

PLANNING COMMITTEE – 10th March 2026**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 23/505533/EIHYB		
APPLICATION PROPOSAL a) Full planning permission for Phase 1 of a mixed-use residential led development of 261 homes and 3,021 sq m of non-residential space, including: local centre with retail, commercial, community, business and/or employment uses (including Class E uses); water recycling centre; open space; earth form bund; landscaping; groundworks; green infrastructure; pedestrian and cycle routes; car and cycle parking; refuse and recycling storage; highways, drainage and infrastructure works including new vehicle access points to the existing network; supporting infrastructure; engineering, utilities, and minerals other associated works. b) Outline planning permission for the remaining phases of the mixed-use residential led development, including: retail, hotel, commercial, business, employment uses (including Class E uses); Class B2 and/or B8 uses; community and sports provision; primary school; nursery accommodation; health facilities; sheltered and/or other older persons' accommodation; open space; earth form bund; landscaping; groundworks; green infrastructure; pedestrian and cycle routes; car and cycle parking; refuse and recycling storage; highways, drainage and infrastructure works including new vehicle access points to the existing network; temporary access and construction route(s) as required; supporting infrastructure; engineering, utilities, and other associated works including the demolition of buildings and structures. All matters to be reserved.		
ADDRESS Land At South East Faversham Between A2 Canterbury/London Road And M2 Faversham Kent ME13 9LJ		
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 necessary and appropriate.		
REASON FOR REFERRAL TO COMMITTEE Objection received from Faversham Town Council; Boughton under Blean Parish Council; Selling Parish Council; Dunkirk Parish Council; Sheldwich, Badlesmere and Leaveland Parish Council; Graveney with Goodnestone Parish Council and Hernhill Parish Council. Regardless of whether these comments specifically requested the application to be reported to the Planning Committee, they were received before the Council's Scheme of Delegation was amended to require this.		
WARD Watling Boughton and Courtenay	PARISH/TOWN COUNCIL Faversham Town Boughton Under Blean Selling	APPLICANT Secretary Of Duchy Of Cornwall Estate AGENT HGH Consulting
DATE REGISTERED 26/02/2024		TARGET DATE 09/03/2026

BACKGROUND PAPERS AND INFORMATION:

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=S55GJZTY0XI00>

1. SITE LOCATION AND DESCRIPTION

- 1.1. The site in total comprises of approximately 137.7 hectares of land, predominately in use as arable farmland although also includes Faversham Town Football Club's training ground in the north western part of the site and the cricket pitch and pavilion used by Faversham Cricket Club. There are a cluster of buildings located in the northern part of the site associated with Macknade Farmstead. This part of the site includes four dwellings and also caravans providing accommodation to seasonal agricultural workers to the south of Macknade Farmyard.
- 1.2. In broad terms the site lies to the south east of the town of Faversham. The vast majority of the site is bounded to the north by the A2; and to the south and wrapping round the east of the site by the M2. Junction 7 of the M2 (known as Brenley Corner) lies adjacent to the north-eastern corner of the application site and connects the M2 with the A2. Salters Lane, which is a designated Rural Lane, runs along the western boundary of the site. A small triangular section of the site sits to the north of the A2 and is contained by Love Lane to the west and the Faversham to Canterbury railway line to the north, which also continues through the site to the south of the A2. Within this triangular parcel of land, close to the junction of Love Lane and the A2, is a dwelling – Corner Cottage. Selling Road, which is a designated Rural Lane runs through the site, from its junction with the A2 in the north to where it crosses the M2 to the south.
- 1.3. In terms of land levels, the highest part of the site lies close to the boundary with the M2 to the south, where its ranges between 28m and 41.5m Above Ordnance Datum (AOD). This then reduces to between 20.5m and 34.5m along the northern boundary of the application site.
- 1.4. The site comprises approximately 127 hectares of best and most versatile (BMV) agricultural land (grades 1, 2 and 3a).
- 1.5. Public footpaths ZF21, ZF25 and ZF26 are located within the site. ZF21 is located within the western part of the site, entering the site to the south of the junction of Salters Lane and the A2 and then running diagonally in a south eastern direction before turning due south, crossing the M2. ZF25 provides an east / west route, linking footpath ZF21 to the east with Selling Road to the west. ZF26 enters the site at the junction of Selling Road and the A2 and then runs in a broadly south-easterly direction before turning west where it terminates at Selling Road. Public footpaths ZF22 and ZF24 lie outside of the application site but close to its northern boundary. Public bridleways ZF38 and ZR633 lie outside of but close to the southern boundary of the application site, sitting in combination close to the southern boundary of the M2.

- 1.6. At a national level, the site lies within Natural England's National Character Area 113: North Kent Plains. At a local level, the site lies within local landscape character area 20: Faversham and Ospringe Fruit Belt, as set out in the Swale Landscape Character and Biodiversity Appraisal Supplementary Planning Document.
- 1.7. The site itself does not contain any landscape designations. The Kent Downs National Landscape (formally known as the Kent Downs Area of Outstanding Natural Beauty and still referred to as this in local planning policy documents) lies to the south of the M2 and at the closest point is approximately 220m away from the application site. The Kent Level Area of High Landscape Value (AHLV) sits immediately to the south of the M2 which forms the southern boundary of the site.
- 1.8. A slither of land running along Salters Lane in the north western corner of the application site is located in Preston-next-Faversham conservation area. The Faversham conservation area, which covers the historic town of Faversham sits predominately to the north-west of the application site. At its closest point, where it extends south towards the A2, it lies adjacent to the application site boundary.
- 1.9. The grade II listed Oasts at Macknade Farm are the only listed buildings within the application site. The surrounding area includes a number of listed buildings including the grade II listed Macknade Manor, which sits approximately 25m away from the application site; grade II listed Thatched Cottage, grade II listed The Windmill and grade II listed Cherry Tree Cottages which lie 55m, 58m and 70m from the north-western corner of the application site respectively. Grade II listed 148 Ashford Road sits approximately 306m from the south-west corner of the application site. Grade II listed 1, 2 and 3 Westwood Court, Colkins and Colkins Barn and Wall are located approximately 190m, 160m and 184m to the south of the application site respectively.
- 1.10. A high pressure gas pipeline crosses the site in broad east / west direction and overhead power lines cross the site in various locations.
- 1.11. Existing planting on the site is comprised of 91 individual trees, 83 tree groups, 10 hedgerows and 1 woodland. This planting is predominantly located on the field boundaries in the form of hedgerow and linear tree belts although a number of larger tree species are located on the perimeter of the existing cricket pitch in the north-western part of the site. There is also a parcel of B category woodland located close to the southern boundary of the site, adjacent to the railway and close to the M2.
- 1.12. The application site lies within Flood Zone 1 in respect of flooding from rivers and the sea. In terms of surface water flooding, the site includes some areas at low, medium and high risk for surface water flooding, concentrated in the eastern part of site, around the railway line and in the north-west of the site on the existing cricket pitch.
- 1.13. The existing cricket ground, used by Faversham Cricket Club, located adjacent to the A2 in the north-western part of the site is a designated Local Green Space.
- 1.14. Surrounded by, but not in the site, and fronting Selling Road lies a dwelling, known as Step Cottage. The site also wraps around a cluster of buildings including Macknade Fine Foods and on the opposite side of the Selling Road, a pub / restaurant, known as the Gunpowder Mill.

2. PLANNING HISTORY

- 2.1. There have been a limited number of planning applications centred around the Macknade Farm part of the site. However, these are not considered to be relevant to the current proposal. On the adjacent site to the west, known as Preston Fields, there is relevant planning history on the basis that development includes land reserved for a link road, which connects the A251 with Salters Lane and is referenced in this report below:
- 2.2. 21/500766/OUT - Land At Preston Fields (South) - Outline application for the erection of up to 70 dwellings (all matters reserved) and land reserved for a link road connecting the A251 with Salters Lane. Approved 14.02.2023.

3. PROPOSED DEVELOPMENT

- 3.1. The application has been submitted in hybrid form, seeking detailed planning permission for certain elements and outline planning permission for the remainder of the scheme as set out in further detail below.

Detailed Element

- 3.2. In terms of the detailed element the scheme seeks full planning permission for the following:

Residential

- 3.3. 261 dwellings are proposed upon phase 1 which is located in the northern part of the application site, adjacent and close to the A2.
- 3.4. The 261 dwellings are proposed to be provided in the following mix:

Unit Size	Private Sale	Affordable Unit	Total (private + affordable)
1 bedroom	22	8	30
2 bedrooms	57	32	89
3 bedrooms	58	35	93
4 bedrooms	30	17	47
5 bedrooms	2	0	2

- 3.5. The dwellings will be laid out in a series of perimeter blocks, with dwellings fronting streets and areas of open space. The dwellings are arranged in a variety of forms, including flats, terraced units, semi-detached and detached units. The flats will be located on the upper floors of commercial units.
- 3.6. The building heights in phase 1 range between one and three stories. The single storey development relates to buildings providing parking areas in the form of car barns and garages. The majority of the dwellings are two to three stories in height, with the maximum height shown on the heights parameter plan as being 15m. The majority of the three storey development in this phase fronts onto the local centre, with the remainder of the three storey development provided in the form of dwellings in various

parts of the phase. In general terms, the tallest buildings in phase 1 are located around the edge of this parcel.

- 3.7. In respect of the residential phase, a range of house types are proposed. The dwellings / buildings around the perimeter of this phase are in broad terms larger in scale than towards the central part of the phase. The frontage character in the northern part of phase 1 has been designed to reflect the character of South Road and The Mall, in Faversham. Along the southern edge of phase 1 the design of the dwellings take their inspiration from formal Kent regency buildings. Architectural details around the perimeter of the site include dwellings with tiled roofs, brick facades, render, painted timber, timber shutters, painted metal railings, balconies and porches.
- 3.8. The dwellings in the central part of phase 1 along the central street and in a series of smaller mews streets are in general terms smaller in scale. The design of the houses along the central street includes brick facades in flemish bond, timber sliding sash windows and pitched roofs. A number of dwellings in this area also include projecting bay windows to reflect similarly designed windows in the existing town of Faversham. Within the mews streets the materials used include timber weatherboarding, pitched tiled roofs and painted side hung casement windows which seeks to reference the buildings found in the back streets of Faversham.
- 3.9. The landscaping proposals in the residential areas comprise street trees and soft landscaped gardens. The street trees planted along the street that runs north / south from the newly created access with the A2 will be laid out in the manner of a formal avenue.
- 3.10. The terraced, semi-detached and detached dwellings are all provided with their own private amenity space.
- 3.11. Vehicular parking spaces for the dwellings / visitors totals 468 spaces and are provided in a variety of formats, including on plot parking (81 spaces), assigned parking bays (214 spaces), car barns (83 spaces) and garages (35 spaces). 55 visitor parking spaces for the dwellings are also provided. Cycle storage is provided at a ratio of 1 per bedroom. 1 EV charging point will be provided per residential unit.
- 3.12. 35% of the dwellings on phase 1 of the development will be affordable, equating to 92 units. This will be comprised of a tenure split of 50% social rent and 50% as shared ownership.
- 3.13. A new access from / to the A2 is included in the detailed element of the site to serve phase 1 of the development.

Commercial

- 3.14. Phase 1 includes 3,021sqm of commercial floorspace (use class E) comprising part of the local centre. The commercial units are situated at ground floor level fronting onto either the newly created main access route into the site or the existing A2.
- 3.15. The total floorspace has been split into 29 separate commercial units, although there is the potential for commercial floorspace to be combined to create larger units. All the units have rear access for servicing. As part of this commercial element, a foodstore is proposed.

- 3.16. The buildings in mixed use have been designed by making architectural references to Faversham's existing town centre, particularly the area around Market Place, Court Street and West Street. The shopfronts of the ground floor commercial units have been designed in a traditional manner with timber stall-risers, diminished stile doors, pilasters, cornices and glazing bars in a variety of configurations.
- 3.17. Parking is provided in the form of 32 visitor spaces (including 2 disabled spaces); 29 staff parking spaces (including 4 disabled spaces); 2 loading spaces and 30 cycle spaces (including 8 cycle spaces in a covered store). 10% of the commercial parking spaces will have EV charging points, with the remaining 90% having the infrastructure in place to allow a future connection to be made.

Water Recycling Centre

- 3.18. The Water Recycling Centre sits at the far north-eastern corner of the site, adjacent to where the A2 and M2 meet at Brenley Corner (Junction 7 of the M2). The Water Recycling Centre is proposed to treat foul water from the development before it is re-used across the development site via a 'black water' recycling system or discharged via infiltration into the ground. An access from the A2 is included in the detailed element of the application to serve the Water Recycling Centre and four parking spaces are provided for the facility.
- 3.19. The Water Recycling Centre in its entirety covers an area of 130m x 39m. It includes a range of tanks and associated facilities. In terms of scale, the various elements which comprise the facility range between 3.2m in height at its lowest to 8.4m at its highest - which is the point to the top of the access staircase and platform located above a number of the tanks. The Water Recycling Centre will have a landscape buffer around its perimeter.

Eastern section of earth bund

- 3.20. The eastern section of the earth bund extends from close to the eastern side of Selling Road and then runs along the southern boundary of the site up to the western side of the railway line. It is approximately 900m in length and 55m in width. The bund will be constructed from material excavated from elsewhere on the site. In terms of its height, it will be contoured, rising to a height of between approximately 5.5m and 7.5m above existing ground levels in this part of the site. The bund will be planted with species rich grassland and trees and has paths running along it.

Open Space

- 3.21. Approximately 4 hectares of open space adjoining the residential / commercial element of phase 1 is included in the detailed part of the application. In broad location terms, this will wrap around the southern and eastern part of the phase and include a drainage pond towards the south east corner.
- 3.22. The landscaping in this area includes native woodland, trees, native hedgerows, species rich grassland and native scrub and shrubs. The area of native woodland is located in the east of the parcel, between the housing / open space and the railway. Native scrub and shrubs are proposed along the western boundary of the woodland. Trees are planted in an informal arrangement in the main part of open space in the south of phase 1. There is also a native hedgerow proposed to wrap around the south-eastern part of

the open space. A series of footpaths are located within this area of open space, providing connections with surrounding phases and parcels of land.

Outline element

- 3.23. The majority of the proposal has been submitted in outline form, with matters of access, appearance, landscaping, layout and scale reserved matters. The application is supported by a series of parameter plans which fix certain elements of the outline part of the application, such as mixed use areas which will include residential and commercial uses, the local centre (part of which is located in the detailed area of the site, covered by phase 1 with the remainder in the outline part of the site) four local hubs, employment space, a primary school, landscaping and open space.
- 3.24. In terms of the residential element of the outline proposals, 2,239 dwellings are proposed in addition to circa 51,000sqm of employment and commercial space. This includes both employment and commercial floorspace within the mixed-use elements of the development (class E uses), which encompasses both the remaining part of the local centre that does not sit within the detailed part of the application as described above, and the four smaller local hubs. The total amount of employment floorspace also contains the dedicated employment area (class B2 and B8 uses) located in the eastern part of the site as shown on the parameter plan.
- 3.25. The proposals include developing upon the training pitch for Faversham Town Football Club and the pitch utilised by Faversham Cricket Club. As a result, two parts of the site shown on the parameter plan as open space are proposed to be used to provide replacement sports provision in the form of a training pitch for Faversham Town Football Club and a cricket ground for Faversham Cricket Club. The parcel of land for the football training pitch amounts to 1 hectare and is proposed to create a modern facility with an artificial surface. The land for the cricket ground extends to 1.7 hectares and will also include a pavilion. Other areas of open space are located throughout the development and are proposed to include various areas of play experiences. Allotments are illustratively shown immediately to the west of the railway line which cuts through the site.
- 3.26. The land use parameter plan also shows a 3 hectare parcel of land, located broadly centrally within the site for a three form entry primary school.
- 3.27. Outline planning permission is additionally sought for older persons care accommodation; a hotel; two children's nurseries and F2 use class community facilities. These uses would be located within the parts of the site labelled on the parameter plans as 'mixed use'.
- 3.28. Five new vehicular access points, three from the A2 and two from Salters Lane are proposed as part of the outline application. A pedestrian / cycle bridge is proposed across the railway line which as set out above, dissects the site.
- 3.29. The western section of the bund, running along the southern boundary of the site to the north of the M2, forms part of the outline application.
- 3.30. Although matters of layout and appearance have not been provided in detail, an indicative masterplan for the entirety of the site has been submitted along with a series of indicative drawings which have been provided to show one way in which the development could come forward. The indicative drawings have been developed using

the Land Use Parameter Plan as a basis, showing in more detail the layout of the mixed use areas and accompanying services and facilities such as open space and sports provision, the primary school and employment areas.

- 3.31. The application is supported by a range of documents relating to the design of the development in the form of a Design and Access Statement; a Characterisation Study; Design Manual and a Streets Manual. This provides detail as to how the design of the site as a whole has evolved. In overall terms, the indicative masterplan shows development laid out in a series of perimeter blocks throughout the 'mixed use' areas, which covers the majority of the developable areas within the site. The design related documents as referenced above set out that studies of the existing architectural detailing contained within Faversham has been taken forward to develop distinctive architectural character areas across the masterplan. Broadly speaking, these are defined as 'Faversham Vernacular'; 'Formal Georgian'; 'Kent Regency'; and 'Victorian Expansion'. In each of these character areas, it is proposed that they will be distinguishable by virtue of their architecture, street layout, landscaping and boundary treatment.
- 3.32. In respect of scale, although this is a reserved matter in terms of the outline parts of the scheme, a building heights parameter plan for the entirety of the site has been provided. This shows that the majority of the site will have maximum building heights of 13m and 15m respectively. The employment area to the east of the site would have a maximum height of 20m whilst there are two parts of the site where a landmark building of 25m in height is shown.
- 3.33. In terms of landscaping, an illustrative landscape masterplan has been submitted. This shows landscaping in the form of native woodland, species rich grassland, hedgerow, scrub / shrubs, orchards, pond panting, street trees and scattered trees. In respect of the street trees, these are intended on being planted in grass verges adjacent to the highway in a series of tree lined streets. The landscaping details show planting around the margins of the site in a variety of forms, including trees and hedgerow on the northern boundary where the site lies adjacent to the A2 and an earth bund on the southern boundary, planted with species rich grassland and trees.
- 3.34. The application is supported by an indicative phasing plan and this and other documents suggest that the development will be constructed over a period of approximately 15 - 20 years.

4. CONSULTATION

- 4.1. Neighbouring occupiers adjoining the site were notified in writing, a number of site notices were displayed around the application site and the application was advertised in the Press. Full details of representations are available online.

450 letters of representations were received in relation to the first consultation and 31 letters of representation were received in relation to the second consultation. 467 of these letters objected to the application and made the following summarised comments (points that were made during the second round of consultation but already included in the first round have not been repeated):

First Round Comments	Report reference / Response
Loss of high quality agricultural land / poorer quality agricultural land should be built on.	See Section 7.4.

Proposal would be harmful to wildlife including protected species and biodiversity and lead to a loss of habitat including hedgerows and trees.	See Section 7.10.
Insufficient capacity for increased traffic on both the surrounding local and strategic road network.	See Section 7.11.
Increased traffic will cause unsafe conditions for pedestrians.	See Section 7.11.
The Borough's housing targets are being met / The Borough does not need more housing.	See paragraph 7.3.13.
The development is unsustainable.	This matter is dealt with throughout the assessment.
Approving this scale of development would undermine the Local Plan making process.	This application has been assessed as required separately from the Local Plan Review.
The proposal is outside of the settlement boundary of Faversham.	See Section 7.3.
There is a lack of demand for new housing.	See paragraph 7.3.13.
Speculative development that is not allocated in the Local Plan.	See Section 7.3.
Increased levels of traffic will give rise to highway safety issues.	See Section 7.11.
Lack of adequate public transport in the area.	See paragraphs 7.11.49 – 7.11.54.
The site is too far away from existing public transport options.	See paragraph 7.3.100.
Buses would not be re-routed through the site.	See paragraph 7.11.50.
Insufficient capacity on existing trains for commuters.	Network Rail have not identified this.
Proposals do not address locally identified housing need.	See Section 7.5.
Lack of sufficient infrastructure - water supply; sewerage; employment, healthcare, education, nurseries, retail, community facilities, sports facilities, refuse collection, Council services, emergency services, banks, youth services, parking, internet provision, Council services, social care, highway maintenance, prisons, gyms, household waste recycling centre.	See Section 7.23.
The proposed highway layout of the development is too constrained.	See paragraph 7.11.55.
Development extends the footprint of Faversham into the landscape of unique cultural heritage.	See Section 7.7.
Will cause a worsening of air quality / all residents should have a right to clean air.	See Section 7.12.
Conflicts with Neighbourhood Plans.	See Section 7.26.
Lack of affordable housing tenure mix details.	See Section 7.6.
No affordable housing in phase 1.	See Section 7.6.
Affordable housing will still be unaffordable.	See Section 7.6.

Conflicts with policy which seeks to maintain Faversham as the local retail hub.	See paragraphs 7.3.19 – 7.3.59.
Proposal will harm the vitality of Faversham town centre.	See paragraphs 7.3.19 – 7.3.59.
Will cause loss of tranquillity in Selling due to an increase in traffic.	See Section 7.11.
Alter the character of the area as historic villages will be consumed by urban extensions.	See paragraph 7.7.42.
The scheme will have a huge impact on the villages surrounding Faversham and will lead to the loss of their identity.	See paragraph 7.7.42.
The scale of the development will be overbearing for Faversham.	See Section 7.8.
The scale of the development is unacceptable.	See Section 7.8.
Will have a harmful visual appearance.	See Sections 7.7 and 7.8.
Will cause landscape harm.	See Section 7.7.
Will harm the heritage of the medieval market town of Faversham.	See Section 7.14.
The loss of agricultural land is at odds with HRH's public stance on environmental and agricultural production matters.	This is not a material planning consideration.
Will lead to the loss of long range views.	This is not a material planning consideration.
Harms the historic character of the area.	See Section 7.14.
Harms the setting of the town of Faversham.	See Section 7.7.
The construction of the development will give rise to prolonged and harmful levels of noise, dust, pollution and disturbance.	See paragraph 7.20.16 and condition entitled 'Construction Environmental Management Plan'.
The development itself will cause light and noise pollution.	See Section 7.20.
Proposal will cause surface water flooding.	See Section 7.18.
Sewerage disposal will cause pollution to groundwater.	See Section 7.19.
Conflict with the planned Brenley Corner improvements.	See paragraph 7.11.20.
The developer should liaise with Southern Water in order to upgrade existing sewerage infrastructure.	The developer has proposed a Waste Water Recycling facility as part of the proposals so does not intend to use existing infrastructure.
Trent Severn Connect should not be allowed to operate the wastewater treatment facility as they are responsible for uncontrolled discharges of foul sewage into water courses.	Who operates this facility is not controlled by the planning system.
Before the waste water treatment facility is operational, foul water will need to be taken off the site by tankers and will need to be disposed of via local treatment facilities that are already over capacity.	The destination for these tankers will be a matter dealt with outside of the planning process.
Will lead to additional congestion at Brenley Corner.	See paragraph 7.11.20.
The waste water treatment plant will give rise to odours.	See paragraphs 7.20.18 – 7.20.22.

The waste water treatment plant and employment buildings are inappropriately located and give a poor first impression of Faversham.	See Section 7.8.
The character of the approach to Faversham would be altered from fields to urban sprawl.	See Section 7.7.
The development will have a harmful effect on the setting of Boughton Under Blean when travelling eastbound along the A2.	See paragraph 7.7.42.
There are no suitable cycle routes.	See paragraphs 7.11.29 – 7.11.46.
The proposal will increase the risk of sunken roads.	KCC Highways / National Highways have not raised this as an issue.
Damage to existing property caused by construction.	This is not a material planning consideration.
Battery storage gives rise to safety concerns.	Battery storage will be considered via the Energy and Sustainability Strategy / Statement, required by condition.
Proposal will cause harmful urbanisation of the countryside.	See Section 7.7.
This development will result in the loss of a green lung and green spaces separating Faversham from surrounding villages.	See paragraph 7.7.42.
Potential impact on the Blean Woods ecosystem.	See paragraph 7.10.8.
Will lead to a loss of privacy and cause overlooking.	See Section 7.20.
Scheme will be overbearing.	See Section 7.20.
Houses are unaffordable / will not be accessible to local people.	See Section 7.6.
Development will lead to overcrowding.	See Section 7.20.
There will be harm to the setting of the Kent Downs National Landscape.	See Section 7.7.
There will be a loss of local green space.	See Section 7.15.
The development does not provide sufficient open space / sports provision.	See Section 7.13.
Alternative brownfield sites should be prioritised and density and scale upon them should be increased.	The application needs to be judged on the basis upon which it has been submitted.
Empty homes / second homes / holiday homes should be used for permanent occupation instead of building new houses.	The application needs to be judged on the basis upon which it has been submitted.
There is more available land for development in the north of the country.	The application needs to be judged on the basis upon which it has been submitted.
Ex military land should be used for development instead.	The application needs to be judged on the basis upon which it has been submitted.
The scheme will re-route ancient byways.	See paragraphs 7.11.59 – 7.11.75.
The development is not sustainable and will not create walkable communities.	See Section 7.8.
There will be a reliance on the car due to distance to existing services / facilities.	See paragraph 7.3.100
The proposal is contrary to Council policies around transportation, the environment,	See Section 7.11 and paragraphs 7.3.19 – 7.3.59. Matters relating to the

sustainability and a sustainable local retail hub.	'environment' and 'sustainability' are dealt with throughout the report.
The development is a consequence of the desire of the developer to increase income from their land at the cost of farmland.	This is not a material planning consideration.
The proposed bund will be ineffective if the M2 is widened.	National Highways have not raised this.
Improvements to the surrounding highway network are required prior to any further residential / commercial development in Faversham.	Improvement works can only be required to mitigate impacts of this development, rather than deal with existing issues.
Lack of clarity if South East Water are able to provide a water supply to the development.	This is a statutory requirement of the water supplier which sits outside the planning system.
The developer should contribute towards improving the Faversham Waste Water Treatment Works rather than providing an on-site facility.	The application has been assessed on its own merits rather than an alternative scheme.
The development will lead to Selling being isolated.	Connections to Selling will remain available.
The proposal will harm conservation areas and listed buildings.	See Section 7.14.
Smaller houses are needed for local families.	See Section 7.5.
The scheme fails to meet the housing needs of the local community.	See Section 7.5.
The houses should be available to the local community only.	See paragraph 7.6.14.
The density of the development is too low.	See paragraph 7.8.34.
The density of the development is too high.	See paragraph 7.8.34.
The developer should provide funding towards junction 6 and 7 of the M2.	See paragraphs 7.11.20 – 7.11.21.
There has been no traffic survey carried out for Selling Road.	See paragraph 7.11.48.
The route from Selling will be less convenient due to the closure of Selling Road and will require large vehicles to pass through the new development.	See Section 7.11.
The assessment of traffic impacts is inadequate to allow an assessment of the development to be undertaken.	See Section 7.11.
Development would not provide benefits for local people.	See Section 7.26.
Inadequate levels of parking.	See paragraphs 7.11.56 – 7.11.58.
Inadequate levels of sporting provision.	See Section 7.13.
Development will cause a coalescence of settlements.	See paragraph 7.7.42.
Proposal will lower property prices.	This is not a material planning consideration.
Proposal will increase property prices making housing even more unaffordable.	This is not a material planning consideration.
The design of the proposals is out of keeping with the town of Faversham.	See Section 7.8.
Proposal is out of character with the area.	See Section 7.8.

The commercial uses are not economically viable / there is a lack of demand for commercial and employment uses.	See Section 7.3.
The Site is also of known archaeological importance.	See Section 7.21.
No guarantee that a secondary school on an alternative site will be delivered.	Contributions towards secondary education will be secured via the S.106 agreement.
There are large numbers of objections to the proposal.	These have been summarised and considered in the assessment of the application.
Scheme will cause a loss of views for existing residents.	This is not a material planning consideration.
Proposal would cause harm to the Swale Special Protection Area which would not be mitigated.	See paragraphs 7.10.6 – 7.10.11.
Streets are already subject to increased levels of littering / graffiti.	This relates to an existing matter rather than something caused by the development.
The proposal will increase litter.	This is dealt with by separate legislation outside the site and there will be management of open spaces inside the site.
Farmers will be evicted to allow for development.	See Section 7.4.
People are unable to undertake journeys by foot due to a fear of crime.	Kent Police have not objected to the application.
The proposal includes the demolition of a number of buildings which are listed.	No listed buildings are proposed to be demolished.
Unacceptable to develop on the existing ground of Faversham Cricket Club.	See Section 7.15.
The developer could afford to provide adequate changing facilities at the existing cricket ground, it is blackmail to only provide them if 2,500 dwellings are built.	The application is required to be assessed on the basis of what has been submitted, rather than an alternative.
Providing healthcare and education facilities would not be worthwhile as there are a lack of skilled people to be able to fill vacancies.	The planning system does not have any control over the availability of skilled workers.
The developer will not provide contributions towards local hospitals.	See Section 7.23.
There will be harmful cumulative impacts from other surrounding developments / potential schemes.	This has been assessed as necessary in the supporting documents.
There are alternative sites where the development could be located.	The application needs to be judged on the basis upon which it has been submitted.
Would not like to see the countryside looking like other developments which the developer has delivered.	See Section 7.8.
The development will spoil the image of Kent as the garden of England.	See Section 7.7 and 7.8.
Services and facilities will be required in the first phase of development rather than at the end.	Services and facilities will be phased in order to mitigate the impacts of this development.

There has already been too much housing development in and around Faversham.	See paragraph 7.3.13.
The surfaces of existing highways are already in poor condition.	This matter is dealt with outside of the planning process.
Development causes a loss of rural walking routes.	See paragraphs 7.11.59 – 7.11.75.
The developer already has enough money.	This is not a material planning consideration.
There is no S.106 agreement in place and therefore the impacts upon local services, amenities, infrastructure and the environment will not be mitigated.	See Section 7.23.
The applicant should carry out development closer to their own residence and not in Faversham.	The application needs to be judged on the basis upon which it has been submitted.
The development of the land goes against the principles of the applicant.	This is not a material planning consideration.
The 'green' measures included in the application are not sufficient to offset the environmental impact.	See Section 7.16.
'Green pathways' for wildlife between Faversham and surrounding settlements will be lost.	See Section 7.10.
Properties need to have large gardens and adequate storage space.	See Section 7.20.
Grass verges and trees should be incorporated into the development.	See Section 7.8.
If the application is approved there should be a condition that a new railway station is built.	Network Rail have not requested this.
Any reference in the application to previously withdrawn Local Plan Reviews carry no weight.	The application has been assessed against relevant development plan documents.
The application is premature and contrary to the NPPF in this regard.	This is not the case as the emerging Local Plan is not at an advanced stage.
The consultation period is inadequate to allow the general public to have the time / expertise to review the supporting documents.	The consultation of the application has been carried out in accordance with the Council's statutory requirements.
The number of documents submitted is overwhelming and doesn't allow interested parties to assess matters relevant to them.	The appropriate number of documents have been submitted in order to assess the application.
The proposals for some parts of the site are not detailed enough.	Sufficient detail has been submitted in order to assess the application.
There would be no net benefit of job creation as existing employers would seek to move to this site.	See Section 7.26.
The length of the construction period will be inconvenient to local people and harmful to the local economy.	Relevant conditions to mitigate impacts have been imposed, including the Construction Environmental Management Plan.
Increased traffic congestion will be harmful to the local economy.	See Section 7.11 and 7.26.

The first phase of development is separated from the existing town of Faversham.	See Section 7.8.
Additional accesses on the A2 conflict with the Local Plan.	See Section 7.11.
The A251 link road is insufficient for this scale of development.	See Section 7.11.
Doubtful whether an improved junction at Brenley Corner would have capacity for the proposed employment land.	See paragraph 7.11.20.
The proposed building heights are inappropriate.	See Sections 7.7 and 7.8.
The impact upon the setting of the Grade II* Nash Court has been overlooked.	See paragraphs 7.14.75 – 7.14.78.
The location of the employment uses will set a precedent for further development of this type.	Each application is required to be judged on its own merits.
All the pre 1948 farm buildings at Macknade Farmstead are curtilage listed by virtue of Macknade Manor's listing.	See paragraphs 7.14.19 – 7.14.34.
The historic aisled barn at Macknade Farmstead should be retained in situ instead of being demolished.	See paragraphs 7.14.33 – 7.14.34.
Macknade farm buildings should be provided as a public asset to the town.	This is no policy requirement to do this.
Sustainability measures including electricity generation and re-use of water are untested and potentially harmful to human health and the environment.	See Section 7.16 and 7.18.
Common water conservation measures have not been included.	See Section 7.16.
The developer should carry out a Water Quality Assessment.	Chapter 12 of the ES deals with the Water Environment.
Future residents of the development would be exposed to harmful levels of noise and air pollution.	See paragraphs 7.20.14 – 7.20.17 and Section 7.12.
There may be a burial mound within the site.	See Section 7.21.
The diversion of Public Rights of Way is unacceptable in principle.	See paragraphs 7.11.59 – 7.11.75.
The Biodiversity Net Gain calculations are unclear.	See paragraphs 7.10.44 – 7.10.45.
Off site habitat enhancement cannot be guaranteed.	This will be secured by the S.106 agreement which is the appropriate mechanism.
The National Landscape Unit has not been consulted.	See paragraph 5.19.
The development will set a precedent for further proposals.	Each application is required to be judged on its own merits.
The National Landscape should not be built upon.	The site is outside the National Landscape.
Greenfield sites should not be built upon.	The application is required to be assessed on its merits.

The development would harm the wellbeing of local residents.	See Section 7.20.
The development would increase the amount of potholes and impact upon underground utility services on surrounding highways.	Highway maintenance sits outside of the planning process.
The application is a vanity project for the applicant.	This is not a material planning consideration.
The views of local residents should have more weight than those of planning departments and developers.	Views of local residents have been taken into account and the application assessed against local and national policies, as required by planning law.
Faversham will soon be merged with surrounding towns.	See paragraph 7.7.42.
The population of Faversham has grown significantly since 1960 leading to a loss of social and community cohesion which this development would exacerbate.	There is no evidence to suggest that this development would give rise to harm in this regard.
Solar panels and grey water recycling should be included.	See Section 7.16.
Upgrades to existing junctions will cause traffic disruption.	See Section 7.11.
Doubts over the ability to deliver the pedestrian / cycle upgrade works to the A2.	See Section 7.11.
The application will be approved because of who the applicant is.	The application has been assessed on its own merits.
Additional traffic on the highway will deter cycling.	See Section 7.11.
KCC has indicated that it wishes to close Faversham Household Waste Recycling Centre, which will increase traffic as people will be required to travel to alternative sites.	This has not been confirmed at the current point in time.
The site includes designated Rural Lanes.	See Section 7.9.
There should be a period of time before more housing is allowed to enable existing development to blend into the townscape.	See paragraph 7.3.13.
There are enough derelict buildings around Kent that could be renovated for people.	The application needs to be judged on the basis upon which it has been submitted.
The development will compromise the enjoyment of the footpath network.	See paragraphs 7.11.59 – 7.11.75.
The A2 should be widened rather than turned into a High Street.	The application needs to be judged on the basis upon which it has been submitted.
Have King Charles III and Prince William been adequately informed of the proposals and do they approve of it?	This is not a material planning consideration.
A series of smaller developments over a period of time would be preferable.	The application needs to be judged on the basis upon which it has been submitted.
Proposal is an intrusion on the green belt.	There is no Green Belt in Swale.

What guarantees are there that the level of affordable housing will not get reduced in the future?	The affordable housing will be secured via the S.106 agreement. Any variance to this would need to be applied for and assessed.
There are few employment opportunities in Faversham so commuting will increase.	See Section 7.3 and 7.11.
New builds are constructed so quickly, will they be able to stand the test of time?	This is not a material planning consideration.
Medieval streets of Faversham are under threat from volume and vibration of heavy goods vehicles.	This appears to relate to an existing concern.
The development will lead to the urban sprawl of Faversham.	See Section 7.7.
Infrastructure needs to be provided before residential development is started.	Infrastructure improvements will be phased in order to mitigate the impacts of this development.
Management company fees will rise year on year.	This is not a material planning consideration.
The construction of the dwellings is likely to be poor quality.	This is not a material planning consideration.
Site investigation works have already taken place on the land without planning permission being granted.	These works do not constitute development.
Anti-social behaviour has increased due to residential development which will get worse.	Kent Police have not objected to the application.
Previous proposals to build more infrastructure has not materialised.	The developer for this scheme cannot be held accountable for that.
People turn on each other when too many are concentrated into an area.	There is no evidence to show that this would be the case.
There is no need to allocate this agricultural land for housing with so many brown / grey field sites available.	The site is not allocated.
Recent housing developments in Faversham have failed to complement the design of existing dwellings in Faversham.	This is not relevant to this application.
Some of the trees to be removed should have Tree Preservation Orders placed on them.	This has not been requested by the Council's Tree Officer.
The Landscape Opinion provided by LUC ignores the requirement in the Faversham Neighbourhood Plan which requires development not to cause harm to or loss of BMV agricultural land.	See Section 7.4.
The open spaces on the development will not be maintained.	This will be controlled by the condition entitled 'Open Space Strategy'.
Second Round Comments	Report reference / Response
The proposal will cut off the Blean ancient woodland from wildlife corridors.	See Section 7.10.
Doubtful whether the education and medical facilities will be provided.	See Section 7.23.
The bund will be ineffective in mitigating air quality impacts from the M2.	See Section 7.12.

The proposal to create a refuse and recycling facility conflicts with the existing facility at Salters Lane.	A refuse and recycling facility is not proposed.
There is no delivery timeline for the education and health facilities.	This will be controlled via the S.106 in consultation with KCC / NHS.
There are waste disposal related issues on other sites brought forward by this developer.	This is not relevant to this application.
Lack of detail regarding how sewerage will be treated.	See paragraph 7.18.20.
Development should be located in another part of the country that has adequate water supply, fewer people, less traffic and less demand on infrastructure.	The application needs to be judged on the basis upon which it has been submitted.
The replacement cricket ground is a poorer alternative to the existing facility due to the following: - Will be difficult to manage in respect of dog walking and other activities which could damage it; - A larger playing area will be needed due to a safety issue relating to cricket balls; - The existing ground is better served by access from the A2; - The new ground is less accessible for those walking or cycling and those teams who travel to matches by train; - The proposed ground is closer to the M2 and associated noise impacts; - The high quality landscaping surrounding the existing ground will not be the case with the proposed ground, making other clubs more attractive to join; - The drainage for the proposed ground is unknown; - will take longer to establish; - There is potential to use the existing pavilion for a wide range of cricket related activities; - The proposed ground will have less usable pitches; - Existing ground is cheaper to maintain; - Evidence suggests that private grounds lead to a higher standard of cricket and have larger memberships, which serve the local community; - A business model for the existing ground has been prepared to	See paragraphs 3.25, 7.3.83 and 7.15.6.

promote cricket at the existing site; - There is no business model for the proposed ground and its position could dilute the interest in cricket due to the wider uses proposed.	
Faversham Cricket Clubs existing ground should be upgraded, rather than the creation of a new one.	The application has been assessed on its own merits rather than an alternative scheme.
The Council have not produced a Water Cycle Study meaning that decisions on strategic sites such as this would be unsound.	The water related elements of the scheme that the planning system can control are considered to have been adequately addressed.
The Waste Water Recycling Facility is a gimmick to allow the application to be approved and once permission is granted the water company will be required to provide a connection regardless of capacity.	The application has been assessed on the basis of what has been submitted.
Surface water run off has the potential to cause groundwater contamination.	See Section 7.19.
Increased sewage discharges would have a negative impact on the Swale habitats site.	See paragraphs 7.10.6 – 7.10.11.
The applicant's Habitats Regulations Assessment is inaccurate as it has failed to consider the cumulative impacts due to the Cleve Hill Solar Park and other areas earmarked for development to the north of the application site.	Natural England have raised no objection subject to mitigation (which has been secured).

- 4.2. 12 letters were received supporting the application on the following summarised grounds. Where comments of general support have also raised concerns, they have not been included below if they are already included within the list of points of objection above:

First Round Comments	Report reference / Response
This is a well thought-out addition to Faversham.	See Section 7.8.
The density of the scheme is appropriate.	See paragraph 7.8.34.
The scheme is 'walking-led' although would like to see a pedestrian crossing close to the junction with the Petrol Filling Station and Selling Road.	See Section 7.11.
The applicant has consulted effectively and amendments to the scheme have been made to reflect local opinions.	Noted.
The design is of a high standard.	See Section 7.8.
The proposed houses incorporate sustainable construction techniques.	See Section 7.16.
Affordable housing should be provided at a minimum of 35%.	See Section 7.6.
The supporting infrastructure should come forward early in the scheme.	See Section 7.23.
This will be a new sustainable community.	See Section 7.8.

The development will sympathetically blend in with local Kent architecture.	See Section 7.8.
The scheme will give rise to less demand on the water supply than other developments.	See Section 7.18.
To reduce parking in Faversham a shuttle bus and park and ride should be provided.	See paragraph 7.11.50.
The location of the site close to existing road and the railway will lessen traffic congestion.	See paragraph 7.3.100.
The development will provide a pleasant place for future residents to live.	See Section 7.8.
Additional housing is desperately needed.	See paragraph 7.3.13.
This is a good location for development.	See paragraph 7.3.100.
Not concerned about traffic due to Brenley Corner improvements.	See paragraph 7.11.20.
Local amenities / services are included in the proposals.	See Section 3.
This site has excellent transport links.	See Section 7.11.
The alternative to this development is poorer quality piecemeal development with more damage to the environment and local wildlife.	The application has been assessed on its merits, rather than an alternative proposal.
The existing route under the motorway bridge should be turned into a Public Right of Way to enhance routes into the countryside for new and existing residents.	See paragraphs 7.11.59 – 7.11.75.
The delivery of affordable housing will help address Faversham's housing need.	See Section 7.6.
There will be employment opportunities during and after construction, giving rise to economic benefits.	See Section 7.26.
Faversham's reputation will be enhanced as the development will attract new residents and visitors.	Noted.
The green spaces, improved footpaths and cycle routes will enhance connectivity and recreational opportunities and support wildlife.	See Section 7.8.
The development promotes a sense of community and encourages active lifestyles.	See Section 7.8.
The developer has addressed concerns regarding traffic, environmental impacts and local infrastructure.	These matters are addressed at various stages throughout the report.
The developer has a proven track record in creating high quality, sustainable developments which inspires confidence.	This application has been assessed on its own merits.
The developers commitment to long term stewardship ensures on going maintenance of the community.	Management is controlled by conditions / S.106 obligations.

- 4.3. A further two letters were received which set out that they neither object to or support the application, raising the following summarised points (comments that reflect the points listed above, either objecting to, or in support of the application, have not been repeated):

Second Round Comments	Report reference / Response
A six storey development could be provided on the land leaving much of the site free for growing food and for leisure activities [this comment also includes a number of comments relating to reforming housing policy, the education system, the planning system, the job market and energy reduction more generally].	The application is required to be determined on the basis of what has been submitted, rather than an alternative scheme.
Important that the historic buildings on the site are protected [a report accompanies these comments which gives a description of the history of these buildings].	See Section 7.14.

- 4.4. Faversham Town Council (FTC) have commented on three separate occasions, and also provided a standalone response from a third party who was instructed by FTC to review the transport related details submitted in support of the application. The response to the first consultation did not explicitly state as to whether FTC object to the application and provided a range of comments on various aspects of the scheme. The second response set out that FTC object to the application and request it is considered by the Council's Planning Committee. The third response was received after the second consultation period and raises concerns. The separate points raised, including in the transport related comments, are summarised as follows:

First Round Comments	Report reference
The Council has a 5 year supply of housing land.	See paragraph 7.3.13.
Would involve the loss of grade 1 agricultural land.	See Section 7.4.
Site was previously in SBC Regulation 19 Local Plan which was withdrawn.	The application has been assessed against relevant development plan documents.
Faversham Neighbourhood Plan is at a late stage and carries considerable weight – there is limited reference to the Neighbourhood Plan in the application documents.	The application has been assessed against the Faversham NP.
Concerns regarding living conditions of future residents in areas 6a and 6b due to proximity to employment areas, railways and motorway.	See Section 7.20.
Proposed new school is welcomed. Evidence required to demonstrate when it will need to be delivered to meet demand.	Will be determined by the Education Review Group, secured in the S.106.
Support provision of sports pitches in proximity to new and existing communities. Although share concerns of Sport England and request further details in this respect.	See Section 7.13.
New cricket pitches need to settle for 3-5 years before it can be used and therefore the phasing for the existing pitch needs to reflect this.	A condition requires the pitch to be delivered before the existing one is taken out of use.
Landscape and open space plan lacks detail – conditions would be needed to ensure it is provided.	Conditions are included to this effect.

Welcome the landscape buffer to mitigate noise from the M2 – however this may not be adequate to overcome noise impacts without the use of closed windows.	See Section 7.20.
Support the sustainable drainage system although this lacks detail.	See Section 7.18.
Provision of green ‘traffic free’ routes through the development is welcomed.	See Section 7.8.
Support the principle of providing a minimum of 20% BNG although would prefer to a greater emphasis on habitat creation.	See paragraphs 7.10.44 – 7.10.45.
Request more clarity as to when the railway bridge will be constructed.	See paragraphs 7.11.44 – 7.11.46.
Request details of how connectivity to the town is to be addressed due to current inadequacies.	See paragraphs 7.11.29 – 7.11.46.
Design of the scheme should be based on a greater understanding of the specific town and context.	See Section 7.8.
The sustainability credentials of the development should be improved.	See Section 7.15.
Building heights should be expressed in ‘storeys’ rather than indicative building heights.	The detail that has been provided is sufficiently clear to allow an assessment to be made.
Need to consider the fire risks posed by battery storage.	Battery storage will be considered via the Energy and Sustainability Strategy / Statement, required by condition.
General layout of the site has many positive features including mixed use local centres; water recycling facility; green buffer to the railway; landscape bund parallel to the M2; areas of open space / drainage ponds; local food growing areas; permeability; active building frontages facing streets / open spaces.	See Section 7.8.
Concerns over the layout including predominant use of parking courts and rear parking courts that are not overlooked; lack of detail as to how bins / recycling are accommodated in dwellings; lack of clarity on servicing and commercial bin storage.	See Section 7.8.
Lack of information as to whether affordable housing would be tenure blind.	See Section 7.6.
Lack of information on housing mix or how the Faversham Housing Needs Assessment has been taken into account.	See Section 7.5.
Transport Related Comments	Report reference
The sustainable travel credentials of the site out forward in the application is undermined by the location adjacent to two motorway junctions and major A roads. The A2 and railway line also provide barriers, along with the physical separation of the site from the town centre would deter walking and cycling.	See paragraphs 7.11.29 – 7.11.46.

Provision within the site for cyclists would be good. Cycling would be difficult between the site and the town centre – unlikely that significant trips outside the site would be undertaken by bicycle.	See paragraphs 7.11.29 – 7.11.46.
Shared footway/cycleway along the A2 would be substandard and potentially hazardous.	See Section 7.11.
Buses would not be diverted through the site, therefore buses would not provide a convenient mode of travel for much of the site.	See paragraph 7.11.50.
Access to the railway station is constrained by distance from much of the site and access difficulties.	See paragraph 7.3.100.
A comprehensive assessment of the record of personal injury road traffic accidents needs to be undertaken.	See Section 7.11.
A 'laissez-faire' approach to transport provision has been adopted – no constraints upon residential or employment parking is proposed.	A condition is imposed to control parking.
The traffic modelling shows that future year congestion will be less than existing, and the development will increase highway capacity, incentivising car use – this is contrary to the applicant's repeated approach.	See paragraphs 7.11.16 – 7.11.19.
Residential trip generation has been artificially lowered due to selective choice of data and analysis of comparable development is flawed. Surveys in Faversham closer to the town centre show trip rates above those proposed for the site which has been ignored.	See paragraphs 7.11.16 – 7.11.19.
Concerns with the traffic modelling as it is not validated against queue length observations; no details of journey times are provided; underestimates HGVs on the local network.	See paragraphs 7.11.16 – 7.11.19.
Future year model suggests traffic decreases on the A2 despite traffic growth and committed development. The explanations for this – traffic being held at Brenley Corner and using alternative routes is not credible.	See paragraphs 7.11.16 – 7.11.19.
Unable to interrogate the traffic impact model as details have not been provided / traffic flow diagrams are required.	National Highways and KCC Highways are of the view that sufficient information has been provided.
Individual junction modelling has not been undertaken / further detail required to show that alterations to existing junctions / slip roads is safe.	See paragraphs 7.11.16 – 7.11.19.
The trip generation figures in the Environmental Statement and the Transport Assessment do not correspond with each other.	National Highways and KCC Highways have had access to both documents and both raise no objection.

The Environmental Statement has not considered the section of A251 between the site and Abbey School as an area of potential transport environmental impact.	National Highways and KCC Highways have had access to the ES and both raise no objection.
The figures included in the Environmental Statement showing the amount of traffic using Brogdale Road does not appear to be credible.	National Highways and KCC Highways have had access to the ES and both raise no objection.
Trip generation rates for the residents of phase 1 will be higher than the rest of the development and these unsustainable travel habits will be established and difficult to overcome in future.	See Section 7.11.
Parallel parking spaces adjacent to the A2 are likely to lead to highway safety issues.	See paragraphs 7.11.56 – 7.11.58.
Phase 1 cycle parking arrangements require clarification.	See paragraph 7.8.15.
Second Round Comments	Report reference
The Town Council seeks assurance that the site is in the emerging Local Plan otherwise the development of this countryside site is against the NPPF.	The current (Regulation 18) stage of the Local Plan Review does not include potential sites.
The Faversham Neighbourhood Plan is now 'made' and its policies now form part of the statutory development plan.	The application has been assessed against the Faversham NP.
Clarification is needed as to whether the scheme includes battery storage on site. Full details on battery storage and safety protocols are required prior to any permission being granted.	Battery storage will be considered via the Energy and Sustainability Strategy / Statement, required by condition.
The proposed solar PV panels are shown as indicative and will need to be conditioned appropriately.	See conditions entitled 'Energy and Sustainability Strategy' and 'Phase 1 – Energy and Sustainability Statement.'
There is now detailed information on affordable housing provision that shows affordable units pepper potted throughout the site.	See Section 7.6.
Strongly support a tenure blind development which would accord with related policies in Faversham Neighbourhood Plan.	See Section 7.6.
Support provision of mid-sized homes to attract newly forming households on lower budgets and older households with equity from existing larger homes.	See Section 7.5.
The affordable housing plan, whilst referencing the Faversham Neighbourhood Plan has not used the most recent analysis from the AECOM Housing Needs Assessment to inform the final mix.	See Section 7.6.
Welcomes the commitment to delivering social rented units.	See Section 7.6.
The tenure split of affordable housing does not meet the requirements of policy FAV3 of the Faversham Neighbourhood Plan – the developer has not demonstrated other	See Section 7.6.

methods of delivering a policy compliant mix such as the Faversham Community Land Trust.	
If the application is approved a condition should be imposed requiring pedestrian and cycle routes to Faversham town centre across the existing railway line.	See Section 7.11.
The developer should be required to subsidise a frequent bus service through the development and enabling access into the existing town, over a number of years. Targets for the volume of journeys should be set and penalty payments should be explored if targets are not met.	See paragraph 7.11.50, in addition, it would not be reasonable to impose a system of penalty payments as the developer is unable to force people to travel via specific means.

- 4.5. Boughton under Blean Parish Council object to the application for the following summarised reasons. Boughton under Blean Parish Council have also requested financial contributions to be secured via the S.106 agreement if planning permission is granted and have also made a request regarding a Community Benefit Fund which is detailed below:

First Round Comments	Report reference / Response
Size and scale of the development represents urban sprawl in a rural area and loss of the settlement gap between the parishes, negatively setting a precedent for further development.	See Section 7.7.
Development is high density with insufficient green space.	See paragraph 7.8.34.
Conflicts with the Boughton and Dunkirk Neighbourhood Plan by not maintaining a 'green break' between parishes.	See Section 7.7.
Loss of grade 1 agricultural land / contrary to policy DM31 in the Local Plan.	See Section 7.4.
Swale Borough Council has a 5 year supply of housing land.	See paragraph 7.3.13.
Industrial elements of the application are unsightly, involves high rise buildings and not in keeping with the visual amenity of the locality, spoiling the agricultural setting of Faversham.	See Sections 7.7 and 7.8.
Air quality assessments are based on current levels and does not factor in traffic levels from the proposed development.	See Section 7.12.
All infrastructure (school, doctors, dentist) should be built in the first phase and prior to occupation to alleviate pressure on existing services.	The scheme is required to mitigate its own impacts, rather than deal with any pre existing issues.
All public transport infrastructure is to be planned and agreed prior to first phase of development.	The scheme is required to mitigate its own impacts, rather than deal with any pre existing issues.
The industrial uses have trebled from those quoted in the Boughton and Dunkirk Neighbourhood Plan.	See paragraph 3.24.

The future residents will be largely car dependent due to proximity to surrounding highway network.	See Section 7.11.
No confirmation of proposals to develop Brenley Corner which would affect access to the site from both that junction and M2 Junction 6.	See paragraph 7.11.20.
Cannot approve the outline application as there is uncertainty.	This is an accepted way to submit an application.
The size, scale and density of the development will be detrimental to the surrounding area.	See Section 7.8.
None of the BNG will apply to the Parish of Boughton under Blean of which over 25% of the site falls within.	See paragraphs 7.10.44 – 7.10.45.
Section 106 Requests	Report reference / Response
The Parish Council have requested that the following contributions are sought to mitigate the impacts of the development on facilities within the Parish Village Hall (Bull Lane, Boughton under Blean) – Requires upgrade to enable it to be maintained and sustainable for the increased use, as follows: - New roof and safety railings; - Refurbishment of male toilets – approx. £45,000; - Refurbishment of female toilets and adjacent communal areas – approx. £17,000; - Refurbishment of entrance foyer – approx. £22,000; - Renewal of exterior cladding; - Installation of solar panels; - Installation of interior insulation.	See paragraphs 7.23.11 – 7.23.13.
Recreation Ground (Bull Lane, Boughton under Blean): - Refresh access road surface – approx. £48,000; - Refurbishment of car park – approx. £33,000.	See paragraphs 7.23.11 – 7.23.13.
Public Toilets (Bull Lane, Boughton under Blean): - Building requires a full refurbishment, men's and women's facilities are currently closed as on-going maintenance too costly.	See paragraphs 7.23.11 – 7.23.13.
The Street, Boughton under Blean: 1. Additional highway curbing on all sides.	See paragraphs 7.23.11 – 7.23.13.
Community Benefit Fund Request	Report reference / Response
The developer should consider providing a Community Benefit fund. This has been created for the Cleve Hill Solar Park in order to provide financial assistance to	See paragraphs 7.23.14 – 7.23.15.

communities / parishes that are directly affected by that development. A similar scheme should be considered here to provide grant funding opportunities to local communities and parishes affected by the negative impacts of the development.	
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- 4.6. Selling Parish Council have commented on two separate occasions, both times objecting to the application. The second objection stated that the grounds of objection were the same as those in their first set of comments, which are summarised as follows:

First Round Comments	Report reference / Response
All residents who attended the Parish Council meetings felt the application was speculative, harmful to the future of the whole area, not grounded in an existing development plan nor the true facts and conditions of everyday life in the area.	Noted.
The place to test the scheme is through the Local Plan Review.	As the application has been submitted it is required to be assessed on its merits.
The traffic modelling undertaken is out of date and there is insufficient evidence in regard to trip generation and a lack of detail relating to the impact on current traffic conditions.	See paragraphs 7.11.16 – 7.11.19.
The re-routing of Selling Road and the impact upon the A2 / Love Lane Junction; A252; A251; M2 and A229 has not been accounted for or any improvements offered.	See Section 7.11.
The re-routing of Selling Road will result in increased and more difficult journey times for emergency service vehicles travelling to Selling.	The development still allows for access to Selling.
The re-routing of Selling Road through the development site is not assessed in detail and there has been no impact assessment of how this would affect the various existing users of this road. This will lead to increased highway safety risks in phase 2 of the proposed development and a condition of the application should include the proposed removal of vehicle access to Selling Road to be reconsidered.	See paragraph 7.11.48.
Any solution to Brenley Corner roundabout has been further delayed and National Highways predicts delays are expected to worsen at this junction. These delays have a dramatic impact upon the surrounding local highway network as vehicles re-route. There needs to be clearer plans for managing traffic generation on what is a dangerously overloaded network.	See paragraph 7.11.20.
The applicant's peak flow measurements assigned to Selling Road has not considered large goods vehicles.	See paragraph 7.11.48.

