in a satisfactory manner and to secure the timely delivery of the proposed open space. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

15. Open Space Management

No development shall be first used/occupied within each phase until a Landscape and Open Space Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:

- a) a description and evaluation of features to be managed;
- b) the precise location and boundaries of the areas of formal and informal open space to be provided within the phase and timetable for their delivery;
- c) the aims and measurable objectives of management and maintenance;
- d) appropriate management responsibilities and prescriptions and maintenance schedules for achieving those aims and objectives;
- e) details of the body or organisation(s) responsible for implementation of the Plan.

The open spaces within each phase shall be laid out and implemented in accordance with the agreed timetable and shall be retained thereafter in accordance with the Management Plan.

Reason: In the interests of the visual amenities of the area, to adequately integrate the development into the environment and to ensure the ongoing management and maintenance of the open space in order to meet the needs of future occupiers.

16. Market Housing Mix Strategy

Prior to the submission of the first reserved matters for each phase of the development containing residential dwellings, a Market Housing Mix Strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The Market Housing Mix Strategy shall set out the proposed mix, size, tenure and provision of accessible dwellings in the phase (both in terms of units and habitable rooms), and show how the housing reflects housing need (in accordance with Swale Local Plan policy and most up-to-date Housing Market Assessment available to Swale Borough Council) and the capacity of the wider site to provide an acceptable mix and balance of homes.

The reserved matters submissions for each key phase shall demonstrate how they support the delivery of the housing mix as approved in the Market Housing Mix Strategy for that phase.

Reason: To ensure a sustainable mix of dwellings is provided on the site and to accord with policy CP3 of the Local Plan. The objectives and purposes of this condition are such that it is required to be complied with before the submission of reserved matters applications for the relevant residential phase.

17. Affordable Housing Plan

An Affordable Housing Plan shall be submitted to and approved in writing by the Local Planning Authority for each Phase containing residential development. The Plan shall identify the number, type, tenure and location of affordable dwellings within that Phase and shall demonstrate that the affordable housing is appropriately integrated and distributed across the Phase.

No dwelling within the relevant Phase shall be occupied until the Affordable Housing Plan for that Phase has been approved in writing by the Local Planning Authority. The development of that Phase shall thereafter be carried out in accordance with the approved Affordable Housing Plan.

Reason: To ensure that each Phase provides an appropriate and well-integrated mix of affordable housing.

18. Employment and Skills Strategy

No development shall commence, save for Enabling Works, until an Employment and Skills Plan has been submitted to and approved in writing by the Local Planning Authority. The Employment Strategy shall set out a package of measures including:

- (i) Construction Phase:
 - Targets for the employment of local labour and apprenticeships
 - Provision of work experience placements
 - Collaboration with local colleges and employment support services
 - Monitoring and reporting mechanisms
- (ii) End use phase
 - Measures to support local recruitment for operational jobs.
 - Skills training initiatives to be delivered on-site or in partnership with local training providers.
 - Promotion of long-term employment opportunities for local residents
- (iii) Monitoring and implementation

- A timetable for implementation of all elements of the strategy.
- Roles and responsibilities for delivery.
- A framework for annual monitoring reports to be submitted to the Council for a period of 15 years following commencement.

The development shall be carried out in accordance with the approved Employment and Skills Strategy.

Reason: To ensure the development contributes to the local economy by supporting local employment and skills development.

19. Construction Environmental Management Plan

No development shall commence in any Key Phase (including any ground works, site or vegetation clearance related to the development) until a Construction Environmental Management Plan (CEMP) for the Phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- a) A Construction Method Statement produced in accordance with the Dust Management Plan with those recommended mitigation and monitoring measures outlined in the Air Quality Assessment (completed by dha, 2025). The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'
- b) Details of temporary pedestrian and cycle routes, including details of any measures to protect PROW and retain usage during the construction period
- c) Details of hoarding/boundary treatments associated with construction
- d) Details of buildings/structures to be demolished (identified on a plan) including method of demolition and removal strategy
- e) Procedures for maintaining good public relations, including complaint management procedures, community consultation and liaison (such details to provide a clerk of works / contact person for complaints who will work for the developer and be responsible for ensuring compliance with conditions)
- f) A detailed strategy for the control of noise and vibration during piling activities, subject to approval via condition 23
- g) Lighting strategy during construction
- h) Plans demonstrating the ecological areas to be protected during construction
- i) Details of when an ecologist needs to be present on site
- j) Highway condition surveys for highway access routes into that part of the development to determine the extent of damage (if any) caused to the highway network during the construction of the development that will need to be rectified.

