

## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 15 March 2023.

PRESENT: Mr A Booth (Chairman), Mr H Rayner (Vice-Chairman), Mrs R Binks, Mr I S Chittenden, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Peter Harman, Ms J Meade, Mr O Richardson and Mr C Simkins

IN ATTENDANCE: Ms S Bonser (Senior Solicitor. Invicta Law) and Mrs L Cook (Senior Planning Officer) and Ms S Bonser (Senior Solicitor. Invicta Law) and Mrs L Cook (Senior Planning Officer)

#### UNRESTRICTED ITEMS

##### **1. Minutes of the meeting on 25 January 2023**

*(Item A3)*

RESOLVED that the minutes of the meeting held on 25 January were correctly recorded and that they be signed by the Chairman.

##### **2. Site Meetings and Other Meetings**

*(Item A4)*

Members of the Planning Applications Committee had been invited to a site visit in the afternoon of 15 March 2023, to see the improvement works at Junction 5 of the M2/Stockbury roundabout.

A site visit was proposed for Members of the Planning Applications Committee on 19 April 2023 at Simon Langton Girls' Grammar School in Canterbury.

##### **3. General Matters**

*(Item B1)*

Members were advised there was a government consultation on proposals to increase planning fees and which aimed to improve capacity, capability and performance within local planning authorities.

##### **4. Construction of new 3G synthetic turf multi-use games area and installation of fencing and access path, Bidborough Primary School, Spring Lane, Bidborough, Tunbridge Wells, Kent, TN3 0UE – TW/22/3310 (KCC/TW/0197/2022)**

*(Item D1)*

1) Mary Green, Principal Planning Officer outlined the report.

2) Mr Chittenden proposed, Mr Richardson seconded and Members RESOLVED that:

Permission be granted subject to conditions and informatives, including conditions covering:

1. *The standard 3-year time limit;*
2. *The development carried out in accordance with the permitted details;*
3. *The development to be carried out using external materials and colour finishes, as specified within the planning application documents, unless otherwise agreed;*
4. *Hours of working during construction to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;*
5. *No deliveries to be allowed to the construction site before 0900hrs or between 1415-1530 hrs during school term time;*
6. *Prior to the commencement of the development a detailed sustainable surface water drainage scheme shall be submitted and approved, and thereafter implemented as approved;*
7. *The submission of a Verification Report pertaining to the surface water drainage scheme to be submitted and approved prior to first use of the development, and thereafter implemented as approved;*
8. *The hours of use of the MUGA shall be between 0800 and 1800 hrs Monday to Friday; Saturday and Sunday between the hours of 0800 and 1600 hrs. No use allowed on Bank Holidays;*
9. *The users of the MUGA shall be limited to those set out in the application. The facility shall not be let to or used by other users or hired to external commercial interests, unless otherwise agreed in writing by the County Planning Authority (please see Informative below);*
10. *Prior to the commencement of the development, a revised Construction Environmental Management Plan, to include a Biodiversity Method Statement, shall be submitted and approved, and construction of the development shall thereafter be undertaken in accordance with the approved plan;*
11. *A Biodiversity Enhancement Plan to be submitted within 3 months of date of planning permission being granted;*
12. *The development shall be carried out in accordance with the recommendations in the Arboricultural Assessment;*
13. *No floodlighting or external lighting to be provided on this site.*

#### Informatives

1. *An Informative is recommended regarding any necessary highway approvals.*

2. *The applicant is reminded that permits will be required for any traffic management arrangements and to contact streetworkswest@kent.gov.uk to arrange these (please be aware that there would be a lead in time).*

3. *The letter drop that is proposed as part of the Construction Environmental Management Plan and informing residents of the proposed works, should also include the church.*

4. *For the avoidance of doubt, the users of the development are limited to the School, parents, the Church and Bidbor'Out (the School's breakfast and after 1 school club).*

5. *The applicant to be encouraged to explore the potential for planting to the boundary of the site abutting the housing in Spring Lane in consultation with local residents to minimise the visual impact of the fencing.*

## **5. County matter applications**

*(Item E1)*

RESOLVED to note matters dealt with under delegated powers since the meeting on 25 January 2023 relating to:

E1 County matter applications

## **6. County Council developments**

*(Item E2)*

RESOLVED to note matters dealt with under delegated powers since the meeting on 25 January 2023 relating to:

E2 County Council developments

## **7. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

*(Item E3)*

RESOLVED to note matters dealt with under delegated powers since the meeting on 25 January 2023 relating to:

E3 Screening Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

## **8. Planning Application Ref: 20221064 - Land Surrounding Ebbsfleet United Football Club, bounded By Lower Road, Railway Line, Grove Road and The River Thames, Northfleet, Gravesend**

*(Item F1)*

RESOLVED to note Kent County Council's response to Planning Application Ref: 20221064 - Land Surrounding Ebbsfleet United Football Club, bounded By Lower Road, Railway Line, Grove Road and The River Thames, Northfleet, Gravesend.