The existing A2 to the north of the site is already a bottleneck. Introducing more traffic, junctions and pedestrian crossings will make this worse. In turn this will have a negative impact upon the economy, employers will leave Faversham leading to local unemployment and/or more unsustainable commuting.	See Section 7.11.
The scheme's off-road parking proposals are unrealistic and contrary to the recommended Police models for designing out crime. Safety measures will be required which are not in the application and would be contrary to the architectural style of the development.	See Section 7.8.
No detail as to how the parking spaces will match the needs of the households and unclear whether there is sufficient residential parking built into the development.	See paragraphs 7.11.56 – 7.11.58.
The proposal is a significant distance from the town centre / railway station which will encourage car use. Faversham railway station has two consistently full car parks and Selling station has no dedicated car park and no cycle storage facility.	See paragraph 7.3.100 and 7.11.54.
The proposal would be constructed upon and lead to the loss of BMV agricultural land. The Government has ambitions to increase fruit and vegetable production and to grow the fresh produce sector.	See Section 7.4.
The applicant should pause its ambitions for the proposed development and lobby the Government to produce a Land-Use Framework and publish the second UK Food Security Report. This is essential context for the planning application.	The application has been submitted so needs to be assessed.
The wildlife and associated habitats on the site will be destroyed. Little detail in the application that provides reassurance that existing nature will be conserved and biodiversity plans are not complete. It is not unreasonable to conclude that construction will remove / drastically alter the natural landscape and endanger protected species.	See Section 7.10.
The appearance of the site is no different to the Kent Downs National Landscape which is on the opposite side of the M2.	See Section 7.7.
The detail required by Southern Water in respect of the surface water drainage scheme is not included in the application.	Southern Water and KCC as the Lead Local Flood Authority raise no objection.
Detail in respect of flooding and Government approval (for the water recycling centre) is not provided. There are also no details in relation to flooding issues	See Section 7.18.

in Selling Road or the A2 and there are no plans to mitigate flooding.	
The charm and allure of Faversham will be ruined due to this and recent housing development in Faversham.	See Section 7.8.
The role of commercial premises in the application is not properly explained.	See paragraphs 3.14 – 3.16 and 3.24.
The density of the development leads to its huge scale and undermines the intended sustainability sought by the applicant.	See paragraph 7.8.34.

- 4.7. Sheldwich, Badlesmere and Leaveland Parish Council objects to the application on the following summarised grounds:

First Round Comments	Report reference / Response
Considers that while the ideals and plans for the dwellings are very suitable and appropriate, not enough consideration has been given to the integration of the new dwellings into the road infrastructure.	See Section 7.11.
Roads leading south of the development (A251 and Selling Road) will carry extra traffic and directly impact upon local communities.	See paragraph 7.11.48.
The impact on the A2 needs further consideration and are concerned regarding the impact this will have on the surrounding highway network.	See Section 7.11.
Not enough detail is given in regard to the impact upon infrastructure, medical services are already at full capacity and how further needs will be met is not explained.	See Section 7.23.
Proposal will lead to the loss of grade 1 agricultural land.	See Section 7.4.
Second Round Comments	Report reference / Response
Unrealistic for the applicant to suggest that the development will be sustainable to the point that there will not be impact on roads leading south from the development.	See paragraph 7.11.48.
Up to date transport analysis is required to be undertaken due to recent development in the area.	See Section 7.11.
The additional traffic will give rise to highway safety concerns on the A251.	See Section 7.11.
It is impractical for Selling Road to carry extra traffic which is impractical.	See paragraph 7.11.48.
Concern that the water treatment works will give rise to harm to groundwater quality.	See Section 7.19.

- 4.8. Dunkirk Parish Council objects to the application on the following summarised grounds:

First Round Comments	Report reference / Response
Site is outside any built up area boundary and therefore in the countryside.	See Section 7.3.

Represents unsustainable development that fails to protect the countryside in conflict with policies ST1 and ST3 of the Local Plan.	See Section 7.3.
Should be refused on the grounds of prematurity.	The application is not premature as the emerging Local Plan is not at an advanced stage.
The Boughton and Dunkirk Neighbourhood Plan has full weight and the Local Plan Review is in the latter stages of development.	The application has been assessed as required against the relevant development plan documents.
The site is not allocated and paragraph 11d of the NPPF is not engaged.	See Section 7.26.
Swale can demonstrate a 5 year supply of housing land.	See paragraph 7.3.13.
Insufficient information has been submitted to enable the impact upon existing highways to be adequately considered / concerns in relation to highway impacts;	See Section 7.11.
National Highways have recommended refusal unless reserved highways matters are considered.	National Highways raise no objection to the application subject to conditions.
The proposal would have an impact on the Swale Protection Aerea and would fail to mitigate this.	See paragraphs 7.10.6 – 7.10.11.
Proposal fails to make provision for affordable housing.	See Section 7.6.
Undermines the ability to maintain separation between settlements.	See paragraph 7.7.42.
No overriding need has been identified for the loss of BMV agricultural land.	See Section 7.4.
Lack of adequate supporting infrastructure.	See Section 7.23.
The water treatment plant is poorly located next to Brenley Corner.	See Section 7.8.
Development will have a harmful impact upon water quality.	See Section 7.19.
Sewerage disposal is not possible due to current system being over capacity.	See Section 7.18.
SUDs disposal will harm groundwater.	See Section 7.19.
Groundwater source protection zone covers much of the site.	See Section 7.19.
The site includes brickearth deposits.	See Section 7.22.
Proposal would cause significant and harmful adverse visual and landscape impacts in conflict with the Local Plan, NPPF and Boughton and Dunkirk NP.	See Section 7.7.
The proposal would cause harm to designated and non-designated heritage assets which is not outweighed by the benefits of the scheme.	See Section 7.14 and Section 7.26.
The site is of known archaeological potential and therefore appropriate conditions should be included.	See Section 7.21.

There is no comment in the cumulative effect of a further 2,000 houses north of the A2.	These dwellings referred to are neither allocated nor have planning permission.
The scheme will have a negative impact upon air quality.	See Section 7.12.
Healthcare facilities / local services are already oversubscribed.	This application is required to mitigate its own impacts rather than deal with pre existing issues.
The site will lead to the loss of habitat and wildlife with no guarantee that they can be accommodated elsewhere.	See Section 7.10.
Much of the allocated land for employment remains vacant and therefore the need is already being met.	See Section 7.3.
Many people overwhelmed by the quantity of documents supporting the application.	The appropriate supporting information has been submitted in order to assess the application.
Stated that S.106 contributions for infrastructure cannot be made but it is also stated that the site is not viable without these.	See Section 7.23.
Other mixed use development provided by the applicant has failed to work.	The application is required to be assessed on its own merits.
There have been a large number of objections to the scheme.	There have been considered in the assessment of the application.

- 4.9. Graveney with Goodnestone Parish Council objects to the application on the following summarised grounds:

First Round Comments	Report reference / Response
The development is in the countryside and conflicts with policies aimed at protecting rural landscapes, the preservation of the countryside and the prevention of urban sprawl.	See Sections 7.3 and 7.7.
There will be harm to the Swale Protection Area due to inadequate mitigation measures. Concerns relate to air quality, groundwater flooding and surface water drainage.	See paragraph 7.10.6 – 7.10.11.
The application is premature and disrupts the plan led approach.	The application is not premature as the emerging Local Plan is not at an advanced stage.
The Council has a 5 year supply of housing land.	See paragraph 7.3.13.
Concern regarding the lack of capacity on the surrounding highway network, particularly on the A2, Brenley Corner and the M2.	See Section 7.11.
The application is not supported by the necessary highway related information to demonstrate how it would mitigate the impacts, risking severe congestion and giving rise to harm to highway safety.	See Section 7.11.

Investment in sustainable transport infrastructure is needed to mitigate traffic impacts.	See Section 7.11.
The scheme conflicts with the Boughton and Dunkirk NP policies relating to sustainable transport solutions.	See Section 7.11.
The development would lead to the loss of best and most versatile agricultural land in conflict with national policies.	See Section 7.4.
The application does not provide adequate infrastructure improvements including education and health facilities, water supply, sewerage infrastructure reducing quality of life for residents.	See Section 7.18 and 7.23. Water supply is a statutory requirement of the provider and therefore sits outside of the planning process.
The proposal fails to comply with housing policies that requires dwellings to be provided to those with local connections.	See paragraph 7.6.14.
The proposal will lead to harm to archaeological assets.	See Section 7.21.
Second Round Comments	Report reference / Response
Concerns regarding additional traffic on the highway network on the A2 between Brenley Corner and the Junction with the A251; at Brenley Corner itself; at the Junction of Love Lane and A2.	See Section 7.11.
Concerns relating to groundwater quality and the Council should ensure adequate infrastructure is in place to ensure water supply for the development and to provide satisfactory surface and foul water drainage facilities.	See Section 7.18 and 7.19. Water supply is a statutory requirement of the water provider which sits outside of the planning process.
There will be a loss of BMV agricultural land, reducing home grown produce.	See Section 7.4.

4.10. Hernhill Parish Council have objected to the application on the following summarised grounds.

First Round Comments	Report reference / Response
Proposal is located in the countryside and is not allocated which is contrary to relevant policies in the Local Plan.	See Section 7.3.
The Council already has a 5 year supply of housing land.	See paragraph 7.3.13.
Insufficient information provided in respect of the highway impacts of the development.	See Section 7.11.
National Highways are recommending refusal.	See paragraph 5.3.
The site is comprised of BMV agricultural land.	See Section 7.4.
Is contrary to policies in relation to rural lanes.	See Section 7.9.
Is contrary to policies in relation to Important Local Countryside Gaps.	The site does not lie in an Important Local Countryside Gap.

The site will have an impact on heritage assets.	See Section 7.14.
Only market housing has been provided / no affordable.	See Section 7.6.
Will have impacts on the setting of the National Landscape and give rise to landscape harm in general.	See Section 7.7.
Development does not achieve sufficiently high quality design.	See Section 7.8.
Proposals do not achieve sustainable design.	See Section 7.16.
Scheme will give rise to a loss of ecological habitat.	See Section 7.10.
Concerns over flooding adjacent to the railway line.	See Section 7.18.
Archaeology will need to be appropriately conditioned or preserved.	See Section 7.21.
Insufficient highway capacity in the surrounding area to allow for this development.	See Section 7.11.
There will be harm to air quality.	See Section 7.12.
Parking provision is insufficient.	See paragraphs 7.11.56 – 7.11.58.
It is inappropriate to use sewage tankers for the first 60 dwellings.	See Section 7.18.
Increase in light and noise pollution.	See paragraphs 7.7.47, 7.7.49, 7.7.51 – 7.7.52 and 7.20.14 – 7.20.17.
The developer's other projects do not inspire confidence.	This application is required to be assessed on its own merits.

- 4.11. The Faversham Society have commented on three separate occasions (all in the time period before the second round of consultation), objecting to the application on the following summarised grounds.

First Round Comments	Report reference / Response
Opposed to the principle of all proposals for large scale development on greenfield sites around Faversham.	See Section 7.3.
Would be premature to approve the development prior to the adoption of the Local Plan as this will consider fully the impacts from the wider scale of growth.	As the application has been submitted it is required to be assessed on its merits.
The proposed transport infrastructure fails to ensure, safe, inclusive and sustainable mobility options.	See Section 7.11.
The A2 corridor is hazardous for pedestrians and cyclists, with inadequate provision for safe access to the town centre.	See paragraphs 7.11.29 – 7.11.46.
The proposal lacks a credible public transport strategy, relying on the use of private vehicles.	See paragraphs 7.11.49 – 7.11.54.
Concerns regarding community integration with Faversham due to physical separation from the town centre	See paragraphs 7.11.29 – 7.11.46.

and barriers in the form of transport infrastructure.	
The development places significant additional pressure on infrastructure without sufficient detail on mitigation.	See Section 7.23.
Water abstraction from the Ospringe borehole threatens further degradation of sensitive chalk streams.	See Section 7.19.
The reliance on affordable housing being shared ownership and the car dependency of the development means that the scheme is poorly suited to low income households.	See Section 7.6.
Shared ownership housing causes long-term financial burdens for the economically vulnerable.	See Section 7.6.
Loss of high grade agricultural land.	See Section 7.4.
Harms local landscape character.	See Section 7.7.
Biodiversity Net Gain should be achieved within the site boundaries and in corporation with the Kent Downs National Landscape.	See paragraph 7.10.44 – 7.10-45.
The application lacks an evaluation against the Neighbourhood Plan.	The scheme has been assessed against the relevant development plan documents, including the Neighbourhood Plan(s).
Phasing of key elements of the scheme and full details of sustainable transport commitments are unknown.	See Section 7.23.

- 4.12. Two comments, including an 89 page objection has been received from the Boughton and Dunkirk Neighbourhood Plan Team. Within this objection, the Boughton and Dunkirk Neighbourhood Plan Team have carried out their own assessment of the application against the NPPF, the Swale Local Plan, the Boughton and Dunkirk NP and the Kent Design Guide. A number of appeal decisions have also been referenced and in addition, the objection outlines the comments made by the developer during the preparation of the Boughton and Dunkirk NP. Taking the above points together the following summarised concerns have been raised:

Comments	Report reference / Response
Harm the rural gap between Faversham and surrounding villages.	See paragraph 7.7.42.
Lack of public consultation outside of Faversham.	Consultation has been carried out in accordance with the Council's statutory requirements.
Additional traffic and access points will give rise to additional highway safety and capacity issues on both the strategic and local highway network.	See Section 7.11.
Major works to M2 Junction 7 (Brenley Corner) are required.	See paragraph 7.11.20.
The site is not allocated for development, is premature and is not plan-led.	This application is not premature as the emerging Local Plan is not at an advanced stage.

The site is outside of any built up area boundary, is in the countryside and would harm the intrinsic value and beauty of the countryside.	See Section 7.3.
The LPA has a 5.13 year of housing land supply.	See paragraph 7.3.13.
Insufficient traffic related information has been provided.	See Section 7.11.
The application fails to comply with housing policies in the Boughton and Dunkirk NP, particularly those requiring future occupants to have a local connection.	See Sections 7.5 and 7.6.
The application fails to comply with the Boughton and Dunkirk NP transport policies.	See Section 7.11.
The location of the development is unsustainable.	See Section 7.3.
Insufficient water supply and sewerage infrastructure.	Water supply is a statutory requirement of the water provider which sits outside of the planning process. See Section 7.18 for sewerage.
Proposal fails to demonstrate it will adequately deal with groundwater flooding, surface water drainage and water quality.	See Sections 7.18 and 7.19.
Will worsen air quality.	See Section 7.12.
Will lead to the loss of BMV agricultural land.	See Section 7.4.
Will harm the archaeological interest of the site.	See Section 7.21.
Will lead to the loss of brickearth.	See Section 7.22.
Proposal would give rise to harm to designated and non-designated heritage assets.	See Section 7.14.
The proposal would give rise to significant landscape harm including to the Kent Downs National Landscape.	See Section 7.7.
There would be harm to the Swale Special Protection Area which would not be mitigated.	See paragraphs 7.10.6 – 7.10.11.
The proposal fails to provide affordable housing to meet the Council's objectively assessed need.	See Section 7.6.
Failure to make provision towards increasing formal sports facilities and capacity at Sittingbourne Recreation Ground.	See Section 7.13.
The scheme fails to make sufficient provision towards services and infrastructure, including education.	See Section 7.23.
The whole application should have been submitted in detail.	The application has been submitted in a format which is allowed by legislation.
Concerns regarding whether properties / land would be leasehold.	This is not a material planning consideration.

Other developments produced by the developer have been unsuccessful.	This application has been assessed on its own merits.
There is a lack of detail to underpin comments made in the supporting statements regarding sustainability, energy reduction and drainage.	See Section 7.16 and 7.18.
There are inconsistencies in the application form and the application should not have been validated.	Sufficient information has been submitted to validate the application.
References in previous Local Plan Review to the acceptability of the scheme are out of date and carry no weight.	The application has been assessed against the development plan and material planning considerations, as required by planning law.
The Boughton and Dunkirk NP allocates appropriate levels of housing.	See paragraph 7.3.11.
The Boughton and Dunkirk NP carries full weight and regardless of SBC's housing land supply, should be refused.	See Section 7.3.
All new accesses into the site should be provided in detail to allow full scrutiny of these elements of the application.	KCC Highways and National Highways raise no objection to the application.
The removal of some PROWs will negatively impact upon health and well-being achieved by walking in the countryside.	See paragraphs 7.11.59 – 7.11.75.
Unclear how the development would make it easier to walk longer distances.	See paragraphs 7.11.29 – 7.11.46.
Alternative locations have not been considered.	The application has been considered on its own merits, rather than an alternative scheme.
No objectively assessed housing need report has been submitted with the application.	Sufficient information regarding housing need is available to assess the application.
No Health Impact Assessment has been submitted as required by policy CP5 of the Local Plan.	Chapter 17 of the ES deals with Human Health.
The proposal fails to reflect the positive characteristics and features of the site and the locality.	See Section 7.8.
The proposal is not well sited or of a scale, design, appearance and detail that is sympathetic and appropriate to the location.	See Section 7.8.
The scheme does not enhance public transport facilities and services.	See paragraphs 7.11.49 – 7.11.54.
The potential for rural employment will be reduced and the proposal conflicts with policy requirements in relation to the agricultural sector.	See Section 7.26.
The scheme proposes new accesses onto the A2, Selling Road and Salters Lane, which is contrary to policy DM6 of the Local Plan.	See Section 7.11.
Proposal will harm designated rural lanes.	See Section 7.9.

The application has not assessed the needs for Rural Exceptions Housing; Gypsy and Travellers or Rural Workers.	No housing falling under these categories are proposed.
No detail related to the alteration or replacement of shopfronts has been provided.	No alterations or replacement of shopfronts are proposed.
Under provision of formal sports facilities.	See Section 7.13.
The proposal shows complete disregard for the designated Local Green Space on the site.	See Section 7.15.
Proposal is in conflict with policy DM21 (Water, flooding and drainage) of the Local Plan.	See Section 7.18.
Biodiversity Net Gain should be 'on site'.	See paragraphs 7.10.44 – 7.10.45.
Housing density should be increased.	See paragraph 7.8.34.
Harm will be caused to nesting birds through the loss of habitat.	See Section 7.10.
There is a loss of trees and hedgerows that is not outweighed by the benefits of the application.	See Section 7.17.
The area between Faversham and Boughton under Blean meets the criteria for designation as an Important Local Countryside Gap.	This area is not a designated Important Local Countryside Gap.
The scheme fails to comply with the requirement for allocated sites to be developed in accordance with an agreed Development Brief and / or Design Code.	The site is not allocated.
There should be a condition setting out that the loss of on site car parking shall only be supported if adequate on-site parking provision remains.	Car parking is controlled by condition.
The development of small businesses to provide local employment would be encouraged.	See Section 7.3.
A high pressure gas pipeline passes through the site.	See paragraph 7.25.18.
Parking will need to be provided in accordance with the Boughton and Dunkirk NP requirements.	See paragraphs 7.11.56 – 7.11.58.
Concern that the supporting documents seem to assume that planning permission will be granted.	Regardless of this the application has been assessed on its merits against local and national policies and any other material considerations.
The density of the development would be far in excess of the local context.	See paragraph 7.8.34.
Concerns regarding the proximity of existing residential properties to the Waste Water Treatment Works.	See paragraph 7.20.18 – 7.20.22.
An independent analysis of the Waste Water Treatment Works should be undertaken.	It has been assessed by the Environment Agency and the Council's Environmental Health Team, who are independent.
Essential that the Waste Water Treatment Works has sufficient capacity for the entire	See Section 7.18.

site and will also need to deal with industrial waste.	
The location of the Waste Water Treatment Works will impact on future proposals for works to the Brenley Corner Junction.	National Highways have not raised this as a concern.
Concerns regarding the proposals to use a soakaway to drain sewage.	See paragraph 7.18.20.
The site is vulnerable to groundwater pollution.	See Section 7.19.
Water recycling proposals are largely untested.	No objection has been raised by statutory consultees.
The noise levels on the site would be a 'statutory nuisance', without any noise from the site itself.	See paragraphs 7.20.14 – 7.20.17.
The proposal will contribute to already increasing levels of light pollution.	See paragraphs 7.7.47, 7.7.49, 7.7.51 – 7.7.52.
A number of properties will be subject to overlooking / loss of privacy.	See Section 7.20.

- 4.13. CPRE (The Countryside Charity) has provided two letters, one during the first round of consultation and one during the second. They object to the application for the following summarised reasons, and within the first letter have set out elements of the scheme that they support. These comments are summarised as follows:

First Round Comments	Report reference / Response
The development is not Plan-led.	See Section 7.3.
No evidence has been provided to demonstrate why a brownfield first approach cannot be undertaken to address housing need.	The application has to be assessed on its merits rather than an alternative proposal.
There will be a loss of BMV agricultural land which will impact upon food security.	See Section 7.4.
The low density of the development results in the loss of more countryside than necessary.	See paragraph 7.8.34.
More than 35% affordable housing should be provided, with the majority to be social rent.	See Section 7.6.
There will be an impact on biodiversity (particularly bats, dormice, reptiles, Invertebrate, breeding birds, wintering birds) and the SPA due to missing / out of date survey data.	See Section 7.10.
BNG calculations have inconsistencies.	See paragraph 7.10.44 – 7.10.45.
There will be impact on dark skies, including an impact on foraging and commuting bats.	See paragraphs 7.10.15 – 7.10.29.
There will be a loss of designated Local Green Space.	See Section 7.15.
There will be an impact upon existing PROWs and a lack of connectivity with Faversham. There will also be an impact on the long-distance Augustine Camino pilgrimage path.	See paragraphs 7.11.29 – 7.11.46 and 7.11.59 – 7.11.75.

The first phase of the development is isolated from Faversham which will have impacts on active travel habits.	See Section 7.11.
Cumulative highway impacts.	See Section 7.11.
Potential loss of 'Building L' at Macknade Farm which is a heritage asset.	See paragraphs 7.14.33 – 7.14.34.
The proposed design of the development is not reflective of Faversham.	See Section 7.8.
Worsen air quality levels.	See Section 7.12.
The applicant's Habitats Regulations Assessment contains a number of omissions.	See paragraphs 7.10.6 – 7.10.11.
Supports the provision of a water recycling centre.	See paragraphs 3.18 – 3.19.
Supports roof top solar.	See Section 7.16.
Supports the provision of cycle rails.	See Section 7.11.
Second Round Comments	
Disappointed that a structural survey of 'Building L' at Macknade Farmstead has not been produced and any documents related to this should be placed on the publicly accessible file.	This survey is required by condition so does not exist at this point.

- 4.14. The 'Faversham Community Land Trust (FCLT)' have provided comments in support of the application, they are summarised as follows:

Comments	Report reference / Response
The development provides a mix of dwellings weighted in favour of smaller units which is the size of dwelling most in need in Faversham as evidenced in the Housing Needs Survey commissioned by the FCLT.	See Section 7.5.
The tenure mix of 40% of the affordable housing to be 'social rented' is unprecedented and welcomed.	See Section 7.6.
FCLT would welcome the opportunity to be involved in S.106 discussions regarding a partnership or development agreement and bidding rights for Faversham residents.	Noted.
The scheme will exceed sustainability and biodiversity standards by a considerable margin.	See Section 7.10 and 7.16.
The scheme offers a pioneering solution to sewage and water security issues.	See paragraphs 3.17 – 3.18.

- 4.15. Comments on behalf of the 'Selling Road Protection Group' have been provided from a third party highway consultant who has reviewed the Transport Assessment (TA) submitted with the application. They raise an objection on the following summarised grounds:

Comments	Report reference / Response
The assumptions for modal shift away from the private car in the TA are highly questionable and unsubstantiated.	See Section 7.11.
No evidence is provided to demonstrate that the scheme suitably mitigates the existing, long established highway issues at M2 Junction 7 (Brenley Corner).	See paragraph 7.11.20.
The approach taken to assess the residual traffic impacts of the development and subsequent reporting of volumes, validation and outputs are misleading, draw incorrect conclusions and ignore a number of aspects of the development.	See Section 7.11.
No assessment of the potential impact to the rural lanes to the south of the site has been made.	See paragraph 7.11.48.
The submitted transport related information is woefully inadequate and does not provide sufficiently robust information to enable the residual traffic impacts to be assessed.	See Section 7.11.

- 4.16. A response from the Faversham Cricket Club Committee has been received (the ground upon which they play is proposed to be built upon and a replacement facility provided by this scheme). The letter sets out points relating to the future of the cricket club, summarised as follows.

Comments	Report reference / Response
Comments made in respect of the application by individual members of the cricket club who do not hold official positions within the club, are made in a personal capacity and are not made on behalf of the club or with the committee's approval.	Noted.
Faversham Cricket Club remains committed to securing a high quality and sustainable future for cricket in Faversham.	Noted.
The club are involved in on-going discussions with relevant stakeholders, including the Duchy of Cornwall with a view to providing improved facilities.	Noted.
Members of Faversham Cricket Club voted overwhelmingly in favour of re-locating to the proposed new ground, subject to reaching a satisfactory agreement with the applicant, if the development goes ahead, and to remain at the current ground if it does not.	Noted.

5. REPRESENTATIONS

The comments provided by statutory and non-statutory consultees are summarised below. These comments reflect the consultee's final position:

5.1. **KCC Highways & Transportation** Raise no objection (subject to matters raised below being secured by condition / S.106 agreement):

Traffic Modelling – Trips rates are considered to be appropriate and satisfied that the traffic modelling methodology and outputs appropriately assess the development's impact on the highway network.

Highway Mitigation Measures – Works required and agreed to be delivered to 'A2 Canterbury Road/London Road/ Western Link Junction' subject to a monitor and manage approach which will require works to be carried if required, or to transfer the funds to the Transport Management Contribution if not. Works required to 'A2 Canterbury Road /Love Lane Junction' to provide (in addition to the junction works which are already being undertaken) a 3-metre shared footway/cycleway and a controlled crossing on Love Lane.

Highway Infrastructure Proposals – A number of these are required and agreed to be delivered to support vehicle movements and promote sustainable travel within the site and along key corridors connecting to Faversham town centre and nearby amenities.

Active Travel Mode Proposals – A number of these are proposed to be scoped via a feasibility study at various points in the development. If not feasible then funds transfer to a Management Toolkit Fund for other active travel works.

Transport Strategy & Framework Travel Plan (TS&FTP) – This document, which includes the Transport Vision for the site will be required to be attached to the S.106 agreement, as it includes the commitments and associated triggers for the works as set out above.

Phase 1 Detailed Application – It is considered that the outstanding matters regarding the Phase 1 detailed element of the application have been satisfactorily addressed through the amended plans and additional controls being proposed in the TS&FTP via the S106 agreement, together with the further progression of the highway details to be submitted in pursuit of entering into a S38 agreement for adoption by the Highway Authority.

KCC therefore has no objection to the detailed element of the scheme, subject to the securing of the planning conditions and S106 obligations as detailed in the updated draft conditions and Heads of Terms.

Public Transport – Request a contribution of £1.625 million for inter urban bus services / travel vouchers.

5.2. **KCC Growth and Communities** – Raise no objection subject to contributions / obligations towards:

- Education Review Group;
- Primary School to be delivered on site, including 26 place nursery;

- Secondary Education contributions - £5329.27 per applicable house; £1332.32 per applicable flat;
- Secondary Education land contributions - £3022.72 per applicable house; £755.68 per applicable flat;
- Special Education Needs and Disabilities contribution - £559.83 per applicable house; £139.96 per applicable flat;
- Libraries contribution - £62.67 per dwelling;
- Community Learning contribution - £34.21 per dwelling;
- Adult Social Care / Integrated Children's Services / Village Hall / Public Health Services Facility or contribution of £637,325;
- Waste - £194.13 per dwelling.

5.3. **National Highways** – Confirm that subject to the imposition of conditions the proposed development complies with national policy for transport (set out in the Department for Transport Circular 01/2022 entitled 'Strategic road network and the delivery of sustainable development' and the NPPF) from the strategic road network perspective. As such the supporting evidence and mitigation secured via the conditions ensure that the development will not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN. Conditions recommended relate to:

- A final version of the Transport Strategy & Framework Travel Plan document;
- Monitor and Manage Implementation Strategy in relation to monitoring of all relevant transport and highways impacts arising from the proposed development at agreed intervals;
- The carrying out of off-site highway works to M2 Junction 7;
- Construction details of the bund within 50m of National Highways boundary;
- Drainage details within 50m of National Highways boundary;
- Landscaping within 50m of National Highways boundary;
- Details of boundary treatment on National Highways boundary;
- Construction Traffic Management Plan.

5.4. **Active Travel England** – Not in a position to support the application, requesting further assessment, evidence, revisions and / dialogue for the following reasons:

- Unclear at what point the route between the development and the existing settlement will come forward;
- The reliance on shared paths for a development of this size is disappointing;
- Would welcome further information from the Local Highway Authority that they are content with the proposals as they stand, including relating to a reduction in speed limits on the A2;

- A number of infrastructure commitments require 'reasonable endeavours' and Active Travel England would like to comment on these as they progress;
- The Local Planning Authority / Local Highway Authority should define what is expected by 'reasonable endeavours', as these interventions are listed as 'core within the Transport Vision.

5.5. **Natural England** – Raise no objection subject to appropriate mitigation being secured to protect the integrity of The Swale Special Protection Area and Ramsar sites.

5.6. **KCC Ecology** – Advise that sufficient ecological information has been provided for determination of the application subject to conditions.

Developer contributions will be required to mitigate recreational pressure within the zone of influence of designated sites of international importance, along with the provision of suitable alternative greenspace on site, and off site, within the ownership of the applicant. Off site compensatory habitat is also required for the loss of functionally linked land for Golden Plover, the deliver a 20% Biodiversity Net Gain and to offset the loss of breeding and wintering habitat for farmland birds.

Impacts upon areas of botanical interest, hazel dormouse, reptiles, roosting, foraging and commuting bats, breeding/wintering birds, hedgerow, trees and lines of trees and badgers is required to be compensated for by on site compensatory habitat.

Conditions recommended related to:

- A Construction Ecological Management Plan;
- Ecological Design Strategy;
- Completion report of the Ecological Design Strategy;
- Monitoring report related to the BNG targets within the Ecological Design Strategy.

5.7. **KCC Minerals & Waste** – Although the site lies within an area safeguarded for, and includes mineral deposits in the form of brickearth, it is agreed that the deposits that have been historically identified are of a non-viable type in terms of current brick manufacture. As a result, there are no land won safeguarded minerals or waste management capacity safeguarding objections regarding this application.

5.8. **Environment Agency** – Raise no objection to the application subject to conditions related to the following:

- A remediation strategy to deal with the risks associated with contamination;
- Verification report related to the remediation strategy;
- Measures to deal with contamination not previously identified;
- Scheme to connect properties to foul and surface water drainage systems;
- Infiltration of surface water;
- Piling methods in relation to groundwater.

5.9. **Kent County Council (KCC) Lead Local Flood Authority (LLFA)** – Raise no objection subject to conditions related to the following:

- Details to demonstrate that requirements for surface water drainage can be accommodated within the development;
- A detailed sustainable surface water drainage scheme to be provided based upon the submitted Flood Risk Assessment and associated technical notes;
- Verification report related to the surface water drainage system;
- Infiltration of surface water.

KCC LLFA have also set out that as part of future detailed design submissions that evidence of Network Rail's acceptance of the proposals will be expected. Furthermore, additional ground investigations will be required to support the use of infiltration and that consideration will need to be given to appropriate Health and Safety measures being installed in respect of the drainage basins proposed.

5.10. **Southern Water** – Comment that the sewer services at this location are not their responsibility as there is a NAV agreement in place for the supply of sewerage services.

5.11. **Sport England** – Have commented in two parts, firstly in their role as a statutory consultee and secondly as a non-statutory consultee. As a statutory consultee no objection is raised to the application as the scheme is considered to meet exception 4 of Sport England's Planning Fields Policy and accords with (what is now) paragraph 104 of the NPPF, subject to conditions related to the following:

- Development affecting Faversham Cricket Club and Faversham Town Football Club not to be commenced prior to replacement facilities being provided;
- Development affecting the existing Faversham Town Football Club not to commence until details of the artificial pitch have been approved;
- Development affecting the existing Faversham Cricket Club not to commence until details of the pavilion and nets have been approved;
- Development of the existing Faversham Cricket Club not to commence until a detailed assessment of the land proposed for the new cricket pitch and if necessary, details to deal with matters which may impact upon playing field quality has been approved and carried out.
- Management and Maintenance Scheme for the 3G artificial grass pitch including matters relating to replacement / recycling of the surface;
- An acoustic report relating to the impact of the use of the artificial grass pitch upon neighbouring residential development.

Sport England, in commenting as a non-statutory consultee have raised an objection to the scheme. They comment that the additional population of the proposed development will generate additional demand for sport facilities. If demand is not adequately met then pressure upon existing facilities may be increased, creating deficiencies. It is Swale Borough Council's responsibility to determine what level of contributions should be made towards which built sports facility typology. There are no contributions towards playing

fields and Swale Borough Council should refer to its Playing Pitch Strategy to assist in determining playing pitch need. It is not accepted that playing pitches at existing schools will meet the needs of the community due to limited access.

- 5.12. **SBC Greenspaces Manager** – In general terms the application identifies adequate open space provision for the different typologies and standards set by the existing Open Spaces Strategy. The shortfall, as identified in the application relates to Formal Sport. The shortfall could be greater if Community Use Agreements cannot be secured. The distribution of open spaces and the different typologies appears balanced. The open space generally incorporates existing PROWs improving accessibility and providing opportunities to the wider development. There is little detail regarding the cricket pitch and it is therefore difficult to tell whether the new facility exceeds the existing. If not then a contribution towards increasing capacity at off site facilities would be required. The proposed 3G artificial grass pitch could be used for football and rugby, however, it may not meet capacity requirement if both wished to use the facility at the same time. If so, a need for an additional grass pitch and ancillary contributions would be required. Open space facilities need to be phased to ensure they are provided at appropriate points in the development along with replacement sports facilities. A contribution of £350,000 is sought in respect of Faversham Swimming Pool, specifically for additional learner space.

- 5.13. **Kent Police** – Recommend that the applicant follows Secure by Design (SBD) guidance to address designing out crime. A number of recommendations are made in relation to the residential elements of the scheme and commercial properties. In respect of the residential development the recommendations 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.

The comments also provide links to guidance relating to Secure by Design Matters relating to schools, care homes and medical centres and refer to site security being required for the construction phase.

- 5.14. **SBC Climate Change** – In general terms the application goes significantly beyond the Local Plan requirements in terms of energy, carbon savings, use of renewables and water consumption. In respect of the residential elements of the scheme there will be a reduction of approximately 70% over current Building Regs and on site recycling which will cut water demand to considerably below the current limit of 110 litres per person per day. The development will have a car club from the outset and there is potential to link into the Faversham Town Council Hopper Bus Service. In respect of non-residential elements the aspiration is to construct this to BREEAM 'very good' standard or its equivalent.
- 5.15. **Historic England** – Not offering advice and suggest that the views of the Council's specialist conservation and archaeologist advisors are sought.
- 5.16. **KCC Archaeological Officer** – The detailed phase 1 area has been appropriately evaluated via desk based assessment, geophysical survey, evaluation trenching and

test pitting. Archaeological remains were found in a number of areas which will be impacted upon by the development. Within this area no remains have been found which would require preservation in situ measures. The Roman road route has not been found to the south of the route of the A2 in this area. Archaeological mitigation through further investigation and recording is appropriate. The scope of the further work in this area needs to be agreed with the focus widened.

The phases of the development subject to the outline application have been covered by desk based assessment and geophysical survey. Trial trenching has focused on those areas that demonstrated the presence of archaeology and three areas of further excavation have been proposed on those areas. Large areas remain unevaluated and require a programme of trenching prior to reserved matters applications. If significant remains are found in the further evaluation work that require preservation then this will need to be taken into account in the development of future phases.

No objection is raised subject to the following being secured by condition:

- Archaeological Framework;
- Evaluation and Mitigation;
- Archaeology safeguarding;
- Historical and Archaeological Interpretation;
- Historic Building Recording.

5.17. **KCC Public Rights of Way (PROW)** - Raise no objection subject to conditions securing the following:

- A Public Rights of Way Management Scheme for each phase of development;
- Any PROW diversions to have been confirmed prior to development taking place in any relevant phase;
- Any diverted footpaths to be in place prior to the occupation of any units on the original alignment of the PROW.

And financial contributions relating to a number of footpaths in the area totalling £122,800.

5.18. **SBC Accommodation Supply and Resettlement Manager** – The affordable housing percentages of 35% / 36% / 40% depending on the phase is agreed. In terms of the dwellings in the detailed element of the proposal (phase 1), this equates to 92 affordable units. The mix of these units provides a good balance against the market dwellings and reflects housing need in Swale.

The tenure split proposed is 50% social rent and 50% shared ownership for phase 1. Evidence has been provided which includes Registered Providers (RPs) responses. The numbers of RPs contacted is acceptable and their responses are reflective of the challenges being faced in delivering S.106 affordable housing. The rental homes being provided as social rent is very much welcomed as this provides a more affordable product for future tenants, reducing the risk of repeat homelessness. This is also the preferred tenure of Government as set out in the Written Ministerial Statement (30th July

2024). Taking the above together the tenure split of 50% social rent and 50% shared ownership is accepted.

The distribution of the affordable housing within phase 1 is acceptable. 25% of the affordable housing will be provided to M4(3) - fully wheelchair adapted standard with the remaining 75% as M4(2) - standard housing. The M4(3) housing should be provided where there is greatest local need.

In respect of the affordable housing in the outline phases, it is considered sensible to agree the tenure mix at the point in time when this housing comes forward due to the timeframe and that affordable housing needs may change over this period.

- 5.19. **Kent Downs National Landscape Unit** – Have concerns regarding the height of the employment buildings (being up to 20m in height) which would be visible and impact upon views from the National Landscape. These heights should be reviewed so that there is no impact upon views from the National Landscape. Previously raised concerns regarding the potential impact from landmark buildings have been allayed. In terms of the earth bund, this would benefit from additional tree planting, confirmation that planting will be carried out as the final part of its construction is welcomed. New footpath routes are proposed south of the M2 on land connecting to, and in, the National Landscape. The applicant has also offered to provide interpretation boards. Such an approach is welcomed and would help to demonstrate compliance with the new duty set out in the Countryside and Rights of Way Act.

- 5.20. **SBC Environmental Protection** –

Contamination - Appropriate surveys have been carried out and raise no objection subject to conditions relating to a Remediation Method Statement, a Contaminated Land Verification Report and a Closure Report.

Noise - Appropriate noise sources have been assessed and modelled which shows the relevant parts of the site that will require mitigation. No objection subject to appropriate noise related conditions related to internal and external noise for residential dwellings and noise from plant machinery.

Air Quality – Consider that the air quality assessments for both construction and operational phases of the development have been carried out in accordance with relevant guidance. Baseline monitored data and modelled scenarios are acceptable as are the chosen modelled receptors. Relative to EPUK & IAQM criteria there are no significant impacts for the operations year of 2040. Relative to SBC criteria various slight or very major adverse impacts are identified at the modelled receptor sites. Due to the long time period there is uncertainty regarding modelled outputs and therefore it is essential that the most suitable and appropriate mitigation measures to reduce transport emissions are included. The Emissions Mitigation Statement uses the correct procedure to calculate the damage cost of £697,529.30. Specific mitigation for the damage cost needs to be agreed. No objection subject to conditions relating to a Construction Method Statement; monitoring schedule for dust and costs for mitigation measures in relation to the damage costs.

Odours – The scope of the Odour Impact Assessment is considered sufficient, addressing odour issues related to the Waste Water Treatment Works. The approach taken to predict potential impacts has been carried out in line with the Institute of Air

Quality Management's (IAQM) Odour Guidance. An operational facility has been used to form the baseline for dispersal modelling predictions and although there are acknowledged differences between the operational facility and that now proposed, various steps have been taken to remove uncertainty and provide a more conservative approach. The most up to date Defra approved dispersal modelling tools have been used to predict potential impacts.

The assessment concludes that impacts at both existing and proposed 'high sensitivity odour receptors' is negligible. However, moderately adverse impacts are observed at 'medium sensitivity odour receptors' (i.e. Employment Area 1) proposed as part of the development within 40m of the proposed Waste Water Treatment Works. Potential mitigation is then put forward. No objection is raised to the Waste Water Treatment Works subject to a condition which requires mitigation to be included in the reserved matters details for the employment area as discussed above. A condition is also recommended in respect of extraction from any commercial food premises.

Lighting - There are potential light sources from both construction and operation of the development. No objection subject to a relevant lighting condition.

- 5.21. NHS (Kent and Medway)** – Requests the following in relation to Primary Healthcare – 0.25 hectares of land for a two storey healthcare facility and parking and a financial contribution of £3,242,088 (or direct delivery by developer to NHS specification). Request the following in relation to Acute Healthcare - A financial contribution of £7,699,519.

5.22. SBC Design and Heritage –

Heritage - considers that the applicant's assessment of heritage impacts and the level of harm is accurate – these impacts are assessed in detail in the relevant Heritage section below.

Design – The design of the scheme has been carefully considered and informed by the Design and Access Statement; a Characterisation Study; Design Manual and a Streets Manual. 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 and best practice including the National Design Guide. In terms of the outline element of the scheme, a significant level of detail has been provided. For the outline parts of the scheme it is considered that the proposed development would contain a variety of architectural design, detailing and materials that leads to a coherent and responsive character inspired by the architectural traditions of Faversham.

In terms of the detailed element of the scheme it is considered that this has been carefully designed and amendments have been made to address issues raised, including additional street trees, softening of parking layouts and elevations of buildings engaging with streets through the introduction of additional fenestration. The detailed element and the amendments received as a whole, represent a positive evolution to the scheme and are acceptable from a design perspective.

- 5.23. Lower Medway Internal Drainage Board (LMIDB)** – The site sits outside of the drainage district of the LMIDB, although is partially within a river catchment that flows into the district. As the preferred method of surface water disposal is via infiltration this does not significantly impact the LMIDB's interests.

- 5.24. Health and Safety Executive (HSE)** - Part of the development site lies within the HSE consultation zones for a major accident hazard pipeline - the Salters Lane Faversham to Blean PRS gas pipeline operated by Southern Gas Networks. For the detailed element of the application, on the basis of the layout of this part of the development in relation to the pipeline, HSE does not advise against this phase of the development. For the outline parts of the scheme HSE would not advise against development if conditions are included related to upgrading of the pipeline and the requirement to consult HSE if the layout of the outline parts of the development is altered.
- 5.25. Network Rail** - Require that 3m is left between the boundary of any properties and the railway and any planting close to the railway needs to be considered via a condition. Also request a condition in respect of any new service connections under the railway as part of phase 1 and the drainage and boundary treatment related to the proposed allotments. The provision of a new bridge across the railway is supported, request a condition which requires this to be delivered prior to the first occupation of any building within phases 6a and 6b. Seek improvements at Faversham Railway Station towards cycle provision and car park expansion.
- 5.26. Faversham Footpath Group** – Phase 1 of the development does not affect any PROWs and therefore the only comment on this phase is that suitable footpaths and cycleways should be provided alongside the roads and open spaces that serve this part of the development.

Apart from within the development's own boundaries, there are no allowances made or proposals for suitable connections to Faversham or its facilities. Proposals for active travel routes from the development are inadequate and do not go far enough to discourage car use, particularly in terms of crossing the railway line that cross the town from east to west. Although crossing the A2 is dealt with in terms of cycle movement, the road will be made worse by this development and will be extremely difficult to cross for those on foot.

6. DEVELOPMENT PLAN POLICIES

6.1. Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 - policies:

- 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
- ST7** The Faversham area and Kent Downs strategy
- CP1** Building a strong, competitive economy
- CP2** Promoting sustainable transport
- 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
- DM1** Maintaining and enhancing the vitality and viability of town centres and other areas
- DM2** Proposals for main town centre uses
- DM3** The rural economy

DM6 Managing transport demand and impact
DM7 Vehicle parking
DM8 Affordable Housing
DM14 General development criteria
DM15 New shopfronts, signs and advertisements
DM17 Open space, sports and recreation provision
DM18 Local green spaces
DM19 Sustainable design and construction
DM20 Renewable and low carbon energy
DM21 Water, flooding and drainage
DM24 Conserving and enhancing valued landscapes
DM26 Rural lanes
DM28 Biodiversity and geological conservation
DM29 Woodlands, trees and hedges
DM31 Agricultural land
DM32 Development involving listed buildings
DM33 Development affecting a conservation area
DM34 Scheduled Monuments and archaeological sites
IMP1 Implementation and Delivery Plan

6.2. **FAVERSHAM NEIGHBOURHOOD PLAN, MADE ON 5TH DECEMBER 2024 – policies:**

FAV2 Housing Development
FAV3 Residential Mix and Standards
FAV4 Mobility and Sustainable Transport
FAV5 Critical Road Junctions
FAV6 Public Rights of Way, National Trails, Promoted Routes and Cycleways
FAV7 Natural Environment and Landscape
FAV8 Flooding and Surface Water
FAV9 Air Quality
FAV10 Sustainable Design and Character
FAV11 Heritage
FAV12 Community Facilities
FAV13 Local Green Spaces
FAV14 Local Renewable Energy Schemes

6.3. **BOUGHTON AND DUNKIRK NEIGHBOURHOOD PLAN, MADE ON 5TH APRIL 2023**
– policies (the policies are not given specific titles in the document so the subject matter has been summarised below):

H1 Housing Development
H3 Mix of Housing / Affordable Housing
H4 Mix of Affordable Housing
H5 Design and sustainability of residential development
H6 Development Briefs / Impacts of residential development upon SPAs
H7 Affordable Housing Eligibility Criteria
H8 Parking for new residential development
T1 Highway capacity / public rights of way
T2 Impact of development in the countryside upon highway network; Public Rights of Way and the local environment

T3 Parking for residential and non-residential buildings
BE1 New and expanded businesses (use class E)
BE2 New commercial development
BE3 Parking for new and expanded commercial development
CWB1 Designated trails
CWB2 Recreational open spaces and facilities
CWB3 Public footpaths and bridleways
EP1 Education provision
E1 Tranquillity, local landscape, character, environmental quality and amenity value
E2 Landscape, heritage, recreational and ecological gain, protection and enhancement of heritage assets and management of the countryside
E3 Protection of green spaces
E4 Protection of 'The Blean' and surrounding fruit belt
E5 Landscape impact of new or extended development
E6 Minimising the adverse environmental impacts of new development
E8 Biodiversity net gain
E9 Design for new buildings
E10 Design of car parking, boundary treatments and street furniture
AS12 Brenley Corner
AS13 Boughton Fruit Belt South - Value, tranquillity and beauty of the countryside

6.4. **KCC Minerals and Waste Local Plan 2024-39 (adopted) - policies:**

CSM 5: Land-won Minerals Safeguarding
 CSW 2: Waste Hierarchy
 CSW3: Waste Reduction
 DM 7: Safeguarding Mineral Resources
 DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities

6.5. **Kent Downs AONB Management Plan 2021-2026 – policies** (the policies are not given specific titles in the document so the subject matter has been summarised below):

SD1 Requirement for projects to be framed by the vision, aims and principles of the AONB Management Plan.

SD8 Protection of the setting and views to and from the Kent Down National Landscape.

SD11 Major development within the Kent Downs National Landscape and its setting.

SD13 Green infrastructure and net gain investments to ensure the recovery conservation and enhancement of the special characteristics and qualities of the Kent Downs National Landscape and its setting.

Kent Downs Setting Position Statement (Updated 2024)

6.6. **Supplementary Planning Documents / Guidance:**

Parking Standards SPD (May 2020);

Landscape Character and Biodiversity Appraisal SPD (2011);

Faversham Conservation Area Appraisal (2004), Faversham Conservation Area Character Appraisal & Management Plan Public Consultation Draft (August 2023);

Preston Next Faversham Conservation Area Character Appraisal & Management Plan (Adopted February 2024);

Developer Contributions SPD (2009);

Planting on new developments a guide for developers;

Air Quality and Planning - Technical Guidance (July 2024);

Open Spaces and Play Area Strategy 2018 – 2022;

Conservation Areas SPG;

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

Kent Design – A guide to sustainable development (2000);

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

Renewable Energy Guide (2014);

Infrastructure Funding Statement (2021/2022);

Noise and vibration planning technical guidance (2020);

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

Open Spaces and Play Area Strategy (2018-2022);

A Heritage Strategy for Swale (2020);

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

Department for Transport Circular 01/2022;

Strategic Housing Land Availability Assessment (SHLAA).

6.7. Relevant Legislation

Countryside and Rights of Way Act (2000);

Town and Country Planning Act (1990);

The Community Infrastructure Levy Regulations (2010);

Planning and Compulsory Purchase Act (2004);

The Levelling-up and Regeneration Act (2023);

Planning (Listed Buildings and Conservation Areas) Act 1990;

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

6.8. **National Planning Policy Framework 2024 (NPPF)**

6.9. **National Planning Practice Guidance (NPPG)**

7. ASSESSMENT

7.1 **Environmental Impact Assessment**

7.1.1 An Environmental Statement (ES) has been prepared by the Applicant's consultant in support of the planning application. The need for the EIA was determined by the definition and criteria provided in Schedule 2 (10b) of the EIA regulations. 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.

7.1.2 Regulation 3 of the EIA regulations prohibits granting planning permission for EIA development unless an EIA has been carried out. Regulation 18 sets out the various matters that an ES must contain (if not compliant with the regulations the Applicant's submission would not constitute an ES and permission could not be granted).

7.1.3 Under the EIA Regulations part 1, 4 (5) planning authorities are required to "ensure that they have, or have access as necessary to, sufficient expertise to examine the environmental statement".

7.1.4 The Council appointed an independent and appropriately qualified consultant to undertake a review of the ES on behalf of the Local Planning Authority to confirm whether or not it is compliant with the statutory requirements of the EIA Regulations and relevant guidance. The ES must be of a high enough quality to provide confidence in the reported impacts of the scheme.

7.1.5 The initial review of the ES began by carrying out a regulatory checklist. This assesses whether the ES contains the required sections in accordance with COM3 'Regulatory Compliance' of the IEMA review criteria. The review confirmed that that was the case. However, this only confirms whether the information required is present, it does not assess matters of detail contained within that information. In addition, the review considers that the relevant matters have been assessed. On this basis the ES review went on to review the chapters contained within the ES. The result of this was that further clarification and / or potential Regulation 25 requests were considered to be appropriate in relation to EIA Context and Influence; Landscape and Visual Amenity; Biodiversity; Historic Environment; Air Quality; Geology and Soils; Water Environment; Transportation; Lighting and Night Time; Climate Change; Human Health and Waste.

7.1.6 As a result of the above, the applicant's consultant provided a detailed response to the clarifications / potential Regulation 25 requests. In summary, the applicant's consultant provided a response to all of the points raised and concluded that as a result an ES Addendum was not required or appropriate to support this planning application. This information was then provided to same independent and appropriately qualified consultant to carry out a second review.

7.1.7 The second review of the ES concluded that although a number of points had been addressed, further clarification and / or potential Regulation 25 requests were still considered to be appropriate in relation to EIA Context and Influence; Landscape and Visual Amenity; Biodiversity; Historic Environment; Geology and Soils; Water Environment and Lighting and Night Time.

7.1.8 The applicant's consultant subsequently provided a further detailed response to the clarifications / potential Regulation 25 requests and continued to conclude that an ES Addendum is not required or appropriate to support the planning application. The response has been reviewed by Officers and the conclusion drawn that matters related to EIA Context and Influence; Landscape and Visual Amenity; Biodiversity; Historic Environment; Geology and Soils; Water Environment and Lighting and Night Time have all been able to be assessed in full knowledge of the likely significant effects. This assessment is carried out in the various sections as set out below. On the basis of the above, no formal Regulation 25 requests were made.

7.2 Main Considerations

7.2.1 This application is reported to the Committee because Faversham Town Council; Boughton under Blean Parish Council; Selling Parish Council; Dunkirk Parish Council; Sheldwich, Badlesmere and Leaveland Parish Council; Graveney with Goodnestone Parish Council, and Hernhill Parish Council have objected to the proposal. Considering these comments, and the proposal that has been submitted, the committee is recommended to carefully consider the following points: -

1. The Principle of Development
2. Agricultural Land
3. Size and Type of Housing
4. Affordable Housing
5. Landscape and Visual
6. Character and appearance / design of the development
7. Rural Lanes
8. Ecology
9. Transport and Highways
10. Air Quality
11. Open Space
12. Heritage
13. Local Green Space
14. Sustainability / Energy
15. Trees / Hedgerows

16. Flood Risk, Drainage and Surface Water
17. Contamination / Water Pollution
18. Living Conditions
19. Archaeology
20. Brickearth
21. Developer Contributions
22. Equalities and Human Rights
23. Other Matters

7.3 Principle

7.3.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise. In this case, the development plan is comprised of the Swale Borough Local Plan, adopted July 2017 (Bearing Fruits 2031); the Faversham Neighbourhood Plan in respect of, broadly speaking the western two / thirds of the site, Made on 5th December 2024; the Boughton and Dunkirk NP, Made on 5th April 2023, in respect of broadly speaking, the eastern third of the site and the Kent Minerals and Waste Local Plan 2024-39.

7.3.2 The National Planning Policy Framework 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.

7.3.3 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.

Residential

7.3.4 The proposed housing is located outside of the built up area boundary as defined by the Local Plan and is therefore located in the designated countryside. The built up area boundary of Faversham lies on the opposite side of the A2, and the opposite side of the railway line, in very close proximity to part of the northern boundary of the application site. The built up area boundary is also situated on the opposite side of Salters Lane in very close proximity to part of the western boundary of the site.

7.3.5 Local Plan policy ST1 (4) requires development proposals to accord with the Local Plan settlement strategy. The settlement strategy is set out in policy ST3 and is hierarchical, focusing development on the larger built up areas in the Borough. Faversham is in the second tier of settlements (out of 6) and land outside of the built up area boundaries and in the countryside, such as the application site, are in the sixth, and lowest tier. Here the policy states that *“at locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless*

supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquility and beauty of the countryside, its buildings and the vitality of rural communities.” The primary objective of the strategy is to protect the countryside from isolated and / or large scales of development, as is being proposed. The development, by introducing large scale built form onto a site predominately comprised of undeveloped countryside, would fail to protect or enhance the intrinsic value, landscape setting, tranquility and beauty of the countryside.

7.3.6 Local Plan policy ST7 states that development proposals will *“Provide housing at allocations and, as appropriate, within Neighbourhood Plans or other appropriate locations, where the role and character of Faversham and its rural communities can be maintained or enhanced and where levels of out-commuting would not be exacerbated.”*

7.3.7 The application site is not allocated for development in the Faversham NP. Policy FAV2 of the Faversham NP states “Residential development will be supported where it comprises the following:

a. infill development for gaps within existing building frontages;

b. redevelopment of existing buildings, providing it does not involve the demolition of heritage assets;

c. the sensitive refurbishment of existing buildings, including heritage assets.”

7.3.8 The scheme does not involve infill development and is not for the redevelopment of existing buildings. A small element of the scheme may in the future involve the refurbishment of existing buildings which will be assessed in further detail in the relevant sections below. However, although the policy states what would be acceptable, it does not specifically exclude residential development in other locations. As such, there is not a clear conflict with the specific policy wording. Having said this, the site is not allocated and it is not promoted through the Faversham NP. As a result, it is contrary to the overall objectives and spatial strategy of the Faversham NP.

7.3.9 The application site is not allocated for development in the Boughton and Dunkirk NP. Policy H1 of the Boughton and Dunkirk NP states, amongst other matters that *“The provision of new housing within the Plan area, particularly to meet local needs and including the provision of affordable housing, will be supported, where such proposals comply with all other relevant policies in this Plan and those in the adopted Swale Borough Local Plan.”* Policy H5 goes on to state that proposals for new residential development in the Plan area will be supported where they demonstrate they are of good design and a locally distinctive style, with suitable green spaces and children’s play areas; demonstrate that they will be sympathetic to the street scene and their settings and include building design features to seek to achieve carbon neutrality and reductions in energy use. The site is not allocated for development in the Boughton and Dunkirk NP.

7.3.10 At locations in the countryside, policy ST3 requires proposals to accord with the NPPF and demonstrate how it would contribute to protect and where appropriate, enhance the countryside. The conclusion as to whether the proposal accords with the NPPF will ultimately be carried out in the Planning Balance of this report. However, as set out

above, the proposal would not protect or enhance the features of the countryside as listed in policy ST3. Therefore, on the basis of the location of the development and the impact it would have upon the countryside, the housing proposed is contrary to Local Plan policies ST1(4) and ST3. Policy ST7 does not exclusively preclude housing development outside of allocations subject to other matters as set out being satisfactorily addressed which will be considered below in this report. The scheme is also in conflict with the overall spatial strategy of the Faversham NP and policy H1 of the Boughton and Dunkirk NP, although subject to other matters as discussed elsewhere in this report, would not be in direct conflict with policy H5 of the Boughton and Dunkirk NP.

- 7.3.11 Further to the above, the spatial strategies of the Local Plan, along with the Faversham NP and Boughton and Dunkirk NP are based on a housing need for the Borough of 776 dwellings per annum. This is now out of date with the current housing need of the Borough standing at a figure of 1,064 dwellings per annum. As a result, the site allocations, along with the restrictive nature of policies in relation to development outside of the built up area boundaries are based upon the out of date, and lower figure. It is also relevant that the Local Plan, via policy ST2 required the Council to adopt a review of the Local Plan by April 2022. This has not been carried out and although a Regulation 18 consultation has taken place in January – February 2026, adoption of the plan is not forecast to take place until the last quarter of 2027. As adoption of the Local Plan will not be in the short term, there is no alternative spatial strategy to which weight could be applied.

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-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ 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 combination⁹.”

- 7.3.12 Footnote 8 of the NPPF states that policies which are most important for determining the application are out-of-date in situations which includes where the Council are unable to demonstrate a 5 year supply of deliverable housing sites.