The works shall be carried out in accordance with the approved details and shall be retained in that manner for the duration of construction and landscaping works.

Reason: In the interests of highways safety and to ensure that measures are in place to prevent pollution during construction. The objectives and purposes of this condition are such that it is required to be complied with before commencement.

As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

20. Hours of Construction Activity

No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

- Monday to Friday 0730 - 1800 hours
- Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of nearby occupiers.

21. Construction Waste Management Plan

No development within each phase shall commence until a written Construction Waste Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall:

- A. Include target benchmarks and commitments during construction to achieve optimum resource efficiency
- B. Demonstrate the monitoring, measuring and reporting of hazardous and non-hazardous site waste production according to the defined waste groups (according to the waste streams generated by the scope of the works)
- C. Demonstrate how the commitments to a circular economy approach and to sort and divert waste from landfill in accordance with the waste hierarchy (reduce; reuse; recycle; recover) according to the defined waste groups, will be achieved; and
- D. Explain how construction and demolition waste will be reused or recycled where possible.

The development within each Key Phase shall proceed in accordance with the approved plan.

Reason: To achieve good waste management practice across the site.

22. Construction Surface Water Management Plan

Prior to the commencement of each phase of development, a Construction Surface Water Management Plan (CSWMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The CSWMP shall detail how surface water and storm water shall be managed on the site during construction. It shall also outline the phases of construction showing where and when drainage features shall be installed and how runoff shall be managed, to minimise flood risk and water quality impacts on site and to the surrounding areas.

Reason: In the interest of managing flood risk during the construction stage. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

23. Details of Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. Should penetrative foundations be required the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

24. Contaminated Land

Prior to the commencement of development a strategy to deal with the potential risks associated with any contamination of the site shall be submitted to and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- 1) A site investigation scheme, based on the approved Preliminary Risk Assessment (RPS, ref JER8644, June 2022) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
- 2) The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- 3) A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

25. Contamination Verification Report

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include documentation certifying quantities and source/destination of any material

brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

26. Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

27. A249 Bobbing Junction Highways Mitigation

No more than 600 dwellings of the development hereby permitted shall be occupied until the improvement scheme identified for A249 Bobbing junction as shown on drawing number 27239/5504/071 (Stantec, 22 October 2020), is complete and open to traffic.

Reason: To mitigate the impact of the development on the A249, in accordance with paragraph 118 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.

28. Construction Traffic Management Plan

No development (including enabling works) shall commence on any phase until a Detailed Construction Traffic Management Plan (CTMP) for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The CTMPs shall include as a minimum:

- Final construction access arrangements
- Detailed routing of construction and delivery vehicles to / from site and swept paths
- Parking and turning areas for construction and delivery vehicles and site personnel
- Delivery management system, booking protocols and HGV volumes
- Timing of deliveries and permitted construction traffic arrival and departure times, avoiding network and school peaks where possible
- Pedestrian/cycle/PRoW protection measures
- Traffic management during access construction (including S278 works)
- Parking, welfare and on-site circulation layouts
- Environmental mitigation: dust, noise, wheel washing, debris control
- Emergency and contact procedures, including banksman strategy
- Temporary traffic management / signage

- Details of construction phasing
- Measures to prevent the discharge of surface water onto the highway.

All construction vehicles shall be routed plans via the A249 corridor, with no use of Bobbing village roads, Sittingbourne town centre routes or any unapproved local roads.

All HGV deliveries shall be strictly limited to between the hours of 10:00–14:00 during Phase 1 unless otherwise agreed with KCC.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety and to ensure that the A249 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with para 115 of the NPPF.

29. Internal Haul Roads and Turning Areas

No above-ground construction shall commence until the internal haul road and turning areas required for that phase have been constructed and are operational.

Reason: In the interests of highway safety and ensuring satisfactory servicing arrangements.