**9. Pembury Neighbourhood Plan - Regulation 16 Consultation**

*(Item F2)*

RESOLVED to note Kent County Council's response to Pembury Neighbourhood Plan - Regulation 16 Consultation.

**10. Faversham Neighbourhood Plan - Regulation 14 Consultation.**

*(Item F3)*

RESOLVED to note Kent County Council's response to Faversham Neighbourhood Plan - Regulation 14 Consultation.

**11. Swanley Neighbourhood Plan - Regulation 14 Consultation**

*(Item F4)*

RESOLVED to note Kent County Council's response to Swanley Neighbourhood Plan - Regulation 14 Consultation.

**12. Planning Application Ref: 22/503654/EIOUT - Land to the west of Bobbing, Sittingbourne**

*(Item F5)*

RESOLVED to note Kent County Council's response to Planning Application Ref: 22/503654/EIOUT - Land to the west of Bobbing, Sittingbourne. The covering letter was omitted from the agenda pack and therefore, it has been appended to the minutes.

**13. Planning Application Ref: 21/503906/EIOUT - Land to the west of Teynham, London Road, Teynham**

*(Item F6)*

RESOLVED to note Kent County Council's response to Planning Application Ref: 21/503906/EIOUT - Land to the west of Teynham, London Road, Teynham

**14. Planning Application Ref: 21/503914/EIOUT - Land to the south & east of Sittingbourne**

*(Item F7)*

RESOLVED to note Kent County Council's response to Planning Application Ref: 21/503914/EIOUT - Land to the south & east of Sittingbourne.



## Growth, Environment & Transport

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Ray Deans  
Swale Borough Council  
Swale House  
East Street  
Sittingbourne  
Kent ME10

### BY EMAIL ONLY

27 February 2023

Dear Ray,

**Re: Outline application (all matters reserved except for access) for a mixed used development comprising up to 2,500 dwellings, a 4.99ha commercial employment zone including doctors' surgery, a 4.2ha sports hub, primary school, community facilities, local retail provision, public open space, children's play areas and associated parking, servicing, utilities, footpath and cycle links, drainage, ground and other infrastructure (Ref: 22/503654/EIOUT)**

Thank you for consulting Kent County Council (KCC) on the outline planning application for a mixed used development comprising up to 2,500 dwellings, a 4.99ha commercial employment zone including doctors' surgery, a 4.2ha sports hub, primary school, community facilities, local retail provision, public open space, children's play areas and associated parking, servicing, utilities, footpath and cycle links, drainage, ground and other infrastructure.

In summary, and in considering the application as it currently stands, the County Council raises a **holding objection** on the following grounds:

Highways and Transportation: The County Council, as Local Highway Authority, has not been able to fully assess the application due to the sufficient level of detail in the Transport Assessment being absent from the application as currently submitted, including Appendix G Proposed Site Network, traffic modelling, drawings, traffic distribution and Personal Injury Accident (PIA) data.

Public Rights of Way (PRoW): The County Council, as Local Highway Authority, considers that the application provides insufficient detail to fully assess the management and incorporation of the PRoW network both during construction and in operation, particularly given the significant impact on the area over the timescales quoted. The proposed development also concerns public user safety of the highway network, and will have landscape and visual impact.

Waste Management: The County Council, as Waste Disposal Authority, considers that a Waste Assessment must be undertaken to determine the impacts of the proposed development on waste management.

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, considers the process of mineral safeguarding to be incomplete at this stage of the application. The County Council has provided recommendations for the completion of a Minerals Assessment within this response that will need to be submitted before a full land-won mineral safeguarding consideration of the implications of the proposal can be assessed.

The County Council has reviewed the outline planning application and sets out its comments below:

### **Highways and Transportation**

The County Council has provided the following comments in respect of the Transport Assessment (TA) that has been submitted in support of the proposed application.

The application has been submitted following the engagement with the Local Highway Authority for pre-application advice. Whilst agreement was reached over a number of parameters used in the TA, it should be appreciated that the weight of the advice reduces over time as circumstances change. The communication took place two years before the current application was made, which indicates that some previously agreed aspects would need to be reviewed.

One such aspect is the background to the traffic modelling that has been carried out. The TA does refer frequently to matters of agreement between KCC and the applicant, but the passage of time has resulted in the need to update the submission:

- The traffic impact has been assessed using the 2020 available data from the Swale Highway Model (SHM) Simulation and Assignment of Traffic to Urban Road Networks (SATURN) model that was available at the time of the pre-application advice. The model used in the assessment considered development up to the 2037 Reference Case for the Swale Borough Council Local Plan review, but was superseded in 2021 following different development options being taken forward in the review. The current Local Plan Reference Case is now 2038 with different modelling assumptions, so the submitted TA modelling approach is outdated.