- 7.3.13 In respect of the Council's current 5 year supply position, as set out in the Council's Housing Land Supply Position Statement 2025/26, dated November 2025, the figure currently stands at 3.97 years. As a result, policies for the supply of housing are not up to date. In such circumstances, the so-called 'tilted balance' is engaged, unless protected assets or areas of particular importance are impacted to the extent the NPPF policies would provide a strong reason for refusing permission.

7.3.14 In terms of the circumstances that would disengage the tilted balance, 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, Local Green Space, a National Landscape, 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 in respect of relevant Development Plan policies (which is comprised of the Local Plan, the Faversham NP, the Boughton and Dunkirk NP and the Kent Minerals and Waste Local Plan), and those in the NPPF.

7.3.15 In respect of the two Neighbourhood Plans relevant to this application, paragraph 14 of the NPPF is relevant. This paragraph states the following:

“14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).”

7.3.16 In this case, the Faversham NP was Made on 5th December 2024 and the Boughton and Dunkirk NP was Made on 5th April 2023. As a result of this, both Neighbourhood Plans will almost certainly have become part of the development plan five years or less before the date on which the decision for this application is made (noting that if there is a resolution to approve, time will be required for the completion of the S.106 agreement) and as a result, subject to this being the case, part a) above is satisfied.

7.3.17 In terms of part b), both Neighbourhood Plans set out that they contain policies and allocations in order to meet its identified housing requirement. However, as per the Council's housing land supply position as set out above, the policies and allocations within the Neighbourhood Plans would only meet a housing requirement that does not now accurately reflect up-to-date need therefore, part b of paragraph 14 of the NPPF is not satisfied.

7.3.18 In summary, the proposal is located outside of the settlement boundary and would result in housing being located in and therefore encroaching into the countryside. The result of this would be an urbanising impact on the countryside which would be harmful to the intrinsic value of the countryside. Therefore, the scheme is contrary to policies ST1(4) and ST3 of the Local Plan. Policy H1 of the Boughton and Dunkirk NP includes a requirement to comply with the Swale Borough Local Plan, which, in terms of policies ST1(4) and ST3 it does not. Therefore, by extension the housing element of the scheme located in the Boughton and Dunkirk NP Area does not comply with policy H1 of the Boughton and Dunkirk NP. In terms of the Faversham NP, although as set out above policy FAV2 does not specifically exclude housing in certain locations, the site is not allocated and therefore the housing located in the Faversham NP Area is in conflict with the overall spatial strategy of the Faversham NP.

Local Centres / Local Hubs / commercial space

7.3.19 The scheme proposes a local centre and 4 smaller local hubs to serve the needs of future residents of the development. The local centre and local hubs, would be located outside of the built up area boundary and in the countryside.

7.3.20 The local centre / local hubs would provide class E floorspace, and although this is envisaged to be centred around the local centres / local hubs, the land use parameter plan allows for mixed uses (i.e. residential / commercial) throughout the site. The application sets out that the class E uses would likely include:

- Retail;
- Cafes / restaurants / pubs / bars;
- Financial / professional services.

7.3.21 In addition to this the application also seeks permission for a hotel. Aside from the location of the local centre, part of which is located in the detailed part of the scheme, the location of the local hubs are shown indicatively. The location of the remainder of the above specified uses would be within the wider parts of the site shown as 'mixed use - residential / commercial'.

7.3.22 Given the location of the site in the countryside the proposals for the uses as set out above would be contrary to policies ST1 and ST3 of the Local Plan which directs this type of development to land within the built up area boundaries.

7.3.23 These uses are also town centre uses, to which the NPPF and Local Plan both direct towards existing town centres in the first instance. The Faversham NP, at policy FAV1 also requires development within Faversham town centre to enhance the vitality and viability of Faversham town centre.

7.3.24 Policy BE1 of the Boughton and Dunkirk NP states proposals for new or expanded businesses (falling within Use Class E), either on existing or other sites will be supported, where they reflect the overall development strategy of the Plan and conform with the relevant policies concerning location, building design and environmental impacts. In particular, support will be given for proposals for the redevelopment of previously developed sites and also for those that provide opportunities for local employment and training.

7.3.25 Policy DM2 of the Local Plan relates to proposals for town centre uses and directs development of such to the Borough's designated town / local centres first. The proposed town centre uses would all be located outside of Faversham, or any other designated town or local centre in the Borough. Where it is demonstrated that no town centre sites are available, the policy then directs town centre uses to edge of town centre sites. Outside of the built up area boundary of Faversham, as is the case here, policy DM2 goes on to state that proposals will be permitted where they address the tests set out in national policy and accord with various other criteria, including demonstrating via 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.

7.3.26 The NPPF at paragraph 91 requires LPA's 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.

7.3.27 Paragraph 92 of the NPPF goes on to say that *"when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored."*

7.3.28 Paragraph 94 of the NPPF deals with the impact test and states that *"When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:*

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."

7.3.29 It is relevant to the above paragraph that the Council's Cabinet adopted in 2019 a locally set threshold of 500sqm for retail and leisure development outside of the designated town centres.

7.3.30 Finally, 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."*

7.3.31 The application has been supported by a Retail Assessment which seeks to demonstrate that there are no sequentially preferable sites (i.e. those in, or on the edge of Faversham town centre) and that the scheme does not undermine the vitality and viability of Faversham town centre. The Retail Assessment has been independently reviewed on behalf of the Council by a retail consultant (LSH).

7.3.32 Starting with the sequential test, the key points that have been included in the sequential assessment methodology included in the Retail Assessment have been summarised by LSH as follows:

- *"Locational Specific Requirement and Area of Search – the key point raised by hgh Consulting [the applicant's agent] is that the nature of town centre uses proposed are aimed at supporting residents of the new community, which could not otherwise be served by development in Faversham Town Centre. However, as we highlighted earlier in this section, a sequential assessment is still required in line with policy. Therefore, hgh*

Consulting has defined the area of search to Faversham Town Centre and edge of centre locations.

- *Identification of Sites – hgh Consulting followed a reasonable methodology in identifying potential sites based on desktop evidence and site visits.*

- *Availability – based on whether the site is in active use, actively marketed, and subject to planning permission alternative uses or redevelopment. Hgh Consulting's has interpreted availability in terms of a reasonable period based on 12 to 18 months. LSH's position is that a period of up to 3 years should apply and in line with the Cribbs Causeway appeal (APP/P0119/V/17/3170627).*

- *Locational Specific Need – the key argument put forward by hgh Consulting on this consideration is that “the proposed development will serve a specific market that does not currently have access to such facilities” (paragraph 8.24) and that the proposed town centre uses would not be destination and will be serving “a relatively restricted catchment area” (paragraph 8.25).”*

7.3.33 LSH agree that the provision of town centre uses to support a local centre and local hubs for a new settlement supports a specific locational need. Although this would only be on the basis that the principal function of the new main town centre uses is to serve the residents this development and is not a commercial destination for those residents that do not live in the new development. However, due to the scale of the retail offer proposed it would appear that the scheme is aiming to draw residents from beyond the new settlement itself. On this basis LSH considered that further detail was required on the amount of floorspace proposed in phase 2, including whether a supermarket is proposed and what size it would be.

7.3.34 However, regardless of the above, a sequential assessment was undertaken as set out in the Retail Assessment. As referred to above, this used a catchment area of Faversham town centre and the edge of centre and considered possible sites as follows:

- within three commercial units within the town centre
- a site allocated for development in the Faversham Neighbourhood Plan
- four town centre car parks.

7.3.35 LSH have commented that in respect to the three vacant units in the town centre, there is no reasonable prospect that any of them would be able to accommodate the broad type of development proposed due to their limited size. It is also relevant to note that not all of these units remain available due to them now being occupied since the time that the Retail Assessment was undertaken. In terms of the site identified in the Faversham NP at Swan Quay, Belvedere Road, LSH agree with the assessment provided in the Retail Statement that this is not considered to be a suitable alternative. Finally, LSH also take the view that there is limited potential to develop the car parks identified in and around Faversham town centre.

7.3.36 On the basis of the above, LSH *“conclude that compliance with the sequential test has been demonstrated as there are ‘no suitable and available sites within a sequentially preferable location that could reasonably accommodate the proposals.”*

7.3.37 The advice received is agreed with and therefore it has been demonstrated that the sequential test is passed.

7.3.38 In respect of the impact test, a request for additional information followed an appraisal by LSH on behalf of the Council in April 2025 of a Retail Assessment Addendum prepared by the applicant's consultant in January 2025. This followed an initial appraisal by LSH in January 2025 of the original Retail Assessment document submitted by the applicant's agent. A further appraisal was then carried out by LSH in relation to new information provided by the applicant's agent in respect to their retail impact calculations and points of clarification requested by LSH in the April 2025 appraisal.

7.3.39 The key points set out in the April 2025 (LSH) appraisal were as follows:

24. *"The absence of appropriate detail on the type and format of proposed main town centre uses makes it difficult to accurately assess the likely trade diversion and associated impact. hgh Consulting [the applicant's agent] has sought to assess impact on a worst case scenario and this is helpful, but the calculations need to be robust.*

Whilst the delivery of 2,500 homes has the potential to support new town centre uses, we consider that capacity assessment undertaken by hgh Consulting is flawed and overestimates the potential for new town centre floorspace. Therefore, commercial operators would rely to some degree on expenditure generated from the wider Faversham area. While this may be acceptable in terms of trade diversion from Faversham Town Centre, this will be dependent on how the development of new town centre floorspace is phased."

7.3.40 As a result of the above, LSH advised the Council to request that the applicant's agent provide a response to the following data requests:

25. *"More clarity on the intended foodstore size and the phasing of the foodstore and if a foodstore is not being delivered as part of Phase 1 how commercial outlets expected to support turnover in terms of trade draw and diversion.*

26. *Provide updated turnovers for the centres in the catchment that are subject to trade diversion, in particular Faversham. This may require a new household survey or alternative data to identify up to date retail turnover. Alternatively, an adjustment to the market share turnover identified in the 2018 RLNA and 2023 RCU may be appropriate for Faversham.*

27. *Review the impact assessment of the tested retail floorspace in line with the queries raised in Section 5 of this report in respect to the proposed retail turnover and trade diversion assumptions.*

28. *Undertake an appropriate impact assessment associated with the proposed other town centre uses (i.e. retail service and leisure uses)."*

7.3.41 Further to the above, LSH advised that the proposed local centre should be assessed based on the likely format of retail and other town centre uses that may come forward in phases 1 and 2, with a similar exercise for the local hubs. The reason for this was to allow for more accuracy in assessing trade diversion and allow an assessment of impact to be carried out against housing delivery.

7.3.42 As set above, a response to the LSH April 2025 appraisal was provided by the applicant's agent which sought to address the above points. This was in the form of proposed limits on convenience and comparison floorspace and commentary on the phasing of commercial accommodation in the local centre and the type of businesses the local centre is expected to support, which includes a single unit foodstore measuring 929sqm net.

7.3.43 In terms of retail impact calculations, the applicant's agent also provided further detail in respect of 'retail market shares' and 'retail capacity and expenditure'. No material amendments were made to the scheme's retail turnover. The applicant's agent has also updated their assumptions on trade diversion to reflect comments raised by LSH in a previous appraisal.

7.3.44 LSH have reviewed this information and have concluded that they still have some concerns in respect of the way that capacity has been assessed and in terms of the assumptions regarding trade diversion. The result of this is that the impact assessment that has been carried out is not considered to be suitably robust.

7.3.45 Despite this, LSH have carried out their own high level assessment and adjustment of the applicants agent's retail impact assessment.

7.3.46 In terms of 'retail expenditure and capacity', LSH consider that the applicant's agent has failed to assess this correctly. LSH believe that the appropriate method to calculate forecast rates of spend is to use the most up to date figures available on expenditure rates (currently priced at 2023), adjusted to reflect the price base to which the market share evidence applies (i.e. 2017), and forecasted to the design year (2038) using the latest Experian Retail Planner Briefing Note. LSH's own analysis of the expenditure rates suggests that the applicant's agent has underestimated convenience expenditure per person head for 2038 and overestimated for comparison expenditure. When LSH's analysis of expenditure rates is combined with the retention rates and sales density assumptions provide by the applicant's agent, capacity figures of 706sqm net of convenience goods floorspace and 383sqm of comparison goods floorspace are identified in 2038 when all the dwellings are occupied. This is a higher figure than identified by the applicant's agent for convenience goods (535sqm) and a lower figure for comparison goods (425sqm).

7.3.47 Regardless of the above differences, both of these figures demonstrate that the occupants of the proposed dwellings cannot sustain, on their own, the level of retail accommodation proposed, i.e. the 3,859sqm retail floorspace (within the broader 7,500sqm of Class E uses). As a result, new floorspace would have to rely on trade from beyond the occupants of the application site, namely existing residents in Faversham, those from further afield, passing trade and visitors. As a result of this, it is required to be assessed as whether this level of floorspace is appropriate and what impact it would have upon the vitality and visibility of Faversham town centre. In addition, to this, LSH also raise the point that 2,500 dwellings will also likely support existing and future businesses in Faversham. This has not been assessed as part of the applicant's agent's impact assessment, but is a material consideration when impact is being considered. LSH take the view that up to 15% of the available expenditure generated by future residents of this development could be spent in Faversham town centre.

- 7.3.48 In assessing impact, LSH consider that the trade diversion assumptions for comparison goods turnover is reasonable. The trade diversion assumption of 44% in monetary terms is -£4million on Faversham town centre's comparison goods turnover. Based upon a sense check carried out by LSH, the impact on Faversham town centre in terms of comparison goods would be -10.8% in 2029. However, the amount of floorspace has been offered by the applicant's agent to be limited to 750sqm per phase. As a result if phase 1 is delivered by 2029, then the impact upon Faversham's comparison floorspace would be less than -10.8%. Moving forward, in later phases the level of impact would be lessened due to the expenditure arising from the occupants of the development as it is built out. As a result of this, LSH conclude that the phasing of delivery and the generation of new expenditure will mitigate impact on comparison retail businesses in Faversham.
- 7.3.49 Turning to convenience goods, LSH are of the view that the revised trade diversion assumptions that have been provided are a more realistic pattern of trade diversion against key stores in Faversham and out of centre foodstores. In respect of this, assumptions have been made that 38% of the proposed convenience goods turnover would be drawn from Tesco, 27% from Sainsburys and 23% from Aldi. LSH consider these figures to be reasonable given the applicants agent's statement that a foodstore of 929sqm net could potentially support a Waitrose or M&S Simply Food.
- 7.3.50 In terms of other considerations in regard to convenience goods, LSH are of the view that the applicant's agent's approach to assessing impact has not taken into account of the uplift in the proportion of expenditure generated in the study area that is diverted to online sales. This would result in a lower amount of expenditure available to physical stores in the Borough. LSH have factored this into their review of the impact results provided by the applicant's agent. Taking these points together LSH conclude that the impact upon Faversham town centre would be -17.8%.
- 7.3.51 LSH have then taken the comparison and convenience figures together and concluded that the impact upon Faversham town centre's total retail turnover would be -13.9%.
- 7.3.52 In order to assess the impact of this value, it is necessary to understand how the town centre in question, in this case Faversham is currently performing. LSH consider that the town centre is both vital and viable. In this context, LSH take the view that the overall level of impact would be a worst case scenario, as the whole of the retail development will not come forward by 2029 and the phased approach will allow impact to be absorbed, along with spend from new residents in the town centre further mitigating impact. As a result, LSH have been able to conclude that with appropriate limits on retail floorspace coming forward in each phase and with limits on maximum unit sizes, that the impact upon the vitality and viability of Faversham town centre would not be significantly adverse, as per the assessment required in paragraph 95 of the NPPF.
- 7.3.53 LSH have also, as required by the NPPF assessed the impact of food and beverage uses, on the basis that this constitutes a leisure use. Again, LSH have some concerns with the way in which this been assessed by the applicant's agent in terms of the expenditure figures and the ability for the development to retain this expenditure. LSH have, as a result, calculated the amount of food and beverage floorspace that the development itself could sustain, which is 884sqm gross. This is considerably lower than the figure proposed in the application of 2,240sqm gross. The result is that LSH disagree that the proposed food and beverage uses would have no impact upon the food and

beverage uses in Faversham town centre, as suggested by the applicant's agent.

7.3.54 Due the above, LSH consider that the proposed food and beverage floorspace will rely on expenditure beyond Faversham's wider existing community. However, as with the retail floorspace, it also needs to be acknowledged that the future residents of the development will support existing food and beverage outlets in Faversham town centre. This will mitigate impacts to some extent. As a result of this, LSH advise that the scale of food and beverage floorspace that is to come forward in any one phase is limited to 646sqm. Subject to this, it is concluded that the impact upon the leisure economy of Faversham town centre would not be significantly adverse. LSH's advice is considered to be a robust and sound assessment and therefore in assessing the principle of this element of the scheme significant weight is given to the appraisal that has been carried out on behalf of the Council.

7.3.55 In conclusion, this element of the proposal is contrary to the part of policy ST1 and ST3 of the Local Plan that directs development to locations within built up area boundaries. In respect of other elements of policy ST1 it is considered that based upon the above assessment, the scheme would comply with the requirement to ensure the vitality of town centres by consolidating, proportionate to its scale and character, Faversham's role as a centre for the town itself and its local catchment. In terms of policy DM2, this states that planning permission will be granted for town centre uses if, when they are located outside of town centres or built up area boundaries, they address the tests set out in national policy and accord with certain criteria listed in the policy. In summary, these criteria relate to an impact test not undermining the vitality and viability of existing town centres, not materially prejudicing the supply of other land uses and being well located to the main road network and easily accessible by public transport, pedestrians and cyclists.

7.3.56 In this case, national policy requirements (as per the NPPF) are set out above. This firstly relates to the sequential test, which as discussed, has demonstrated that there are no sequentially preferable sites in either Faversham town centre, or in edge of centre locations that are available to accommodate the proposed town centre uses. As a result, the sequential test is passed. Moving onto the impact test, as also discussed above, with appropriate floorspace / unit size controls in place it is considered that the impact of the retail and leisure aspects of the development would not undermine the vitality or viability of Faversham town centre to any significant degree. As a result, the proposed retail and leisure floorspace complies with the relevant tests set out in the NPPF and by extension, the part of policy DM2 which references the national policy tests.

7.3.57 In terms of the other criteria in policy DM2, the site is almost exclusively made up of arable agricultural land. The retail and leisure uses would clearly prejudice the provision of this agricultural use 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.

7.3.58 In terms of the location of the development, it is well located in relation to the main road network due to the proximity of the site to the A2 (and the M2). In respect of public transport, this is expanded upon in the relevant section below in this report, but in overall terms, it is considered that public transport would provide a realistic alternative in order to access the retail and leisure elements of the proposals. 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.

- 7.3.59 In respect of the Faversham NP, as set out above, policy FAV1 specifically relates to development in the town centre, and as a result, this development would not be contrary to this policy. In terms of policy BE1 of the Boughton and Dunkirk NP, the location of the class E uses are in the countryside and therefore those parts of the site as shown on the parameter plan as being in mixed use (and therefore able to accommodate retail and leisure uses) in the Boughton and Dunkirk NP area would conflict with policy BE1 of the Boughton and Dunkirk NP.

Employment Space

- 7.3.60 The application proposes a dedicated 'employment' area (i.e. those not forming part of the 'mixed use' area), broadly located in the eastern part of the site between the railway line and the eastern boundary (although a small area is located to the west of the railway line). The total amount of floorspace is not fixed as this element of the development has been submitted in outline. However, the Planning Statement sets out that when employment and commercial uses are taken together, the quantum of floorspace would be approximately 51,000sqm. As this figure would include those elements of the scheme coming forward in other parts of the site for commercial uses (i.e. local hubs), the amount of floorspace solely for employment uses would therefore likely be less than 51,000sqm. The application sets out that employment uses would include Class E(g) (commercial, business and service), B2 (general industrial) and / or B8 (service or distribution).
- 7.3.61 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. Policy ST3 contains the Council's settlement strategy and directs development to locations in the built up area boundaries with locations in the countryside at the bottom of hierarchy. Policy CP1 is also highly relevant and amongst other matters, requires at point 10 for large scales of development to be located where they can utilise the strategic and primary road network. In addition, point 14 states that *"Provided the Local Plan strategy is not significantly compromised and sites cannot be found within criterion 5 [which are existing strategic employment sites, the release of poorer quality locations and the broader upgrade of supply and upgrading older industrial areas] 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."*

7.3.62 The Faversham NP does not contain specific policies related to the provision of employment floorspace in a broad sense. In terms of the Boughton and Dunkirk NP, policy BE1 states that *“Proposals for new or expanded businesses (falling within Use Class E), either on existing or other sites will be supported, where they reflect the overall development strategy of this Plan and conform with the relevant policies concerning location, building design and environmental impacts. In particular, support will be given for proposals for the redevelopment of previously developed sites and also for those that provide opportunities for local employment and training.”* Policy BE2 goes on to set out that *“Proposals for new commercial development within the Plan area must be in keeping with the important landscape and heritage character of the area and take account of the relevant policies in Section 10 of this Plan.”*

7.3.63 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.”* Paragraph 87 gives support for storage and distribution operations at a variety of scales and in suitably accessible locations. Although paragraph 89 deals with the rural economy there are relevant aspects in that proposals beyond existing settlements can be supported in certain circumstances.

7.3.64 In terms of the Local Plan and its approach to employment land, the Plan was adopted in 2017 and there is now more up to date evidence available in the form of the Council's Employment Land Review (ELR) Update, 2023. The ELR Update states that there have been major structural changes in employment and business habits since the previous 2018 ELR was produced. It finds that there has been strong take-up of employment land recently and supply is tighter as a result. In terms of the three potential types of employment uses, the ELR states that for light industrial the focus should be to provide good quality industrial space which can be used flexibly by occupiers. For general industrial uses, the ELR concludes that *“Since the previous assessment the general industrial market has got stronger and what little new build development that has occurred in the Borough has not been sufficient to keep pace with demand”*. It also concludes that *“Overall, the market indicators show that new sites need to be allocated to meet the demand for general industrial space.”* In respect of strategic distribution, the ELR concludes *“As with the general industrial market, the strategic distribution market has got stronger since the last assessment.”* It also concludes *“There are proposals for new space across Kent, but this will do little to ease the tight supply when looking over a plan period. Overall, the market indicators show that new sites need to be allocated to meet the demand for strategic distribution space.”* In terms of site coverage, it identifies an unmet industrial need of 48 hectares as a minimum (or 73 hectares as an aspiration).

7.3.65 The application site is directly referenced (as 'Duchy land') in the ELR which makes the following comments under the heading *“Potential new sites to meet employment land need”*:

7.3.66 *“Faversham has two very large urban expansion areas promoted – the Duchy land and land East of Faversham, and these include large sites for employment use. Our assessments conclude that these sites are likely to be market attractive for industrial uses, particularly logistics and distribution given their relative ease of access to A2/A299/M2. The land allocation considerations at Faversham are complicated as there*

are already significant allocations and permissions at Lady Dane and Perry Court that to date have not been taken up. Indeed, in our view these more recent site promotions identify land that is better suited to the type of industrial use (warehousing) than the land that is currently allocated for office use. In our opinion, if either of the recently promoted sites are capable of accommodating significant employment floorspace then this could in practice reduce or even replace the existing employment land allocations (MU6 and MU7)."

7.3.67 The site is then also assessed in a number of tables in the ELR which carry out a high level review of potential employment sites. It notes that the positive characteristics of the site are its size and that it is likely to be market attractive. The constraints are identified as being related to landscape (discussed in more detail later in this report) and M2 Junction 7 (i.e. Brenley Corner), as discussed elsewhere in this report. The ELR considers that the site is suitable for employment use and should possibly be included for allocation in the next Local Plan.

7.3.68 The ELR states that there is considerable scope to 'plug' the minimum need from within the 'possible' category, which this site is, and recommends that these sites be actively pursued by the Council. The ELR also identifies that there is 9 years supply of employment land in the pipeline. As a further update to this, the Council provided evidence in 2025 to the Public Inquiry in respect of two applications, together known as 'Highsted Park' (ref. 21/503906/EIOUT and 21/503914/EIOUT) that set out the Council had a 7.9 year supply of employment land. In this context, it is relevant that the period covered by the Local Plan Review will cover the period to 2038 and that due to the findings of the ELR, the need for employment floorspace is unable to be met from within the existing built up area boundaries or site allocations in the current Local Plan. The result of this is that additional sites will need to be found.

7.3.69 Taking the above together, there is an evidenced based need for a higher requirement of industrial floorspace of a type that is being proposed in this application, than is able to be delivered through allocations in the current Local Plan. It is also relevant that as set out above, a review of the Local Plan was not carried out and this further reduces the weight that can be given to relying on those allocations. In overall terms, despite conflict with part 4 of policy ST1 and ST3 of the Local Plan, it is considered that it is in accordance with part 1 of policy ST 1 and policy CP1. In respect of the policies in the Boughton and Dunkirk NP, the employment proposals would conflict with policy BE1 on the basis that the proposal does not accord with the overall development strategy of the plan. In terms of policy BE2, this deals with, amongst other matters, landscape impacts, which will be dealt with in further detail in the relevant section of this report below. The employment section of the proposals will be further assessed in the Planning Balance section of this report.

Wastewater Treatment Plant

7.3.70 The Wastewater Treatment Plant is located on land in the designated countryside. As a result it is contrary to policies ST1 and ST3 of the Local Plan which directs development to land within the built up area boundaries. The Treatment Plant would be located in the area covered by the Boughton and Dunkirk NP. The proposed location is not allocated for any form of development in the Boughton and Dunkirk NP. Having said this, Objective 2 of the Boughton and Dunkirk NP states that "*New and improved utility infrastructure*

Including wastewater and water supply, will be encouraged and supported in order to meet the identified needs of the community subject to other policies in the plan.”

- 7.3.71 This element of the scheme is proposed in this location to serve the related needs of the wider development. As such, its principle largely depends on the acceptability or otherwise of the residential led development on the site and is assessed further in the Planning Balance section of this report.

Primary School / Nursery

- 7.3.72 The location of the primary school and the nursery which will be incorporated into the primary school site, is fixed and shown on the Land Use Parameter Plan. There is also the potential for additional nursery provision to come forward. The location of this additional nursery provision is not fixed and would be located in one of the areas shown as being in ‘mixed use’. However, regardless of the location of these elements of the scheme within the site, they would be in the designated countryside. As a result, this would be contrary to policies ST1 and ST3 of the Local Plan which directs development to land within the built up area boundaries. In terms of other relevant Local Plan policies, policy CP6 requires development to deliver timely infrastructure, including education facilities.
- 7.3.73 The school and associated nursery would be located on land within the Faversham NP area, whilst any additional nursery provision, on the basis that it could be located in any of the ‘mixed use’ areas, could be located within the area of either the Faversham NP or the Boughton and Dunkirk NP. The supporting text to policy FAV12 of the Faversham NP states that community facilities includes education. The policy itself states that new community facilities will be supported as part of new housing development subject to there being no significant adverse impacts on the amenities of residential properties or on the historic or natural environments. The Boughton and Dunkirk NP at policy EP1 states that proposals must make the appropriate educational provision including safe walking routes to and from the school.
- 7.3.74 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;”*
- 7.3.75 The school as proposed in this application is required in order to meet the increased demand that would be placed upon the educational system by the development itself. The nursery upon the school site would also meet a demand created by the development, although additional nursery provision, could meet needs of existing residents in the surrounding area. The delivery of the school and the nursery on the same site will be controlled via an obligation in the S.106 agreement. The NPPF sets out that great weight should be given to the need to create early years and school facilities through the decisions on applications. As a result of this, although contrary to policies ST1 and ST3 of the Local Plan, the principle of the school within the development will be influenced by whether the residential element of the scheme is acceptable. In addition, the education provision proposed is in accordance with policy

CP6 of the Local Plan and FAV12 of the Faversham NP. In terms of policy EP1 of the Boughton and Dunkirk NP, this aspect of the proposals contribute to providing appropriate educational provision which accords with this aspect of the policy. In respect of safe walking routes, this would be required to be assessed via future reserved matters applications. This matter will therefore be assessed further in the Planning Balance section below.

Healthcare / Community Facilities

7.3.76 Both healthcare and community facilities are being proposed as part of the application, and would be located in the ‘mixed-use’ part of the site as shown on the Land Use Parameter Plan.

7.3.77 Policy CP5 of the Local Plan requires proposals to bring forward accessible new community services and facilities, including health facilities. Policy CP6 of the Local Plan requires development to deliver timely infrastructure, which also includes healthcare and community facilities. Policy FAV12 of the Faversham NP gives support for new or improved community facilities as part of new housing development subject to there being no significant adverse impacts on the amenities of residential properties or on the historic or natural environments. Policy CWB2 of the Boughton and Dunkirk NP states that the provision of new recreational facilities at suitable and accessible locations will be supported.

7.3.78 The healthcare and community facilities proposed as part of this application are required to mitigate the impacts of the development. In terms of healthcare, the NPPF at paragraph 101 states *“significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure [which includes healthcare] when considering proposals for development.”*

7.3.79 As a result, the location of the healthcare and community facilities would be contrary to policies ST1 and ST3 of the Local Plan, the principle of these facilities within the site will, as it the case with the educational facilities, be dependent on the whether the residential element is acceptable. It is however considered that these elements of the scheme would be in accordance with policies CP5 and CP6 of the Local Plan, policy FAV12 of the Faversham NP and policy CWB2 of the Boughton and Dunkirk NP.

Sports Provision

7.3.80 The proposals would develop upon the existing training pitch serving Faversham Town Football Club and the cricket pitch used by Faversham Cricket Club. The proposals also seek to provide replacement facilities in the form of a new training pitch and new cricket pitch with associated pavilion.

7.3.81 Local Plan Policy DM17 relates to open space, sports and recreation provision. The policy requires existing open space, sports pitches and facilities to be safeguarded and for residential and other developments as appropriate to make provision for open space and for sports facilities. Policy FAV12 of the Faversham NP states that the loss of sports facilities *“will be supported only where similar or better facilities are provided in close proximity, or where it can be demonstrated that continuing use is non-viable or it can be demonstrated to form a necessary part of a wider public service re-organisation.”* Both of these newly proposed facilities, would be on land outside of the boundaries of the

Boughton and Dunkirk NP. The NPPF supports the provision of sports facilities and states at paragraph 104 that they should not be built upon unless they are surplus to requirements; they would be replaced by equivalent or better provision in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which outweigh the loss of the former or current use.

7.3.82 The existing football training pitch is a grass surface and as a result is susceptible to being unavailable during certain weather conditions and prone to deteriorating in quality through overuse. The proposed replacement is an artificial surface which is more durable and able to be used more frequently than grass pitches, particularly during periods of adverse weather. The proposed replacement facility is located to the south of the existing football ground used by Faversham Town Football Club, with the existing pitch located to the east of the football ground. On this basis it is considered that the replacement facility provides a better pitch in an appropriate location.

7.3.83 In respect of the replacement cricket pitch, queries were raised by the Council's Greenspaces Manager in respect of whether the new pitch would be an improvement on the basis of the number of wickets proposed. However, it is noted that Sport England raise no objection and the cricket pitch is in the outline part of the scheme, which will enable precise details of the layout and quantity of wickets to be submitted and assessed at the reserved matters stage. The proposals also seek outline planning permission for a pavilion. The existing facilities are dated and the new facilities will be a purpose built pavilion, the detail of which would be able to be assessed via a future reserved matters application. On this basis it is again considered that the policy tests of providing at least an equivalent replacement facility would be met. The facility would also be close to the existing cricket ground and on this basis the location is considered to be acceptable.

7.3.84 On the basis of the above it is considered that the sports provision element of the scheme, subject to the inclusion of related conditions / obligations would be in accordance with policy DM17 of the Local Plan and FAV12 of the Faversham NP.

Older Persons Care

7.3.85 The application, in the outline element, includes older persons care. This can cover a range of specialist housing designed to meet the needs of older people, and is defined in the NPPG as follows:

- Age-restricted general market housing;
- Retirement living or sheltered housing;
- Extra care housing or housing-with-care;
- Residential care homes and nursing homes.

7.3.86 The Planning Statement submitted with the application sets out that the precise location, scale and type of care accommodation will be confirmed at the reserved matters stage. The Land Use Parameter Plan fixes various land use throughout the site. As such, the older persons care provision would be located in an area shown as being in 'mixed use'.

- 7.3.87 Regardless of the location of the older persons care accommodation, it would be located in the countryside and, as a result, be contrary to policies ST1 and ST3 of the Local Plan.
- 7.3.88 Although the Local Plan does not identify sites to meet specialist accommodation needs for the elderly, Policy CP3 sets out that development proposals will meet the housing requirements of specific groups, including older persons. The supporting text to the policy at paragraph 5.3.17 states that the Council will seek to support proposals which improve the levels of extra care accommodation in the Borough. The policy does also state that development proposals will be steered to locations in accordance with Policy ST3 as referred to above.
- 7.3.89 The Faversham NP, at policy FAV3 states that residential schemes should include a mix of accommodation to meet local housing need, including accommodation suitable for older people and those with limited mobility. Policy H3 of the Boughton and Dunkirk NP states that proposals for new residential development should include a mix of housing types, including smaller homes for older people seeking to downsize.
- 7.3.90 The NPPF at paragraph 61 states that the needs of groups with specific housing requirements are to be addressed. The NPPG states when assessing planning applications for specialist housing for older people, that where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.
- 7.3.91 In the preamble to Policy CP6 of the Local Plan, Statement 6 provides some definitions of infrastructure, identifying supported accommodation as social infrastructure. Policy CP6 of the Local Plan supports the provision of such infrastructure where there are deficiencies.
- 7.3.92 Paragraph 5.3.18 (in the supporting text to policy CP3) of the Local Plan identifies a need for 481 additional care home places across the Local Plan period and states support for appropriate proposals for nursing and residential care home spaces.
- 7.3.93 More recently, Swale's Housing Market Assessment, June 2020 (HMA) indicates Swale's population is predicted to increase by 20% across the plan period. Within this, the number of people 75 or over is expected to rise from 14,437 in 2022 to 20,742 in 2038, an increase of 43.7%.
- 7.3.94 The HMA indicates there will be a requirement of 1,004 people needing Registered Care in Swale in 2038. The calculations in the HMA states a requirement for an additional 305 Registered Care spaces in the Borough emphasising the need for specialist accommodation. Whilst there have been planning applications granted for new care homes and extensions to existing care homes within the Borough, there is still insufficient capacity to address the existing and rising need in this housing category. It should also be noted that a proportion of the existing care homes within the Borough are not purpose-built accommodation.
- 7.3.95 In overall terms this element of the scheme is contrary to policies ST1 and ST3 of the Local Plan due to its countryside location. It would also be in conflict with the element of policy CP3 of the Local Plan which refers back to settlement hierarchy in policy ST3.

However, it would accord with the specific part of policy CP3 that requires the housing needs of specific groups to be met. This element of the scheme would accord with policy CP6 in that it would deliver a specific type of infrastructure. It would also comply with the relevant parts of policy FAV3 of the Faversham NP and policy H3 of the Boughton and Dunkirk NP. These matters will therefore need to be weighed in the Planning Balance section of this report.

Location of Development

7.3.96 Although it is only stated in respect of land that is within the built up area boundary and is therefore not applicable to this site which is outside of that defined area, the supporting text to policy ST3 identifies Faversham within tier 1-3 as an urban centre. It states:

“Faversham: Is the main focus for growth within this planning area where new development is especially viable, but at levels which reflect the historic importance of the town, the quality of its surroundings and a need to manage levels of out-commuting.”

7.3.97 The part of the policy wording itself that is related to Faversham states:

“The other Borough urban centres of Faversham [and Sheerness] will provide the secondary urban focus for growth at a scale and form compatible to their historic and natural assets and where it can support their roles as local centres serving their hinterland.”

7.3.98 In regard to its position within the settlement strategy as referred to above, Faversham itself is served by train and bus connections, medical facilities, a range of education facilities, shops both within the town centre and elsewhere, pubs, restaurants, recreation facilities, employment uses and other such services and facilities that would be expected of a town of its size.

7.3.99 In respect of the relationship of the site with Faversham, the western boundary of the site runs along Salters Lane. The built up area boundary partially runs along the northern most part of Salters Lane before moving westwards (in between Salters Lane and Ashford Road). To the north of the application site, the built up area boundary runs along the A2 and then around the triangular piece of land included in the application site before heading north. As a result, relatively large areas of the application site lie either adjacent to or, with close proximity of the existing built up area boundary.

7.3.100 With respect to the distances from the application site to existing services and facilities, due to the scale of the site, this does vary depending on the specific location within the proposed development. At its closest point, the site is approximately 700m from Faversham Railway Station and at its furthest is approximately 2.5km away. As the A2, with its regularly spaced bus stops, borders much of the northern boundary of the application site, the site lies between a matter of a few metres to the closest bus stops to approximately 650m to those parts of the site to the south and east. In respect of services and facilities, the town centre boundary (as defined by the Local Plan) lies approximately 570m from the closest part of the application site and approximately 2.5km from the furthest part. Other services and facilities as referred to above are located around the town such as the retail facilities at Perry Court (approximately 500m from the closest part of the application site and 2.6km from the furthest part) and existing primary and secondary schools. In general terms, the western half of the application site would have closer connections to the existing services and facilities in Faversham whilst the

eastern half of the site would be more distant.

7.3.101 However, the development is not only providing residential uses. As set out in this report, the proposals include a range of uses, such as education, healthcare, retail, employment, sports provision, leisure uses and open space, amongst others. These would, once constructed and operational, provide future residents of the development with a range of services and facilities within close proximity of the new dwellings. Therefore, as the site is built out, those residents in what would currently be the less well connected parts of the site to existing services and facilities, would be able to benefit from closer services and facilities, due to the mixed use proposals.

7.3.102 The above is a moot point as to whether the principal of the application, with particular reference to the residential element of the scheme, complies with the development plans. However, whether the proposal accords with the NPPF and the weight to give to any conflicts with the policies referenced above will be considered further below in the Planning Balance section of the report.

7.4 Agricultural Land

7.4.1 Policy DM31 of the Local Plan states that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. The policy also states that development on best and most versatile (BMV) agricultural land (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.

7.4.2 Policy FAV7 of the Faversham NP states, amongst other matters that Development should not cause harm to, or lead to the loss of, the best and most versatile agricultural land.

7.4.3 The Boughton and Dunkirk NP states, in the context of maintaining a gap between Faversham and Boughton / Dunkirk that the Boughton and Dunkirk NP *“will aim to protect the rural gap of Grade 1 Agricultural Land separating these settlements and resist any attempt to encroach on existing parish boundaries but this issue will be dealt with through the Local Plan Review.”*

7.4.4 The NPPF, at paragraph 187 states that the planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and including the economic and other benefits of the best and most versatile agricultural land.

7.4.5 The application site mostly extends across agricultural land in arable use. According to the Agricultural Land Classification Map provided by Natural England, the entirety of the site is grade 1 agricultural land. However, the wording provided by Natural England in

relation to these maps states *‘these maps are not sufficiently accurate for use in assessment of individual fields or sites.’*

- 7.4.6 The application has been supported by an Agricultural Land Classification Report which focuses on specific classification matters and an Agricultural Land Report which covers the matter of agricultural land more broadly. Due to available mapping not being sufficiently detailed to enable precise assessment of the grade of land of individual sites the Agricultural Land Classification Report carries out this task. The assessment has been carried out by a Chartered Scientist whose professional accreditations are recognised in terms of assessing this particular matter. As a result of the assessment that has been undertaken, the agricultural land classification of the site has been demonstrated to be as follows:

Agricultural Land Classification Grade	Area (Hectares)	Area (% of total site)
Grade 1 (Excellent)	84	57.6
Grade 2 (Very Good)	17	11.6
Grade 3a (Good)	26	17.8
Grade 3b (Moderate)	2	1.4
Grade 4 (Poor)	0	0
Grade 5 (Very Poor)	0	0
Other / Non-agricultural	17	11.6

- 7.4.7 As set out above, approximately 127 hectares of the site, or 87% is classed as BMV agricultural land and the proposal would, once all the phases had been built out, lead to the loss of this land from agricultural use.

- 7.4.8 Policy DM31 is divided into a number of parts. The first is 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 site allocations and built up area boundaries set by the Local Plan are now out of date. The Council is also unable to demonstrate a 5 year supply of housing land. Therefore, for the housing elements of the scheme an overriding need that cannot be met within the built up area boundaries is identified and as a result the housing elements of the proposal complies with this part of the policy.

- 7.4.9 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, partly because such clear cut needs assessment are not undertaken for many other aspects of the scheme in the same way as they are assessed for housing. Having said this, some of the non-residential uses proposed will only be delivered due to a need created by the dwellings, such as the primary school. As such, in concluding on this point, it is considered that the non-residential uses being provided on agricultural land conflicts with this part of the policy to some degree.

- 7.4.10 Policy DM31 goes on to say that the loss of agricultural land will not be permitted unless certain criteria are met. The first of these is that the site is allocated for development by the Local plan. This is not the case.

- 7.4.11 The second part of the criteria is split into two parts. The first of the of these is that there is no alternative site, not on BMV land or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development. As referred to above, the applicant has submitted an Agricultural Land Report and contained within this is an alternative site assessment. This assessment sets out that *'Swale Planning Authority are looking to identify strategic land opportunities in and around Faversham, and on that basis this report sets out a high-level analysis of the theoretical locations for major development sites within the vicinity of Faversham.'*
- 7.4.12 The assessment looks at broad locations, rather than specific sites and limits the search to the areas around Faversham. It concludes that all locations surrounding the town have areas of BMV agricultural land. It is the case that large swathes of the Borough, including in broad terms the land surrounding Faversham is comprised of BMV agricultural land. However, the policy does not restrict the assessment of alternative sites to a specific catchment. The scheme is a residential led development for which there is a Borough wide need. As such, the alternative site assessment should assess whether there are any alternative sites in the Borough as a whole. It is the case that areas of the Borough on lower grade agricultural land are in general terms constrained by other factors, such as flood risk, and that the site is large in scale, reducing the possibility of alternative sites not on BMV that also satisfy the policy requirement of achieving sustainable development being readily available. However, in the absence of this information it is not possible to conclude that this part of the policy has been complied with.
- 7.4.13 The second part of the policy sets out 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.
- 7.4.14 The Agricultural Land Report provides details regarding the first matter and states that the site is currently occupied by two separate agricultural enterprises. Based on the information submitted, it is concluded that only the business of one of the tenants (Tenant A) would be able to continue after the loss of the site from agricultural use due to the development. This point has been assessed for the Council by an independent rural consultant who has concluded, that of Tenant A's total farmed area, 13.6% (amounting to 20.8 hectares) of it is located on the application site and as a result would be lost by virtue of the development. The existing farm buildings operated by Tenant A in association with their business are not located on the application site and therefore it is assumed that they will remain in use. As a result, the rural consultant is of the view that although 13.16% of Tenant A's total farmed area is not an insignificant amount, this should not impact to such a degree that the existing operations cannot continue in a similar way.
- 7.4.15 In assessing whether the development will likely result in accumulated and significant losses of high quality land, as set out above, the proposal would once fully built out, lead to the loss of approximately 127 hectares of BMV agricultural land. As also discussed above, the Borough is comprised of large areas of BMV agricultural land. Comparing the amount of agricultural land lost as part of this proposal against the total quantity in Borough results in a loss of 1.01% of grade 1; 0.22% of grade 2 and 0.25% of grade 3 (grade 3 is not split out into 3a / 3b on wider mapping so this is the closest calculation possible). On this basis, it is not considered that these percentages can be considered

as significant losses. In terms of accumulated losses of agricultural land, even though the overall percentages are small, in combination with other development over time it is likely that this would be the case.

7.4.16 As a result of the above, the proposal does not satisfy the criteria contained within policy DM31 which would allow development to take place on BMV land. The proposal is therefore in conflict with policy DM31 of the Local Plan, along with policies ST1 and ST7 in relation to agricultural land, policy FAV7 of the Faversham NP and the aspirations of the Boughton and Dunkirk NP in relation to agricultural land.

7.5 Size and Type of Housing

7.5.1 The NPPF recognises that to create sustainable, inclusive, and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.

7.5.2 The Local Plan policy CP3 requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflects that of the Strategic Housing Market Assessment (SHMA). Subsequent to the adoption of the Local Plan, the Council's Housing Market Assessment (HMA) was prepared in 2020 after the introduction of the standard method for calculating the objectively assessed need. As such, the housing mix has been considered against that set out in the HMA, although in any case the HMA (2020) broadly echoes the Local Plan requirements in terms of the mix of dwelling sizes.

7.5.3 Policy FAV3 of the Faversham NP states the following: *“Residential schemes should include a mix of accommodation to meet local housing need, based on the latest available evidence, including:*

- a. accommodation suitable for families (3 bedrooms) as a predominant part of the mix;*
- b. smaller accommodation (2 bedrooms or fewer) suitable for first-time buyers or renters or those seeking to downsize;*
- c. accommodation suitable for older people and those with limited mobility.”*

7.5.4 Policy H3 of the Boughton and Dunkirk NP deals with the topic of housing mix and states “Proposals for new residential development in the Plan area should include a mix of housing types, including smaller homes for people seeking their first home or for older people seeking to downsize from larger properties.”

7.5.5 The application has been submitted in a hybrid format. As a result, phase 1, which includes 261 dwellings has been submitted in detail with the remainder of the housing (contained in phases 2, 3, 4, 5 and 6a) submitted in outline. The requirements for the mix of market and affordable housing, which totals 261 units on phase 1 is set out in the below table which shows the proposed mix against the requirements for market and affordable housing as set out in the HMA:

Tenure – HMA (figures have been rounded)	1 bed	2 bed	3 bed	4+ bed
Market Required	7%	33%	41%	19%
Market Proposed	13%	34%	34%	19%
Affordable Required	27%	23%	30%	20%
Affordable Proposed	9%	35%	38%	18%

7.5.6 In respect of phase 1, this is located in the part of the site covered by, as well the Local Plan, the Faversham NP. Therefore, in terms of assessing the above, the first point to take into account is that the HMA reflects the needs of the Borough as a whole. The Local Plan as well as having a Borough wide requirement, also splits out the needs of specific Local Housing Market Areas. This site would fall in the Faversham and East Swale Rural Local Housing Market Areas which states “The development of family housing in keeping with the character of the existing area should be encouraged”.

7.5.7 When taking the Local Plan, the HMA and the Faversham NP together it is considered that the mix of units on phase 1 reflects the requirements of these policies in terms of bringing forward a mix of housing types, which includes family housing with 3 bed units forming a predominate part of the mix. In addition, there are smaller units to cater for first time buyers or those looking to downsize. The housing mix on phase 1 is therefore in broad compliance with policies CP3 of the Local Plan and FAV3 of the Faversham NP.

7.5.8 In terms of the remaining residential phases, these have all been submitted in outline. As a result, the precise mix of the units will not be known or considered until the reserved matters stage. Therefore, a condition is recommended below in order to ensure these details are submitted and agreed at the appropriate point. On this basis the outline element of the scheme is in accordance with policy CP3 of the Local Plan, FAV3 of the Faversham Neighbourhood Plan and policy H3 of the Boughton and Dunkirk NP.

7.6 Affordable Housing

7.6.1 The NPPF sets out the requirement for setting appropriate affordable housing levels for new development based on up-to-date evidence. Policy DM8 of the Local Plan sets out the approach to securing affordable housing on development proposals of eleven or more dwellings. The policy is underpinned by viability evidence which has informed a zonal approach such that for ‘Faversham town and urban extensions’ the percentage of affordable housing sought is 35% whilst for ‘All other rural areas’ the percentage of affordable housing sought is 40%. The policy states that 0% affordable housing is sought in relation to older persons housing.

7.6.2 The supporting text to policy DM8 at paragraph 7.3.7 states that affordable housing percentages will be sought on proposals by reference to ‘different market areas’. The evidence that informed the housing market areas referred to in Policy DM8 includes the Local Plan Viability Assessment.

7.6.3 Further to the above, in broad terms, approximately two thirds of the application site (i.e. the western two thirds) is within the area designated by the Faversham NP. When dealing with affordable housing in overall percentage terms the Faversham NP refers back to policy DM8 of the Local Plan.

- 7.6.4 Policy H3 of the Boughton and Dunkirk NP states that developments of 11 or more dwellings must provide 40% affordable housing. The eastern most part of the application site (the area of the site that lies to the east of the railway line and up to the eastern boundary of the site where it meets M2 Junction 7; and a small section to the west of the railway line) is within the area designated by the Boughton and Dunkirk NP. As per policy H3 of the Boughton and Dunkirk NP, 40% of the dwellings in this area should be affordable.
- 7.6.5 Starting with the overall percentages, taking the above details together with the Land Use Parameter Plan and the Indicative Phasing Plan results in a 35% requirement of affordable housing in phases, A and 1 to 4, a 36% requirement in phase 5 and a 40% requirement in phase 6a. The 36% requirement has been calculated due to a small area of phase 5 falling within the area covered by the Boughton and Dunkirk NP where there would be a requirement for 40% affordable housing with a much larger part of this phase having a requirement for 35% affordable housing. On this basis, having applied the necessary weighting, the result for phase 5 is 36%. These percentages have been agreed with the developer which will be secured in the S.106 agreement. As a result, the overall percentages of affordable housing accord with policies DM8 of the Local Plan, the aims of the Faversham NP (where it refers to policy DM8 of the Local Plan), and policy H3 of the Boughton and Dunkirk NP.
- 7.6.6 Turning to the split of the affordable units, point 2 of policy DM8 of the Local Plan requires *‘The size, tenure and type of affordable housing units in accordance with the needs of the area’*. In addition, 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’*.
- 7.6.7 In respect of the split, policy FAV3 of the Faversham NP states that affordable housing provision should be split as 66% affordable rent and 34% affordable ownership.
- 7.6.8 Policy H4 of the Boughton and Dunkirk NP states that at least 25% of affordable housing shall be offered as First Homes for a period of at least six months, in accordance with the national and local eligibility criteria.
- 7.6.9 In terms of the proposal, a tenure split of 50% shared ownership and 50% social rent has been proposed for phase 1, with the tenure split for the remaining phases to be determined at the point in time when they come forward. An ‘Affordable Housing Tenure Statement’ has been provided in support of the application which sets out a list of Registered Providers (RPs). The list of RPs are split into those who were discounted due to the Council informing the applicant that they are not active in the Borough; those who either did not reply to correspondence from the applicant or confirmed they had no interest in the site; and those RPs who the applicant has actively engaged with. The document sets out that each of the RPs who have engaged have confirmed that they would not be prepared to take the affordable if the tenure split was to be defined as per the development plan requirements, as set out above.
- 7.6.10 The Councils Accommodation Supply and Resettlement Manager has reviewed the document and has commented that the number of RPs contacted is acceptable and their responses are reflective of the challenges being faced in delivering S.106 affordable

housing. The rental homes being provided as social rent is very much welcomed as this provides a more affordable product for future tenants, reducing the risk of repeat homelessness. This is also the preferred tenure of Government as set out in the Written Ministerial Statement (30th July 2024). On this basis the Councils Accommodation Supply and Resettlement Manager considers the proposed tenure split to be acceptable. They also consider that due to the long term timeframe for building out the scheme, that it is sensible to agree the tenure split for the remaining phases as and when they come forward. This is on the basis that the needs may change over the timeframe in which the scheme would be delivered.

7.6.11 As set out above, the tenure split for phase 1 differs from the various requirements in the development plan documents which relate to the site. However, there are relevant material considerations that are required to be taken into account. Firstly, as set out by the Councils Accommodation Supply and Resettlement Manager, there are on-going challenges in the delivery of affordable housing secured by S.106 agreements. This is reflected in the responses that have been received from RPs as set out in the 'Affordable Housing Tenure Statement'. In addition, 50% of the affordable units will be provided as social rent. This is the most affordable rented product available (providing typically a discount of 50% against market rents) and as such will widen the accessibility as far as possible for those in affordable housing need.

7.6.12 Therefore, it is acknowledged that specifically in terms of the tenure split for phase 1, there is a conflict with part 2 of policy FAV3 of the Faversham NP, and a single element of policy DM8 of the Local Plan which requires the tenure of affordable housing to be in line with the needs of the area (i.e. the 90/10 split as referenced above). Phase 1 of the development is outside of the Boughton and Dunkirk NP Area so there is no conflict identified in that regard.

7.6.13 In terms of the mix of affordable units as set out in the table above, although there is a range of affordable units being provided, it does not entirely align with the needs of the Borough. However, as the needs of the Borough are considerable and as a result there is a need for affordable housing of all units sizes, the proposed mix would contribute towards meeting the identified need.

7.6.14 In respect of other affordable housing related matters, as discussed further elsewhere in this report, it is considered that the affordable housing units have been distributed throughout phase 1 and are not distinguishable from the open market dwellings. On this basis the scheme complies with part 4.a of policy FAV3 of the Faversham NP. In addition, Policy H7 of the Boughton and Dunkirk NP sets out that preferential access to affordable housing should be given to people with a proven local connection and subject to meeting the eligibility criteria of the of the Borough Council's Housing Allocation Policy. This is a matter this will be addressed in the S.106 where there will be a requirement to adhere to the Council's Housing Allocation Policy (for the rented accommodation). As a result, the scheme also complies with policy H7 of the Boughton and Dunkirk NP.

7.6.15 The proposals also include 25% of the affordable housing units provided to M4(3) standard with the remaining 75% provided to M4(2) standard. This will ensure that the housing needs of different groups can be met as required by policy CP3. Policy H1 of the Boughton and Dunkirk NP states that all new dwellings should comply with Part M of Building Regulations. As above, all of the affordable units would be built to this

standard.

7.6.16 Taking the above matters together, there would be compliance with the relevant policies in respect of the overall number of affordable housing across the site. Whilst there would be some conflict with parts of affordable housing policy related to the tenure split and the mix in respect of phase 1, this needs to be considered in light of the evidence that has been provided, the comments of the Council's Accommodation Supply and Resettlement Manager and in particular the affordable housing, in the form of social rented dwellings that are being provided and the wider benefits this brings. In addition, the development would provide as a whole, in the region of 890 affordable dwellings. Considering the numbers involved this would, over a long period of time, make a consistent and valuable contribution towards affordable housing provision in the Borough.

7.6.17 Due to the assessment above it is concluded that when all matters are considered in the round, despite some conflict with elements of the affordable housing policy as set out, the scheme as a whole is acceptable in terms of matters related to affordable housing.

7.7 Landscape and Visual

Landscape Designations

- 7.7.1 At a national level, the site is located within Natural England's National Character Area (NCA) 113: North Kent Plains. The key characteristics include:
- An open, low and gently undulating landscape, characterised by high-quality, fertile, loamy soils dominated by agricultural land uses;
 - Large arable/horticultural fields with regular patterns and rectangular shapes predominating, and a sparse hedgerow pattern;
 - Orchards and horticultural crops characterise central and eastern areas, and are often enclosed by poplar or alder shelterbelts and scattered small woodlands.
- 7.7.2 The site itself being made up of large, gently undulating arable fields is representative of the above characteristics.
- 7.7.3 As set out in the Swale Landscape Character and Biodiversity Appraisal SPD, the site is located in Local Landscape Character Area 20 – Faversham and Ospringe Fruit Belt (LCA 20). This landscape character area lies to the south, south-east and east of Faversham, extending from the southern boundary of Faversham to the foot of the North Downs dip slope. The SPD states that the key characteristics of this area are:
- Gently undulating landscape that steadily climbs southwards;
 - Mixed geology of head brickearth, Thanet beds drift, clay-with-flints and chalk;
 - Small to medium-scale orchards and large open arable fields;
 - Woodland shaws and new plantation;
 - Mature fragmented hedgerows supplemented with post and wire fencing;
 - Many fine historic buildings in local vernacular style;

- Motorways, A and B roads, narrow winding lanes. Many lanes of historic interest including former drovers' routes and the A251, a former turnpike road.

- 7.7.4 As set out above, the site displays a number of these characteristics in that it is a gently undulating landscape which is predominately comprised of large open arable fields. Highway infrastructure as referred to above defines the vast majority of the site boundaries.
- 7.7.5 The Swale Landscape Character and Biodiversity Appraisal SPD describes the condition of the Faversham and Ospringe Fruit Belt as 'Good'. The guidelines for this local landscape character area are to 'Conserve and Reinforce' and the sensitivity is described as 'Moderate'.
- 7.7.6 The Council's Urban Extension Landscape Capacity Study (2010), referred to in policy DM24, includes '*Study Area 3 – East of Faversham*' where the part of the site to the east of the railway line is located and '*Study Area 4 – South East of Faversham*', within which the part of the site to the west of the railway line is located. The document as referred to above was produced in 2010 and therefore some of the assessments it makes have been overtaken by events, especially in reference to where built form in Faversham begins and ends. For example, development at Lady Dane Farm and Preston Fields has in the context of the application site, altered the surrounding landscape to the east and
- 7.7.7 south of Faversham. Both of these study areas set out that they have a 'moderate' capacity to accommodate change and produces a list of guidelines and mitigation.
- 7.7.8 The Council's Landscape Sensitivity Assessment (2019) includes the site within area FM1. The document describes this area as "*the gently undulating fruit belt and arable farmlands to the south and east [of Faversham].*" The assessment finds that the area is 'moderately' sensitive to future change from residential development (2-3 stories in height) and 'moderately' sensitive to future change from light industrial employment development. It is the only area around Faversham assessed in the document which is not judged as being either 'moderate-high' (1 of the 7 areas assessed) or 'highly' sensitive (5 of the 7 areas assessed) to future change.
- 7.7.9 The site itself is not subject to any landscape designations. In terms of the relationship of the site to landscape designations which sit outside of the site, there is a separation distance of approximately 220m from the closest part of the Kent Downs National Landscape which sits to the south of the M2. In addition, there is an Area of High Landscape Value (AHLV) (Kent Level) which runs adjacent to the southern side of the M2. As a result, at its closest point the AHLV lies approximately 40m away from the site boundary.
- 7.7.10 The Boughton and Dunkirk NP shows the eastern part of the site (i.e. that part of the site in the Boughton and Dunkirk NP Area) as being located in the Boughton Fruit Belt South. The objective for this character area is to maintain the open character of the area and in particular its role as part of the countryside gap between Faversham and the villages. The proposal would place a water treatment works, along with commercial and residential development in the eastern part of the site falling within the Boughton Fruit Belt South.