30. Reserved Matters - Parking

Upon approval of details of parking pursuant to condition 12 the parking shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: In the interests of highway safety and convenience.

31. Reserved Matters – Cycle Parking

The details submitted in pursuance of Reserved Matters shall show adequate space and facilities, to the satisfaction of the Local Planning Authority, reserved for cycle storage in accordance with the Approved Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the associated for that storage is occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude cycle parking.

Reason: Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development.

32. Vehicular connections onto Stickfast Lane, Cold Harbour Lane and Parsonage Lane

Prior to the commencement of any development beyond Phase 1, a strategy and details of any vehicular connections associated with the development onto Stickfast Lane, Cold Harbour Lane and Parsonage Lane shall be submitted to the Local Planning Authority for approval.

Reason: In the interests of highway safety and convenience.

33. Travel Plan

The development shall be carried out in accordance with the principles, objectives, minimum standards and commitments set out within the approved Framework Travel Plan (FTP). The FTP shall remain the overarching document guiding all sustainable travel measures across the site and shall be implemented from first occupation of any dwelling or commercial unit.

No development shall commence on any phase until a Full Travel Plan for that Phase has been submitted to and approved in writing by the Local Planning Authority in consultation with KCC Highways. The Travel Plan shall be prepared in line with prevailing policy and best practice and shall include as a minimum:

- Updated baseline travel information where available, including outputs from resident or staff surveys
- Refined and phase-specific mode share targets, including mechanisms to meet or exceed the minimum 10% reduction in car-driver trips identified in the FTP
- the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements
- the timetable/ phasing of the implementation of the Travel Plan measures shall be alongside occupation of the development and its operation thereafter
- the mechanisms for monitoring and review, including monitoring arrangements in accordance with the TRICS Standard Assessment Methodology (SAM) with surveys in years 1, 3 and 5
- the mechanisms for reporting
- the remedial measures to be applied in the event that targets are not met
- the mechanisms to secure variations to the Travel Plan following monitoring and reviews
- Detail the role, funding and responsibilities of the Travel Plan Coordinator for that phase.

The development shall only be occupied in accordance with the approved Travel Plan which shall remain unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2024) and paragraph 40 of DfT Circular 01/2022.

34. Diversion or extinguishment of PRow

Prior to the commencement of development an application for the diversion or extinguishment of the PRow will be submitted to the Planning Authority.

Reason: To ensure the timely diversion / extinguishment of the PRow and enable the consented development to lawfully progress.

35. Order for diversion or extinguishment of PRow

Prior to the commencement of any phase of the development requiring the disturbance of the PRow there will be a confirmed Order for the diversion or extinguishment of the PRow.

Reason: To ensure the timely diversion/extinguishment of the PRow and therefore enable the consented development to lawfully progress.

36. Boundary Treatment

Save for preliminary works, prior to the commencement of the development hereby permitted, a detailed boundary treatment plan for those sections of the development site boundary abutting the Strategic Road Network (A249) boundary shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include as a minimum:

- details of the boundary treatments including location, type, construction method and maintenance, and
- details of boundary planting including management.

All works shall be undertaken in accordance with the agreed plan and maintained as such thereafter.

Reason: For reasons of highway safety, liability, and maintenance in accordance with paragraph 57 of DfT Circular 01/2022.

37. Drainage

No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or into any drainage system connected to the Strategic Road Network. No drainage connections from any part of development hereby permitted may be made to any Strategic Road Network drainage systems.

Reason: In the interest of the safe and efficient operation of the Strategic Road Network and to protect the integrity of the Trunk Road drainage asset in accordance with DfT Circular 01/2022.

