

## **Tabled Update for Item 2.1 - 23/505533/EIHYB – Land at South East Faversham**

### **Local Plan Regulation 18**

As discussed in the report, the Council have consulted on the Local Plan Regulation 18, with the consultation period closing on Monday 23<sup>rd</sup> February 2026. The document includes a number of policies. In terms of how much weight to give to these policies, the NPPF, at paragraph 49 states the following:

*“Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”*

The Local Plan Regulation 18 is the first stage of the process and the Council are currently reviewing the consultation responses received. It is therefore at an extremely early stage and as a result only negligible weight could be given to the policies at this point. As such, it is considered that these policies would be heavily outweighed by the local and national policies against which the application has been assessed and would not represent a reason to reach a different recommendation.

### **Local Nature Recovery Strategy (LNRS)**

LNRS are a system of spatial strategies for nature and environmental improvement required by law under the Environment Act 2021. In complying with the Council’s duty under Section 40 of the Natural Environment and Rural Communities Act (as amended by the Environment Act 2021) to consider how it can conserve and enhance biodiversity, it must ‘have regard’ to any relevant LNRS. The Kent and Medway LNRS was published on 28<sup>th</sup> November 2025.

In respect of the relationship between decision making and the LNRS, the PPG states the following:

*“How should local planning authorities have regard to Local Nature Recovery Strategies in planning decision making?*

*The Local Nature Recovery Strategy is an evidence base which contains information that may be a ‘material consideration’ in the planning system, especially where development plan documents for an area pre-date Local Nature Recovery Strategy publication. It is for the decision-maker to determine what is a relevant material consideration based on the individual circumstances of the case.”*

In this case, the development plan documents do pre-date the publication of the Local Nature Recovery Strategy and therefore it would be a material consideration. In terms of how it relates to this site, the mapping shows that the site is not an area identified as of particular importance for biodiversity. The mapping shows that there are two areas of 'Chalk grassland' habitat on the site, however these are both within areas where no development is proposed. As appropriate ecology and landscaping measures have been included it is concluded that regard has been paid to this. In terms of what the LNRS mapping indicates are 'non-statutory' matters, the measures for the vast majority of the site are shown as '*use of nature-based solutions to improved climate resilience of farmland.*' The mapping also states that this is a wider measure which identifies areas of opportunity for nature recovery but is not a formal part of the Strategy's local habitat map.

On the basis of the above, the loss of the agricultural land has been assessed in the report and impacts upon the environment, and namely protected species, habitats sites and biodiversity have been assessed as being acceptable. Therefore, it is considered that regard has been paid to the LNRS.

### **Ospringe Parish Council**

Since the finalisation of the committee report, comments have been provided by Ospringe Parish Council. They do not set out whether they object to, are neutral, or whether they support the scheme but raise the following summarised points:

- The proposal, cumulatively with other permissions and potential development coming forward has the ability to overwhelm Faversham;
- Despite the above, have a preference for housing development to be on the eastern side of Faversham, rather than the west, predominately on highway grounds;
- The scheme has been worked up over a long period of time and amendments have been made to address issues;
- However, have concern that the scheme is not plan-led;
- The proposal takes up a large amount of best and most versatile agricultural land – would prefer development on brownfield land or land of a lower agricultural quality;
- Concerns regarding that developer contributions / highway works would not mitigate impacts;
- Concerns regarding how active travel measures will be implemented in practice;
- The affordable housing included in the scheme is welcomed.

It is considered that the above points have all been addressed in the report.