Landscape Impacts

- 7.7.11 Chapter 6 of the ES assesses significant landscape impacts and includes a Landscape and Visual Impact Assessment (LVIA). In turn a further suite of documents related to assessing landscape impacts are contained in Appendices 6.1 to 6.11 of the ES. ES Chapter 15 – Lighting and Night Time is also referred to below.
- 7.7.12 The Council has instructed an external consultant to review the landscape elements of the proposal, in addition to a wider review of the Environmental Statement which has taken place.
- 7.7.13 The independent review of the ES carried out on behalf of the Council, highlighted (in the second review) that a number of matters in relation to Chapter 6 of the ES – ‘Landscape and Visual Amenity’ remain unresolved and as a result clarification was required, along with potential Regulation 25 requests. The applicant provided detailed responses to these matters which are summarised as follows (table on next page):

	Clarification Required	Applicant's Response
1	Whether Local Character Area (LCA) 3 should be removed from the list of scoped out receptors.	LCA 3 should be removed from the list of scoped out receptors. However, this LCA is assessed as relevant elsewhere in the ES.
2	Why the baseline divides LCA 20 into three areas, but the assessment only deals with two areas.	Three areas of sensitivity within LCA 20 are identified reflecting localised variations in landscape value. The assessment of effects of the development upon LCA 20 for both construction and operational phases differentiates between two distinct areas, (i) the application site and its immediate context and (ii) beyond the immediate context of the application site. The sensitivity of these two areas in LCA 20 is considered in the assessment of effects, which results in three ratings of sensitivity.
3	Clarify that if the assessment has assessed the parameters or the illustrative masterplan;	The principles of the illustrative masterplan are consistently referred to throughout the ES which will be secured through planning conditions. It is therefore appropriate to consider it upfront as part of the assessment of a realistic development.
4	Clarify what year the operational effect on the landscape values of the Kent Level AHLV relates to.	The judgement reached on impacts would be the same during the period following completion (i.e. in the medium-term / at Year 1) and permanently (i.e. at Year 15).
	Potential Regulation 25 Requests	Applicant's Response
1	The number of visualisations provided (two) is very small. There are significant effects on visual receptors not represented and should be as part of the ES.	There are no guidelines regarding the number of visualisations that should be produced. Professional judgement was used in choosing viewpoints from where it was considered more difficult for readers of the ES to understand the visibility of the proposed development. It is considered that appropriate visualisations have been prepared.
2	Receptors and viewpoint numbers in chapter 15 (Lighting and Nighttime) are not related to receptors and viewpoint numbers in the LVIA. A summary of how the lighting will effect the landscape and visual receptors in the LVIA needs to be provided.	There is no requirement in the EIA Regulations or guidance that night time effects need to be included in an assessment on Landscape and Visual Amenity as well as in a separate Lighting and Night Time assessment. The assessments have considered the same receptor locations where there is likely to be likely significant effects experienced during both daytime and at night. Receptor locations scoped into the Lighting and Night Time

		chapter include viewpoints that were used in the Landscape and Visual Amenity chapter as they would experience the worst case scenario in terms of lighting.
3	Clarify that if the assessment has assessed the parameters or the illustrative masterplan.	The principles of the illustrative masterplan are consistently referred to throughout the ES which will be secured through planning conditions. It is therefore appropriate to consider it upfront as part of the assessment of a realistic development.
4	Clarification as to what mitigation is being relied upon for the detailed and outline aspects of the scheme.	This ES sets out the definition of embedded and additional mitigation (which are a combination of what is otherwise referred to as primary (an inherent part of the project design), secondary (requires further activity in order to achieve the anticipated outcome often secured through planning conditions, requirements and/or management plans) and tertiary mitigation (required regardless of any EIA assessment)). The principles of the illustrative masterplan are consistently referred to throughout the ES which will be secured through planning conditions. It is therefore appropriate to consider it upfront as part of the assessment of a realistic development.

7.7.14 It was considered that the responses addressed clarification points numbered 1 and 2 above, and potential Regulation 25 requests numbered 2 and 4. However, in terms of clarification points 3 and 4, and potential Regulation 25 requests numbered 1 and 3 (which raised the same issue as clarification point 3), there was still insufficient certainty. As a result, the agent was written to seeking further information regarding these points. A further detailed response was received which set out the following summarised points.

7.7.15 In respect of clarification point 3 (which became a potential Regulation 25 request, also under point 3 as above) it was confirmed that the full extent of the proposal, including fixed residential parcels and buildings up to 25m in height had been assessed in the ES and provided the examples where this had been done.

7.7.16 In terms of clarification point 4, the applicant responded stating that the reason the effects are the same is that some views of the tops of buildings above the level of the planting would remain even after planting had established.

7.7.17 In relation to point 1 of the potential Regulation 25 requests, two further visualisations have been provided, both from within the National Landscape. The first of these is close to the northern boundary of the National Landscape (the closest part of the National Landscape to the site) and the second is a visualisation of one of the existing illustrative

viewpoints. Reasons for discounting other visualisations have been provided.

7.7.18 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.

7.7.19 Having assessed the above, it is considered that the points of clarification have been adequately addressed. In terms of the potential Regulation 25 requests, the responses that have been received are considered to adequately address the points and as a result Regulation 25 requests are not required. Therefore, it is considered that a reasoned conclusion on the environmental effects in terms of Landscape and Visual Amenity has been provided and can be considered, in addition to other related matters as follows.

7.7.20 In assessing the impact of the development, policy DM24 of the Local Plan states the following:

“Part A. For designated landscapes areas:

Within the boundaries of designated landscape areas, as shown on the Proposals Map, together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

1. The Kent Downs Area of Outstanding Natural Beauty (AONB) is a nationally designated site and as such permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB will only be granted subject to it:

1. conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;

2. furthering the delivery of the AONB’s Management Plan, having regard to its supporting guidance documents;

3. minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and

4. being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area.

2. Areas of High Landscape Value (Kent and Swale Level) are designated as being of significance to Kent or Swale respectively, where planning permission will be granted subject to the:

1. conservation and enhancement of the landscape being demonstrated;

2. avoidance, minimisation and mitigation of adverse landscape impacts as appropriate and, when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh harm to the Kent or Swale level landscape value of the designation concerned.

Part B. For non-designated landscapes:

1. Non-designated landscapes will be protected and enhanced and planning permission will be granted subject to:

- 1. the minimisation and mitigation of adverse landscape impacts; and*
- 2. when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.*

Part C. For all landscapes:

1. The scale, layout, build and landscape design of development will be informed by landscape and visual impact assessment having regard to the Council's Urban Extension Landscape Capacity Study and Landscape Character and Biodiversity Appraisal SPD, including, as appropriate, their guidelines, and the key characteristics, sensitivity, condition and capacity of character area(s)/landscapes, taking opportunities to enhance the landscape where possible, including the removal of visually intrusive features."

7.7.21 The supporting text to policy DM24 also references the Swale Urban Extension Landscape Capacity Study (2010) and states that the document gives commentary as to the ability for the area surrounding Faversham (and other settlements) to accommodate change, and offers guidelines and mitigation should development be proposed.

7.7.22 Policy ST1 (11.b) of the Local Plan requires proposals to protect, and where possible, enhance, the intrinsic character, beauty and tranquillity of the countryside. Policy ST7 of the Local Plan requires proposals to ensure that the landscape qualities and distinctive features of the Kent Downs National Landscape remain valued, secure and strengthened, alongside other local landscape designations. It also requires development to ensure that it is appropriate to landscape character and quality.

7.7.23 Policy FAV7 of the Faversham NP states amongst other matters that development should have no adverse impacts upon designated landscapes and that any potential adverse impacts should be minimised and, if required, appropriate mitigation and enhancement should be secured as part of development proposals, in line with other requirements within this policy. The policy also states that the loss of green or natural landscape through development should be balanced through provision of green infrastructure, landscaping, planting and net gains to wildlife and biodiversity in the design and layout of development. Policy FAV11 states that development should have no adverse impact on the rural setting of Faversham.

7.7.24 Policy E1 of the Boughton and Dunkirk NP states that developments which respect and enhance the tranquillity, local landscape, character, environmental quality and amenity value of Boughton and Dunkirk parishes will be supported in principle. Policy E2 sets out that development which actively seeks opportunities for landscape gain will be supported in principle. Policy E4 states that any development conflicting with the protection of the natural landscape and sensitive sites and wildlife in 'The Blean' and the surrounding fruit belt will not be supported. Policy E5 sets out that new development having a landscape impact must demonstrate that they have had regard to and reflect the LCA they are

located within and must follow policy guidelines of the Local Plan and Boughton and Dunkirk NP. As defined by the Boughton and Dunkirk NP the site is located in the 'Boughton Fruit Belt South' which has an objective to maintain the open character of the area, and in particular its role as part of the countryside gap between Faversham and the villages. Policy AS13 sets out that development will be supported which contributes to protecting and where possible, enhancing the intrinsic value, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.

- 7.7.25 The Kent Downs AONB Management Plan 2021-2026 is referred to in policy DM24 of the Local Plan. The application site is in the setting of the Kent Downs National Landscape, regarding which The Management Plan states the following:

"Proposals which would affect the setting of the AONB are not subject to the same level of constraint as those which would affect the AONB itself. The weight to be afforded to setting issues will depend on the significance of the impact. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. Where the qualities of the AONB which were instrumental in reasons for its designation are affected by proposals in the setting, then the impacts should be given considerable weight in decisions."

- 7.7.26 One of the aims of the Management Plan is for a landscape where "The setting and views in and out of the AONB are conserved and enhanced." Policy SD1 requires projects to be framed by the aims of the Management Plan. Policy SD8 requires proposals not to negatively impact on the setting and views to and from the National Landscape. Policy SD11 states that where it is decided that development will take place that will have a negative impact on the setting of the National Landscape, mitigation and or compensatory measures will be identified, pursued, implemented and maintained.

- 7.7.27 The Kent Downs Setting Position Statement lists examples of adverse impacts that development might have on the setting of the National Landscape. These include significant views into or out of the National Landscape, loss of tranquillity through the introduction of or increase of lighting, noise or traffic movement, introduction of an abrupt change of landscape character, and loss or harm to heritage assets and natural landscape.

- 7.7.28 The Countryside and Rights of Way Act is primary legislation relating to National Landscapes and was amended by the Levelling-Up and Regeneration Act 2023 (which came into force on 26th December 2023). The amendment replaces the previous Duty of Regard to National Landscapes (previously known as Areas of Outstanding Natural Beauty) with the following requirement - *'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'*. The PPG confirms that the duty also applies to functions undertaken outside of the boundary of the National Landscape which affects land within it.

- 7.7.29 In respect of the NPPF, paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes; and recognising the intrinsic character and beauty of the countryside. Paragraph 189 of the NPPF states that development within the setting of National Landscapes should be sensitively located and designed to avoid or minimise adverse

impacts on the designated area.

- 7.7.30 The site itself falls within a non-designated landscape. However, it does lie relatively close to the boundary of the Kent Downs National Landscape, which is located to the south of the M2. It is also located in close proximity to the boundary of the Kent level AHLV. The setting of these designated landscapes does not have a geographical boundary. The Kent Downs National Landscape Setting Position Statement sets out that (for the National Landscape), the setting comprises land outside the National Landscape but which is visible from it and from which the National Landscape can be seen. In this respect, it is concluded that the site lies within the setting of both the Kent Downs National Landscape and, taking the same approach, the Kent Level AHLV. These matters are assessed further below.
- 7.7.31 As the site is in a non-designated landscape, appendix 6.10 of the ES assesses the value of the landscape, in order to conclude whether the site is a 'valued landscape', in terms of paragraph 187 of the NPPF. In order to assess this, the table contained in the Landscape Institute's Technical Guidance Note 'TGN 02-21 Assessing Landscape Value Outside National Designations' (2021), which sets out a range of factors to consider, has been used.
- 7.7.32 Assessing the site against these various factors, the conclusion drawn in appendix 6.10 is that outside of the nationally designated (the National Landscape) and locally designated (the Area of High Landscape Value) landscapes, the landscape value of the site should be considered of 'community value' which is defined as *"everyday landscape which is appreciated by the local community but has little or no wider recognition of its value."*
- 7.7.33 In considering this matter, the Landscape Institute defines a 'valued landscape' *"as an area identified as having sufficient landscape qualities to elevate it above other more everyday landscapes."* In respect of this, although 'valued landscapes' need not always be landscapes which are designated, it is an important consideration that through the Local Plan, this area has not been assessed as being worthy of designation. The analysis set out in appendix 6.10 is considered to be a reasonable judgement on landscape value and aside from the error where it concludes that there are no designated heritage assets on the site (when there is in fact one), this is not considered to alter the conclusion. In overall terms, the site, is considered to be representative of the landscape character area within which it sits (as described above) and does not have sufficient landscape qualities to elevate it above other more everyday landscapes. As a result, for the purposes of the NPPF, the site and its immediate context, outside of the designations, is not considered to be a 'valued landscape'.
- 7.7.34 The Landscape and Visual Impact Assessment (LVIA) is contained within Chapter 6 of the ES. Separately to the ES review, as referred to above, a Landscape Opinion has been obtained from an independent Landscape Consultant.
- 7.7.35 The LVIA has used a study area defined by the visual envelope of the application site and the anticipated extent of visibility arising from a Zone of Theoretical Visibility (ZTV). The ZTV has been generated using the maximum building heights parameters. The ZTV provides a theoretical model of potential visibility of the development. A further analysis was then undertaken to assess landscape features / buildings which would screen the

development from within the ZTV. Therefore, within the ZTV the visibility of the development will be limited to the site's local context, which extends approximately 1km to the east and west of the site and approximately 3km to the north and south. The LVIA defines this area of visibility as the Zone of Visual Influence (ZIA). Based on field work carried out, outside of the ZIA, it is concluded that there will be negligible effects on landscape and visual receptors. As a result of this, a number of landscape and visual receptors which are inside the ZTV, but outside of the ZIA have been scoped out of the LVIA. As a result, 21 receptor groups have been identified and assessed within the LVIA which comprise a mixture of landscape character and visual receptors. The impact of the development is split into those from construction of the development; when the development is operational; cumulative effects of construction and cumulative effects of operational development.

7.7.36 The LVIA concludes that during construction and once the development is operational, it is likely to become the dominant characteristic of the landscape both within the site and its immediate context. Beyond approximately 2.5km to the north and south of the site, the eastern edge of Faversham and the A299 Thanet Way to the east, negligible scale (or less) effects will occur. As a result of this, the LVIA takes the view that although there will be large scale major adverse effects from construction and the operation of the development within and immediately adjacent to the site, there will be no significant effects on overall landscape character areas within the study area.

7.7.37 The Landscape Opinion as referred to above takes the view that the LVIA reduces the significance of effects on landscape receptors, particularly for the site and its immediate context. The applicant has provided a response to this and clarifies this by setting out that large scale effects on LCA 20 have been identified for the area contained by the M2, the A2 and new development to the west of the application site. However, due to the size of the LCA as a whole, the effects will only occur over a limited part of the LCA. Therefore, as the application site and its immediate vicinity has a moderate sensitivity the LVIA has recorded permanent effects of moderate adverse significance.

7.7.38 This is considered to be a reasonable conclusion based on sound rationale. Despite this difference in opinion, sound conclusions on landscape impact can be drawn from the information available.

7.7.39 In terms of visual receptors, the LVIA found that there would be significant effects from the construction and operation of the development on two visual receptor groups (group 1 – major adverse effects; and 4 – major – moderate adverse), described as follows:

- Group 1 - The application site and its immediate context, which includes residents and visitors using the footways, local roads and PRow ZF21, ZF23 and ZF26 within the Application Site and its immediate context; sections of Salters Lane, Selling Road and B2040 Love Lane bordering or passing through the Application Site; and pedestrian footways along these aforementioned local roads; the M2 to the east and south; and A251 Ashford Road to the west; the southeastern edge of Faversham where visibility has been found along A2; and Canterbury/London Road.

- Group 4 - Landscape south of the M2, which includes the residents and visitors using the footways, local roads and PRow ZF20, part of ZF21 and ZF38 to the south of the M2, between Selling Road, A251 Ashford Road and Gosmere/Owen's Court Road.

- 7.7.40 The LVIA found a number of other receptor groups that would be subject to slight adverse to moderate adverse effects from the construction and operation of the development. Within the LVIA, moderate effects are not considered to be 'significant', a matter raised in the Landscape Opinion as being a more realistic assessment of the effects of the development. The applicant responded to this point setting out that only effects that are major-moderate or major have been classified as significant. If the threshold was altered, then this would result in a disproportionate number of significant effects. In addition, the independent review of the ES sets out that there is no specific guidance on this matter and the threshold at which an effect is deemed as significant is down to professional judgement.
- 7.7.41 Regardless of the above, taking a precautionary approach on this matter would not alter the impact that has been identified for the site and its immediate surrounds, which as discussed above, the effects of which would be major adverse. These effects have been concluded, taking into account the embedded mitigation that is proposed. The mitigation takes the form of embedded mitigation, i.e. the Construction Environmental Management Plan, the illustrative Landscape Masterplan and the Ecology and Landscape Management Plan.
- 7.7.42 In terms of this point, this is considered to be a reasonable conclusion. The application site is large and contains, as discussed above, landscape features which are characteristic of the LCA within which it is located. The proposal would introduce built form of a major scale and would, despite the recent introduction of development in Faversham to the south of the A2, contribute to almost continuous urban development from the edge of the existing built confines of Faversham to Brenley Corner. The proposals, as accepted in the LVIA, would give rise to harm to the localised landscape both during construction and operation given the change from an agricultural landscape to built development. The rural approach to the east of Faversham would be eroded within the confines of the site. There would also be partial erosion of the rural gap that currently exists between Faversham and Boughton-under Blean. However, the M2 does provide a strong and permanent barrier between the settlements (along with countryside to the east of Brenley Corner). As a result, the settlements would not be physically merged by virtue of the proposals despite being brought closer together.
- 7.7.43 As discussed above, the site is within the setting of the Kent Level AHLV, which runs along the southern boundary of the M2. Appendix 6.11 of the ES also deals with effects upon the AHLV (and the National Landscape). The AHLV covers a wide area with parts of it in close proximity to the application site and the furthest extent to the south being 2.6km away from the site. The LVIA concludes that during the construction of the development the long term temporary effects will be at worst of moderate adverse significance within a localised extent. The LVIA then considers that this will then reduce during the operation of the development where the effects on the natural beauty and special qualities of the AHLV will be at worst of slight adverse significance within a localised extent. The impacts between year 1 and year 15 of the development do not alter this assessment, as the applicant points out that despite the bund on the southern boundary of the site (to the north of the M2) being in situ and planting maturing, some view of the tops of the buildings above both the bund and the planting will remain. It should be noted that these impacts upon landscape character in the AHLV are separate from the impacts upon visual receptors which is described above in terms of 'Group 4'.

- 7.7.44 As a result of this assessment some harm is identified to the setting of the AHLV which is agreed with. Users of public bridleway ZR38 and ZR633, which runs immediately south of part of the M2, would be in closest proximity to the application site. Users of this footpath would have the closest views of anywhere within the AHLV and impacts here would be greatest. Having said this, the closer that users of these public routes pass to the M2, the urbanising impact that this has reduces these impacts to some extent.
- 7.7.45 In respect of the National Landscape, the closest part of which sits further to the south of the M2 than the AHLV, the LVIA acknowledges that the site lies within its setting. The assessment carried out in the LVIA assesses the site from 6 viewpoint locations within the National Landscape. In addition to this, visualisations have been provided from 3 locations either in or very close to the boundaries of the National Landscape. These are 'south-west of Colkins' (which is close to the boundary of the National Landscape, although within the North Downs AHLV (Kent Level)); Newhouse Lane, Sheldwich (at the northern boundary of the Kent Downs National Landscape in this location); and Gushmere (to the north of Selling). Two of these visualisations were provided after further requests to the applicant in order to enable conclusions on the impact on the setting of the National Landscape to be drawn.
- 7.7.46 The LVIA (as well as Appendix 6.11 as referred to above) acknowledges that there will be a degree of intervisibility between the application site and the National Landscape, albeit from relatively limited locations. This is shown in the visualisations that have been provided and although various parts of the site can be seen, the views predominately relate to the part of the site where the bund and more specifically, the employment buildings are proposed. This is due to their location in the eastern part of the site, where the relationship between the development and the National Landscape is at its closest, and on the basis that the Building Height Parameters Plan shows that the employment buildings will be up to 20m high.
- 7.7.47 During construction, changes to the natural beauty and special qualities indicator of 'Dramatic landform and views; a distinctive landscape character' are described by Appendix 6.11 of the ES as being of a medium scale across a limited area of the National Landscape. This is considered to be a reasonable conclusion due to the relationship of the site with the National Landscape. In terms of the impact of construction activities upon 'Tranquillity and Remoteness' Appendix 6.11 of the ES sets out that "*An increase in sky glow and some point source lights may also be visible at night during winter when the construction activities working hours extend into night time albeit seen in the context of artificial lighting within neighbouring Faversham and along roads, including the M2.*" The impact of the construction activities upon Tranquillity and Remoteness is determined as being of small scale across a limited extent of the National Landscape. This conclusion and rationale for it is appropriate and agreed with. Due to a limited amount of visibility of construction activities, changes to the indicator of 'A rich legacy of historic and cultural heritage' are assessed as being of a small scale across a limited extent of the Kent Downs National Landscape. Again, due to the distances involved and the relationship of the site with the National Landscape, this is a reasonable conclusion. The impact from construction on the remaining natural beauty indicators and special qualities of the National Landscape (Biodiversity-rich habitats; Farmed landscape; Woodland and trees; The Heritage Coasts; and Geology and Natural Resources; Water and wetlands; Vibrant communities; and Access, enjoyment and understanding) are concluded in the ES as being of a negligible scale. On the basis that the development is outside of the

National Landscape and separated by a motorway, this is considered to be a reasonable conclusion.

7.7.48 The ES Appendix 6.11 also deals with effects during the operation of the development in terms of the same natural beauty indicators and special qualities as for the construction activities. Turning firstly to the effects upon *“Dramatic landform and views; a distinctive landscape character”* it is concluded that there will be some visibility of the upper portions of new buildings and structures from locations within the northern parts of the National Landscape. These include in relatively close-range views in the vicinity of ‘Colkins’ (as referred to above) and views from further afield, including to the north of Sheldwich (approximately 2km away). The nature of these views is dependent upon topography and landscaping between these available viewpoints and the site; with the bund, and in time, the associated planting also assisting to visually screen the development. The conclusion drawn from this in the ES is that the effect that the operation of the development will have on this natural beauty indicator, will be of a medium scale across a limited area of the Kent Downs National Landscape. Having considered the information and assessed the scheme from relevant points in the National Landscape these conclusions are considered to be reasonable.

7.7.49 Impacts have also been identified upon the ‘Tranquillity and Remoteness’ of the National Landscape by virtue of an increase in sky glow and visible lighting at night. It is noted that this would be seen in the context of existing lighting within the town of Faversham and along existing roads, which includes the M2. Where views towards the development are available the supporting documents state that they will generally be towards the southern part of the application site, which is a logical assessment as it is the closest part of the site (from the National Landscape). The changes in this respect are considered to be of a small scale across a limited extent of the National Landscape. This is therefore considered to be a reasonable conclusion.

7.7.50 In respect of the effects of the operation of the development upon the remaining natural beauty indicators and special qualities of the National Landscape (as set out above), all but two are considered to have effects of a negligible scale. The two matters where small scale effects have been identified are ‘Biodiversity-Rich Habitats’ and ‘A rich legacy of historic and cultural heritage’. These matters are considered in separate sections of this report (Ecology and Heritage).

7.7.51 The Kent Downs National Landscape Unit have been consulted on the application and initially raised concern / comments regarding the height of the employment / landmark buildings; the unnatural appearance of the bund due to a lack of planting; the need to minimise impacts from lighting; and opportunities to enhance recreational access.

7.7.52 The applicant provided a detailed response to these points and set out that in respect of the employment buildings, a worst case scenario has been assessed in terms of the maximum parameters and in reality not all these buildings will be 20m in height. In relation to the landmark buildings, these are proposed to be, as demonstrated in the Design and Access Statement, comprised of spires or other such taller elements of smaller buildings. In terms of the bund, planting will be carried out as the final part of construction and will include a mixture of dense native scrub and scattered trees. Lighting is able to be controlled through a condition and enhanced recreational access includes approximately 4.02km of new footpath routes on land owned by the Applicant

to the south of the M2, including areas within the Kent Downs National Landscape. It was also set out that interpretation boards could also be provided.

7.7.53 The Kent Downs National Landscape Unit were re-consulted on this basis and commented that although a number of the original points that they raised had been satisfactorily dealt with, concerns regarding the employment buildings remained. It was considered that the heights needed to be reviewed so that specific locations are identified where the proposed heights could be accommodated without impacting views from the National Landscape, or that the overall height parameters are reduced across the entire employment zone.

7.7.54 The above assessment was discussed with the agent and although requests were made to carry out the above review exercise this has not been undertaken. Instead, a condition has been suggested by the agent which would require the reserved matters for the employment buildings to be accompanied by a design statement that assesses the visual impact of these buildings from the National Landscape, and the measures taken to mitigate any such impact. In order to have further effect the condition has been included with revised wording, which requires the visual impact of the proposed buildings from the National Landscape and measures to be taken to mitigate the impacts, to be agreed prior to the submission of the reserved matters. Although this will enable the Council to control these matters further, the Building Heights Parameter Plan still shows these buildings up to 20m in height. As a result, taking the approach of the worst case scenario, it is considered that even with the more restrictively worded condition, the employment buildings in the setting of the National Landscape would impact upon and detract from views from it, which is a component of the Kent Downs dramatic landform and views special qualities.

7.7.55 As also mentioned in the comments of the Kent Downs National Landscape Unit, footpath connectivity and interpretation boards have been proposed. The matter of additional footpath connectivity is discussed further in this report, both in the section related to Public Rights of Way and in relation to Habitats. In summary, a network of additional off-site footpaths are proposed, approximately 4km in length to the south of the site. These would provide connections and access to the wider landscape, including to and in the National Landscape, on land owned by the applicant which would also be maintained by them. As these footpaths would be outside of the application site, they would be required to be secured in the S.106, which the applicant has agreed to. Clarification has been sought from the agent in respect of any works that would be required to form the footpaths. They have stated that fencing would be covered by permitted development rights and any surfacing improvements would not be at a level which would constitute development.

7.7.56 In terms of the interpretation boards, these are proposed to include information which highlights elements and features that contribute to the area's natural beauty and special qualities, such as its distinctive geology, cultural heritage and nature conservation; to promote the public's understanding of its purpose; and facilitate its promotion and enjoyment. The interpretation boards are not referred to in any other document submitted with the application and therefore as they are outside of the application site an obligation to provide them will be included in the S.106 agreement.

7.7.57 As such, the proposals would, by virtue of developing upon what is currently undeveloped countryside, give rise to harm to views from the National Landscape in the setting of the Kent Downs National Landscape for the reasons described above. However, there would also be benefits to the National Landscape in the form of increased footpath provision and accessibility and the delivery of interpretation boards to the extents as also discussed above. Drawing together the above assessment the following is concluded on the landscape and visual impact of the scheme.

Conclusions - Landscape and Visual Impact

7.7.58 In summary, it has been found that there are significant impacts on the non-designated landscape which the site and its immediate surrounds (to the north, east and west) is located within and slight adverse impacts on the setting of the AHLV to the south. There is some harm to views from the National Landscape caused by development within its setting by virtue of the proposals, although benefits in terms of increased accessibility to the National Landscape and enhanced interpretation.

7.7.59 In terms of policy DM24 of the Local Plan in relation to the non-designated landscape, it requires firstly that adverse landscape impacts are mitigated and minimised and secondly, when they remain, that the social or economic benefits of the proposal significantly and demonstrably outweighs the harm.

7.7.60 In this respect, mitigation is sought to be achieved via embedded measures, which relate to implementation of the Construction and Environmental Management Plan (during construction); implementation of the Illustrative Landscape Masterplan and implementation of the Ecology and Landscape Management Plan. In addition to this, mitigation is proposed in the form of a planted bund (on the southern boundary of the application site) as well as a range of landscape types within the landscape strategy. However, inevitably for a scheme of this scale, significant localised landscape impacts remain. In addition, the scheme would undoubtedly alter the current approach to Faversham from the east (on the south side of the A2) from a rural, agricultural landscape to one of large scale built form. As a result, policy DM24 requires an assessment of the benefits of the scheme and whether these would significantly and demonstrably outweigh the harm. As referred to in the Planning Balance section of the report, there are many benefits associated with the scheme, they attract substantial weight and are wide ranging. As also discussed above, this part of the landscape surrounding Faversham, as assessed in the Council's Landscape Sensitivity Assessment (2019), is the least sensitive landscape to change. It has also been accepted that the most harmful impacts are closely associated with the site and impacts reduce when assessed from wider points. Overall, it is considered that the benefits do significantly and demonstrably outweigh the harm to the non-designated landscape. On this basis the scheme is in accordance with Part B (non-designated landscapes) of policy DM24.

7.7.61 In terms of policy FAV7 of the Faversham NP, the elements that are relevant to the site itself (i.e. the non-designated landscape) state that the loss of natural landscape should be balanced through provision of green infrastructure, landscaping, planting and net gain to wildlife. As discussed elsewhere in this report these matters have been appropriately dealt with and therefore, it is considered that this element of policy FAV7 has been complied with. In terms of policy FAV10, there would be conflict with the part of the policy that requires development to have no adverse impact on the rural setting of Faversham,

by virtue of introducing large scale built form. In respect of the Boughton and Dunkirk NP, the proposals would, by virtue of developing upon an undeniably rural landscape and failing to protect the intrinsic value, tranquillity and beauty of the countryside, be in conflict with policies E1, E2 and E4 and AS13 as referred to above. There would also be a partial conflict with the objective in the Boughton and Dunkirk NP related to the Boughton Fruit Belt South as the open character of the area would, to an extent, be eroded. There is a degree of conflict with policy E5 of the Boughton and Dunkirk NP in that the proposals have had regard to the LCA that it is located in. However, by introducing built form across part of the LCA it would not reflect the LCA.

7.7.62 Part A of policy DM24 relates to designated landscapes, including the setting of which, and is therefore relevant in this case in respect of both the AHLV and the National Landscape.

7.7.63 In respect of the AHLV to the south of the site, policy DM24 in this regard is split into two parts. The first part states that planning permission will be granted subject to conservation and enhancement of the landscape being demonstrated; and the second part states that when significant impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.

7.7.64 Turning to the first point of this part of the policy, as a degree of harm has been found to the setting of the AHLV, it cannot be concluded that the proposals lead to the conservation and enhancement of the AHLV. As a result, the first limb of this part of the policy is not complied with. In respect of the second point, the earth bund and associated planting, is considered to mitigate and minimise adverse landscape on the setting of the AHLV, albeit slight adverse impacts remain. As a result, impacts have been mitigated and minimised and in any case, the benefits of the scheme are considered to outweigh this low level of harm. Therefore, the scheme is in broad accordance with the second part of this policy. It is noted that the policy does not include an 'and' or an 'or' between the first and second parts. However, it would not be possible to both conserve and enhance the landscape, as per the first part and have significant impacts remain as per the second part. As a result, this policy must be read with an 'or' between the two parts. Therefore, it is considered that as the second part is complied with, there is no conflict in this regard.

7.7.65 In respect of the setting of the National Landscape, as discussed above there has been harm identified in respect of views from the National Landscape. However, the scheme also secures benefits as described above. In assessing the harm, this would be contrary to the requirement in policy DM24 to conserving and enhancing the special qualities and distinctive character of the National Landscape, which includes the setting. The policy also requires the delivery of the Management Plan to be furthered, along with proposals being desirable for the understanding and enjoyment of the area. There is harm and benefits associated with this requirement. Firstly, as set out above there would be some harm to the setting, which the Management Plan specifically aims to protect. However, section 12 of the Management Plan deals with 'Access, Enjoyment and Understanding'. This includes a number of principles which together seek to promote access into the National Landscape, which this development would provide. The Management Plan also details that proposals which assist in the understanding and interpretation of the National Landscape will be pursued. Through the interpretation boards as discussed above, this

would also be achieved, a matter referred to by the Kent Downs National Landscape Unit. In this context, the scheme complies with the related requirement of policy DM24 in that it would further the aims of these aspects of the Management Plan. It would also comply with the part of policy DM24 that requires proposals to be desirable for the understanding and enjoyment of the area, for the reasons given above. As a result, there would be elements of conflict with the part of policy DM24 which deals with the National Landscape, although at the same time there is compliance with other elements of this part of the policy.

7.7.66 Policy FAV7 of the Faversham NP states that there should be no adverse impacts upon designated landscapes but does go on to state that any potential adverse impacts should be minimised and if appropriate, mitigation and enhancement secured. In this case, as some harm has been identified to the AHLV and National Landscape there would be some adverse impacts. However, as discussed above, there would be mitigation. As such, there is a degree of conflict with the first part of the policy, and compliance with the second part.

7.7.67 Taking the above together, DM24 as a whole is relevant as both non-designated and designated landscapes are impacted. Although some harm has been identified as discussed above, mitigation along with the benefits of the scheme are considered to outweigh this. As a result, there is broad compliance with policy DM24. In terms of policy FAV7 of the Faversham NP, there is both a degree of conflict although also areas where the scheme complies with the requirements. Turning to the Boughton and Dunkirk NP, there would be conflict with policies E1, E2 and E4 and AS13 and a degree of conflict with policy E5.

7.7.68 As a result of the above, landscape and visual harm will need to be considered in the Planning Balance section of this report.

7.8 Character and appearance / Design of the development

7.8.1 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.

7.8.2 Local Plan Policy ST1 states in part that development proposals will achieve good design through reflecting the best of an area's defining characteristics. Policy CP4 relates to requiring good design and states that all development proposals will be of a high-quality design that is appropriate to its surroundings. 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.

7.8.3 Policy FAV10 of the Faversham NP, which relates to sustainable design and character, lists 11 criteria that development proposals should meet. This includes that new build

development must complement the existing townscape character of the surrounding area in terms of scale, massing, height and set-back from the road. In addition it sets out that development should complement the predominant 2-3 storey character of the area, provide high quality public realm, prioritise pedestrian convenience with a permeable layout, connect to the PROW network, meet the needs of people with limited mobility, provide active building frontages with natural surveillance, use good quality and sustainable materials, support creative and innovative design, avoid adverse impacts on residential properties due to lighting, take account of the Faversham Design Guidance and Codes and include green infrastructure.

- 7.8.4 Policy H5 of the Boughton and Dunkirk NP states that proposals for new residential development in the Plan area will be supported where they demonstrate they are of good design and a locally distinctive style, with suitable green spaces and children's play areas; demonstrate that they will be sympathetic to the street scene and their settings and include building design features to seek to achieve carbon neutrality and reductions in energy use. Policy E9 sets out that variety in density, layout, building orientation and sizes will be sought to reflect the local context. Building styles and materials must also respect and positively contribute to local distinctiveness. Policy E10 requires a cohesive and high quality design approach for car parking, charging points, boundary treatments, bin stores, utility storage boxes, lighting and street furniture. It also requires landscaping to be native.
- 7.8.5 In terms of the design evolution of the proposals, prior to the submission of the scheme a number of design related meetings were held between the applicant and the Local Planning Authority over a number of years. The applicant also provided a series of masterplan documents for the site in relation to the Local Plan Review process which was taking place prior to the submission of the application. The proposals have also been subject to 'Enquiry by Design'. This is a process which the Planning Statement sets out *"aims to bring together as many local stakeholders as possible; equip them with maps and other source material; and stimulate discussion about the positives and negatives of the local area, and what form new development might best take to maximise benefit to the community. The output is a conceptual masterplan that can then be developed and refined by professionals."* An 'Enquiry by Design' was undertaken in Faversham in 2018 over a period of 4 and a half days and included workshops and a site visit with various stakeholders. Further follow up events took place in September 2021 and November 2022.
- 7.8.6 As a result of this a series of design related documents have been submitted in support of the application, in the form of a Design and Access Statement; a Characterisation Study; Design Manual and a Streets Manual.
- 7.8.7 An assessment of this element of the application has been carried out by the Council's Heritage and Design Manager. These comments are included in the below assessment which is split into two main sections – one dealing with the phase 1 seeking full planning permission and the other dealing with the parts of the site for which outline planning permission is sought.

Phase 1 – Detailed Area

- 7.8.8 *"Phase 1 is located south of the A2 and would form part of the key local centre with*

ground floor commercial units with residential above. Away from the centre are residential dwellings arranged in an organic block structure with curved streets, incidental green spaces and a considerable variety of architectural forms and materials finishes proposed. Parking would primarily be contained within parking courts, some accessed via informal Mews lanes that include cottages, car barns/coach-houses with residential above and garage structures.

- 7.8.9 The local centre would have a higher density and height with commercial uses on the ground floor and apartments above fronting what will eventually be a key street running through the development. Behind are a series of lower density residential neighbourhoods set out in a layout that follows an organic block structure that reflects and draws upon one of Faversham's development patterns identified in the Characterisation study. The arrangement of uses, density and heights have been coordinated rationally across the site, relative to each other and are an appropriate response.*
- 7.8.10 The street structure would allow good permeability through the site, supported by cycle and pedestrian routes that connect with destinations, including the local centre, play and open space and facilities and services outside of the site boundary.*
- 7.8.11 Buildings are for the most part positioned to face outwards to address primary streets, spaces, and infrastructure. However, frequently corner dwellings do not turn the corner well with limited activation to the secondary façade. This is an element that should be reviewed and significantly improved with enhanced articulation of the secondary facades using habitable room windows at ground and first floors and/or include (bay) windows that face both directions. Similarly, active frontages can be improved to dwellings to provide surveillance across parking courts (see note in parking section below).*
- 7.8.12 Streets would be lined by wide variety of building types that, individually and collectively, would create a series of interesting and visually pleasing streetscapes. Buildings of varying heights (ridge and eave lines), masses and designs will sit alongside each other. This would avoid repetition and uniformity across the scheme and instead offer significant variation in appearance and present a coherent character that draws the architectural traditions of Faversham. Accordingly, building scale, massing, façade composition, detailing and materiality are generally acceptable. Similarly, shop frontages would be designed and detailed in a traditional way, which is welcomed.*
- 7.8.13 Although the parking strategy accommodates a variety of options, the primary approach would be parking courts, some accessed via informal Mews lanes, that include cottages, car barns with residential above and garage structures. This approach supports the overall quality of the place by avoid car parking dominating the development or street scene, improving the designed relationship between built form and street and in promoting alternate transport modes. However, it does concentrate parking elsewhere within the layout and despite the landscaping and position of dwellings, it is not wholly successful in providing natural surveillance or avoiding long rows of unbroken parking spaces. Indeed, the positioning of window openings relative to car parking can be improved in some areas to maximise natural surveillance. These parking areas have the potential to accommodate more green infrastructure, particularly trees, to soften the visual impact of cars with related benefits of helping to improve air quality and*

biodiversity. This could be reviewed more generally to ensure surveillance is maximised and planting meets the expectations of the Council's adopted Parking SPD that requires trees every 4 parking spaces.

7.8.14 The character of different residential areas and the types of boundary treatment found in Faversham varies widely and need to be carefully considered in phase 1. We note the boundary treatments in the phase 1 materials plan and can understand decisions for front boundary treatments relative to the context within the site. Rear boundary treatments, however, are more difficult to understand without additional information. In some areas, dominant lines of 1.8m brick walls impose hard street edges that exacerbate the long areas of unbroken hardstanding for parking. Also, there is inconsistency in use with some parking courts edged with walling but others in timber fencing which is generally of poorer quality in visual terms and normally considered a boundary treatment which should be avoided in publicly viewable / frequently used areas. We need to understand how the boundary treatments are being used to help define and reinforce character and an explanation provided within the submission documents.

7.8.15 Cycle parking is appropriate being a minimum of 1 space per unit provided in a mix of private garages, on-plot stores, covered communal stores and public / private locations for the non-residential uses. Cycle parking is thus conveniently sited so that it could be well used.

7.8.16 The open and play spaces outlined, including bund, park, woodland trial, local & primary areas for areas for play are appropriate in urban design terms. These would help define character and provide the settings for the new residential neighbourhoods. They would also help soften built form and increase biodiversity which is acceptable. We think there could also be greater commitment to tree planting to break up rows of parking and to reflect and reinforce character. These should be in build outs and verges and not front gardens where they could be lost. The latest NPPF version is clear that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Accordingly, planning decisions should ensure that new streets are tree-lined unless, in specific cases, there are clear, justifiable, and compelling reasons why this would be inappropriate. Overall, we think the full element has been carefully designed however there are areas that require further explanation or revision."

7.8.17 The above advice was considered well founded and agreed with. As a result, amendments to the scheme were suggest to the applicant which included:

- Additional windows on side elevations of buildings to allow for increase natural surveillance, including in communal car parking areas;
- Additional tree planting in parking areas in order to break up areas of areas of hardstanding;
- Additional street tree planting;
- Further clarity in respect of boundary treatment.

- 7.8.18 On the basis of the above, a series of amended drawings were provided. The comments of the Council's Design and Heritage Manager were again sought and comments received as follows. *"The amendments proposed are positive from a design perspective and consistent with the vision, identity, and character of the scheme. Additional windows to secondary façades across a range of units and the passageway within Plots 1-20 will allow additional engagement with the public realm and surveillance across a variety of spaces including parking courts. This will contribute to a safer and more vibrant street environment.*
- 7.8.19 *The provision for additional street trees and planting to break up long parking runs are welcome. These will make an important contribution to character and community well-being and in improving urban ecosystems, such as enhancing air quality and mitigating climate change. The proposed changes to layout, including relocated dwellings and setbacks from building line are in conformity with the design approaches and characters as set out within the design documents; themselves informed by the detailed study of the layout, landscape and architecture of Faversham. As such, the proposed changes, as a whole, represent a positive evolution to the scheme and are acceptable from a design perspective."*
- 7.8.20 As above, the advice is considered accurate and is agreed with. Overall, the general layout and architectural approach of the detailed part of the scheme in phase 1 has been thoughtfully designed, evolving as a result of studies of the surrounding pattern and style of development and the context of the site. An assessment against relevant policies is carried out further below, beneath the assessment of the design of the outline parts of the scheme, which was also provided by the Council's Design and Heritage Manager as follows.

Outline Elements

- 7.8.21 *"The outline planning application seeks to fix a set of development parameters. These are supported by Illustrative Masterplan, Illustrative Landscape Masterplan and Indicative Phasing Plan which aim to show one way a scheme can be brought forward within the parameters. Alongside these are a series of design documents including D&A Statement, Characterisation Study, Design Manual and Street Manual which underpins the development's vision, identity, and character. Key design characteristics were informed by a Characterisation Study of Faversham and incorporated into the proposed urban form and landscape to provide a contextual response.*
- 7.8.22 *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, best practice including the National Design Guide and learnings from other Duchy schemes.*
- 7.8.23 *The vision seeks to deliver a landscape led, community and sustainability focused masterplan that puts, people, the environment and community at the heart of the design. To ensure this vision is achieved and to secure a consistent and high-quality standard of design the design documents will inform for each individual phase of development. This approach would secure the overarching design approach and ensure its coordination and delivery across the entire settlement. It is suggested that we discuss appropriate planning mechanisms for securing design quality, including the possibility of conditions to ensure that reserved matters for each phase includes a compliance*

document to demonstrate how that phase accords with the overarching design documents. These, taken with the multiple management mechanisms by the Duchy, would likely ensure a high quality of design delivered throughout the development process.

7.8.24 As the new settlement would take years to build out providing homes, community facilities, employment, and leisure activities to a new population, it is vital that the design approach remains flexible. Changes in, for instance, different working patterns, alternative modes of transport, and developments in technology may require changed approaches to the design and therefore the Design and Street Manuals may need periodic updating. It is thus important that there is a mechanism to do this - potentially by condition so that it is overseen by the LPA.

Access, permeability, connectivity & parking

7.8.25 With respect to the outline element, it is noted that all matters are reserved including access, however submitted documents show how the development would connect to the wider movement network. Understandably given the position of the M2, access to the site will be concentrated on the A2 where 5 new junctions are indicatively proposed, ranging from those serving local traffic to larger signalled junctions that include pedestrian and cycle crossings. Additionally, there will other junctions onto other existing highways including Salters and Love Lanes.

7.8.26 Although the technical position and functionality of the junctions and street network will be addressed by National Highways and the LHA, the broad movement strategy and regular positioning of junctions and crossings appear rational and would aid integration of the site to the wider transport network. Proposed routes connect with existing and proposed services and facilities and integrate with existing cycle and pedestrian infrastructure both inside and outside the site. It is important, however, that the level of permeability and connectivity shown is delivered, together with the necessary infrastructure including railway bridge, to ensure the development is fully integrated with its surroundings.

7.8.27 The internal street structure comprises a range of primary, secondary and traffic free routes that have the potential to provide a legible hierarchical movement network for the area. The Street Manual outlines a series of design principles for the street types proposed and provides a high level of design detail including street sections, plans and technical principles. This document demonstrates that the development could provide a gridded network of tree lined streets [a point also made by the Council's Tree Officer] in a simple and robust material palette; relatively low traffic speeds; safe pedestrian crossings and integrated pedestrian and cycle network. We are greatly encouraged by the attention to detail shown in the Street Manual and consider that these designs will contribute greatly to the new settlement's design quality.

7.8.28 The primary movement through the site and to its edges would include the provision of walking and cycling. This would be supported by a network of car free routes that provide faster and more direct routes than the loops created by primary and secondary streets. Internal connectivity across the railway is reliant on a pedestrian /cycle bridge, which should be delivered to integrate the eastern and western parts of the site. Improvements to existing cycle infrastructure are also proposed including along the A2 corridor where a separate cycle lane is proposed. A cycle hire scheme will also help improve cycling

accessibility.

7.8.29 In terms of public transport, it is noted that a bus route through the site that could be part of an expanded route that would connect the town and the site. It is proposed to follow the primary route passing through the local centres within the development. Taken with this new route and bus stops along the A2 it is intended that all homes would be within a 5 minutes' walk of a bus stop. Whilst the aspiration is commendable it is noted this has not yet been agreed with Stagecoach. Given the distance from some of the development parcels to the facilities and services in Faversham bus connectivity through the site should be a priority, notwithstanding the range of on-site uses proposed.

7.8.30 Salters Lane and Selling Road are designated rural lanes. The development, both from built form and intensification of use, has the potential to change that character. In response and to allow the rural character to be preserved, sections of these roads will be downgraded to accommodate pedestrian and cycle movement only, and other areas diverted into new roads through the development. This will help preserve their rural characteristics.

7.8.31 The car parking strategy would incorporate a variety of approaches, although it predominantly relies on landscaped courtyards and mews parking to the rear of properties. These will be animated with housing including car barns/coach houses and other ancillary buildings and planting. Whilst it is acknowledged that locating parking to courts at the rear can allow quality of street, this needs to be carefully designed to avoid continuous and unbroken stretches of parking; integrate high quality landscaping including trees every four parking spaces and at the edges, incorporate appropriate boundary treatment; and ensure surveillance is maximised in accordance with the Parking SPD.

Spatial configuration, density, and height

7.8.32 It is proposed that commercial uses would be located to the eastern part of the site close to the Brenley Corner. The proximity to the junction between M2 and A2 would ensure commercial uses would benefit from good vehicular connectivity to the wider strategic road network. Also, clustering commercial uses which are less sensitive to noise close to a busy junction and M2 appears sensible. Locating the water recycling area to the eastern part of the site would also provide separation to the residential elements minimising amenity impacts and makes use of contours of the existing land form.

7.8.33 The residential areas are centred around local hubs and local centres at key street junctions and central primary school. The principal local centre will act as the commercial and community focal point being sited centrally within the site at a junction with the A2. It would both extend along the A2 and into the site along a primary road and include a public square. Local hubs are located along the primary route at key intersections to allow future residents access to services and facilities within a 5-minute walk. The range of community, commercial, educational, and healthcare uses are appropriately located within the site and easily accessible. These hubs provide focal points along the primary movement corridor that integrate with the potential public transport and cycle & pedestrian routes. This would help contribute to the vitality and vibrancy of these spaces and help foster community spirit within the new settlement. Overall, the development

parcels and mix of uses appear rationally grouped and distributed across the site.

7.8.34 Proposed density and building heights are shaped and influenced by Faversham. The submitted Characterisation Study includes an analysis of density and this shows highest densities of 40-60+ dwellings per hectare (dph) located within and adjacent to the town centre. Lower densities of 20-30dph are found towards the outskirts. These ranges have been incorporated into the proposed development and will be varied across the site according to location, use mix, housing type and relationship to existing urban grain. Broadly, higher densities are found closer to Faversham, local centre, local hubs, and primary routes with lower densities generally found to the edges of undeveloped open spaces. Based on the overall site area of 135.7ha, the average density equates to around 28dph with the landscaping and open spaces deducted from the calculation. We think these levels of density are consistent with and compatible to Faversham and arranged in a way that reflects the distribution of uses and routes across the site.

7.8.35 Building heights are responsive to the context being primarily two and three storeys. Again, height is varied across the site with greater maximum heights concentrated closer to Faversham, the A2 and Brenley Corner and stepping down at the edges. There would also be variations in heights to help define a hierarchy to the street scenes and to emphasise key areas and hubs. Larger open green spaces are often framed by larger three storey buildings with terraced two storey cottages elsewhere to echo typical street typologies found in Faversham. Care will need to be taken to ensure that heights transition appropriately to existing buildings across the wider area, particularly the complex of buildings around Macknade's and near to Step Cottage on Selling Road. There would be key landmark buildings that are taller to help create distinct landmarks and aid legibility. The D&A describes these as three storeys with a taller element such as spires or cupolas to help create distinct landmarks. It is considered that landmark buildings that include a taller skyline feature has the potential to contribute positively to the scheme's character and echo taller features that help characterise Faversham. However, these will need to be sensitively designed and consider the character of both inward and outward views in any future application.

7.8.36 Overall, the approach to height and its variation across the site is a reasonable approach that will allow multiple design responses to the different characteristics within the site's masterplan and to suit the context and surroundings.

Character and Appearance

7.8.37 Unlike many outline applications, this application provides a significant level of detailed contextual analysis within the Faversham Characterisation Study. This examines the architectural context of the town and provides direction to how the urban form and buildings of proposed development should appear. The Design Manual and Streets Manual build upon this providing a comprehensive view of the identity, design and character of the layout, buildings and streets and linking these back to the Characterisation Study. This careful attention to place and commitment to future design quality is a real strength of the proposal that gives high confidence that the design approach responds positively to site and surrounding context.

7.8.38 The proposal will be arranged in a block structure drawing on Faversham's development pattern. On examining the urban form of Faversham three type of block

were identified – grid, deflected grid and organic. These represent different eras with organic and incremental growth in the centre to more regular and planned grid structures of the Georgian and Victorian expansion. It is these different block characteristics that lie at the heart of the proposed development with more organic blocks arranged around the A2 and Macknade's. The gridded and deflected blocks are then arranged around this according to topography, site features and landscape structure.

7.8.39 This approach is reflected and reinforced by a series of distractive character areas that are responsive to the different characteristics of the historic development of Faversham. Each character area would have a distinctive architectural type and would be arranged in a layout that reflects the town. For instance, 'Faversham Vernacular' architectural type which is an organic typology is inspired by Abbey Street and located on the northern part of the site around the local centre and Macknade's. Other architectural responses comprising Georgian, Regency and Victorian influenced character areas follow. As set out in the Design Manual each character area has a set of guiding principles to inform the layout, street hierarchy, scale, use and architecture of the area.

7.8.40 The submitted information carefully considers how these character areas respond to Faversham and how to incorporate housing types and design details that respond positively to these. High level detail of those areas has been submitted and demonstrate the approach to layout, architecture, and landscape are appropriate for the site and surroundings. It is anticipated from the submitted information that the proposed development would contain a variety of architectural design, detailing and materials that leads to a coherent and responsive character inspired by the architectural traditions of Faversham.

Landscaping, green infrastructure & play

7.8.41 The landscaping proposes a series of formal and informal open spaces that would occupy around half the site and would be shaped around existing topography, water flows, field boundaries and soil. The landscaping proposals would include formal parks, sports facilities, orchards, and allotments to support food growing and larger green spaces as chalk grassland and meadows with dew ponds to aid drainage and promote wildlife. In addition, a landscaped earth form bund is proposed along the southern edge to act as an acoustic and visual barrier from the M2, provide habitat and walking routes for residents. Other incidental green spaces, landscaped buffers and a range of play spaces are envisioned throughout the site. In addition to the open spaces and landscaped areas, the streets will be extensively tree lined. Tree planting will be incorporated in grass verges some of which include swales, with services run through rear courtyards away from streets. This ensure that tree pits are not required which keeps soil and trees healthy.

7.8.42 The landscaping, green infrastructure and open space reads as a well embedded and integrated matrix that provides a multifunctional network that supports quality of place, biodiversity, water management, and addresses climate change mitigation and resilience. Larger open spaces relate to corridors of tree-lined streets, orchards, and hedgerows. Open spaces and landscaping are interwoven into and through the development parcels and would form an integral and accessible element for future residents with a range of activities including play, food production, recreation and sport which promotes health, well-being, and social inclusion.

7.8.43 *Landscape and green infrastructure are also used effectively to both inform and define character and settings for the new neighbourhoods with interfaces between spaces typically greenspaces, trees and/or hedgerow. Landscape features are also used to help reflect and define character such as the Greenway walking and growing routes which draws upon the surrounding landscape. Similarly, blue infrastructure features are integrated both into the streets and network of open spaces supporting biodiversity and reinforcing character. The neighbourhoods themselves will include street trees and front and rear gardens so that the proposal includes a balance public open, natural spaces and planting that would contribute to the quality of this place and to residents' quality of life."*

Summary of character and appearance / design of the proposal

7.8.44 As per the assessment of phase 1, the assessment carried out by the Council's Heritage and Design Manager of the outline elements of the scheme are agreed with. In terms of relevant policy, the scheme would comply with the relevant design related criteria contained within 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. In respect of other relevant points, there would be an element of conflict with policy DM14 due to the matters of scale, although only in relation to the employment buildings, for the reasons as set out in the landscape section above. However, separately to this, the design, appearance and detail would be sympathetic and appropriate to the location.

7.8.45 In respect of policy CP4, the scheme is considered to be in accordance with this on the basis of its high quality design, as expanded upon by the Council's Design and Heritage Manager, as above.

7.8.46 Turning to Neighbourhood Plan policies, policy FAV10 of the Faversham NP has 11 criteria as referred to above. In assessing these against the comments of the Council's Heritage and Design Manager the scheme meets the general aims that are set out. The policy does also reference the Faversham Design Guidance and Codes, 2021 which is a detailed document setting out how development in the Neighbourhood Plan should come forward. In terms of specific design guidance, it is broken down into 4 separate sections as follows:

- Strategic Principles and Best Design Practice;
- Built Form;
- Street Typology and Car Parking;
- Environment and Energy Efficiency.

7.8.47 Each of these sections is broken down further and in the context of Faversham, seeks to embed a number of good practice and layout design principles into future development. A number of the matters included cross over with requirements from other policies and design guidance documents. In overall terms it is considered that the proposed scheme, through its legible layout, integration of landscape, carefully considered design and use of materials meets many of the aims of this design guidance.

7.8.48 In respect of the Boughton and Dunkirk NP it is considered that the scheme complies with policy H5 in terms of being well designed in a locally distinctive style, with suitable

green spaces and children's play areas. It would also be sympathetic to the street scene and their settings. The scheme would also comply with policy E9 of the Boughton and Dunkirk NP which requires variety in density, layout, building orientation and sizes to reflect the local context. Furthermore, the scheme is in accordance with policy E10 which requires a cohesive and high quality design approach for car parking, charging points, boundary treatments, bin stores, utility storage boxes, lighting and street furniture, and requires landscaping to be native.

7.8.49 Phase 1 which forms part of the detailed proposals is able to be controlled via conditions requiring the development to be carried out in accordance with the submitted details. For the outline parts of the site, to ensure the quality and continuity of design is retained throughout the phases subject to reserved matters consent, it is recommended that conditions are imposed which require broad compliance with the design related documents submitted in support of the application. It is further suggested that future Reserved Matters include a Compliance Statement demonstrating conformity with those design related documents.

7.8.50 In respect of the NPPF, as set out in paragraph 187 b), the scheme would not enhance the intrinsic character and beauty of the countryside due to placing built form on a predominately undeveloped rural site. In terms of paragraph 137 of the NPPF, the design of the scheme has been considered throughout the evolution of the proposals and discussions between the applicant, LPA and the local community have taken place from an early stage. In overall terms it is considered that the scheme achieves the aims of paragraph 135 of the NPPF in design terms, which as set out at paragraph 131, is a key aspect of sustainable development.