- The methodology of deriving the trips rates to be used in the modelling were previously agreed. However, these were taken from the TRICS database at the time using the version 7.7.1. The current version of TRICS is now 7.9.4 and the rates used in the TA will need to be updated or verified to ensure they are appropriate.

Additionally, the following information has not been provided with the TA in order to verify the assessment or modelling:

- No concise details of traffic distribution associated with the development have been submitted in order to be able to review the data. Census data and route planning assumptions should also be provided to inform the further provision of network flow diagrams. These diagrams need to include the rural roads surrounding the development site.
- Detailed Personal Injury Accident (PIA) data should be obtained to allow a thorough assessment of the road traffic accidents in the study area. The limited information provided by Crashmap is not considered sufficient.
- Drawings confirming the geometric parameters that have been used in the junction capacity modelling are required so that the data input can be verified.
- Appendix G does not contain any information.

It is noted that some of the drawings contained within the TA do not correspond with some of the other details that have been submitted in the application. Of note:

- Appendix D showing the Proposed Development Connectivity Plan does not reflect the movement details shown on the Indicative Master Plan and other drawings.

Given all of the above, KCC is not yet in a position to be able to review the development proposals, and further discussions will need to take place between KCC, National Highways and the applicant to agree the scope of modelling now required before this application is determined. The County Council, as Local Highway Authority, therefore places a holding objection on the application, until further information is provided.

### **Public Rights of Way (PRoW)**

As a general statement, the County Council is keen to ensure that its interests are represented with respect to its statutory duty to protect and improve PRoW in the county. KCC is committed to working in partnership with the applicant to achieve the aims contained within the [Rights of Way Improvement Plan](#) (ROWIP) and [Framing Kent's Future](#). Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

KCC recognises that Public Footpaths, ZR107, ZR105, ZR106, ZR104, ZR101, ZU48 and Public Bridleway ZU48A are located within the site and would be directly affected by the

proposed development. The locations of these paths are indicated on the attached map (Appendix 1). The existence of the Rights of Way are a material consideration.

KCC places a holding objection on the application due to insufficient detail provided to fully assess the management and incorporation of the PRow network both during construction and in operation/occupation, particularly given the significant impact on the area over the timescales quoted. The proposed development would impact the existing and surrounding network over a considerable area and considerable period. The County Council response also reflects the cumulative effect on the Borough from this application and development in the wider area at Quinton Road and Grovehurst Avenue. There is a serious omission from the application of an appropriate Active Travel Strategy and there is no mention of two railway crossings which will also be impacted due to increase of use. KCC also notes that reference has not been made to the KCC ROWIP.

In the event that any future permission is granted, the County Council requires that a PRow Management Scheme is provided and secured by a condition to include each PRow affected, to cover pre-construction, construction and completion over the prolonged phasing schedule 2024-2038. All details are to be approved by the County Council, as Local Highway Authority, prior to commencement of any works. The Plans and Drawings provided in this application do not provide enough clarity to ensure that all PRow are shown on the correct alignment, the routes are not correctly referenced and therefore ZU48A is not shown as a Bridleway, but as a Footpath (difference of user rights).

KCC would also require details of a strategy regarding off-site connectivity and how the PRow will exit the site giving permeability throughout the area, onward to transport and to existing community facilities. This is to ensure the opportunities that the network can provide through positive incorporation and early planning are not missed. The County Council would also request that a financial contribution in the form of Section 106 (S106) Agreement funding be allocated to mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider network as the area is developed. KCC will draw up estimated costings at the next stage of planning, which are calculated based on the required work to be completed per square metre. This will include new surfacing, surface repair, vegetation clearance and new signage. Significant measures would need to be taken to help mitigate the impact and to future proof sustainable active travel across the wider area of the Borough and into the centre of Sittingbourne. The increase in investment and policy from both central and local government towards a modal shift away from short car journeys should focus this project to provide a sustainable development for the future.

KCC requires that the applicant takes a holistic approach to the development, considering the PRow network together with the highways strategy proposals to ensure connectivity. There are significant concerns regarding the impact of increased vehicular traffic along surrounding rural lanes, which currently provide valuable connections for equestrians and cyclists travelling between off-road PRow routes. The proposed development could therefore deter public use of the PRow network as vehicular traffic increases along these roads. It is particularly disappointing this has not been addressed within the Transport and Access documents provided. The County Council requires that the PRow network is shown clearly and correctly on all future Masterplans to ensure linkage is optimised.