### **Neighbour Comments**

Since the finalisation of the committee report, three additional public representations, objecting to the application have been received. The comments make the following summarised points:

- Lack of detail around phasing, delivery of infrastructure and affordable housing;

- The site is not allocated in the Faversham Neighbourhood Plan;
- The site is not allocated in the current Local Plan, although it is reasonable to assume the site will be included in the forthcoming Local Plan consultation;
- The urban extension of Faversham is likely to be the Council's preferred mechanism to increase housing numbers in the east of the Borough;
- Approval of the application in the absence of a wider town expansion masterplan would be premature;
- Concerns over the ability for future residents to use sustainable travel methods to access the existing town and surrounding services and facilities;
- Concern over highway safety matters;
- Noise and air pollution will need to be mitigated;
- Selling Road / railways line will form a barrier between the east and west of the site;
- Connections into Salters Lane will be difficult to achieve;
- The A251 link will encourage rat running;
- Lack of detail regarding bus services;
- The layout of the proposal has little variation in character, little landscape structure and little sense of place;
- Highway infrastructure dominates and there is a lack of pedestrian / cycle routes within the layout;
- The proposed local centre should be located more centrally;
- Lack of consideration given to orientation of the dwellings in terms of reducing energy demands;
- No large communal green spaces in phases 3 and 4;
- The employment area should be a woodland to absorb pollutants from the surrounding highway network;
- Difficult for occupants of affordable housing to be able to access services and facilities off site if they do not have a car;
- Affordable housing will still be financially out of reach for many people;
- The employment element of the site will only be accessible by car, further junctions on the A2 will be required to serve these sites;
- Employment uses would be better located more centrally in the development;
- The site may attract businesses away from Faversham town centre;
- The phasing of the development should be rearranged and it will take time for services and facilities as part of the site to come forward resulting in people using the car to access existing ones;
- Phase 1 should be located further to the west;
- Lack of traffic calming measures;
- Concern over lack of overlooking of some parking spaces;
- Excessive parking for the local centre;
- Development will lead to a lack of privacy and overlooking;
- Traditional methods of construction will not allow for carbon reductions and will also increase costs;
- Alternative sustainable construction methods should be used;
- Objections have not been taken into account;

- Network Rail have been misquoted in the Officer's report as they require delivery of the bridge prior to the occupation of any phase, rather than prior to the occupation of phases 6a and 6b;
- Network Rail have concerns in respect of drainage (surface water and foul) which requires a sewer under the railway and concerns regarding the earth bund;
- Network Rail have set out the application should not be determined until National Rail are satisfied that there will be no impact on the railway, or that the impact can be sufficiently mitigated.

It is considered that the majority of the above points have all been addressed in the report.

Of those points that remain (which are those related to Network Rail's comments), the following response is provided. Correspondence between the applicant, Network Rail and SBC Officers has been on-going. Further comments from Network Rail have confirmed that they require implementation of the bridge prior to the occupation of phases 6a and 6b, which reflects the position stated in the committee report. Network Rail have also, since the finalisation of the committee report, confirmed that in principle they accept that this matter can be dealt with as an obligation in the S.106 agreement (rather than as a condition). This matter is also referred to in the section of this update below that deals with 'Network Rail Comments'.

In terms of drainage and connections across the railway, these matters are dealt with via conditions that have been recommended. In respect of the impact upon the railway from the bund, it has been confirmed that the closest earthworks in relation to this are located approximately 125m away and in any case the detailed design stage will include a Geotechnical Design Report addressing stability assessments, earthworks specification and construction materials. Details of the bund are also required to be submitted and approved prior to implementation.

### **Cllr Richard Palmer Comments**

Since the finalisation of the committee report, a comment has been received from Cllr Richard Palmer (Ward Member for Hartlip, Newington, and Upchurch) raising the following summarised points:

- The recommendation allows Officers to negotiate the precise wording of conditions and Heads of Terms, and amend or add conditions where considered necessary. As a result, Members are being asked to determine the application without knowing the final details;
- As a result of the above, Members can not properly assess whether the conditions and obligations meet the necessary tests [the comments outline what these tests are and refers to various pieces of case law where these matters have been dealt with];
- To ensure a robust decision, the LPA should ensure that the final S.106 Heads of Terms are clearly defined prior to the issuing of planning permission;
- Members should be provided with sufficient information to confirm that the obligations satisfy the Regulation 122 tests and any material amendments to

the S.106 agreement following a committee resolution should be returned to committee for approval.