38. Construction Stage Ecological Management Plan

No development shall be undertaken (including any ground works, site and/or vegetation clearance) until a Construction Stage Ecological Management Plan which contains full details of all ecological mitigation measures required has been submitted to and approved in writing by the local planning authority. The CEMP shall be based on up-to-date ecological survey information, as advised by a suitably qualified ecologist and include the following:

- Retained tree and hedgerow protection measures in accordance with BS 5837:2012.
- Measures to avoid impacts to the retained habitat on site including identification of a construction exclusion zone (and the use of protective fences, exclusion barriers and warning signs).
- Extent and location of proposed construction, mitigation works, retained habitat and off site habitat creation works, shown on appropriate scale maps and plans.
- Specific measures (which may be presented as a series of method statements) to avoid impacts to protected/notable species and a timetable for implementation of the measures.
- Persons responsible for implementing the measures, including times during construction when specialist ecologists need to be present on-site.
- The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s).
- Contingency plans should a protected species be encountered.
- Details of ongoing management until the site wide management plan has been produced and agreed.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse ecological impacts of development activities are avoided or suitably mitigated. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

39. Habitat Management and Monitoring Plan

Prior to first occupation of any dwelling a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the submitted Biodiversity Net Gain Assessment, and based on the most up-to-date and/or relevant ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority and including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat retention, creation and enhancement works to create or improve habitat to provide the ecological mitigation and achieve the biodiversity net gain in accordance with the submitted biodiversity net gain metric.
- d) the management measures required for the retained, enhanced and created habitat for lifetime of the development; and
- e) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat.

The retained, created and/or enhanced habitat specified in the approved HMMP shall be implemented, managed, maintained and monitored in accordance with the approved HMMP.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of an HMMP will ensure the long term management of habitats, species and other biodiversity features.

40. Hedgerow Retention and Survey

No hedgerows shall be removed on the site until a survey to identify any important hedgerows under the Hedgerow Regulations (1997) has been submitted to and approved in writing by the local planning authority. The surveys can be submitted on a phase-by-phase basis.

Reason: In the interest of identifying important hedgerows and securing their retention as appropriate.

41. Sports Hub Management and Maintenance Scheme

Prior to the commencement of use of a Sports Hub, a Management and Maintenance Scheme for that hub shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include a management structure and responsibilities, a maintenance schedule for all of the sports pitches and courts, and a mechanism for review. It shall include a strategy for the replacement of the Artificial Grass Pitches within a specified period and for the recycling of the replaced carpet.

The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Sports Hub.

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver facilities that are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

42. Sports Hub Management Plan

Prior to the commencement of the use of the sports hub, a Sports Hub Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Plan shall include capacity management measures for the sports hub which address safety requirements for the Motney Hill/Key Street PRS pipeline. These shall ensure that no more than 100 people shall occupy sports facilities within the 'middle zone' at any one time and no more than 1,000 people shall occupy sport facilities within the 'outer zone' at any one time.

The Plan shall also include details of the hours of use of the sports facilities including the hours of use of floodlighting.

Reason: In the interests of protecting the public in the event of a major accident in view of the proximity of the Sports Hub to the Motney Hill/Key Street PRS pipeline and in the interests of the amenities of the occupants of nearby residential dwellings.

43. Sports Hub Community Use Agreement

Prior to the commencement of use of a Sports Hub, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the pitches, courts, pavilion building and any ancillary facilities and include details of pricing policy, hours of use, access by non-club members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities in order to ensure sufficient benefit to the development of sport.

44. School Playing Field Community Use Plan

Prior to the commencement of use of the primary school, a community use plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall set out arrangements for making the school playing field available for community use. The development shall not be used otherwise than in strict compliance with the approved plan.

Reason: To secure adequate community access to the school playing field in order to ensure sufficient benefit to the development of sport.

45. Sports Pitch Construction

The artificial and natural turf sports pitches, courts and pavilion building hereby permitted shall not be constructed other than substantially in accordance with Sport England and National Governing Body Technical Design Guidance Notes, as applicable, including but not limited to:

- Sport England Natural Turf for Sport
- Sport England Artificial Surfaces for Outdoor Sports,
- Sport England Artificial Sports Lighting
- The FA Guide to 3G Football Turf Pitch Design Principles and Layout
- England Rugby Essential Guide-Artificial Grass Pitches
- LTA Indoor tennis and padel guidance
- ECB Recommended Guidelines for the construction, preparation and maintenance of cricket pitches and outfielders (TS4)
- World Pickleball Federation Official Rulebook
- England Netball Court Dimensions and Layout Information.

The details shall include measures for infill retainment for the 3G Artificial Grass Pitches.