KCC recognises that Public Footpaths ZR107 and ZR105 both cross the railway immediately to the south of the site. An increase of use from any future development has not been considered within the application and the County Council advises that this would necessitate discussions regarding the safety of these crossings with Network Rail. This may in turn lead to investment in future proofing and improving the crossings, as has happened on developments around the county. KCC would not support any extinguishment due to loss of connectivity.

#### *Environmental Statement - Traffic and Transport*

The County Council is disappointed that there is no mention of an Active Travel Strategy, or the PRow affected by the proposed development.

#### *Appendix 4.2 Transport Assessment*

#### Chapter 5. Local & Strategic Sustainable Networks

The County Council notes that the train services from Sittingbourne in paragraph 5.3 are incorrect, and should be revised accordingly. In respect of paragraph 5.9, KCC requires clarification on whether the bus services are correct in light of rural services cuts.

It is recommended that greater opportunities should be taken to provide an improved fully off road/separated route into Sittingbourne, in respect of paragraph 5.12. This route should not use existing highways or be along main highways. It is advised that consultation with Sustrans is undertaken, which is currently auditing all routes for safety improvements.

The County Council recognises that paragraph 5.17 includes multiple reference to existing roadside footways. A development of this scale should provide separate off road pedestrian routes to Sittingbourne and local facilities. KCC is also disappointed with the proposals to reduce traffic speed and have further crossings, as these are not considered to be sufficient.

The list of PRow in paragraph 5.23 is incorrect, and this should therefore be amended accordingly. KCC also recognises that there is no mention of any opportunities that the PRow network can provide for connectivity on and off site, which should be included in the TA.

#### Chapter 7. Sustainable Access Strategy

KCC advises that reference should be made to the PRow network and opportunities both from existing routes or improvement/upgrades in this section. There is also no mention of the PRow network within the details of the Travel Plan or Construction Management Plan, which is essential given the prolonged timescale of delivery if permission is to be granted.

The County Council is disappointed with the lack of reference to KCC ROWIP within the TA, and that minimal consideration has been given to create real modal shift. The County Council would therefore ask that this is addressed.

## *Environmental Statement Non-Technical Summary*

- Figure 4 Land Use Parameter Plan – there is no inclusion of PRoW within the figure, so the County Council is unable to reference the existing PRoW within the context of the site.
- Access and Movement – there is no mention of PRoW routes and opportunities, and there is a lack of detail.
- Figure 7 Access and Movement Parameter Plan – there is a lack of precision of routes which are not referenced, new pedestrian/cycle routes do not appear to be joined up to existing routes and KCC queries diagonal routes through the centre of the site. New routes are shown parallel to existing PRoW routes, which would therefore double up rather than improve, upgrade and enhance what exists.
- There is very limited active travel access on and off the site, and there is no offroad provision for this. The pressure on the main site access from vehicle use together with the current use of the surrounding road network will give rise to safety concerns for pedestrian and cycle use. A far-reaching strategy for active travel should be a major part of this application.
- Traffic and Transport – KCC fundamentally disagrees with the statement that the *“development will not result in significant effects on highway safety, pedestrians or cyclists in Bobbing, Sittingbourne and surrounding area”*. Development of this size would have a significant effect on Non-Motorised Users (NMU) in the surrounding parishes and Sittingbourne. Increase of vehicle use leads to more use of rural lanes and therefore conflict with pedestrians, cyclists and equestrians. The County Council would therefore ask that this statement be removed or amended. Due to other large-scale development in the immediate area, and indeed on the Isle of Sheppey, all contributing to the use of the surrounding highway network, this application has to be viewed in relation to the cumulative impact. Traffic calming to under 30mph will not be sufficient mitigation to ensure pedestrian and cyclist safety; it requires serious investment in active travel links and investment in the existing PRoW network to upgrade and improve to achieve high-quality future-proof connectivity. This should all be considered before the application is determined.
- Construction Environmental Management Plan (CEMP) – this must include the PRoW network affected for on-site management during construction. The proposed hours of 07:00-18:00 and 07:00-13:00 would have significant impact on PRoW user amenity. The County Council notes that the impact of Noise and Air Quality on PRoW users should be acknowledged.
- Landscape and Visual Effect – this will be significant on the PRoW network during both construction and operation, within the site and the surrounding wider area (to the north and also the England Coast Path National Trail). Landscape planting as mitigation is not sufficient due to the timescale of maturing and by the 10-15 years timescale, the impact is not alleviated. The timelines quoted do not take into account the time of construction applying to all phasing of the total site. This therefore underplays the significant of the impact over a prolonged period of time. These should therefore be amended before the application is determined.
- In the event of any permission granted, active travel access would be essential from the outset of any work commencing to enable both new and existing users to access amenities both within and off site (schools and community facilities). There can be no

disruption or potential danger to public use of the network; any delay to the upgrading and / or construction of Rights of Way, cycle routes and other related works to the PRow networks, would only increase the already significant impact on new and existing residents. All of these require commitment to active travel, connectivity of developments, sustainable transport, and the protection and enhancement of the local area rural character, which should be amended before the application is determined.