7.8.51 Aside from the overall landscape impacts which are assessed above, it is considered that the design of the development is of a high quality. Matters related to the design and the impact upon character and appearance are assessed in the Planning Balance section of this report.

7.9 Rural Lanes

7.9.1 Policy DM26 of the Local Plan 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. 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 Salters Lane and Selling Road.

7.9.2 Salters Lane which runs along the western boundary of the application site and Selling Road, which passes through the site in a general north-south direction are designated rural lanes. The proposals seek to close the most northerly parts of Salters Lane and Selling Road to vehicular traffic (other than for access). They will remain open for pedestrian and cycle use, with vehicles requiring through routes (i.e. to the A2) diverted onto new roads.

7.9.3 Salters lane is currently a narrow road which has hedgerow planting in places, screening views of the application site, although other parts are more open where the application site becomes visible. The availability of views from Selling Road where it passes through

the application site in broad terms can be similarly described. When travelling along Salters Lane, development in the form of the Preston Fields residential development to the west, which is currently under construction, can clearly be seen.

- 7.9.4 Due to the proposals for planting along the boundaries of the rural lanes, the LVIA submitted with the application considers that the users of Salters Lane will, by year 15, experience moderate beneficial effects and the users of Selling Road, by year 15, will experience neutral effects. The LVIA also considers that the amenity value of users of Salters Lane will be enhanced as a section of it will become prioritised for pedestrian and cycle access. In terms of Selling Road, a section is also proposed to be prioritised for pedestrian and cycle use and again, the LVIA considers that this will enhance the amenity value of the rural lane.
- 7.9.5 KCC Highways are of the view that the works will enhance both Salters Lane and Selling Road in terms of being active travel routes.
- 7.9.6 In terms of assessing the development against the policy requirements above, the scheme has clearly had regard to the rural lanes on the basis that proposals have been included which attempt to mitigate the impacts. Having said this, the routes of these rural lanes, particularly in the case of Selling Road, which passes through the application site with little development on either side, would change from passing through a rural landscape to a largely urban one. There would also, due to their proximity to the application site, be an increase in traffic movements along the sections of rural lanes which are not to be closed to traffic.
- 7.9.7 Despite sections of the rural lanes becoming pedestrian / cycle routes and being landscaped, the Land Use Parameter Plan shows development close to the route of these rural lanes. The Buildings Heights Parameter Plan sets out that the height of the buildings close to the rural lanes would be between a maximum of 13m and 15m in height. In addition to the development, there would also be activity associated with the development in close proximity to the rural lanes.
- 7.9.8 In conclusion, attempts have been made to mitigate impacts of the development upon the rural lanes as set out above. As a result, the impacts would reduce over time. These factors would however need to be considered alongside the land use adjacent to these rural lanes altering, from open countryside to large scale development. On this basis, it is considered that there would be a moderately harmful impact on the character of the rural lanes, which would decrease over time. The policy specifically 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.”* As significant harm has not been identified the scheme would not be in conflict with policy DM26.

7.10 Ecology

- 7.10.1 Chapter 7 of the ES assesses Biodiversity. A further suite of documents related to assessing biodiversity impacts are contained in Appendices 7.1 to 7.11 of the ES.
- 7.10.2 The independent review of the ES carried out on behalf of the Council, highlighted (in the second review) that a number of matters in relation to Chapter 7 of the ES – ‘Biodiversity’ remain unresolved and as a result clarification was required, along with potential Regulation 25 requests.

7.10.3 The points that were raised related to the following points of clarification:

- Determining whether breeding and wintering birds are likely to be of County Importance;
- Clarity should be provided as to whether outlier badger setts are to be retained or closed under licence;
- Detail on how predicted traffic increases and associated air quality levels will impact upon Church Woods SSSI;
- How will the reptile mitigation be managed.

7.10.4 The following matters were raised in respect of potential Regulation 25 requests:

- Further wintering bird surveys are required to inform whether the site is Functionally Linked Land;
- More information is required to inform whether the bat baseline and therefore mitigation is appropriate;
- Skylark and yellow wagtail surveys of mitigation fields are required to assess current breeding populations in relation to increasing carrying capacity;
- An Appropriate Assessment is required to assess whether the application passes the HRA test;
- Concerns over whether Breeding Bird survey data is considered robust.

7.10.5 The applicant provided detailed responses to these matters and was of the view that no changes to the ES were required. In coming to a view on this, in respect of impacts upon species and habitats as identified above, KCC Ecology and Natural England have both been consulted on the application. Both of these consultees raise no objection subject to a range of conditions and obligations in the S.106 (some of which require further survey work and mitigation land as set out below). These points are discussed in more detail below but ultimately it is considered that sufficient information to understand the potential impact of the proposal on the ecological matters raised above has been provided. Separately air quality impacts have been assessed as being appropriately carried out and where necessary Natural England have commented on this matter in respect of ecology. These matters are assessed below.

Habitats

7.10.6 The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites. Policy FAV7 of the Faversham NP requires in broad terms, development to have no adverse impact upon habitats and states that any potential adverse impacts should be minimised and if required mitigated and enhanced. Policy H6 of the Boughton and Dunkirk NP sets out that residential development coming forward on allocated sites will provide the appropriate contribution required to mitigate the impacts of the development

upon designated SPAs.

- 7.10.7 This application has been supported by a shadow Habitats Regulations Assessment (HRA) which includes an Appropriate Assessment (AA). The original HRA that was submitted screened in five potential impacts upon the Swale SPA and Ramsar site for this site as a result of the proposed development. These are: loss of functionally linked land; water quality changes; noise disturbance; traffic related air pollution; and recreational disturbance. Upon consulting Natural England they considered that this approach was acceptable. However, in terms of functionally linked land, Natural England advised that further survey work was required in relation to overwintering birds as the conclusion reached in the applicants HRA, insofar as there will be no likely significant effects on overwintering birds, was not at that stage agreed with. In relation to recreational disturbance, Natural England were of the view that with the SAMMS payment, along with open space on the development and connections to the wider countryside that there would be no adverse impact on the Swale SPA and Ramsar site. Finally, in relation to air quality, Natural England took the view that this impact should be taken to AA, although due to the pollutant levels falling below 1% of the relevant critical Load or Level, that an adverse effect on the integrity of the sites can be ruled out.
- 7.10.8 In relation to the Blean Complex Special Areas of Conservation (SAC), Natural England agreed with the conclusions of the HRA that a likely significant effect can be ruled out as a result of traffic related air quality and noise disturbance during the construction phase.
- 7.10.9 Due to the comments provided by Natural England, further overwintering bird surveys were carried out and submitted which identified 1 Lapwing and between 6 and 171 Golden Plover recorded at the application site. Natural England as a result of the surveys are of the view that part of the site is functionally linked to the Swale SPA and Ramsar site. As a result of this mitigation measures were put forward by the applicant in the form of converting an arable field to the south of the M2 (which is in the applicant's ownership) into permanent grassland. Natural England are of the view that this comprises suitable replacement habitat for Golden Plover.
- 7.10.10 As a result of the above, the Council have carried out an AA in relation to increased recreational pressure; functionally linked land; and air quality impacts. As part of the AA it has been concluded that mitigation in the form of a financial contribution, the provision of open space within the development and links to the countryside to the south of the site will avoid adverse recreational impact upon the Swale SPA / Ramsar site. In addition, mitigation as discussed in the form of suitable replacement habitat will result in no adverse effect on the integrity of The Swale SPA and Ramsar site as a result of impacts upon functionally linked land. Finally, in respect of air quality, mitigation measures including the Transport Strategy and Framework Travel Plan will allow adverse air quality impacts upon The Swale SPA and Ramsar site to be avoided. As a result, the conclusion drawn is that with mitigation the proposal will have no adverse impact upon the integrity of the Swale SPA / Ramsar site. The mitigation, as set out in the AA (and elsewhere in this report) will be secured via conditions / S.106 agreement.
- 7.10.11 Natural England have been consulted on the AA and have concluded that they agree with the assessment. As a result, Natural England raise no objection to the application subject to the mitigation being secured.

Protected Species

7.10.12 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.’

7.10.13 In terms of the 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 FAV7 of the Faversham NP states that major development proposals should create a BNG of 20% for greenfield sites. Policy E6 of the Boughton and Dunkirk NP states that development proposals which minimise the environmental impacts of new development, in respect of amongst other matters, ecology and biodiversity and which promote sustainable forms of development will be supported in principle. Policy E8 of the Boughton and Dunkirk NP sets out that a minimum 10% BNG will be required.

7.10.14 The application has been supported by a range of ecology / biodiversity related documents, including Chapter 7 of the Environmental Statement – Biodiversity. During the course of the application a number of detailed assessments have been carried out by KCC Ecology and in turn a number of further responses and additional pieces of information have been provided by the applicant’s ecological consultant. In respect of specific species, the following sets out how various matters have been assessed.

Bats

7.10.15 The applicant’s ecologists have indicated that the bat roosts and the bat assemblage on site is likely to be of County Importance. Bat surveys have been undertaken of the buildings on the site, i.e. those located at the Macknade Farmstead and also on the trees on the site.

7.10.16 In respect of the buildings, KCC Ecology are of the view that the information that has been provided in respect of bats roosting in buildings is generally vague and does not generally commit to roost types, numbers of bats, or provide a definitive commitment to either roost retention, roost modification or replacement elsewhere. KCC Ecology have further set out that given the uncertainty, and in line with professional standards that as a minimum a precautionary approach is taken. This precautionary approach would use the recorded baseline total number of roosts found in buildings as an absolute minimum. These roosts would need to be committed to for mitigation / compensation, again, as a minimum, within subsequent documents that come forward. However, should subsequent surveys discover a greater variety of species and in greater number then these would need to be mitigated and compensated for.

- 7.10.17 In respect of the adequacy of the survey data, the applicant's ecologists have set out that a more detailed survey is not required at this stage. This is due to, in their opinion, enough information being available at this point to understand the species assemblage and roosting importance of the site. They are also of the view that no roosts of significance that cannot be compensated for within the development are likely to be present.
- 7.10.18 Although KCC Ecology have raised concerns with regard to the amount of available information at this point, they have commented that it is likely that Natural England would agree to licence compensatory roosts for all of the species that have been found on site.
- 7.10.19 In addition, the applicant's ecologists have commented that the majority of impacts upon roosting bats in buildings will be in later stages of the development. As the development is of a strategic scale and will be developed over a number of years, the applicant's ecologist is of the opinion that impacts upon bats can be adequately dealt with via condition and through detail provided in reserved matters applications. On this basis, detailed mitigation and compensation, to be provided prior to the commencement of each phase of development has been suggested by the applicant's ecologist. They have also stated that suitable space is available to be provided for compensatory roosts, including a standalone building for hibernating bats if it is required. Furthermore, the applicant's ecologist has committed to updated bat surveys in 2026/27 to inform a site wide bat mitigation strategy.
- 7.10.20 In respect of assessing bats roosting in trees, ground level tree assessments were carried out in 2020 and 2022. The 2020 survey covered 121 trees and 25 tree groups. The 2022 survey covered a further 25 trees along the northern end of Salter's Lane, on the eastern side of the road.
- 7.10.21 KCC Ecology have set out in their response that due to the way in which the details have been presented that it has been difficult to cross reference information in order to assess the impact of the development upon bats roosting in trees. They have also commented that the latest bat survey guidelines make clear that sufficient data needs to be available to carry out an impact assessment and propose suitable mitigation / compensation measures.
- 7.10.22 The latest guidelines set out that baseline surveys should be undertaken in 4 steps. KCC Ecology have commented on these steps as follows:
- Step 1 – The site's roosting resource should be mapped, with all impacted trees categorised in a ground level tree roost assessment (GLTA). The guidelines state that PRFs are not always visible from the ground and it is generally not possible to establish how extensive they are from ground level, so categorisation at this stage is approximate.*
- Step 2 – A single PRF aerial inspection survey should be undertaken to record the characteristics of the PRFs (which may include recording signs of bats). The tree resource will then be re-categorised based on findings.*
- Step 3 – Activity surveys should establish the species assemblage present in the area, and search for any spatial/temporal patterns that suggest roosts are present. Impacts to flight lines and foraging areas should be considered.*

Step 4 – PRF aerial close inspection surveys for PRF-M features impacted by development (trees with moderate or high bat roosting suitability) in summer, or emergence surveys with night-vision aids, and a consideration of winter roosting potential.

The aerial close inspection surveys should entail three visits between May and September, with at least two visits between May and August, spaced at least three weeks apart.

7.10.23 KCC Ecology have also commented in relation to these steps that for large scale projects, the guidelines indicate that in place of the above, advance licence bat survey techniques (ALBST) such as trapping and radio tracking to locate tree roosts could be used. There is evidence that these surveys can be significantly more effective than tree-climbing surveys. However, it is also understood that ALBST surveys should only be used in cases where other options for obtaining data are ineffective or inefficient and the level of potential impact on important bat populations is considered high (e.g. the loss of significant high-quality bat foraging or roosting habitat).

7.10.24 In terms of the above steps, KCC Ecology have commented that steps 2 and 4 have largely not been carried out. As a result, they are not fully satisfied that the extent that bats (i.e. a protected species) may be affected by the proposals has been fully considered. However, a bat mitigation/compensation strategy has been submitted in support of the application that sets out that it is highly unlikely that a roost of high conservation significance has been overlooked and that the finer details necessary to produce a detailed mitigation and compensation strategy, such as updated and more detailed surveys, and detailed design and layout can be left to condition.

7.10.25 KCC Ecology have commented that after careful consideration, they consider that this approach is acceptable, subject to the following being provided prior to any works taking place:

- Updated survey of buildings, including full details regarding the species, numbers and types of roost;
- Survey step 2 for all on-site trees with roosting suitability qualifying for further survey within the latest bat survey guidelines;
- Survey steps 1 to 4 for all trees affected by phase 1 of the development, as well as sufficient investigation regarding the potential roost types and locations identified during activity surveys.

7.10.26 The outline bat mitigation / compensation strategy also makes a number of commitments related to updated surveys at various points in the development, detailed bat mitigation for each phase, including the need to obtain natural England bat mitigation licences, implementation of a Lighting Strategy and compensation for any lost roosts.

7.10.27 In respect of commuting and foraging bats, KCC Ecology agree with the applicant's ecologist's assessment that the importance of the bat assemblage using the site is of County Importance.

7.10.28 Following the onset of construction in each phase, the applicant's ecologists have proposed activity surveys in years 1, 2, 3, 5 and 10 to monitor changes in bat usage compared to baseline activity surveys. The results of the monitoring will then feed into

the detailed design of future phases. Further surveys are then committed to after completion to monitor the success of habitat creation on site. KCC Ecology welcome this monitoring approach.

- 7.10.29 Within the proposed development, there are currently eight junctions where newly proposed roads cross bat community and foraging routes. An Outline Lighting Strategy has been submitted which KCC Ecology consider provides clear consideration of foraging and commuting bats. As a result of this, KCC Ecology have recommended that adherence with the Outline Lighting Strategy should be required by condition. The requirement for all these matters have been secured via the conditions below.

Wintering Birds (Farmland Species)

- 7.10.30 Due to the impact upon Skylarks, it is proposed to provide a 40 hectare compensatory piece of land off-site. KCC Ecology have set out that at the current point, there is a lack of detail relating to the compensatory land and whether it is of the sufficient quality or type to compensate on the adverse effect on Skylarks.

- 7.10.31 As a result, KCC Ecology set out that the suitability, quantity quality, management and monitoring of any off-site habitat will need to be secured either through an obligation in the S.106 agreement or via a planning condition. It would also need to deal with the potential that alternative land may be needed if the proposed land is found to be unsuitable or insufficient.

- 7.10.32 To secure this land, or an alternative as necessary, will, as it is off-site, need to be secured in the S.106 agreement which the applicant has committed to.

Breeding Birds

- 7.10.33 The impact upon breeding birds during construction is proposed to be mitigated through the implementation of a Construction Ecological Management Plan which can be secured by condition.

- 7.10.34 The delivery of the scheme is proposed to include 2,500 swift boxes and 6.2 hectares of native mixed-species scrub to be created and managed in order to benefit breeding birds.

- 7.10.35 The breeding bird surveys have highlighted that there will be a loss of skylark and Yellow Wagtail territories. This is proposed to be mitigated through off-site provision of 27-39 Skylark plots within 20km of the site. The applicant's ecologists have set out that the location of the compensatory habitat will be within the land ownership of the applicant. However, as the precise details of the land have not been made clear, KCC Ecology are of the view that a suitable compensation strategy will be required to be secured via a condition or an obligation in the S.106 agreement.

- 7.10.36 In order to secure this land, as it is off-site, will be required to be done so as an obligation in the S.106 agreement which the applicant has committed to.

Hazel Dormouse

7.10.37 KCC Ecology have commented that the information submitted in support of the application does not provide full transparency regarding the quantity and quality of dormouse habitat being lost relative to that which is being created. Therefore, KCC Ecology have carried out their own calculations and concluded that just over 5 hectares of suitable dormouse habitat is being lost to the development. The proposals include 9.7 hectares of new suitable habitat for dormouse as compensation.

7.10.38 On this basis, KCC Ecology have set out that the development should provide a larger amount of dormouse habitat than that which is lost; ensuring that there is not a shortfall of suitable dormouse habitat either during or post construction; and to ensure that there is greater habitat connectivity for dormouse post construction. They have stated that these matters can be secured by condition, which have been imposed below.

Badgers

7.10.39 One main Badger sett was identified within the application site on the western edge of Selling Road. A second well used Badger entrance hole as well as one partially used Badger entrance hole were found along the edge of the arable field to the east of Salters Lane, also within the Application Site. Both entrance holes were south of a well-used Badger path and push under, along with a fresh dung pit and a further disused possible Badger entrance hole further to the south.

7.10.40 KCC Ecology have advised that the implementation of a Construction Environmental Management Plan and a Landscape and Ecological Management Plan is required to protect badgers at the site. These have been included below.

Reptiles

7.10.41 The applicant's ecologist has set out that the site contains 3.25 hectares of suitable reptile habitat. The proposals include 11.73 hectares of suitable reptile habitat. KCC Ecology had raised a concern that the number of reptiles on site may have been under-recorded and that the presence of grass snake may have been missed. They have also commented that although this amount of additional habitat being provided, if optimal for reptiles, would sufficiently account for the uncertainties referred to above, KCC Ecology have also raised concern that the 11.73 hectare figure may be misleading.

7.10.42 The applicant's ecologist is of the view that these details can be secured by condition. KCC Ecology agree with this approach, however, have set out that due to the uncertainty discussed above, that the wording will need to be sufficiently flexible to allow the option for off-site provision and updated reptile surveys to be carried out. These matters have been included in conditions and the matter of potential off-site provision has been agreed to be included as an obligation in the S.106 agreement.

Priority Habitat – Hedgerow

7.10.43 KCC Ecology agree with the applicant's ecologists in that hedgerow habitats on the site have been correctly classified. Having said that, KCC Ecology are of the view that the quantity of reported priority habitat losses have been under recorded. Despite the uncertainty, KCC Ecology take the view that matters related to maximising

hedgerow, tree lines and habitat compensation, which have been committed to, can be adequately secured via condition. The management of the habitat retained and created is also secured by condition. These matters have all been included as set out below.

Biodiversity Net Gain

7.10.44 This application was submitted prior to the commencement of Mandatory BNG as required under the Environment Act 2021. Having said this, both the Faversham NP (as the scheme is for major development on a greenfield site) and the Boughton and Dunkirk NP require a minimum of 20% and 10% BNG respectively, as set out in policy FAV7 of the Faversham NP and policy E8 of the Boughton and Dunkirk NP.

7.10.45 The details submitted with the application demonstrate that a BNG of 20% would be provided. This would be achieved through both on-site (12.4%) and off-site (7.6%) measures. KCC Ecology are of the view that fully detailed matters can be provided through conditions / planning obligations once further details in respect of the development are known. This is on the basis that the proposed habitats to be lost can be compensated for in the wider surrounding area. KCC Ecology do note that once further detail is known the ratio of on-site / off-site gains may need to be revised, but that a 20% BNG can be achieved. This will be secured via planning obligations in the S.106 agreement / conditions.

Ecology – Conclusion

7.10.46 In respect of the above matters, both Natural England and KCC Ecology have been consulted on the details submitted and subject to a number of matters as discussed above being secured either by condition or via the S.106 agreement raise no objection to the proposal. It is clear that KCC Ecology have raised a number of points in relation to the detail that has been provided but ultimately have concluded that subject to these matters being secured that sufficient information at this point in order to determine the application. The Planning Practice Guidance is also clear that conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse impacts. In this case, as a result of the above and with the necessary conditions and obligations secured, the scheme complies with policies CP7 and DM28 of the Local Plan, policy FAV7 of the Faversham NP, E8 of the Boughton and Dunkirk NP and the relevant paragraphs of the NPPF.

7.11 Transport and Highways

7.11.1 Local Plan policies CP2 and DM6 promote sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm

7.11.2 Faversham NP policy FAV4 requires a range of sustainable and active travel options to be provided, provide connections to facilities, accommodate people with a range of needs, provide space for cycle parking and provide electric vehicle charging points.

7.11.3 Policy FAV5 sets out a list of junctions and states that where development impacts upon these junctions, schemes will only be supported where they do not result in a severe impact, taking into account any mitigation measures.

7.11.4 Faversham NP policy FAV10 states, amongst other matters, that design and layout

must prioritise pedestrian convenience and public transport routes and take account of those with limited mobility.

7.11.5 Policy T1 of the Boughton and Dunkirk NP states that to reduce the adverse effects of traffic on Boughton and Dunkirk, development will be limited by the capacity and nature of the road network necessary to accommodate them. Policy T2 sets out that further development in the countryside is resisted beyond that which is allowed by the NPPF and policy ST3 of the Local Plan, in order to avoid any increased negative impact on current traffic. Policy A12 states that proposals will be supported for an improved layout to Brenley Corner where they are developed to respect and respond to its countryside setting, including a landscape strategy that minimises the impact of the development upon surrounding areas.

7.11.6 The NPPF at paragraph 109 and 110 promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. Paragraph 109 states that *“Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:*

a) making transport considerations an important part of early engagement with local communities;

b) ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places;

c) understanding and addressing the potential impacts of development on transport networks;

d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage – for example in relation to the scale, location or density of development that can be accommodated;

e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and

f) identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

110. The planning system should actively manage patterns of growth in support of these objectives. 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.”

7.11.7 The NPPF at paragraph 116 also states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

7.11.8 The application has been supported by a Transport Assessment and during the course

of the application, detailed discussions between the applicant's highway consultant and KCC Highways / National Highways has taken place. As a result of this, supplementary information has been provided.

7.11.9 The supporting information also includes a Transport Strategy and Framework Travel Plan (TS & FTP). The TS & FTP includes a 'Transport Vision', based around a number of topics which ultimately seek to achieve a reduction in the need to travel by the private car. The TS & FTP includes a number of 'core' key measures and interventions which will be integrated and delivered as part of the development along with 'additional' measures and interventions which may be delivered as a result of the 'monitor and manage' approach to the transport impacts of the development. The TS & FTP also includes a number of highway interventions amongst other matters, which are discussed in more detail below.

Access Proposals

7.11.10 Policy DM6 states that development proposals will avoid the formation of a new direct access onto the strategic or primary distributor route network where possible, or unless identified by the Local Plan. As set out above, the scheme is not allocated in the Local Plan.

7.11.11 In terms of the accesses proposed, as set out above, the application has been submitted in hybrid form, with elements in detail and others in outline. This is also the case for the access arrangements.

7.11.12 The access proposed in detail are as follows:

- 1 x signal controlled T junction access from the A2 (east of Love Lane) into phase 1;
- 1 x priority controlled T junction access from the A2 (east of Love Lane and further east of junction above) into phase 1;
- 1 x Priority access from A2 to Waste Water Recycling Centre – this will be altered to a signal controlled junction when phase B is developed.

7.11.13 A further seven access points are proposed in outline as follows:

- 2 x access points from the A2;
- 1 x access point from Love Lane – this access includes a 3m wide shared footway / cycleway on its southern side;
- 2 x access points from Selling Road – one connection to allow links south to Selling and one in order to divert traffic from Selling Road into the development;
- 1 x access point from Salters Lane – which would be used solely to access the existing Household Waste Recycling Centre and the adjacent scrapyards.
- 1 x access point to the development east of Salters Lane – connecting into the Preston Fields development through to the A251.

7.11.14 The proposed access points all relate to the local highway network and as a

result, in terms of the impact upon safety and convenience have been assessed in detail by KCC Highways. KCC Highways have concluded that all the accesses provided are acceptable in terms of their detail and have requested that they are provided at an appropriate point in the development in order to serve the phases of development which they provide access to. These matters are secured in the TS & FTP which will be secured via being appended to the S.106 agreement.

- 7.11.15 In respect of policy DM6 as set out above, the A2 is shown as being a 'Primary Distributer Road' and in total 5 access points onto the A2 are proposed. However, due to the location of the proposal adjacent to the A2, it is not considered to be possible to avoid this. In addition, as set out above, KCC Highways have considered this element of the scheme to be acceptable. As a result, it is not considered that any clear conflict with policy DM6 in this regard.

Traffic Generation / Modelling

- 7.11.16 The Transport Assessment (TA) submitted with the application considered three separate scenarios for the amount of traffic generated by the development. During discussion with KCC Highways it has been confirmed that 'Scenario 3' is the most appropriate in order to assess the impact upon the local highway network which they are responsible for. This is on the basis that the trip rates in Scenario 3 have been demonstrated to be comparable with the KCC Transport Model and TRICS survey data, and therefore suitable to robustly represent the traffic generation from the development. In Scenario 3, the development is predicted to generate 1,638 movements (853 in and 785 out) in the AM and 1,443 movements (653 in and 791 out) in the PM. National Highways have required an additional scenario to be considered, i.e. 'Scenario 2', in order to satisfy the requirements of Circular 1/22 (entitled 'Strategic road network and the delivery of sustainable development'). In this scenario, the Circular's vision for modal shift is reflected in the traffic generated and as a result the proposed development is predicted to generate 1,043 movements (580 in and 463 out) in the AM, and 966 movements (432 in and 533 out) in the PM.
- 7.11.17 The trip rates in Scenario 3 were used in the modelling in order to assess the impact of the development upon the surrounding highway network. The traffic growth has been applied to the model from its base year in 2017 to 2038 and includes committed developments which have been agreed with KCC. The model was then calibrated with observed traffic counts and journey time data from 2023. As part of this process workshops have been held between the KCC Officers, the third party highway consultant that KCC have used to assist in assessing the highway related impacts of the development and the applicant's highway consultant. During these workshops the simulated traffic model was run on the basis of the agreed inputs, with the resultant outputs included in the applicant's updated Technical Note. These outputs have been agreed by KCC Highways to be valid for assessment purposes. As a result, KCC Highways have confirmed that they are satisfied that the traffic model has been correctly constructed and the methodology used to inform the impact of the application upon the highway network is appropriate.
- 7.11.18 In addition to the above, a further model has been run for National Highway's purposes on Scenario 2 trip rates as set out above. However, the outputs show similar results to Scenario 3. In raising no objection to the scheme National Highways have also accepted that the modelling has been carried out appropriately in order to assess the

impact of the development on the strategic road network.

- 7.11.19 As a result of running the model as described above, a number of junctions have been identified as performing materially worse with the introduction of the development and as a result mitigation would be required. These mitigation works are described below.

Off Site Highway Works – Mitigation

M2 Junction 7

- 7.11.20 Starting with the strategic highway network (for which National Highways are responsible) it has been assessed that based on traffic modelling the development would significantly increase queues on the A2 approaching Brenley Corner (i.e. M2 Junction 7) from Canterbury. As a result, mitigation works to this part of the strategic highway network are required in the form of a scheme to deliver an additional lane to the roundabout approach. The scheme itself and the timing for it to be delivered have been agreed with National Highways. The timings are that no more than 1,500 dwellings and no more than an amount of non-residential floor space which will accommodate 1,500 employees (monitored and forecast through the Monitor and Manage Implementation Strategy) can be occupied until these works are completed and open to traffic. A condition requiring this is included below. Modelling has demonstrated to both the satisfaction of National Highways and KCC Highways (who are responsible for separate junction arms onto Brenley Corner) that all other junction arms would perform within capacity and therefore no further mitigation to Brenley Corner is sought.

M2 Junction 6

- 7.11.21 In respect of M2 Junction 6, the model shows that the junction will operate without queues forming on the M2, and therefore the signalisation of the slip roads, as was originally envisaged to be required are no longer necessary. The removal of this signalisation would have also created delays for traffic on the A251 (which falls under KCC's responsibility). As a result, KCC Highways welcome the removal of the signalisation from the proposals. In addition, National Highways have confirmed that the modelling has demonstrated that works to M2 Junction 6 are not necessary.

A2 Canterbury Road/London Road/ Western Link Junction

- 7.11.22 The modelling undertaken has identified a capacity issue on the northern arm (Western Link) of the junction during the AM peak hour. However, this capacity issue arises due to the model flipping traffic demand between Western Link and The Mall. KCC Highways are of the view that there would be a degree of uncertainty that this behaviour would actually occur. It had been proposed to address the capacity of this junction by replacing the existing roundabout with a signalled controlled junction. This would have removed the ability for the current U-turn which exists due to the current banned right turn movement into Judd's Folly.
- 7.11.23 Due to the uncertainty of the need for mitigation at this junction, KCC Highways have agreed that it can be subject to a 'monitor and manage' approach which will review whether the scheme is necessary. This is secured in the TS & FTP which will be appended to the S.106 agreement. The applicant has agreed that should the works be found to be required, then they would be carried out on a timetable agreed with KCC.

However, should the works be found not to be required, then the equivalent funds would be diverted to a Management Toolkit Fund (expanded upon below).

A2 Canterbury Road /Love Lane Junction

- 7.11.24 Mitigation is proposed at this junction to accommodate increased traffic flows from the development. Works are proposed to commence at this junction as part of a planning obligation related to a separate scheme currently being built out at Love Lane which will signalise the junction in order to increase capacity. As part of these junction works it has not been possible to include controlled pedestrian crossing facilities due to the constraints of the site. However, the applicant for this current application controls the land adjacent to the A2 and adjacent to Love Lane. As a result, an amendment to the junction works as part of this scheme include a 3m wide shared use footway / cycleway along the northern side of the A2 and also provide a controlled crossing on Love Lane. These works will be secured via the Section 106 Agreement.

A2 Ospringe Street /Water Lane

- 7.11.25 The modelling suggests that there would be increased delays at this junction due to the development, although the model does not take into account either slow moving traffic on the A2 or the pedestrian crossing to the east of the junction allowing for breaks in the traffic or the courtesy of other drivers allowing vehicles to exit the junction, as currently occurs.
- 7.11.26 KCC Highways have commented that this is a constrained junction due to the restricted width of Water Lane and the presence of historic buildings on the corner of the junction. KCC Highways have concluded that on balance mitigation at this junction is not required and additional delay may result in drivers being discouraged from using this route to access Faversham from the south.

A2 London Road / The Mall

- 7.11.27 The modelling shows with the development and the proposed highway mitigation in place some delays at this junction on the northern and eastern approach during the AM peak (24 seconds and 5 seconds respectively) and 1 second on the eastern approach in the PM peak. There would be reductions in delay on the western approach in the AM peak by 163 seconds, and during the PM peak reductions in delay of 42 seconds and 27 seconds on the western and northern arms respectively. As a result, KCC Highways are of the view that mitigation at this junction would not be required.

A2/A251 Ashford Road

- 7.11.28 The modelling shows that this junction is expected to experience minimal overall delay, with some approaches benefitting from reduced congestion. As a result, KCC Highways are of the view that capacity improvements at this junction is not required.

Highway Infrastructure Proposals

- 7.11.29 In addition to the above, a number of highway infrastructure measures in order to accommodate vehicle movements and sustainable travel, both within the site and along key corridors, in order to link the development to Faversham town centre and other nearby amenities are proposed.
- 7.11.30 It is proposed to create 2km of shared use footway/cycleway along the northern side of the A2, from Preston Grove in the west to the access into phase 6a in the east. This takes the form of a minimum 3m wide facility along the majority of its length, except for three locations where narrowing is required. The first narrowing is over a 25m section near Preston Lane alley, where the width will gradually taper down to 2.85m before reaching a 2.6m wide pinch point of around 1m in length. It will then widen immediately back to 3m. The second narrowing would be a pinch point reducing the width down to 2.65m at a single pinch point located opposite Boughton Field Cottages, to the east of the railway bridge. The third is at a point another 130m further east of the second narrowing location, gradually reducing to a width of 2.75m over a distance of 16m, where it would then widen back to 3m over a similar distance.
- 7.11.31 KCC Highways consider that in the context of the amount and overall length of the route that is compliant with the Department for Transport's cycle infrastructure design guidance (LTN 1/20), that the localised instances of narrowing are acceptable. The route will also feature raised tables across the junctions of Preston Grove, Preston Park, Hilton Close, Makenade Avenue and Preston Avenue to facilitate level access across these junctions for cyclists.
- 7.11.32 In terms of timing for the delivery of this route, it has been agreed that the section from Preston Grove to phase 1 will be provided prior to the first occupation of that phase (this also includes works linking into St Catherine's Drive). This will assist in establishing active travel behaviour from the outset of the development. The remaining length will then be constructed in association with the remaining phases of development. The delivery and timing of these works is controlled via the Transport Strategy and Framework Travel Plan which will be appended to the S.106 agreement.
- 7.11.33 Five Toucan crossings are proposed to allow pedestrian and cycle movement across the A2. These would be located midway between Salters Lane and Hilton Close, east of Preston Avenue, west of Selling Road, west of the railway bridge and east of Boughton Field Cottages. These would be required to be delivered prior to the occupation of the phase of development to which they are adjacent. The delivery and the timing of these works is controlled via the Transport Strategy and Framework Travel Plan which will be appended to the S.106 agreement.
- 7.11.34 Footway improvements along the western side of Love Lane are also proposed which will widen it to 3m at its southern end. This will match the provision being constructed as part of the Love Lane / A2 junction improvements. Continuing north, the footpath widening reduces to 2.25m near to the railway bridge due to third party land constraints. KCC Highways are of the view that the widening proposed would be an improvement for pedestrians but would not be suitable for cyclists. However, the part of the site (parcel A) which sits alongside the A2 and Love Lane would be positioned to allow a cycle link directly onto the proposed A2 footway / cycleway as discussed above.

This can be provided at the reserved matters stage via the detail related to the layout of that parcel and the Love Lane footway improvements will be required to be delivered prior to the first occupation of that phase. The delivery and the timing of these works is controlled via the Transport Strategy and Framework Travel Plan which will be appended to the S.106 agreement.

7.11.35 The application site sits immediately to the east of the Preston Fields development, which includes the ability to accommodate a link road through this adjacent site, to link the application site with the A251. This would allow for an alternative route to be provided between the A2 and A251, removing some of the traffic from the existing signalised junction. This will also facilitate walking and cycling improvements between Perry Court and Love Lane / Brenley Corner. The provision of this link road is required by the 200th occupation of dwellings within phases 3 and 4 combined and is controlled via the Transport Strategy and Framework Travel Plan which will be appended to the S.106 agreement.

7.11.36 The A251 footway will be widened to 3m between the Preston Fields junction and Tettenhall Way roundabout. A Toucan crossing south of the roundabout and a 3m footway / cycleway on the western side of the A251 will then connect into existing walking / cycling infrastructure. These works are required prior to the occupation of the 200th dwelling in phases 3 and 4 and is controlled via the Transport Strategy and Framework Travel Plan which will be appended to the S.106 agreement.

7.11.37 Phase 3 of the development will include revised access arrangements for Faversham Town Football Club and the Household Waste Recycling Centre in that vehicular traffic to these sites would be taken through the proposed development. Salters Lane itself would be severed by the new link road and as a result would no longer provide a through route between the A2 and A251. As a result of this, Salters Lane, at its junction with the A2 is proposed to be amended to a vehicle crossover, to serve Mill Cottage, Mill House and a limited number of parking spaces for properties on Canterbury Road. A turning head to allow a refuse vehicle would be provided opposite Mill House and vehicles would then be unable to continue south along Salters Lane from that point. When travelling along Salters Lane from the A251, vehicles would be able to travel along the southern part of Salters Lane as far as existing dwellings which are located north of the M2 bridge. A turning point for refuse vehicles will also be provided here. Beyond that, Salters Lane would become a walking and cycle route, aside from where Salters Lane crossing the link road and where the Household Waste Recycling Centre connects to phase 3 of the proposed development. At the link road, a raised table will be provided in order to cross it with a separate footway / cycleway provided past the Household Waste Recycling Centre in order to link the traffic free sections of Salters Lane.

7.11.38 KCC Highways welcome the opportunity to repurpose Salters Lane into a walking and cycling route. The works are required by the occupation of the 200th dwelling within phases 3 and 4 combined, or at the same time as the link road is delivered. This is controlled by the Transport Strategy and Framework Travel Plan which will be appended to the S.106 agreement. In addition, the footway widening on the southern side of side of the A2 and proposed Toucan Crossing to the east of Salters Lane would also need to be provided at the same time as otherwise the crossing would be too close to Salters Lane prior to it becoming a vehicle crossover in limited use. This is also controlled by the Transport Strategy and Framework Travel Plan which will be

appended to the S.106 agreement.

7.11.39 In addition to works to Salters Lane on the western side of the site, works are also proposed to Selling Road, part of which passes through the site. These works propose to divert traffic away from Selling Road and onto new streets within the development with the delivery of phase 2 of the proposals. As a result, some sections of Selling Road would become traffic free or serve a limited number of properties. Access to Macknade Food Hall and The Gunpowder Mill public house would also be maintained. The result of this is that where traffic is removed or restricted this would allow for the creation of green corridors and improved walking and cycling routes.

7.11.40 KCC Highways are supportive of the opportunity to improve the attractiveness of Selling Road for active travel and require these details to be developed through the implementation of the Transport Strategy & Framework Travel Plan and also through the reserved matters application for phase 2 of the development. Delivery of the works that are ultimately agreed would then be required prior to the occupation of the 200th dwelling on phase 2. This is controlled by the Transport Strategy and Framework Travel Plan which will be appended to the S.106 agreement.

7.11.41 In addition to the above a further series of improvements have been identified in the Transport Strategy & Framework Travel Plan as follows:

- New pedestrian / cycle bridge over the railway line – monetary value limit of £2 million;
- Cycle journey improvements on Forbes Road – monetary value limit of £75,000 – study to be submitted prior to the occupation of the 500th dwelling;
- Pedestrian / cycle improvements on Preston Lane / Short Bridge Improvements – monetary value limit of £75,000 – study to be submitted prior to the occupation of the 500th dwelling;
- Improvements to the alley between Russet Avenue and enhancements to Long Bridge – monetary value of £150,000 – study to be submitted prior to occupation of 500th dwelling.

7.11.42 The above listed improvements will all be subject to an initial study, termed in the Transport Strategy & Framework Travel Plan as a 'feasibility study'. The agent has set out an explanation of the process for these highway infrastructure proposals as follows. *"The works and services will be secured through the forthcoming legal agreement and are committed mitigation measures. In some cases, further feasibility work will be undertaken in collaboration with relevant stakeholders in order to inform the detailed design and delivery arrangements. This process ensures that the agreed mitigation is delivered in a practicable and policy-compliant way within the agreed s106 financial sum. Should a specific element be unable to be implemented as originally envisaged, the legal agreement provides a safeguard to ensure the agreed contribution is instead applied to alternative mitigation measures as agreed with stakeholders."*

7.11.43 The studies will be submitted at the points as set out above to the Transport Review Group. The Transport Review Group will be formed to monitor the implementation of the Transport Strategy and Framework Travel Plan and includes representatives from the developer and / or the developer's delivery partner, the Local Planning Authority (SBC) and the Local Highway Authority (KCC), who will then make

recommendations to the approving bodies (i.e. KCC or National Highways). As set out above, if a specific element of the works is unable to be implemented, the related contribution is applied to alternative mitigation measures to be agreed. These funds would be added to a Management Toolkit Fund, which, prior to any further funds being added to it, would have a minimum value of £1,250,000. KCC Highways consider that this is an appropriate mechanism to deal with the above matters.

7.11.44 In terms of the new pedestrian / cycle bridge over the railway line, Network Rail have requested a condition which requires an 'Implementation Scheme' to be submitted and agreed and then implemented prior to the first occupation of any building within phases 6a and 6b. The applicant's position on this is that a condition worded in this way creates an absolute pre occupation requirement when in practice this occupation, due to the requirement for the bridge would become dependent on third party land interests, rail approvals and asset protection agreements which lie outside of the applicant's control. As a result, the agent has stated that although the applicant remains fully committed in principle to the delivery of the bridge, it is their view that it should be secured via an obligation in the S.106 agreement through a structured and enforceable route.

7.11.45 This route would involve firstly undertaking a feasibility study (the scope and methodology of which would be agreed with relevant stakeholders including Network Rail) which would identify a design for the pedestrian and cycle bridge. The second step involves feasibility tests which would determine whether the bridge is physically and technically deliverable; secure necessary third party consents; and be deliverable within a defined budget of £2 million. The agent considers that due to the relatively unconstrained engineering context, the defined budget, and that consents would be within either the control of the Council or Network Rail it is highly unlikely that the bridge would fail these feasibility tests. If the bridge is then deemed feasible, the third step is to deliver the bridge prior to the occupation of phases 6a and 6b (or transfer funds equivalent to the delivery cost to an agreed third party to enable delivery). The fourth step involves the safeguarding of sufficient land within phase 2 to enable bridge delivery. The fifth step would only come into action in what the agent considers to be the unlikely event that the bridge is not found to be feasible. This step would then require a scheme of enhanced boundary fencing along the railway corridor to be agreed with Network Rail; delivery of that fence to be drawn from the £2 million; or if network Rail confirm that the fence is not required the transfer of equivalent funds to the Management Toolkit Fund. This ensures that the full £2 million remains committed to bridge delivery; railway safety mitigation and / or alternative sustainable transport enhancement.

7.11.46 Network Rail's latest position is that they would object to the scheme if a condition is not included as per their wording. However, discussions between the applicant / agent, Network Rail and Officers are still on-going, and they have not yet given their view as to whether the stepped approach as set out above, included as an obligation, would be acceptable to them. It is considered that an acceptable solution to this can be agreed between the parties, which would include a mechanism by which the bridge can be controlled, however, there is flexibility as to whether this should be secured by a planning condition, or via an obligation in the S.106 agreement. Therefore, delegation is sought for Officers to conclude this matter and control the delivery of the bridge in way agreed by the relevant parties. In terms of the reference to the safeguarded area in phase 2, this matter has been included as a condition below so that development

in a phase prior to when the bridge would need to be constructed does not sterilise its delivery.

Other Impacts on the M2

- 7.11.47 Aside from the impacts of additional traffic on the M2, as the site shares a boundary with the M2, National Highways have requested a number of additional conditions. These relate to, within a defined distance from the motorway, the design and construction details of the bund, details of drainage, details of landscaping, and details of boundary treatment. In addition, a construction management plan is required to adequately deal with impacts of construction upon the strategic (and also the local) highway network. These conditions have been included below.

Other Impacts on the local highway network

- 7.11.48 Concern has been raised by interested parties that the development will impact upon rural roads and settlements to the south of the site. This matter has in-turn been raised with the applicant's transport consultant. They have commented that the highway modelling undertaken includes observations and forecasts for Selling Road, and the modelling has been assessed in detail by both KCC Highways and National Highways. This modelling does not show material reassignment to Selling Road or material assignment of trips to Selling, with the demand remaining relatively stable. They have also set out that Selling Road serves a modest rural catchment and without significant growth, or other attractors within this catchment, it is unlikely to be more attractive for journeys to and from Faversham than it is today. KCC Highways have commented on this and confirmed that they agree with this assessment, as confirmed by the traffic modelling, and conclude that the development would not give rise to any significantly harmful highway impacts on Selling Road to the south of the site.

Public Transport

- 7.11.49 As required by paragraph 109 of the NPPF, development should identify and pursue opportunities to promote, amongst other matters, public transport use. The Local Plan, refers to public transport in a number of policies, including policy DM14, which seeks to enhance public transport. The Faversham NP requires in policy FAV10, development to be well located in respect of public transport but doesn't explicitly say that capacity should be increased. This is also the case for the Boughton and Dunkirk NP, although, again, there is general support in this Plan for locating development close to public transport routes.
- 7.11.50 As set out above, parts of the site are reasonably well connected to existing public transport services in the form of Faversham Railway Station and bus stops along the A2. Having said this, there are also parts of the site where reaching either the railway station or bus stops would be more prohibited due to the distances involved. The application site includes a safeguarded bus route. Although this may be something that is taken forward at a later date, at this point, there is no agreement for any existing bus route to be diverted through the site.
- 7.11.51 KCC have assessed the impact of the development upon public transport throughout the course of the application. Initial discussions between KCC and the applicant regarding KCC's requirement for the developer to fund enhanced bus services between Faversham and Canterbury led to a request from KCC for £4.4 million. This

contribution was requested towards the X3 service which passes along the A2 to the north of the site, on the basis that future residents of the development would also be likely to visit other destinations, in particular Canterbury to the east, which this bus route provides services to. In addition to this, KCC requested £500 per dwelling, totalling £1,250,000, for bus travel vouchers. However, the agent again challenged this, on the basis that the modal shift targets of the development do not rely on bus use (a point which KCC accepted), and that capacity on the bus route passing the site was only reached at peak times of the day (a point which KCC had also made). In response, in order to mitigate the impacts of this particular development (which is what financial contributions cannot go beyond), the agent considered that a contribution of £1.625 million was reasonable in order to provide additional capacity at peak times and provide travel vouchers.

7.11.52 Having continued to liaise with KCC, a further response has been received which sets out that due to the evidence received in correspondence between the parties, as referred to above, that they accept the contribution of £1.625 million. They have raised the point that if the X3 service was to no longer operate then this would leave the development without a bus service. In respect of this point, it is not the developer's responsibility to support the provision of a bus route and on the basis of KCC's latest response it is considered that a reasonable and proportionate amount will be secured.

7.11.53 The scheme also proposes to revise bus stops on the A2, including provision of new bus stops and the relocation of some of the existing bus stops to a more convenient place. The precise detail of this will be controlled by the TS & FTP which will form part of the S.106 agreement.

7.11.54 In addition, the development would also lead to an increase in usage of Faversham Railway Station. Network Rail have been consulted on the application and have stated that contributions towards increased levels of cycle storage and car park capacity enhancements should be made. Despite numerous attempts to obtain further information throughout the course of the application, neither Network Rail or South Eastern have provided costings for the car park expansion works or any detail of the land to be used in relation to the car park. In terms of cycle storage, included in the TS & FTP is a requirement for the development to carry out a study with relevant stakeholders in order to review the feasibility of delivering the cycle parking, with a capped contribution of £169,000. Network Rail consider this sum to be appropriate. In relation to the car park, there is concern that due to the lack of evidence provided, this would not meet the necessary tests in order to secure an obligation and has not been included.

Phase 1

7.11.55 During the course of the application KCC Highways have requested further information regarding vehicle movements within phase 1 of the development, which has been submitted in detail. This relates to swept path drawings, site servicing, the extent of the newly created highways that would be adopted and internal visibility splays. On the basis of amended details that have been received, along with matters included in the Transport Strategy & Framework Travel Plan and separate Section 38 Agreements that the developer will be required to enter into, KCC Highways are of the view that these matters have been addressed. As a result, subject to relevant conditions and obligations in the S.106 agreement, no objection is raised to the highway matters related to phase

1 of the development.

Parking

7.11.56 Policy DM7 of the Local Plan requires development to apply the standards contained within the Council's Parking SPD. Policy FAV 4 of the Faversham NP states that secure, covered and easily accessible parking must be provided for new dwellings. The supporting text sets out that this policy does not modify the parking standards contained in the Council's Parking SPD as referred to above. Policy H8 of the Boughton and Dunkirk NP states that new residential development shall ensure that on-site parking provision is provided in accordance with the Borough Council's Parking SPD. Policy T3 of the Boughton and Dunkirk NP sets out that future residential and non-residential buildings shall have sufficient on-site parking spaces to avoid parking on the highway in accordance with the Parking Standards set out the Background Document (BD) 4. Policy BE3 then states that proposals for new commercial development shall include on-site vehicle parking spaces in accordance with adopted Parking Standards, and where necessary, submit a Goods Movement Plan to minimise the use of HGVs.

7.11.57 As the application has been submitted in hybrid form, a detailed parking layout has been provided for phase 1 of the development. The application has been assessed by KCC Highways who have, during the course of the application, requested amendments to the parking layout to ensure that a sufficient level and layout of parking is provided. Amendments have been forthcoming and KCC Highways are of the view that the latest drawings demonstrate the adequate parking provision, for both future residents, visitors and for the commercial uses within phase 1 is acceptable.

7.11.58 In respect of the outline element of the scheme, at the particular point in time when reserved matters applications are submitted, the Council will be able to assess the parking provision in accordance with relevant policies in place at that point. However, on the basis of the indicative layout and the density of the scheme, there is nothing at this point to demonstrate that adequate parking provision could not be achieved across the entirety of the site.

Public Rights of Way (PROW)

7.11.59 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.

7.11.60 Policy FAV6 of the Faversham NP states that development should not encroach onto footpaths, bridleways or cycleways or have any significant adverse impacts on their amenity, safety or accessibility. It also states that opportunities should be taken to improve the setting, amenity, safety and accessibility of existing footpaths, bridleways and cycleways. Lastly it sets out that a priority for allocation of developer contributions should be to provide new footpaths and cycleways, links between existing footpaths and cycleways and to improve the quality and accessibility of footpaths and cycleways, including links between the Town Centre and surrounding countryside.

7.11.61 Policy T1 of the Boughton and Dunkirk NP states that development should include off-road access via public rights of way. Policy T2 states that development in the countryside, beyond that allowed by the NPPF and policy ST3 of the Local Plan will be

resisted, in order, amongst other matters to avoid any increased negative impact on PROWs.

7.11.62 Paragraph 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.*”

7.11.63 Public Footpaths ZF21, ZF25, ZF26 are located within the site and as a result would be directly affected by the proposed development. ZF21 passes through the Application Site between the M2 and Salters Lane on an approximately south to north alignment, crossing over the M2 to a bridleway (ZF38) south of the motorway. ZF25 passes through the Application Site from the middle of ZF21 in the west to Selling Road in the east. ZF26 begins on the eastern side of Selling Road and continues east before turning north to pass through fields up to the junction with Selling Road and the A2.

7.11.64 The surrounding area also has a number of PROW as follows:

- Public Bridleway ZF38 which is on an approximately east to west alignment parallel to the southern edge of M2 along Westwood Court between Salters Lane and Selling Road;
- Public Bridleway ZR533 which is on an approximately northwest to southeast alignment between Selling Road and Colkins (west of the Faversham to Canterbury and Dover railway line) along Westwood Court;
- Public Footpath ZF20 which connects Salters Lane to A251 Ashford Road just north of Copton but south of the M2;
- Public Footpath ZR641 which connects Selling Road at Sole Street House to the unnamed road south of Colkins and south of the M2;
- Public Footpath ZR634 which is to the south of the M2 and east of the Faversham to Canterbury and Dover railway line. It connects the unnamed road east of Colkins to another unnamed road close to Brenley Farm;
- Public Footpath to ZF24 from A2 Canterbury/London Road through the south-eastern urban area of Faversham on a broadly southeast to northwest alignment to Faversham Recreation Ground;
- Public Footpath ZF28 from B2040 Love Lane along the northern edge of the Faversham to Canterbury and Dover railway line to Public Footpath ZF24. The footpath is on an approximately northwest to southeast alignment and is located to the north of the Application Site;
- Public Footpath ZB28/ZR496 from B2040 Love Lane in the east to an unnamed road northwest of Nash Court. The footpath is on an approximately west to east alignment north of the Application Site.

7.11.65 Further to a request made by KCC PROW Officers during consultation and in order for the impacts upon PROWs to be assessed in sufficient detail, an Outline PROW Strategy has been submitted with the application. In terms of the impacts upon PROWs within the site, the Strategy firstly deals with the impacts during the estimated 20 year construction period. It states that the PROWs will where possible be retained and enhanced during the construction of the development, with some stretches requiring

temporary or permanent diversions or with them being replaced with footways, footpaths or combined footways / cycleways within the site. Where localised temporary diversions and permanent diversions are proposed, these will be required to be agreed with KCC prior to this taking place. The Strategy sets out that the aim is to minimise disturbance to these PROWs during construction, and provide continuous connections to the existing footpath network to the north of the site on the A2 and to the west of the site on Salters Lane to facilitate improved access into and out of Faversham and its surrounds.

7.11.66 In order to achieve the above, it is proposed that the Outline Construction Environmental Management Plan (CEMP) is secured via a condition. The CEMP sets out methods of managing adverse construction effects on users of the existing PROWs. Specific measures are proposed during the construction of the development to minimise disruption to existing users of the PROW as follows:

- Warning signs to be located along the access route and where PROW and footpaths cross through the site;
- Highways, PROW and footpaths on and in the vicinity of the site kept free of debris with daily checks carried out.

7.11.67 It is also relevant at this stage that the parts of the site where the existing PROWs are located are, aside from a very small section within phase 1, subject to the outline application. As a result of this, although some of the diversions are known due to the parameter plans (discussed further below), the precise layout of these parts of the site and the precise impact upon the PROWs is not known at this point. This is proposed to be dealt with via a management scheme condition for the impact upon the affected PROW to be agreed in advance. It is also proposed that any temporary diversions during construction will be secured via an appropriate condition.

7.11.68 The Outline Strategy also sets out that the proposed development largely retains the existing routes of the PROWs. Having said this, there are three instances where permanent diversions are proposed. This relates firstly to ZF21 which is proposed to be diverted in the north-western part of the site, around the part of the site where the replacement training facility for Faversham Town Football Club is proposed. Secondly, a diversion of ZF25 is proposed, within a parcel of development to the south of the proposed cricket pitch for Faversham Cricket Club. Thirdly, ZF26 is proposed to be diverted through an area of open space and around the site of the proposed primary school.

7.11.69 In respect of the physical appearance of the routes, ZR21 is proposed to be 3.5m wide with the primary surface material being self-binding gravel. Where the route crosses new highways provided as part of the development, it is proposed to provide a raised surface for pedestrians and cyclists. In the south of the application site, ZR21 will be graded in order to cross the bund on its current alignment further to continuing across the existing bridge over the M2.

7.11.70 ZR25 is proposed to be 3.5m wide with the primary surface material being self-binding gravel. ZR26 is proposed to be 3.5m in width where it passes through the open space to the north and east of the primary school site. The primary surface material is proposed to be self-binding gravel. Where ZR26 leaves the open space and enters the development parcels the footpath is proposed to be separated from the carriageway by

2m wide landscaped verges. However, this would be subject to consideration at the reserved matters stage as it falls within the outline part of the site.

7.11.71 In respect of connections to the wider PROW network outside of the site, as set out in the off site highway works section of this report, works to the existing footpaths along the A2, Preston Park, A251 and B2040 are also proposed to enhance connections to the north and west in order to facilitate access to existing parts of Faversham.

7.11.72 The Outline PROW Strategy also sets out that feasibility studies with stakeholders will be used to identify and implement the works, these are matters that are discussed above under the heading 'Highway Infrastructure Proposals'.

7.11.73 The application also proposes a network of additional off site footpaths, approximately 4km in length to the south of the site, in order to provide connections and access to the wider landscape. These footpaths are proposed on land owned by the applicant and would be maintained by the applicant. The footpaths, signage and interpretation boards have been designed to encourage movement along new circular walks, connecting with existing PROWs and providing information on landscape and habitat features. The width of these footpaths will be wide enough to permit two-way passing for walkers and separated from farmland / highways by fencing. Surfacing of the paths is not proposed aside in areas where ground conditions require it. These footpaths and their maintenance, as they sit on land outside of the application site (but on land owned by the applicant) will be secured within the S.106 agreement.

7.11.74 The KCC PROW Officer has reviewed the scheme including the Outline PROW Strategy and raises no objection to the application, subject to conditions which require a PROW Management Scheme prior to commencement, which would also require a separate scheme to be submitted for each phase of development that impacts a PROW. The condition would require details of the design of the PROW routes, including widths, gradients and landscaping and details relating to diversions and alternative routes. In respect of each phase, further details related to specific impacts on PROWs to ensure the amenity and safety of the public are also required. In addition, conditions related to (separate) applications for diversions to be submitted and confirmed prior to any development which impacts upon a PROW is recommended along with the new route to be provided prior to the occupation of any units on an existing PROW route. These conditions are all recommended below.

7.11.75 In addition to conditions, the KCC PROW Officer has requested a number of financial contributions totalling £122,800, which would be required to enhance a range of footpaths in the vicinity of the site which would experience increased usage as a result of the proposals. The full breakdown of these contributions is provided in the relevant Developer Contributions section of this report. However, the applicant has agreed to the contributions requested by the KCC PROW Officer which will be secured via a S.106 agreement.