In respect of the above, the ability for Officers to negotiate the precise wording of conditions and Heads of Terms is standard wording that all reports presented to the Council's Planning Committee (that require a S.106 agreement) include. It allows for Officers to work with the relevant parties in order to ensure that the decision can be issued. It is not a mechanism to take the requirements of the conditions or Heads of Terms outside of the scope that Members have considered when the application is reported to the Planning Committee.

It is considered that sufficient information has been provided in the report in respect of the Heads of Terms, in the form of the table included in Section 7.23. The matter of whether the obligations comply with the relevant tests is referred to at various points in the report and is confirmed, also in Section 7.23, that they do. The requests are underpinned by the evidence provided by the various consultees which is available to view on the application file. Matters of what Members of the Planning Committee will resolve will be determined when the application is reported to the Planning Committee.

### **Network Rail Comments**

Since the finalisation of the committee report further comments have been received from Network Rail regarding the proposed extension to the Faversham Railway Station car park and the pedestrian / cycle bridge over the railway line (which passes through the site). In terms of the car park, Network Rail has identified two locations where this could be achieved, which are both on land within Network Rail's control. Network Rail has confirmed that the station car park is full on Tuesday – Thursday. They have also stated that whilst they appreciate that funding the expansion of the car park may not be seen as supporting sustainable transport, parking at the station does prevent longer journeys being made by the car and that during the winter / periods of poor weather people would be more likely to drive to the station. It is therefore Network Rail's view that future occupiers of the development will be unable to park in the station car park on certain days, increasing journeys being made by car or increasing parking on local roads. In order to assist in delivering the car park extension, funding is requested to enable design work to be undertaken and facilitate delivery at a cost of £50,000.

The agent has responded to this request setting out that the ethos of the proposals is to encourage walking and cycling and the site is conveniently located for Faversham railway station. They consider that the expansion of the car park would encourage unnecessary car use. They are concerned that the indicative concept (put forward by Network Rail) would involve the removal of a building and would likely require planning permission. In addition, they consider that funding preliminary design work does not mitigate a planning impact arising from the development.

In weighing up the above, it is considered that the development will introduce additional people into the area who will, due to the location of the site want to access Faversham railway station. Although the points regarding the walking and cycling credentials of the development are discussed in the report, it would seem inevitable that residents, especially in those parts of the site which are further from the station

and during the winter months / wetter weather would be more inclined to drive to the station. If there was not space available, as would be the case at certain points during the week, then Network Rail's point regarding it being more sustainable for part of a journey to be made via car, rather than the whole journey is considered to be valid. In terms of the points regarding the funding needing to be used for design work, this design work would be necessary in order to facilitate the works. Finally, the possible need for planning permission for the demolition of a building would not appear to be a definite barrier. As a result, it is considered that the request does meet the relevant Regulation 122 tests and therefore it is recommended to Members that the contribution of £50,000 is included in the Heads of Terms.

In addition, Network Rail have now provided further comments in respect of the proposed way that the pedestrian / cycle bridge across the railway line is delivered. They have raised a number of queries in respect of timings for the feasibility study; who will determine if it is physically and technically deliverable; how the costing has been arrived at and how fixed is this cost. They have also stated that securing this in the S.106 appears achievable.

In response to these points, the agent has referred to a meeting between the applicant, agent, KCC and Network Rail where the matter of the funding was raised. In this, it is set out that costings for constructing the bridge are between £1.3 million and £2 million. As a result, the top end of the estimates have been used. In respect of the other matters, timings for the feasibility study would be controlled by the obligation in the S.106 agreement, Network Rail and the Council would be involved in determining whether it is feasible and due to the costing exercise undertaken, the £2 million figure appears appropriate as being the upper figure as agreed by the relevant parties.

### **Graveney with Goodnestone Parish Council**

Since the finalisation of the committee report, correspondence has been received from Graveney Goodnestone Parish Council. They have commented that they have discussed the application at a Parish meeting and no objections were recorded, however wished to reiterate their previous comments submitted. These comments are referenced in the report.

### **Extension of Time**

The report sets out that the current extension of time expires on 9<sup>th</sup> March 2026. Since the finalisation of the report, a further extension of time until Friday 13<sup>th</sup> March 2026 has been agreed.

PG – 10/03/2026