### *Summary*

The County Council places a holding objection on this application due to the following points, by reason of conflict of use, pedestrian safety and impact on landscape:

- Lack of detail provided to respond as KCC would wish
- Lack of consideration of full impact on PRow network
- Lack of sustainable and appropriate active travel strategy
- Increase of pressure on NMU use on rural lanes and highway network
- Local cumulative effect
- Omission of issue of rail crossings pedestrian safety

### **Development Investment**

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and considers that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements. The evidence supporting these requirements is set out in Appendices 2a-2e.

## Request Summary

	Per applicable <sup>1</sup> house (x1750 of applicable houses)	Per applicable flat (x500 of applicable flats)	Total	Project
<b>Primary Education</b>	£6,800	£1,700	£12,750,000.00	Towards the construction costs of a new on site primary school
<b>Primary Education Land</b>	£2,026.22	£506.56		A 3Ha site to be provided within the application site for primary land
<b>Special Education Needs</b>	£559.83	£139.96	£1,049,682.50	Towards additional SEN provision within Swale
<b>Secondary Education</b>	£5,176	£1,294	£9,705,000.00	Towards a new secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and Sittingbourne and Sheppey Selective planning groups
<b>Secondary Education Land</b>	£2,635.73	£658.93	£4,942,000.00	Towards a new secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and Sittingbourne and Sheppey Selective planning groups

	Per Dwelling (2,500)	Total	Project
<b>Community Learning</b>	£16.42 <sup>2</sup>	£41,050.00	Contributions requested towards additional equipment and classes at Sittingbourne Adult Education Centre and outreach provision to increase capacity in the service.
<b>Youth Service</b>	£65.50	£163,750.00	Contributions requested towards additional equipment and resources for the Youth Service to provide outreach services in the vicinity of the development.
<b>Library Service</b>	£55.45	£138,625.00	Contributions requested towards additional services, resources, and stock at Sittingbourne Library or any other serving the development.

<sup>1</sup> 'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. The County Council requires confirmation that there are 250 x1 bed units proposed below this threshold.

<sup>2</sup> Please note that these figures are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3). They are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

<b>Social Care</b>	£146.88	£367,200.00	Towards Specialist care accommodation, assistive technology, and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough.
	All Homes built as Wheelchair Accessible and Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
<b>Waste</b>	£129.20	£323,000.00	Towards expansion of Sittingbourne or Sheppey Waste Transfer Station
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>		

*Justification for infrastructure provision/development contributions requested*

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in Appendices 2a-2e.

*Education*

KCC is the Statutory Authority for education and is the Strategic Commissioner of Education Provision.

*Primary Education*

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 2b. KCC notes that this assessment has been completed on the basis of an indicative housing mix of 10% unapplicable flats, 20 applicable flats and 70% applicable houses due to a lack of detail within the application.

The proposal gives rise to additional 525 primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the delivery of the proposed 3 Forms of Entry (FE) Primary School within the application site.

This proposal has been assessed in accordance with the adopted KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.

Build Contribution

The County Council requires a financial contribution towards the construction of the new school within the application site of £6,800 per 'applicable'<sup>3</sup> house and £1,700 per 'applicable' flat.

<sup>3</sup> 'Applicable' means: all dwellings except 1 bed of less than 56sqm GIA. The County Council requires confirmation that the 10% x 1 bed flats proposed are below this threshold.

## Land Contribution

### *Applicant's Proposal – Primary School Site/Indicative Locations/Phasing*

Whilst the application is showing a primary school site, the site size demonstrated is inadequate. The number of new pupils created will require a new school of 3 Forms of Entry as proposed, however, the required site size for a 3FE is 3Ha. The Masterplan and supporting documentation is showing only 1.455Ha, which is significantly below standards and not acceptable to the County Council.

It would appear from a desktop evaluation that the site is clear of PRow and flood zones, however, KCC will require the four corner point co-ordinates of the proposed school site to enable a site visit to confirm the site's suitability. The applicant's attention is drawn to KCC's General Transfer Terms (Appendix 2f), for which the proposed site will need to be in accordance and provided to the County Council at no cost.

### Anticipated Phasing of School Builds

The applicant has proposed that the school site would be delivered prior to the completion of Phase 2 at occupancy of 460 dwellings. Given the lead in time for construction, KCC would wish for the site to become available and accessible to the authority at a time considerably earlier. This will be subject to appropriate monitoring and review mechanisms within the S106 Agreement to reflect build-out rates and pupil demand to ensure timely delivery and sufficient capacity is available.