Reason: To ensure the development is fit for purpose and sustainable and provides sporting benefits.

46. Sports Pitch Certification

The following shall be provided within 3 months of the commencement of use of the 3G Artificial Grass Pitches:

- a. certification that the 3G Artificial Grass Pitches hereby permitted have met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent

International Artificial Turf Standard (IMS) and the second pitch, World Rugby Regulation 22 Standard; and

- b. confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches and has received WR Regulation 22 Certification for the second pitch shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable and provides sporting benefits.

47. Sports Pitch Construction

The playing field and pitches at Sports Hub 2 shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England), and ECB TS4.

Reason: To ensure the quality of pitches is satisfactory.

48. Detailed Sustainable Surface Water Drainage Scheme

Prior to the commencement of development, a site wide sustainable surface water drainage strategy shall have been submitted to and approved in writing by the Local Planning Authority. Subsequently, prior to the commencement of each phase of development a sustainable surface water drainage scheme for that phase shall have been submitted to and approved in writing by the Local Planning Authority. The detailed drainage schemes shall be based upon the principles contained within the Flood Risk Assessment Cover Letter (Appendix 10.2 34417/TS - January 2025). The submitted schemes shall demonstrate compliance with the required technical standards at the time of submission and will demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage schemes shall also demonstrate (with reference to published guidance):

- that any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site;
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters;
- appropriate operational, maintenance and access requirements for each drainage feature or SUDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

49. SuDS Maintenance

Prior to the commencement of each phase of development a SuDS Maintenance Schedule for that phase shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall specify ownership and any proposed arrangements for future adoption by a public body or statutory undertaker. The schedule shall specify a timetable for implementation, and it shall provide a management and maintenance plan for the lifetime of the development. All SuDS should be located in accessible areas, and the plan should include addressing the frequency of maintenance for each SuDS feature based on guidance in the CIRIA SuDS Manual 2015 as well as details of who will carry out the maintenance.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems.

50. Surface Water Drainage Verification Report

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems.

51. Drainage of Surface Water into the Ground

No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

52. Foul Water Drainage Strategy

No phase of development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution.

53. Air Quality Mitigation

No development shall commence, save for Enabling Works, until a scheme detailing what measures and/or offsetting are to be included to reduce the transport related air pollution of the development during the occupational phase have been submitted to, and approved in writing by, the Local Planning Authority.

Measures and offsetting totalling the emissions damage cost calculated for the development will be detailed as part of the scheme to be submitted to the Local Planning Authority, as well as a timetable for their delivery.

The measures shall be carried out in accordance with the scheme approved, in line with the agreed timetable of implementation.

Reason: In the interests of local air quality.

54. Noise

The development hereby permitted shall be carried out fully in accordance with the recommendations set out in the Acoustic Design Statement and Site Suitability report prepared by RPS Group (March 2022).

Reason: In the interests of the amenities of the occupants of the development.

55. Industrial/Commercial Noise Rating Level

An acoustic assessment and subsequent report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of any phase which does not exclusively comprise residential development. The acoustic assessment and report shall be completed by a suitably qualified and competent person to demonstrate that the rating level of noise emitted from any plant and equipment to be installed on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound) is 5dB below the existing measured background noise level LA90, T. Where the background sound level is below 30dB(A) or where assessment penalties total above 5dB the applicant's consultant shall contact the Environmental Protection Team to agree a site-specific target level. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the prior written permission of the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of the development.

56. Hours of Use and Delivery Times for Non-Residential Uses

Prior to the first use of any of any non-residential building or use hereby approved, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Daytime trading hours for convenience store and commercial uses;
- Daytime delivery hours and servicing for commercial and non-residential uses;
- Lighting to serve the non-residential uses;

- Hours of use for sports pitches and school playing fields, to establish if acoustic screening is required; and,
- Any noise mitigation required to limit noise break-out.

The development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reason: In the interests of neighbouring amenity.

57. Affordable Housing Plan

An Affordable Housing Plan shall be submitted to and approved in writing by the Local Planning Authority for each Phase containing residential development. The Plan shall identify the number, type, tenure and location of affordable dwellings within that Phase and shall demonstrate that the affordable housing is appropriately integrated and distributed across the Phase.