Conclusion on Transport and Highways

7.11.76 The first requirement in the NPPF under the heading 'Promoting Sustainable Transport' is for proposals to use a vision led approach to identify transport solutions that deliver well-designed, sustainable and popular places. The transport vision in the case of this application is provided in the TS & FTP which has been submitted with the application. In addition to the above, 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. In this case, both National Highways and KCC Highways have, throughout the process, been closely involved in assessing the impact of the development on the local and strategic highway network. They have concluded that on the basis of the transport vision, the modelling that has been undertaken and the mitigation works proposed, as described above, that the scheme would not have an unacceptable impact upon highway safety or convenience, or have a severe cumulative impact on either the strategic or the local highway network.

7.11.77 Phase 1 of the development has been submitted in detail and as such detailed matters of highway layout and parking have been assessed as being acceptable.

7.11.78 In terms of public transport, it is concluded that appropriate contributions will be secured which meet the necessary tests.

7.11.79 In terms of PROWs, KCC PROW raise no objection to the scheme subject to S.106 contributions and conditions as referred to above.

7.11.80 On the basis of the conditions and obligations as discussed above being included and secured the scheme is assessed against the relevant policies as follows. Overall, the scheme does not comply with the part of policy CP2 that requires development to be located in accordance with policy ST1 to ST7 as it is an unallocated site in the countryside. There is compliance with other parts of the policy on the basis that it is considered that the scheme minimises the need to travel for employment and services and facilitates sustainable transport. The application complies with policies DM6 in respect of managing transport demand and impact. It also complies with policy DM7 as it provides acceptable levels of parking for the detailed parts of the site, and there is no evidence to suggest that this would not be the case in the outline areas. In terms of the Faversham NP, the scheme complies with policy FAV4, FAV5, FAV6 and FAV10 (where it is relevant to these matters). In respect of the Boughton and Dunkirk NP, the proposal would comply with policy T1. In terms of policy T2, this restricts development and the impact on the highway and PROW network to that which is allowed by policy ST3 of the Local Plan. On the basis that the site is unallocated and therefore in the countryside as defined by policy ST3, the proposal is considered contrary to policy T2. The scheme complies with policies T3, H8, BE3 and A12 of the Boughton and Dunkirk NP.

7.12 Air Quality

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

7.12.2 Policy DM6 of the Local Plan 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. Policy FAV9 of the Faversham NP deals with air quality and states that development must have no significant adverse impact on local air

quality; proposals that affect air quality management areas (AQMA) should include measures to avoid worsening of air quality and lead to improvements in air quality in that area; and development that generates additional car journeys should include native tree planting or other design / landscape features to improve air quality. Policy E6 of the Boughton and Dunkirk NP requires the adverse environmental impacts of new development, including on air quality, to be minimised.

7.12.3 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 on to 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.

7.12.4 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.”

7.12.5 The site is not located within an Air Quality Management Area (AQMA), with the closest being the Ospringe (A2) AQMA, the nearest part of which is located approximately 1.3km to the west of the closest part of the application site. An Air Quality Assessment is provided at Chapter 10 of the ES and the Council's Environmental Protection Team have commented on air quality matters. They have concluded that the assessment undertaken and the methodology followed for road traffic emissions, in terms of both the construction phase and operational phase assessment accords with the relevant guidance, including that provided by Defra. Further to this, the baseline modelled data and the modelled scenarios which have been used in the model are considered to be acceptable.

7.12.6 In respect of the impacts that have been identified, the Council's Environmental Protection Team have commented that relative to Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) criteria there are no significant impacts for the operational year of 2040. As part of the proposals an Emissions Mitigation Strategy has been included and the Council's Environmental Protection Team have commented that the correct procedure has been used to calculate the 'damage cost' sum which amounts to £697,529.30. The Environmental Protection Team have set out that although the scheme includes a number of provisions to seek to mitigate impacts on air quality, specific mitigation for the damage cost amount must be discussed further and agreed. The applicant's agent has responded to this point and set out that the

remaining package of measures (sustainable transport measures, travel plan costs etc) means that the balance is still sufficient to offset the emissions. As these matters have been secured elsewhere via conditions / S.106 agreement it is considered that the damage cost has been adequately dealt with.

7.12.7 The Council's Environmental Protection Team have also commented that there is a need for each phase of the development to have appropriate mitigation measures for air quality. Due to the scale of the scheme a monitoring regime is required to enable these mitigation measures to be managed. The applicant has agreed to a condition on this basis and this is included below.

7.12.8 In addition to the above, the construction phase impacts on air quality have been assessed. The supporting information sets out that there will be no significant impacts with the effective implementation of a Construction and Environmental Management Plan (CEMP). An outline CEMP has been submitted with the application and there are also proposed measures for the control of dust. The Council's Environmental Protection Team take the view that with the inclusion of conditions related to construction method and dust monitoring that the construction related impacts upon air quality would not be unacceptably harmful. These requirements have been included in relevant conditions below related to the construction phase of the development. As a result it is considered that the construction element has been adequately dealt with in respect of air quality.

7.12.9 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 policies DM6 of the Local Plan, FAV9 of the Faversham NP, policy E6 of the Boughton and Dunkirk NP, and the relevant parts of the NPPF as set out above.

7.13 Open Space

7.13.1 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. Policy FAV12 of the Faversham NP states that "For housing schemes, the design of recreational space and play facilities should take account of the needs of people of all ages, including children and teenagers." Policy CWB2 of the Boughton and Dunkirk NP states that "The provision of new and/or enhanced suitable recreational open spaces and facilities at suitable and accessible sites within the Plan area, will be supported." The NPPF at paragraph 104 outlines the importance of access to a network of high quality open spaces.

7.13.2 A Landscape and Open Space Parameter Plan has been provided with the application which fixes the location of the structural landscape and open space within the site. The Planning Statement, submitted with the planning application, sets out the amount of strategic open space that could be provided, based upon the detail shown in the Parameter Plan referenced above. In the table below this is assessed against the requirement as set out in policy DM17 of the Local Plan.

Type of Space	Policy DM17 requirement	Proposed in application
Parks and gardens	6.66 hectares	8.15 hectares
Natural and semi-natural greenspace	26.16 hectares	27.57 hectares
Formal Outdoor Sport	6.54 hectares	3.2 hectares
Amenity Greenspace	2.7 hectares	2.86 hectares
Provision for children and young people	0.29 hectares	1.51 hectares
Formal play facilities	Contribution either on or off-site	1 x Neighbourhood Equipped Area for Play (NEAP); 1 x Local Equipped Area for Play (LEAP); 14 x Local Area for Play (LAP)
Allotments	1.2 hectares	1.56 hectares

7.13.3 The Council's Greenspaces Manager has been consulted on the application and as set out above, has commented that in general terms, the application identifies adequate open space provision for the different typologies and standards set by the existing Open Spaces Strategy. Having said this, the Council's Greenspaces Manager has made comments regarding the formal sports provision and noted that this falls below the requirement, as set out in the table above. The Planning Statement submitted in support of the application also acknowledges this point. It states that this is compensated for by the high quality of the new provision and the varied open space typologies within the development. Overall, the Planning Statement sets out that the aim of the proposal is to deliver 44.85 hectares of public open space, against a policy requirement 44.7 hectares.

7.13.4 In terms of the new provision, although the points made about quality in terms of the new formal outdoor sport provision are noted, as these elements of the proposal are in the outline parts of the scheme, precise details are not available. As such, it is not possible to conclude that they would be of a higher quality, even if this is ultimately the case. The Council's Greenspaces Manager also refers to the possibility of Community Use Agreements for the sports provision at the school proposed as part of this development, the training pitch for Faversham Town Football Club and the new cricket ground. A Community Use Agreement would allow users of the facilities not to be associated with the school / football / cricket club. The applicant has agreed to this condition and as a result this is included below.

7.13.5 The Council's Greenspaces Manager has also commented that the new artificial pitch may not meet the peak time requirements for football and rugby. However, this is an unknown at this stage as the artificial pitch lies in the outline part of the scheme. In addition, having liaised with the Council's Greenspaces Manager further, it is noted that the new artificial pitch at Abbey School which has a resolution to grant planning permission from the Council's Planning Committee (under ref. 25/500115/FULL), will

also provide facilities for rugby. As such, taken together it is considered that this would provide appropriate provision.

7.13.6 Sport England have commented on the application as discussed in the section of this report that deals with the principle of the outdoor sports provision on the site and have raised no objection on the basis that the scheme is providing replacement facilities. They also make comments in a non-statutory capacity, set out in the relevant part of this report. In their role as a non-statutory consultee, they essentially state that it is within the remit of the Council to determine what level of contribution should be made towards which built sports facility typology. On this basis, discussions have taken place between the Council's Environment and Leisure team, Planning Officers and the applicant / agent.

7.13.7 Initially, a contribution totaling £750,000 was requested for investment at Faversham Swimming Pool in respect of service areas, boilers, air handling and the pool filtration system. This request was put to the agent who responded that the contribution appears to be aimed at long term refurbishment and lifecycle replacement, which cannot be attributed solely to mitigating the impact of this particular development. However, the agent considered that a contribution of £100,000 towards these matters was reasonable.

7.13.8 However, further to this the Council's Head of Environment and Leisure identified a project which would increase learner pool capacity at Faversham swimming pool. The quotes that were received for carrying out this work were between £720,000 and £1.1 million. Taking the average of these figures, the Head of Environment and Leisure requested a contribution of £910,000 to carry out these works.

7.13.9 The agent was provided with this request and responded setting out that they have concerns with how this figure meets the statutory tests, on the basis that the request attributed the full costs of the work to this developer. They had concerns that there was no evidence to show that the capacity uplift is required solely due to this development, and that the works would benefit existing residents as well as those in other future developments. In this context, the agent provided a calculation of the percentage of the total residents in Faversham that would occupy this development and as a result considered that a proportionate contribution, using this ratio was one that would meet the tests. On this basis, the agent has offered a contribution of £191,264 to these works. In response to this, the Council's Head of Environment and Leisure was of the view that there was evidence in the Council's Built Facilities Strategy that the population growth, which this scheme is contributing to, would place additional demands upon Faversham swimming pool. The project identified would go towards meeting these demands. Therefore, it was considered that taking into account the evidence and points raised by both parties, that a revised contribution of £350,000 was appropriate. This amount has been agreed by the developer, is considered to meet the necessary tests and as a result will be secured in the S.106 agreement.

7.13.10 Turning back to the open space, part of it is included in the detailed part of the site, although the majority is in the outline element. At a high level, the overall amount and location of open space is secured via the Landscape and Open Space. A Landscape Masterplan has been submitted which shows how the open space on phase 1 of the development will be laid out. This shows four play areas within phase 1 and a separate condition is imposed which requires landscaping details in accordance with the Landscape Masterplan. In respect of phase 1, a condition is also imposed which requires precise details of the play equipment. In addition, a condition is imposed which requires

an Open Space Strategy for future phases (in the outline parts of the scheme) to be agreed prior to the submission of the reserved matters applications.

- 7.13.11 In overall terms, despite there being a shortfall in terms of outdoor sport provision, there is a good range of overall open space provision within the site. Therefore, although there is a limited amount of conflict with the specific requirements of policy DM17, the open space provision will over provide in other areas. As a result, on balance it is considered that the scheme is generally in accordance with policy DM17 of the Local Plan. It is also considered that the scheme accords with policy FAV12 of the Faversham NP and policy CWB2 of the Boughton and Dunkirk NP.

7.14 Heritage

- 7.14.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 7.14.2 Section 72(1) of the PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

- 7.14.3 The South Lakeland District Council v Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” in both s.66 and s.72 means “doing no harm”. The impact upon heritage assets has been assessed as required by the relevant NPPF paragraphs, as set out below, which as per *Mordue v Secretary of State for Communities and Local Government* [2015] EWCA Civ 1243 corresponds with the duty in section 66(1) (and also S.72).

- 7.14.4 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 buildings must preserve the buildings setting and any features of special architectural or historic interest. Policy DM33 relates to development affecting a conservation area and states that development within, affecting the setting of, or views into and out of a conservation area, will preserve or enhance all features that contribute positively to the area’s special character or appearance.

- 7.14.5 Policy FAV11 of the Faversham NP, amongst other matters, sets out that the adaption and re-use of historic buildings will be supported, providing such works preserve or enhance the character or appearance of conservation areas and preserve listed buildings and their setting. It also states that development will preserve or enhance the setting of the Faversham and Preston-Next-Faversham conservation area character or appearance. The policy also states that the design and layout of development must take account of views towards St Mary of Charity Church, Saint Mary Magdalene Church, St Catherine Church, Preston Lane and other church towers and spires and historic landmarks.

- 7.14.6 Policy BE2 of the Boughton and Dunkirk NP states that new commercial development

within the Plan area must be in keeping with the heritage character of the area. Policy E2 of the Boughton and Dunkirk NP sets out that proposals which seek heritage gain will be supported in principle, as will the protection and enhancement of heritage assets.

- 7.14.7 Paragraph 207 of the NPPF states that applicants are required to describe the significance of any heritage assets affected by the proposals, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than sufficient to understand the potential impact of the proposal upon their significance. Paragraph 208 goes on to set out that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including upon its setting) taking account of the available evidence and any necessary expertise. In this context, the glossary to the NPPF outlines that significance concerns the value of a heritage asset because of its heritage interest. It further defines setting as the surroundings in which an asset is experienced, noting that its extent is not fixed, and that elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 7.14.8 Paragraph 212 of the NPPF sets out 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. Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings should be exceptional, and to grade I and II* listed buildings should be wholly exceptional.
- 7.14.9 Paragraph 214 of the NPPF sets out that where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset, permission should be refused, unless the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the loss or if a series of criteria are all met related to the heritage asset and the proposal itself. The PGG states that *'in general terms, substantial harm is a high test, so it may not arise in many cases'*.
- 7.14.10 Paragraph 215 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
- 7.14.11 Paragraph 216 deals with non-designated heritage assets. The assessment of the nature and extent of harm to the significance of a non-designated heritage asset is a matter for the planning judgement of the decision-maker, looking at the facts of the application and taking into account the importance of the asset in question.
- 7.14.12 In respect of heritage assets, the effect of the proposal upon them has been assessed in the ES (Chapter 8 – Historic Environment). In terms of methodology for the study area, the Heritage Baseline Assessment (HBA) submitted in support of the planning application sets out that a search radius of 2km from the application site boundary was used to establish which heritage assets required assessment for impacts. Within 2km of the application site there are 428 listed buildings, seven conservation areas and three scheduled monuments. To assess the potential for the proposal to

impact upon the setting and significance of designated assets in this area the applicant's Heritage Consultant carried out site visits and a walkover of the application site and the surrounding area, in addition to using a zone of theoretical visibility (ZTV) for the proposed development. The ZTV shows maximum theoretical visibility, taking into account topography, vegetation and buildings. Features in the proposed development, including the landscape bund are also taken into account.

7.14.13 The site visits undertaken made an assessment of the accuracy of the ZTV model and confirmed that the majority of the listed buildings and other designated heritage assets in the surrounding area are sufficiently screened, either by landscaping, topography or buildings that the proposal would have no material impact upon their significance. Once the site visits along with the ZTV had been assessed, impacts upon a number of designated heritage assets was determined as being required to be assessed. These designated heritage assets (along with any relevant associated non-designated heritage assets) are set out below. Where relevant they have been grouped in order to make the assessment clearer.

7.14.14 The independent review of the ES carried out on behalf of the Council, highlighted (in the second review) that three matters in relation to Chapter 8 of the ES – 'Historic Environment' remain unresolved and were as a result potential Regulation 25 requests. These can be summarised as follows:

1. It is not clear what elements of the Proposed Development impact the heritage assets, and what part of the significance of the heritage assets is affected and why. As a result, at present the decision-maker will be unable to make reasoned conclusions on significant effects;
2. The assessment lacks a clear explanation on how the proposed development will impact the heritage significance specifically for the built heritage assets and the explanation of the effects to their significance. As a result, at present the decision-maker will be unable to make reasoned conclusions on significant effects;
3. The Applicant should review the assessment in light of the changes to some Conservation Area boundaries to confirm if any changes are required to reflect this change.

7.14.15 The applicant provided a detailed response to each of the above points. In respect of the first matter they consider *"In all instances the significance and setting of heritage assets are described as is their relationship with the Application Site. Furthermore, in all cases the relationship of the setting of the assets to their significance is explored, allowing the impacts and effects to be clearly articulated."* They also took the view that none of the relevant consultees raised this as a concern.

7.14.16 With respect to the second point, the applicant has responded setting out that the assessment in terms of significance has been carried out with due consideration to the NPPF and PPG.

7.14.17 Finally, in terms of the third point, a further review of the proposal in respect of the Conservation Area boundaries has been carried out. The conclusion drawn is that the proposals will have no additional direct or indirect effects upon the Conservation Areas beyond that which have been assessed in the original ES.

- 7.14.18 Following the submission of additional information, the applicant has provided sufficient evidence to understand the potential impact of the proposal on the significance of heritage assets, including to setting, in accordance with paragraph 207 of the NPPF. An assessment of those assets is below.

Macknade Farmstead

- 7.14.19 The Macknade Farmstead is located on the application site, towards its northern boundary. The buildings which make up the Farmstead are grouped around a small yard. The buildings have a range of uses, with some being used by a marquee hire company, some in agricultural use and others being vacant. The farmstead includes the following designated and non-designated heritage assets and the same building references i.e. 'Building S' have been used as per the supporting documents, for consistency. The significance of these buildings is primarily derived from their architectural and historic interest. The buildings also have group value, forming the legible remnants of the historic farmstead at Macknade.
- 7.14.20 (Building S): The grade II listed Oast House - This building comprises a pair of adjoining, cylindrical brick kilns (roundels) with tiled conical roofs and white metal cowls. This building is of national heritage significance. The Built Heritage Assessment (BHA) submitted in support of the application sets out that the kilns survive relatively well, with the cowls intact and represent not just Macknade but the wider hop industry in the area, forming iconic and distinctive features of the Kent landscape. The kilns have both aesthetic and historic value as illustrations of 19th century industry;
- 7.14.21 (Building R): Oast Keepers Hut adjacent to Oast House - This building is located within the curtilage of the grade II listed Oast House and is therefore curtilage listed. In terms of heritage significance, the BHA concludes that it is of lower significance than the kiln although is an important part of the overall oast house and helps provide a better understanding of the structure and how it operated. It concludes that this building is of local significance;
- 7.14.22 (Building T): Pair of cottages - These cottages are located within the curtilage of the grade II listed Oast House and are therefore curtilage listed. In respect of heritage significance, the BHA states that the cottages are amongst the oldest surviving structures at Macknade and mentioned in the list description of the oast house as forming a group within it. The cottages are described as being clearly of some significance and form a prominent feature visible from the public road.
- 7.14.23 (Building L): Main Barn and former oast house - This barn structure is located in the southern part of the main complex of buildings. This is considered to be a non-designated heritage asset. In terms of heritage significance, the BHA sets out that it adds interest to the collection of buildings at Macknade and is of some heritage significance at a local level.
- 7.14.24 (Building M): Barn - This is located centrally within the farmstead. This is considered to be a non-designated heritage asset. In respect of heritage significance, the BHA states that this building is one of the key structures at Macknade, located at the centre of the yard. Although previously rebuilt, its location reflects the early, pre-19th century layout at Macknade and the new building appears to illustrate the mid-19th

century changes to the farmstead.

- 7.14.25 (Building Q): Stables – Located on the eastern side of the farmstead and formerly in use as stables. This building is located within the curtilage of Macknade House (a grade II listed building, discussed further below) and is therefore curtilage listed. In terms of heritage significance, the BHA states that it appears to partially survive from the late 18th century farmstead, forming one of the key buildings. It is therefore of heritage significance.
- 7.14.26 (Building N, O & P): Cattle Stocks – These three structures are all a lean-to with a single pitch roof and an open front. These structures are considered to be non-designated heritage assets. In relation to heritage significance the BHA sets out that the three buildings are of some built heritage interest, particularly as an illustration of the changing use of the farm in the mid 19th century.
- 7.14.27 (Building G): Store building – This building is located on the western side of the farmyard and is a broadly square plan shed. This building is considered to be a non-designated heritage asset. In terms of heritage significance, the BHA sets out this mid 20th century building is of little built heritage significance as it adds little to the understanding of the agricultural use of the farm.
- 7.14.28 The details submitted with the application set out that the proposed development would include the conservation and repair of the listed Oasts and nearby curtilage listed hut (building R). It would also include the conservation and repair of historic buildings Q, M, N, O and P, all of which are important non-designated historic buildings in the group. The curtilage listed cottages (Building T), east of the oasts, would also be retained. Building L, the main barn and former oast, has structural issues, and it may not be possible to retain it. A condition and structural survey is proposed to be undertaken to assess the viability of conservation, but if it cannot be conserved, it would be recorded and dismantled, and any reusable elements from the structure incorporated into the new proposed building. Finally, more modern farm buildings would all be removed, and new landscaping would be introduced. However, these all remain as possibilities at this point. Planning permission or listed building consent is not being sought for any of these matters; therefore, the proposal would not cause any direct physical harm to these heritage assets.
- 7.14.29 Development is however proposed within the wider setting of these buildings and as a result initial comments provided by SBC's Heritage and Design Manager were that further work was required to limit any impacts upon the setting of the listed and unlisted buildings at Macknade Farmstead (and the Preston-next-Faversham Conservation Area (discussed further below)). Subsequent to an onsite meeting, additional measures and approaches were put forward by the applicant in order to attempt to protect the setting and significance of listed and unlisted buildings at Macknade Farmstead. The further measures were also submitted in response to a request from SBC's Heritage and Design Manager to require an appropriate level of assessment to be undertaken in relation to Building L. These are dealt with in turn as follows.
- 7.14.30 In respect of the setting of the Macknade Farmstead, this is largely defined by the rural and agricultural landscape which predominately surrounds the Farmstead to

the south, east and west. Also, to the west of the Farmstead lies the existing Faversham Cricket Ground. This piece of land was formerly an agricultural field associated with Macknade and remained legible as a single enclosed space. The Macknade Farmstead buildings are primarily agricultural in character and have historically been in agricultural use. The setting of rural / agricultural fields around the farmstead therefore makes a positive contribution to the historic and functional setting to these buildings. The change of the application site to a residential led development would erode this longstanding rural setting. The proposed solution in this area is to have housing in the central part of the existing cricket field, surrounded by open space. The submitted details state that houses should be laid out in a square, with open frontages onto the surrounding land and gardens / parking to the rear. The housing should be two stories in height and the open space adjacent to Macknade House could be characterised by a small orchard. The additional submitted details set out a 'Design Response Area' which includes the cricket field as discussed above and also parts of the site further to the south of this (and west of the Macknade Farmstead) along with an area to the south of the Farmstead itself.

7.14.31 Despite the above mitigation, which could be achieved through the submission of reserved matters applications, the proposed development would still result in a loss of most of the rural landscape surrounding these buildings, although the immediate existing layout of the Farmstead would be retained. The applicant's Heritage Consultant also considers that there would be a range of moderate benefits to the significance of the designated and non-designated heritage at Macknade Farmstead, by virtue of ensuring the on-going conservation of the assets, ensuring their optimal viable use and preserving physical elements of their shared and overlapping settings. Taken together the applicant's Heritage Consultant concludes that there would be overall harm to the setting of this group of buildings, which as above, includes grade II listed, curtilage listed and non-designated heritage assets.

7.14.32 The level of harm that has been identified is a low level of less than substantial harm. The Council's Design and Heritage Manager considers that the benefits as set out above are overstated as the heritage assets are located in the outline part of the site. Therefore, the ability to assess whether their optimal viable use is ensured cannot not be confirmed at this point, as the use is not completely fixed. However, regardless of this, the Council's Design and Heritage Manager takes the view that the level of harm identified, i.e. a low level of less than substantial harm is accurate.

7.14.33 In respect of potential works to Building L, although a view has been provided by the applicant that the building may not be structurally sound, no structural survey has been undertaken, and as a result, the following approach is proposed. Ahead of any reserved matters related to this building a structural survey will be undertaken which will demonstrate whether it is feasible to retain the building for a viable use. This in turn would then inform the proposals for the building. Whatever approach is taken would then need to, via condition, be approved by the LPA prior to the submission of the reserved matters application, which would be required to be consistent with the agreed designs. This condition, which is included below, would ensure that the proposals for Building L are evidence based.

7.14.34 Despite the above being an appropriate mechanism to assess the future of the building, one scenario is that it is demonstrated that the building is not structurally sound

and it is demolished. As set out above, paragraph 216 of the NPPF deals with non-designated heritage assets and requires a balanced judgment to be reached based on the scale of any harm or loss and the significance of the heritage asset. If the building was demolished there would be total loss of the asset. As set out above, this building adds interest to the collection of buildings at Macknade and is of some heritage significance at a local level. This is considered to be a fair assessment. As a result, in a worst case scenario, there would be substantial harm caused by the loss of the non-designated heritage asset which will be weighed in the Planning Balance below.

Macknade

7.14.35 Macknade is a grade II listed building, located immediately to the north of both the application site boundary and the Macknade Farmstead as discussed above. Macknade was, until recently, in use as a restaurant with overnight accommodation. The building due to its grade II listing, is of national significance. Macknade is an eighteenth or nineteenth century two storey building constructed of red brick, with large overhanging eaves and dentil details. The façade exhibits a high degree of symmetry with regularly spaced sash windows. The building sits within its own grounds which largely forms its setting with very limited views of the property from the surrounding area. Its wider setting is primarily road infrastructure and existing development to the north and east. To the south is the historic farmstead buildings associated with Macknade and to the west is the undeveloped cricket pitch. Its significance is therefore primarily derived from its architectural and historic interest, and to the extent that the wider setting contributes to significance, this is primarily in the group significance with the listed oasts and historic farm buildings to the south, and undeveloped open space to the west which contributes to the asset's significance.

7.14.36 The relationship between Macknade and the Macknade Farmstead as described above would be unaltered, on the basis that the adjacent buildings would be retained. The land to the west of the grounds of Macknade, i.e. the current cricket ground used by Faversham Cricket Club is proposed to be developed with residential / commercial uses. Surrounding this parcel of development is landscaping and open space, which would provide a buffer between the built form and the grounds of Macknade and the building itself. This part of the site is also included in the 'Design Response Area' as discussed above. As a result of both this, and as land at Macknade Food Hall would not be affected (as it lies outside of the application site), the assessment included in the supporting heritage information submitted with the application states that views into or out of Macknade would be unaffected. Due to this, the heritage information also states that the existing character of Macknade's setting is already suburban, being adjacent to the A2 and a restaurant to the east (Gunpowder Mill). Given the above factors, the conclusion reached in the supporting heritage documents is that the impact of the development upon the setting of Macknade does not result in any harm.

7.14.37 The Council's Design and Heritage Advisor has commented that having regard to the nature of Macknade and taking account of the contribution of the surrounding area to setting, it is concluded that the proposed development would not be detrimental to the setting of the grade II listed building. Indeed, subject to appropriate detail to the Design Response Area the scheme would preserve the setting of this designated heritage asset.

Preston-next-Faversham Conservation Area

- 7.14.38 A small linear piece of land running along Salters Lane, in the north-western corner of the application site is located in the Preston-next-Faversham Conservation Area. This Conservation Area then extends further west outside of the application site. Subsequent to the application being submitted the Preston-next-Faversham Conservation Area was expanded to include properties to the south of the A2 and to the west of Salters Lane.
- 7.14.39 As set out in the Conservation Area Appraisal, the significance of the Preston-next-Faversham Conservation Area is derived from its character and appearance with the document providing more details as follows: *“The surviving clusters of vernacular buildings on the northern side of Canterbury Road together with Mill House and Cottage on the south side create a place of special historical and architectural interest and local distinctiveness.”* This now also includes late 19th and early 20th century properties to the south of the A2 Canterbury/London Road and west of Salters Lane. Due to the listed buildings within this Conservation Area, the HBA considers this Conservation Area to be of national significance. The main experience of this Conservation Area is taken from the A2 and also from the junction of the A2 with Salters Lane.
- 7.14.40 In respect of the development, the north-western part of the site would have the closest interaction with the Preston-next-Faversham Conservation Area. In the far north-western corner lies the football ground occupied by Faversham Town Football Club. The application site excludes this parcel of land and this application does not propose any amendments in this specific area. Salters Lane, which is partly within the boundary of this Conservation Area is proposed to be retained and converted to an access only route.
- 7.14.41 The supporting information originally submitted with the application considered firstly the impact of the development upon the Preston-next-Faversham Conservation Area (prior to its expansion) and then subsequently, after the expansion had taken place, upon the Conservation Area in its most up to date form. The submitted details state that the proposed development along the northern boundary of the application site would be set back from the A2 and the linear alignment of the A2 would be unaltered. The applicant's Heritage Consultant takes the view that this would preserve the approach into the Conservation Area, as well as the part of the Conservation Area (along Salters Lane) which lies inside the application site. The applicant's Heritage Consultant also takes the view that PROW ZF21 would be retained through the application site (with the exception of a diversion to take into account the proposed training facility for Faversham Town Football Club) and taken together, concludes that the above measures would preserve the character, appearance, setting and significance of Preston-Next-Faversham Conservation Area.
- 7.14.42 In terms of assessing this impact, taking this into account, the Council's Design and Heritage Manager has reviewed the submitted details and has considered the combination of measures, including those required in relation to the 'Design Response Area', as discussed above. It is concluded that the separation, degree of screening and incorporation of appropriate design measures such as building setbacks, limits on scale, retention of open spaces and augmented planting would ensure a neutral impact on the setting of the (as extended) Preston-next-Faversham Conservation Area.

Faversham Conservation Area

- 7.14.43 The Faversham Conservation Area covers the historic town of Faversham and in broad terms, lies to the north and north-west of the application site. At its closest point, where it extends south towards the A2, it lies adjacent to part of the northern boundary of the application site. This Conservation Area was also extended during the course of the application to include Macknade Avenue, a residential street comprised of post Second World War dwellings.
- 7.14.44 The Council's Faversham Conservation Area Character Appraisal & Management Plan Public Consultation Draft August 2023 states that *"The Conservation Area includes a concentration of listed buildings, historic townscape and other features spanning several centuries and including considerable survival of medieval Faversham. This, together with the Creek and other landscape features, creates an area of considerable significance, quality and distinctiveness."* The applicant's Heritage Consultant considers that the Conservation Area is of national significance.
- 7.14.45 The extended part of the Conservation Area is enclosed by later housing development to the east and the west and by the A2 to the south. The Council's Conservation Area Appraisal as referenced above, states that Macknade Avenue is a late reference to the Garden City Movement and garden suburbs, which is apparent in the design, layout, gardens, planting and a landscaped island in the central part of the avenue. The applicant's Heritage Consultant takes the view that the northern boundary of the application site is visible from the extended part of the Conservation Area, but the remainder of the application site is fully screened by existing vegetation. Therefore, the application site does not provide any meaningful experience of the extension to the Conservation Area, nor is it considered to contribute to its significance. In terms of the remainder of the Conservation Area, the applicant's Heritage Consultant considers that in the most part, due to the distance, intervening modern development and other landscape features that the Conservation Area is not generally discernible from the application site. However, as evidenced in the HBA submitted in support of the application, the application site does allow for views of the church spires of both the grade I listed Church of St Mary of Charity and the grade II* listed Church of St Catherine, both of which lie within the Conservation Area. To a limited extent it is also considered that the site forms part of longer views from the Swale, located to the north of the site (and to the north of the town of Faversham). As a result, in overall terms the applicant's Heritage Consultant concludes that the site forms part of the setting of Faversham Conservation Area.
- 7.14.46 In terms of the impact of the development upon the setting of the Faversham Conservation Area the following assessment is made by the applicants Heritage Consultant. Firstly, in respect of the views that are currently afforded of key buildings as set out above, the development would introduce open spaces which would retain these views. These open spaces can be secured via the Land Use Parameter Plan and therefore this is a reasonable conclusion. In addition, the proposed earth bund would allow for additional elevated views of the Conservation Area and its buildings. Again, the delivery of the bund can be controlled by condition and therefore this assessment is also sound. It is also agreed that the site forms only a limited part of longer range views from the north and that the development would not, from this point, compete with any of the key buildings in the Conservation Area for prominence. In terms of the extended area, due to this, the closest part of the application site to the Faversham Conservation Area

is the north-western part of the site, close to where the football ground occupied by Faversham Town Football Club is located.

7.14.47 The applicant's Heritage Consultant has carried out a further review of this extended area and sets out that the football ground would be retained. In addition, it is considered that planting along the northern side of the A2 would be maintained and enhanced, ensuring that any proposed development would be screened from the extended area. The alignment of the A2 would be retained and that the remainder of the development would be a sufficient distance from the extended Conservation Area and separated by modern development. Overall, it is concluded that the proposed development would have a negligible effect on the extended Conservation Area. Taken together with the original conclusions of the applicant's Heritage Consultant (provided before the Conservation Area was extended) and the updated assessment, the applicant's Heritage Consultant concludes for the above reasons that the proposals would preserve the setting and significance of the Faversham Conservation Area.

7.14.48 The Council's Design and Heritage Manager has reviewed the details provided and concluded that due to the separation, degree of screening and incorporation of appropriate design measures such as building setbacks, limits on scale, retention of open spaces and augmented planting would ensure a neutral impact on the setting of the extended conservation area.

Colkins House and walls and nearby Barn

7.14.49 Colkins House is a large dwelling with associated farm buildings to the east. The main house and the walls to the south are grade II* listed, the barn to the east is grade II listed. These buildings are located approximately 200m to the south of the application site.

7.14.50 The HBA sets out that Colkins House and the Walls, as they are grade II* listed, are assets of the highest national significance (this level of significance includes both grade I and grade II* buildings). The grade II listed barn is defined as being of national significance. In terms of the significance of the buildings, this is described in the HBA as being primarily derived from their architectural and historic interest. They also have group value, a shared history and preserve the historic layout.

7.14.51 In terms of the relationship with the site, due to planting the HBA states that there is no intervisibility between the application site and the listed buildings. It also set out that the application site does not form any of the key views from within its setting but does form part of the landscape in limited views from footpath ZR633 south of the M2. It was therefore considered that the south-western part of the application formed a small part of the wider setting to the main house. However, the HBA concluded that the application site does not contribute to the significance of the house due to the degree of separation, which includes the barrier in the form of the M2, and the limited appreciation of the house provided by this part of the setting.

7.14.52 The proposal would include the construction of the earth bund on the southern boundary of the site. The HBA takes the view that although there will be some noise and movement during construction of the bund, this is unlikely to impact upon Clockhouse Lane (where these buildings are located) due to the distance and ambient noise from the M2. Then once the bund is complete and planting matured, this would screen the

development from the setting of the buildings, preserving their setting and significance.

- 7.14.53 The Council's Heritage and Design Manager has commented that although the bund does not go around the full extent of the southern boundary of the site, the setting of a listed building is the surroundings in which it is experienced. In this case the presence of screening vegetation, an intervening modern road and separation distance ensure the development would not harm the setting of these heritage assets.

Westwood Court

- 7.14.54 Westwood Court is a grade II listed building located upon a large site with an associated farm building to the south-east. It is approximately 200m to the south of the application site. The HBA considers this building to be of national significance, with its significance being derived from its architectural and historic interest.

- 7.14.55 Its setting is primarily provided within its grounds, although some views are available from footpath ZF38. The HBA found that there is no intervisibility between the application site and Westwood Court and the application site does not form part of any important views from within the setting of Westwood Court. It is considered that the application site does not form part of the setting of Westwood Court and does not contribute to its significance.

- 7.14.56 In addition to the above, the proposal includes an earth bund constructed along the southern boundary of the application site. The HBA is of the view that during construction of the bund there would be an increase in noise and movement in the wider setting of Westwood Court, although this would be partially mitigated by ambient noise from the M2. Once the bund is constructed and the planting matured the proposed development would be screened. It has been concluded that the development would be screened from the setting of Westwood Court and therefore its setting and significance would be preserved.

- 7.14.57 The Council's Heritage and Design Manager agrees with the assessment carried out in the HBA as set out above. Any impacts during construction would be temporary and during the operational phase the setting will be preserved.

Church of St Mary of Charity

- 7.14.58 The Church of St Mary of Charity is a grade I listed building located in the centre of Faversham, approximately 1.1km to the north of the closest part of the application site, within the Faversham Conservation Area. The HBA considers this building to be of the highest national significance with its significance derived from its architectural and historic interest.

- 7.14.59 The immediate setting of the church comprises the churchyard. However, the church tower is highly visible in the wider landscape. The church tower is visible from certain points within the application site, including footpath ZF21. The HBA as a result considers the application site to form part of the church's wider setting. It goes on to state that the application site provides a relatively limited appreciation of the church's significance, including an appreciation of its local prominence and limited appreciation of the architecture of the spire. Therefore, the application makes a small positive contribution to the significance of this listed building. As per the assessment of the impact

of the development upon the Faversham Conservation Area as set out above, there would be additional views of buildings, which includes the Church of St Mary of Charity, from the earth bund within the application site.

7.14.60 The HBA is of the view that as well as additional views of the church, existing views would be retained and that the proposed development would not compete for prominence with the church tower in the local landscape. Therefore, although the development would alter the setting of the church, this change would not result in any harm or loss. The conclusion drawn is that the proposed development would have a negligible effect on the significance of the Church of St Mary of Charity.

7.14.61 The Council's Heritage and Design Manager agrees with the conclusion of the HBA due to the separation distance, intervening development and retained views of the tower.

Church of St Catherine

7.14.62 The Church of St Catherine is a grade II* listed building, located approximately 325m to the northwest of the closest part of the application site within the Faversham Conservation Area. The HBA considers this building to be of the highest national significance, with its significance derived from its architectural and historic interest. The key elements of its significance, for which the building has been listed as grade II* are well preserved fixtures and monuments within the church and churchyard.

7.14.63 The immediate setting of the church is described as being its immediate context of the churchyard, the vicarage to the northwest together with other historic monuments and features. The church's spire is locally prominent and visible from much of the surrounding area, including from Salters Lane and footpath ZF21 within the application site when trees have lost their leaves in the winter. The HBA considers that the immediate setting makes an important contribution towards the significance of the Church whereas the wider setting provides a more limited appreciation of the church's significance, focused mainly on the spire.

7.14.64 The HBA is of the view that the application site provides limited views of the church spire. In addition, it sets out that footpath ZF21 appears to have been an historic route from the rural landscape to the south to the church. For these reasons it is of the view that application site forms part of the wider setting of the church and makes a small positive contribution its significance.

7.14.65 The proposals would provide additional views of the church spire by virtue of the earth bund. The HBA also sets out that footpath ZF21 would be retained. Although this is mostly the case, there would be a limited extent of the footpath that would be required to be diverted to account for the siting of the training pitch for Faversham Town Football Club. It is concluded that due to views of the spire being unaffected and the immediate setting not being impacted that the development would preserve the significance of the church.

7.14.66 The Council's Heritage and Design Manager agrees with the assessment in the HBA in that the development would preserve the significance of the church.

Copton Windmill

- 7.14.67 Copton Windmill is a grade II listed building, located approximately 430m to the west of the application site at the nearest point. The HBA considers this building to be of national significance, with its significance derived from its architectural and historic interest.
- 7.14.68 The HBA considers that the buildings location within a working farmyard and surrounding associated buildings comprises its immediate setting. It also states that longer views of Copton Windmill provide a more limited appreciation of its historic function.
- 7.14.69 The HBA found there was no intervisibility between the application site and Copton Windmill, that the application site does not form part of the setting of the listed building and does not make any meaningful contribution to its significance.
- 7.14.70 The Council's Heritage and Design Manager has concluded that given the separation distance, intervening development and truncation by the M2 and Ashford Rd, there would be no harm to the setting of this listed building.

Copton Manor Farmstore and 148 Ashford Road

- 7.14.71 Copton Manor Farmstore and 148 Ashford Road are both adjacently located grade II listed buildings, sited approximately 300m to the southwest of the application site at the closest point. The HBA considers the buildings to be of national significance, with their significance derived from their architectural and historic interest. Additionally, they have group value.
- 7.14.72 The HBA considers that the land that these buildings are located on provide the best appreciation of their architectural and historic interest and group value, which cannot be readily appreciated from the surrounding area.
- 7.14.73 The HBA found that there was no intervisibility between the application site and these buildings and that the application site does not form part of the settings of these buildings, and does not contribute to their significance.
- 7.14.74 The Council's Heritage and Design Manager concluded that for the same reasons listed under 'Copton Windmill', there would be no harm to the setting of these listed buildings.

Nash Court and associated gates and railings

- 7.14.75 Nash Court is a grade II* listed building, located approximately 740m to the east of the application site at the closest point. The gates and railings are grade II listed and located approximately 200m to the south of the building. The HBA considers Nash Court to be of the highest national significance, with the gates and railings of national significance. The HBA considers that their significance to be derived from their architectural and historic interest and that they also have group value.
- 7.14.76 The HBA found that the setting of Nash Court is largely provided from within its grounds, which is from where its architectural and historic interest are best appreciated.

The eastern elevation is a prominent presence in the local landscape. It was found that the setting of the gates and railings is limited to the A2 Canterbury / London Road.

7.14.77 The HBA found that there was no intervisibility between the application site and Nash Court. In addition, due to the separation between the two and changing land ownership, there is no historic or contextual relationship. As a result, it considers that the application site does not form part of the setting of Nash Court or the gates and railings and the application site makes no meaningful contribution to its significance.

7.14.78 The Council's Heritage and Design Manager agrees that for the reasons as set out above, the scheme has no harmful on the setting of these heritage assets.

Conclusion

7.14.79 To conclude, there are a range of designated and non-designated heritage assets present on the site and within the wider vicinity. From the evidence submitted and consultee responses, the significance of many of these assets would not be adversely affected by the proposed development.

7.14.80 There would, however, be less than substantial harm to the significance of the group of designated and non-designated heritage assets that form Macknade Farmstead, through a change to setting brought about by development. This includes the erosion of rural setting(s) to the grade II listed Oast House (Building S), curtilage listed Oast Keepers Hut (building R); Pair of cottages (Building T) and Stables (Building Q). Also, the change in setting would affect buildings G, L, M, N, O & P which are non-designated heritage assets in the same complex. In each case, the harm would be less than substantial, and at the lower end of the less than substantial range, but would nevertheless be contrary to policies CP8 and DM32 of the Local Plan and policy FAV11 of the Faversham NP insofar as they include requirements broadly seeking the conservation and enhancement of heritage assets and their setting. The heritage assets listed above to which harm would be caused fall outside of the Boughton and Dunkirk NP area and therefore it is not considered that there is conflict with policies E2 or BE2 of the Boughton and Dunkirk NP. The potential demolition of 'Building L', would, in the worst-case scenario lead to substantial harm caused by the loss of the non-designated asset which would be contrary to policy CP8 of the Local Plan and policy FAV11 of the Faversham NP.

7.14.81 Therefore, despite the harm that has been identified, paragraph 215 of the NPPF sets out a requirement to weigh the harm of designated heritage assets against the public benefits of the proposal. Also, paragraph 216 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. I return to these matters in the Planning Balance below.

7.14.82 In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

7.15 Local Green Space (LGS)

7.15.1 The NPPF at paragraph 106 states that the designation of land as LGS through local

and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Paragraph 108 of the NPPF goes on to say that decisions for managing development within a LGS should be consistent with national policy for Green Belts.

7.15.2 Policy DM18 of the Local Plan states that within designated LGS planning permission will not be granted other than for:

“1. The construction of a new building for one of the following purposes: essential facilities for outdoor sport or recreation, cemeteries, allotment use, or other uses of land where preserving the openness of the Local Green Space and not conflicting with its purpose;

2. The re-use or replacement of an existing building, provided the re-use does not include any associated uses of land around the building which might conflict with the openness of the Local Green Space or the purposes of including land within it; and

3. The carrying out of an engineering or other operation or the making of any material change of use of land, provided that it maintains the openness and character of the Local Green Space.”

7.15.3 The supporting text to policy FAV13 of the Faversham NP sets out that the Local Plan designates a number of LGS. The policy wording itself lists a further eight LGS which it states will be managed in accordance with national policy for green belts.

7.15.4 The existing pitch currently used by Faversham Cricket Club is located within the site and is designated as a LGS by policy DM18 of the Local Plan. The LGS, is, as shown on the Land Use Parameter Plan, proposed to be developed in the form of ‘mixed use – residential and commercial’.

7.15.5 The Planning Statement submitted with the application sets out that the principle of the de-designation of the Local Green Space has been accepted by virtue of the proposal to do so as contained in the Council’s ‘Local Green Spaces Final Report’, dated February 2021. This report was compiled during the Review of the Local Plan which at that point had reached Pre-Submission Document (Regulation 19) stage. Since that time, the Local Plan Review timetable has been reviewed and the Local Development Scheme now sets out that a draft Plan Regulation 18 consultation will be carried out in January to February 2026 (which has been undertaken). A Regulation 19 pre-submission consultation is proposed for July to September 2026, with submission of the Council’s Local Plan for Examination proposed for October to December 2026. As a result of this, Faversham Cricket Club, at the current point in time remains as a designated Local Green Space on the basis that it has not been de-designated. Therefore, although it was considered via the Local Green Spaces Final Report as referred to, it remains to be assessed against the relevant policies as set out above and discussed in more detail below.

7.15.6 The proposed development would see the loss of the existing Local Green Space for residential / commercial uses. Of significant relevance to this matter is the fact that an integral part of the proposed development is to provide a replacement facility through the provision of a new cricket ground and pavilion. In terms of the timings of the replacement facility, this is controlled by condition and therefore ensures that there is no

period of time when a cricket ground and pavilion is not provided. Furthermore, the existing cricket ground is approximately 1.9 hectares in size, with the replacement facility extending to approximately 3.45 hectares in size. The proposed parcel of land is also shown on the Land Use Parameter Plan and as a result, in addition to the condition referred to above, is secured as open space. However, despite this, as the proposal does not accord with any of the three parts to policy DM18 as set out above, it would fail to preserve its openness and conflict with its purpose, and therefore conflict with policy DM18 of the Local Plan. In terms of policy FAV13 of the Faversham NP, the LGS within the site is not listed in the policy wording itself, and therefore, no conflict with this policy arises.

7.15.7 Turning to paragraph 108 of the NPPF, as set out above, in considering applications on land designated as LGS, national policies in respect of Green Belts need to be assessed, excluding provisions relating to grey belt and previously developed land.

7.15.8 In respect of Green Belt policy contained within the NPPF, paragraph 153 states that when considering any planning application, substantial weight is to be given to any harm to the Green Belt (in this case – LGS), including harm to its openness. It also states that inappropriate development is, by definition, harmful to the designation and should only be approved in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The NPPF then goes on to set out circumstances where development should not be regarded as inappropriate.

7.15.9 In terms of this proposal, paragraph 154 lists a number of exceptions whereby those types of development are not inappropriate in the LGS. None of these exemptions apply to this proposal. As a result, the proposal in terms of the LGS is inappropriate development.

7.15.10 Inappropriate development is, by definition, harmful to the LGS and should not be approved except in very special circumstances. This is inappropriate development and, therefore, is harmful. That should be given substantial weight.

7.15.11 In respect of the impact upon the openness of the LGS, the PPG sets out that when considering the potential impact of the development upon openness, matters which may need to be taken into account include (although are not limited to) the following:

- The visual impact of the proposal and its volume;
- The duration of the development and its remediability, taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness;
- the degree of activity likely to be generated, such as traffic generation.

7.15.12 In terms of the above matters, on the existing cricket ground there is built form proposed in the form of residential and commercial development where no development currently exists. In addition, the development is proposed to be permanent with no provisions to return the land to its original state. Furthermore, due to the nature of the development, there would be a reasonable level of activity, including uses which would

generate traffic. As such, the proposal would be harmful to the openness of the LGS. This is also required to be given substantial weight.

- 7.15.13 Therefore, to establish as to whether the scheme complies with this part of the NPPF it will be necessary to assess whether very special circumstances exist which would clearly outweigh this harm and any other harm resulting from the proposal, which will be considered in the Planning Balance section of this report.

7.16 Sustainability / Energy

- 7.16.1 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. Policy DM21 of the Local Plan states that development proposals will make efficient use of water resources and protect the yield of local public water supplies. For new residential development, all homes will be designed to achieve a minimum water efficiency of 110 litres per person per day.

- 7.16.2 Policy FAV10 of the Faversham NP gives support to local or recycled materials and materials with low embodied energy and superior environmental performance. The policy also supports creative and innovative design, especially where it involves superior environmental performance, water efficiency and reduction of carbon impact.

- 7.16.3 Policy H5 of the Boughton and Dunkirk NP states that proposals for new residential development in the plan area will be supported where they, amongst other matters, include building design features to seek to achieve carbon neutrality and reductions in energy use. Paragraph 5.3.5 of the Boughton and Dunkirk NP also states that it recommends the need for mandatory housing standards for water and energy use.

- 7.16.4 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.

- 7.16.5 The application has been supported by an Energy and Sustainability Statement and in addition to this a further Technical Note, related to BREEAM, has been submitted during the course of the application.

- 7.16.6 The Energy and Sustainability Statement refers to a number of matters, including sustainable travel and biodiversity net gain, which are covered in other sections of this report. However, in terms of the matters most relevant to this specific part of the report, the Statement sets out that the following measures will be introduced into the scheme:

- Fabric first approach to reduce demand through building fabric thermal efficiency;
- No gas (all electric) energy solution;
- Renewable energy generation through roof mounted solar PV;
- Front of the meter (FTM) battery storage and residential microgrids energy infrastructure;
- Reduced water usage.

- 7.16.7 The Council's Climate Change Officer has been consulted on the application and has

commented that the application goes beyond the Local Plan requirements in regards to use of energy and water consumption. In respect of the residential elements of the scheme, the carbon reductions will be approximately 70% better than the current Building Regulation requirements.

7.16.8 In terms of the commercial buildings, the majority of this floorspace is in the outline parts of the site and therefore the BREEAM Technical Note as discussed above sets out that detailed assessments are unable to be carried out at this point.

7.16.9 In respect of securing the above, conditions are imposed which require phase 1 (i.e. the detailed part of the site) to be delivered in accordance with further details to be submitted and agreed which align with the Energy and Sustainability Statement. Further to this, future phases will, prior to the determination of the related reserved matters application(s), be required to submit and have approved a further Energy and Sustainability Statement, which, amongst other matters, aligns with the principles of the Energy and Sustainability Statement. This is considered to be a sensible approach on the basis of the necessary flexibility due to the long term timeframe associated with the scheme.

7.16.10 In respect of the non-residential buildings, as the development is over 1,000sqm a condition is imposed to ensure that the development accords with policy DM19 of the Local Plan, i.e. BREEAM 'very good'.

7.16.11 In terms of water usage, the scheme via the waste water recycling system, aims to reduce water usage to significantly below the Council's policy of a maximum of 110 litres per person per day. However, as this figure is unable to be quantified, a condition requiring no more than what the policy allows has been imposed.

7.16.12 Overall, the scheme is in accordance with policy DM19 and DM21 of the Local Plan, policy FAV10 of the Faversham NP, policy H5 of the Boughton and Dunkirk NP and the relevant parts of the NPPF.

7.17 Trees / Hedgerows

7.17.1 Policy DM 29 of the Local Plan sets out that the Council will seek to ensure the protection, enhancement of woodlands, orchard trees and hedges. The policy requires appropriate planting on new developments and states that unless the benefits of and need for a development clearly outweigh the adverse impacts, permission will be refused where there would be a loss of trees that make an important contribution either to the amenity, historic, landscape, townscape or biodiversity value of the site and/or the surrounding area.

7.17.2 Policy FAV7 of the Faversham NP at points 4 and 5 states that trees, woodland and hedges should be retained and incorporated into the layout and landscape design of proposals and new street / garden trees and hedges should be incorporated into the landscape design. In addition, where the loss of woodland, trees and hedges is unavoidable that native replacements should be provided nearby to provide a similar level of amenity.

7.17.3 Policy E10 of the Boughton and Dunkirk NP states that, amongst other matters, schemes should include landscape and boundary planting comprised of native species.

- 7.17.4 The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside, seeks the retention of existing trees wherever possible and requires new streets to be tree lined.
- 7.17.5 The application is supported by an Arboricultural Impact Assessment (AIA) which assesses the impact of the proposals upon existing planting on the site. The site in its current form contains 91 individual trees (33 - Category B; 56 - Category C and 2 - Category U), 83 tree groups (13 - Category B; 68 - Category C and 2 - Category U), 10 hedgerows (3 - Category B and 7 - Category C) and 1 woodland (Category B).
- 7.17.6 The planting on the site, due to its current predominate use as arable farmland is in the form of planting around the field boundaries in the form of long hedgerows and linear tree belts. Beyond this, the planting of note is located in the area around the margins of the existing cricket ground of Faversham Cricket Club and an area of woodland on the southern boundary of the site adjacent to the railway line. In general terms, the proposed removal of existing planting relates to the trees and hedges which define the field boundaries with those on the external boundaries of the site to be retained. In terms of replacement planting belts of woodland and scrub are proposed to screen the transport corridors in terms of the M2 and railway line. Rows of trees are proposed along highways, along with community gardens and orchards bound by hedges. The majority of front gardens are intended to be enclosed with a hedge.
- 7.17.7 In respect of the trees that are proposed to be removed, in numerical terms this relates to 25 individual trees, 41 groups of trees (and the partial removal of 11 groups of trees), 4 hedgerows, and the partial removal of 5 hedgerows. The AIA has assessed the impact of the removal of this planting on amenity and has commented that much of the planting to be removed is of category C (low quality). In addition, the AIA considers that previous management of these trees has removed any potential for them to significantly contribute to the landscape. Overall, the AIA takes the view that the amenity value afforded to the site by the trees to be removed is low, with their value being confined to a functional capacity due to their role as a windbreak.
- 7.17.8 The Council's Tree Officer has been consulted on the application and overall considers that the AIA provided in support of the application provides an accurate account of the constraints that existing trees, hedges and woodlands pose on the development layout and their quality grading. The Tree Officer expressed disappointment that the windbreaks were proposed to be removed, although does acknowledge that the quality of the single linear plantings are generally poor. However, there are identified trees within the site, notably a grade B Pin Oak close to the existing cricket ground which the Tree Officer considers could come under threat from the development, along with a number of large prominent B grade Black Poplar trees to the east of the railway line. In addition, the Tree Officer raised a query regarding the proximity of the earth bund on the southern boundary to existing trees which are shown to be removed.
- 7.17.9 The above points were relayed to the agent who commented that the trees identified above as coming under threat are in the outline parts of the site and as such the precise layout is unknown at this point. On this basis, a condition is recommended which precludes the reserved matters from including any built form in the Root Protection Areas of these trees. In terms of the trees on the southern boundary, it has been confirmed that these are to be retained.

7.17.10 Further consultation with the Tree Officer has been undertaken who considers that the above approach is acceptable and also requested conditions requiring landscaping details related to the bund and the Waste Water Treatment Works, a tree retention condition and a condition requiring an arboricultural method statement. These have all been included.

7.17.11 As set out in the 'Character and Appearance' section above, overall it is considered that the scheme provides a good quality landscape scheme in the detailed area, whilst the outline parts of the scheme have the scope to do the same. A number of conditions are imposed relating to landscaping details to ensure this is either controlled or can be assessed in the future.

7.17.12 In conclusion, it is considered that the application deals appropriately with trees and hedgerows on the site. Although the development leads to the loss of some existing planting, the most important planting on the site is in many respects retained, in addition the proposals include provision for replacement planting, albeit on other parts of the site. Overall it is considered that there is general accordance with policy DM29 of the Local Plan. In terms of policy FAV7 of the Faversham NP, there is an element of conflict on the basis that the scheme does remove some landscaping and that the loss is not completely unavoidable. However, much of this existing landscaping is of poorer quality and replacement planting is proposed, which can be controlled by condition. The replacement planting and the street trees proposed would therefore comply with parts of the policy and paragraph 136 of the NPPF. There would be general compliance with policy E10 of the Boughton and Dunkirk NP in that native species will be required and can be controlled by condition.

7.18 Flood Risk, Drainage and Surface Water

7.18.1 The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in Policy DM 21 of the Local Plan.

7.18.2 Policy FAV8 of the Faversham NP states that development must have no significant adverse impact on the risk of flooding and take opportunities to improve flood water disposal; development will not be supported if infrastructure to prevent flooding or the management of flooding incidents is compromised; sustainable drainage systems to be included in new build developments; and requires hard landscaping to be permeable.

7.18.3 Policy E6 of the Boughton and Dunkirk NP sets out that proposals will minimise adverse environmental impacts on respect of, amongst other matters, surface water drainage.

7.18.4 The site in its entirety lies in Flood Zone 1 in respect of flooding from seas and rivers. In terms of surface water flooding, although the majority of the site is at a low risk of flooding, some small parcels of land are at medium and high risk of surface water flooding.

7.18.5 The NPPF at paragraph 175 states that *"The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other*

potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

7.18.6 Paragraph 177, 178 and 179 of the NPPF goes onto state that:

"177. Having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

178. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

179. Both elements of the exception test should be satisfied for development to be allocated or permitted."

7.18.7 A Flood Risk Assessment was submitted with the application. Due to the recently evolving nature of national flood risk policy and guidance, during the course of the application the NPPF was altered to require a sequential and exception test where development was not just at medium or high risk from rivers and seas (i.e. flood zone 2/3), but also at medium / high risk from other sources of flooding, which includes surface water. As a result, a sequential test and exception test was submitted.

7.18.8 Turning firstly to the sequential test, the PPG advises that the area to apply the sequential test will be defined by local circumstances relating to the catchment area for the type of development proposed. In this case, the development is a residential led scheme for major development and as such it is considered that the area to apply the sequential should be the whole Borough, on the basis that housing, could, in theory be provided anywhere within the Borough. The sequential test has been undertaken on this basis.