The primary and secondary school sites must be served by vehicular and pedestrian/cycle routes prior to their opening, connecting not only the new communities to these schools, but also the existing residential areas and development in the locality.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority must ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996, and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure, generally in accordance with its [Commissioning Plan for Education Provision](#) 2022-26 and [Children, Young People and Education Vision and Priorities for Improvement](#) 2018-2021.

### *Special Education Needs provision*

The Children's and Families Act 2014 and accompanying Code of Practice sets out the system for children and young people with special educational needs and disability (SEND) aged 0-25 years. KCC's SEND Strategy sets out its vision and priorities in respect of this area of its service.

The number of children and young people with SEND in Kent is 13.4% of the total school population (January 2019). The majority are educated in mainstream school environments. However, children with more complex needs are supported through an Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. As of January 2019, 3.4% of the total school population were subject to an EHCP. The proportions have been rising both in Kent and nationally and this trend is set to continue. In particular, the change in legislation in 2014 placed a duty on Local Authorities to maintain an EHCP until a young person reaches the age of 25 years, in appropriate cases.

Current data indicates that the development proposal will give rise to additional pupils with Education and Health Care Plans (EHCPs), requiring extra support through specialist SEN provision. This new demand will need to be met through a new SEN School and Specialist Resource Provision (SRPs) in the new mainstream schools. This new SEN school will also serve the needs of the proposed Bobbing West Development.

Whilst the request for SEND contributions is emerging policy for KCC (with adoption expected mid-2023), the anticipated timeframe for the potential approval of this planning application is expected to be post adoption of KCC's new Developer Contributions Guide. The County Council, therefore, concludes that it is reasonable to include a request for SEND provision contributions at £559.83 per 'applicable' house and £139.96 per 'applicable' flat towards construction of a new SEN School building and provision of SRP facilities in the new mainstream schools and provision at schools in the Borough.

### *Secondary School Provision*

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 2b.

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to an additional 375 secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation at the proposed new Secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and Sittingbourne and Sheppey selective planning groups and will be provided and delivered in accordance with the timetable and phasing of the Local Planning Authority's Infrastructure Delivery Plan, where available.

The County Council, therefore, requires a financial contribution towards the new Secondary School to provide additional accommodation at £5,176.00 per 'applicable' house and £1294.00 per 'applicable'<sup>4</sup> flat.

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<sup>4</sup> 'Applicable' excludes: all 1 bed units of less than 56sqm GIA

## **Land Acquisition Costs**

The County Council requires the securing of provision of a new Secondary School site serving this development along with proportionate contributions towards the Secondary School land acquisition cost at £2635.73 per 'applicable' house and £658.93 per 'applicable' flat.

The site acquisition cost is based upon current local land prices and any S106 Agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

The new secondary school places will be provided through the new Secondary School serving this development and will be delivered in accordance with the timetable and phasing of the Local Planning Authority's Infrastructure Delivery Plan, where available.

Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

### *Community Learning*

KCC provides community learning facilities and services for further education in line with KCC policies as set out in [Framing Kent's Future](#). Community Learning and Skills (CLS) as a service helps people moving to a new development overcome social isolation and encourages community cohesion, as well as improving skills in a wide range of areas.

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2c, along with the cost of mitigation.

To accommodate the increased demand on KCC Community Learning, the County Council requests £16.42 per dwelling towards the cost of providing Community Learning, local to the development.

### *Youth Service*

KCC has a statutory duty to provide Youth Services under section 507B of the Education Act 1996. This requires KCC, so far as reasonably practicable, to secure sufficient educational leisure-time activities and facilities to improve the well-being of young people aged 13 to 19 and certain persons aged 20 to 24.



To accommodate the increased demand on the Kent Youth Service, the County Council requests £65.50 per dwelling towards additional resources for the Youth Service locally.

#### *Library Service*

KCC is the statutory Library Authority. Under the Public Libraries and Museums Act 1964, KCC has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

Borrower numbers are in excess of capacity, and bookstock in Sittingbourne at 654 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492, respectively.

To mitigate the impact of this development, the County Council will need to provide additional services, equipment, and stock to meet the additional demand generated by the people residing in these dwellings.

The County Council, therefore, requests £55.45 per household to address the direct impact of this development, and the additional services, equipment and stock will be made available locally at Sittingbourne, as and when the monies are received.

#### *Adult Social Care*

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 2d.

KCC is the Statutory Authority for Adult Social Care. The proposed development will result in additional demand upon Adult Social Care Services, including older persons and adults with learning/neurodevelopmental/physical disabilities and mental health conditions. Existing care capacity is fully allocated, with no spare capacity to meet additional demand arising from this and other new developments.