No dwelling within the relevant Phase shall be occupied until the Affordable Housing Plan for that Phase has been approved in writing by the Local Planning Authority. The development of that Phase shall thereafter be carried out in accordance with the approved Affordable Housing Plan.

Reason: To ensure that each Phase provides an appropriate and well-integrated mix of affordable housing.

58. Accessible and Adaptable Dwellings

The first reserved matters application for each phase of development shall demonstrate how the provision of 10% of the affordable housing shall be built to M4(3) of building regulations standards and all of the remaining units will be built to M4(2) of building regulations standards. Subsequently, all dwellings identified to be built to those standards shall be built as approved.

Reason: In order to secure accessible and adaptable dwellings.

59. Refuse Storage and Collection

Prior to the first occupation of any dwelling building within each development phase, details of the refuse storage facilities including details of bin storage areas and collection points within that phase shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities shall be provided for each building in accordance with the approved details prior to its occupation.

Reason: To secure a satisfactory standard of development and in the interests of the amenities of the area.

60. Landscaping Implementation

All hard and soft landscape works shall be carried out in accordance with the approved landscaping details secured within the relevant reserved matters approval. The works shall be carried out prior to the occupation of any part of the relevant Development Parcel, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

Reason: In the interests of the visual amenities of the area and the interests of biodiversity and ecological potential, and to adequately integrate the development into the environment, in accordance with the National Planning Policy Framework.

61. Sustainable Construction

No development for each phase (beyond the construction of foundations) shall take place until details have been submitted to and approved in writing by the Local Planning Authority, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interests of sustainable development and to ensure that the development proposals include measures to address and adapt to climate change.

62. Non-residential Development - BREEAM

Any reserved matters applications for non-residential buildings within the development hereby approved, shall be accompanied by evidence demonstrating that the development is registered with a BREEAM certification body. All non-residential buildings over 1000sqm gross floor area shall achieve a minimum final BREEAM level of 'very good' or equivalent as a minimum, with non-residential buildings under that threshold achieving 'good' or equivalent as a minimum. The pre-assessment report for each relevant building, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved documents.

A design Stage (interim) certificate certifying that BREEAM rating 'very good' (if over 1000sqm gross floor space) or 'good' (where below 1000sqm) has been achieved for the building shall be submitted and approved in writing by the Local Planning Authority within 3 months of construction starting on site.

A final certificate certifying that BREEAM rating 'very good' (if over 1000sqm gross floor space) or 'good' (where below 1000sqm) has been achieved for the building shall be submitted and approved in writing by the Local Planning Authority within 9 months of occupation.

Reason: In the interests of sustainable development and to ensure that the development proposals include measures to address and adapt to climate change.

63. Water Consumption

The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day.

Reason: In the interests of water conservation and sustainability.

64. Lighting

Prior to the installation of any external lighting (other than street lighting), in a particular phase, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