7.18.9 In addition to this, the sequential test then, as set out in the PPG, needs to assess whether there are any reasonably available sites in a suitable location for the type of development proposed with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. This can be a series of smaller sites and / or part of a larger site if these would be capable of accommodating the proposed development. Lower risk sites do not need to be owned by the applicant to be 'reasonably available'.

7.18.10 The sequential test submitted by the applicant's agent has reviewed a number of sources to identify potential alternative development sites. These sources are:

- The adopted Bearing Fruits 2031: The Swale Borough Local Plan 2017 and the emerging Swale Local Plan Review and their respective evidence bases including Swale Borough Council's SHLAAs;
- Swale Borough Council's Brownfield Land Register;
- Swale Borough Council's list of sites with extant permission;
- Land for sale on Rightmove, On the Market and UK Land and Farms.

7.18.11 Due to the size of the application site, when considering a series of smaller sites, the minimum site size that has been included is 25 hectares. This is on the basis that the proposal includes dwellings, employment, retail, education, health, community and sports provision and that an alternative site, either alone or in combination would need to be a minimum size to be able to deliver these.

7.18.12 The sequential test also considers other matters in the Borough such as flood risk and environmental constraints. This shows that large parts of the Borough are at risk from surface water flooding, large parts in the north of the Borough are at risk from flooding from seas and rivers and large parts of the south of the Borough are subject to landscape designations includes areas of high landscape value and the National Landscape.

7.18.13 In order to assess the suitability of alternative sites, the following criteria have been applied:

- Q1. Is the alternative development site located within the catchment area?
- Q2. Is the alternative development site located within Flood Zone 1?
- Q3. Is the alternative development site located within an area not subject to any source of flood risk?
- Q4. Can the alternative development site provide a similar number of dwellings (2,500 dwellings) as well as commercial and community infrastructure?
- Q5. Is the alternative development site reasonably available?
- Q6. What is the potential development site capacity?

7.18.14 In total, using the above criteria, a total of 23 sites across the Borough were identified and are set out in a table in the sequential test. The table shows that none of the sites met all the criteria as set out above. As a result of this the sequential test concludes that there are no other reasonable available sites in the Borough at a lower risk of flooding that are capable of accommodating the proposed development.

7.18.15 In assessing this, it is considered that the sequential test has used appropriate data sources from which to carry out an alternative site search. In addition to this, due to the reasons set out above regarding the site needing to be of a certain size, including in the case of a series of smaller sites, a reasonable site size threshold has been applied. From this, the potential sites have been set out with what is considered to be an appropriate set of criteria being applied. A number of the sites fail a number of criteria, but crucially, every single site is subject to a source of flood risk. As a result of this, and due to the other drawbacks of the alternative sites, for instance in the vast majority of

case the sites not being reasonably available, it is concluded that there are no other reasonable available sites in the Borough at a lower risk of flooding that are capable of accommodating the proposed development. Therefore, the sequential test is passed.

7.18.16 After the consideration of the sequential test was concluded, national guidance in the PPG was again altered on 17th September 2025, to state that *“In applying paragraph 175 a proportionate approach should be taken. 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.”*

7.18.17 In this case, as set out further below, the FRA does demonstrate the occupiers and users would be safe and flood risk would not be increased elsewhere. As a result, based upon the most up to date guidance the sequential test is not now required, notwithstanding that it is passed.

7.18.18 Following this, the exception test has been applied. As set out above, there are two elements to the exception test. In respect of Part A and B, the scheme is a mixed use development, the benefits of which are set out below in the Planning Balance section. The benefits are substantial and wide ranging. The flood risk on the site is limited to very small parts of the overall site that are impacted by surface water flooding. A Flood Risk Assessment has been submitted with the application which concludes that the development will be adequately flood resistant and resilient; will not place additional persons at risk of flooding and will offer a safe means of access and egress; and will not increase flood risk elsewhere. The surface water strategy for the site includes porous paving, soakaways, infiltration basins and detention ponds. Both the EA and the Lead Local Flood Authority (KCC) have been consulted on the application and have assessed the matter of surface water. Both of these consultees have responded stating that they have no objection to the application, subject to a number of conditions, which are included below. On this basis it is considered that the development will be safe for its lifetime. For the above reasons it is concluded that the exception test is passed.

7.18.19 As discussed above, the site specific flood risk assessment demonstrates 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, without increasing flood risk elsewhere. As a result, in either scenario, i.e. with or without the sequential test, the development is considered to deal with the matter of surface water flooding appropriately.

7.18.20 In respect of foul drainage, the application, as set out above includes a Waste Water Recycling Works. This will treat foul water that is created by the development before it is re-used across the development via a ‘black water’ recycling system or discharged via infiltration in the ground. This will mean that treated foul water will not be required to be discharged into the public sewer network and pass through the Faversham Waste Water Treatment Works and into existing watercourses (i.e. Faversham Creek). The Waste Water Recycling Works would be subject to a separate permit process, controlled by the EA. Due to the Waste Water Treatment Works needing a sufficient amount of flows to be able to operate, the sewage from the occupation of the first 60 units will be required to be taken away by tanker. The EA have commented that

this will need to be in place at the appropriate point and overflow alarms will need to be in place to prevent accidental discharges to ground. As part of the foul drainage strategy, it is also proposed to discharge treated effluent to an infiltration basin close to the Waste Water Treatment Works. A condition related to foul drainage has been imposed.

7.18.21 The EA and Southern Water have been consulted on the scheme and raise no objection. In the case of the Environment Agency, as set out above, their position of no objection is subject to a number of conditions which have been included.

7.18.22 On the basis of the above, the scheme is considered to be in accordance with policy DM21 of the Local Plan, policy FAV8 of the Faversham NP, policy E6 of the Boughton and Dunkirk NP and the relevant parts of the NPPF.

7.19 Contamination / Water Pollution

7.19.1 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. Policy DM21 requires development proposals to protect water quality, including safeguarding ground water source protection zones from pollution, to the satisfaction of the Environment Agency. Policy E6 of the Boughton and Dunkirk NP sets out the proposals which minimise the adverse environmental impacts of new development, in respect, amongst other matters, water quality and which promote sustainable forms of development will be supported in principle. 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. It also sets out that new development should be prevented from contributing to unacceptable levels of water pollution.

7.19.2 As discussed above, the site has predominately been in use as arable farmland. Controlled waters are particularly sensitive at this location as the site is underlain by the Thanet Sandstone (Secondary aquifer) and Chalk (Principal aquifer).

7.19.3 In respect of contamination, phase 1 and 2 investigations have already been undertaken and are provided in Appendix 11.1 of the ES. Intrusive soil sampling, gas concentrations and groundwater monitoring have been undertaken across the site in addition to a risk assessment being carried out. As a result of the assessment, no contaminants in excess of the criteria used for proposed residential uses were found. In respect of gas, the site has been previously classed as low risk.

7.19.4 In addition to the above, a Remediation Strategy and Verification Plan has also been submitted. This provides a strategy for dealing with any contamination on site including any additional sources found during the enabling phase of the works. There are also some areas where investigation into pesticides in the soil needs to be undertaken.

7.19.5 The Council's Environmental Protection Team have assessed the submitted details and have raised no objection subject to the inclusion of conditions related to a Remediation Method Statement, a Contaminated Land Verification Report and a Closure Report.

7.19.6 The EA have also been consulted and take the view that the reports submitted with the

application provide them with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. They have commented that it is matter for the LPA as to whether more detailed information on this matter should be requested prior to the granting of any planning permission. However, on the basis that the EA are the statutory consultee with the relevant expertise in this matter and are content that sufficient information has been provided at this point, it is considered that imposing the conditions as recommended will ensure that the scheme is able to deal with the matter of controlled water and that it is not put at risk of contamination. These conditions in the form of a Remediation Strategy, a Verification Report, unexpected contamination and piling methods have a degree of cross over with the conditions recommended by the Council's Environmental Protection Team. As a result, suitable conditions to cover the matters raised by the EA and the Council's Environmental Protection Team are included below.

- 7.19.7 On the basis of the above, the scheme is in accordance with policy ST1 and DM21 of the Local Plan, policy E6 of the Boughton and Dunkirk NP and the NPPF in respect of contaminated land and water pollution.

7.20 Living Conditions

- 7.20.1 Local Plan Policy DM14 requires proposals to cause no significant harm to amenity. Policy FAV10 of the Faversham NP states that development should avoid any adverse impact on residential properties through intrusive, excessive or poorly designed lighting. The NPPF at paragraph 135 f) sets out that development should provide a high standard of amenity for existing and future users.

Existing Residents

- 7.20.2 The closest existing residential properties to the development include those that in general terms are located close to the northern extents of the application site, where existing properties in Faversham are located to the north and the south of the A2. At the closest point, these properties are located immediately adjacent to the application site. The relationship of the site with existing residential properties reduces towards the east of the site where there is less existing development. To the south west of the site, No.s 1 and 2 Salters Lane share a boundary with the application site. There is also a property – Step Cottage – which is located on Selling Road and is surrounded on all sides by the proposed development. This property is not included in the application site. To the south, the closest properties – Westwood Court Cottages - are located approximately 60m away from the application site, although the M2 sits between these properties and the site.
- 7.20.3 In terms of assessing impacts upon living conditions, as the application has been submitted in hybrid form, full details for phase 1 of the residential / commercial area, the Waste Water Treatment Works and the eastern section of the bund have been provided.
- 7.20.4 In respect of phase 1, the closest residential properties to the proposed dwellings / commercial units are those at Tin Bridge Cottages. These sit on the opposite side of the A2 (and the railway line) to this phase at a distance, at the closest point, of 56m. On this basis it is not considered that the scheme would not be unacceptably overbearing, or give rise to an unacceptable loss of privacy or outlook to these, or any other properties.

- 7.20.5 In terms of the relationship of the Waste Water Treatment Works, the closest property – Quarry House - is located approximately 283m away to the west. The maximum height of the Waste Water Treatment Works is 8.4m and as a result, this element of the development would not be harmfully overbearing, or give rise to an unacceptable loss of privacy or outlook to this or any other properties. The matter of odour impacts upon existing residential properties is assessed separately below.
- 7.20.6 The eastern section of the bund rises to a height of approximately 7.5m. The closest residential properties to the bund would be those to the south of the M2 and those located on Salters Lane, as described above. The dwellings to the south of the M2 would be separated by a sufficient distance that the bund would not be unacceptably overbearing, give rise to a harmful loss of light or a loss of privacy. In respect of the properties on Selling Road, these would be in closer proximity to the western section of the bund. However, this part of the bund has been submitted in outline. Therefore, it is considered that adequate controls can be applied at reserved matters stage in order to construct the bund in such a way as to protect the living conditions of the occupants of this property.
- 7.20.7 In terms of the other parts of the site that have been submitted in outline form, there are mixed use phases of the development (i.e. residential / commercial) located close to existing residential properties in Faversham in and around the A2. The proposed development will be on the opposite side of existing highways / railway lines to these existing properties with a maximum height of 13m – 15m. In addition, no.s 1 and 2 Salters Lane and Step Cottage would also be close to the outline parts of the site proposed to be in mixed use (in addition to the Bund in the case of no.s 1 and 2 Salters Lane as discussed above). In the case of these existing dwellings, the closest proposed buildings would be a maximum of 13m in height close to No's 1 and 2 Salters Lane and a maximum of 15m in height close to Step Cottage. On the basis of the information received, it is considered that there is no information at this point to suggest that these phases of development would be unacceptably overbearing, give rise to a harmful loss of light or outlook to any of the existing residents. Precise details will also be able to be assessed at reserved matters stage.
- 7.20.8 The employment buildings in the east / south-east of the site have a maximum height of 20m, whilst two landmark buildings are proposed, one to the west of phase 1 and one further to the south-east of the site at a maximum height of 25m. The employment area is, at its closest point, approximately 137m away from the nearest property, Quarry House. At this distance the building, even at a maximum height of 20m, would not be harmfully overbearing, give rise to a harmful loss of privacy or a harmful loss of outlook.
- 7.20.9 In terms of the landmark buildings, the closest existing properties to the landmark building proposed to the west of phase 1 (towards the northern part of the site) are No.s 1 and 2 Stile Cottages. These properties are located approximately 160m away from this proposed landmark building. As such, due to the distance involved this building would not be harmfully overbearing, give rise to a harmful loss of privacy or a harmful loss of outlook. The same conclusion is reached upon the impact of the other landmark building upon existing residents, on the basis that the closest residential property, no.6 Desmond Crescent, is located approximately 373m away.

Future Residents

7.20.10 New development is expected to offer future occupiers a sufficient standard of accommodation. Future residents should have access to sufficient daylight and sunlight and harmful levels of overlooking should be avoided between dwellings. The Council's Designing an Extension - a guide for Householders Supplementary Planning Guidance (SPG) suggests that a rear to rear separation distance of a minimum of 21m should be maintained between habitable room windows in different dwellings.

7.20.11 As discussed above, the application has been submitted in hybrid form and therefore for 261 of the proposed dwellings a detailed layout has been provided. The layout has been assessed in terms of the relationship of dwellings to one another in respect of whether an acceptable level of residential amenity can be achieved. After assessing the originally submitted drawings, there were a limited number of instances where it was considered that the separation distances and / or overlooking between dwellings could be improved. This information was relayed to the agent and amended drawings were received which sought to address this matter. Having assessed the revised details it is now considered that the layout provides acceptable living conditions in terms of access to natural light / sunlight and having an acceptable outlook. The dwellings have been provided with acceptable internal layouts and acceptably sized private amenity spaces. The apartment blocks would have access to nearby areas of open space on the development.

7.20.12 In terms of the outline areas of the scheme, although only indicative details have been provided, it is possible, as set out in this report to calculate average densities and maximum building heights have been provided. Across the site density equates to approximately 28dph with the landscaping and open spaces deducted from the calculation. On the basis of this density, there is no information submitted which would lead to a conclusion other than an appropriate layout can be achieved in order to achieve acceptable living conditions for future residents in terms of privacy, access to light and outlook.

7.20.13 In terms of the scale, the employment buildings to the east and south-east of the site are proposed to be a maximum of 20m in height. These are, in some locations proposed adjacent to 'mixed-use' areas of the site which could include housing. Therefore, careful consideration will be required in respect of assessing whether these relationships are acceptable. However, on the basis that these are maximum building heights, it is considered that there would be adequate controls at the reserved matters stage in order to assess this once the precise details were known. There are also two landmark buildings proposed, at a maximum height of 25m, one immediately to the west of phase 1 and one further towards the south-east of the site. These are located in the mixed use parts of the site, where, as set out above, residential uses are proposed. Therefore, the precise details and relationship between proposed buildings would be able to be assessed at the reserved matters stage. It is not uncommon to have a range of building heights in a built up environment and therefore it is considered that there is no detail at this stage to suggest that an acceptable relationship could not be achieved.

Noise

7.20.14 In respect of noise influences on the site, these relate to traffic noise from the A2 and M2 and noise from the railway line which bisects the site. There is also a source of noise from the Rifle and Pistol Club. All of these noise sources have been addressed

in the noise assessment. The development itself will also create noise sources from the sports provision proposed within the scheme and employment / commercial areas (both from the uses themselves and associated plant). Demolition and construction noise and also noise / vibration from piling has also been assessed.

7.20.15 The Council's Environmental Protection Team have confirmed that appropriate monitoring has been undertaken at locations which had been previously agreed. The monitoring has demonstrated that without mitigation, in various parts of the site, internal and external noise levels would exceed British Standards and World Health Organisation Guidance. As a result, attenuation is proposed as part of the scheme which involves glazing and ventilation requirements for the dwellings and also the proposed bund along the southern part of the site. The Council's Environmental Protection Team have also stated that residential gardens in the part of the site closest to the A2 will require additional screening. Details of any plant or equipment upon employment / commercial buildings are not known at this stage and therefore noise limits have been proposed. The attenuation necessary to achieve these limits is likely to be needed but the Council's Environmental Protection Team are of the view that this can be dealt with at reserved matters stage (or prior to installation in respect of the detailed part of the application).

7.20.16 On the basis of the above, the Council's Environmental Protection Team raises no objection subject to conditions related to noise levels for commercial plant and machinery and internal and external noise levels for the residential units. In respect of potential disturbance from construction, a condition relating to construction hours and a construction and environmental management plan has been recommended. These conditions have been imposed (or included as components of conditions).

7.20.17 The outdoor sports provision also has the potential to create noise. The Land Use Parameter Plan submitted with the application shows that residential uses could be in close proximity to the outdoor sport facilities. There are also existing residential properties close to the northern part of Salters Lane which would be in relatively close proximity. However, at this point on time, the precise detail of these uses are unknown. As such, mitigation is unable to be assessed. However, based upon the information available at this time there is no detail to suggest that the noise environment would be harmful as to be unacceptable. Precise details will be able to be assessed at the reserved matters stage. Therefore based upon the assessment above it is considered that the noise elements of the scheme have been appropriately addressed.

Odours

7.20.18 The main source of odour from the development would be the Waste Water Treatment Works that is proposed, although odours could also be produced from extraction from the commercial units. In terms of the Waste Water Treatment Works, an Odour Impact Assessment has been submitted. This has assessed Odour Surveys from a comparable facility elsewhere and also provided a detailed atmospheric model of the proposed facility at the application site.

7.20.19 Both the EA and the Council's Environmental Protection Team have been consulted on this element of the application. In respect of the EA, they have confirmed that the Waste Water Treatment Works would require a separate Environmental Permit from the EA. As part of this process, an assessment of odour impacts would be undertaken. Therefore, the Waste Water Treatment Works would not be able to operate

without this permit (although this is subject to a separate consenting process, dealt with outside of the planning process). For the purposes of this application the Council's Environmental Protection Team have assessed the submitted details and as set out in the Consultations section above, they have commented that the potential odour impacts of the Waste Water Treatment Works have been appropriately assessed in line with the relevant guidance.

7.20.20 The results of the assessment are that within 40m of the facility, moderately adverse impacts would occur to 'medium sensitivity odour receptors' (i.e. employment uses). The Land Use Parameter Plan shows that part of Phase B of the development is proposed as employment uses. As a result, the Odour Impact Assessment sets out that mitigation is required. Phase B of the development has been submitted in outline and therefore the precise layout of this part of the site is currently unknown. As a result, the Council's Environmental Protection Team raise no objection subject to a condition which requires mitigation to be included in any reserved matters application for Phase B.

7.20.21 In terms of existing residential units, as set out above Quarry House is the closest property to the Waste Water Treatment Works, situated approximately 283m away to the west. This is outside of the zone where unacceptably harmful impacts would occur to sensitive receptors such as residential occupiers.

7.20.22 In addition, in relation to odours from extraction, the Council's Environmental Protection Team have no objection subject to a condition related to extraction details. Both this condition and the condition related to the mitigation measures for the Waste Water Treatment Works have been included and as a result the scheme is considered to acceptably deal with odours.

Lighting

7.20.23 In respect of the impact of lighting, the ES advises that the site currently falls within zone E1 which is classified as a 'dark' lighting environment. Due to the uninhabited nature of the site the Council's Environmental Protection Team consider this to be an accurate assessment. Lighting during construction and operation will need to be assessed and therefore a related condition is recommended. As a result it is considered that lighting matters in respect of living conditions have been adequately dealt with.

Living Conditions – Conclusion

7.20.24 Overall, it is considered that the living conditions of both existing and future occupiers would not be unacceptably harmed by the development, subject to a range of conditions as discussed above. On this basis the scheme complies with policy DM14 of the Local Plan, policy FAV10 of the Faversham NP and the relevant parts of the NPPF.

7.21 Archaeology

7.21.1 The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.

7.21.2 Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to

preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.

- 7.21.3 Policy FAV11 of the Faversham NP states that development within or affecting the Urban Archaeological Zones should take account of this in its design, mitigation of impacts and construction. The scheme does not lie within the boundary of the Urban Archaeological Zone and as such this specific policy does not apply to this development.
- 7.21.4 Notwithstanding this, the landscape to the south and east of Faversham has been shown to be rich in archaeological remains of prehistoric, Iron Age, Roman and medieval periods as a result of archaeological investigations that have taken place on development sites nearby. In the case of this application, the detailed element of the proposal has been evaluated via desk-based assessment, geophysical survey, evaluation trenching and test pitting. The parts of the site which are subject to the outline application have been evaluated via desk-based assessment and geophysical surveys. As a result of this it has been determined that the site has a high and moderate-high potential for buried archaeological remains of prehistoric and Roman origin. There is also potential for Iron Age and Romano-British finds and medieval agriculture. Trial trenching has produced evidence including of late Bronze Age to early Iron Age activity as well as late Iron Age or early Roman features and the presence of a settlement spanning the 1st century BC to the 1st century AD.
- 7.21.5 In terms of the detailed phase 1 part of the site the KCC Archaeological Officer has commented that there are no archaeological remains in this part of the site which require preservation in situ measures. Archaeological mitigation through further investigation and recording is required and the scope and extent of further works in these areas needs to be widened and agreed.
- 7.21.6 In respect of the outline phases, large areas remain unevaluated and require a programme of trenching prior to the submission of reserved matters applications. Therefore, further remains that require preservation cannot be ruled out at this stage. In terms of the remains identified via trenching, it has been agreed that a number of these can be mitigated through further investigation and recording. However, some of the remains needs further consideration and may merit preservation measures.
- 7.21.7 Although the KCC Archaeological Officer requires further archaeological investigations to be carried out, they consider that an appropriate level of assessment, survey and evaluation has been undertaken to inform the current planning application.
- 7.21.8 In terms of the detailed element of the proposals in phase 1 the KCC Archaeological Officer has commented that a condition can secure the further investigations required. In respect of the outline phases, it is considered that the further evaluation work can be secured through a condition to ensure that it is carried out prior to, and to inform the reserved matters applications in these parts of the site.
- 7.21.9 As a result, subject to the inclusion of conditions securing an archaeological framework; archaeological evaluation; archaeological mitigation; provision of safeguarding of areas for preservation; community archaeology and public engagement; heritage interpretation; provision for archaeological archives and historic building recording then no objection is raised.

- 7.21.10 On this basis the scheme complies with policy DM34 of the Local Plan and the NPPF in respect of archaeology.

7.22 Brickearth

- 7.22.1 Policy DM7 of the Kent Minerals and Waste Local Plan sets out that planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding in a number of circumstances set out in the policy. One of these circumstances is that extraction of the mineral would not be viable or practicable.

- 7.22.2 Paragraph 225 of the NPPF states that *“Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”*

- 7.22.3 Large parts of the site are overlain with brickearth which is the mineral used to manufacture bricks and tiles. The application is supported by a Mineral Safeguarding Assessment which concludes that the deposit on the site has insufficient sand content to be a viable mineral for brick manufacture. The KCC Minerals and Waste Officer has been consulted on the application and agrees that the deposits identified on the site are of a non-viable type in terms of current manufacture and raises no objection to the proposal.

- 7.22.4 As result of the above, criterion 2 of policy DM7 of the Kent Minerals and Waste Local Plan, i.e. that the extraction of the mineral would not be viable or practicable is applicable. Therefore the scheme complies with this policy and the NPPF in this regard.

7.23 Developer Contributions

- 7.23.1 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.

- 7.23.2 As with any planning application, the 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
- Reasonably related in scale and kind

- 7.23.3 The following outlines 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).

- 7.23.4 The following financial contributions have been sought by KCC, the NHS and Swale Borough Council to mitigate the impact of the development upon services. These are in addition to the obligations that have been mentioned elsewhere in this report.(Table on next page)

Requirement	Value	Towards
Ecology		
SAMMS payment	£337.49 per dwelling	North Kent Strategic Access Management and Monitoring Strategy.
Off site mitigation for Golden Plover	N/A	Compensatory off-site piece of land.
Off site mitigation for wintering birds	N/A	40 hectare compensatory piece of land off-site.
Off site footpath connections	N/A	4.02km of off-site footpath connections to the south of the site.
Off site provision for reptiles (if required)	N/A	Compensatory off-site piece of land.
Education		
Education Review Group		Funding of an Education Review Group to review delivery of education facilities.
Nursery	26 Place nursery at the primary school.	Delivery of a nursery as part of the primary school.
Primary Education		Delivery of new on-site 3FE primary school.
SEND Education	£559.83 per house £139.96 per flat	Contribution towards special needs/SRP provision within the Borough.
Secondary Education	£5,329.27 per house £1,332.32 per flat	Towards expansion of the Abbey School and/or provision in the Faversham and Canterbury Selective Planning Group.
Secondary Education Land Contribution	£3,022.72 per house £755.68 per flat	Towards land acquisition costs of Selective Secondary Provision serving the development.
Community		
Adult Social Care / Integrated Children's Services	£637,325.00	To safeguard an area of land for a multi-functional Community Facility, with access for Adult Social Care services, Integrated Children's Services, public health services, and / or other community-facing activities (including cultural and creative uses and other community functions typically associated with a village hall). A capped financial contribution of £637,325.00 will be made available to KCC. KCC may either use the funds to deliver an on-site facility (in which case the land would transfer) or apply them to offsite provision (in which case the land would revert to the applicant).

Library Service	£62.67 per dwelling	Towards additional resources, services and stock, and works to Faversham Library to increase capacity to meet the needs of the development.
Community Learning	£34.21 per dwelling	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.
Waste		
Waste - Contribution	£194.13 per dwelling	Towards Household Waste Recycling Centres serving the development at Faversham or Sittingbourne. And increases in capacity at the Waste Transfer Station in Sittingbourne.
Wheelie Bins	For houses (per house) 1 x 180ltr green bin for refuse £55.40 1 x 240ltr blue bin for recycling £55.40 1 x 23ltr food bin £12.90 1 x 5ltr food caddy £6.50 For Flats (every 10 flats): 2 x 1100ltr refuse - £1,075; 2 x 1100ltr recycling - £1,075; 1 x 140ltr food - £49 10 x 5ltr food caddy per flat– £6.50	Waste and recycling storage.
Health care		
NHS primary and community care - Contribution	Safeguarding 0.25ha on the site for a two-storey healthcare facility and parking. In addition to the land, a financial contribution of £ 3,242,088.	Primary (general practice) and community care healthcare.
NHS acute care - Contribution	£ 7,699,519	Acute healthcare at East Kent Hospitals University Foundation Trust.
Sport and open space		
Faversham Swimming Pool.	£350,000	Additional learner pool capacity at Faversham Swimming Pool.
Highways and transportation		
Transport Strategy and Framework Travel Plan appended to S.106) and / or secured as separate	- Works to A2/Western Link Junction (if required subject to monitoring);	

obligations in the S.106 agreement	- Works to the A2 Canterbury/London Road, Preston Park, A251 and B2040 Love Lane, including new / revised bus stops along the A2; - Works to Salters Lane; - Preston Fields Link Road connection; - Works to Selling Road; - Reasonable endeavours to work with partners to deliver a New Bridge for cyclists across the Faversham to Canterbury railway line – capped at £2,000,000; - Reasonable endeavours to work with partners to deliver Faversham railway station cycle parking – capped at £169,000; - Reasonable endeavours to work with partners to deliver Forbes Road improvements – capped at £75,000; - Reasonable endeavours to work with partners to deliver Preston Lane/ Short Bridge improvements – capped at £75,000; - Reasonable endeavours to work with partners to deliver Bramley Avenue/ Long Bridge improvements – capped at £150,000; - Car Club Scheme at the site; - Cycle Hire Scheme at the site – capped at £150,000; - Provision of Broadband in homes and businesses; - Provision of Travel Information for new residents and businesses; - Management Toolkit Fund - Minimum of £1,250,000 for off-site highway interventions (total amount subject to feasibility studies for other off site highway interventions); - Traffic Monitoring and Management Plan; - Vehicle Monitoring Scheme; - Parking Management Plan; - Transport Review Group to oversee Vehicle Monitoring Scheme and identify need for and hold / release funds secured through the Management Toolkit Fund; - Appointment of Transport Co-Ordinator; - Site Access and Connectivity Plan; - Off site highway Mitigation Plan.
Travel Plans and compliance Monitoring (KCC)	Travel plans and contributions towards the cost of KCC monitoring compliance with travel plans at £1,422 per Travel Plan.
Bus Services	• Up to £950k to support additional school or regular peak hour services and; • Up to £675,000 for public transport ticketing vouchers (equating to £270 per dwelling for 2,500 dwellings, or £540 per dwelling for half of the dwellings if following the statement in KCC's previous letter dated 5th September 2025 which noted "Bus vouchers of £500 per dwelling (for 50% of dwellings) will also be sought to encourage take-up and sustain services and promote behavioural change"). Total - £1.625 million.

PRoW enhancement	Public Footpath ZF23 – Increase width - £7,500; Public Footpath ZF24 – Increase width - £15,000 / enhance directional signage - £500; Public Bridleway ZF38 (connecting to Public Footpath ZF21 via M2 footbridge) – Surface improvements / Vegetation clearance - £12,500; Public Footpath ZR634 (connecting from Clockhouse Lane) – Surface improvements - £3,500; Public Footpath ZR611 (Service track within golf course to kissing gate and enclosed path) – Widening PROW - £24,000; Public Footpath ZR611 running into Public Footpath ZR610 (From kissing gate at start of enclosed path to Brickfield Lane) – Surface improvements - £30,000; Public Footpath ZR610 (From Brickfield Lane to motorway footbridge) – Surface improvements - £17,000; Public Footpath ZR609 (From motorway footbridge to The Street Boughton Under Blean) - Surface improvements - £9,000; Enhanced directional signage - £1,800 Total - £120,800
Affordable housing	
Affordable housing	Overall percentages as follows: - Phases A and 1-4 – 35%; - Phase 5 – 36%; - Phase 6a – 40% Tenure mix for phase 1 – 50% social rent / 50% intermediate housing; Tenure mix for remaining phases to be agreed on a phase by phase basis.
Supported, extra care housing, residential and nursing home provision	KCC to have nomination rights of supported, extra care housing, residential and nursing home provision.
National Landscape	
National Landscape	Interpretation Boards within the National Landscape.
Monitoring	
Monitoring fee	Contribution to cover the cost of monitoring the delivery of various planning obligations. KCC monitoring fee: £300 per trigger SBC monitoring fee: TBC

7.23.5 In respect of the NHS Acute Healthcare contribution, it should be noted that this has been disputed by the applicant. In summary, this is because they are of the view that funding is defined through central government during the spending review process; there is a wider budget remit for a broader population catchment; and the budget includes financial and performance incentive schemes, of which all fall outside the influence of planning. In addition, they comment that acute care, is part of secondary care, of which the proposed application already includes space for (diagnostic and secondary care

through the space of allied healthcare practitioners in the primary care facility), which reduces pressure on hospitals, allows them to make better use of the space freed up, and builds in greater health care adaptability and resilience.

7.23.6 The NHS' position on this is that the proposed development will increase the demand on the acute hospital beyond that already modelled (using the current and forecast population growth data) for the purpose of developing the acute hospitals clinical, estate and people strategies. The additional demand will require a physical expansion, beyond that already planned, of the current acute hospital footprint to accommodate the increase in non-elective beds (including those available for maternity) and the supporting services required to deliver the appropriate level of healthcare.

7.23.7 The Council's position on this matter is that the contribution request for 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.

7.23.8 As a result of the above, it is considered that developer contributions are necessary to mitigate the impact of this development in respect of Acute Healthcare and will therefore be included.

7.23.9 Although the above position has been reached, it is important to note that the same scenario has played out in relation to the applications 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.

7.23.10 As a result, the recommendation here is 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 (and the period for legally challenging any decision passes). 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 (and again, the period for legally challenging this passes). In a scenario where the Secretary of State determines this contribution is lawful, then it would remain in the S.106 agreement.

- 7.23.11 In addition, a number of requests have been made by Boughton under Blean Parish Council in respect of financial contributions as set out in the Consultations section of this report. In summary, these requests are related to upgrades to the existing village hall in Boughton; works to the access and car park associated with Boughton Recreation Ground; refurbishment of an existing public toilet in Boughton; and highway improvements to kerbing in The Street, Boughton.
- 7.23.12 The agent was provided with a copy of these requests and issued a response setting out that in their view, the requests did not meet the necessary tests as set out in Regulation 122 of the Community Infrastructure Regulations, as above. The summarised reasons for this were that in respect of the village hall and recreation ground requests, community facilities and open space was being provided on the site in order to mitigate the impacts of the development. In respect of the public toilets in the village of Boughton, the agent's position was that they could not identify how this request could be directly related to the development or necessary to mitigate its impacts. Finally, in respect of kerbing in The Street, the agent was of the view that KCC Highways, who are responsible for this road, had agreed a package of highway improvements, which did not include this road. As a result, the agent considered that these further measures would not meet the CIL tests.
- 7.23.13 Having considered these matters, with the necessary focus on the CIL tests, it is considered that the agent makes valid points regarding all four of the matters raised. The elements of the scheme necessary to mitigate its own impacts have been secured and to venture outside of this would mean that the tests are not being met. As a result, these contributions cannot be secured.
- 7.23.14 A further piece of correspondence from Boughton under Blean Parish Council was received which requested a contribution in the form of a Community Benefit Fund. The agent was again provided with the opportunity to respond to this. In doing so, they set out that Community Benefit Funds are a feature of Nationally Significant Infrastructure Projects, where payments are made outside of the planning process. However, this application is being determined under the terms of the Town and Country Planning Act, where any obligation must satisfy the Regulation 122 CIL tests. The agent also went on to state that the application also secures the required level of measures to mitigate its impact.
- 7.23.15 In considering the above, Community Benefit Funds are related to low carbon energy projects. However, regardless of this, as concluded below, the development is considered to satisfactorily mitigate its impacts via obligations which will be secured. As a result, funding of this nature would not meet the Regulation 122 CIL tests and therefore cannot be secured.
- 7.23.16 In summary, it is considered that the financial contributions secured meet the Regulation 122 CIL tests and along with the non-financial contributions, as listed above, would mitigate the impact of the development. As a result, the scheme complies with policies CP5 and CP6 of the Local Plan and the relevant parts of the NPPF.

7.24 Equalities and Human Rights

Human rights: overview

7.24.1 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.

7.24.2 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.

7.24.3 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.

7.24.4 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.

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

Equalities: overview

7.24.6 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 between persons who share a protected characteristic and persons who do not share it. The PSED is set out in section 149 of the Equality Act 2010. A protected characteristic for these purposes is age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

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

Existing occupiers

7.24.8 The application sets out that 3 (of the 5) existing dwellings on the site would be demolished, the agricultural workers caravans on the site would be removed and the business currently operating out of the Macknade farmyard would be closed as a result of the development.

Effect of displacement - residential occupiers

7.24.9 In respect of Article 8 rights (that is, the right to respect for the home and private life), the right is engaged by the loss of 3 existing dwellings. The existing occupier/s would be

required to find alternative accommodation. The question is whether the interference with the rights of affected individuals can be considered proportionate and necessary and so able to be justified under the second limb of Article 8. This involves weighing the interference against other material considerations in order to arrive at a fair balance between the interests of the individual and the interests of the community as a whole.

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

7.24.11 As regards A1P1 rights in relation to residential occupiers, this application has been assessed on the basis that this right is engaged by the loss of the existing residential dwellings. That interference can be regarded as being in the general interest, the operation of the planning system being a legitimate interest of the state.

7.24.12 Taking account of the nature of the impact on residential occupiers, the proposed mitigation measures and the public benefits of the scheme, if the development were to be approved, as per the recommendation, then a fair balance would be arrived at between the protection of the rights of affected individuals and the interests of the wider community and a disproportionate or excessive burden would not be imposed. This means that convention rights are not a decisive matter for the application one way or the other.

Effect of displacement - business occupiers

7.24.13 Regarding A1P1 rights in relation to business occupiers, the application has been assessed on the basis that the right is engaged in relation to the displacement of existing business occupiers (which includes the seasonal workers caravans which are proposed to be removed).

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

7.24.15 In terms of mitigation measures for business occupiers, the proposal includes a large amount of commercial floorspace which could provide opportunities for relocation within the site. There would also be an uplift in the number of jobs created on the site.

7.24.16 In terms of the striking of a fair balance between the protection of the rights of individuals/organisations in relation to business occupiers, and the general interests of the public, attention is drawn to the benefits of the scheme, specifically relevant to businesses / employment as set out within this report.

7.24.17 Taking account of the nature of the impacts and the various mitigation measures proposed and weighing the interferences with fundamental rights in the form

of the displacement of existing business occupiers / seasonal workers against the public benefits of the scheme, it is considered that the necessary fair balance required for those interferences to be considered proportionate would be arrived at in relation to business occupiers / seasonal workers. This means that convention rights are not a decisive matter for the application on way or the other.

Construction Phase Impacts

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

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

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

7.24.21 As set out below, a Construction and Environmental Management Plan condition is imposed which includes mitigation to control air quality and noise impacts.

Operational phase impacts

7.24.22 There is the potential for a number of neutral or positive impacts on people with protected characteristics as a result of the development.

7.24.23 The development would have a positive effect on employment and skills due to the jobs created. This could benefit younger and older residents, those with disabilities and/or long-term health problems, women, pregnant women and those on maternity/paternity and ethnic minorities.

7.24.24 The development includes a network of open spaces and provides additional footpath links outside of the application site. The development also includes off-site highway improvements in relation to active travel. This would have a 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.

Equalities Conclusion

7.24.25 The decision-maker needs to consider the nature and extent of adverse impacts on persons with protected characteristics, including taking account of the extent to which mitigation measures may reduce impacts, and weigh those against the public benefits of the scheme. In this application, there are number of different impacts that have been identified arising from the displacement of existing residential and business use occupiers, construction and operational impacts.

7.24.26 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.

7.24.27 It is considered in the case of this application that the negative equality impacts would be outweighed by the benefits of the scheme.

7.25 Other Matters

ES Review

7.25.1 The ES Review carried out by an independent consultant also raised a point of clarification and potential Regulation 25 requests in terms of the following matters, to which the applicant's agent has provided detailed responses to. A conclusion on these points is reached below.

Clarification

7.25.2 A point of clarification has been raised as to whether due consideration has been given to the potential emissions associated with the transportation of large quantities of agricultural soil.

7.25.3 The applicant's agent's response to this sets out that the majority of the soil will be re-used on the site with the number of vehicles transporting soil from the site falling below the threshold of being significant in terms of emissions. In respect of this, KCC Highways have considered that construction traffic movements have been adequately assessed and can be controlled via conditions and S.106 obligations adequately. On the basis of the re-use of the soil, due to it being retained on the site it is considered that no likely significant effect would arise and it is accepted to be scoped out of the assessment. As a result, sufficient clarification has been provided.

Regulation 25 requests

7.25.4 Matters have been raised in the ES Review relating to the loss of agricultural land, in particular, the lack of an assessment of whether other sites at a lower grade are available; no evidence of consultation with Natural England; details of soil receiver sites and an assumption that soil may enter the waste stream; and queries over the level of harm attributed to the loss of agricultural land.

7.25.5 The applicant's agent's response to this states that the assessment has been carried out in accordance with legislation, policy and guidance and has not been queried by any consultee, including Natural England. They have set out that the assessment fully acknowledges the loss of BMV land and the re-use of soils within the site where appropriate. Due to the construction timeframe, it is not possible to state the exact location that soil will be taken to and therefore a condition can control this. In addition, a condition related to soil handling can be imposed to identify when soil is dry enough to be handled.

7.25.6 In respect of the above matters, the application has been able to be assessed adequately against relevant policies in relation to agricultural land, which allows for an assessment as to whether BMV land of a lower grade could have been developed. This

is carried out in this report and assessed in the Planning Balance below. In relation to the location of excess soil and soil handling, a condition has been imposed. It is considered that sufficient information has been submitted to allow a full assessment of the loss of agricultural land has been submitted.

7.25.7 The ES Review also found that the consideration of land instability is required. The applicant's agent responded stating that the ground investigation report that has been submitted is a preliminary site wide assessment. Thereafter, as each phase is progressed additional information will be provided. However, the current information demonstrates that the risk is low. As such, a condition is suggested.

7.25.8 In reaching a view on this, the NPPF at paragraph 197 states "*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*" In this case, as the risk has been identified as low, it is considered that a condition would be the appropriate mechanism by which to control this and has been included below. On that basis, it is considered that sufficient information has been provided.

7.25.9 A potential Regulation 25 request has also been identified in relation to the risk of flooding from surface water sources. The main point is that the risks should be assessed further as the drainage system has been placed within a natural surface water flow path.

7.25.10 The applicant's agent has responded to this and stated that there are localised areas within the site which are at medium and high risk from surface water flooding, and that a condition can be included to avoid residential development in these areas.

7.25.11 In considering this matter, the point that is being raised in the ES Review is more closely related to the surface water flow paths and drainage solutions, rather than where the residential uses are located. On this front, the technical consultees, including KCC LLFA who deal with surface water have raised no objection based on the information that has been provided subject to conditions. As set out above in this report, the matter of flooding, including surface water flooding, has been appropriately dealt with and the recommended conditions have been included. As such it is considered that sufficient information has been submitted on this subject to reach an informed conclusion.

Remaining ES related comments

7.25.12 In addition to the above, comments have been received from a third party in relation to ES matters. The comments query whether the correct approach to considering cumulative impacts have been undertaken, particularly in regard to whether a development within the administrative boundaries of Canterbury City Council, known as 'Mountfield Park' (or alternatively known as 'South Canterbury'), has been included in the assessment. The conclusion drawn by the third party is that if it is not included then the Chapters related to Transportation; Air Quality; Noise and Vibration; and Biodiversity may be inadequate.

7.25.13 The applicant's agent was provided with a copy of these comments and has provided a response in a Technical Note. In summary, this sets out that traffic flows from the 'Mountfield Park' development are integrated into the traffic modelling for the proposed development. As a result of this, it is embedded into the cumulative

assessments in relation to operational traffic, operational traffic air quality (and the impact on ecological sites) and operational traffic noise. The developments to be included in the modelling have been agreed with Swale BC, KCC and National Highways, which has included KCC and National Highways agreeing to which developments in Canterbury should be included. The applicant's agent has commented that if Mountfield Park was included as a standalone development, this would make no material difference to the assessments carried out.

7.25.14 National Highways have commented on this matter and have effectively concurred with the applicant's agent's position as set out above. They have ultimately concluded that the way the assessment has been undertaken includes the level of development which would account for the level of growth attributed to the Mountfield Park development. In effect, National Highways have said that including Mountfield Park as a discrete entity in the assessment would have no material impact on the conclusions.

7.25.15 As National Highways have concluded that the correct level of traffic growth has been used in the assessment, it is reasonable to conclude that the impacts of traffic on the matters raised above, have been adequately assessed.

Land Stability

7.25.16 During the ES Review, comments were raised regarding land stability, in respect of this not featuring as a potentially significant effect in the ES. The applicant's agent provided a response to this, setting out that the preliminary information shows the site to be at low risk for ground instability. They have stated that further detailed ground investigation can be carried out on a phase by phase basis, controlled by a condition. In respect of land stability, paragraph 196 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability, including risks from natural hazards or former activities such as mining. Paragraph 197 goes on to say that where a site is affected by land stability issues, responsibility for securing a safe site rests with the developer and / or land owner.

7.25.17 In this case, the details that are available at this point conclude that the risk is low. A condition has been included, which would not allow development to commence prior to a land stability assessment being undertaken and if mitigation measures are required, then these will also need to be agreed prior to commencement of the development. As a result, this is an appropriate way to deal with the matter and acceptably controls the low risk identified.

Gas Pipeline

7.25.18 A high pressure gas pipeline crosses the site and the Health and Safety Executive have been consulted. They have commented that for the detailed element of the application and where this is located in relation to the pipeline, that they do not advise development. In respect of the outline phases, they do not advise against development subject to a condition requiring the upgrade of the pipeline and a requirement to re-consult the Health and Safety Executive if any layout changes are made. These matters have been included in a condition and as such it is considered that this issue has been appropriately dealt with.

7.26 Planning, Heritage and Local Green Space Balance

7.26.1 For the reasons set out above, there are areas where harm is identified that (the NPPF indicates) is required to be weighed against the benefits of the proposal. The respective harms and policy conflicts have also been set out above. Before undertaking any balancing assessments, it is considered appropriate to summarise the benefits of the scheme followed by the harms. The scale of benefits and harms which is being used is 'substantial'; 'significant'; 'moderate' and 'limited'.

Benefits

7.26.2 The scheme is a residential led development, with the delivery of housing being one of the key aims of local and national planning policies. The Ministerial Statement, entitled 'Building the homes we need', sets out that the country faces an acute and entrenched housing crisis. As set out above, the Council is not able to demonstrate a 5 year supply of housing land, with a current supply of 3.97 years. The scheme provides a large number of market dwellings, and as it is partly in detail, delivery would be able to begin quickly. The development would make a significant contribution towards housing in the Borough in the short, medium and long term. As a result of this, substantial weight is placed on the provision of market housing.

7.26.3 A proportion of the housing would be secured as affordable, through the S.106 agreement. This would be a mixture of 35%, 36% or 40% of the dwellings on the relevant phase for the reasons explained in the corresponding section above. This would therefore provide in the region of 890 affordable dwellings. The tenure mix on phase 1 would provide 50% of the dwellings as affordable rent, the most affordable product available, which will assist those in the greatest need and reduce the risk of repeat homelessness. This is also the preferred tenure of Government as set out in a Written Ministerial Statement. The tenure mix for future phases will be able to be considered at the appropriate point at which those phases come forward, allowing for flexibility and the ability to respond to affordable housing needs at that time.

7.26.4 The Borough has a shortfall of affordable housing and the current shortfall is having acute consequences. 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. This scheme will therefore provide a consistent, long term boost in terms of affordable housing. On this basis, substantial weight is placed upon the delivery of this level of affordable housing.

7.26.5 In terms of economic benefits, the construction of the development would take a number of years and provide construction jobs during this period. The Socio-Economic Chapter of the ES estimates that there could be 4,159 direct construction jobs created. In addition, the Homes and Communities Agency (now part of Homes England) indicates that for every construction job created, a further 1.7 jobs are supported in the wider economy. The scheme could therefore lead to approximately 7,070 indirect jobs. Furthermore, figures produced by the ONS estimate that the average household in the South-East of England has a spend of £624 per week. This would equate to a figure of £81,120,000 once the development is fully complete and occupied. Even accounting for the potential variance in these figures due to the period of time over which the scheme would be constructed, significant weight is placed upon these economic benefits.

- 7.26.6 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 local hubs and other on-site infrastructure, such as the school and nursery. On the basis of the assessment undertaken in respect of the employment floorspace needs in the Borough in this report, significant weight is placed upon the benefits of supporting economic growth and productivity.
- 7.26.7 The Energy Statement submitted with the application demonstrates how the residential elements of the scheme will have carbon savings of approximately 70% over the current Building Regulation requirements. The scheme also includes a number of highway interventions to assist in active travel. The environmental objective of the NPPF is to move to a low carbon economy and these matters will contribute to this. The environmental objective of the NPPF also seeks to use natural resources prudently. The scheme includes a Waste Water Recycling Facility, the intention of which is to reduce the fresh water needs of future occupants of the development. Having said this, as the level of reduction is unknown the developer has committed to the standard condition of a maximum usage of 110 litres per person per day in line with policy DM21 of the Local Plan. This tempers the weight that can be given to these benefits. Taking these points together, moderate weight is placed upon these benefits.
- 7.26.8 The NPPF at paragraph 100 states 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.”* It goes on to say that great weight should be given to the need to create, expand or alter early years and school facilities. The application proposes a primary school, incorporating a nursery, in addition to the potential for additional nursery provision to be provided in the ‘mixed-use’ parts of the site. 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.
- 7.26.9 The scheme also proposes healthcare facilities. 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 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.
- 7.26.10 A range of open space typologies and sports facilities are proposed in this application. The proposals will also secure additional off-site access into the countryside on other land owned by the applicant. Paragraph 103 of the NPPF 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.” In this case, the open space is required to mitigate impacts of the development. However, it would also open up parts of the site to the public that is currently not accessible. Moderate weight is given to this benefit.

- 7.26.11 The scheme provides 20% BNG and despite being submitted prior to the introduction of mandatory net gain, this is a requirement of the Faversham NP. The Boughton and Dunkirk NP requires 10% BNG, therefore the scheme will be providing comfortably in excess of this. Taken together, moderate weight is placed on this benefit.

Harm

- 7.26.12 The location of the development is contrary to the spatial strategy of the Local Plan, the Faversham NP and the Boughton and Dunkirk NP. The weight that can be applied to this conflict is limited on the basis that the existing built up areas in the Local Plan are not providing the amount of development that is required. In addition, the allocations in both NP's and the spatial strategies that underpin both of the documents are based on an out of date, and lower housing target. As a result, a more flexible approach will be needed in order to deliver current and future housing needs. However, this does not automatically mean that all sites in the countryside will be acceptable, and therefore an assessment of this specific proposal will be required.

- 7.26.13 Firstly, the Local Plan directs development to larger scale settlements in the Borough in accessible locations. The Local Plan states that Faversham is the main focus for growth in this planning area (i.e. broadly speaking the east of the Borough) and although not within the current built up area boundary, the development would be located so as to form an urban extension to the existing town. It would also be, due to both its location and its mixed use nature, satisfactorily accessible by a variety of modes of transport.

- 7.26.14 Despite the above, the scheme is a departure from the plan-led system in respect of where development should take place. As a result, significant weight is placed on this.

- 7.26.15 The scheme would lead to the loss of BMV agricultural land which would be contrary to the development plan. There would be economic consequences from the loss of high quality agricultural land, which would no longer be used for crop production. The issue that the Borough faces in this regard is that large parts of the central part of the Borough, which are the most accessible locations also comprise BMV agricultural land. As a result, for the Borough to deliver the necessary level of housing, an outcome of this is likely to be a loss of BMV agricultural land. Taking these matters together, and considering the size of the development and the resultant loss of BMV land, significant weight is placed on this harm.

- 7.26.16 The proposals, by virtue of placing large scale built form in what is a largely undeveloped rural landscape, would fail to protect or enhance the intrinsic character, beauty and tranquillity of the countryside. There would be harm to the non-designated landscape, however, this would be mitigated to a certain extent and the Local Plan allows for this harm to occur where the benefits of the proposal outweigh this harm. This is

considered to be the case here. The harm that is caused to the setting of designated landscapes, i.e. the setting of the AHLV and the National Landscape is reduced by the increased accessibility and interpretation, particularly in the National Landscape itself. There would also be some moderate harm in terms of development close to the rural lanes, although this harm would be reduced by virtue of the proposals to make these traffic free along parts of these within the site itself. Overall, moderate weight is afforded to this harm.

7.26.17 Harm has been identified to the setting of designated heritage assets. In terms of non-designated heritage assets, there is the potential loss of one and harm to the setting of this building (if retained) and others. Great weight is required to be given to this harm. The exercise of weighing this harm against the public benefits will be undertaken below.

7.26.18 The scheme also proposes development upon a LGS. The scheme is inappropriate development and would lead to a loss of openness of the LGS. This is required to be given substantial weight. The consideration of whether very special circumstances exist to justify inappropriate development in the LGS is undertaken below. In addition to the above, but also of importance is that a replacement facility, to compensate for the loss of the Local Green Space is being provided. This is a larger piece of land, situated within relatively close proximity and conditioned so that the existing Local Green Space (the cricket ground) will be required to remain in use until such time as the replacement facility is available for use.

Heritage Balance

7.26.19 As set out above, less than substantial harm at the lower end of the scale has been identified to the rural setting of the grade II listed Oast House (Building S), curtilage listed Oast Keepers Hut (building R); Pair of cottages (Building T) and Stables (Building Q).

7.26.20 The NPPF states at 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

7.26.21 Paragraph 215 of the NPPF 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 of the proposal including, where appropriate, securing its optimum viable use.”*

7.26.22 The less than substantial harm that has been identified above, although at the lower end of the scale, is required to be given great weight and weighed against the public benefits of the scheme. Public benefits are described in the PPG as anything that delivers economic, social or environmental objectives (set out in paragraph 8 of the NPPF). The PPG goes on to state that they should flow from the development and be of a nature or scale to be of benefit to the public at large and not just be a private benefit. In this case and considering this in the context of the PPG, the public benefits of the scheme as set out above, including the delivery of a large number of market and affordable houses, are substantial and wide ranging.

7.26.23 Overall, even giving great weight to the conservation of the designated heritage assets as set out above, the public benefits of the scheme are considered to heavily outweigh the harm identified.

7.26.24 Substantial harm has also been identified in a worst case scenario to a non-designated heritage, which, if evidence shows it to be structurally unsound, would be demolished. There would also be less than substantial harm to the setting of non-designated heritage assets.

7.26.25 Paragraph 216 of the NPPF states *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

7.26.26 In reaching a balanced judgement, the wide ranging benefits of the scheme along with the weight to be given to them as set out above, are considered to comfortably outweigh the harm caused to the non-designated heritage assets.

Local Green Space Balance

7.26.27 Having assessed the scheme as required against the Green Belt policies contained in the NPPF it has been concluded that the scheme represents inappropriate development and causes a harmful loss of openness in the area of the LGS. The NPPF states that inappropriate development should not be approved unless ‘very special circumstances’ exist. Therefore an assessment needs to be made as to whether they do. ‘Very special circumstances’ are not defined, and a combination of factors, which on their own would not constitute ‘very special circumstances’, may do when taken together.

7.26.28 In this case, for the reasons set out in the Benefits section, the delivery of market and affordable housing and the economic and social benefits arising from the development outweigh the harms caused to the Local Green Space and any other harm resulting from the proposal as set out above, such that the Very Special Circumstances required to enable development in such locations are found to exist.

7.26.29 Whilst not reducing the impact on the LGS itself, it is relevant to note that the harm would be offset by the provision of a replacement facility, to compensate for the loss of the cricket ground. This is a larger piece of land, situated within relatively close proximity and conditioned so that the existing Local Green Space (the cricket ground) will be required to remain in use until such time as the replacement facility is available for use.

Planning Balance

7.26.30 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.

7.26.31 In this case, the development plan is comprised of the Swale Borough Local

Plan, adopted July 2017 (Bearing Fruits 2031); the Faversham Neighbourhood Plan in respect of, broadly speaking the western two / thirds of the site; the Boughton and Dunkirk NP in respect of broadly speaking, the eastern third of the site and the Kent Minerals and Waste Local Plan 2024-39.

- 7.26.32 As set out above, in respect of the Local Plan conflict with policies ST1(4), ST3, CP2 and CP3 have been identified by virtue of the development being outside the built-up area boundary and, therefore, within the countryside and contrary to the Council's Settlement Strategy. There is also conflict with policy ST1(11.b) and ST3 as the proposal would fail to protect or enhance the intrinsic value, landscape setting, tranquillity and beauty of the countryside.
- 7.26.33 Further to this, these would be conflict with policy ST1(11.g), ST7 and DM31 as it would lead to the loss of BMV agricultural land. There would be a conflict with an element of policy DM14 due to the visual impact on the landscape but not DM24 for the reasons set out in the relevant section in this report. The loss of a Local Green Space would be contrary to policy DM18. As the development leads to some harm to the setting of listed buildings and non-designated heritage assets, and in the worst case scenario harm to a non-designated heritage asset itself, there would as a result be conflict with policies CP8 and DM32.
- 7.26.34 In respect of the Faversham NP, although there is not a clear conflict with the specific wording of policy FAV2, as the site is not allocated the scheme would be contrary to the objectives and overall spatial strategy of the Faversham NP.
- 7.26.35 There is a partial conflict with policy FAV3 due to the tenure mix of affordable housing differing from the policy requirement. Due to the loss of BMV agricultural land the proposal is contrary to policy FAV7. There would also be a conflict with the part of policy FAV7 which requires there to be no adverse impact on designated landscapes.
- 7.26.36 There would be some harm caused to the setting of listed buildings and also to the rural setting of Faversham and therefore conflict with those specific parts of policy FAV11.
- 7.26.37 In terms of the Boughton and Dunkirk NP, the proposals, by failing to adhere to the spatial strategy in the Local Plan are contrary to policy H1 and as the site is not allocated would be contrary to the overall spatial strategy of the Boughton and Dunkirk NP. The scheme would also be contrary to policy BE1 for the same reasons.
- 7.26.38 In terms of the loss of agricultural land, the scheme would be contrary to the aim of the Boughton and Dunkirk NP. Due to the failure of the proposal to protect the intrinsic value, tranquillity and beauty of the countryside, the harm to local landscape and the closure of a proportion of the gap between Faversham and surrounding villages, the proposals would be contrary to policies E1, E2, E4, an element of E5, the objective of the Boughton Fuit Belt South and policy AS13.
- 7.26.39 The countryside location of the scheme, due to its conflict with policy ST3 (of the Local Plan) would also by extension be in conflict with policy T2 of the Boughton and Dunkirk NP.

7.26.40 Taken together, it is considered that when the relevant documents which make up the development plan as a whole are taken into account, the development does not accord with them.

7.26.41 The NPPF is a material consideration and as the Council are unable to demonstrate a 5 year supply of housing land, paragraph 11.d of the NPPF is engaged. This states the following:

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.

7.26.42 In this case, as per 11.d i), the protected areas or assets of particular importance relevant to this application as set out in footnote 7 of the NPPF are habitats sites; Local Green Space; a National Landscape; designated heritage assets and areas at risk of flooding.

7.26.43 The assessment carried out in this report demonstrates that the impact upon habitats sites and areas at risk of flooding have been acceptably dealt with. In respect of designated heritage assets it is considered that the harm is outweighed by the public benefits of the scheme. In terms of the Local Green Space, the benefits arising from the development outweigh the harm caused to the Local Green Space, and any other harm resulting from the proposal, such that the Very Special Circumstances required to enable development in such locations are found to exist.