To mitigate the impact of this development, KCC Adult Social Care requires:

- a proportionate monetary contribution of £146.88 per household (as set out in Appendix 2d) towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and [Changing Places](#) locally in the Borough.
- The Department for Levelling Up, Housing and Communities identified in June 2019 guidance '*Housing for older and disabled people*', that the need to provide housing for older and disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely, providing safe and convenient homes with suitable circulation space, bathrooms, and kitchens. Kent Adult Social Care requests these dwellings are built to Building Reg Part M4(2) standard (as a minimum), to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupants' requirements.

### *Potential provision of care homes/extra care*

Concerning the provision of older person care homes in Kent, the County Council has seen a steady decline in overall numbers in the past five years, with the situation further exacerbated by COVID-19. In addition, the number of people wishing to access purely older person care homes is reducing. Consequently, there are specific types of care home delivery models which the County Council would wish to support. For example, there is a significant demand for residential and nursing care homes that can meet the needs of people with challenging and complex needs, including dementia. KCC would encourage any new residential care home provider to join the KCC Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents' homes. As such, KCC recommends that the applicant works with KCC Adult Social Care Services to develop the most appropriate form of care delivery before this application is determined.

### *Advisory on Supported Living Accommodation*

The demand for supported-living accommodation (especially within the working-age population) has increased significantly. KCC would wish to see the dwelling mix of this development to include a proportion of this type of accommodation. As such, KCC recommends that the applicant works with KCC Adult Social Care Services to develop the most appropriate forms of care delivery.

### *Waste*

KCC, as the Waste Disposal Authority, operates a network of 19 Household Recycling Centres (HWRCs) and five co-located Waste Transfer Stations (WTSs) and demand on these sites is at unprecedented levels. In Swale, KCC operates three HWRCs; Sittingbourne, Faversham and Sheerness. The Sittingbourne HWRC is co-located at the Sittingbourne WTS where kerbside collected waste from the whole of Swale District is taken.

KCC as Waste Disposal Authority states that as a result of additional demand generated by housing growth, this will result in a requirement to build more, larger sites or invest in the maintenance or repair of existing HWRCs and WTSs. The addition of 2500 new homes from this development will place additional demand on the waste facilities in Swale. As a result, there is a requirement for additional capacity to be provided at the Sittingbourne HWRC and WTS.

Additional capacity at Sittingbourne can only be met through the re-purposing of the site for WTS only with a need to re-locate the HWRC facility elsewhere. This application falls outside of the planned growth for the District and is of suitable size and land use to provide a suitable alternative location for the HWRC. KCC Waste will therefore require this application to provide suitable land of between 1 and 1.5ha dependent on the necessity and extent of any landscape barriers. Any chosen site must have suitable accessibility from the major highway network.

A contribution for HWRC will be requested by way of land provision at nil consideration with an additional financial contribution of £129.20 per household towards the extension and/or

upgrading of the existing WTS at Sittingbourne, to mitigate the impact arising from this development.

Despite the application being for a significant number of residential dwellings, which will impact upon KCC's waste infrastructure, Waste Management is not included in the Environmental Statement. Looking at the documents available online through the planning portal, the Scoping Opinion report scoped out Waste Management back in 2020, stating there would not be any significant operational effects. Waste Management disagree with this and request that the impact upon Waste Management is assessed.

The County Council therefore raises a holding objection on the proposed development, and defers providing further comment until the Waste Assessment has been undertaken.

### *Implementation*

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a S106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement, and County monitoring fee of £500 for each trigger within the Agreement. KCC would be grateful if a draft copy of any S106 Agreement or Unilateral Undertaking could be shared at the earliest convenience, prior to its finalisation.

The County Council requests confirmation for when this application will be considered and would also request that KCC is provided with a draft copy of the Committee report prior to it being made publicly available. If the contributions requested are not considered to be fair, reasonable, and compliant with CIL Regulation 122, it is requested that the County Council is notified immediately and to allow at least 10 working days to provide such additional supplementary information as may be necessary to assist the decision-making process in advance of the Committee report being prepared and the application being determined.

### **Minerals and Waste**

The County Council, as Minerals and Waste Planning Authority, recognises that the applicant has produced an 'Outline Mineral Assessment' (MA) prepared by RPS, given the presence of a safeguarded mineral deposit on the site. This safeguarded mineral deposit is Brickearth (Faversham – Sittingbourne Area) as shown on the Swale Borough Council - Mineral Safeguarding Areas proposals maps of the [Kent Minerals and Waste Local Plan](#) 2013-30 (Early Partial Review) (2020). The concluding section of the document states (emphasis added):

***6.1.5 In accordance with the Mineral and Waste Safeguarding SPD we therefore recommend that an intrusive investigation is undertaken on the site to characterise***