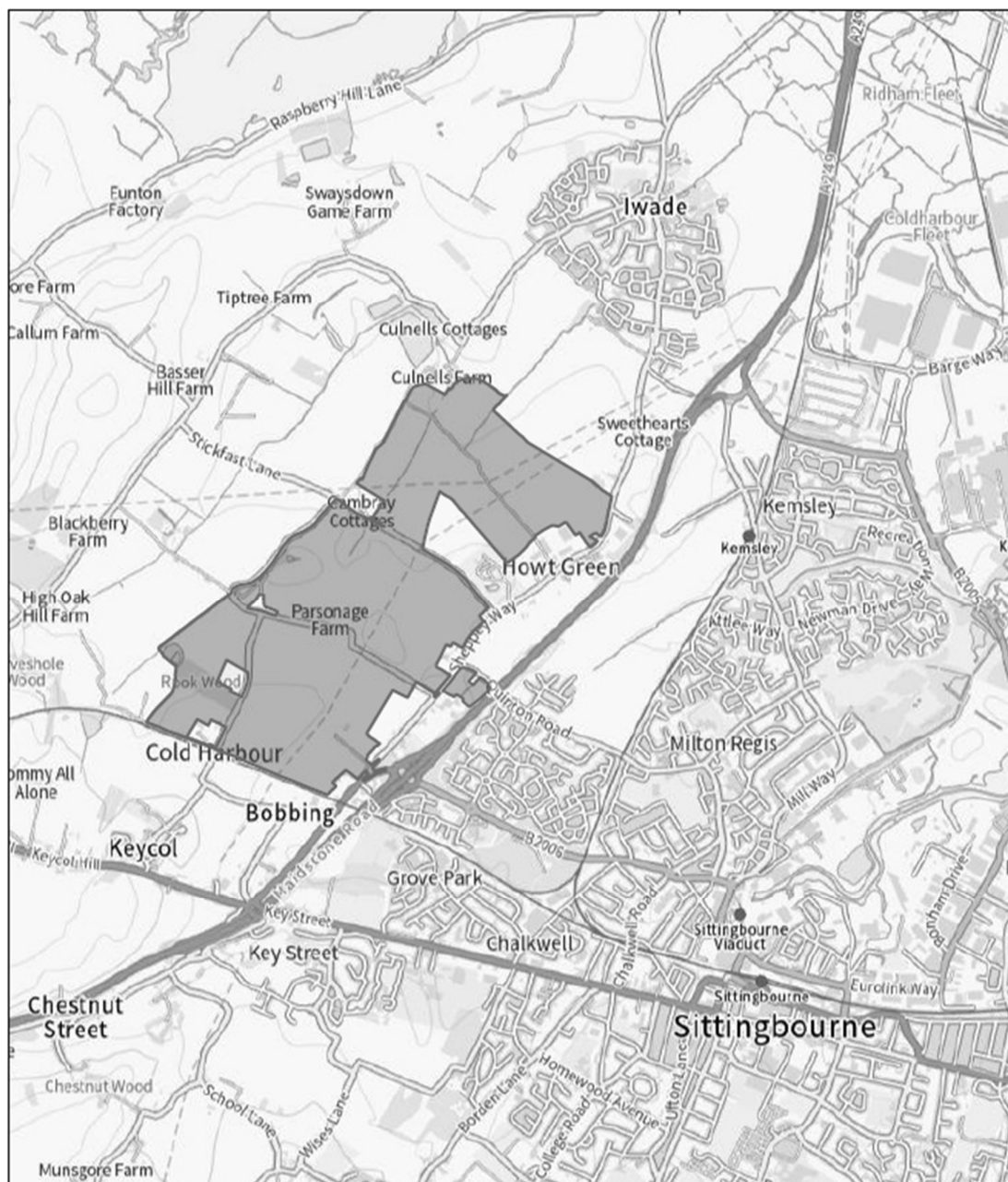
65. Minerals Appraisal

Prior to commencement of development a Minerals Safeguarding Appraisal shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Mineral Planning Authority. The Appraisal should outline the amount of material on site which could be viably and commercially extracted, and should provide evidence of discussions with commercial partners. Any subsequent mineral extraction is not hereby approved.

Reason: In the interests of establishing the feasibility and viability of brickearth extraction on the site. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

Definition of Enabling Works

For the avoidance of doubt Enabling Works referred to in the conditions pursuant to this outline consent shall mean works, whether they constitute a material operation or not (as defined in Section 56(4) of the Town and Country Planning Act 1990) that may include, but not be exclusively limited to: surveying, environmental and hazardous substance testing and sampling (including the making of trial boreholes, window sampling and test pits in connection with such testing and sampling); trial holes to determine location of utilities and drainage; laying, removal and diversion of services; soil tests; remediation works; necessary health safety and welfare works identified to clear the site in readiness for permanent works; pegging out; tree protection; erection of site hoardings and fencing including site notices, security measures and lighting; ecological survey and mitigation works (other than works which are approved under licence and which do not constitute material operations); construction of temporary access and or highway works to enable the carrying out of development; erection of temporary buildings, structures or compounds directly linked to anticipated construction; archaeological investigation; demolition and consequential works; works to stabilise and support existing buildings and structures, site clearance and similar related works. Any Enabling Works which involve invasive ground works shall not commence until details under Conditions 9 and 24 (archaeology and contamination) have been submitted and approved. Any Enabling Works with potential ecological effects.



This page is intentionally left blank