7.26.44 In terms of the National Landscape, a degree of harm has been identified as a result of large scale development within its setting. However, benefits have also been identified in respect of the National Landscape itself by virtue of increasing access opportunities and providing interpretation, in accordance with the Council's duty to further the purpose of National Landscapes, as required by Section 85 of the Countryside and Rights of Way Act 2000. Also of relevance is that the site lies on the opposite side of the M2 from the National Landscape, creating a hard and permanent barrier. Any harm to the National Landscape is required to be given great weight even at the low level identified. However, the package of benefits would comfortably outweigh the harm identified. As a result, it is not considered that the level of harm found in this context would provide a strong reason for refusing the development.

7.26.45 Therefore, the application of policies in this Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed. As a result, the scheme is required to be assessed against 11.d ii) of the NPPF, as set out above. In order to do this, an assessment of the Benefits of the scheme against the Harm is required.

NPPF Balance and Conclusion

7.26.46 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 granting planning permission 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.

7.26.47 As set out above, the benefits of the scheme are, when taken together substantial and wide ranging. In particular, the scheme performs well in respect of providing affordable homes, in addition to directing development to sustainable locations and securing well-designed places, which the NPPF requires particular regard to be given to. The harm that has been identified is significant but would not outweigh the benefits, let alone significantly and demonstrably outweigh them.

7.26.48 The proposal is contrary to the development plan. However, the NPPF is a material consideration which indicates that planning permission should be granted. 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.

7.26.49 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.

8.RECOMMENDATION

GRANT Subject to the following conditions and S.106 obligations as referred to in this report:

CONDITIONS**GENERAL / DESIGN CONDITIONS****1) Approved Plans – Detailed Element**

The development hereby permitted shall be carried out in accordance with the following approved plans:

1. Phase 1 Application Masterplan (ref. A-140 Rev E):
2. Bund (ref A-141 Rev A)
3. Water Recycling Centre (ref. A-142 Rev A)
4. Layout Masterplan (ref. A-150 Rev E)
5. Unit Mix Plan (ref. A-151 Rev E)

6. Parking Strategy Plan (ref. A-152 Rev E)
7. Affordable Housing Plan (ref. A-153 Rev E)
8. Storey Heights Plan (ref. A-154 Rev E)
9. Refuse Strategy Plan (ref. A-155 Rev E)
10. Commercial Space Plan (ref. A156 Rev E)
11. Materials Plan (ref. A157 Rev E)
12. Part M4 (3) Plan (ref. A158 Rev E)
13. Illustrative Roof Plan (ref. A159 Rev E)
14. Phase 1 Green Infrastructure Plan (ref. FAV-EDL-ZZ-XX-DR-L-0160 Rev R3)
15. Plots 116 - 140 + 184 Main Apartment Building Front Elevations (ref. 1C-450 Rev A)
16. Plots 116 - 140 + 184 Main Apartment Building Rear Elevations (ref. 1C-451 Rev A)
17. Plots 116 - 140 + 184 Main Apartment Building Ground Floor Plan (ref. 1C-452 Rev A)
18. Plots 116 - 140 + 184 Main Apartment Building First Floor Plan (ref. 1C-453 Rev A)
19. Plots 116 - 140 + 184 Main Apartment Building Second Floor Plan (ref. 1C-454 Rev A)
20. Plots 116 - 140 + 184 Main Apartment Building Roof Floor Plan (ref. 1C-455 Rev A)
21. Plots 140 (ref. 1C-456 Rev A)
22. Plots 141 – 142 (ref. 1C-457 Rev A)
23. Plots 143 – 146 (ref. 1C-458 Rev A)
24. Plots 147 – 149 (ref. 1C-459.1 Rev B)
25. Plots 147 – 149 (ref. 1C-459.2 Rev B)
26. Plots 150 – 152 (ref. 1C-460 Rev A)
27. Plots 153 – 156 (ref. 1C-461 Rev B)
28. Plots 157 (ref. 1C-462 Rev A)
29. Plots 158 (ref. 1C-463 Rev B)
30. Plot 159-163 (ref. 1C-464 Rev A)
31. Plots 164 (ref. 1C-465 Rev A)
32. Plots 164-SOG (ref. 1C-466 Rev A)
33. Plots 165 (ref. 1C-467 Rev A)

34. Plots 166 (ref. 1C-468 Rev A)
35. Plots 167-168 (ref. 1C-469 Rev A)
36. Plots 169 (ref. 1C-470 Rev A)
37. Plots 170-171 (ref. 1C-471 Rev A)
38. Plots 172-173 (ref. 1C-472 Rev B)
39. Plots 174-175 (ref. 1C-473 Rev B)
40. Plots 176-177 (ref. 1C-474 Rev B)
41. Plots 178-179 (ref. 1C-475 Rev A)
42. Plots 180-181 (ref. 1C-476 Rev A)
43. Plots 182 (ref. 1C-477 Rev A)
44. Plots 182-SOG (ref. 1C-478 Rev B)
45. Plots 183-185 (ref. 1C-479 Rev A)
46. Plots 186-187 (ref. 1C-480 Rev B)
47. Plots 188-191 (ref. 1C-481 Rev B)
48. Plots 192-193 (ref. 1C-482 Rev A)
49. Plots 194-196 (ref. 1C-483 Rev C)
50. Plots 197 (ref. 1C-484 Rev B)
51. Plots 198 (ref. 1C-485 Rev A)
52. Plots 199 (ref. 1C-486 Rev A)
53. Plots 200 (ref. 1C-487 Rev B)
54. Plots 201 (ref. 1C-488 Rev B)
55. Plots 202 - 205 (ref. 1D-489 Rev C)
56. Plots 206 - 207 (ref. 1D-490 Rev A)
57. Plots 208 - 211 (ref. 1D-491 Rev B)
58. Plots 212 - 214 (ref. 1D-492 Rev A)
59. Plots 215 - 216 (ref. 1D-493 Rev A)
60. Plots 217 (ref. 1D-494 Rev A)
61. Plots 218 (ref. 1D-495 Rev A)
62. Plots 219 - 222 (ref. 1D-496 Rev B)

63. Plots 223 - 226 (ref. 1D-497 Rev B)
64. Plots 227 - 230 (ref. 1D-498 Rev C)
65. Plots 231 (ref. 1D-499 Rev B)
66. Plots 231-SOG (ref. 1D-500 Rev A)
67. Plots 232 (ref. 1D-501 Rev A)
68. Plots 233 (ref. 1D-502 Rev A)
69. Plots 232-233-SOG (ref. 1D-503 Rev A)
70. Plots 234 - 241 Elevations (ref. 1D-504 Rev A)
71. Plots 234 - 241 Plans (ref. 1D-505 Rev B)
72. Plots 242 – 245 (ref. 1D-506 Rev A)
73. Plots 246 (ref. 1D-507 Rev B)
74. Plots 246-SOG (ref. 1D-508 Rev A)
75. Plots 247 (ref. 1D-509 Rev A)
76. Plots 248 (ref. 1D-510 Rev B)
77. Plots 249 – 252 (ref. 1D-511 Rev A)
78. Plots 253 (ref. 1D-512 Rev C)
79. Plots 254 (ref. 1D-513 Rev B)
80. Plots 255 (ref. 1D-514 Rev C)
81. Plots 256 (ref. 1D-515 Rev A)
82. Plots 257-260 (ref. 1D-516 Rev B)
83. Plots 261 (ref. 1D-517 Rev B)
84. Garages (ref. 1D-518 Rev B)
85. Garages (ref. 1D-519 Rev B)
86. Stores (refuse/ cycle/ substations) (ref. 1D-520 Rev A)
87. Main Apartment Building Front & Rear Elevations (ref. 30037D / 1A-300 Rev B)
88. Main Apartment Building Side Elevations (ref. 30037D / 1A-301 Rev B)
89. Main Apartment Building Flank Elevations (ref. 30037D / 1A-302 Rev C)
90. Main Apartment Building Ground and First Floor Plans (ref. 30037D / 1A-303 Rev C)
91. Main Apartment Building Second Floor and Roof Plan (ref. 30037D / 1A-304 Rev B)

92. Northern Apartment Building Front & Rear Elevations (ref. 30037D / 1A-310 Rev B)
93. Northern Apartment Building Side Elevations (ref. 30037D / 1A-311 Rev B)
94. Northern Apartment Building Ground and First Floor Plans (ref. 30037D / 1A-312 Rev B)
95. Northern Apartment Building Second Floor and Roof Plan (ref. 30037D / 1A-313 Rev B)
96. Plots 32-33 (ref. 30037D / 1A-320 Rev B)
97. Plots 34-39 (ref. 30037D / 1A-322 Rev B)
98. Plots 34-39 (ref. 30037D / 1A-323 Rev B)
99. Plots 40-43 (ref. 30037D / 1A-325 Rev B)
100. Plots 40-43 (ref. 30037D / 1A-326 Rev B)
101. Plot 44 (ref. 30037D / 1A-328 Rev B)
102. Plots 45-46 (ref. 30037D / 1A-330 Rev B)
103. Plot 47 (ref. 30037D / 1A-332 Rev B)
104. Plot 48 (ref. 30037D / 1A-334 Rev B)
105. Plot 49 (ref. 30037D / 1A-336 Rev B)
106. Plot 50 (ref. 30037D / 1A-338 Rev B)
107. Plot 51-56 (ref. 30037D / 1A-340 Rev C)
108. Plot 51-56 (ref. 30037D / 1A-341 Rev C)
109. Plots 57-62 (ref. 30037D / 1A-343 Rev B)
110. Plots 57-62 (ref. 30037D / 1A-344 Rev B)
111. Plot 63 (ref. 30037D / 1A-346 Rev B)
112. Plot 64 (ref. 30037D / 1A-348 Rev C)
113. Plot 65 (ref. 30037D / 1A-350 Rev B)
114. Plot 66 (ref. 30037D / 1B-352 Rev B)
115. Plots 67-70 (ref. 30037D / 1B-354 Rev B)
116. Plots 67-70 (ref. 30037D / 1B-355 Rev B)
117. Plots 71-72 (ref. 30037D / 1B-357 Rev B)
118. Plots 73-74 (ref. 30037D / 1B-359 Rev B)
119. Plots 75 (ref. 30037D / 1B-361 Rev B)

120. Plots 76-80 (ref. 30037D / 1B-363 Rev C)
121. Plots 76-80 (ref. 30037D / 1B-364 Rev C)
122. Plots 81-83 (ref. 30037D / 1B-366 Rev B)
123. Plots 81-83 (ref. 30037D / 1B-367 Rev B)
124. Plot 84 (ref. 30037D / 1B-369 Rev B)
125. Plot 85 (ref. 30037D / 1B-371 Rev B)
126. Plot 86 (ref. 30037D / 1B-373 Rev C)
127. Plots 87-88 (ref. 30037D / 1B-375 Rev C)
128. Plot 89 (ref. 30037D / 1B-377 Rev B)
129. Plot 90 (ref. 30037D / 1B-379 Rev B)
130. Plot 91 (ref. 30037D / 1B-381 Rev B)
131. Plots 92-95 (ref. 30037D / 1B-383 Rev B)
132. Plots 92-95 (ref. 30037D / 1B-384 Rev B)
133. Plots 96-100 (ref. 30037D / 1B-386 Rev C)
134. Plots 96-100 (ref. 30037D / 1B-387 Rev C)
135. Plot 101 (ref. 30037D / 1B-389 Rev B)
136. Plot 102 (ref. 30037D / 1B-391 Rev B)
137. Plots 103-105 (ref. 30037D / 1B-393 Rev B)
138. Plots 106 (ref. 30037D / 1B-395 Rev B)
139. Plots 107 (ref. 30037D / 1B-397 Rev B)
140. Plots 108 (ref. 30037D / 1B-399 Rev B)
141. Plots 109 (ref. 30037D / 1B-401 Rev B)
142. Plots 110-112 (ref. 30037D / 1B-403 Rev B)
143. Plots 110-112 (ref. 30037D / 1B-404 Rev B)
144. Plot 113 (ref. 30037D / 1B-406 Rev B)
145. Plots 114-115 (ref. 30037D / 1B-408 Rev B)
146. Plots 114-115 (ref. 30037D / 1B-409 Rev B)
147. Street Elevation 1 & 2 (ref. A-521 Rev A)
148. Street Elevation 3 (ref. A-522 Rev A)

149. Street Elevation 4 (ref. A-523 Rev A)
150. Street Elevation 5 & 6 (ref. A-524 Rev A)
151. Street Elevation A (ref. 30037D / 1A-200 Rev B)
152. Street Elevation B & K (ref. 30037D / 1A/1B-201 Rev B)
153. Street Elevation C (ref. 30037D / 1A-202 Rev B)
154. Street Elevation D (ref. 30037D / 1A-203 Rev B)
155. Street Elevation E (ref. 30037D / 1A-204 Rev B)
156. Street Elevation F (ref. 30037D / 1A-205 Rev B)
157. Street Elevation G (ref. 30037D / 1A-206 Rev B)
158. Street Elevation H (ref. 30037D / 1A-207 Rev B)
159. Proposed Street Scene A & E- Colour (ref. 30037D / 1A-220 Rev B)
160. Proposed Street Scene – Colour (ref. 30037D / 1A-221 Rev B)
161. Car Barn Plots 53-56 (ref. 30037D / 1A-600 Rev B)
162. Car Barn Plots 60-63 (ref. 30037D / 1A-601 Rev C)
163. Car Barn Plots 75 & 107 (ref. 30037D / 1A-602 Rev C)
164. One Space Car Barn (ref. 30037D / 1A-603 Rev B)
165. Two Space Car Barn (ref. 30037D / 1A-604 Rev B)
166. Bins and Cycle Store (ref. 30037D / 1A-610 Rev B)
167. Bins and Cycle Store (ref. 30037D / 1A-611 Rev B)
168. Walls and Piers (ref. 30037D / 1A-620 Rev B)
169. Faversham Door Joinery Study Summary Sheet (ref. 30037D / 1A/1B-660 Rev B)

Reason: To ensure the development is carried out in accordance with the approved plans.

2) Approved Plans – Reserved Matters

The development hereby permitted shall be carried out in accordance with the following approved plans:

- (a) Location and Land Ownership Plan (ref. L100 Rev A);
- (b) Parameter Plan: Land Use (ref. PP001 Rev A);
- (c) Parameter Plan: Building Heights (ref. PP002 Rev A);
- (d) Parameter Plan: Access and Movement (ref. PP003 Rev A);

(e) Parameter Plan: Landscape and Open Space (ref. PP004 Rev A); and

Reason: To ensure the development is carried out in accordance with the approved plans.

3) Time Limit – Detailed Element

The detailed element of the development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended).

4) Time Limit – Reserved Matters

Applications for approval of reserved matters shall be submitted to the Local Planning Authority within four years of the date of this permission. Each subsequent reserved matters application shall be submitted within three years of the approval of a preceding reserved matters application.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 (as amended).

5) Reserved Matters Implementation

Each Phase of the outline element of the development (excluding Phase 1) shall be commenced within two years of the approval of the final reserved matters relating to that Phase.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended).

6) Reserved Matters Detail

No development (other than demolition, site clearance, archaeological investigation, or utilities installation) shall commence within any Phase of the outline element of the development (excluding Phase 1) until details of the access, appearance, landscaping, layout and scale (the “reserved matters”) for that Phase have been submitted to and approved in writing by the Local Planning Authority.

Each reserved matters submission shall be accompanied, where relevant, by a Design Statement demonstrating how the proposals accord with the approved Parameter Plans and reflect other outline operational strategies, including those forming part of the Environmental Statement, as well as the Characterisation Study, Street Manual, Design Manual, Design and Access Statement, and the Illustrative Masterplan.

Reason: To ensure high-quality reserved matters submissions that are consistent with the approved strategic design principles and capable of effective assessment.

7) Land East of the Railway – Reserved Matters Detail

Prior to the submission of any reserved matters application(s) relating to the land identified as “Employment” on the Parameter Plan: Land Use (ref. PP001 Rev A), a Design Statement assessing the visual impact of the proposed employment buildings from the National Landscape and identifying the measures required to mitigate such impacts shall be submitted to and approved in writing by the Local Planning Authority.

Reserved matters application(s) for this area shall demonstrate accordance with the approved Design Statement, including incorporation of the identified mitigation measures.

Reason: To conserve and enhance the natural beauty of the National Landscape in accordance with the Levelling Up and Regeneration Act 2023.

8) Fire Statement

Prior to the commencement of development above ground level for any building with a height of 18 metres or more, a Fire Statement for that building shall be submitted to and approved in writing by the Local Planning Authority.

The Fire Statement shall be prepared by a suitably qualified fire safety professional and shall demonstrate how fire safety has been considered in the design of the building, having regard to the Building Regulations and relevant guidance.

The development shall thereafter be carried out in accordance with the approved Fire Statement.

Reason: To ensure that fire safety is adequately addressed at an early stage in the design of buildings over 18 metres in height.

9) Gates, Walls and fences

Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls or other means of enclosure, other than those approved as part of the application, shall be erected or provided in advance of any wall or any dwelling fronting on a highway.

Reason: In the interest of the visual amenities of the area.

10) Materials and Boundary Treatment

No development beyond the construction of foundations in Phase 1 shall take place until details of external facing materials and boundary treatment to be used in the construction of Phase 1 hereby approved, which shall accord with the principles set out in the Design Manual and Design and Access Statement, have been submitted to and approved in writing by the Local Planning Authority. Works within Phase 1 shall thereafter be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

NON-RESIDENTIAL CONDITIONS**11) Retail, Service and Food & Beverage Floorspace Limits**

The total retail floorspace delivered across the development shall not exceed:

- (a) 1,300 sqm (net sales area) for convenience goods; and
- (b) 2,600 sqm (net sales area) for comparison goods.

In any single Phase, the quantum of floorspace shall not exceed:

- (c) 950 sqm (net sales area) convenience floorspace;
- (d) 750 sqm (net sales area) comparison floorspace; and
- (e) 646 sqm (gross area) Food & Beverage floorspace,

Reason: To ensure that the scale and composition of retail and associated uses remain appropriate to the role and function of the approved Local Centre(s) and to safeguard the vitality and viability of Faversham town centre.

12) Retail Unit Details

Details of the size, layout and configuration of all retail units within each Phase shall be submitted with the relevant Reserved Matters application. No individual retail unit shall exceed the maximum Gross Internal Area (GIA) for that Phase, as agreed in writing by the Local Planning Authority.

The amalgamation of two or more approved retail units into a larger unit shall not require a separate planning application, provided that prior written approval for the revised configuration is obtained from the Local Planning Authority under this condition.

Reason: To ensure that retail floorspace is appropriately scaled and configured to serve the development and nearby communities while protecting the vitality and viability of Faversham town centre.

13) Hours of Use and Delivery Times

Prior to the first use of any non-residential building or use, details of daytime trading hours and delivery hours and servicing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of neighbouring amenity.

14) Employment Area – Use Classes

The land identified as the “Employment Area” on Parameter Plan: Land Use (ref. PP001 Rev A) shall be used only for purposes falling within Use Class E(g), B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose (including any other purpose within Class E).

Reason: To ensure that the Employment Area is used for appropriate employment-generating uses, to safeguard the planned employment function of the site.

RESIDENTIAL CONDITIONS

15) Residential Development Limits

The development hereby permitted within the outline areas of the masterplan shall not exceed 2,239 dwellings in total.

Reason: To ensure the development is carried out in accordance with the approved parameters and remains within the quantum of development assessed in the Environmental Impact Assessment.

16) Housing Mix Strategy

Prior to the submission of the first Reserved Matters application for each Phase containing residential development, a Housing Mix Strategy for that Phase shall be submitted to and approved in writing by the Local Planning Authority.

The Housing Mix Strategy shall set out the proposed mix, size, tenure and proportion of accessible and adaptable dwellings (expressed as both number of units and habitable rooms). It shall demonstrate how the proposed mix:

- (a) Responds to identified housing needs, having regard to the Swale Local Plan, the Faversham Neighbourhood Plan / the Boughton and Dunkirk Neighbourhood Plan (as applicable) Kent County Council Accommodation Strategy, and the most up-to-date Housing Market Assessment; and
- (b) Contributes to delivering a balanced and sustainable mix of homes across the wider site.

At least 10% of dwellings shall be constructed to Building Regulations standard M4(3), and the remainder shall meet M4(2).

Development within the Phase shall be carried out in accordance with the approved Housing Mix Strategy and each Reserved Matters application for that Phase shall demonstrate compliance with it.

Reason: To ensure that each Phase contributes appropriately to meeting local housing needs and delivers a sustainable mix of dwellings.

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.

SPORT, OPEN SPACE, AND LANDSCAPING CONDITIONS

18) Open Space Strategy

Prior to the submission of any Reserved Matters application for a Phase, an Open Space Strategy for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include:

- (a) A plan identifying the type, extent and location of formal and informal open space, consistent with the approved Parameter Plans and masterplan;
- (b) A phasing and delivery programme for open space, play areas, allotments and associated infrastructure; and
- (c) Proposals for the long-term management and maintenance of all open space, including identification of the responsible management body.

The development shall thereafter be carried out in accordance with the approved Open Space Strategy for the relevant Phase.

Reason: To ensure the timely delivery, quality and long-term management of open space.

19) Existing Sport Facilities

The development affecting Faversham Cricket Club and Faversham Town Football Club hereby permitted shall not be commenced until the replacement facilities have been implemented and made available for use.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

20) Training Pitch – Detailed Design

No development affecting the existing Faversham Town Football Club's training area shall commence until details of the design and layout of 3G artificial grass pitch have been submitted to and approved in writing by the Local Planning Authority.

The artificial grass pitch shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

21) Cricket Club – Detailed Design

No development affecting the existing Faversham Cricket Club shall commence until details of the design and layout of cricket pavilion and cricket nets have been submitted to and approved in writing by the Local Planning Authority.

The cricket pavilion and cricket nets shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.

22) Cricket Club – Ground Conditions

No development of the existing cricket club shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority.

- (a) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- (b) Where the results of the assessment to be carried out pursuant to (a) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation before the loss of the existing cricket pitch. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy.

23) Training Pitch – Management and Maintenance

Before the 3G artificial grass pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority.

This should include measures to ensure the replacement of the Artificial Grass Pitch within a specified period, and the recycling of the carpet at the end of its life. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the training pitch.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy.

24) Training Pitch – Acoustic Report

Before the work on the redevelopment of Faversham Town Football Club's artificial grass pitch commences, an acoustic report shall be commissioned to ascertain any acoustic mitigation which may be required, and then implemented prior to the occupation of the first property within 50m of the artificial grass pitch of the new residential development.

Reason: To ensure the artificial grass pitch's use is not restricted by the future residential development and to accord with Development Plan Policy.

25) Phase 1 - Landscaping

Prior to occupation of Phase 1, hard and soft landscaping proposals (which shall be comprised of native species), consistent with the approved Phase 1 Landscape Masterplan, shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include:

- (a) Full specifications for all planting and hard landscape works;
- (b) Specific landscaping proposals for the areas surrounding the Water Recycling Centre and the eastern section of the acoustic bund, including planting types, densities and heights; and
- (c) A timetable for the implementation of the approved landscaping works, including any phased delivery.

The approved landscaping shall be implemented in accordance with the approved details and timetable.

Reason: To secure the timely delivery of high-quality landscaping for Phase 1, including appropriate screening of the Water Recycling Centre and bund, and to ensure integration with the wider masterplan in the interests of visual amenity.

26) Phase 1 – Play Area(s)

Prior to occupation of Phase 1, details of the play space(s) shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall be consistent with the approved Phase 1 Landscape Masterplan and shall include:

- (a) The location, size and layout of the play space(s);
- (b) Details of all play equipment, surfacing, fencing and associated landscaping;
- (c) Arrangements for access, safety and inclusive use; and
- (d) A timetable for the installation and making available of the play space(s).

The play space(s) shall be provided in accordance with the approved details and timetable and shall thereafter be retained and maintained for their intended purpose.

Reason: To ensure the timely delivery of high-quality, safe and accessible play facilities that are properly integrated within the approved landscape framework, in the interests of residential amenity and healthy communities.

27) Replacement Landscaping

Any tree, hedge or shrub planted as part of the approved landscaping for any Phase that is removed, dies, becomes severely damaged or becomes seriously diseased within five years of planting shall be replaced in the next planting season with a tree, hedge or shrub of the same size, species and planting specification.

Reason: To ensure the establishment, retention and long-term maintenance of strategic landscaping in the interests of visual amenity and landscape character.

28) Tree Retention

Notwithstanding the details shown on drawing entitled 'Land Use Plan - PP001 Rev A', no built form within phase 3 shall take place within the root protection area of grade B Pin Oak numbered T48-B1 (as shown on drawing 5722-LLB-XX-XX-DR-Ab-0008, Rev P04).

Reason: To ensure the protection of existing landscaping.

29) Tree Retention

Notwithstanding the details shown on drawing entitled 'Land Use Plan - PP001 Rev A', no built form within phase 6a / 6b shall take place within the root protection area of grade B Black Poplar trees numbered T-165-B2; T-167-B2; T-168-B2; T-169-B2 (as shown on drawing 5722-LLB-XX-XX-DR-Ab-0013, Rev P04).

Reason: To ensure the protection of existing landscaping.

30) Tree Retention

The Poplar's (G130-B2) shall be retained and protected (in accordance with the effective implementation of the Construction Environmental Management Plan (Environmental Statement Appendix 4.1) and also the Arboricultural Method Statement which shall be produced in accordance with the Arboricultural Impact Assessment (Environmental Statement Appendix 6.8)) and BS5837 2012) and the earth bund shall be constructed outside of the Root Protection Areas of the existing Poplar trees (G130-B2) along the boundary of the Application Site.

Reason: To ensure the protection of existing landscaping.

31) Arboricultural Method Statement

No development in any phase shall take place, including site clearance and demolition, until an Arboricultural Method Statement (AMS) for that phase in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan. The development shall be carried out in accordance with the approved details.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

32) Tree Protection

i) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the Arboricultural Method Statement for that phase (which will be produced in accordance with the Arboricultural Impact Assessment – Environmental Statement Appendix 6.8), without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.

ii) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

iii) The installation of tree protection barriers, and the methods of working shall be undertaken in accordance with the Arboricultural Method Statement for that phase (which will be produced in accordance with the Arboricultural Impact Assessment (Environmental Statement Appendix 6.8)).

In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars. Paragraphs i) and ii) above shall have effect until the expiration of 5 years from the date of completion of the development for its permitted use.

Reason: To protect and enhance the appearance and character of the site and locality.

33) Community Use Agreement – Sports Facilities

No sports facility within any Phase of the development, including the football training pitch, cricket pitch, and the sports facilities and grounds associated with the primary school, shall be brought into use until a Community Use Agreement for the relevant facility has been submitted to and approved in writing by the Local Planning Authority (in consultation with Kent County Council).

The Community Use Agreement shall include details of:

- (a) Any community access arrangements;
- (b) Hours of use;

- (c) Pricing, booking and management responsibilities; and
- (d) Mechanisms for monitoring and periodic review.

The approved Community Use Agreement shall thereafter be implemented and complied with at all times.

Reason: To secure appropriate community access to new sports facilities and ensure that they deliver wider public benefit.

HERITAGE CONDITIONS

34) Archaeological Framework

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 (other than Phase 1) 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

35) Archaeological Evaluation and Mitigation

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

- (a) For each phase of development (other than in the Phase 1 Development hereby approved), 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 (including Phase 1), 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:
 - i. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development.
 - ii. 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.
 - iii. 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.

36) 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 entitled 'Archaeological Evaluation and Mitigation' (part B) 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) A clear plan of the area to be safeguarded.
- (b) Details of protective fencing required during development works and agreement of any groundworks within the safeguarded area.
- (c) Details of any landscaping proposed within the safeguarded area.
- (d) 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

37) 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 the condition entitled 'Archaeological Framework'. 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

38) Historic Building Recording

Prior to the alteration or demolition of any historic building a programme of building recording of that building shall be undertaken in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded

39) Structural Survey – Historic Building L

Prior to the submission of any Reserved Matters application affecting Historic Building L (as identified in Appendix 8.2 of the Environmental Statement, December 2023), a structural survey of the building shall be undertaken and submitted to the Local Planning Authority. The survey shall:

- (a) Assess the structural condition of the building;
- (b) Advise on the feasibility of retaining the building in whole or in part; and
- (c) Identify a design approach informed by the findings of the survey, which may include retention, partial retention, or dismantling and reuse of historic materials where feasible.

An updated design approach for the building shall then be submitted to and approved in writing by the Local Planning Authority prior to the relevant Reserved Matters submission. The approved approach shall be incorporated into the Reserved Matters application, and the development shall thereafter be carried out in accordance with it.

Reason: To ensure that proposals affecting Building L are properly informed by an assessment of its condition and significance, allowing an appropriate and proportionate heritage-led design response.

FLOOD AND DRAINAGE CONDITIONS**40) Surface Water Drainage Scheme**

No development within a Phase shall commence until a detailed Sustainable Surface Water Drainage Scheme for that Phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- (a) Accommodate runoff for all rainfall events up to the climate change-adjusted 1-in-100-year storm;
- (b) Integrate existing surface water flow paths where applicable;
- (c) Incorporate infiltration where feasible and pollution controls where necessary;
- (d) Include a timetable for implementation, ownership, and long-term maintenance arrangements.

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

Reason: To ensure adequate surface water drainage, and to mitigate the risk of flooding both on-site and off-site.

41) Surface Water Drainage Scheme – Verification

No building within a Phase shall be occupied until a Verification Report for the approved Sustainable Surface Water Drainage Scheme has been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared by a suitably qualified professional and shall confirm that the drainage system has been constructed in accordance with the approved scheme, and shall include as-built drawings, photographs, and maintenance documentation.

Reason: To ensure the surface water drainage system has been implemented correctly and functions as intended, in accordance with approved flood risk mitigation measures.

42) Foul Drainage Strategy

No building shall be occupied until a Foul Drainage Strategy, detailing the provision of a Water Recycling Centre or alternative foul water disposal method, has been submitted to and approved in writing by the Local Planning Authority in consultation with the relevant water authority.

No building shall be occupied until it has been connected to the foul water network or alternative disposal method in accordance with the approved Foul Drainage Strategy.

Reason: To ensure adequate foul water drainage and prevent pollution of the environment.

43) Infiltration

Where infiltration is proposed for surface water or pre-treated foul water in relation to any part of the development, no such development shall commence until it has been demonstrated to the satisfaction of the Local Planning Authority that such infiltration poses no unacceptable risk to groundwater or ground stability.

Reason: To protect controlled waters and ensure that development is not adversely affected by unstable ground conditions.

CONSTRUCTION STAGE CONDITIONS

44) Piling

No piling or other penetrative groundworks shall take place without the express written consent of the Local Planning Authority. Consent will only be granted where a piling risk assessment demonstrates no unacceptable risk to groundwater. Piling shall thereafter be carried out in accordance with the approved methodology.

Where piling is required, impact pile driving shall only take place between 09:00 and 17:00, Monday to Friday. Piling shall not occur on Saturdays, Sundays, or Bank Holidays, except in the case of emergency works or where otherwise agreed in writing by the Local Planning Authority.

Reason: To protect groundwater from contamination and to minimise construction impacts on neighbouring amenity.

45) Construction Environmental Management Plan (CEMP)

No development shall commence until a Construction Environmental Management Plan (CEMP), in accordance with the Outline CEMP (Appendix 4.1 of the Environmental Statement, December 2023), has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, as relevant:

- (a) Construction access, parking, deliveries, and hours of work;
- (b) Dust, noise, and pollution control measures;
- (c) Waste storage and removal;
- (d) Compliance with industry best practice for pollution prevention.

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

Prior to the commencement of works in any subsequent Phase, an updated CEMP shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with the updated approved CEMP.

Reason: To protect amenity, ensure highway safety, and minimise environmental impacts during construction.

46) Construction Traffic Management Plan (CTMP)

No works shall commence within any Phase or sub-phase on the site (including site clearance or preparation) until the details of a Construction Traffic Management Plan for that Phase or sub-phase have been submitted to and approved in writing by the local planning authority. The submitted Construction Traffic Management Plan for each Phase or sub-phase shall include and/or be supported by evidence demonstrating that it has been agreed with National Highways. Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Traffic Management Plan (CTMP).

The CTMP shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include, but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

Reason: To ensure that the Motorway and Trunk Road network in the vicinity of the site 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 and paragraph 115 of the National Planning Policy Framework (2024).

47) Materials Management Strategy (Including Bund Formation)

Prior to the commencement of development within any Phase, a Materials Management Strategy (MMS) for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The MMS shall:

- (a) Comply with the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoWCoP) and include the appointment of a Qualified Person (or equivalent);
- (b) Accord with the principles set out in Appendix 11.5 of the Environmental Statement (December 2023); and
- (c) Identify the use of suitable site-won materials for the formation of the approved landscape bund(s), including details of their source, volume, method of placement, phasing, and a timetable for delivery of the bund(s).

The development shall be carried out in accordance with the approved MMS, and the bund(s) shall be constructed in accordance with the approved details and timetable.

Reason: To ensure that materials are managed appropriately to protect habitats, species, and the wider environment during construction.

48) Off-Site Soil and Material Movements

Prior to the removal of any soils or excavated materials from the Application Site, details of the proposed destination(s) for those materials shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall:

- (a) Comply with the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoWCoP) and include the appointment of a Qualified Person (or equivalent);
- (b) Accord with the principles set out in Chapter 11 of the Environmental Statement (December 2023);
- (c) Identify the quantity and type of material to be exported;
- (d) Identify the receiving site(s) and confirm their suitability to accept the material; and
- (e) Demonstrate that the material will be reused in accordance with the principles of the waste hierarchy.

All soil and material movements off-site shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the appropriate management of soil resources, to minimise waste, and to protect the environment.

ECOLOGY CONDITIONS**49) Construction Ecological Management Plan**

No phase of development (including any ground works, site or vegetation clearance) shall commence until a construction ecological management plan (CEMP - biodiversity)) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP - biodiversity shall be based on the South East Faversham, Kent Environmental Statement: Volume 2 Main Text Chapter 7: Biodiversity dated December 2023 and associated Appendices, 7.2 to 7.11, the EPR South East Faversham Outline Bat Mitigation Strategy dated 18th September 2025, the South East Faversham, Kent Environmental Statement: Volume 3 Appendix 4.1 Outline Construction Environmental Management Plan dated September 2023, Swale Borough Council Habitat Regulation Assessment for 23/505533/EIHYB dated 16th October 2025 and up-to-date ecological survey information, as advised by a suitably qualified ecologist. The CEMP - biodiversity shall clearly and explicitly demonstrate adherence to an overarching, site-wide ecological design strategy, and include the following:

- (a) Purpose and objectives for the proposed works;
- (b) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
- (c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- (d) Extent and location of proposed works (including receptor areas(s) for the translocation of relevant species) shown on appropriate scale maps and plans for all relevant species and habitats;
- (e) Reference to the relevant protected species licences (e.g., badgers and dormice) to be obtained in advance of site clearance/construction and any relevant mitigation measures required;
- (f) Reference to species and habitat specific mitigation and compensation measures required, including an impact assessment that takes into account site-wide impacts and required mitigation and compensation measures;
- (g) Reference to or inclusion of a detailed arboricultural method statement to protect retained trees;
- (h) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- (i) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- (j) Disposal of any wastes for implementing work. The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during site/vegetation clearance and construction in line with paragraph 187 of the NPPF 2024.

50) Ecological Design Strategy

No phase of development (including any ground works, site or vegetation clearance) shall commence until a detailed Ecological Design Strategy (EDS) for that phase has been submitted to, and approved in writing by, the local planning authority. The detailed EDS for that phase shall be clearly and explicitly informed by the South East Faversham, Kent Environmental Statement: Volume 2 Main Text Chapter 7: Biodiversity and all associated Appendices, 7.1 to 7.11, the EPR South East Faversham Outline Bat Mitigation Strategy dated 18th September 2025, the South East Faversham, Kent Environmental Statement: Volume 3 Appendix 15.3 Outline Lighting Strategy, the South East Faversham Environmental Statement: Volume 3 Appendix 4.2 Outline Landscape and Ecology Management Plan, the EPR South East Faversham: Response to KCC Ecological Advice Service dated 14th November 2025, the Ben Pentreath Ltd drawing 'Possible bat hibernation roost locations dated 17th November 2025, and up-to-date ecological survey information, as advised by a suitably qualified ecologist and in line with relevant professional standards. The EDS shall include the following:

- (a) Purpose and conservation objectives for the proposed design;
- (b) Review of site potential and ecological constraints;
- (c) Adherence to the principles that species-specific compensation (including for reptiles, hazel dormouse, bats, breeding and wintering birds, badgers) shall provide a larger amount of optimal habitat and habitat features than that to be lost from development, that there is never a shortfall of suitable habitat for species requiring compensation for habitat lost during construction or post-construction and that overall, there is greater habitat connectivity for relevant species post-construction;
- (d) Updated biodiversity net gain calculations using the latest Defra biodiversity metric calculation tool. Calculations shall be based on detailed and where necessary, outline landscaping plans, demonstrating a minimum 20% biodiversity net gain shall be achievable for the South East Faversham development as a whole;
- (e) Detailed designs shown on scaled plans to achieve stated objectives, including:
 - i. Lighting design details including contour plans in line with the ILP GN08/23 'bats and artificial lighting at night' to show expected lux levels on the horizontal plane (and where necessary, vertical plane), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors;
 - ii. Soft landscaping plans and planting schedules;
 - iii. Habitat features shown on building elevation plans, soft landscaping plans, fencing plans etc. as appropriate;
 - iv. How and where external lighting shall be installed;
- (f) The provision of technical specifications for the external lighting;

- (g) Details of the precise location (including erection height from ground level and aspect), dimensions, construction materials (including make and model where relevant) and construction methodology of habitat features;
- (h) Bat (at least 300) and bird boxes (at least 2,500) made of durable materials and targeted at species of conservation concern that could make use of the site;
- (i) The provision of labelled hedgehog passages (13x13cm) to ensure the site remains accessible to hedgehogs within the close board fencing of private gardens;
- (j) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development and the site-wide outline mitigation, compensation and enhancement measures;
- (k) Persons responsible for implementing the design;
- (l) Details of initial aftercare and long-term management for the lifetime of the development to be provided in a Landscape and Ecological Management Plan (LEMP). The LEMP shall include:
 - i. Aims and objectives of management;
 - ii. Prescriptions for management actions;
 - iii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
 - iv. Details for monitoring and remedial measures; and
 - v. Details of the individual, body or organisation(s) responsible for implementation of the plan. The EDS shall be implemented in accordance with the approved details and all habitat measures and features shall be retained thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts from development, to provide quantitative and qualitative biodiversity net gains, and to protect the amenity of the area.

51) Implementation and Monitoring

No occupation of dwellings for that phase shall take place until:

- (a) The habitat retention, creation and enhancement works set out in the approved Ecological Design Strategy for that phase have been completed; and
- (b) A completion report, evidencing the completed habitat retention, creation enhancements for that phase, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure habitat retention, creation and enhancement works are delivered, and to the appropriate standard in line with paragraph 187 of the NPPF 2024.

52) Biodiversity Net Gain

Monitoring reports demonstrating the development is achieving the targeted biodiversity net gain in the approved ecological design strategy shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved Ecological Design Strategy for that phase. Remedial measures, if required, shall be specified within an updated Ecological Design Strategy Landscape and Ecology Management and Monitoring Plan submitted for approval in writing by the local planning authority at the same time as the submission of each monitoring report.

Reason: To ensure habitat retention, creation and enhancement works are delivered, and to the appropriate standard in line with paragraph 187 of the NPPF 2024.

TRANSPORT AND HIGHWAYS CONDITIONS**53) Access Delivery**

The vehicle access for each phase or subphase shall be made open to traffic prior to the first occupation of any building in that phase or subphase served by that access.

No more than 50 dwellings in each phase or subphase shall be first occupied until two separate points of vehicle access are open to traffic and are accessible to the dwellings in that phase.

Reason: To ensure that safe and satisfactory access is provided to serve the development, in the interests of highway safety and performance.

54) Vehicle Parking and Loading/Turning

Prior to first occupation of any building, the areas shown on the approved plans for vehicle parking, loading/unloading, and turning shall be provided, surfaced, and drained. These areas shall be retained for their intended use at all times, and no development, whether permitted by the GPDO or otherwise, shall obstruct their use.

Reason: To ensure the provision and retention of adequate off-street parking, loading, turning facilities in the interests of highway safety and amenity.

55) Cycle Parking

Prior to first occupation of any building, space shall be laid out within the site for secure cycle parking in accordance with the approved plans for Phase 1, and subsequent approved plans for each Reserved Matters. The cycle parking shall be retained for the use of occupants and visitors.

Reason: To ensure the provision and retention of adequate cycle facilities in the interests of highway safety and amenity.

56) Gates

Any entrance gates erected shall not open onto the highway.

Reason: In the interests of highway safety and convenience.

57) New Bridge

The reserved matters submitted for Phase 2 shall safeguard sufficient land for the subsequent construction of a pedestrian and cycle bridge across the Faversham-Canterbury/Dover railway line.

Reason: To ensure that the Phase 2 layout safeguards the land and arrangements necessary for the delivery of a pedestrian and cycle bridge, enhancing sustainable access and connectivity within the South East Faversham development.

58) Highway Access and Connectivity

No development shall commence in any Phase until an Addendum Transport Assessment for that Phase has been submitted to and approved by the Local Planning Authority. The Addendum Transport Assessment shall set out the highway works to be delivered in association with that Phase in accordance with the approved Transport Strategy & Framework Travel Plan including any limits on development prior to relevant highways works being completed, along with a monitoring and review mechanism.

Reason: To ensure highway safety and phased delivery of highway works.

59) Works Between Highway and Dwelling

Prior to the occupation of each dwelling in any Phase, footways and carriageways (excluding wearing course) and associated infrastructure (lighting, drainage, signage, turning areas) shall be completed and maintained thereafter for that Phase.

Reason: To ensure safe and functional access is provided to all dwellings.

60) Public Rights of Way Management Scheme

Prior to the commencement of development, a Public Rights of Way Management Scheme shall be submitted to and approved by the Local Planning Authority and Highway Authority. The scheme shall include provision for:

- (a) The design of access and public rights of way routes and their surfacing, widths, gradients, landscaping and structures
- (b) Any proposals for diversion and closure of public rights of way and alternative route provision
- (c) Plans and drawings at sufficient scale as to clearly identify the layout and extent of the public rights of way, any associated infrastructure

The schemes shall have regard to prevailing KCC policy with KCC PROW and Access Service as Highway Authority for PROW (currently ROWIP) and approved by KCC PROW and Access Service. The scheme should include the following detail

- (d) Monitoring and additional mitigation if required.
- (e) For each PROW to cover pre-construction, construction and completion of all phases.

- (f) The management measures for minimising disruption to the public and ensuring public safety during all stages of the project.
- (g) A pre and post condition survey to be undertaken including identification and assessment of surface condition. Scope of coverage and methodology to be agreed with KCC PROW and Access as Highway Authority.
- (h) Restoration of any PROW impacted by works to the satisfaction of KCC. Restoration proposals to be agreed with KCC
- (i) Safeguard and promote the enjoyment of retained footpaths.
- (j) Promote connectivity, sustainability and support Active Travel through the site and across the wider area of the Borough.
- (k) Protect and enhance the rural character of the PROW network.
- (l) Any proposed recreational routes to be put forward for designation as part of the PROW network – to be discussed

Reason: In the interests of the amenity and safety of the public.

61) Public Path Order - Application

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.

62) Public Path Order – Confirmed Order

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

63) Public Path Order - Delivery

Prior to the occupation of those units to be constructed on the original alignment of the PROW the new route of the PROW will have been provided to the certifiable standard, certified by the Highway Authority and the Definitive Map and Statement amended to reflect the new alignment of the PROW.

Reason: To ensure the timely provision of the new route in the interests of the amenity of the public and to avoid the blighting of properties

64) Final Transport Strategy and Framework Travel Plan

Within three months of any consent for the development hereby permitted a final version of the Transport Strategy & Framework Travel Plan document shall be submitted to the local planning authority for written approval. The final submitted version of the Transport Strategy & Framework Travel Plan document shall include and/or be supported by evidence demonstrating that they have been agreed with National Highways. Thereafter the development shall proceed in strict accordance with the approved Strategy.

Reason: To minimize traffic generated by the development and to ensure that the M2 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 and the National Planning Policy Framework (2024).

65) Monitor and Manage Implementation Strategy

No part of the development hereby permitted shall be occupied until a detailed Monitor and Manage Implementation Strategy, which is consistent with the “Monitor and Manage” approach set out in the approved Final Transport Strategy & Framework Travel Plan document and which includes a mechanism through which the number of people employed in jobs within the non-residential floor space at the development (excluding those directly associated with the construction of the development) is monitored, forecast and reported at the time of any Reserved Matters Application, has been approved in writing by the local planning authority. The submitted Monitor and Manage Implementation Strategy shall include and/or be supported by evidence demonstrating it has been agreed with National Highways. Thereafter the development shall be implemented in accordance with the approved Strategy.

The Implementation Strategy shall include arrangements for monitoring of all relevant transport and highways impacts arising from the proposed development at agreed intervals, review, amendment and effective enforcement. It shall also include the means by which the funding and delivery of any required mitigation will be managed. The Strategy shall continue to be implemented until construction and occupation of the whole of the development hereby permitted has been completed.

The Monitor and Manage Implementation Plan shall take account of and incorporate corresponding actions from the site Travel Plans as appropriate. It shall include all necessary detail to cover the governance, funding and delivery of any and all required mitigation. It will also cover the circumstances in which any agreed mitigation may be reviewed and revised. However, the document shall not usurp the roles, rights and responsibilities of the strategic and/or local highway authority.

Reason: To minimize traffic generated by the development and to ensure that the M2 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 and the National Planning Policy Framework (2024).

66) M2 Junction 7 Works to the Highway

No more than 1,500 dwellings and no more than an amount of non-residential floor space which will accommodate 1,500 employees (monitored and forecast through the Monitor and Manage Implementation Strategy) of the development hereby permitted shall be occupied until the improvements to, and in the vicinity of, the M2 Junction 7 shown on drawing number 271681-SK-037-009 Rev A (or an alternative is agreed via the condition entitled 'Monitor and Manage Implementation Strategy') have been opened to all traffic.

Reason: This is to ensure that the M2 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 and paragraph 115 of the National Planning Policy Framework (2024).

67) Bund Design and Construction within 50m of National Highways Boundary

Save for demolition, clearance, survey and testing works, no works hereby permitted in relation to that part of the site within 50m of the M2 boundary shall occur until details of the geotechnical arrangements for any bund within each Phase within 50m of the M2 boundary have been submitted to and approved in writing by the Local Planning Authority. The submitted details of the geotechnical arrangements for any bund shall include and/or be supported by evidence demonstrating that they have been agreed with National Highways. This shall include details of all materials, levels and calculations to demonstrate that the bund is geotechnically stable in accordance Design Manual for Road and Bridges CD622. The details shall also define the main construction Phase being that period required to complete the main engineering works to build the bund including any ancillary drainage or other structures. Thereafter the construction of the bund shall be carried out in strict accordance with the approved details.

Reason: To ensure that the M2 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 and the National Planning Policy Framework (2024).

68) Drainage Details Relationship to National Highways Assets

Save for demolition, clearance, survey and testing works, no works in relation to any part of the current drainage or riverine system forming part of those systems of which the M2 forms part nor any proposed drainage system for each Phase of the development hereby permitted (including land preparation or demolition) within 50m of the proposed M2 boundary shall occur until details of the drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The submitted details of the drainage arrangements shall include and/or be supported by evidence demonstrating that they have been agreed with National Highways. Thereafter the construction, occupation and maintenance of the development shall be in strict accordance with the approved details.

Reason: To ensure that the M2 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 and the National Planning Policy Framework (2024).

69) Landscaping of the M2 Boundary within 50m of National Highways Boundary

Save for demolition, clearance, survey and testing works, no works hereby permitted shall commence within any Phase of the site (including site clearance or preparation) within 50m of the M2 boundary until the details of the hard and soft landscaping (covering all land and works within each Phase within 50m of the proposed M2 boundary) have been submitted to and approved in writing by the local planning authority. The submitted details of hard and soft landscaping shall include and/or be supported by evidence demonstrating that they have been agreed with National Highways. Thereafter the construction, occupation and maintenance of the development shall be in strict accordance with the approved scheme.

Reason: To ensure that the M2 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 and the National Planning Policy Framework (2024).

70) Boundary Details within 150m of National Highways Boundary

Prior to first occupation of any part of the development hereby permitted which is within 150m of the boundary between the application site and the M2, details of the fence to be erected along the site boundary with the M2 shall be submitted to and approved in writing by the Local Planning Authority. The submitted details of the fence to be erected along the site boundary with the M2 shall include and/or be supported by evidence demonstrating that they have been agreed with National Highways. This shall include details of its location, phased delivery plan, materials, height and maintenance arrangements, which shall be in accordance with the Manual of Contract Documents for Highway Works (MCHW) series 300 and Design Manual for Road and Bridges CD377. Thereafter the boundary shall be constructed and maintained in strict accordance with the approved details.

Reason: To ensure that the M2 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 and the National Planning Policy Framework (2024).

ENERGY AND SUSTAINABILITY CONDITIONS**71) Energy and Sustainability Strategy**

Prior to the determination of Reserved Matters for each Phase, an Energy and Sustainability Strategy for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall:

- (a) Align with the principles in the December 2023 Energy and Sustainability Statement;
- (b) Set out measures to enhance energy efficiency, and utilise low-carbon and renewable technologies;
- (c) Demonstrate provision of EV charging infrastructure for residential and non-residential users in line with adopted parking standards;
- (d) Include a timetable for the implementation of the Energy and Sustainability Strategy.

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

72) Phase 1 – Energy and Sustainability Statement

Prior to the commencement of any works above foundation level in Phase 1, a detailed Energy and Sustainability Strategy for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall:

- (a) Align with the principles in the December 2023 Energy and Sustainability Statement;
- (b) Set out measures to enhance energy efficiency, and utilise low-carbon and renewable technologies;
- (c) Demonstrate provision of EV charging infrastructure for residential and non-residential users in line with adopted parking standards;
- (d) Include a timetable for the implementation of the Energy and Sustainability Strategy.

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

Reason: To secure sustainable, low-carbon development and minimise environmental impacts.

73) Non-Residential Development – Environmental Performance

Prior to first use of non-residential floorspace in Phase 1, and in subsequent reserved matters, a BREEAM pre-assessment (or agreed equivalent) for non-residential floorspace shall be submitted to and approved in writing by the Local Planning Authority.

All new non-residential floorspace should aim to achieve the BREEAM “Very Good” standard or equivalent as a minimum.

The development shall be carried out in accordance with the approved details prior to the first use of the non-residential floorspace.

Reason: To ensure all non-residential buildings meet sustainability standards and contribute to climate change mitigation.

74) Water Consumption

The residential development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day. No dwelling shall be occupied unless the required notice regarding potential water consumption per person per day, as required by the Building Regulations 2015 (as amended), has been given to the relevant Building Control Inspector (internal or external).

Reason: To promote water conservation and ensure sustainable use of water resources.

75) Operational Site Waste Management Plan

No development shall commence until an Operational Site Waste Management Plan, in accordance with Section 18.6 of the Environmental Statement (December 2023), has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved Operational Site Waste Management Plan.

Prior to the commencement of works in any subsequent Phase, an updated Operational Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and the works shall then be carried out in accordance with the approved updated Operational Site Waste Management Plan.

Reason: To ensure good waste management practice across the site and minimise environmental impacts.

NOISE, ODOUR, AND AIR QUALITY CONDITIONS**76) Residential Noise Mitigation**

No development within a Phase shall commence until a Noise Mitigation Scheme for that Phase has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include all measures necessary to ensure internal noise levels within residential properties comply with:

- (a) The guideline levels set out in BS 8233:2014 “Sound insulation and noise reduction for buildings – Code of practice”; and
- (b) The WHO Guidelines on Community Noise.

No residential unit shall be occupied until the approved noise attenuation measures, including glazing and ventilation specifications, have been implemented in accordance with the approved Scheme or within a timetable otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of future and neighbouring occupiers from noise impacts.

77) Noise and Odour – Commercial Uses

Prior to the first operation of any commercial use, details of all mechanical ventilation, kitchen extract equipment, and other plant serving the use shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- (a) The predicted noise and odour emissions from the proposed plant and equipment, with noise assessed in accordance with the latest version of BS 4142:2014 (or subsequent updates); and

- (b) Mitigation measures necessary to ensure noise and odour emissions are minimised, including that noise from plant shall be at least 5 dB below the existing measured background noise level (LA90,T), assessed over an hourly daytime period (07:00–23:00) or 15-minute night-time period (23:00–07:00)

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

Reason: To protect neighbouring amenity and minimise noise and odour impacts from commercial operations.

78) Air Quality Mitigation

Prior to the first occupation of development within each Phase, an Operational Air Quality Mitigation and Monitoring Statement for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall:

- (a) Confirm how the air quality mitigation measures identified in Appendix 10.8 (Emissions Mitigation Statement) are being delivered within that Phase, including through approved Travel Plan measures, sustainable transport infrastructure, electric vehicle charging provision, and green infrastructure;
- (b) Identify a proportionate monitoring and reporting regime to review the effectiveness of those measures during the operational phase, including responsibilities for implementation and review; and
- (c) Set out review and remedial mechanisms to be triggered where monitoring demonstrates that mitigation is not being delivered or is materially underperforming.

The approved mitigation and monitoring measures shall be implemented in accordance with the approved Statement and maintained thereafter.

Reason: To ensure that the transport-related air quality impacts of the development during the operational phase are effectively mitigated and monitored, in accordance with the submitted Environmental Statement, and in the interests of protecting human health and local air quality.

79) Odour Mitigation – Water Recycling Centre

Full details of all measures to be taken to deal with the odours arising from the Water Recycling Centre shall be submitted to, and approved in writing by, the Local Planning Authority, and implemented, prior to the first use of the part of the proposed Employment Area falling within 40m of the Water Recycling Centre.

Reason: To ensure that appropriate mitigation is secured to address potential odour impacts from the Water Recycling Centre, in the interests of protecting amenity and ensuring the development is acceptable for its intended use.

GROUND CONDITIONS**80) Remediation Strategy**

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
 - i. All previous uses
 - ii. Potential contaminants associated with those uses
 - iii. A conceptual model of the site indicating sources, pathways and receptors
 - iv. Potentially unacceptable risks arising from contamination at the site.
- (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (c) The results of the site investigation and the detailed risk assessment referred to in (b) 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.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

81) Verification Report

No occupation of any part of the permitted development shall take place until a verification report demonstrating 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 any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To reduce risk to controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon Secondary and Principal aquifers. Due to the vulnerability of the aquifer every precaution should be taken to prevent any pollution of groundwater.

82) Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To reduce risk to controlled waters.

83) Land Stability (Including Potentially Soluble Strata)

Prior to the commencement of development within any Phase, a Phase-specific Land Stability Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- (a) Assess the risk of land instability arising from ground conditions, including the presence of potentially soluble strata and solution features;
- (b) Identify any necessary mitigation or remediation measures required to ensure the stability of the land and the safety of the proposed development; and
- (c) Set out design recommendations and construction measures to address any identified risks.

Where mitigation measures are identified, a Land Stability Mitigation Scheme for that Phase shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development within that Phase.

The development shall thereafter be carried out in full accordance with the approved assessment and mitigation scheme.

Reason: To ensure that the site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability.

84) Gas Pipeline

The grade of steel, wall thickness and depth of cover of the Salters Lane Faversham/Blean PRS major accident hazard pipeline (ref 7124 1395) shall be upgraded as described in Table 3 of HSE pipeline reassessment document LUP/22/04 (D1597 dated 8/6/22), or any subsequent updated document, prior to the implementation of any Phase that overlaps the inner or middle consultation zones of the existing gas pipeline.

Should any changes to the layout be proposed after outline permission has been granted, the advice of HSE's Land Use Planning team shall be obtained again before reserved matters are determined.

Reason: To protect people at the development from a major accident at the high pressure gas pipeline.

85) Service Connections Crossing the Railway

Prior to the installation of any service connections (including but not limited to water, electricity, gas, telecommunications or drainage) that would cross underneath or over the operational railway line, full details of the proposed crossing shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, where applicable:

- (a) The type and location of the crossing;
- (b) The method of installation and construction, including measures to ensure the safety of railway operations during works;
- (c) Details of protective and monitoring measures for the railway infrastructure; and
- (d) Timetable for implementation.

The service connections shall not be installed until the crossing has been carried out in accordance with the approved details.

Reason: To ensure that any service connections crossing the railway are installed safely and without risk to railway operations, and to ensure compliance with national planning policy and the requirements of the railway infrastructure operator.

86) Phasing

Prior to the submission of any Reserved Matters application, a Phasing Plan shall be submitted to the Local Planning Authority. The Phasing Plan shall be in broad accordance with the principles set out in Chapter 4 of the Environmental Statement (December 2023), and shall identify:

- (a) The Phases of development;
- (b) The development parcels and / or landscape elements within each Phase; and
- (c) The anticipated broad sequence of delivery.

The development shall thereafter proceed in accordance with the approved details.

Reason: To protect the amenities of the area.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