***Brickearth mineral reserves thereon. These works will establish the extent (vertical and lateral) of the reserves on the Site and their quality.***

***6.1.6 In advance of any intrusive works we recommend that direct dialogue is opened with Wienerberger Ltd (Rick Fleet) to determine:***

- ***The presence of a market for new reserves of Brickearth should they be present on the Site;***
  - ***The likely commercial value of the Brickearth mineral reserves;***
  - ***The likely timetable for prior extraction should a market exist;***
  - ***Quality criteria for Brickearth mineral reserves; and***
  - ***Their interest and potential scope involvement in the process of resource characterisation on the Site.***

***6.1.7 Subject to the outcome of intrusive works, further consideration of the following is required:***

- ***The implication of prior extraction on development viability in terms of timescales, site drainage and cut/fill balance; and***
- ***The potential for prior extraction, possibly focussed on the northern land parcel.***

Essentially, the process of mineral safeguarding is incomplete at this stage of the application. The recommendations of the MA above will need to be completed before the application is determined and before a full land-won mineral safeguarding consideration of the implications of the proposal can be assessed.

Therefore, the County Council raises a holding objection to the above application until the MA process, in accordance with Policy DM 7: Safeguarding Mineral Resources has been concluded satisfactorily.

### **Sustainable Urban Drainage Systems (SuDS)**

The County Council, as Lead Local Flood Authority, provided comments direct to Swale Borough Council on 5<sup>th</sup> January 2023 (Appendix 3).

### **Heritage Conservation**

Heritage Conservation comments will be provided directly to Swale Borough Council in due course.

### **Biodiversity**

#### *Ecological Surveys*

The County Council acknowledges that the ecological surveys have confirmed that the following have been recorded on site:

- At least 4 species of foraging / commuting bats,
- At least 52 species of birds during the breeding bird surveys (including hobby, Skylark and linnet)
- At least 46 species of bird during the wintering bird surveys
- GCN
- Dormouse
- Common lizard and slow worms
- Area of Ancient Woodland within the site.

The surveys provide a good understanding of the ecological interest of the site, however, as the surveys are two years old, KCC would have expected a minimum of a walk over survey to be carried out prior to submission, to assess if the survey conclusions were still valid. The County Council would therefore ask that this is provided.

The report has detailed that the ecological mitigation will be carried out within the site and the Parameter Plans do demonstrate that there will be green space created within the site. However, the proposal is for at least 2500 dwellings and, therefore, there will be a significant recreational pressure within the site. It has therefore not been clearly demonstrated that the proposed mitigation can be achieved and maintained long term. The proposal will result in a significant increase in lighting and this is likely to have a negative impact on the nocturnal species within the site and this impact needs to be considered before the application is determined.

KCC recognises that no information has been provided demonstrating how off-site mitigation for skylarks (a ground nesting birds) will be implemented. The surveys recorded at least 10 pairs of skylarks within the site and it is understood that there will be no suitable habitat for skylark in the proposed development and this needs to be addressed before the application is determined.

A Biodiversity Net Gain (BNG) report has been submitted and it has detailed that an anticipated BNG of 10% will be achieved. This has been achieved largely because it is considered that all 27ha of neutral grassland will achieve moderate condition. As the Parameter Plans show some areas of grassland as thin strips and will be impacted by recreation, the County Council queries if this is achievable across the whole site. It is therefore likely that the proposal will achieve less than 10%. This needs to be addressed before the application is determined.

### *Designated Sites*

The proposal has confirmed that the development will contribute to the Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate recreational pressure to the Swale and Medway estuary and Marshes Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI).

However, the submitted information has highlighted that the operational discharge from the site in the form of surface water runoff from roads has the potential to decrease water quality within the Swale Estuary and Marshes SSSI, SPA and Ramsar, given the connectivity to

them. It has stated that a comprehensive surface water management scheme, utilising SuDS has been developed and will be implemented to ensure that any pollution is prevented from leaving the site. It can therefore be concluded that in relation to operational water quality, the impact would be no change, resulting in a non-significant effect. The County Council would also highlight that Swale Borough Council must be satisfied that it is achievable.

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The County Council will continue to work closely with Swale Borough Council to help to ensure the delivery of new housing and infrastructure in response to local needs. The County Council will welcome further engagement with Swale Borough Council and the applicant on the matters raised in this response.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely



**Simon Jones**  
**Corporate Director, Growth, Environment and Transport**

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Appendix 1: Extract of the Network Map

Appendix 2a: New School Land Costs

Appendix 2b: Education Assessment

Appendix 2c: Communities Assessment

Appendix 2d: Social Care Assessment

Appendix 2e: Waste Assessment

Appendix 2f: KCC General Transfer Terms November 2022

Appendix 3: Lead Local Flood Authority commentary – provided direct to the LPA on 05.01.2023